

within one year [or] and DCA, **Division of Housing and Community Resources**, will conduct a Housing Quality Standards inspection at the initial lease date and annually thereafter.

(c) For housing units located in buildings with 50 or more units, the property owner must produce the Certificate of Inspection issued by the DCA Bureau of Housing Inspection pursuant to the Hotel and Multiple Dwelling Law, N.J.S.A. 55:13A-1 et seq. Owners who have received a continuing penalty notice from the Bureau of Housing Inspection shall not be eligible to participate in the State Rental Assistance Program. [For all housing units, subsidized by the State Rental Assistance Program, the tenant has the right to request DCA to conduct a Housing Quality Standards inspection.] **For all housing units subsidized by the State Rental Assistance Program, the DCA, Division of Housing and Community Resources, will conduct a Housing Quality Standards inspection at the initial lease date and annually thereafter.**

SUBCHAPTER 4. INELIGIBILITY

5:42-4.1 Denial of admission or termination of assistance

(a)-(f) (No change.)

(g) DCA shall deny admission or terminate assistance to sex offenders subject to a lifetime registration requirement under a state sex offender registration program. Other sex offenders shall be denied admission or their assistance terminated for 10 years following their conviction for a sex crime.

[(g)] **(h) DCA may deny admission for an applicant or terminate assistance for a participant on any of the actions or inactions in [(g)1] (h)1 through 6 below. DCA shall make its determination after considering all relevant circumstances, such as the seriousness of the case, the extent of participation or culpability of individual family members, mitigating circumstances related to the disability of a family member, and the effects of denial or termination of assistance on other family members who were not involved in the action or failure.**

1.-6. (No change.)

Recodify existing (h)-(k) as **(i)-(l)** (No change in text.)

SUBCHAPTER 5. PROJECT-BASED VOUCHER PROGRAM

5:42-5.2 Denial of admission or termination of assistance

(a)-(h) (No change.)

(i) DCA may deny assistance to an applicant or terminate assistance to a participant family if any member of the family has committed, based on the preponderance of the evidence that a family member has engaged in such activity, regardless of whether the family member has been arrested, [either] any of the following:

1. A drug-related criminal activity, which includes both drug trafficking and illegal use or possession of drugs whether in the unit or elsewhere on or near the premises.

i. A family member who has engaged in the illegal use of drugs may be required to submit evidence of participation in, or successful completion of, a treatment program to reside in the unit; [or]

2. A violent criminal act[.]; or

3. A family member has committed an offense and is subject to a lifetime registration requirement under a state sex offender registration program. Other sex offenders shall be denied admission or their assistance terminated for 10 years following their conviction for a sex crime.

(j)-(k) (No change.)

SUBCHAPTER 6. STATE RENTAL ASSISTANCE PROGRAM EMPLOYMENT AND TRAINING REQUIREMENTS

5:42-6.1 State Rental Assistance Program employment and training requirements

(a) Individuals who are between the ages of 18 and [64] **62** years, are not disabled and reside in a household receiving a S-RAP subsidy shall be referred to the Department of Labor and Workforce Development (DLWD) and must register for employment and training services.

(b)-(f) (No change.)

(a)

**DIVISION OF FIRE SAFETY
Uniform Fire Code**

Proposed New Rule: N.J.A.C. 5:70-2.21

Authorized By: Charles A. Richman, Commissioner, Department of Community Affairs.

Authority: N.J.S.A. 52:27D-198.17 and P.L. 2013, c. 228.

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

Proposal Number: PRN 2017-176.

Submit written comments by: October 6, 2017, to:

Kathleen Asher
Department of Community Affairs
PO Box 800
Trenton, New Jersey 08625
E-mail: Kathleen.Asher@dca.nj.gov
Fax Number: (609) 984-6696

The agency proposal follows:

Summary

New N.J.A.C. 5:70-2.21 is proposed to establish requirements for identifying emblems for structures with solar panels. This notice of proposal amends the Uniform Fire Code to comply with the provisions of P.L. 2013, c. 228 (N.J.S.A. 52:27D-198.17).

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.

Social Impact

The Department believes that the proposed new rule will provide a positive social impact by increasing safety for firefighters, providing warning of the presence of solar photovoltaic systems.

Economic Impact

The Department does not anticipate that the proposed new rule would have any adverse economic impact. The cost of the sign is modest and is mandated by the enabling legislation. The proposed new rule may be expected to have a positive economic impact by improving safety of firefighters who are expected to operate within or on the roofs of buildings equipped with or powered by a solar array.

Federal Standards Statement

No Federal standards analysis is required because the new rule is not being proposed 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.

Job Impact

The Department does not anticipate that any jobs would be created or lost as a result of the proposed new rule.

Agriculture Industry Impact

The Department does not anticipate that the proposed new rule would have any impact on the agriculture industry.

Regulatory Flexibility Analysis

The Department expects that the proposed new rule will not impose any added recordkeeping or reporting requirements on small businesses, as defined by the New Jersey Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The new rule compels that the signs will be permanently affixed to structures, and compliance will be addressed during periodic fire inspections as defined in N.J.A.C. 5:70-2.10, Enforcement procedures, 2.11, Service of notice and orders, and 2.12, Penalties. The Department believes that no additional professional services would be required for any property or business owner required to comply, whether a small business or otherwise. Because the sign is mandated by statute and intended to provide for firefighter safety on buildings with solar arrays, there is no basis for differential treatment of small businesses.

Housing Affordability Impact Analysis

The proposed new rule concerns only identifying emblems for structures with solar panels, and as such, would be highly unlikely to have any impact upon housing production costs or affordability. The Department does not anticipate that the proposed new rule would have any effect upon the average costs or the supply of affordable housing.

Smart Growth Development Impact Analysis

The proposed new rule concerns only identifying emblems for structures with solar panels, and as such, would be most unlikely to have any impact upon housing production within Planning Areas 1 and 2, or within designated centers, under the State Development and Redevelopment Plan.

Full text of the proposed new rule follows (additions indicated in boldface thus; deletion indicated in brackets [thus]):

SUBCHAPTER 2. ADMINISTRATION AND ENFORCEMENT

5:70-2.21 [(Reserved)] **Identifying emblems for structures with solar panels**

(a) **Identifying emblems shall be permanently affixed to the front of structures hosting or being powered by photovoltaic electrical power either on the roof or adjacent to the building.**

1. **The solar emblem shall be a Maltese cross shape, constructed of durable material, with a white reflective background with red letters. Numerals and letters shall be Roman or Latin as required.**

i. **The sign shall be six inches by six inches (152 mm by 152 mm).**

ii. **The height or width of each Maltese cross wing area shall be one and one-eighth inches (29 mm) and have a stroke width of one-half inch (13 mm).**

iii. **The center of the Maltese cross, a circle or oval, shall be three inches (76 mm) in diameter and have a stroke width of one-half inch (13 mm).**

iv. **All letters and numerals shall be one and one-quarter inch (32 mm) in height and have a stroke width of one-quarter inch (six mm).**

v. **The letters PV shall be located in the center circle of the Maltese cross to identify the presence of solar photovoltaic systems. The wording ROOF MOUNTED or ADJACENT shall be located immediately beneath the Maltese cross identifying where the solar panels are located.**

2. **The emblem shall be permanently affixed to the left of the main entrance door at a height between four and six feet above the ground and shall be installed and maintained by the owner of the building.**

i. **Premises already equipped with a truss construction sign may install the solar sign immediately above the truss sign.**

(b) **Detached one- and two-family residential structures shall be exempt from the signage provisions.**

(c) **The owner of any residential structure or nonresidential structure who installed a roof mounted solar photovoltaic system on or after January 17, 2014, or has installed or provided for the installation of a roof mounted solar photovoltaic system prior to January 17, 2014, shall provide a written notification to the local fire official, which shall include, but need not be limited to:**

1. **The name of the property owner or owners, as well as the address of the residential structure or nonresidential structure upon which the solar photovoltaic system has been installed, and the name of the owner or owners and the address of any other adjacent structure served by the solar photovoltaic system; and**

2. **The year that the roof mounted solar photovoltaic system was installed on the residential structure or nonresidential structure.**

(d) **A copy of a permit filed pursuant to N.J.S.A. 52:27D-198.17.1.c or written notification issued pursuant to N.J.S.A. 52:27D-198.17.1.d shall be kept on file by the chief of the local fire department.**

1. **The address of the residential structure or nonresidential structure, the address of any other adjacent structure served by the solar photovoltaic system, and any additional information regarding the solar photovoltaic system shall be maintained in a registry by the fire department.**

2. **The information contained in the registry shall serve to alert firefighters, when responding to an emergency situation, that a residential structure or nonresidential structure is equipped with, or is served by, a roof mounted solar photovoltaic system and that reasonable precautions may be necessary when responding to the emergency.**

(a)

**DIVISION OF FIRE SAFETY
Uniform Fire Code****Proposed Readoption with Amendments: N.J.A.C. 5:75**

Authorized By: Charles A. Richman, Commissioner, Department of Community Affairs.

Authority: N.J.S.A. 52:27D-25k and 198.

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

Proposal Number: PRN 2017-177.

Submit written comments by October 6, 2017, to:

Kathleen Asher
Department of Community Affairs
PO Box 800
Trenton, New Jersey 08625
E-mail: Kathleen.Asher@dca.nj.gov
Fax Number: (609) 984-6696

The agency proposal follows:

Summary

Pursuant to N.J.S.A. 52:14B-5.1.c, N.J.A.C. 5:75 was scheduled to expire September 15, 2017. As the Department of Community Affairs (Department) submitted this notice of proposal to the Office of Administrative Law prior to that date, the expiration date was extended 180 days to March 14, 2018, pursuant to N.J.S.A. 52:14B-5.1.c(2). The Department proposes that Chapter 75, Fire Service Incident Management System, be readopted, with amendments to N.J.A.C. 5:75-1.5 and 2.10, as the rules remain necessary, reasonable, and proper for the purpose they were originally promulgated. The existing incident time-keeping rules speak in terms of "time on-scene," while the proposed amendments add the term "duration of incident." The Department has added a definition for "elapsed time on scene," which refers to the time frame the first firefighters arrive at a fire to the current time. In addition, the Department has amended N.J.A.C. 5:75-2.10 to include "duration of incident," which would give the incident commander (IC) a more accurate account of how long the building has been burning, which would assist the IC with safety oriented decision-making. The Department believes that reference to "duration of incident" provides a uniform way of measuring time that has elapsed in an incident and produces a more accurate report.

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.

Social Impact

The Department believes that the rules proposed for readoption with amendments will provide a positive social impact by increasing safety for firefighters, providing more accurate time-keeping for determining potential collapse of buildings in the incident of fire. Chapter 75 implements the fire service incident management system, which coordinates firefighter activities and safety rules in order to provide firefighters with a safer incident environment.

Economic Impact

The Department does not anticipate that the rules proposed for readoption with amendments would have any adverse economic impact. Penalties are imposed for noncompliance in the amount of \$500.00 per violation. The Department does not anticipate that the readopted rules or the changed rules would have any other economic impact.