

# RULE ADOPTIONS

## CHILDREN AND FAMILIES

## COMMUNITY AFFAIRS

(a)

(b)

**OFFICE OF THE COMMISSIONER  
Notice of Administrative Changes  
Rulemaking Procedures  
Legal Guardianship  
N.J.A.C. 3A:2-1.3 and 3A:20-1.8**

Take notice that, the Department of Children and Families requested, and the Office of Administrative Law (OAL) agreed to permit, the administrative recodification of the Department's rules from Title 10, Human Services, to the newly created Title 3A, Children and Families, of the New Jersey Administrative Code. These recodifications, along with attendant technical changes to the rule text concerning cross-references, agency names, addresses, etc., were effective January 3, 2017 (see 49 N.J.R. 98(a)). As part of the technical changes, the cross-reference to N.J.A.C. 10:122C at N.J.A.C. 3A:20-1.8 to N.J.A.C. 3A:51 was inadvertently not updated. As part of the overall process of creating Title 3A in the Administrative Code, the Department proposed and adopted new N.J.A.C. 3A:2, Rulemaking Procedures, to comply with the Administrative Procedure Act, N.J.A.C. 52:14B-1 et seq. (see 48 N.J.R. 2184(a); 49 N.J.R. 741(a)). Upon the adoption of proposed new N.J.A.C. 3A:2, N.J.A.C. 3A:2-1.3 contained a cross-reference to N.J.A.C. 10:133, which had not yet been recodified as N.J.A.C. 3A:11. As the recodification to N.J.A.C. 3A:11 has occurred, that cross-reference is also being updated.

This notice of administrative changes is published in accordance with N.J.A.C. 1:30-2.7.

Full text of the changed rules follows (additions indicated in boldface thus; deletions indicated in brackets [thus]):

CHAPTER 2  
RULEMAKING PROCEDURES

SUBCHAPTER 1. GENERAL PROVISIONS

3A:2-1.3 Definitions

The definitions in N.J.A.C. [10:133] **3A:11**, Service Delivery General Provisions, are hereby incorporated into this chapter by reference.

CHAPTER 20  
LEGAL GUARDIANSHIP

SUBCHAPTER 1. CP&P LEGAL GUARDIANSHIP SUBSIDY PROGRAM

3A:20-1.8 Division action

(a) The Division representative shall approve the child and the relative for participation in the CP&P Legal Guardianship Subsidy Program if all eligibility requirements in N.J.A.C. 3A:20-1.6 and licensing standards for resource family parents in N.J.A.C. [10:122C] **3A:51** are met.

(b) (No change.)

**DIVISION OF FIRE SAFETY  
Uniform Fire Code  
Fire Code Enforcement  
Readoption: N.J.A.C. 5:71**

Proposed: February 5, 2018, at 50 N.J.R. 705(a).  
Adopted: June 27, 2018, by Lt. Governor Sheila Y. Oliver, Commissioner, Department of Community Affairs.  
Filed: June 27, 2018, as R.2018 d.143, **without change**.  
Authority: N.J.S.A. 52:17B-139.12 and 52:27D-25d, 25k, 25gg, 25hh, 198, and 219.  
Effective Date: June 27, 2018.  
Expiration Date: June 27, 2025.

Summary of Public Comment and Agency Response:  
**No comments were received for the proposed readoption.**

**Federal Standards Statement**

No Federal standards analysis is required because the readopted rules are not being adopted under the authority of, or in order to implement, comply with, or participate in any program established under Federal law or under a State statute that incorporates or refers to Federal law, standards, or requirements.

Full text of the readopted rules can be found in the New Jersey Administrative Code at N.J.A.C. 5:71.

(c)

**DIVISION OF FIRE SAFETY  
Standards for Fire Service Training and Certification  
Readoption: N.J.A.C. 5:73**

Proposed: February 5, 2018, at 50 N.J.R. 706(a).  
Adopted: June 27, 2018, by Lt. Governor Sheila Y. Oliver, Commissioner, Department of Community Affairs.  
Filed: June 27, 2018, as R.2018 d.144, **without change**.  
Authority: Uniform Fire Safety Act (P.L. 1983, c. 383, N.J.S.A. 52:27D-192 et seq., specifically 52:27D-198 and 52:27D-219).  
Effective Date: June 27, 2018.  
Expiration Date: June 27, 2025.

Summary of Public Comment and Agency Response:

COMMENT: Thomas O. Anderson, Fire Marshal, Township of Tewksbury writes to express an opinion that while initial training and continuing education is very important in the area of fire safety, the proposed requirements put an extreme hardship on maintaining existing and recruitment of new members of rural fire companies and towns. He believes that the extensive training requirements will hinder the recruitment and retention of new members. Mr. Anderson presents concern that there are not "grandfathering statements" in the rules that accept prior training to meet credentialing requirements expressed in the training rules. He believes the rules will require firefighters to retake training classes.

RESPONSE: The Department appreciates the commenter's comments. The Department agrees with Mr. Anderson that initial training and continuing education is very important to develop and maintain competency in fire safety and fire suppression proficiency. The Department submits that the adoption of training standards for various positions within the fire service will ensure that fire personnel earning the specific certifications will all meet the same minimum standards.

This is vitally important as the fire service throughout New Jersey and the nation is increasingly required to rely on mutual aid. In addition, the inclusion in the proposed certifications as being recognized by IFSAC and ProBoard will ensure that New Jersey’s fire personnel are recognized throughout the country as meeting these minimum standards. The Department respectfully disagrees with the commenter that the training and credentialing standards will hinder the recruitment or retention of fire service members. Employers are currently required to ensure that their employees are trained in their expected duties and responsibilities. The rulemaking will give the fire service and governing bodies the ability to meet existing training requirements through State certifications and training programs included in this rulemaking. The term “grandfathering” is now being implemented through an “equivalency” determination process to meet the specific credentialing standard job performance requirements (JPRs). Previously documented training that has been completed by fire service personnel that meets the specific standard JPRs and credentialing requirements can be submitted for review toward issuance of certifications. The intent of the rulemaking is not to require the fire service personnel to retake courses previously completed.

**Federal Standards Statement**

No Federal standards analysis is required because is the readopted rules are not being adopted under the authority of, or in order to implement, comply with, or participate in any program established under Federal law or under a State statute that incorporates or refers to Federal Law, standards, or requirements.

**Full text** of the readopted rules can be found in the New Jersey Administrative Code at N.J.A.C. 5:73.

**(a)**

**DIVISION OF CODES AND STANDARDS  
Notice of Readoption  
Regulations Governing New Home Warranties and  
Builders’ Registration  
Readoption: N.J.A.C. 5:25**

Authorized By: Lt. Governor Sheila Y. Oliver, Commissioner,  
Department of Community Affairs.  
Authority: N.J.S.A. 46:3B-1.  
Effective Date: June 26, 2018.  
New Expiration Date: June 26, 2025.

**Take notice** that, pursuant to the provisions of N.J.S.A. 52:14B-5.1, the rules at N.J.A.C. 5:25 were scheduled to expire on September 7, 2018. This chapter prescribes the form and coverage of the minimum warranty established by the New Home Warranty and Builders’ Registration Act and establishes requirements for registration as a builder.

This chapter contains five subchapters, as follows: Subchapter 1 contains general provisions. Subchapter 2 contains the provisions for builder registration. Subchapter 3 governs warranty coverage and standards. Subchapter 4 contains requirements for private alternate new home warranty security plans, and Subchapter 5 contains requirements for the State new home warranty security plan.

The Department of Community Affairs has reviewed the rules and has determined that they should be readopted without amendment. The rules are necessary, reasonable, and proper for the purpose for which they were originally promulgated. Therefore, pursuant to P.L. 2011, c. 45, these rules are readopted and shall continue in effect for a seven-year period.

**(b)**

**DIVISION OF LOCAL GOVERNMENT SERVICES  
Notice of Extension of Chapter Expiration Date  
Local Authorities  
N.J.A.C. 5:31**

**Take notice** that the Director of the Division of Local Government Services (Division), in the Department of Community Affairs (Department) informed Governor Phillip D. Murphy that the Local Authorities rules, N.J.A.C. 5:31, were scheduled to expire on July 18, 2018, pursuant to the sunset provisions of N.J.S.A. 52:14B-5.1.

The Local Authorities rules serve to regulate the budgetary practices and financial reporting procedures for local authorities, including fire districts, pursuant to the Local Authorities Fiscal Control Law (N.J.S.A. 40A:5A-1 et seq.). The rules also set guidelines for regulating the budgetary practices of fire district-sponsored length of service award programs (LOSAP). Continuing these rules will allow the Division of Local Government Services to continue monitoring the budgetary and financial practices of 445 authorities (181 fire districts and 264 all other authorities) in a manner essential to protecting the fiscal integrity of these independent agencies and safeguard the use of public funds.

By the authority vested in him pursuant to N.J.S.A. 52:14B-5.1.d(2), Governor Phillip D. Murphy, on June 28, 2018, directed that the seven-year sunset provision of N.J.S.A. 52:14B-5.1 be extended for N.J.A.C. 5:31 for a period of twelve months, from July 18, 2018 to July 18, 2019.

**(c)**

**DIVISION OF CODES AND STANDARDS  
Notice of Administrative Correction  
Uniform Construction Code  
State Enforcing Agencies - Establishment  
N.J.A.C. 5:23-4.9**

**Take notice** that the Department of Community Affairs has discovered an error in the text of N.J.A.C. 5:23-4.9. As originally adopted, the text of N.J.A.C. 5:23-4.9(a)1 contained a typographical error, spelling “alteration” as “alternation” (see 29 N.J.R. 3387(a); 4285(a)). This misspelling has persisted in the Administrative Code since the paragraph was first adopted and is now being corrected.

This notice of administrative correction is published pursuant to N.J.A.C. 1:30-2.7.

**Full text** of the corrected rule follows (additions indicated in boldface **thus**; deletion indicated in brackets [thus]):

SUBCHAPTER 4. ENFORCING AGENCIES; DUTIES; POWERS;  
PROCEDURES

5:23-4.9 State enforcing agencies—establishment

(a) Department of Community Affairs:

1. (No change.)

2. Pursuant to Reorganization Plan No. 004-1996, the Department is constituted as the sole plan review agency for the administration and enforcement of Federal and State standards applicable to the construction, [alternation] **alteration**, demolition, or maintenance of health care facilities, as defined in N.J.A.C. 5:23-1.4.

(b) (No change.)