

# 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

#### State Fire Prevention Code

#### Fire Suppression Systems

#### Proposed Amendment: N.J.A.C. 5:70-4.7

Authorized By: Richard E. Constable, III, Commissioner,  
Department of Community Affairs.

Authority: N.J.S.A. 52:27D-198.

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

Proposal Number: PRN 2015-017.

Submit written comments by May 1, 2015, to:

Gabrielle N. Gallagher  
Department of Community Affairs  
P.O. Box 800  
Trenton, New Jersey 08625  
E-mail: [gabrielle.gallagher@dca.nj.gov](mailto:gabrielle.gallagher@dca.nj.gov)  
Fax Number: (609) 984-6696

The agency proposal follows:

#### Summary

The State Fire Safety Code, Subchapter 4 of the Uniform Fire Code (N.J.A.C. 5:70-4), at N.J.A.C. 5:70-4.7, sets forth requirements for fire suppression systems in various Use Groups. Among the buildings upon which these requirements are imposed are buildings having windowless basements. Currently, at N.J.A.C. 5:70-4.7(h), standards are found setting forth criteria which, if met, would deem basements as not windowless. Specifically, at N.J.A.C. 5:70-4.7(h)2, two options are listed describing specifications for window openings that would both allow fire fighter access and deem the basements as not windowless.

The proposed amendments are intended to provide an additional compliance option for basements in Use Group R-2 not exceeding 3,000 square feet, where the requirement for openings shall be deemed to have been met where there is a basement door, along with a basement window, meeting certain specifications. This additional compliance option will likely provide some relief to owners of certain types of properties and the business community. These property owners are currently required to meet existing options in order to not be deemed as having windowless basements. The proposed amendments add another compliance option to provide greater flexibility to these property owners.

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 anticipates that the proposed amendments would result in a beneficial social impact for owners of certain properties. The proposed amendments would provide these property owners with another compliance option in being deemed as not having windowless basements. Benefits would also extend to residents or tenants of the properties as the openings would allow greater fire fighter access which could result in increased safety to lives and property.

#### Economic Impact

The Department does not anticipate that the proposed amendments would have an adverse economic impact on owners of the properties affected by the amendments. The proposed amendments are intended to provide an additional compliance option for basements in Use Group R-2 not exceeding 3,000 square feet, where the requirement for openings shall be deemed to have been met where there is a basement door, along with a basement window, meeting certain specifications. This additional compliance option will likely provide some relief to owners of certain types of properties and the business community. These property owners are currently required to meet existing options in order to not be deemed as having windowless basements. The proposed amendments add another compliance option to provide greater flexibility to these property owners.

Many property owners in this Use Group have existing basement doors that may meet the required specifications of this new compliance option, and these property owners would not suffer any adverse economic impact. Although some property owners may incur costs if they need to make modifications in order to meet the specifications or install a new basement door, the proposed amendments are not mandatory but merely provide an additional compliance option. In this regard, additional costs would only be incurred if these property owners chose to exercise the new compliance option. Accordingly, the Department does not anticipate that the proposed amendments would have an adverse economic impact on owners of the properties affected by the amendments.

#### Federal Standards Statement

No Federal standards analysis is required because the amendments 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 proposed amendments.

#### Agriculture Industry Impact

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

#### Regulatory Flexibility Statement

The proposed amendments do not impose any additional recordkeeping or reporting requirements on small businesses, as

defined under the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The proposed amendments actually expand the ways in which owners of certain types of properties may achieve compliance in order to not be deemed as having windowless basements. This additional compliance option will likely provide some relief to certain types of property owners.

#### Housing Affordability Impact Analysis

The scope of the proposed amendments is limited to providing an additional compliance option for basements in Use Group R-2 not exceeding 3,000 square feet, where the requirement for openings shall be deemed to have been met where there is a basement door, along with a basement window, meeting certain specifications. While this additional compliance option will likely provide some relief to certain property owners, the proposed amendments would be most unlikely to have any impact upon housing production costs or affordability.

#### Smart Growth Development Impact Analysis

The scope of the proposed amendments is limited to providing an additional compliance option for basements in Use Group R-2 not exceeding 3,000 square feet, where the requirement for openings shall be deemed to have been met where there is a basement door, along with a basement window, meeting certain specifications. While this additional compliance option will likely provide some relief to certain property owners, the Department does not expect that the proposed amendments would be likely to have any impact upon housing production within Planning Areas 1 and 2 or within designated centers under the State Development and Redevelopment Plan.

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

5:70-4.7 Fire suppression systems

(a)-(g) (No change.)

(h) In all buildings, any windowless basement or story located below the seventh story shall be equipped throughout with an automatic fire suppression system installed in accordance with the New Jersey Uniform Construction Code.

1. (No change.)

2. Such openings shall [be at least] **comply with one of the following:**

i. **Be at least 32 inches by 48 inches in size, spaced not more than 100 feet apart in each story or basement; [or]**

ii. **Be at least 22 inches by 42 inches in size, spaced not more than 30 feet apart in each story or basement[.]; or**

iii. **For basements in Use Group R-2 not exceeding 3,000 square feet, the requirement for openings shall be deemed to have been met where:**

(1) **There is a basement door with:**

(A) **A minimum width of 32 inches;**

(B) **A breakable window with minimum dimensions of 28 inches by 24 inches; and**

(C) **Direct access to grade by an outdoor stairway or ramp with a minimum width of 36 inches that is open to the sky with no overhead obstructions; and**

(2) **A window or access panel in the exterior wall with a minimum of two square feet located such that the bottom of the opening is not more than 24 inches below finished grade.**

(3) **Where the basement is subdivided into more than one room, each additional separate room that does not have a basement door meeting (h)2iii(1) above shall be provided with a window or access panel in the exterior wall having a minimum area of two square feet located such that the bottom of the opening is not more than 24 inches below finished grade.**

3. (No change.)

4. When openings in a story are provided on only one side and the opposite wall of such story is more than 75 feet from such openings, the story shall be considered windowless unless openings as specified above are provided on at least two sides of the exterior walls of the story.

i. **Where the openings are provided in accordance with (h)2iii above, the 75-foot distance shall be measured to grade level at the end of the stairway or ramp.**

5.-7. (No change.)

(i)-(l) (No change.)

## OTHER AGENCIES

(a)

### ELECTION LAW ENFORCEMENT COMMISSION

#### Annual Fee for Governmental Affairs Agents

#### Proposed Amendment: N.J.A.C. 19:25-20.20

Authorized By: Election Law Enforcement Commission, Jeffrey M.

Brindle, Executive Director.

Authority: N.J.S.A. 52:13C-23.2.

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

Proposal Number: PRN 2015-019.

The sitting New Jersey Election Law Enforcement Commission will conduct a **public hearing** concerning this notice of proposal on Tuesday, May 19, 2015, at 11:00 A.M. at:

Election Law Enforcement Commission  
Edward J. Farrell Memorial Conference Room  
28 West State Street, 12th floor  
Trenton, New Jersey

Persons wishing to testify are requested to reserve time to speak by contacting Administrative Assistant Elbia L. Zeppetelli at (609) 292-8700 no later than Friday, May 15, 2015.

Submit written comments by May 19, 2015, to:

Michelle R. Levy, Esq.  
Associate Legal Director  
Election Law Enforcement Commission  
P.O. Box 185  
Trenton, New Jersey 08625-0185

E-mail written comments by May 19, 2015, to:

[elec.rulemaking@elec.state.nj.us](mailto:elec.rulemaking@elec.state.nj.us). Please put "Comment" in subject line.

The agency proposal follows:

#### Summary

Pursuant to the authority of N.J.S.A. 52:13C-23.j, the Election Law Enforcement Commission (Commission) has established by rule a \$425.00 annual registration fee for each governmental affairs agent; see N.J.A.C. 19:25-20.20(a). A governmental affairs agent (GAA) is defined as a person who is compensated to influence legislation, regulations, or governmental processes by communicating with or providing a benefit to a high level State official for more than 20 hours in a calendar year; see N.J.S.A. 52:13C-20.g and N.J.A.C. 19:25-20.2. The \$425.00 annual fee was established in 2004. During the intervening decade, the Commission has created, implemented, and maintained an electronic filing system for annual reports, and is producing a similar electronic system for lobbying quarterly reporting. The disclosure system has been vastly improved by implementing a searchable electronic reporting system of lobbying financial records. The electronic filing system increases disclosure to the public, as well as increases efficiency for both GAAs and the Commission.

The intent of lobbying disclosure is to instill public confidence in the integrity of the process by which laws are made and enforced in the State of New Jersey. Regular public disclosure of the identity and scope of activity of those who are paid to influence actions of the State Legislature and State officials, and transparency in the legislative process work toward the goal of instilling public confidence in governmental integrity. This objective is achieved through registration and reporting by GAAs and public disclosure of the information to the Commission.

The Commission proposes to increase the annual fee by \$150.00 to \$575.00 in order to establish and maintain the Commission's electronic infrastructure used to administer the Legislative and Governmental Process Activities Disclosure Act, see N.J.S.A. 52:13C-18 et seq. Based on the cumulative rate of inflation for the last decade and an increase in