

Adopted: September 9, 2009 by New Jersey Council on Affordable Housing, Lucy Vandenberg, Executive Director.  
 Filed: September 11, 2009 as R.2009 d.304, **without change**.  
 Authority: N.J.S.A. 52:27D-301 et seq.  
 Effective Date: September 11, 2009.  
 Expiration Date: September 11, 2014.

As required by the Fair Housing Act (FHA) at N.J.S.A. 52:27D-307.5, the Council must adopt all rules, necessary for effectively carrying out the provisions and purposes of the act. To that end, the Council enacted N.J.A.C. 5:91, effective June 16, 1986 with subsequent amendments, and N.J.A.C. 5:95, effective December 20, 2004 and amended May 15, 2006 and August 20, 2007. On January 25, 2007, *In the Matter of the Adoption of N.J.A.C. 5:94 and 5:95 by the New Jersey Council on Affordable Housing (and related cases)*, 390 N.J. Super. 1 (App. Div. 2007), the New Jersey Superior Court, Appellate Division affirmed in part, reversed in part, and remanded portions of the rules back to the Council for rulemaking. In its decision, the Appellate Division determined that substantive certifications granted prior to the date of its decision could remain in place. On January 22, 2007, the Council proposed new substantive and procedural rules, which became effective on June 2, 2008, with amendments effective October 20, 2008, as N.J.A.C. 5:96 and N.J.A.C. 5:97. N.J.A.C. 5:95 is being readopted to remain in place for the three municipalities, Buena Borough in Atlantic County, Washington Township in Morris County, and White Township in Warren County, that were previously granted substantive certification by the Council under these rules, and said certifications were upheld by the Appellate Division in *In re Adoption of N.J.A.C. 5:94 and 5:95 by the Council on Affordable Housing*, 390 N.J. Super. 1, *certif. denied*, 192 N.J. 71 (2007).

The rules proposed for readoption without change were published in the New Jersey Register at 41 N.J.R. 1563(a) on April 20, 2009. The comment period closed on June 19, 2009.

**No comments were received.**

#### Federal Standards Statement

No Federal standards analysis is required because these rules are not being 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 readopted rules can be found in the New Jersey Administrative Code at N.J.A.C. 5:95.

(a)

### STATE PLANNING COMMISSION

#### Notice of Administrative Correction

#### State Planning Rules

#### Plan Endorsement

#### Community Visioning Process, Vision Statement

#### Development and Adoption, and Submission Requirements

#### N.J.A.C. 5:85-7.11

Take notice that the Office of Administrative Law discovered errors in the notices of proposal and adoption affecting N.J.A.C. 5:85-1.4, 1.7 and 7 published, respectively, in the April 20, 2009 New Jersey Register at 41 N.J.R. 1551(a) and the September 21, 2009 New Jersey Register at 41 N.J.R. 3407(b). In both notices, the second sentence of N.J.A.C. 5:85-7.11(a)2, for which no amendments were proposed or adopted, contains typographic errors originating in the original proposal document (PRN 2009-125). The phrase "promoting the workshops" in the published notices reads "regarding the vetting of the preliminary vision statements," and the subsequent word "workshops" reads "hearings," in both the current and then-effective New Jersey Administrative Code. In its entirety, the sentence should have appeared, in both notices, as, "The advisory committee shall, at least 10 days in advance of said public hearings, issue a press release to local newspapers regarding the vetting of the preliminary vision statement and post notice of the hearing on the

official municipal website, if available, and in a conspicuous public place." This notice of administrative correction, published pursuant to N.J.A.C. 1:30-2.7, is provided in order to advise of the errors in the notices; the text of N.J.A.C. 5:85-7.11(a)2 incorporating the amendment adopted effective September 21, 2009 will appear correctly in the 9-21-09 Code update.

## EDUCATION

(b)

### COMMISSIONER OF EDUCATION OFFICE OF FISCAL ACCOUNTABILITY AND COMPLIANCE

#### School District Operations

#### Criminal History Records Check

#### Adopted New Rule: N.J.A.C. 6A:32-15.1

Proposed: July 6, 2009 at 41 N.J.R. 2542(a).

Adopted: September 11, 2009 by Lucille E. Davy, Commissioner, Department of Education.

Filed: September 11, 2009 as R.2009 d.306, **without change**.

Authority: N.J.S.A. 18A:6-7.2a.

Effective Date: October 5, 2009.

Expiration Date: September 6, 2010.

#### Summary of Public Comment and Agency Response:

**No comments were received.**

#### Federal Standards Statement

There are no Federal requirements or standards that have an impact on the adopted new rule. N.J.A.C. 6A:32-15 is based on a State statute that establishes the framework for the subchapter. Therefore, a Federal standards analysis is not necessary.

**Full text** of the adopted new rule follows:

#### SUBCHAPTER 15. CRIMINAL HISTORY REVIEW

##### 6A:32-15.1 Criminal history records check

Any person required or requested to obtain a criminal history records check pursuant to N.J.S.A. 18A:6-7.1 et seq. or 18A:39-19.1 et seq., shall apply to the New Jersey Department of Education, PO Box 500, Trenton, New Jersey 08625-0500 and shall pay a fee of \$10.00 to the New Jersey Department of Education.

## ENVIRONMENTAL PROTECTION

(c)

### DIVISION OF ENVIRONMENTAL SAFETY AND HEALTH

#### COMMISSION ON RADIATION PROTECTION

#### Notice of Administrative Changes

#### Radiation Protection Programs

#### Radioactive Materials License Fees

#### Purpose and Applicability

#### N.J.A.C. 7:28-64.1

Take notice that the adopted amendments to and adopted repeals and new rules at N.J.A.C. 7:28 effective September 15, 2008 were adopted operative upon publication of notice in the New Jersey Register by the Department of Environmental Protection that the U.S. Nuclear Regulatory Commission and the State of New Jersey have entered into an agreement for the State to regulate source, certain special nuclear, and by-product material (see 40 N.J.R. 2309(a) and 5196(b)). The referenced