

# RULE PROPOSALS

## INTERESTED PERSONS

Interested persons may submit comments, information or arguments concerning any of the rule proposals in this issue until the date indicated in the proposal. Submissions and any inquiries about submissions should be addressed to the agency officer specified for a particular proposal.

The required minimum period for comment concerning a proposal is 30 days. A proposing agency may extend the 30-day comment period to accommodate public hearings or to elicit greater public response to a proposed new rule or amendment. Most notices of proposal include a 60-day comment period, in order to qualify the notice for an exception to the rulemaking calendar requirements of N.J.S.A. 52:14B-3. An extended comment deadline will be noted in the heading of a proposal or appear in subsequent notice in the Register.

At the close of the period for comments, the proposing agency may thereafter adopt a proposal, without change, or with changes not in violation of the rulemaking procedures at N.J.A.C. 1:30-6.3. The adoption becomes effective upon publication in the Register of a notice of adoption, unless otherwise indicated in the adoption notice. Promulgation in the New Jersey Register establishes a new or amended rule as an official part of the New Jersey Administrative Code.

## ADMINISTRATIVE LAW

### (a)

### OFFICE OF ADMINISTRATIVE LAW

#### Notices

#### Proposed Amendment: N.J.A.C. 1:1-9.5

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

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

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

Proposal Number: PRN 2025-075.

Submit written comments by September 5, 2025, to:

Thomas E. Harris, Jr., Manager  
Administrative Practice Officer  
Office of Administrative Law  
PO Box 049  
Trenton, NJ 08625-0049  
[oal.comments@oal.nj.gov](mailto:oal.comments@oal.nj.gov)

The agency proposal follows:

#### Summary

As of March 2000, with the declaration of a State of Emergency and a Public Health Emergency related to the COVID-19 pandemic, issued by Governor Murphy (see Executive Order No. 103 (2000)), the Office of Administrative Law (OAL) began using email as the primary method for delivery of notices related to all matters at the OAL. The use of email as a method of notice delivery has been received very well by the New Jersey Bar and by the public-at-large. Therefore, the OAL proposes to amend N.J.A.C. 1:1-9.5(c) to permit, for delivery of notices to parties, any method reasonably certain to provide actual notice to the parties. However, if the OAL does not have email for any party in a matter, the notices will be sent to all parties in that matter by regular mail.

As a 60-day comment period has been provided on this notice of proposal, this notice is excepted from the rulemaking calendar requirement at N.J.A.C. 1:30-3.3(a)5.

#### Social Impact

The proposed amendment should have a positive social impact as it confirms, by regulation, the primary method of delivery of notices by the OAL.

#### Economic Impact

The proposed amendment will not cost the OAL or the parties to a matter anything, as parties will still receive regular mail delivery if they do not have email. Additionally, the use of email, rather than regular mail,

will save the OAL, and in turn, the State and taxpayers money for postage and mail supplies for the majority of all notices sent out by the OAL.

#### Federal Standards Statement

A Federal standards analysis is not required because the proposed amendment is not subject to any Federal standards.

#### Jobs Impact

The proposed amendment will have no impact on the number of jobs generated or lost in New Jersey.

#### Agriculture Industry Impact

The proposed amendment will have no impact on the agriculture industry in New Jersey.

#### Regulatory Flexibility Statement

A regulatory flexibility analysis is not required because the proposed amendment does not impose reporting, recordkeeping, or compliance requirements on small businesses, as defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The proposed amendment sets forth an internal process used for notice of matters at the OAL.

#### Housing Affordability Impact Analysis

The proposed amendment will have no impact on the affordability of housing in New Jersey and there is an extreme unlikelihood that the rule would evoke a change in the average costs associated with housing because the proposed amendment concerns delivery of notices for matters at the OAL.

#### Smart Growth Development Impact Analysis

The proposed amendment will have an insignificant impact on smart growth and there is an extreme unlikelihood that the amendment would evoke a change in housing production in Planning Areas 1 or 2, or within designated centers, pursuant to the State Development and Redevelopment Plan in New Jersey because the proposed amendment concerns delivery of notices for matters at the OAL.

#### Racial and Ethnic Community Criminal Justice and Public Safety Impact

The proposed amendment will have no impact on pretrial detention, sentencing, probation, or parole policies concerning juveniles and adults in the State. Accordingly, no further analysis is required.

**Full text** of the proposal follows (deletions indicated in brackets [thus]):

SUBCHAPTER 9. SCHEDULING; CLERK'S NOTICES;  
ADJOURNMENTS; INACTIVE LIST

1:1-9.5 Notices  
(a)-(b) (No change.)

(c) Notices shall be by [regular mail, except that when emergent needs so require and the law permits, notice of proceedings may be by telephone or] any [other] method reasonably certain to provide actual notice to the parties.

(d)-(f) (No change.)

**(a)**

**OFFICE OF ADMINISTRATIVE LAW  
Prehearing Orders**

**Proposed Amendment: N.J.A.C. 1:1-13.2**

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

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

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

Proposal Number: PRN 2025-082.

Submit written comments by September 5, 2025, to:

Thomas E. Harris, Jr., Manager  
Administrative Practice Officer  
Office of Administrative Law  
PO Box 049  
Trenton, NJ 08625-0049  
[oal.comments@oal.nj.gov](mailto:oal.comments@oal.nj.gov)

The agency proposal follows:

**Summary**

Existing N.J.A.C. 1:1-13.2 states that the Office of Administrative Law (OAL), within 10 days of the conclusion of a prehearing conference, shall enter a written order addressing the items stated at N.J.A.C. 1:1-13.2(a)1 through 14. This written order is colloquially known as the prehearing order. In practice, the OAL has determined that a prehearing order is not necessary in all cases, but should be used judiciously, as needed, to cement the issues to be decided in a case, identify the witnesses to be called in a hearing, or clarify the procedures to be followed in a case. As such, the OAL has determined to amend N.J.A.C. 1:1-13.2(a) to make the prehearing order optional, rather than mandatory, so it can be employed only when necessary or desired.

As a 60-day comment period has been provided on this notice of proposal, this notice is excepted from the rulemaking calendar requirement at N.J.A.C. 1:30-3.3(a)5.

**Social Impact**

The proposed amendment will have a positive social impact because it clarifies that a prehearing order should only be issued when needed.

**Economic Impact**

The proposed amendment will not cost the OAL or the parties to a case anything; however, it will save the State money in the reallocation of staff resources when a prehearing order is not needed.

**Federal Standards Statement**

A Federal standards analysis is not required because the proposed amendment is not subject to any Federal standards.

**Jobs Impact**

The proposed amendment will have no impact on the number of jobs generated or lost in New Jersey.

**Agriculture Industry Impact**

The proposed amendment will have no impact on the agriculture industry in New Jersey.

**Regulatory Flexibility Statement**

A regulatory flexibility analysis is not required because the proposed amendment does not impose reporting, recordkeeping, or compliance requirements on small businesses, as defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The proposed amendment concerns the issuance of prehearing orders at the OAL, which is an internal process at the OAL.

**Housing Affordability Impact Analysis**

The proposed amendment will have no impact on the affordability of housing in New Jersey, and there is an extreme unlikelihood that the rule would evoke a change in the average costs associated with housing because the proposed amendment concerns the issuance of prehearing orders at the OAL, which is an internal process at the OAL.

**Smart Growth Development Impact Analysis**

The proposed amendment will have an insignificant impact on smart growth, and there is an extreme unlikelihood that the amendment would evoke a change in housing production in Planning Areas 1 or 2, or within designated centers, pursuant to the State Development and Redevelopment Plan in New Jersey, because the proposed amendment concerns the issuance of prehearing orders at the OAL, which is an internal process at the OAL.

**Racial and Ethnic Community Criminal Justice and Public Safety Impact**

The proposed amendment will have no impact on pretrial detention, sentencing, probation, or parole policies concerning juveniles and adults in the State. Accordingly, no further analysis is required.

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

**SUBCHAPTER 13. PREHEARING CONFERENCES AND PROCEDURES**

1:1-13.2 Prehearing order; amendment

(a) Within 10 days after the conclusion of the prehearing conference, the judge [shall] **may** enter a written order addressing the appropriate items listed [in] **at** (a)1 through 14 below and shall cause the same to be served upon all parties.

1.-14. (No change.)

(b)-(c) (No change.)

**(b)**

**OFFICE OF ADMINISTRATIVE LAW  
Uniform Administrative Procedure Rules  
Interpreters; Payment**

**Proposed Amendment: N.J.A.C. 1:1-14.3**

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

Authority: N.J.S.A. 52:14B-1 et seq.

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

Proposal Number: PRN 2025-076.

Submit written comments by September 5, 2025, to:

Thomas E. Harris, Jr., Manager  
Administrative Practice Officer  
Office of Administrative Law  
PO Box 049  
Trenton, NJ 08625-0049  
[oal.comments@oal.nj.gov](mailto:oal.comments@oal.nj.gov)

The agency proposal follows:

**Summary**

Effective August 5, 2024, the Office of Administrative Law (OAL) changed its internal process for providing interpreters in administrative hearings to no longer enforce N.J.A.C. 1:1-14.3(a) through (c) as currently promulgated (see 56 N.J.R. 1555(a)). Pursuant to existing N.J.A.C. 1:1-14.3, parties to an administrative hearing are permitted to obtain an interpreter at their own cost if the administrative law judge determines that interpretation is necessary. The rule also sets forth the procedure for the selection of the interpreter and for the exception to the requirement that the requesting party pay for the interpreter when the interpreter is for the hearing impaired.