

(b) The requirements at (a) above shall not apply to a bank or out-of-State bank that files reports of financial condition with the Federal Deposit Insurance Corporation pursuant to 12 CFR Part 324 or with the Board of Governors of the Federal Reserve System pursuant to 12 U.S.C. § 324.

(c) In addition to the reports required to be filed pursuant to (a) above, the Commissioner may require such additional reports from a particular bank, as the Commissioner deems necessary, to obtain a full and complete knowledge of such bank's condition. Reports filed pursuant to this subsection shall be considered confidential and shall not be subject to public inspection or copying pursuant to the Open Public Records Act, N.J.S.A. 47:1A-1 et seq.

(d) Notwithstanding the provisions at (b) above, each bank shall provide the Department, in writing, on letterhead signed by an officer, with its official email address. Within 10 days following any change in the official email address previously provided to the Department, the bank shall notify the Department of the change in the same manner and include the full name of the entity, its old email address, its new email address, and the effective date of the change. The notice shall be sent to: New Jersey Department of Banking and Insurance, Division of Banking, Attention: Depositories, 20 West State Street, PO Box 040, Trenton, New Jersey 08625-0040.

COMMUNITY AFFAIRS

(a)

DIVISION OF LOCAL GOVERNMENT SERVICES

Licensure of Certain Local Government Officers

Adopted Amendments: N.J.A.C. 5:32-1.1, 2.5, 2.6, 4.2, 4.4, and 5.3

Adopted New Rule: N.J.A.C. 5:32-1.2

Proposed: February 22, 2022, at 54 N.J.R. 324(a).

Adopted: July 1, 2022, by Jacquelyn A. Suárez, Director, Division of Local Government Services.

Filed: July 1, 2022, as R.2022 d.098, **with non-substantial changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-6.3).

Authority: N.J.S.A. 40A:9-28.7, 40A:9-133.11, 40A:9-140.16, 40A:9-145.3.c, 40A:11-9.i, and 52:27D-18.5.

Effective Date: August 1, 2022.

Expiration Date: December 4, 2024.

Take notice that on February 22, 2022, the Director (Director) of the Division of Local Government Services (Division) in the New Jersey Department of Community Affairs proposed various amendments at N.J.A.C. 5:32 which, together with new N.J.A.C. 5:32-1.2, pertain to the licensure of certain local government officers by the Division.

The commenters listed below submitted comments, which are summarized and responded to by the Director.

Peggy Gallos, Executive Director, Association of Environmental Authorities

1. COMMENT: Increasing the number of continuing education units (CEU) requirements from 20 to 25 will require qualified purchasing agents (QPAs) to invest more time in continuing education, which, in itself, is beneficial; however, N.J.A.C. 5:32-4.2(a)1 does not need to specify the appropriate distribution of continuing education credits across specific proficiency areas. Ensuring that the continuing education credits earned cover the specified proficiency areas can be accomplished by improving communications about these requirements, such as explaining the requirements and reminding QPAs about them often and/or with greater emphasis and visibility across Department of Community Affairs' communication platforms.

RESPONSE: The Division finds that requiring a minimum number of continuing education credits in specific categories helps ensure that the officials it licenses are keeping up to date on key aspects of their responsibilities. Moreover, the Division's continuing education rules offer

flexibility by allowing licensed officials to seek approval to waive the minimum contact hour requirement for a particular subject area for good cause, so long as a licensed official can demonstrate earning at least one credit hour in that subject area.

2. COMMENT: Imposing a requirement that the auditor be notified when a QPA vacates a position is a reasonable change at N.J.A.C. 5:32-4.4(b). However, we note that, in our experience, this notification is already occurring. Local units need to notify auditors conducting the annual audit about the departure of a QPA. Auditors routinely ask the authority to confirm whether it has an auditor and ask us to identify that person.

RESPONSE: Upon adoption, the Division agrees to modify the amendment at N.J.A.C. 5:32-4.4(b) to waive the affirmative notification requirement if the auditor inquires on an annual basis whether the contracting unit has a QPA-certified individual designated as its purchasing agent or, in lieu of a QPA, has designated a temporary purchasing agent pursuant to N.J.A.C. 5:32-4.4.

3. COMMENT: The commenter respectfully requests that the Division address two issues of long-standing concern to QPAs at authorities. First, we urge the Division to propose a new rule aligning the Fair and Open Limit under the Pay-to-Play Law, currently still \$17,500, with the current level of the bid threshold. When these rules were originally promulgated, the limit amount was the same as the bid threshold. While the latter has been raised, at times, over the years, the limit has not been. Likewise, the Division should change the prevailing wage threshold for authorities, which remains at \$2,000, in future rulemaking.

RESPONSE: The pay-to-play threshold, along with the prevailing wage threshold for authorities and all other local government entities, are statutory and, thus, the Division is unable to increase these thresholds through rulemaking.

Susan Young, Executive Director, New Jersey Association of School Business Officials

4. COMMENT: The proposed amendment at N.J.A.C. 5:32-4.4(b), requiring a contracting unit to notify its auditor upon a Qualified Purchasing Agent (QPA) vacating their purchasing agent position, should not be adopted. It should simply be an expectation of the auditor's review, or part of the year-end audit questionnaire. Practically speaking, who is going to remember to inform the auditor of the QPA's departure?

RESPONSE: Upon adoption, the Division agrees to modify the amendment at N.J.A.C. 5:32-4.4(b) to waive the affirmative notification requirement, if the auditor inquires on an annual basis whether the contracting unit has a QPA-certified individual designated as its purchasing agent or, in lieu of a QPA, has designated a temporary purchasing agent pursuant to N.J.A.C. 5:32-4.4.

Jim Jorgensen, Qualified Purchasing Agent, City of Clifton

5. COMMENT: A public entity should also be permitted to appoint a third-party service provider that is a licensed QPA, to serve as a public entity's purchasing agent.

RESPONSE: N.J.S.A. 40A:11-9.a already permits a contracting unit to appoint an independent contractor possessing a QPA certificate to serve as its purchasing agent.

6. COMMENT: Increasing to 25, the total number of hours for renewal of a QPA certification, makes sense; however, N.J.A.C. 5:32-4.2 should also be amended to increase the minimum number of contact hours for ethics from three hours to five hours. Ethics is an ongoing consideration in all facets of local government including procurement.

RESPONSE: The Division finds the current three-hour minimum for ethics to be proportionate to the minimum number of ethics contact hours for other licenses the Division administers. As such, the minimum number of ethics contact hours that a QPA must obtain for continuing education will remain unchanged.

7. COMMENT: With respect to the appointment of a temporary purchasing agent, N.J.A.C. 5:32-4.4 should be amended to state that a public entity arbitrarily seeking to not appoint or not reappoint an individual with a QPA certificate as purchasing agent does not get to enjoy the higher bid threshold.

RESPONSE: Unlike positions, such as chief municipal finance officer, tax collector, or municipal clerk, an individual with a QPA certificate that

is designated as a contracting unit's purchasing agent is not appointed to a set term. Neither does N.J.S.A. 40A:11-9 give a QPA designated as a contracting unit's purchasing agent the right to tenure. As such, regardless of the potential merits of the commenter's proposed amendment, which the Division does not take a position on, the Division does not possess the statutory authority to enact a rule prohibiting, or otherwise restricting, a contracting unit from removing the purchasing agent designation from a QPA-certified individual.

Robert J. Maikis, Jr., Director, Division of Fiscal Management, County of Sussex

8. COMMENT: There should be a provision allowing holders of multiple licenses, or certifications, that have varying renewal dates to place those renewals on the same cycle. For example, I hold Certified Municipal Finance Officer (CMFO) and Certified County Finance Officers (CCFO) certifications. My CMFO certification renews on June 30, while my CCFO certification renews on January 31. It would be more effective and efficient to have both certifications on the same renewal cycle.

RESPONSE: Although the Division understands the desire to align varying certification expiration dates, this change would not be administratively feasible. Expiration dates for the Certified Tax Collector and Certified Public Works Manager licenses are established by statute as either June 30 or December 31. Even where dates are not specified, as is the case for the Registered Municipal Clerk, Qualified Purchasing Agent, Certified Municipal Finance Officer and Certified County Finance Officer licenses, the corresponding statutes specify varying renewal timeframes that are measured based on the month that the Division administers the initial licensure exam.

The Chief Municipal Finance Officer (CMFO) exam is administered biannually in June and December, resulting in corresponding license expiration dates of June 30 and December 31. As all current CCFOs have received their licenses by virtue of the examination exemption at N.J.S.A. 40A:9-28.2.e, there is no examination date upon which to base the expiration of a CCFO license. CCFO applications are reviewed on a rolling basis monthly and the license expiration date is at the end of the month when the Division awarded the CCFO certification. Because the CMFO and CCFO certifications both have a statutory six-month grace period for renewal, and the Division has historically allowed licensed officials to renew their certifications early, the commenter could arrange to renew both licenses at the same time without penalty.

Maria K. Mento, City Administrator, City of Ventnor City

9. COMMENT: The extension should be optional, as it is not needed by everyone. Those who received more than 50 percent of total number of continuing education credits required are being penalized for attaining approved CEUs during the COVID year. To a certain extent, it is a financial loss to the individual or governing entity who funded these classes.

RESPONSE: As proposed, N.J.A.C. 5:32-1.2 offers Division-licensed officials to bank up to 50 percent of the continuing education credits earned during the renewal period extended pursuant to Section 2 at P.L. 2020, c. 34 (N.J.S.A. 52:27D-18.5). This provision incentivizes a Division-licensed official to continue earning continuing education credits, even if the official has completed the mandatory minimum number of credits earlier in the extended term. The Division finds that allowing Division-licensed officials to bank greater than 50 percent of continuing education credits earned during the extended term would risk disincentivizing continuing education in the following renewal period and, thus, the incentive to stay current on new legislative and regulatory developments. As such, the Division will adopt N.J.A.C. 5:32-1.2, as proposed.

Sincerrae Ross

10. COMMENT: State-certified individuals should be given the opportunity for employment prior to private entities. Why is the Department of Community Affairs (Department) going to outsource individuals who may potentially become certified, when there are plenty who are certified, but the same organization believes those candidates do not have enough experience for the position? Is the Department going to now allow people with experience on paper, but who lack certification to

act in said positions for longer time periods? We have several people who are in lieu of certification, and most enjoy two years and fail to secure said position, thus wasting time and taxpayer money. It would be conducive and cost effective to populate a list of State-certified municipal finance officers who they can pool from prior to outsourcing professionals with taxpayer dollars. One may argue they don't have the experience for the position, but they had enough wherewithal to pass the State exam.

RESPONSE: N.J.S.A. 40A:140.10.b authorizes municipalities to appoint a private entity to temporarily fulfill the duties of a chief financial officer for no more than two consecutive years when a licensed chief municipal finance officer vacates the position. The appointment and reappointment of a private firm in such circumstances is subject to Division approval, and the statute requires a municipality seeking such approval to demonstrate having made a good faith effort to hire, as its chief financial officer, an individual licensed as a chief municipal finance officer by the Division. All work performed by the private entity must be performed or supervised by a licensed chief municipal finance officer, and all documents required to be signed by a chief municipal finance officer must be executed by a licensed chief municipal finance officer.

The originally proposed amendment at N.J.A.C. 5:32-2.5(c) would expand the private entity exception to be permitted in instances where a temporary (that is, unlicensed) chief municipal finance officer vacates the position of chief municipal finance officer. At this point in time, the Division is not adopting the above-referenced proposed amendment. Although N.J.A.C. 5:32-2.5(b), (c), (d), and (e) aim to provide a comprehensive regulatory framework governing a municipality's appointment of a private entity to temporarily fulfill the duties of a chief financial officer, the Division has determined that there is a need to further study the extent to which municipalities and private entities are complying with existing law, along with whether additional measures are required to ensure private entities temporarily performing the duties of a chief municipal finance officer are satisfactorily fulfilling those duties. At this time, the potential benefits of providing additional flexibility to municipalities experiencing temporary difficulty in hiring a licensed municipal finance officer is outweighed by the Division's need to ensure the fiscal integrity of New Jersey municipalities that wish to retain a private entity on a temporary basis. Further, the Division will consider what measures may be needed to increase the number of individuals undertaking the process of becoming licensed chief municipal finance officers.

11. COMMENT: If an acting chief municipal finance officer or acting municipal clerk leave their position, and a municipality was able to appoint a different unlicensed individual to serve in that same acting capacity, this would decrease the incentive for municipalities to appoint a licensed official into those positions. How many municipalities can this person act as a professional and be appointed in another municipality, to act in the same capacity, without being certified? When will this unlicensed individual be required be licensed, or at least be required to produce a test score? Will the Department limit how many times a candidate can serve in an acting capacity before demanding that person become State certified?

RESPONSE: The Division disagrees with the commenter's assertion that allowing a different unlicensed individual to serve in an acting role will reduce the incentive for a local unit to appoint a licensed official to a role, such as a chief financial officer or municipal clerk. The total number of years that an unlicensed individual may be appointed in an acting capacity is statutory and remains unchanged, as is the Division's responsibility to approve the subsequent appointment of an unlicensed individual to the position. The rules also require a local unit applying to appoint or reappoint an unlicensed individual to a subsequent term to provide, among other information, details on the candidate's efforts to obtain licensure. The Division reminds municipalities that there is no statutory authorization to appoint an unlicensed individual to temporarily serve as a tax collector.

Summary of Agency-Initiated Changes:

N.J.A.C. 5:32-4.2(a)2 has been changed upon adoption to add "public works compliance" as a non-mandatory continuing education subject area for renewal of the qualified purchasing agent certifications. This subject area focuses on compliance matters relevant to public works projects, such

as those involving New Jersey and Federal prevailing wage laws, along with equal employment opportunity and affirmative action (EEO/AA) laws pertaining to public works contracts, that do not fit squarely within the scope of the “procurement procedures” subject area required for qualified purchasing agent certification renewal.

Federal Standards Statement

No Federal standards analysis is required because the adopted new rule and amendments are not adopted in order to implement, comply with, or participate in any program established under Federal law or under a State law that incorporates or refers to Federal law, standards, or requirements.

Full text of the adoption follows (additions to proposal indicated in boldface with asterisks *thus*; deletions from proposal indicated in brackets with asterisks *[thus]*):

SUBCHAPTER 1. GENERAL PROVISIONS

5:32-1.1 Examination reviews

(a) The Director, at his or her discretion, may authorize, as staffing permits, review of a particular examination by applicants who were not successful in passing an examination to obtain a certificate for municipal finance officer, county finance officer, tax collector, registered municipal clerk, qualified purchasing agent, or certified public works manager.

(b) If authorized by the Director, pursuant to (a) above, examination reviews shall be conducted by a representative or representatives of the Division of Local Government Services on a date and time and at a location determined by the Division. No one other than representatives of the Division of Local Government Services and the unsuccessful applicant or applicants for whom the review is being conducted shall be present at the examination review. No applicant will be permitted to take any notes or copy any questions or answers.

(c) Requests for examination reviews must be made in writing and must take place within 60 days of the date that appears on the notice of the mailing of the examination results. To arrange an examination review, an unsuccessful applicant must make a written request to the Division of Local Government Services, 101 South Broad Street, PO Box 803, Trenton, New Jersey 08625, proposing at least three alternative dates and times that would be convenient to attend such a review. If multiple applicants make written requests for review of an examination, the Division may allow said applicants to review their respective exams at a single location.

(d) At the discretion of the Director, as staffing permits, the examination review may consist of the following:

1.-2. (No change.)

3. In limited circumstances, as staffing permits, the Division representative conducting the review may discuss and review a specific question with the applicant.

5:32-1.2 Carrying over continuing education credits to the following renewal period

An individual holding a license or certificate issued by the Division of Local Government Services may not carry over continuing education contact hours to the next following renewal period, unless the expiration date of the applicant’s license or certificate was extended pursuant to P.L. 2020, c. 34, in which case, subject to procedures established by the Director, the applicant may, during the period of time in which the statutory period of the license or certificate was extended, carry over to the next renewal period a number of earned continuing education contact hours not to exceed 50 percent of the total number of credits required to renew the individual’s license or certificate.

SUBCHAPTER 2. MUNICIPAL AND COUNTY CHIEF FINANCIAL OFFICERS

5:32-2.5 Vacancy in the office of chief municipal finance officer

(a) When a vacancy occurs in the office of chief financial officer following the appointment of a certified municipal finance officer to that office, the municipality’s governing body or chief executive officer, as appropriate to the form of government, may appoint, for a period not to exceed one year commencing from the date of the vacancy, a person who does not possess a municipal finance officer certificate to serve as a

temporary chief financial officer. With approval of the Director pursuant to (a)2 and 3 below, the municipality may appoint or reappoint a temporary chief financial officer for up to two additional one-year terms following the end of the first temporary appointment. No municipality shall employ a temporary chief financial officer for more than three consecutive years.

1. Prior to the end of the first-year appointment of a temporary chief financial officer, the governing body, or chief executive officer, as appropriate, shall request, in writing, permission from the Director to appoint or reappoint a temporary chief financial officer for a second consecutive one-year term. A questionnaire approved by the Director shall be completed and included with the written request. A request for Director approval of a third one-year term shall follow the same procedure. The completed questionnaire and any documents submitted in support of said questionnaire shall be exempt from disclosure under the Open Public Records Act, N.J.S.A. 47:1A-1 et seq.

2. Before granting approval to appoint or reappoint a temporary chief financial officer for a second or third consecutive one-year term, the Director shall be satisfied that the individual is of good moral character and can satisfactorily fulfill the duties of a chief financial officer. Any request to the Director shall provide the following information:

i.-iv. (No change.)

3. (No change.)

(b) (No change.)

(c) When a vacancy occurs in the office of chief financial officer resulting from the departure of a temporary chief financial officer, the municipality’s governing body or chief executive officer, as appropriate to the form of government, may, pursuant to (b) above, apply for Director approval to appoint a private entity to perform the duties of a chief financial officer.

1. If a temporary chief financial officer is not appointed or reappointed in the year next following the initial appointment of a temporary chief financial officer, a private entity may not perform the duties of a chief financial officer for more than two consecutive one-year terms, after which the municipality must appoint a licensed municipal finance officer or share a chief financial officer with another municipality or municipalities under a shared services agreement entered into pursuant to N.J.S.A. 40A:65-1 et seq.

2. If a temporary chief financial officer is not appointed or reappointed in the second year after the initial appointment of a temporary chief financial officer, a private entity may not perform the duties of a chief financial officer for more than a single one-year term, after which the municipality must appoint a licensed municipal finance officer or share a chief financial officer with another municipality or municipalities under a shared services agreement entered into pursuant to the provisions at N.J.S.A. 40A:65-1 et seq.

Recodify existing (c)-(e) as (d)-(f) (No change in text.)

5:32-2.6 Vacancy in the office of chief financial officer; counties

(a) When a vacancy occurs in the office of chief financial officer following the appointment of a certified county finance officer to that office, the board of county commissioners or chief executive officer, as appropriate to the form of government, may appoint, for a period not to exceed one year commencing from the date of the vacancy, a person who does not possess a county finance officer certificate to serve as a temporary chief financial officer. A county may, with the approval of the Director, pursuant to (a)2 and 3 below, appoint or reappoint a temporary chief financial officer for an additional one-year term following the end of the first temporary appointment. No county shall employ a temporary chief financial officer for more than two consecutive one-year terms.

1. Prior to the end of the first-year appointment of a temporary chief financial officer, the county’s governing body, or chief executive officer, as appropriate, shall request, in writing, permission from the Director to appoint or reappoint a temporary chief financial officer for an additional one-year term. A questionnaire approved by the Director shall be completed and included with the written request. The completed questionnaire and any documents submitted in support of said questionnaire shall be exempt from disclosure under the Open Public Records Act, N.J.S.A. 47:1A-1 et seq.

2. Before granting approval to appoint or reappoint a temporary chief financial officer, the Director shall be satisfied that the individual is of good moral character and can satisfactorily fulfill the duties of a chief financial officer. Any request to the Director shall provide the following information:

- i.-iv. (No change.)
- 3. (No change.)

SUBCHAPTER 4. QUALIFIED PURCHASING AGENTS

5:32-4.2 Continuing education requirements

(a) Renewal of a qualified purchasing agent certificate shall be required every three years, subject to the applicant’s fulfillment of continuing education requirements, the submission of an application for renewal, and payment of a \$35.00 fee payable to the order of the Treasurer, State of New Jersey.

1. For certificate renewal cycles commencing before *(the effective date of this rulemaking)* **August 1, 2022***, applicants shall obtain 20 continuing education contact hours in the subject areas of procurement procedures, office administrative/general duties, ethics, and green purchasing. For certificate renewal cycles commencing on or after *(the effective date of this rulemaking)* **August 1, 2022***, applicants shall obtain 25 continuing education contact hours in the subject areas of procurement procedures, office administrative/general duties, ethics, and green purchasing. Said credits shall be approved by the Director as relevant to the subject matter area and the duties of a QPA pursuant to N.J.S.A. 40A:11-9 and this chapter, with the following minimum contact hours for each subject area:

i. Two contact hours in the subject area of procurement procedures for certificate renewal cycles commencing before *(the effective date of this rulemaking)* **August 1, 2022***, or for certificate renewal cycles commencing on or after *(the effective date of this rulemaking)* **August 1, 2022***, five contact hours in the subject area of procurement procedures;

- ii.-iv. (No change.)

2. At the option of the applicant, contact hours in the subject area*s* of information technology **and public works compliance**, as* approved by the Director for relevance to the subject matter area and the duties of a QPA pursuant to N.J.S.A. 40A:11-9 and this chapter, may be applied toward the number of continuing education contact hours required pursuant to (a)1 above, in addition to the required minimum contact hours.

3. If an applicant has earned at least the minimum number of continuing education contact hours required pursuant to (a)1 above within the renewal period but has not achieved the minimum number of contact hours in a given subject area, the Director has discretion to waive the required minimum upon application and good cause shown, provided that the applicant has earned at least one contact hour in the given subject area.

- 4.-7. (No change.)

5:32-4.4 Vacancy in the office of purchasing agent

(a) Following the appointment of a purchasing agent for a contracting unit, if the person appointed no longer performs such duties, the governing body or chief executive officer, as appropriate to the form of government, may appoint, for a period not to exceed one year commencing from the date of the vacancy, a person who does not possess a qualified purchasing agent certificate to serve as a temporary purchasing agent. With the approval of the Director, a contracting unit may appoint or reappoint a temporary purchasing agent for a maximum of one additional year following the end of the first temporary appointment. No contracting unit shall employ a temporary purchasing agent for more than two consecutive years.

- 1. (No change.)

2. Before granting approval to appoint or reappoint a temporary purchasing agent for a second year, the Director shall be satisfied that the individual is of good moral character and can satisfactorily fulfill the duties of a purchasing agent. Any request to the Director shall provide the following information:

- i.-iv. (No change.)
- 3. (No change.)

(b) During the term of appointment of a temporary purchasing agent, a contracting unit’s bid threshold may remain at an amount up to the

maximum allowed for a contracting unit having appointed a person possessing a qualified purchasing agent certificate to serve as the purchasing agent, so long as the governing body has adopted a resolution authorizing such amount. Contracts awarded after a vacancy occurs in the office of a purchasing agent shall be subject to a bid threshold of \$17,500, or in the case of boards of education, the bid threshold established by the State Treasurer pursuant to N.J.S.A. 18A:18-3(b), until either the subsequent appointment of a person possessing a qualified purchasing agent certificate to serve as the purchasing agent or the appointment of a temporary purchasing agent pursuant to this section. A contracting unit shall notify its auditor upon a vacancy occurring in the office of a purchasing agent*, **unless the contracting unit’s auditor inquires, on an annual basis, whether the contracting unit has appointed either a purchasing agent or, in lieu of having appointed a purchasing agent, a temporary purchasing agent pursuant to this section.**

SUBCHAPTER 5. REGISTERED MUNICIPAL CLERKS

5:32-5.3 Vacancy in the office of municipal clerk by reason of departure of a registered municipal clerk

(a) When a vacancy occurs in the office of municipal clerk by reason of departure of a registered municipal clerk, the municipality’s governing body may appoint, for a period not to exceed one year commencing from the date of the vacancy, a person who does not possess a registered municipal clerk certificate to serve as acting municipal clerk. With the approval of the Director based upon (a)2 and 3 below, a municipality may appoint or reappoint an acting municipal clerk for up to two additional one-year terms following the end of the first temporary appointment. No municipality shall have an acting municipal clerk for more than three consecutive years.

1. Prior to the end of the first year appointment of an acting municipal clerk, the governing body shall request, in writing, permission from the Director to appoint or reappoint an acting municipal clerk for an additional one-year term. A questionnaire approved by the Director shall be completed and included with the written request. A request for Director approval of a third one-year term shall follow the same procedure. The completed questionnaire and any documents submitted in support of said questionnaire shall be exempt from disclosure under the Open Public Records Act, N.J.S.A. 47:1A-1 et seq.

2. Before granting approval to appoint or reappoint an acting municipal clerk for a second or third consecutive one-year term, the Director shall be satisfied that the individual is of good moral character and can satisfactorily fulfill the duties of a municipal clerk. Any request to the Director shall provide the following information:

- i.-v. (No change.)
- 3. (No change.)

(a)

DIVISION OF CODES AND STANDARDS

**Notice of Administrative Correction
Uniform Construction Code**

N.J.A.C. 5:23-3.14

Effective Date: July 6, 2022.

Take notice that the Department of Community Affairs (Department) discovered errors within the building subcode of the Uniform Construction Code, N.J.A.C. 5:23-3.14. This notice of administrative correction seeks to revise these errors, as follows:

1. At N.J.A.C. 5:23-3.14(b)10vii, the Department is revising an incorrect section number.

2. At N.J.A.C. 5:23-3.14(b)10xi, the Department uses the word “unit” throughout the section; this word is not used within the text of the International Building Code (IBC) and is, therefore, being deleted.

3. At N.J.A.C. 5:23-3.14(b)10xli, the word “dwelling” is deleted because it is not used in the IBC. In addition, the Department is correcting which line in the IBC is amended within the building subcode.