

designated centers, under the State Development and Redevelopment Plan. The proposed amendment and new rule implement various recordkeeping and posting requirements within the Hotel and Multiple Dwelling Act.

Racial and Ethnic Community Criminal Justice and Public Safety Impact

The Department has evaluated this rulemaking and determined that it will not have an impact on pretrial detention, sentencing, probation, or parole policies concerning adults and juveniles in the State. Accordingly, no further analysis is required.

Full text of the proposal follows (additions indicated in boldface thus; deletions indicated in brackets [thus]):

SUBCHAPTER 15. WATER SUPPLY

5:10-15.5 Drinking water test reporting

(a) The owner of a multiple dwelling who is required to prepare a Consumer Confidence Report, pursuant to the Safe Drinking Water Act Amendments of 1996, 42 U.S.C. §§ 300f et seq., or who receives a Consumer Confidence Report from the owner or operator of a public community water system, as that term is defined at N.J.S.A. 58:12A-41, shall post each Consumer Confidence Report it prepares or receives in each common area routinely used by the tenants living in the multiple dwelling unit.

(b) The owner of a multiple dwelling who is a supplier of water but is not required to prepare a Consumer Confidence Report, pursuant to the Safe Drinking Water Act Amendments of 1996, 42 U.S.C. §§ 300f et seq., and who is required to conduct tests of its drinking water by the Department of Environmental Protection, shall post a chart setting forth the results of the water tests in each common area routinely used by the tenants living in the multiple dwelling unit.

(c) For any water test report, if there is no common area routinely used by the tenants, the owner of the multiple dwelling shall transmit a copy of the report to each dwelling unit.

SUBCHAPTER 23. SPECIAL PROVISIONS FOR HOTELS AND MULTIPLE DWELLINGS WITH ROOMING UNITS

5:10-23.2 Linen, towels, and housekeeping services

(a) The owner or operator of every hotel or dwelling space for which housekeeping services are provided shall:

1. Supply a fresh change of bed linen and towels, all of which shall be in good condition, [at least once a week or when there is a change of occupancy of the unit] **daily unless the occupant declines; and**
2. (No change.)

(b) **Sanitation of all hotels and motels shall be performed in accordance with P.L. 2020, c. 37 (N.J.S.A. 55:13A-29 et seq.), and any protocols or rules adopted pursuant thereto by the Department of Health. This shall include the following directives required pursuant to P.L. 2020, c. 37 (N.J.S.A. 55:13A-29 et seq.):**

1. **Maintain continuous 24-hour, seven day a week coverage of a front desk by at least one employee and by at least one additional employee per every 200 guest rooms;**
2. **Train a front desk employee to respond to a guest’s inquiry related to health and safety including, but not limited to, the location of hospitals in the vicinity of the hotel, emergency telephone numbers, and options for seeking treatment or testing for virus diseases during a public health crisis;**
3. **Ensure that every guest room is cleaned and sanitized and provided with an adequate supply of clean towels, sheets, and pillowcases prior to occupancy by a new guest;**
4. **Ensure that every occupied guest room is cleaned and sanitized every day, and that the room is provided with an adequate supply of clean towels, sheets, and pillowcases and that the towels, sheets, and pillowcases are changed no less frequently than once every day;**
5. **Ensure that all public spaces are cleaned and sanitized at least once every day, and that all guest touch-points are cleaned and sanitized regularly throughout each day;**

6. Provide their employees with anti-microbial cleaning products certified by the United States Environmental Protection Agency that are approved for use against the corona virus disease 2019 (COVID-19), other corona viruses, influenza viruses, or other viral diseases. These products shall be used when cleaning and sanitizing each guest room, guest touch-point, and public space;

7. Train its employees on the proper use of anti-microbial cleaning products and on proper cleaning protocols that maximize the sanitary condition of each guest room, guest touchpoint, and public space; and

8. Any other directives required by Department of Health rules or protocols adopted pursuant to P.L. 2020, c. 37 (N.J.S.A. 55:13A-29 et seq.).

(c) **The owner of the hotel or motel or manager acting as the agent of the owner, pursuant to N.J.A.C. 5:10-11.2, shall maintain a logbook certifying that the requirements at P.L. 2020, c. 37 and listed at (b) above have been met each day. The logbook shall be maintained on-site and shall be available for review during inspection.**

(a)

DIVISION OF CODES AND STANDARDS

Uniform Construction Code

Proposed Amendments: N.J.A.C. 5:23-5.3, 5.4, 5.20, 5.21, and 5.22

Proposed New Rule: N.J.A.C. 5:23-5.19H

Authorized By: Lieutenant Governor Sheila Y. Oliver,
Commissioner, Department of Community Affairs.

Authority: N.J.S.A. 52:27D-124.

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

Proposal Number: PRN 2022-131.

Submit written comments by December 2, 2022, to:

Geraldine Callahan
Department of Community Affairs
PO Box 800
Trenton, New Jersey 08625
Fax No. (609) 984-6696
geraldine.callahan@dca.nj.gov

The agency proposal follows:

Summary

The Department of Community Affairs (Department) proposes to amend and supplement the licensing provisions of the Uniform Construction Code (UCC) to incorporate certification of technical assistants to the construction official. The Department proposes these amendments to implement changes required pursuant to P.L. 2009, c. 119 (N.J.S.A. 52:27D-126), which requires technical assistants to be certified and subject to continuing education requirements. This proposed rulemaking would create an initial application fee and a triennial renewal fee to offset the administration of these changes. As the Department has issued an informal, non-renewable, and voluntary certification for 20 years, this rulemaking also incorporates a provision that those individuals need to apply for the formal certification, but do not need to repeat the educational component. The requirements for the certification are largely the same as those that existed under the voluntary program.

A section-by-section summary of the proposed amendments follows:

1. Proposed new N.J.A.C. 5:23-5.3(a)5 establishes a category for technical assistant certification and defines the duties of a technical assistant.

2. At N.J.A.C. 5:23-5.4(a), the proposed amendment adds a reference to technical assistants to those assistants who are required to be certified.

3. Proposed new N.J.A.C. 5:23-5.19H establishes the credentials for certification as a technical assistant to the construction official, including the successful completion of an educational program. The proposed new section further states that candidates who were previously certified

pursuant to the Department’s voluntary certification program are not required to repeat the educational program in order to become certified.

4. Proposed new N.J.A.C. 5:23-5.20(p) establishes the applicable standards for programs designed to satisfy the educational program requirements for a technical assistant to the construction official certification. The program must provide at least 45 contact hours of instruction and ensure competence in construction code administration and the proper procedures to be followed in an enforcing agency. The program must cover these three areas:

- Area 1, Administration, which includes the administrative background and purpose of the UCC and its place in local government structure. This area also addresses the relationship to other code enforcement administration programs at other levels and divisions of government.
- Area 2, Office Procedure and Record Keeping, which addresses record management requirements in the UCC, including permit and certificate of occupancy records, variation application records, and records of violations. It also includes major forms of manual and electronic methods of data processing and management, inspection scheduling, fee calculation and assessment, and other personnel management fundamentals.
- Area 3, Standard Forms Required Under the Uniform Construction Code, which entails a comprehensive review and familiarization of the standard forms used in the administration of the UCC. This includes a practical application of the UCC enforcement process, as detailed in the *Municipal Procedures Manual*.

5. At N.J.A.C. 5:23-5.21(d)1v, the proposed amendment would require certified technical assistants to the construction official to take Continuing Education Units (CEU) in order to renew their certification every three years. Technical assistants to the construction official will be required to take 1.5 administrative CEUs. This amount of time was determined because construction officials are required to take 2.5 CEUs, 1.5 technical, and one administrative, thus allowing for technical assistants to receive a commensurate level of continuing education.

6. Proposed new N.J.A.C. 5:23-5.22(a)1v adds a triennial fee of \$91.00 for the initial receipt and subsequent renewal of a certification for a technical assistant to the construction official. This is the same fee charged for inspectors, subcode officials, and construction officials.

7. The proposed rulemaking references the Department, rather than the Bureau of Code Services, which no longer exists.

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

Social Impact

The proposed amendments and new rule incorporate the requirements for certification of technical assistants to the construction official into the Uniform Construction Code. As this rulemaking ensures that technical assistants are able to receive continuing education for the most up-to-date information regarding administration of the UCC, it is anticipated that this rulemaking will have a positive social impact.

Economic Impact

The proposed amendments and new rule incorporate the requirements for certification of technical assistants to the construction official into the Uniform Construction Code. Technical assistants will be subject to a fee of \$91.00 for the initial application and subsequent renewal of the certification. This cost is necessary for the administration of this rulemaking and is not anticipated to be unduly burdensome to those subject to the rulemaking.

Federal Standards Statement

No Federal standards analysis is required because the proposed amendments and new rule are not being proposed pursuant to the authority of, or in order to implement, comply with, or participate in, any program established pursuant to Federal law or any State statute that incorporates or refers to any Federal law, standard, or requirements.

Jobs Impact

The proposed amendments and new rule are not expected to have an impact on the generation or loss of jobs, because this rulemaking

incorporates a certification process for technical assistants, a position that already exists within local enforcing agencies.

Agriculture Industry Impact

The Department does not anticipate that the proposed amendments and new rule will impact the agriculture industry.

Regulatory Flexibility Analysis

The proposed amendments and new rule do not impose any new reporting, recordkeeping, or compliance requirements on “small businesses” as defined in the New Jersey Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. This rulemaking applies to technical assistants to construction officials, which are not considered to be small businesses.

Housing Affordability Impact Analysis

It is not expected that the proposed amendments and new rule will have any impact on the affordability of housing and there is an extreme unlikelihood that the amendments and new rule would evoke a change in the average costs associated with housing, as the rulemaking pertains to technical assistants to construction officials.

Smart Growth Development Impact Analysis

It is not expected that the proposed amendments and new rule will have any impact on housing production within Planning Areas 1 and 2, or within designated centers, under the State Development and Redevelopment Plan, as the rulemaking applies to technical assistants to construction officials. Accordingly, no further analysis is required.

Racial and Ethnic Community Criminal Justice and Public Safety Impact

The Department has evaluated this rulemaking and determined that it will not have an impact on pretrial detention, sentencing, probation, or parole policies concerning adults and juveniles in the State. Accordingly, no further analysis is required.

Full text of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

SUBCHAPTER 5. LICENSING

5:23-5.3 Types of licenses and certifications

(a) Rules concerning code enforcement licensure and certification categories are:

1.-4. (No change.)

5. Technical assistant certifications: Subject to the requirements of this subchapter, a person may apply for, and be certified as, a technical assistant. A technical assistant is recognized to act as an assistant to a construction or subcode official in the processing of requests for construction permits and other duties pertaining to the operation of a construction code enforcement agency.

5:23-5.4 Licenses and certifications required

(a) No person shall be appointed to, or shall hold, the position of construction official or subcode official unless that person has received a license required for that position pursuant to [these regulations] **this subchapter. No person shall be appointed to, or hold the position of, technical assistant to the construction official unless that person has received a certification required for that position pursuant to this subchapter.**

(b)-(g) (No change.)

5:23-5.19H Technical assistant to the construction official requirements

(a) A candidate for certification as a technical assistant to the construction official shall meet the following requirements:

1. Successful completion of an approved technical assistant to the construction official educational program, as required pursuant to N.J.A.C. 5:23-5.20(p), prior to application.

2. Candidates already certified pursuant to the Department’s voluntary certification program who have completed the prescribed educational program shall not be required to repeat this program to become certified.

5:23-5.20 Standards for educational programs

(a)-(o) (No change.)

(p) **Technical assistant to the construction official:** The following standards apply to programs designed to satisfy the educational program requirements for a technical assistant to the construction official certification:

1. **Subject requirements:** The program shall provide at least 45 contact hours of instruction. It shall ensure competence in construction code administration and proper procedures to be used in an enforcing agency.

i. **Area 1, Administration:** Uniform Construction Code administration’s background, purpose, place in local government structure, and relation to other code enforcement administration programs at other levels and divisions of government.

ii. **Area 2, Office Procedure and Record Keeping:** Records management requirements pursuant to the Uniform Construction Code, including permit and certificate of occupancy records; variation application records, and violation files and records; major forms of manual and electronic methods of data processing and management; inspection scheduling and other personnel management fundamentals; and fee calculation and assessment.

iii. **Area 3, Standard forms required pursuant to the Uniform Construction Code:** Comprehensive review and familiarization of the standard forms used in the administration of the State Uniform Construction Code and practical application of the construction code enforcement process using the “*Municipal Procedures Manual*” issued by the Department.

2. **The texts to be used in the technical assistant to the construction official program shall include, but not be limited to, the Uniform Construction Code Act (N.J.S.A. 52:27D-119 et seq.), the Uniform Construction Code rules (N.J.A.C. 5:23), and the “Municipal Procedures Manual” issued by the Department.**

5:23-5.21 Renewal of license or certification

(a)-(c) (No change.)

(d) Continuing education requirements are as follows:

1. The following continuing education requirements are based upon the type[(s)] of licenses[(s)] or certification[(s)] held, and not upon employment positions held. Continuing Education Units (CEUs) will be subject to approval by the [Bureau of Code Services] **Department**. One CEU equals 10 contact hours. CEUs will be awarded both for technical and administrative licenses or certifications. **The following CEUs must be completed between each license renewal:**

i.-iv. (No change.)

v. Technical assistant to the construction official certification—1.5 administrative CEUs.

2.-6. (No change.)

(e)-(f) (No change.)

5:23-5.22 Fees

(a) No application for a license or certification shall be acted upon unless said application is accompanied by a non-refundable fee, as specified in this subsection.

1. A non-refundable application fee of \$91.00 shall be charged in each of the following instances:

i.-iv. (No change.)

v. Application for a technical assistant to the construction official certification.

2.-6. (No change.)

LAW AND PUBLIC SAFETY

(a)

DIVISION OF CONSUMER AFFAIRS

STATE BOARD OF MEDICAL EXAMINERS

License Renewal

Proposed Repeal and New Rule: N.J.A.C. 13:35-3.2

Proposed Amendment: N.J.A.C. 13:35-3.14

Proposed New Rules: N.J.A.C. 13:35-3.14A and 3.14B

Proposed Repeal: N.J.A.C. 13:35-3.3

Authorized By: Board of Medical Examiners, Antonia Winstead, Executive Director.

Authority: N.J.S.A. 45:9-2.

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

Proposal Number: PRN 2022-130.

Submit comments by December 2, 2022, to:

Antonia Winstead, Executive Director

Board of Medical Examiners

140 East Front Street, 2nd Floor

PO Box 183

Trenton, New Jersey 08625

or electronically at: <http://www.njconsumeraffairs.gov/Proposals/Pages/default.aspx>.

The agency proposal follows:

Summary

N.J.S.A. 45:1-7.1 and 7.4 establish standards for renewing, reinstating, and reactivating medical, osteopathic, and podiatric licensure. N.J.S.A. 45:1-7.5 establishes standards for issuing licenses to applicants licensed in other states. The Board of Medical Examiners (Board) proposes amendments, repeals, and new rules to effectuate the provisions at N.J.S.A. 45:1-7.1, 7.4, and 7.5 for licensed physicians and podiatrists.

The proposed amendments, repeals, and new rules would allow the Board to issue a license to an applicant licensed in another state with licensure standards substantially equivalent to the Board’s standards, as long as the applicant has been practicing for at least two years within the five years prior to applying for a license. The proposed amendments, repeals, and new rules would also revise reactivation requirements for inactive licensees and reinstatement requirements for licensees who have a suspended license for failure to renew. Reactivation applicants would have to submit the renewal fee and evidence of completing the continuing education credits required for the current renewal period. Reinstatement applicants would have to submit the same information, along with the past due fee from the last renewal period. If the Board concludes that an applicant would not be able to practice safely, the Board could require the applicant to pass an examination, complete a refresher course, or meet any other Board-imposed requirement. The proposed amendments, repeals, and new rules will make it easier for individuals to reactivate or reinstate licenses.

N.J.A.C. 13:35-3.2 sets forth qualifications for licensure by endorsement for physicians. The section requires the Board to issue a license to practice medicine and surgery to applicants who can show that they meet the requirements to take the licensing examination. The section also sets forth certifications applicants must hold, or examinations the applicants must have taken and passed, in order to qualify for a license.

N.J.A.C. 13:35-3.3 sets forth qualifications for licensure by endorsement for podiatrists. The existing section requires the Board to issue a license to practice podiatry to applicants who can show they meet requirements for admission to the licensing examination and that they passed the National Board of Podiatric Medical Examiners examination. The Board proposes to repeal existing N.J.A.C. 13:35-3.2 and replace it to set forth qualification requirements for licensure by reciprocity for both physicians and podiatrists, pursuant to N.J.S.A. 45:1-7.5. The Board proposes to repeal and reserve N.J.A.C. 13:35-3.3, as podiatrists will be covered by proposed new N.J.A.C. 13:35-3.2, this section is no longer needed. The proposed replacement of N.J.A.C. 13:35-3.2 removes the requirements that applicants must show to meet requirements for admission to the licensing examination and removes reference to the specific certifications and examinations that applicants are required to hold or pass. The proposed new rule allows the Board to issue a license to an applicant if the Board determines that the state in which the applicant is licensed has standards for licensure substantially equivalent to Board standards and the applicant has been practicing for at least two years