

RULE ADOPTIONS

CHILDREN AND FAMILIES

COMMUNITY AFFAIRS

(a)

(b)

**OFFICE OF THE COMMISSIONER
Notice of Administrative Changes
Rulemaking Procedures
Legal Guardianship
N.J.A.C. 3A:2-1.3 and 3A:20-1.8**

Take notice that, the Department of Children and Families requested, and the Office of Administrative Law (OAL) agreed to permit, the administrative recodification of the Department's rules from Title 10, Human Services, to the newly created Title 3A, Children and Families, of the New Jersey Administrative Code. These recodifications, along with attendant technical changes to the rule text concerning cross-references, agency names, addresses, etc., were effective January 3, 2017 (see 49 N.J.R. 98(a)). As part of the technical changes, the cross-reference to N.J.A.C. 10:122C at N.J.A.C. 3A:20-1.8 to N.J.A.C. 3A:51 was inadvertently not updated. As part of the overall process of creating Title 3A in the Administrative Code, the Department proposed and adopted new N.J.A.C. 3A:2, Rulemaking Procedures, to comply with the Administrative Procedure Act, N.J.A.C. 52:14B-1 et seq. (see 48 N.J.R. 2184(a); 49 N.J.R. 741(a)). Upon the adoption of proposed new N.J.A.C. 3A:2, N.J.A.C. 3A:2-1.3 contained a cross-reference to N.J.A.C. 10:133, which had not yet been recodified as N.J.A.C. 3A:11. As the recodification to N.J.A.C. 3A:11 has occurred, that cross-reference is also being updated.

This notice of administrative changes is published in accordance with N.J.A.C. 1:30-2.7.

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

CHAPTER 2
RULEMAKING PROCEDURES

SUBCHAPTER 1. GENERAL PROVISIONS

3A:2-1.3 Definitions

The definitions in N.J.A.C. [10:133] **3A:11**, Service Delivery General Provisions, are hereby incorporated into this chapter by reference.

CHAPTER 20
LEGAL GUARDIANSHIP

SUBCHAPTER 1. CP&P LEGAL GUARDIANSHIP SUBSIDY PROGRAM

3A:20-1.8 Division action

(a) The Division representative shall approve the child and the relative for participation in the CP&P Legal Guardianship Subsidy Program if all eligibility requirements in N.J.A.C. 3A:20-1.6 and licensing standards for resource family parents in N.J.A.C. [10:122C] **3A:51** are met.

(b) (No change.)

**DIVISION OF FIRE SAFETY
Uniform Fire Code
Fire Code Enforcement
Readoption: N.J.A.C. 5:71**

Proposed: February 5, 2018, at 50 N.J.R. 705(a).
Adopted: June 27, 2018, by Lt. Governor Sheila Y. Oliver, Commissioner, Department of Community Affairs.
Filed: June 27, 2018, as R.2018 d.143, **without change**.
Authority: N.J.S.A. 52:17B-139.12 and 52:27D-25d, 25k, 25gg, 25hh, 198, and 219.
Effective Date: June 27, 2018.
Expiration Date: June 27, 2025.

Summary of Public Comment and Agency Response:
No comments were received for the proposed readoption.

Federal Standards Statement

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

Full text of the readopted rules can be found in the New Jersey Administrative Code at N.J.A.C. 5:71.

(c)

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

Proposed: February 5, 2018, at 50 N.J.R. 706(a).
Adopted: June 27, 2018, by Lt. Governor Sheila Y. Oliver, Commissioner, Department of Community Affairs.
Filed: June 27, 2018, as R.2018 d.144, **without change**.
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).
Effective Date: June 27, 2018.
Expiration Date: June 27, 2025.

Summary of Public Comment and Agency Response:

COMMENT: Thomas O. Anderson, Fire Marshal, Township of Tewksbury writes to express an opinion that while initial training and continuing education is very important in the area of fire safety, the proposed requirements put an extreme hardship on maintaining existing and recruitment of new members of rural fire companies and towns. He believes that the extensive training requirements will hinder the recruitment and retention of new members. Mr. Anderson presents concern that there are not "grandfathering statements" in the rules that accept prior training to meet credentialing requirements expressed in the training rules. He believes the rules will require firefighters to retake training classes.

RESPONSE: The Department appreciates the commenter's comments. The Department agrees with Mr. Anderson that initial training and continuing education is very important to develop and maintain competency in fire safety and fire suppression proficiency. The Department submits that the adoption of training standards for various positions within the fire service will ensure that fire personnel earning the specific certifications will all meet the same minimum standards.