

location of new housing. Though the initial cost of compliance with the rules may have been costly for some owners of off-site conditions, this work was done years ago and the cost of updating the information on an annual basis in order to report any changes should be minimal.

Use of the standardized forms provided in Subchapter 4 is intended to reduce costs to developers by eliminating the need to prepare different forms for each municipality and to negotiate with banks and surety companies in order to meet differing municipal requirements. Municipalities no longer have to incur costs for the drafting of their own forms.

Federal Standards Statement

Although Subchapter 3 cites the National Priorities List, prepared in accordance with 42 U.S.C. §§9601 et seq., as a reference for known contaminated sites, and 49 CFR 192.3 as a source for identifying underground gas transmission lines, these citations are for identification only. There are no Federal standards applicable to the rules in Subchapter 4. Therefore, no Federal standards analysis is required because this subchapter is not being readopted under the authority of, or in order to implement, comply with or participate in any program established under, Federal law or a State statute that incorporates or refers to Federal law, standards or requirements.

Jobs Impact

The Department does not anticipate that any jobs will be generated or lost as a result of the readoption of these two subchapters.

Agriculture Industry Impact

The Department does not anticipate any impact upon the agricultural industry as a result of the readoption of these two subchapters.

Regulatory Flexibility Analysis

The reporting requirements imposed by these rules have not had any significant impact upon "small businesses," as defined in the New Jersey Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. While, at the outset, some utility companies reported that compliance with Subchapter 3 was costly, due to the time and expense involved in mapping the location of certain off-site conditions, no such impact was reported by any "small businesses," such as builders or developers. In effect, the act and these rules require that the seller of residential real estate inform prospective buyers that an off-site conditions list can be obtained from the municipal clerk. They impose no further burden on the seller. There are no additional reporting, recordkeeping or compliance requirements imposed upon "small businesses" by this subchapter.

The rules in Subchapter 4 implement a statute that is intended to reduce the regulatory burden on developers, including those that qualify as "small businesses" under the New Jersey Regulatory Flexibility Act. The use of standardized forms will reduce the need for legal services for drafting forms. These rules do not impose any reporting, recordkeeping or compliance obligations upon such "small businesses."

Smart Growth Impact

The purpose of the rules in Subchapter 3 is to assist purchasers of residential real estate in making informed decisions. To the extent that it has the effect of discouraging residential construction at locations that may be adversely impacted by off-site conditions, it is consistent with the implementation of the State Development and Redevelopment Plan (State Plan) and the achievement of smart growth. The rules proposed for readoption in Subchapter 4 will not have any impact upon either the achievement of smart growth or the implementation of the State Plan.

Housing Affordability Impact

This notice of proposal is intended to readopt rules concerning disclosure of off-site conditions affecting new residential construction, and standardized forms for performance and maintenance guarantees for site improvements. It would be most unlikely to have any impact upon housing production costs or to affect affordability, except to the extent that the required use of standardized forms would continue to reduce compliance costs for developers seeking land use approval.

Smart Growth Development Impact

This notice of proposal is intended to readopt rules concerning disclosure of off-site conditions affecting new residential construction, and

standardized forms for performance and maintenance guarantees for site improvements. The rules in Subchapters 3 and 4 concern disclosure of off-site conditions and standardized forms for bonds and letters of credit issued by developers, and 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. 5:36-3 and 4.

(a)

DIVISION OF HOUSING AND COMMUNITY RESOURCES

State Rental Assistance Program

Proposed Readoption: N.J.A.C. 5:42

Authorized By: Charles A. Richman, Acting Commissioner,

Department of Community Affairs.

Authority: N.J.S.A. 52:27D-287.2.

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

Proposal Number: PRN 2009-348.

Submit written comments by January 15, 2010 to:

Michael L. Ticktin, Esq.
Chief, Legislative Analysis
Department of Community Affairs
PO Box 802
Trenton, New Jersey 08625-0802
Fax No.: (609) 633-6729

The agency proposal follows:

Summary

The State Rental Assistance Program rules, N.J.A.C. 5:42, are scheduled to expire on November 12, 2010, pursuant to N.J.S.A. 52:14B-5.1c. The Department of Community Affairs has reviewed these rules and has determined that they continue to be necessary and appropriate for the purpose for which they were adopted, which is to implement P.L. 2004, c. 140, which requires the Commissioner of Community Affairs to establish a rental assistance program for low-income individuals and households. The program is intended to provide rental assistance grants comparable to the Federal Section 8 program to State residents who are not currently holders of Federal Section 8 vouchers.

The chapter proposed for readoption has seven subchapters, which are as follows: general provisions; tenant set-asides; housing unit requirements; ineligibility; project-based vouchers; employment and training requirements; and other requirements, including reporting requirements, waiver of rules and disapproval of property owners.

As the Department has provided a 60-day comment period for this notice of proposal, this notice is excepted from the rulemaking calendar requirements pursuant to N.J.A.C. 1:30-3.3(a)5.

Social Impact

The rules in this chapter have had the positive social impact of enabling low-income households to obtain and maintain decent, safe and sanitary housing. From the beginning of the program through the end of FY 2009, a total of 3,909 households and individuals received assistance from the program.

Economic Impact

From the beginning of the program through the end of FY 2009, a total of \$67,116,016 in rental assistance was provided to eligible households and individuals. The proposed new rules will have positive economic impact on property owners. Ninety-five percent of the funds will be paid as housing assistance payments to property owners on behalf of eligible participants in the State Rental Assistance Program. Compliance with the proposed rules may have an economic impact on participating property owners. Housing units must comply with the inspection requirements contained within this rule. Property owners may incur a cost to make required repairs to their rental units. Compliance with the proposed rules,

as mandated by legislation, will have an economic impact on the Department. The Department will incur costs to administer the tenant-based and project-based vouchers per year.

Federal Standards Statement

A Federal standards analysis is not required because the rules proposed for readoption implement a State statute and are not subject to any Federal requirements or standards.

Jobs Impact

The rules proposed for readoption will not result in the generation or loss of jobs.

Agriculture Industry Impact

Readoption of this chapter would not have any impact upon the agriculture industry.

Regulatory Flexibility Analysis

The rules proposed for readoption may impose compliance requirements on small businesses as defined by the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. Participating property owners may be small businesses and will be required to ensure that their property is in compliance with the inspection requirements contained within these rules. Property owners may have to engage professional services to ensure that the property is decent, safe and sanitary as required by the Housing Quality Standards and the Bureau of Housing Inspection requirements pursuant to N.J.S.A. 55:13A-1 et seq. Property owners will incur all costs necessary to bring the property into compliance with the inspection standards. These rules have not been designed to minimize such costs, since doing so would be contrary to the rules' purpose to provide decent, safe, and sanitary housing to a portion of the population in need.

Smart Growth Impact

The rules in this chapter do not impact the State Development and Redevelopment Plan or the achievement of smart growth.

Housing Affordability Impact

The rules proposed for readoption concern rental assistance to low income households and individuals. It would be most unlikely to have any impact upon housing production costs or to affect affordability.

Smart Growth Development Impact

The rules proposed for readoption concern rental assistance to low income households and individuals. It would be most unlikely to have any impact upon housing production within Planning Areas 1 or 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. 5:42.

(a)

DIVISION OF FIRE SAFETY

Standards for Fire Service Training and Certification Firefighter I; Fire Instructors

Proposed Amendments: N.J.A.C. 5:73-1.11, 2.1, 4.3 and 5.1 through 5.6

Proposed New Rule: N.J.A.C. 5:73 Appendix

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

Authority: N.J.S.A. 52:27D-25a, 25d and 25j.

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

Proposal Number: PRN 2009-339.

Submit comments by January 15, 2010 to:

Michael L. Ticktin, Esq.
Chief, Legislative Analysis
Department of Community Affairs
PO Box 802
Trenton, New Jersey 08625-0802
Fax: (609) 633-6729

The agency proposal follows.

Summary

The Department proposes to amend its fire service training and certification rules with respect to the certification of firefighters and fire service instructors. The amendment adopts a program of instruction for a Firefighter I and Firefighter II that meets the National Fire Protection Association (NFPA) 1001, Standard for Fire Fighter Professional Qualifications, 2008 edition, by utilizing the Jones and Bartlett Publishers publication, "Fundamentals of Fire Fighter Skills," Second Edition (New Jersey Edition). Additional Firefighter I and Firefighter II training program content is proposed as N.J.A.C. 5:73 Appendix, which presents instructional training program supplemental content. In addition, the amendment adopts a program of instruction for Fire Instructor I and Fire Instructor II that meets the NFPA 1041, Standard for Fire Service Instructor Professional Qualifications, 2002 edition, by utilizing the International Fire Service Training Association (IFSTA) publication, "Fire and Emergency Services Instructor," 7th edition. Each fire instructor course level identifies instructional program length to be 30 hours. The Department proposes to eliminate the General Safety, Live Burn and SCBA/Smokehouse programs and replace them with a Drill Ground Instructor program. This change requires that the Department also amend the level of instructors required for certain modules of its Firefighter I rules and replace requirements for SCBA/Smokehouse and live burn instructional certificates to reflect the Drill Ground Instructor certificate. The Department proposes to increase the minimum age requirement for fire instructors from 18 to 21 years of age and increases the years of experience as a Firefighter I from two to three years to obtain a fire instructor certification. Criteria for fire instructor exams are proposed, which identify test bank allocation to a specific textbook, establish a minimum passing score and limit the number of opportunities to pass the fire instructor written exam to three attempts. A three-year maximum time period has been proposed for education programs completed to be accepted toward fulfilling requirements for certification established from the completion date of the training program.

In accordance with N.J.A.C. 1:30-3.3(a)5, these proposed amendments are not subject to the Administrative Procedure Act rulemaking calendar provisions since the Department has established a 60-day comment period.

Social Impact

The proposed amendments would have a positive social impact since they would improve firefighter training in the State. Fire service instructors would meet a nationally recognized standard, which will improve the level of instruction provided to recruit firefighters leading to a better-prepared firefighting force in New Jersey.

Economic Impact

The Departments has already provided training organizations with the materials necessary to deliver these courses required by these amendments at no cost. The Department provides the required testing at no cost to the student.

Federal Standards Statement

The proposed amendments are consistent with the standards imposed as a result of the Occupational Safety and Health Act, 29 U.S.C. §§651 et seq. and the Public Employees Safety and Health Act, N.J.S.A. 34:6A-25 et seq. Therefore, a Federal standards analysis is not required.

Jobs Impact

The Department does not anticipate the creation or loss of any jobs because of these proposed amendments.

Agriculture Industry Impact

The Department does not anticipate any impact upon the agriculture industry because of these proposed amendments.

Regulatory Flexibility Analysis

The proposed amendments would not impose additional reporting, recordkeeping or other compliance requirements upon most "small businesses," as defined in the New Jersey Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq.; however, some fire departments and companies that satisfy this definition would be affected by the proposed