

RULE PROPOSALS

INTERESTED PERSONS

Interested persons may submit comments, information or arguments concerning any of the rule proposals in this issue until the date indicated in the proposal. Submissions and any inquiries about submissions should be addressed to the agency officer specified for a particular proposal.

The required minimum period for comment concerning a proposal is 30 days. A proposing agency may extend the 30-day comment period to accommodate public hearings or to elicit greater public response to a proposed new rule or amendment. Most notices of proposal include a 60-day comment period, in order to qualify the notice for an exception to the rulemaking calendar requirements of N.J.S.A. 52:14B-3. An extended comment deadline will be noted in the heading of a proposal or appear in subsequent notice in the Register.

At the close of the period for comments, the proposing agency may thereafter adopt a proposal, without change, or with changes not in violation of the rulemaking procedures at N.J.A.C. 1:30-6.3. The adoption becomes effective upon publication in the Register of a notice of adoption, unless otherwise indicated in the adoption notice. Promulgation in the New Jersey Register establishes a new or amended rule as an official part of the New Jersey Administrative Code.

AGRICULTURE

(a)

DIVISION OF ANIMAL HEALTH

Laboratory Services

Proposed Amendment: N.J.A.C. 2:10-1.2

Authorized By: State Board of Agriculture and Edward D. Wengryn,
Secretary, Department of Agriculture.

Authority: N.J.S.A. 4:5-2.1.

Calendar Reference: See Summary below for explanation of
exception to calendar requirement.

Proposal Number: PRN 2025-085.

Submit written comments by September 19, 2025, to:

Dr. Amar Patil, DVM, MS, Ph.D., Diplomate ACVM
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The agency proposal follows:

Summary

N.J.S.A. 4:5-2.1 authorizes the New Jersey Department of Agriculture (“Department” or “NJDA”) to adopt rules and regulations to charge reasonable fees to defray the cost of animal disease diagnostic testing services and necessary animal health tests. N.J.A.C. 2:10-1.2 establishes a fee schedule for laboratory services provided by the Department’s Animal Health Diagnostic Laboratory (AHDL). Those fees enable the Department to continue to provide the New Jersey agricultural community and veterinarians with animal disease diagnostic testing services and to defray the costs incurred by the Department in providing those services. The collection of reasonable fees for animal disease diagnostic and testing services by the Department allows the Department to recover the costs incurred for materials, equipment, test kits, reagents, and associated personnel expenses for these testing services.

The current fee schedule was just recently updated. See 57 N.J.R. 185(a). This rulemaking does not change any fees for individual tests or for tests that are performed in groups. Rather, the Department is proposing to have the ability to provide a discount to its laboratory fees to users who are State agencies or State entities based on the volume of the agency or entity’s use of AHDL services over the course of a year. The purpose of the proposed volume discount provision is to encourage the use of AHDL testing services by State public service entities. Furthermore, an increase in the use of AHDL testing services by State entities is likely to reveal additional potential synergies between the NJDA and those State entities

based upon shared policy goals, which may provide a further benefit to the public. The NJDA hopes these proposed discounts will provide an incentive to increase the use of AHDL.

Accordingly, new N.J.A.C. 2:10-1.2(j) will provide that AHDL may discount laboratory fees incurred by State agencies or entities based on the user’s total yearly volume as follows: for more than 100 samples/specimens submitted to AHDL by a user in a one-year period, the discount shall be five percent; for more than 500 samples/specimens submitted to AHDL by a user in a one-year period, the discount shall be 10 percent; for more than 1,500 samples/specimens submitted to AHDL by a user in a one-year period, the discount shall be 15 percent; and for more than 3,000 samples/specimens submitted to AHDL by a user in a one-year period, the discount shall be 20 percent. For the purposes of this proposed amendment, eligible users are limited to State government agencies and State entities. In addition, the user’s account must be in good standing, and the one-year period runs from July 1st through June 30th. The discount will be provided to the user by way of a credit on the total amount billed to the user for AHDL services during the one-year period, which credit shall be applied to the user’s account at AHDL within 60 days after the end of the one-year period. These discount amounts or percentages resulted from discussions with Rowan University as part of Rowan’s efforts to create its veterinary school to be called the Shreiber School of Veterinary Medicine (SSVM) at Rowan University.

As the Department has provided a 60-day comment period for this notice of proposal, this notice is excepted from the rulemaking calendar requirement, pursuant to N.J.A.C. 1:30-3.3(a)5.

Social Impact

The prevention and control of disease by State regulatory programs is necessary to prevent and/or eliminate diseases from the New Jersey livestock population, protect the economic viability of the industry, as well as the health of the livestock, and other animals potentially susceptible to these diseases, including humans. Due to the expenses incurred in providing laboratory services, the Department has found it necessary to collect user fees for AHDL expenses incurred for livestock (and other animal) disease diagnostic and testing services. The Department believes that the proposed amendment to incorporate volume discounts into its fee schedule will encourage greater use of AHDL’s laboratory services by State agencies and State entities and, thereby, increase the total fees that will be collected by AHDL, which, in turn, will help offset its costs of operation. One such governmental entity is expected to be the Shreiber School of Veterinary Medicine (SSVM) at Rowan University. Incentivizing SSVM, and other similar public institutions, to utilize the services of AHDL will further the financial viability of AHDL, as well as the interests of the New Jersey agricultural and animal health community to be served by SSVM and its graduates. If the NJDA’s coordination with the SSVM does increase overall revenue, the NJDA can consider expanding these discounts to other users of AHDL. Therefore, the proposed amendment is expected to have a positive social impact.

Economic Impact

The Department anticipates that the net effect of the proposed volume discount will be to increase the total amounts collected by AHDL for the laboratory services that it provides. The Department does not anticipate that there will be any adverse effect on AHDL, its users, or the public at large. The proposed amendment is, therefore, expected to have a positive economic impact.

Federal Standard Statement

A Federal standards analysis is not required because there are no applicable Federal standards that govern the user fee charge for the operation of animal health diagnostic laboratories.

Jobs Impact

It is anticipated that the proposed amendment will not result in the generation or loss of jobs in the State.

Agricultural Industry Impact

AHDL provides laboratory services to livestock owners and veterinarians in the State. Pursuant to the current AHDL fee schedule, the livestock industry is provided with diagnostic services at or below the fees charged by other, comparable diagnostic laboratories. The current fee schedule positively impacts New Jersey livestock owners by allowing the continued operation of the AHDL for the purposes of elective and voluntary disease control program diagnostics. The proposed amendment will have a net positive impact on the fees collected by AHDL by encouraging greater use of the services provided by AHDL. These potentially increased fees will benefit livestock owners and the agricultural industry in New Jersey by helping the AHDL maintain its overall financial viability. Furthermore, to the extent that SSVM uses the services of AHDL on a volume discount basis, the proposed amendment will benefit SSVM, its faculty, students, and graduates, as well as the livestock and other animal owners expected to be served by its veterinary care facility, all of which is believed to be in the interests of the New Jersey agricultural community.

Regulatory Flexibility Statement

The proposed amendment will not affect small businesses within the meaning of the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq., as the amendment only applies to State agencies and State entities, therefore, a regulatory flexibility analysis is not required.

Housing Affordability Impact Analysis

The Department finds that the proposed amendment would impose an insignificant impact on the affordability of housing and that there is an extreme unlikelihood that the proposed amendment would evoke a change in the average costs associated with housing or have any impact on housing affordability because the proposed amendment pertains to animal health diagnostic laboratory fees.

Smart Growth Development Impact Analysis

The Department finds that the proposed amendment would impose an insignificant impact on smart growth and there is an extreme unlikelihood that proposed amendment would evoke a change in housing production within Planning Areas 1 or 2, or within designated centers, pursuant to the State Development and Redevelopment Plan in New Jersey, because the proposed amendment pertains to animal health diagnostic laboratory fees.

Racial and Ethnic Community Criminal Justice and Public Safety Impact

The Department has evaluated this rulemaking and determined that it will not have an impact on pretrial detention, sentencing, probation, or parole policies concerning adults and juveniles in the State. Accordingly, no further analysis is required.

Full text of the proposal follows (addition indicated in boldface **thus**):

SUBCHAPTER 1. FEE SCHEDULE

2:10-1.2 Fees

(a)-(i) (No change.)

(j) AHDL may provide a discount to its laboratory fees based on a user's total yearly volume as follows, as long as the user's account is in good standing. For purposes of this subsection, eligible users are

limited to State governmental agencies and State entities. If a discount is provided, it shall be as follows: For more than 100 total samples/specimens submitted to AHDL by a user in a one-year period, the discount shall be five percent; for more than 500 total samples/specimens submitted to AHDL by a user in a one-year period, the discount shall be 10 percent; for more than 1,500 total samples/specimens submitted to AHDL by a user in a one-year period, the discount shall be 15 percent; and for more than 3,000 total samples/specimens submitted to AHDL by a user in a one-year period, the discount shall be 20 percent. The one-year period shall run from July 1st through June 30th. The discount will be provided to a user by way of a credit on the total amount that was billed to the user for AHDL services during the one-year period, which credit shall be applied to the user's account at AHDL within 60 days after the end of the one-year period.

COMMUNITY AFFAIRS

(a)

NEW JERSEY HOUSING AND MORTGAGE FINANCE AGENCY

Housing Affordability Controls

Proposed Readoption of Specially Adopted

Proposed Amendments: N.J.A.C. 5:80-26.1, 26.2, 26.4, 26.5, 26.7, 26.8, 26.9, 26.10, 26.11, 26.13, 26.14, 26.15, 26.16, 26.17, 16.18, 26.19, 26.20, 26.21, and 26.25; and 5:80-26 Appendices A, B, C, E, G through O, and Q

Proposed Readoption of Specially Readopted New Rule with Recodification: N.J.A.C. 5:80-26.28 as 26.23

Proposed Repeals and New Rules: N.J.A.C. 5:80-26.6 and 26.12

Proposed Repeals: N.J.A.C. 5:80-26.21, 26.22, 26.23, 26.24, 26.26, and 26.27; and 5:80-26 Appendices D, F, and P

Proposed New Rules: N.J.A.C. 5:80 Appendices D-1, D-2, D-3, D-4, F-1, F-2, P-1, and P-2

Authorized By: New Jersey Housing and Mortgage Finance Agency, Melanie R. Walter, Executive Director.

Authority: N.J.S.A. 52:27D-321.f and 55:14K-5.g.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2025-086.

Submit written comments by September 19, 2025, to:

Jim Peasco, Senior Legal Research Analyst
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Trenton, New Jersey 08650-2085
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Pursuant to section 27.f at P.L. 2024, c. 2 (N.J.S.A. 52:27D-321.f), the New Jersey Housing and Mortgage Finance Agency ("Agency" or "NJHMFA"), upon consultation with the New Jersey Department of Community Affairs (DCA), promulgated special amendments and special new rules (2024 special adoption) to the Agency's Housing Affordability Controls rules at N.J.A.C. 5:80-26 (UHAC regulations). The 2024 special adoption was effective upon filing with the Office of Administrative Law on December 20, 2024, N.J.S.A. 52:27D-321.f, and was published in the New Jersey Register on February 18, 2025, at 57 N.J.R. 389(a). As mandated at N.J.S.A. 52:27D-321.f, NJHMFA is hereby proposing to readopt the 2024 special adoption with additional amendments, repeals,