

2. Herds (per animal) not in the official program: \$6.00 per sample.]

SUBCHAPTER 7. POULTRY DISEASE CONTROL

2:2-7.1 National Plan adopted, supplemented

(a) The State Board of Agriculture adopts the rules and regulations of the National Poultry [and Turkey] Improvement Plan[s] of the United States Department of Agriculture as the official rules and regulations of the New Jersey Program.

(b) (No change.)

2:2-7.2 General regulations

(a) (No change.)

[(b) All shipments of products, other than United States pullorum-typhoid clean or the equivalent, into the state are prohibited except for immediate slaughter.]

[(c)] (b) (No change in text.)

2:2-7.3 Pullorum-typhoid disease testing and testing agents

(a) All breeding birds to be tested shall be selected and banded [by] **at the discretion of** a veterinarian or inspector of the New Jersey Department of Agriculture or by qualified testing agents under Department supervision.

(b) (No change.)

(c) Testing agents shall take a minimum **biannual** one-day course of training as prescribed by the New Jersey Department of Agriculture and shall pass a written examination on National Poultry Improvement Plan (NPIP) rules and sanitation and a practical test to prove their ability to select and test birds for pullorum-typhoid diseases before being certified. [A refresher training course shall be required annually for recertification.] **A minimal registration fee of \$10.00 will be charged for this training, and will include a vial of pullorum-typhoid antigen.**

(d) Testing agents will be charged at cost plus a reasonable administrative fee not to exceed \$10.00 for a vial of pullorum-typhoid antigen. Additional shipping charges may apply.

[(d)] (e) Applications for certification of **participating flocks** shall be made in writing, sufficiently in advance to permit the early scheduling of work by the Department of Agriculture.

[(e)] (f) (No change in text.)

(g) Certification of participating flocks by the Department will be subject to a reasonable charge based upon travel, time and cost of testing materials.

[(f)] (h) Any reactors must be submitted for bacteriological examination for pullorum-typhoid disease. The bacteriological examination must be done [in one of the following laboratories:] **by the Animal Health Diagnostic Laboratory,**

[1.] New Jersey Department of Agriculture, Health and Agriculture Building, John Fitch Plaza, PO Box 330, Trenton, New Jersey 08625-0330; or,

[2.] Poultry Pathology, Department of Animal Science, Cook College/New Jersey Experiment Station, Rutgers, the State University, New Brunswick, New Jersey 08903.]

SUBCHAPTER 8. RECORDS OF CATTLE, SHEEP AND SWINE DEALERS

2:2-8.1 Official livestock [record book] **recordkeeping system**

(a) Each license holder [will be furnished an official record book by the New Jersey Department of Agriculture. Each license holder shall request additional record books when needed] **will use an official livestock record book or alternative recordkeeping system that includes, with respect to the livestock in the transaction; the official identification, breed, color, sex, name and address of premises from which the livestock was moved; date of movement and name and address of premises to which the livestock was then consigned or sold; and the date of the transaction.**

[(b) Each New Jersey Department of Agriculture livestock record book is and shall remain the property of the New Jersey Department of Agriculture and the delivery of such a book into the care and possession of a license holder shall be in the nature of a loan for his convenience.]

(b) All livestock record books or alternative livestock records shall be provided to the New Jersey Department of Agriculture upon demand or request.

(c) License holders will be expected to use reasonable care and diligence to preserve and protect the [assigned] **livestock record book or alternative recordkeeping system.**

2:2-8.4 Manner of keeping records

(a) The records required by this subchapter shall be recorded and kept in a [New Jersey Department of Agriculture] livestock record book except that upon request of a license holder the Secretary of Agriculture may authorize the license holder to use another type of record book, [or] ledger **or alternative recordkeeping system** provided that the other type of record book, [or] ledger **or alternative recordkeeping system** will permit the recording of information relating to livestock transactions **required by N.J.A.C. 2:2-8.1(a)**, in a manner that will, in the opinion of the Secretary of Agriculture, accomplish the purposes and objectives of [these regulations] **N.J.A.C. 2:2-8.1(a).**

(b) (No change.)

(c) Information relative to a livestock transaction, which is entered in a livestock record book **or alternative recordkeeping system** shall be accurate and legible in each detail and it shall not be altered, obliterated, defaced or erased.

(d) If, after information relative to a livestock transaction has been entered in a [cattle] record book **or alternative livestock recordkeeping system**, it is found that the information so recorded is in some part in error, the correct information relative to that particular transaction shall be reentered in the next available space [in the record book] without altering or changing the original entry, except to note that the record is corrected by a later entry **or as noted in (d)1 below.**

1. Errors can be corrected with a strike-out and initials.

2:2-8.5 Preservation of records; surrender

(a) The records of livestock sales and purchases required by this subchapter shall be kept and retained in possession of the license holder [only during such period as he holds the required license] **for a period of 10 years.**

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

COMMUNITY AFFAIRS

(a)

DIVISION OF HOUSING AND COMMUNITY RESOURCES

Homelessness Prevention Program

Proposed Readoption: N.J.A.C. 5:41

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

Authority: N.J.S.A. 52:27C-24 and 52:27D-280.

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

Proposal Number: PRN 2009-354.

Submit written comments by February 5, 2010 to:

Michael L. Ticktin, Esq.
Chief, Legislative Analysis
Department of Community Affairs
PO Box 802
Trenton, NJ 08625
Fax No. (609) 633-6729

The agency proposal follows:

Summary

Pursuant to N.J.S.A. 52:14B-5.1, the Homelessness Prevention Program rules, N.J.A.C. 5:41, are scheduled to expire on December 25, 2010. The Department has reviewed these rules and finds that they continue to be necessary for the purpose for which they were

promulgated and is therefore proposing that they be readopted without change.

Under the Prevention of Homelessness Act (1984), N.J.S.A. 52:27D-280 et seq., as implemented by N.J.A.C. 5:41, people who are homeless or in imminent danger of homelessness may receive temporary assistance to enable them to find or retain housing that they will, with the temporary assistance, be able to keep once the period of assistance has passed. Unlike the public welfare system, this program is not designed to help those who are chronically in need of assistance and is not funded at a level that would provide the help that such persons are likely to require. The rules include program eligibility requirements and habitability standards.

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 program provides assistance that is designed to enable persons who are temporarily unable to obtain or retain housing with means otherwise available to them to do so. Failure to readopt the rules would have an adverse social impact in that it would eliminate the standards and procedures under which homelessness prevention assistance is provided and would thereby contribute to increased homelessness.

Economic Impact

In Fiscal Year 2009, the program spent \$3,242,410 to assist 1,401 households in avoiding homelessness.

Federal Standards Statement

No Federal standards analysis is required because this rule is not being proposed for readoption under the authority of, or in order to implement, comply with or participate in any program established under, Federal law or a State law that incorporates or refers to Federal law, standards or requirements.

Jobs Impact

The Department does not anticipate any net creation or loss of jobs as a result of the rule proposed for readoption.

Agriculture Industry Impact

The Department does not anticipate any impact upon the agriculture industry as a result of the rules proposed for readoption.

Regulatory Flexibility Statement

These rules affect persons who are homeless or imminently threatened by homelessness. They do not affect "small businesses," as defined in the New Jersey Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq.

Smart Growth Impact

The Department does not anticipate any impact upon "smart growth" or the implementation of the State Development and Redevelopment Plan as a result of the rules proposed for readoption.

Housing Affordability Impact

The rules proposed for readoption concern financial assistance to households and individuals facing the prospect of homelessness. The rules would be most unlikely to have any impact upon housing production costs or to affect housing affordability.

Smart Growth Development Impact

The rules proposed for readoption concern financial assistance to households and individuals facing the prospect of homelessness. The rules 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 rules proposed for readoption may be found in the New Jersey Administrative Code at N.J.A.C. 5:41.

(a)

DIVISION OF HOUSING AND COMMUNITY RESOURCES

Lead Hazard Control Assistance Fund

Proposed Amendments: N.J.A.C. 5:48-1.2, 2.1 through 2.4, 2.6, 2.9, 2.11 through 2.14, 2.15, 3.1, 3.2, 3.3 and 3.5

Proposed Repeals and New Rules: N.J.A.C. 5:48-2.7, 2.8 and 3.4

Proposed New Rules: N.J.A.C. 5:48-2.16, 2.17 and 2.18, and 4.1 and 4.2

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

Authority: N.J.S.A. 52:27D-437.6.

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

Proposal Number: PRN 2009-353.

Submit written comments by February 5, 2010 to:

Michael L. Tickin, Esq.
Chief, Legislative Analysis
Department of Community Affairs
PO Box 802
Trenton, New Jersey 08625
Fax No. (609) 633-6729

The agency proposal follows:

Summary

The Department of Community Affairs, Division of Housing and Community Resources, Indoor Environmental Hazards Unit (DCA) administers the Lead Hazard Control Act (LHCA) Fund. The DCA is recommending several amendments to the LHCA rules in order to assist the DCA in accomplishing the goals of the LHCA, based on the experience of DCA staff.

As the DCA 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 the proposed amendments, repeals and new rules follows:

N.J.A.C. 5:48-1.2 Definitions

A definition for "blended loan" is proposed. Current market conditions have depressed property values in most areas of the State. As a result, some property owners subject to a Notice of Violation/Abatement Order have been unable to meet the equity test and qualify for a loan from the LHCA Fund. In response to this need, the Department is proposing a blended loan which will allow a portion of the financial assistance to a qualified property owner to be provided in the form of a grant and a portion in the form of a loan.

The definition for "causative factor" has been amended to clarify the LHCA Fund considers deterioration of lead-based paint rather than all paint as a causative factor thereby limiting rule requirements to repair or correct the conditions to only those which deteriorate lead-based paint.

The definition for "concurrent rehabilitation" has been amended to include all rehabilitation work that the LHCA Fund would consider as concurrent rehabilitation. The current definition limited the definition to causative factors.

A definition for "environmental intervention blood lead level" is proposed. This definition is added to clarify that N.J.A.C. 8:51 is the source for determining the level at which an environmental intervention shall be conducted by the local board of health.

The definition for "financial assistance" has been amended to include grants and blended loans.

A definition for "head of household" is proposed. This definition serves to clarify who should complete and sign applications for relocation assistance.

A definition for "hybrid treatment method" is proposed. The Department proposes this new treatment option for property owners to