

COMMUNITY AFFAIRS

DIVISION OF COMMUNITY RESOURCES

OFFICE OF RECREATION

Handicapped Persons' Recreational Opportunities Act Rules

Proposed Readoption: N.J.A.C. 5:51

Authorized By: Joseph V. Doria, Jr., Commissioner,

Department of Community Affairs.

Authority: N.J.S.A. 52:27D-173

Proposal Number: PRN 2008-253

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

Submit written comments by October 3, 2008 to:

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JOSEPH V. DORIA, JR., Commissioner

The agency proposal follows.

Summary

Pursuant to N.J.S.A. 52:14B-5.1, the Handicapped Persons' Recreational Opportunities Act Rules, N.J.A.C. 5:51, are scheduled to expire on June 2, 2009. The Department of Community Affairs has reviewed these rules and finds that they continue to be necessary for the purpose for which they were promulgated and is therefore proposing that they be readopted without change.

The Handicapped Persons' Recreational Opportunities Act of 1978 and the implementing rules are intended to encourage and support the promotion, planning, development, implementation and maintenance of comprehensive recreational and leisure services to persons with disabilities by local governments, to reinforce the status of persons with disabilities as members of the total society, and to promote the least restrictive environment in providing recreational and leisure services for persons with disabilities. The rules include definitions of eligible applicants and activities, application procedures and the procedure to be followed by the Department in processing applications

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

Failure to readopt these rules would leave the Department without an established procedure for processing and evaluating grant applications for local recreational programs for persons with disabilities and would be detrimental to the intended

beneficiaries of these programs, in that they would experience greater difficulty in obtaining access to new recreational services in New Jersey.

Economic Impact

In Fiscal Year 2008, the Department awarded grants totaling \$ _____ to municipalities and counties for recreational programs for persons with disabilities. The cost of the program is determined by the appropriation made for that purpose in the annual State budget. Readoption of these rules would facilitate the administration of these funds.

Federal Standards Statement

No Federal standards analysis is required because these rules are 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

Readoption of this chapter is necessary in order to allow the Department to fund programs that, in turn, provide employment to individuals who provide recreational services. Without this funding, some of these jobs might be eliminated.

Agricultural Industry Impact

The Department does not anticipate any impact upon the agricultural industry as a result of the readoption of this chapter.

Regulatory Flexibility Statement

These rules affect applications made by local governments for funding of programs intended to benefit persons with disabilities. They do not have any impact

upon "small businesses," as defined in the New Jersey Regulatory Flexibility Act, N.J.S.A.52:14B-16 *et seq.*

Smart Growth Impact

The Department does not anticipate any impact on “smart growth” or the implementation of the State Development and Redevelopment Plan as a result of readoption of these rules.

Full text of the rules proposed for readoption may be found in the New Jersey Administrative Code at N.J.A.C. 5:51.