

RULE PROPOSALS

INTERESTED PERSONS

Interested persons may submit comments, information or arguments concerning any of the rule proposals in this issue until the date indicated in the proposal. Submissions and any inquiries about submissions should be addressed to the agency officer specified for a particular proposal.

The required minimum period for comment concerning a proposal is 30 days. A proposing agency may extend the 30-day comment period to accommodate public hearings or to elicit greater public response to a proposed new rule or amendment. Most notices of proposal include a 60-day comment period, in order to qualify the notice for an exception to the rulemaking calendar requirements of N.J.S.A. 52:14B-3. An extended comment deadline will be noted in the heading of a proposal or appear in subsequent notice in the Register.

At the close of the period for comments, the proposing agency may thereafter adopt a proposal, without change, or with changes not in violation of the rulemaking procedures at N.J.A.C. 1:30-6.3. The adoption becomes effective upon publication in the Register of a notice of adoption, unless otherwise indicated in the adoption notice. Promulgation in the New Jersey Register establishes a new or amended rule as an official part of the New Jersey Administrative Code.

COMMUNITY AFFAIRS

(a)

DIVISION OF FIRE SAFETY

Uniform Fire Code

Fire Code Enforcement

Proposed Redoaction: N.J.A.C. 5:71

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

Authority: N.J.S.A. 52:17B-139.12 and 52:27D-25d, 25k, 25gg, 25hh, 198, and 219.

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

Proposal Number: PRN 2018-011.

Submit written comments by April 6, 2018, to:

Geraldine Callahan
Department of Community Affairs
PO Box 800
Trenton, New Jersey 08625
E-mail: Geraldine.Callahan@dca.nj.gov
Fax Number: (609) 984-6696

The agency proposal follows:

Summary

The Fire Code Enforcement rules were scheduled to expire on December 31, 2017. As the Department of Community Affairs (Department) submitted this notice of proposal to the Office of Administrative Law prior to that date, the expiration date is extended 180 days to June 29, 2018, pursuant to N.J.S.A. 52:14B-5.1.c(2). N.J.A.C. 5:71, Fire Code Enforcement, governs the creation and organization of local enforcing agencies, outlines the enforcement responsibilities of the agencies, and provides for the certification of fire officials. The Fire Code Enforcement rules are intended to ensure that all areas of the State are protected by the enforcement of a uniform, minimum Fire Code that will protect the lives of the State's citizens. To this end, the rules proposed for redoaction provide for uniform, thorough, and adequately funded fire safety inspections, with the assessment of penalties commensurate with the gravity of the violation. Additionally, the rules proposed for redoaction are intended to ensure that Fire Code enforcement is efficient and coordinated to eliminate duplication of effort and confusion on the part of the public. The rules further ensure that the standards are interpreted consistently on both a State and local level. Amendments and new rules for this chapter were proposed at 49 N.J.R. 2624(a) and are adopted elsewhere in this issue of the New Jersey Register.

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 Department believes that the rules proposed for redoaction will have a positive impact. The rules proposed for redoaction provide for a comprehensive system for enforcement of the Fire Code and ensures consistency in interpretation on the State and local level.

Economic Impact

The Department does not anticipate that the rules proposed for redoaction would have any adverse economic impact.

Federal Standards Statement

No Federal standards analysis is required because the rules proposed for redoaction are not being proposed in order to implement, comply with, or participate in any program established under Federal law, or under a State law that incorporates or refers to Federal law, standards, or requirements.

Job Impact

The Department does not anticipate that any jobs would be created or lost as a result of the rules proposed for redoaction.

Agriculture Industry Impact

The Department does not anticipate that the rules proposed for redoaction would have any impact on the agriculture industry.

Regulatory Flexibility Analysis

The Department expects that the rules proposed for redoaction will not impose any added recordkeeping or reporting requirements on small businesses, as defined by the New Jersey Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The Department believes that no additional professional services would be required for any property or business owner required to comply, whether small business or otherwise.

N.J.A.C. 5:71, Fire Code Enforcement, regulates the establishment and operation of local enforcing agencies, which are government entities, and fire official certification requirements. The latter includes application and course content requirements for institutions and organizations seeking to provide fire official education programs. Such institutions and organizations, some of which may be small businesses, would incur the administrative cost of the application, course development, and the cost inherent in meeting the program course content requirements. Any professional services needed would be limited to instructor employment.

Housing Affordability Impact Analysis

The rules proposed for redoaction would be highly unlikely to have any impact upon the average costs of housing or on the affordability of housing, as the rules pertain to the enforcement of the State Fire Code.

Smart Growth Development Impact Analysis

The rules proposed for readoption 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, as the rules pertain to the enforcement of the State Fire Code.

Full text of the rules proposed for readoption may be found in the New Jersey Administrative Code at N.J.A.C. 5:71.

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DIVISION OF FIRE SAFETY**Standards for Fire Service Training and Certification
Proposed Readoption: N.J.A.C. 5:73**

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

Authority: Uniform Fire Safety Act (P.L. 1983, c. 383, N.J.S.A. 52:27D-192 et seq., specifically 52:27D-198 and 52:27D-219).

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

Proposal Number: PRN 2018-012.

Submit written comments by April 6, 2018, to:

Geraldine Callahan
Department of Community Affairs
PO Box 800
Trenton, New Jersey 08625
E-mail: Geraldine.Callahan@dca.nj.gov
Fax Number: (609) 984-6696

Summary

Pursuant to N.J.S.A. 52:14B-5.1.c, the rules concerning N.J.A.C. 5:73, Standards for Fire Service Training and Certification, were scheduled to expire on December 31, 2017. As the Department of Community Affairs (Department) submitted this notice of proposal to the Office of Administrative Law (OAL) prior to that date, the expiration date was extended 180 days to June 29, 2018, pursuant to N.J.S.A. 52:14B-5.1.c(2).

N.J.A.C. 5:73, Standards for Fire Service Training and Certification, addresses educational programs and facilities, the duties and responsibilities of Firefighter 1, criteria for Instructor Level 1 and Instructor Level 2, and the certification requirements for the Hazardous Materials/Incident Management System, fire police officers and fire officers. In order for fire suppression activities to be conducted adequately and effectively, members of the fire service need to have sufficient knowledge and competence. This is best achieved through the creation of an education and training program and the development of certification requirements. The rules proposed for readoption create that education and training program. The Standards for Fire Service Training and Certification rules are intended to control all matters relating to qualifications for, and the training and certification for all members of the fire service. Amendments, repeals, and new rules for this chapter were proposed at 49 N.J.R. 2629(a) and are adopted elsewhere in this issue of the New Jersey Register.

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 Department believes that readopting these rules will improve public safety, and provide a positive social impact, by ensuring that fire service and code enforcement personnel are adequately trained and credentialed to national standards and training programs. The benefit for adopting national standards and credentialing fire service and code enforcement personnel is to promote technical competency and to safeguard the lives and property of the citizens of New Jersey.

Economic Impact

The Department does not anticipate that the rules proposed for readoption will have any adverse economic impact. Fire departments currently are required to train employees to the level associated with their responsibilities. Municipalities will have State sanctioned training and credentialing programs available to them through approved eligible training organizations, which will lead to State credentialing and, once approved, to national credentialing. This presents a positive benefit to the citizens of the State to acquire national credentialing from recognized national credentialing organizations accepted by the fire service community at large. The approach will enhance the technical competency of fire service and code enforcement personnel and lead to a better trained and credentialed employee. The benefit of a better trained and credentialed fire service, and its associated ability to save lives and protect property stemming from a State standardized training and credentialing system, would outweigh the costs for training within the municipalities.

Federal Standards Statement

No Federal standards analysis is required because the rules proposed for readoption are not proposed to implement, comply with, or participate in any program established under Federal law, or under a State law that incorporates or refers to Federal law, standards, or requirements.

Job Impact

The Department does not anticipate that any jobs will be created or lost as a result of the rules proposed for readoption.

Agriculture Industry Impact

The Department does not anticipate that the rules proposed for readoption will have any impact on the agriculture industry.

Regulatory Flexibility Statement

The Department expects that these rules proposed for readoption will not impose any added recordkeeping, reporting, or compliance requirements on small businesses, as defined by the New Jersey Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. N.J.A.C. 5:73 establishes standards for fire service training and certification. These requirements relate to individuals seeking fire officer, fire police officer, and Firefighter I certification and instructors. Educational program standards apply to governmental entities or institutions of higher learning, neither of which are small businesses.

Housing Affordability Impact Analysis

The rules proposed for readoption concern the training and credentialing of the fire service and, as such, would be highly unlikely to have any impact upon average housing production costs or on the affordability of housing.

Smart Growth Development Impact Analysis

The rules proposed for readoption concern only the training and credentialing of the fire service and, as such, 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. 5:73.