

maintenance code can lead to deterioration of the housing stock and resultant losses in property values.

**Federal Standards Statement**

No Federal standards analysis is required because these rules are 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 law that incorporates or refers to Federal law, standards or requirements.

**Jobs Impact**

The need to comply with the State Housing Code may generate maintenance jobs in municipalities that have adopted it by ordinance.

**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 Analysis**

Many of the owners of housing subject to the State Housing Code are "small businesses," as defined in the New Jersey Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. Compliance requirements are discussed in the Summary above. Due to the many factors involved, which vary on a case-by-case basis in maintaining Code compliance in the areas mentioned in the Summary, the costs involved in compliance cannot be determined. In the event of noncompliance, building owners may need to hire electricians, plumbers or other contractors to correct violations. Since the rules are necessary to protect health and safety, no lesser or differing standards can be established for "small businesses."

**Smart Growth Impact**

By encouraging the proper maintenance and preservation of the existing housing stock, the State Housing Code advances the goals of achievement of smart growth and implementation of the State Development and Redevelopment Plan.

**Housing Affordability Impact**

The rules proposed for readoption are intended to protect public health, safety and welfare through the proper maintenance of existing housing. The rules 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 are intended to protect public health, safety and welfare through the proper maintenance of existing housing. 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. 5:28.

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**DIVISION OF HOUSING AND COMMUNITY RESOURCES  
Property Tax Exemptions in Urban Enterprise Zone Municipalities**

**Proposed Readoption: N.J.A.C. 5:45**

Authorized By: Lori Grifa, Commissioner, Department of Community Affairs.

Authority: N.J.S.A. 54:4-3.141.

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

Proposal Number: PRN 2010-091.

Submit written comments by August 20, 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-5.1c, N.J.A.C. 5:45, the rules concerning property tax exemptions in urban enterprise zone municipalities, is scheduled to expire on April 29, 2011. The Department of Community Affairs 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 amendment.

These rules implement P.L. 1989, c. 207, which authorizes municipalities with urban enterprise zones to allow five-year tax exemptions in areas deemed to be "in need of rehabilitation" for new residential construction, improvements to existing residential properties and conversion of nonresidential buildings to residential use.

Section 3 of P.L. 1989, c. 207 requires the Commissioner of Community Affairs to promulgate rules by which municipalities may determine if areas are "in need of rehabilitation" and if buildings or structures within such areas could advantageously be used for construction of "qualified residential property." The statute requires that the rules take into account the existence of blighted areas within the municipality, the deterioration of housing stock, the age of the housing stock, the supply and demand for housing in the municipality, and arrearages on property taxes due on residential properties.

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 rules proposed for readoption are necessary in order to further the positive social impact of the statute, which is to encourage the creation of safe, decent, affordable housing in municipalities with urban enterprise zones, which include some of the most distressed municipalities in the State. The criteria for designation of an area as "in need of rehabilitation" should not be difficult to meet for an area within an urban enterprise zone.

**Economic Impact**

When a municipality allows a five-year tax exemption on "qualified residential property," it foregoes tax revenue that it would otherwise have received. However, if no construction would have occurred without a tax exemption, the municipality would be receiving revenue, in the form of in-lieu payments, that it would not otherwise have received and, at the end of the five-year period, it will have a taxable ratable that it would not otherwise have had.

The rules proposed for readoption make reference to the need to provide relocation assistance in order to make it clear that N.J.S.A. 20:4-2, which refers to a "program of voluntary rehabilitation of buildings or other improvements conducted pursuant to governmental supervision," is applicable. This relocation obligation would exist even if it were not mentioned in the rules.

**Federal Standards Statement**

No Federal standards analysis is required because these rules are 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 the creation or loss of any jobs as a result of the rules 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**

To the extent that the rules proposed for readoption encourage new residential investment in municipalities with urban enterprise zones, they help "small businesses," as defined in the New Jersey Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq., in those municipalities by providing potential workers and customers. The standards do not relate to

business entities per se and there is no basis, statutory or otherwise, for differential treatment of "small businesses." The reference to the relocation statute may help to protect any business that will have to be relocated as a result of construction activities facilitated by these rules.

#### **Smart Growth Impact**

The rules proposed for re-adoption further smart growth and the implementation of the State Development and Redevelopment Plan by encouraging redevelopment of urban areas.

#### **Housing Affordability Impact**

The rules proposed for re-adoption implement a statute that authorizes municipalities with urban enterprise zones to allow five-year tax exemptions in areas deemed to be "in need of rehabilitation" for new residential construction, improvements to existing residential properties and conversion of nonresidential buildings to residential use. Re-adoption of these rules would continue the positive impact of the statute and rules upon housing production costs and affordability. There is no way to predict how many property owners will take advantage of the tax benefits offered by the statute that the rules implement. Any impact on housing affordability or production would be primarily due to the statute, not to the rules, and would depend on the investment decisions of individual owners. The tax savings in specific cases would depend on the value of the work done and the tax rate in each municipality.

#### **Smart Growth Development Impact**

The rules proposed for re-adoption implement a statute that authorizes municipalities with urban enterprise zones to allow five-year tax exemptions in areas deemed to be "in need of rehabilitation" for new residential construction, improvements to existing residential properties and conversion of nonresidential buildings to residential use. Re-adoption of these rules would continue the positive impact of the statute and rules upon housing production within Planning Areas 1 and 2 or within designated centers under the State Development and Redevelopment Plan. There is no way to predict how many property owners will take advantage of the tax benefits offered by the statute that the rules implement. Any impact on housing affordability or production would be primarily due to the statute, not to the rules, and would depend on the investment decisions of individual owners. The tax savings in specific cases would depend on the value of the work done and the tax rate in each municipality.

**Full text** of the rules proposed for re-adoption may be found in the New Jersey Administrative Code at N.J.A.C. 5:45.

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## **DIVISION OF HOUSING AND COMMUNITY RESOURCES**

### **Volunteer Coaches' Safety Orientation and Training Skills Programs**

#### **Proposed Re-adoption: N.J.A.C. 5:52**

Authorized By: Lori Grifa, Commissioner, Department of Community Affairs.

Authority: N.J.S.A. 2A:62A-6(e) and Reorganization Plan No. 002-1994.

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

Proposal Number: PRN 2010-086.

Submit written comments by August 20, 2010 to:

Michael L. Tickin, 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-5.1c, the rules concerning volunteer coaches' safety orientation and training skills programs, N.J.A.C. 5:52, are scheduled to expire on March 1, 2011. The Department of Community Affairs 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 re-adopted without amendment.

These rules were adopted in order to provide minimum standards for safety orientation and training programs for volunteer coaches, managers and officials so that these volunteers would have the benefit of the civil immunity provided by P.L. 1988, c. 87 (N.J.S.A. 2A:62A-6 et seq.) to coaches, managers and officials who have successfully completed a program meeting these standards. Programs for volunteer coaches are required to cover medical, legal and first aid aspects of coaching, training and conditioning of athletes, psychological aspects of coaching and general coaching concepts. Programs for volunteer athletic officials are required to cover general officiating concepts.

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 rules proposed for re-adoption are intended to assure the adequacy of training programs and to provide a basis for volunteer coaches, managers and officials to have the benefit of statutory civil immunity upon completion of such programs. Without this immunity, the prospect of personal liability in the event of any accident during the course of an athletic event is likely to deter people from volunteering, thereby making it more difficult to organize athletic programs.

#### **Economic Impact**

Failure to re-adopt these rules would impose a serious potential economic liability upon individuals who might volunteer to serve as athletic coaches, managers or officials. Re-adoption would have a positive economic impact upon those who complete training programs that meet these standards, since they would be relieved of potential tort liability in connection with their volunteer activities.

While programs that comply with the standards may be expected to have the positive effect of reducing the frequency and extent of sports-related injuries, they may have a negative impact upon those who are injured by limiting their ability to recover damages. The economic impact upon local recreation departments, nonprofit organizations and national or State sports training organizations will vary depending on the size and nature of their programs and their funding sources. The cost per training program participant is currently \$25.00 for the certification course. This cost may be borne by either the individual or the sponsoring organization.

#### **Federal Standards Statement**

No Federal standards analysis is required because these rules are not being proposed for re-adoption 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 rules proposed for re-adoption facilitate the creation of jobs for persons who are competent to offer the required training.

#### **Agriculture Industry Impact**

The Department does not anticipate any impact upon the agriculture industry as a result of the rule proposed for re-adoption.

#### **Regulatory Flexibility Analysis**

The rules proposed for re-adoption affect municipal recreation departments, nonprofit organizations and national and State sports training organizations that offer programs for volunteer coaches, managers and/or officials. There are currently two major agencies that offer coaching clinics in New Jersey. They are the National Youth Sports Coaches Association (NYSCA) and the Rutgers Youth Sports Council. Other major certifying entities are St. Barnabas Medical Center and the American Coaching Effectiveness Program. The Department does not believe that any of these entities would qualify as a "small business," as defined in the New Jersey Regulatory Flexibility Act, N.J.S.A. 52:14B-16