

RULE ADOPTIONS

ADMINISTRATIVE LAW

(a)

OFFICE OF ADMINISTRATIVE LAW

Notice of Readoption

Special Hearing Rules

Division of Consumer Affairs Lemon Law Hearings

Readoption: N.J.A.C. 1:13A

Authorized By: Barry E. Moscovitz, Acting Director and Chief Administrative Law Judge, Office of Administrative Law.

Authority: N.J.S.A. 52:14F-5.e, f, and g.

Effective Date: November 30, 2023.

New Expiration Date: November 30, 2030.

Take notice that pursuant to N.J.S.A. 52:14B-5.1, the special rules for the conduct of Lemon Law hearings from the Division of Consumer Affairs (Division) were scheduled to expire on January 17, 2024. The Office of Administrative Law (OAL) has reviewed these rules and found them to be reasonable and efficient procedures for the conduct of contested case hearings. Therefore, the OAL is readopting these rules without change.

These rules track the provisions of the Lemon Law, N.J.S.A. 56:12-29 et seq., and implement the goal of that act to provide consumers with a prompt and summary hearing. The case must be transmitted to the OAL immediately upon acceptance by the Division without any settlement attempts by the agency. Upon acceptance, a summary hearing date will be scheduled within 20 days, unless the consumer agrees to a later date.

Procedures have been tailored to the statutory requirement for a prompt hearing date. Discovery is limited to the consumer's application, the required attachments, and the manufacturer's response, which should provide adequate information about the allegations of each party. Prehearing conferences will not be scheduled. Other than adjournment motions with the consumer's consent, motions are not permitted prior to hearing. Post-hearing submissions are not permitted except for good cause and do not extend the deadline for issuing an initial decision.

Pursuant to the statute, a prevailing consumer may be awarded attorney's fees and costs; therefore, the consumer must be prepared to present proofs of these costs at the hearing.

The initial decision must be issued no later than 20 days from the conclusion of the hearing. Exceptions must be filed no later than eight days after the mailing date of the initial decision and may not exceed three pages. Replies and cross-exceptions are not permitted. The final decision must be issued no later than 15 days from receipt of the initial decision. These time frames may not be extended.

If a case is settled, the settlement must indicate whether attorney's fees and costs will be paid by the manufacturer or whether the consumer has waived such costs.

The OAL has reviewed the rules and has determined that they should be readopted without change. The rules are necessary, reasonable, and proper for the purpose for which they were originally promulgated. Therefore, pursuant to N.J.S.A. 52:14B-5.1.c, these rules are readopted and shall continue in effect for a seven-year period.

COMMUNITY AFFAIRS

(b)

DIVISION OF CODES AND STANDARDS

Notice of Administrative Correction

Uniform Construction Code

N.J.A.C. 5:23-3.21

Effective Date: December 6, 2023.

Take notice that the Department of Community Affairs (Department) discovered an error at N.J.A.C. 5:23-3.21 of the one- and two-family dwelling subcode of the Uniform Construction Code (UCC). This notice of administrative correction seeks to revise the error, as follows:

1. N.J.A.C. 5:23-3.21(c)3i is changed to correct an outdated reference for the requirements for fire-resistance rating requirements for exterior walls based on the fire separation distance. Section R300.5 of the existing cross references Table 602, of the building subcode; however, the 2021 edition of the International Building Code (IBC) moved the contents of that table to Table 705.5. As such, this section is corrected to properly reflect the correct codification of the required Table.

The Department has requested, and the Office of Administrative Law has agreed to, such correction be made administratively. This notice of administrative correction is published pursuant to N.J.A.C. 1:30-2.7.

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

SUBCHAPTER 3. SUBCODES

5:23-3.21 One- and two-family dwelling subcode

(a)-(b) (No change.)

(c) The following chapters or sections of the IRC/2021 shall be modified as follows:

1.-2. (No change.)

3. Chapter 3, Building Planning, shall be amended as follows:

i. Add new Section R300 as follows:

"R300 Height and Area Limitations

...
R300.5 Buildings of other types of construction. The height and area limits allowable for buildings of construction type VA shall apply to other construction types, as they are defined in Section 602 of the building subcode, provided that the fire ratings of building elements meet or exceed the requirements for type VA in Tables 601 and [602] **705.5** of the building subcode."

ii.-xlv. (No change.)

4.-24. (No change.)

(c)

DIVISION OF CODES AND STANDARDS

Notice of Administrative Corrections

Uniform Construction Code

N.J.A.C. 5:23-6.5, 6.6, and 6.7

Effective Date: December 6, 2023.

Take notice that the Department of Community Affairs (Department) discovered table reference errors in the text at N.J.A.C. 5:23-6, Rehabilitation subcode. Specifically, the errors occur at N.J.A.C. 5:23-6.5(e)11, 6.6(e)18, and 6.7(e)15 and concern incorrect table references that were not updated following the adoption of the 2021 International Residential Code. For accuracy, this notice of administrative correction removes the incorrect reference numbers and inserts the correct numbers in their place.