

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.

CHILDREN AND FAMILIES

(a)

DIVISION OF CHILD PROTECTION AND PERMANENCY

Legal Guardianship

Proposed Readoption: N.J.A.C. 3A:20

Authorized By: Christine Norbut Beyer, M.S.W., Commissioner,
Department of Children and Families.

Authority: N.J.S.A. 2A:4A-20 et seq., 2A:4A-37, 9:3A-7.g, 9:3A-9,
30:1-14 and 15, and 30:4C-4.d.

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

Proposal Number: PRN 2023-040.

Submit written comments by August 4, 2023, to:

Kristin Matera
Office of Policy and Regulatory Development
Department of Children and Families
PO Box 717
Trenton, New Jersey 08625
Email: rules@dcf.nj.gov

The agency proposal follows:

Summary

Pursuant to N.J.S.A. 52:14B-5.1, the rules at N.J.A.C. 3A:20, which govern Legal Guardianship and the Division of Child Protection and Permanency (Division) Legal Guardianship Subsidy Program, were scheduled to expire on April 18, 2023. As the Department of Children and Families (Department) submitted this notice of proposal to the Office Of Administrative Law prior to that date, the expiration date was extended 180 days to October 15, 2023, pursuant to N.J.S.A. 52:14B-5.1.c(2). The Department has reviewed these rules and has determined that they continue to be necessary, proper, and reasonable for the purpose which they were originally promulgated.

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. A summary of N.J.A.C. 3A:20 follows.

Subchapter 1 sets forth the chapter's general provisions and includes sections addressing the establishment of the Child Protection and Permanency Legal Guardianship Subsidy Program, the chapter's definitions, program availability, service limitations, subsidy amount and duration, the Division and participant responsibilities, eligibility criteria, and licensure and continued approval requirements.

Subchapter 2 sets forth the types of Legal Guardianship Subsidy Program subsidy payments, restrictions, limitations, and the scope of covered activities.

Subchapter 3 sets forth Division responsibilities related to kinship caregiver assessments and includes sections addressing the role of the Division representative and the requirements for providing information to the courts and agencies conducting kinship caregiver assessments and terminations.

Social Impact

The Department believes the proposed readoption of N.J.A.C. 3A:20 will continue to have a positive social impact on the children and kinship caregivers receiving services and support through the Child Protection and Permanency Legal Guardianship Subsidy Program. The program provides financial maintenance support to the children whose kinship caregivers become legal guardians, pursuant to the Kinship Legal Guardianship Act. The Kinship Legal Guardianship Subsidy Program provides multiple social benefits to the children, relatives, and kin in the program.

When children cannot be cared for safely in their homes, placement with relatives or kin caregivers often prevents the disruption of family relationships and allows children to maintain significant connections to communities and schools. The availability of financial support also increases the number of kin and relative caregivers who may be able and willing to step in when an out-of-home placement becomes necessary.

Economic Impact

The Division does not anticipate any negative economic impact on relative and kin caregivers due to the proposed readoption of N.J.A.C. 3A:20. In contrast, the rules proposed for readoption benefit both the children and the kinship legal guardians that participate in the Legal Guardianship Subsidy Program. Legal guardians who are approved for the program receive an increased monthly maintenance payment and health care coverage for the child. Receipt of maintenance support provides access to vital resources for the children and families in the program and promotes the economic interests of the entities providing those services and resources, including health care providers, schools, food stores, and educators. As of December 2022, approximately 578 children were in kinship care placements throughout the State of New Jersey.

Federal Standards Statement

The rules proposed for readoption are proposed with an express goal of achieving compliance with Title IV-E of the Social Security Act, 42 U.S.C. § 671. As a condition of the State's receipt of Federal funds for the provision of subsidies to kinship care providers, the rules proposed for readoption must be adhered to.

Jobs Impact

The Department anticipates no impact, either positive or negative, on job creation due to the proposed readoption of the chapter.

Agriculture Industry Impact

The rules proposed for readoption have no impact on the agriculture industry.

Regulatory Flexibility Statement

The rules proposed for readoption govern the Division's Kinship Legal Subsidy Guardianship Program, which is administered by a State agency rather than by a private business establishment. The rules proposed for readoption do not impose reporting, recordkeeping, or compliance requirements on small businesses. Therefore, a regulatory flexibility analysis is not required in accordance with the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq.

Housing Affordability Impact Analysis

The Department does not believe that the rules proposed for readoption will have any impact on the affordability of housing in New Jersey and there is an extreme unlikelihood that the rules proposed for readoption would evoke a change in the average costs associated with housing because the rules proposed for readoption do not amend or change the rules or requirements for the Division's Kinship Legal Subsidy Guardianship Program.

Smart Growth Development Impact Analysis

There is an extreme unlikelihood that the rules proposed for readoption 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 rules do not change the rules pertaining to the Division's Kinship Legal Subsidy Guardianship Program.

Racial and Ethnic Community Criminal Justice and Public Safety Impact

The Department has evaluated this rulemaking and determined that it will not have an impact on pretrial detention, sentencing, probation, or parole policies concerning adults and juveniles in the State. Accordingly, no further analysis is required.

Full text of the rules proposed for readoption may be found in the New Jersey Administrative Code at N.J.A.C. 3A:20.

COMMUNITY AFFAIRS**(a)****DIVISION OF CODES AND STANDARDS****Uniform Construction Code****Proposed Amendments: N.J.A.C. 5:23-2.20, 3.11, 3.14, and 3.16**

Authorized By: Lieutenant Governor Sheila Y. Oliver,
Commissioner, Department of Community Affairs.

Authority: N.J.S.A. 52:27D-119.

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

Proposal Number: PRN 2023-052.

Submit written comments by August 4, 2023, to:

Geraldine Callahan
Department of Community Affairs
PO Box 800
Trenton, New Jersey 08625
Fax No. (609) 984-6696
geraldine.callahan@dca.nj.gov

The agency proposal follows:

Summary

The Department of Community Affairs (Department) seeks to amend N.J.A.C. 5:23-2, Administration and Enforcement: Process, and 3, Subcodes, of the Uniform Construction Code (UCC). The proposed amendments update the UCC to reflect current administrative and inspection requirements and revise terminology. Specifically, these proposed amendments include an update to N.J.A.C. 5:23-2.20 to clarify special inspection requirements adopted as part of the building subcode. The change at N.J.A.C. 5:23-2.20 is a companion change, as N.J.A.C. 5:23-3.14(b)16, Chapter 17, Special Inspections and Tests, is proposed for

update to reflect the addition of mass timber element types, and clarification on special inspection requirements. Amendments are also included to revise the language regarding "building official" references to reflect the existing changes at Section 1703 where the term is updated to "construction official." Similarly, pursuant to the existing modification at Section 1704.3, "registered design professional" in responsible charge is modified to "person" in responsible charge and has been added to the other sections at Chapter 17 where the same statement is made. Additionally, in the building subcode, to reflect the current amendment at Section 1006.2.1, Egress based on occupancy load and common path of egress travel distance, changes are made to remove inaccurate terminology and complete the modification throughout the section. Also, within the UCC, an amendment is proposed at N.J.A.C. 5:23-3.11(g) to correct an error within a reference that directs the code user to an incorrect location. Lastly, two articles within the electrical subcode are to be revised. The first, Article 90.5, Explanatory Material, of the electrical subcode was reviewed as a result of the adoption of the 2020 National Electrical Code (NEC) and amended to state that notes within the subcode text are informational only and are not enforceable as requirements of the NEC. The second is Article 680.4, Inspections After Installation, which concerned swimming pool installations and was deleted because of previously addressed requirements within the UCC.

A section-by-section summary of the proposed amendments follows.

1. N.J.A.C. 5:23-2.20(b)—The proposed amendment would include "mass timber elements of Type IV-A, IV-B, and IV-C construction" on the applicable list requiring special inspection. This change is proposed in order to clarify the updates to Chapter 17, Special Inspections and Tests, of the building subcode. There is a companion change that was made to update the special inspection requirements following amendment of the UCC.

2. N.J.A.C. 5:23-3.11(g)—The proposed amendments would be an administrative correction to resolve an error located within the reference for Barrier Free Recreation Standards. Specifically, the reference stated that the reserved subcode began at N.J.A.C. 5:23-7.15 when it is instead N.J.A.C. 5:23-7.16. The proposed amendment addresses this correction.

3. N.J.A.C. 5:23-3.14(b)9vi—The proposed amendment is a correction resolving an error in terminology. This amendment currently replaces the term "common path of egress travel distance" found at Table 1006.2.1, Spaces with one exit or exit access doorway, as referenced by Section 1006.2.1, Egress based on occupancy load and common path of egress travel distance. To be complete, further modification is required throughout this section and the term "common path of egress travel distance" is replaced with "exit access travel distance." The change clarifies that the distance is based on travel from the most remote point in a space to the exit.

4. N.J.A.C. 5:23-3.14(b)16i, iv, xi, xiii, xv, xvi, xviii, xxii, xxx, xxxi, xli, xlii, xliv, and xlv—The proposed amendments would address a series of corrections and updates regarding the language. These amendments reflect existing changes at Section 1703 in which "building official" is modified to "construction official," and similarly at Section 1704.3, "registered design professional" in charge is modified to "person" in responsible charge. These revisions are addressed by deletion and addition of the appropriate terms and in the applicable locations. Due to the proposed amendments, a renumbering of the relevant and subsequent subcode numerals is required and amended to reflect those changes.

5. N.J.A.C. 5:23-3.14(b)16ii and recodified (b)16xii—The proposed amendments would include clarification on mass timber element type, modification of language, and the correction of errors. Specifically, the amendments will clarify that the subcode applies only to the mass timber elements of those buildings as stated at Section 1705.5.3, rather than to the entire building itself. In addition, this amendment notifies the user of the location of revisions within the section being referred. This amendment also corrects the absence of dashes within the mass timber element types that are listed.

6. Recodified N.J.A.C. 5:23-3.14(b)16xvii—The proposed amendment would notify UCC users of the deletion of an exception at Section 1704.3.

7. Recodified N.J.A.C. 5:23-3.14(b)16xix—The proposed amendment would correct an error within the UCC and advise of the location of a language revision at Section 1704.5. Specifically, "submittal" is changed