**HUMAN SERVICES**

#### THE COMMISSIONER

**Rules of Practice; Petition for Rulemaking**

**Public Notice Regarding Proposed Rulemaking**

**Proposed Repeal and New Rule: N.J.A.C. 10:1-2.1**

Authorized By:Elizabeth Connolly, Acting Commissioner, Department of Human Services.

Authority: N.J.S.A. 30:1-12 and 52:14B-3 and 4.

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

Proposal Number:PRN 2015-144.

Submit comments by January 15, 2016, to:

Bonny E. Fraser, Esq., Director

Office of Legal and Regulatory Affairs

PO Box 700

Trenton, NJ 08625-0700

# Fax: (609) 633-9610

E-mail: Bonny.Fraser@dhs.state.nj.us

The agency proposal follows:

**Summary**

The Department of Human Services (Department) is proposing to repeal and replace N.J.A.C. 10:1-2.1, to provide the public with an additional method of public notice for all rule proposals pursuant to requirements of P.L. 2013, c. 259 (operative July 1, 2014) and N.J.A.C. 1:30-5.2(a)6ii(4)(A) adopted by the Office of Administrative Law, effective June 15, 2015. The amendments to N.J.A.C. 1:30-5.2(a)6i and ii provide that posting a notice to an agency’s internet website will now satisfy the requirements for the additional method of publicity.

N.J.A.C. 10:1-2.1, Public notice regarding proposed rulemaking, is proposed for repeal and replacement to reflect changes in the Office of Administrative Law’s new regulations at N.J.A.C. 1:30-5.2(a)1 through 6, Publication and distribution of notice of proposal.

Specifically, the purpose of the Department’s repeal and new rule is to inform the public that the Department’s additional method of publicity is the posting of the notice of proposal to occur on the Department’s website.

The Department has determined that the comment period for this notice of proposal will be 60 days; therefore, pursuant to N.J.A.C. 1:30-3.3(a)5, this notice is excepted from the rulemaking calendar requirement.

**Social Impact**

The proposed repeal and new rule is expected to have a positive social impact on the public, who will benefit from knowing what the Department’s additional required publicity is for rule proposals.

**Economic Impact**

The proposed repeal and new rule is expected to have no economic impact on the public, who will benefit from receiving timely notice of the Department’s proposed rulemakings on the Department’s website and a positive impact on the Department as it will eliminate the mailing cost.

**Federal Standards Statement**

The Department has reviewed the applicable Federal laws and regulations and that review indicates that the proposed repeal and new rule does not exceed Federal standards. Therefore, a Federal standards analysis is not required.

**Jobs Impact**

The proposed repeal and new rule will not cause a net generation or loss of jobs in the State of New Jersey.

**Agriculture Industry Impact**

The proposed repeal and new rule will have no effect on the agriculture industry.

**Regulatory Flexibility Analysis**

The proposed repeal and new rule imposes no reporting, recordkeeping, or compliance requirements on small businesses, as defined under the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq., the repeal and new rule affects requirements of the Department.

**Housing Affordability Impact Analysis**

The proposed repeal and new rule will have an insignificant impact on the affordability of housing in New Jersey and there is an extreme unlikelihood that the repeal and new rule would evoke a change in the average costs associated with housing because the rules pertain to Department's rules of practice.

**Smart Growth Development Impact Analysis**

The proposed repeal and new rule will have an insignificant impact on smart growth development and there is an extreme unlikelihood that the repeal and new rule would evoke a change in housing production in Planning Areas 1 or 2, or within designated centers, under the State Development and Redevelopment Plan in New Jersey because the rules pertain to Department's rules of practice.

**Full text** of the rule proposed for repeal may be found in the New Jersey Administrative Code at N.J.A.C. 10:1-2.1.

**Full text** of the proposed new rule follows:

10:1-2.1 Public notice regarding proposed rulemaking

(a) After a rule proposal has been approved for publication by the Department of Human Services (Department), the Department shall file the notice of proposal with the Office of Administrative Law for public notice and comment, and shall make the notice of proposal available by:

 1. Mailing or e-mailing it to interested persons or persons who have made a timely request for it;

 2. Distributing it to the Department’s subscription-based, electronic mailing list, mailing to a distribution list, when known, and to organized entities that are the subject of or significantly related to the proposed rulemaking;

 3. Distributing it to the news media maintaining a press office in the State House Complex; and

 4. Publishing it on the Department’s website, no later than the date of publication of the notice in the New Jersey Register, which shall satisfy the additional method of publicity requirement set forth in N.J.A.C. 1:30-5.2(a)6.