

COMMUNITY AFFAIRS

DIVISION ON WOMEN

Address Confidentiality Program

Proposed Readoption: N.J.A.C. 5:61

Authorized By: Charles A. Richman, Acting Commissioner,

Department of Community Affairs.

Authority: N.J.S.A. 47:4-4 and Reorganization Plan 004-1998.

Proposal Number: PRN 2009-

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

Submit written comments by _____, 2009 to:

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CHARLES A. RICHMAN, Acting Commissioner

The agency proposal follows:

Summary

Pursuant to N.J.S.A. 52:14B-5.1, N.J.A.C. 5:61, the rules concerning the Address Confidentiality Program, are scheduled to expire on September 15, 2010. The Department has reviewed this chapter and finds that that it continues to be necessary and appropriate for the purpose for which it was adopted and is therefore proposing that it be readopted without change.

N.J.A.C. 5:61 implements N.J.S.A. 47:4-1 *et seq*, which established the Address Confidentiality Program (ACP), which is designed to protect persons attempting to escape from actual or threatened domestic violence by ensuring confidentiality of their records. The ACP (1) enables public agencies to respond to requests for public records without disclosing the location of a victim of domestic violence, (2) enables interagency cooperation with the Commissioner of Community Affairs to ensure that records are maintained in a way that the address of a victim of domestic violence cannot be accessed by anyone other than authorized personnel, and (3) enables public agencies to accept a program participant's use of a substitute address that has been assigned by the Commissioner of Community Affairs. These rules provide victims of domestic violence and State and local government agencies with specific procedures that must be followed to participate in the ACP and to handle the records of program participants. The subchapters of the rules are summarized as follows:

Subchapter 1 delineates the purpose and scope of the rules

Subchapter 2 contains definitions.

Subchapter 3 provides the application and certification process for participation in the ACP.

Subchapter 4 explains procedures for recertification.

Subchapter 5 sets forth procedures for withdrawal, invalidation, expiration and termination of participation in the ACP.

Subchapter 6 sets forth the appeals process in cases of termination.

Subchapter 7 delineates the privileges of a program participant.

Subchapter 8 describes circumstances under which confidential information may be disclosed.

Subchapter 9 provides for release of information to law enforcement agencies or by court order.

Subchapter 10 sets forth procedures for exempting an agency from ACP requirements.

Subchapter 11 provides for confidentiality of voting records.

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 have a positive social impact in that they protect the safety of victims of domestic violence and their children by maintaining the confidentiality of their addresses. The ACP provides an extra layer of protection for victims of domestic violence by reducing the risk of physical, mental and emotional harm, as well as death, which may be inflicted by their assailant. This is accomplished by eliminating the assailant's access to State and local government records which contain the addresses of their victims and which would thereby allow them to locate the victims and

continue the abusive behavior. The ACP thus provides victims of domestic violence with a means of escaping domestic violence.

Economic Impact

The rules proposed for re-adoption have an economic impact on State and local government agencies by requiring those agencies that create and maintain records containing the addresses of ACP participants to make any changes to their systems that are necessary to ensure that address confidentiality is maintained in their records. These costs may include the purchase and maintenance of secured files, computer hardware and software. No costs are incurred by program participants.

Federal Standards Statement

No Federal standards analysis is required because these rules are not being proposed for re-adoption in compliance with, or in order to implement, any Federal law or rules or any State law referencing any Federal law or rules.

Jobs Impact

The rules proposed for re-adoption do not have any impact on jobs in New Jersey. No jobs are either created or lost as a result of their being in effect.

Agricultural Industry Impact

The Department does not anticipate any impact upon the agricultural industry as a result of the re-adoption of this chapter.

Regulatory Flexibility Statement

These rules do not impose any reporting, recordkeeping or compliance obligations upon “small businesses,” as defined in the New Jersey Regulatory Flexibility Act,

N.J.A.C. 52:14B-16 et seq The rules only affect victims of domestic violence and State and local government agencies.

Smart Growth Impact

Readoption of this rule would not have any impact upon either the achievement of “smart growth” or the implementation of the State Development and Redevelopment Plan.

Smart Growth Development Impact

This proposal is intended to readopt rules concerning address confidentiality for victims of domestic violence. It would be most unlikely to have any impact upon housing production within planning areas one and two or within designated centers under the State Development and Redevelopment Plan.

Housing Affordability Impact

This proposal is intended to readopt rules concerning address confidentiality for victims of domestic violence. It would be most unlikely to have any impact upon housing production costs or to affect affordability.

Full text of the rules proposed for readoption may be found in the New Jersey Administrative Code at N.J.A.C. 5:61.