

PROPOSALS

COMMUNITY AFFAIRS

Full text of the rules proposed for repeal may be found in the New Jersey Administrative Code at N.J.A.C. 5:30-1.2, 1.5, 3.7, 10.1, and 16.3.

Full text of the proposed amendment follows (addition indicated in boldface thus; deletion indicated in brackets [thus]):

SUBCHAPTER 1. GENERAL PROVISIONS

5:30-1.2 (Reserved)

5:30-1.5 (Reserved)

5:30-1.8 Use of Local Finance Notices

(a) When necessary for the day-to-day administration of the responsibilities of the Board and the Division, the Director may issue such communications and directives as necessary to local units subject to the oversight of the Board and Division. Such communications and directives shall be known as Local Finance Notices (Notices), and shall be numbered in a scheme as determined necessary from time-to-time by the Director.

(b) (No change.)

[(c) Local Finance Notices shall be numbered in a scheme as determined necessary from time-to-time by the Director. A public notice in the New Jersey Register announcing its release and a summary of its contents shall follow the issuance of each notice.]

SUBCHAPTER 3. ANNUAL BUDGET

5:30-3.7 (Reserved)

SUBCHAPTER 10. MUNICIPAL PORT AUTHORITIES

5:30-10.1 (Reserved)

SUBCHAPTER 16. AGENCY COMMUNICATIONS WITH LOCAL UNITS

5:30-16.3 (Reserved)

(a)

DIVISION OF HOUSING AND COMMUNITY RESOURCES

Local Housing Authority Crime Reports Proposed Redaction: N.J.A.C. 5:44A

Authorized By: Charles A. Richman, Commissioner, Department of Community Affairs.

Authority: N.J.S.A. 40A:12A-45 and 49.

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

Proposal Number: PRN 2016-196.

Submit written comments by February 3, 2017, to:

Geraldine Callahan
Department of Community Affairs
PO Box 800
Trenton, New Jersey 08625-0800
Fax No. (609) 984-6696
E-mail: geraldine.callahan@dca.nj.gov

The agency proposal follows:

Summary

Pursuant to N.J.S.A. 52:14B-5.1, the rules concerning local housing authority crime reports, N.J.A.C. 5:44A, were scheduled to expire on November 4, 2016. As the agency submitted this notice of proposal to the Office of Administrative Law prior to that date, the expiration date is extended 180 days to May 3, 2017, pursuant to N.J.S.A. 52:14B-5.1.c(2). The Department of Community Affairs (Department) has reviewed these rules and finds that they continue to be necessary for the

purpose for which they were originally adopted, and is, therefore, proposing that they be readopted without change.

The rules proposed for readoption are intended to implement P.L. 2003, c. 254 (N.J.S.A. 52:27D-3.4 et seq.), which requires local housing authorities and the Department to report certain information on violent crimes and drug offenses to the Legislature. The rules establish procedures for collecting and reporting data on violent crimes and drug offenses committed on housing authority properties, as well as on properties of 10 or more rental units receiving project-based Federal Section 8 rental assistance (project-based housing).

The rules require all executive directors of housing authorities and all owners of project-based housing to file reports with the Department, no later than September 1 of each year on a form provided by the Department for this purpose. The report must include the number and type of violent crimes and drug offenses that occurred on the property during the preceding State fiscal year (July 1 through June 30).

As the Department has provided a 60-day comment period on 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 rules proposed for readoption have a positive social impact insofar as they provide a means for furthering the awareness of local housing authorities and owners of project-based housing of the extent of crime and drug abuse on their properties. The information gathered is useful for law enforcement planning purposes.

Economic Impact

Compliance with the statutory reporting requirement implemented by the rules proposed for readoption imposes costs upon the local housing authorities and project-based housing owners who collect and submit the required information, upon the Department, which compiles the information submitted and prepares reports, and upon the police departments that use the information for planning and enforcement purposes. These costs are reduced to the extent that this information is already compiled and reported to the State Police under the New Jersey Uniform Crime Reporting Law. Costs may be incurred by housing authorities for employee crime prevention training, but reimbursement for such training programs is available from the Federal government.

Since all that the rules proposed for readoption actually add to the statutory requirements is the prescribing of the reporting form, they do not, in and of themselves, impose any costs.

Federal Standards Statement

No Federal standards analysis is required because this chapter is not being proposed for readoption under the authority of, or in order to implement, comply with, or participate in any program established under Federal law, or a State law that incorporates or refers to Federal law, standards, or requirements.

Jobs Impact

To the extent that the rules proposed for readoption result in increased awareness of security needs, they may result in the creation of additional jobs for security personnel.

Agriculture Industry Impact

The Department does not anticipate the rules proposed for readoption will have any impact upon the agricultural industry.

Regulatory Flexibility Analysis

In addition to affecting local housing authorities, the rules proposed for readoption establish specific recordkeeping, compliance, and reporting requirements for owners of properties with 10 or more rental units receiving project-based Federal Section 8 rental assistance, many of whom may qualify as "small businesses," as defined in the New Jersey Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. Compliance with the rules should not require any such "small business" to hire professional services that they would not otherwise find it necessary to retain. The requirement to compile and report crime data is imposed by statute on all covered property owners, regardless of the size or form of organization of their rental housing business. No differential reporting, recordkeeping, or compliance requirements would, therefore, be appropriate.

**Housing Affordability Impact Analysis**

The rules proposed for reoption are intended to readopt rules concerning preparation, submission, and compilation of reports on violent crimes and drug crimes committed on properties of local housing authorities and other properties with at least 10 Federally subsidized rental housing units. It would be most unlikely to have any impact upon housing production costs or to affect affordability.

**Smart Growth Development Impact Analysis**

The Department does not anticipate any impact upon the achievement of smart growth or the implementation of the State Development and Redevelopment Plan as a result of the reoption of these rules. The rules proposed for reoption are intended to readopt rules concerning preparation, submission, and compilation of reports on violent crimes and drug crimes committed on properties of local housing authorities and other properties with at least 10 Federally subsidized rental housing units. It would be most unlikely to have any impact upon housing production within Planning Areas 1 and 2, or within designated centers, under the State Development and Redevelopment Plan.

**Full text** of the rules proposed for reoption may be found in the New Jersey Administrative Code at N.J.A.C. 5:44A.

**HEALTH****(a)**

**PUBLIC HEALTH SERVICES BRANCH  
DIVISION OF FAMILY HEALTH SERVICES  
MATERNAL AND CHILD HEALTH SERVICES  
CHILD AND ADOLESCENT HEALTH PROGRAM  
Childhood Elevated Blood Lead Levels**

**Proposed Amendments: N.J.A.C. 8:51-1.1, 1.3, 1.4, 2, 3, 4, 7.1, 7.5, and 10.1**

**Proposed Repeals and New Rules: N.J.A.C. 8:51 Appendices A through K**

**Proposed New Rules: N.J.A.C. 8:51 Appendices L and M**

Authorized By: Cathleen D. Bennett, Commissioner, Department of Health (in consultation with the Public Health Council).

Authority: N.J.S.A. 26:2-137.2 et seq., particularly 26:2-137.7.

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

Proposal Number: PRN 2016-199.

Submit electronic comments to <http://www.nj.gov/health/legal/ecomments.shtml>, or written comments to the address below, by February 3, 2017, to:

Joy L. Lindo, Director  
Office of Legal and Regulatory Compliance  
Office of the Commissioner  
New Jersey Department of Health  
PO Box 360  
Trenton, NJ 08625-0360

The agency proposal follows:

**Summary**

The Department of Health (Department) proposes to amend the rules at N.J.A.C. 8:51 and to rename the chapter Childhood Elevated Blood Lead Levels, pursuant to the authority of and in order to implement N.J.S.A. 24:14A-1 et seq., particularly 24:14A-11; 26:1A-7; 26:2-137 et seq., particularly 26:2-137.7; and 26:2Q-1 et seq., particularly 26:2Q-12; and Executive Order No. 100 (2008).

Following is a summary of the proposed amendments and new rules:

The Department proposes to amend N.J.A.C. 8:51-1.1 to delete language referencing "lead poisoning": and to replace it with language

referencing "elevated blood lead levels" in order to incorporate the language most frequently used by experts in the field of child and adolescent health.

The Department proposes to amend N.J.A.C. 8:51-1.3(a)3 to update the edition of the publication "Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing," to the 2012 edition. The Department proposes to incorporate the publication, "Low Level Lead Exposure Harms Children: A Renewed Call for Primary Prevention," by the Advisory Committee on Childhood Lead Poisoning Prevention, Centers for Disease Control and Prevention (CDC), as new N.J.A.C. 8:51-1.3(a)4. The Department proposes to incorporate the publication, "CDC Response to Advisory Committee on Childhood Lead Poisoning Prevention Recommendations in 'Low Level Lead Exposure Harms Children: A Renewed Call for Primary Prevention,'" by the Centers for Disease Control and Prevention, as new N.J.A.C. 8:51-1.3(a)5. The Department proposes to incorporate by reference new N.J.A.C. 8:51 Appendix L, which would serve to assist local health departments in conducting preliminary environmental evaluations of the homes of children who have been identified as having elevated blood lead levels, as new N.J.A.C. 8:51-1.3(b)9.

The Department proposes several new definitions and amendments to existing definitions at N.J.A.C. 8:51-1.4, in order to make the rule text more understandable. In this section and throughout the chapter, the Department proposes to correct its name from the "Department of Health and Senior Services" and/or "DHSS" to the "Department of Health" and/or "DOH." The Department proposes to add a definition for "Advisory Committee on Childhood Lead Poisoning Prevention," to explain the source of the recommendation to the U.S. Centers for Disease Control and Prevention that five micrograms per deciliter ( $\mu\text{g}/\text{dL}$ ) of lead in the blood should be regarded as an elevated blood lead level. The Department proposes to amend the definition of "case management" to remove language referencing "level of concern" because it is a term no longer used by the CDC and to replace it with more definitive language referencing five  $\mu\text{g}/\text{dL}$ .

The Department proposes to replace the definition of "elevated blood lead level" to mean a blood lead level test result equal to or greater than 5  $\mu\text{g}/\text{dL}$ . The Department proposes to amend the definition "hazard assessment" to include collection of background information regarding physical characteristics, residential use patterns upon notification of a confirmed blood lead level of five  $\mu\text{g}/\text{dL}$  or higher, and delete language referring to women of child bearing age and replace it with language more aptly referring to pregnant women. The Department proposes to amend the definition of "HUD guidelines" to refer to the most recent edition of the guidelines, which is 2012. The Department proposes to add a new definition for "local board of health" or "local boards of health" as these terms are, and would continue to be, used frequently throughout the chapter. The Department proposes to add a new definition for "preliminary environmental evaluation," which would describe the public health action that would be taken by local health departments in response to a child who has a confirmed elevated blood lead level in the five to nine  $\mu\text{g}/\text{dL}$  range.

The Department proposes to amend N.J.A.C. 8:51-2.1(a) and (b) to delete language referring to children under six years of age and insert language referring to children less than 72 months in order to more precisely prescribe the age range of children to which the rule applies. The Department proposes to amend N.J.A.C. 8:51-2.3(a) and (a)1 to lower the intervention level for conducting an environmental intervention or a preliminary environmental evaluation, to a confirmed blood lead level of five  $\mu\text{g}/\text{dL}$ . In addition, the Department proposes to amend N.J.A.C. 8:51-2.3(b) to lower the reference blood lead level to five  $\mu\text{g}/\text{dL}$ .

The Department proposes to amend N.J.A.C. 8:51-2.4(a) to eliminate the requirement of a confirmed blood lead level, to lower the intervention level for case management to a blood lead level of five  $\mu\text{g}/\text{dL}$  or greater, and to eliminate language referring to two consecutive test results between 10 and 14  $\mu\text{g}/\text{dL}$ . The Department proposes to add new N.J.A.C. 8:51-2.4(b) to establish minimum case management requirements for local health departments to follow whenever a child has a capillary blood lead level of five  $\mu\text{g}/\text{dL}$  to 9  $\mu\text{g}/\text{dL}$ . These would include education for parents and guardians, recommending follow up