

8. Under the heading of "Subject to damage from - Frost line depth," insert "[2'8"]2'6" SNJ; 3'0" NNJ";

9.-17. (No change.)

iii.-xxii. (No change.)

[xxiii. In Section R311.8.3.1, Height, "34 inches (864 mm)" shall be deleted and "30 inches (762 mm)" shall be inserted.]

Recodify existing xxiv.-xxv. as **xxiii.-xxiv.** (No change in text.)

**xxv. In Section R311.8.3.1, Height, "34 inches (864 mm)" shall be deleted and "30 inches (762 mm)" shall be inserted.**

xxvi.-xl. (No change.)

xliv. In Section R326.1, General, "and enclosures" shall be inserted between "spas" and "shall." In addition, the following shall be added to the end of the section: "Amendments to the ISPC shall be as follows:

1.-2. (No change.)

3. Chapter 3, General Compliance, shall be amended as follows:

3.1-3.8 (No change.)

[3.9 In Section 307.9, Accessibility, the last sentence shall be deleted.]

[3.10] **3.9** (No change in text.)

[3.11] **3.10** (No change in text.)

4.-5. (No change.)

4.-11. (No change.)

12. Chapter 13, General Mechanical System Requirements, shall be amended as follows:

i.-iii. (No change.)

iv. In Section M1307.5, Electrical appliances, "and 34 through 43" shall be deleted and "and the electrical subcode (N.J.A.C. 5:23-3.16)" shall be inserted at the end of the sentence.

v.-vi. (No change.)

13.-24. (No change.)

5:23-3.22 Fuel gas subcode

(a) (No change.)

(b) The following chapters, sections or pages of the International Fuel Gas Code/2018 shall be amended as follows:

1.-3. (No change.)

4. Chapter 4 of the fuel gas subcode, entitled "Gas Piping Installation," shall be amended as follows:

i.-ii. (No change.)

iii. In Section [402.6.1, Liquefied petroleum gas systems,] **402.7.1, Operation below -5°F (-21°C)**, insert the following at the beginning of the section: "The operating pressure for undiluted LP-gas systems shall not exceed 20 psig (140 kPa gauge)."

iv. (No change.)

5.-9. (No change.)

PO Box 726

Trenton, NJ 08625-0726

Fax: (609) 341-2451

The agency proposal follows:

#### Summary

The Department of Human Services (Department) proposes to readopt N.J.A.C. 10:46, Determination of Eligibility, (Chapter 46) with amendments. Chapter 46 establishes the Division of Developmental Disabilities' (Division) guidelines and criteria for the determination of eligibility for services for individuals with developmental disabilities. Chapter 46 was set to expire on January 22, 2020. As the Department submitted this notice of readoption with proposed amendments with the Office of Administrative Law prior to that date, pursuant to N.J.S.A. 52:14B-5.1.c(2), the expiration date of the chapter was extended 180 days to July 20, 2020. The Department has reviewed this chapter, and has found that with the proposed amendments, the rules are reasonable, necessary, and proper for the purpose for which they were originally promulgated.

Pursuant to N.J.S.A. 30:4-25.6, the Division is required to provide an individual determined eligible for Division services with appropriate functional services, to the extent that funding is available. To receive Division services, an individual must be 21 years of age or older, meet functional eligibility criteria, and establish and maintain Medicaid eligibility.

At this time, the Department proposes to readopt the rules with amendments. Since the Department last promulgated Chapter 46, the New Jersey Legislature enacted P.L. 2015, c. 192 (N.J.S.A. 30:6D-21.1 through 21.3). When applicable, P.L. 2015, c. 192 permits individuals with developmental disabilities residing in out-of-State placements to remain in those placements; the Department is proposing amendments to reference this law.

Since the rules were last readopted, the Division has substantially transitioned from a contract reimbursement model to a Medicaid fee-for-service model. In the fee-for-service model, provider agencies may collect contributions to care from individuals served, subject to applicable State and Federal law and regulation.

Formerly, the Division provided home and community-based services through the Community Care Waiver (CCW), authorized by the Centers for Medicare and Medicaid Services under § 1915(c) of the Social Security Act, Pub. L. 74-271. In 2017, the CCW was transitioned to the Department's Comprehensive Medicaid Waiver (CMW), authorized under § 1115 of the Social Security Act, Pub. L. 74-271, and renamed the Community Care Program (CCP).

The Department adopted Chapter 46, as Application and Admission to Functional Services, effective September 1, 1969. The Department repealed Chapter 46, Application and Admission to Functional Services, and adopted Chapter 46, Determination of Eligibility, as new rules, effective September 17, 1990. Pursuant to Executive Order No. 66 (1978), the Department readopted Chapter 46 effective August 17, 1995. The Department renamed Chapter 46 as Determination of Eligibility and Contribution to Care and Maintenance Requirements, and adopted Subchapter 5, Offers by the Division, Subchapter 6, Termination, and Subchapter 7, Appeals Process, as new rules, effective September 8, 1998. Pursuant to Executive Order No. 66 (1978), the Department readopted Chapter 46, Determination of Eligibility and Contribution to Care and Maintenance Requirements, effective August 4, 2000, and readopted it effective October 18, 2005. The Department renamed Chapter 46 Determination of Eligibility, effective October 1, 2007, and readopted it effective March 24, 2011. The Department repealed Chapter 46, Determination of Eligibility, and adopted Chapter 46, Determination of Eligibility, as new rules, effective January 22, 2013.

As the Department provides 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.

A Summary of the rules proposed for readoption with amendments follows.

Subchapter 1 sets forth the general provisions of the rules, including the purpose, authority, and scope of the rules and definitions of terms used in the chapter.

## HUMAN SERVICES

### (a)

#### DIVISION OF DEVELOPMENTAL DISABILITIES

##### Determination of Eligibility

##### Proposed Readoption with Amendments: N.J.A.C. 10:46

Authorized By: Carole Johnson, Commissioner, Department of Human Services.

Authority: N.J.S.A. 30:1-12, 30:4-25.2, and 30:6D-23 et seq.

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

Proposal Number: PRN 2020-018.

Submit written comments by May 1, 2020, electronically to

[DDD-CO.LAPO@dhs.state.nj.us](mailto:DDD-CO.LAPO@dhs.state.nj.us), or by regular mail or facsimile to:

Carol Jones

Administrative Practice Officer

Division of Developmental Disabilities

N.J.A.C. 10:46-1.1 sets forth the purpose and authority of the rules. Since the Department last readopted Chapter 46, the Division has substantially transitioned from funding services through a contract reimbursement system to a Medicaid fee-for-service system. The Department proposes an amendment to reflect that N.J.A.C. 10:46D, Contributions to Care and Maintenance Requirements, is applicable when residential services are funded through contract reimbursement. The Department also proposes to add N.J.S.A. 30:4-25.3 and 25.11 to the statutory authority listed in subsection (a).

N.J.A.C. 10:46-1.2 sets forth the scope of the rules and establishes that the Division provides services to individuals age 21 years or older who meet the functional eligibility criteria and are Medicaid eligible, with the exception of transitional planning, as provided for at N.J.A.C. 10:46-2.1(h). A technical amendment is proposed to correct the cross-reference to transitional planning.

N.J.A.C. 10:46-1.3 defines the words and terms used in the chapter. The Department proposes to amend the definition for “application” to update the current website address for individuals to access the eligibility application. The Department proposes to modernize the definition of “guardian” without making any substantive change to it. The Department proposes to add a statutory citation to the definition of “mental illness.” The Department proposes to amend the definition of “neurological impairment,” to reference the more current version of the International Classification of Diseases (ICD) codes, the ICD-10. Lastly, the Department proposes to delete the definitions of “Intermediate Care Facility for Individuals with Intellectual or Developmental Disabilities” and “personal care” as these terms do not appear within the chapter.

Subchapter 2 sets forth the procedures for the eligibility criteria.

N.J.A.C. 10:46-2.1 describes the general eligibility rules for Division services. The Department proposes to delete subsection (f), which previously granted individuals receiving Division services with a time-limited extension to meet the Medicaid eligibility requirement. The Medicaid eligibility requirement was new when the rules were last readopted; this time-limited extension no longer applies. The Division has substantially transitioned from a contract reimbursement system to a Medicaid fee-for-service system. An amendment is proposed to reflect that N.J.A.C. 10:46D, Contribution to Care and Maintenance Requirements, applies to the contract reimbursement system. Since the rules were last readopted, the Legislature enacted P.L. 2015, c. 192 (N.J.S.A. 30:6D-21.1 through 21.3). The Department proposes an amendment to clarify that the Division’s policy is to fund services in New Jersey, except where the conditions of P.L. 2015, c. 192 are present.

N.J.A.C. 10:46-2.2 establishes that an individual must be a resident of New Jersey to receive Division services and sets forth how residency is to be determined. The Department proposes amendments to reflect that P.L. 2015, c. 192 applies where the conditions of that law are present. At paragraph (c)2, the Department proposes to replace “Community Care Waiver” with “Community Care Program,” the current name of this Medicaid waiver program.

Subchapter 3 sets forth the application criteria for Division services.

N.J.A.C. 10:46-3.1 sets forth who may apply for Division services. The Department proposes a technical amendment to add the statutory citation for P.L. 2012, c. 16, sec. 158.

N.J.A.C. 10:46-3.2 sets forth how to apply for Division services. The Department proposes amendments to delete a provision concerning individuals in the process of applying for services when the clause was added, as this provision is no longer relevant.

N.J.A.C. 10:46-3.3 sets forth the process for reapplication for an individual who has been found ineligible to receive Division services.

Subchapter 4 describes the eligibility determination process.

N.J.A.C. 10:46-4.1 sets forth the determination process as conducted by the intake worker and intake team.

N.J.A.C. 10:46-4.2 sets forth the requirements for notice of the eligibility determination to the applicant. The Department proposes an amendment at paragraph (c)2 to update “Community Care Waiver” to “Community Care Program.”

Subchapter 5 establishes the appeals process.

N.J.A.C. 10:46-5.1 explains that individuals have the right to appeal an ineligibility determination and sets forth notice requirements.

#### **Social Impact**

Determination of eligibility is critical to the Division’s mission of serving individuals with developmental disabilities. The rules proposed for readoption with amendments are fundamental to the Division’s ability to effectively provide services, and, therefore, will have a positive social impact on individuals served and their families. The rules proposed for readoption with amendments allow the Division to serve as many individuals with disabilities as possible and provide individuals and their families with the opportunity to prepare for adult services, including the eligibility process, through transitional planning.

#### **Economic Impact**

The rules proposed for readoption with amendments will continue to require that individuals become eligible for Medicaid in order to receive Division services. This provision will help the Division maximize Federal financial participation, which allows the Division to serve the most individuals possible within its budget. The Department anticipates no increased administrative costs or economic impact to service providers associated with the rules proposed for readoption with amendments.

#### **Federal Standards Statement**

The rules proposed for readoption with amendments require that individuals maintain Medicaid eligibility in order to receive Division services, and that the Division provides these services through Medicaid waivers. Medicaid waivers are authorized by the Federal Centers for Medicare and Medicaid Services (CMS), pursuant to a program in which states request permission from CMS to provide a broad array of services, excluding room and board, that are not otherwise covered under the Medicaid program. The rules proposed for readoption with amendments do not exceed Federal laws or standards. Therefore, a Federal standards analysis is not required.

#### **Jobs Impact**

The rules proposed for readoption with amendments concern the determination of eligibility to receive Division services and will not generate jobs or cause any jobs to be lost.

#### **Agriculture Industry Impact**

The rules proposed for readoption with amendments concern eligibility determinations and will have no impact on the agriculture industry in the State of New Jersey.

#### **Regulatory Flexibility Statement**

A regulatory flexibility analysis is not required because the rules proposed for readoption with amendments do not impose reporting, recordkeeping, or other compliance requirements upon small businesses, as that term is defined under the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The rules proposed for readoption with amendments govern the determination of eligibility for individuals seeking Division services and will not have any effect on small businesses or private industry in general.

#### **Housing Affordability Impact Analysis**

The rules proposed for readoption with amendments concern the determination of eligibility and will have no impact on the affordability of housing, or upon the average costs associated with housing.

#### **Smart Growth Development Impact Analysis**

The rules proposed for readoption with amendments will have no impact on smart growth, or upon housing production within Planning Areas 1 or 2, or within designated centers, under the State Development and Redevelopment Plan, as the rules proposed for readoption with amendments involve the determination of eligibility to receive Division services.

#### **Racial and Ethnic Community Criminal Justice and Public Safety Impact**

The Department 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 rules proposed for readoption may be found in the New Jersey Administrative Code at N.J.A.C. 10:46.

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

## SUBCHAPTER 1. GENERAL PROVISIONS

## 10:46-1.1 Purpose; authority

(a) Pursuant to N.J.S.A. 30:1-12, 30:4-25.2, **30:4-25.3**, 30:4-25.9, **30:4-25.11**, 30:6D-1 et seq. (P.L. 1985, c. 145), and 30:4-60 et seq. (P.L. 1995, c. 155), the Division of Developmental Disabilities, Department of Human Services (Division), intends this chapter to establish guidelines and criteria for determination of eligibility for services to individuals with developmental disabilities.

(b) (No change.)

(c) When an individual receives residential services from the Division **funded through contract reimbursement**, he or she is required to contribute to the cost of care and maintenance. The requirements and financial ability of the individual and that of his or her legally responsible relatives to contribute to the cost of care and maintenance are set forth [in] **at** N.J.A.C. 10:46D, Contributions for Care and Maintenance Requirements. Pursuant to N.J.S.A. 30:4-25.9, the obligation to make payments is a condition of eligibility.

(d)-(f) (No change.)

## 10:46-1.2 Scope

The provisions of this chapter shall apply to all individuals applying to the Division for eligibility under N.J.S.A. 30:4-25.1 et seq., and 30:4-165.1 et seq. Individuals under the age of 21, individuals who do not meet functional eligibility criteria, and individuals who are not Medicaid eligible, are not eligible to receive Division services, except for transitional planning as provided for [in] **at** N.J.A.C. 10:46-2.1[(f)](h).

## 10:46-1.3 Definitions

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

“Application” means the form available at Division offices or on the Division website at: [[www.state.nj.us/humanservices/ddd/services/apply/application.html](http://www.state.nj.us/humanservices/ddd/services/apply/application.html)] **[www.state.nj.us/humanservices/ddd/services/apply/index.html](http://www.state.nj.us/humanservices/ddd/services/apply/index.html)** (see N.J.A.C. 10:46-3.2(a)). The term includes any supporting documentation deemed necessary by the Division to make an informed determination with regard to applicant eligibility, including medical information. Supporting documentation may include, but is not limited to, educational, psychiatric, psychological, vocational, rehabilitation, medical, and social service records.

“Guardian” means a person or agency [who has qualified as a guardian of the person of an incapacitated individual pursuant to court appointment to make decisions on behalf of an incapacitated adult in those areas where incapacity has been determined by a court] **appointed by a court of competent jurisdiction to make decisions on behalf of an individual determined by the court to lack decision-making capacity in certain areas** as set forth at N.J.S.A. 3B:12-24.1.

[“Intermediate Care Facility for Individuals with Intellectual or Developmental Disabilities (ICF/ID-DD)” means an institution (or distinct part thereof) for individuals with intellectual or developmental disabilities.]

“Mental illness” means a current substantial disturbance of thought, mood, perception, or orientation [which] **that** significantly impairs judgment, behavior, or capacity to recognize reality but does not include simple alcohol intoxication, transitory reaction to drug ingestion, organic brain syndrome, or developmental disability. **N.J.S.A. 30:4-27.2** (P.L. 1987, c. 116.)

“Neurological Impairment (NI)” means a severe disorder of the central nervous system:

1. Evidenced by a medical diagnosis that is listed in the International Classification of Diseases, [9th] **10th** revision, Clinical Modification ([ICD-9-CM] **ICD-10-CM**), incorporated herein by reference, as amended and supplemented. The [ICD-9-CM] **ICD-10-CM** is available by contacting the Center for Disease Control and Prevention, National

Center for Health Services, 3311 Toledo Road, Hyattsville, MD, 20782, or at [www.cdc.gov](http://www.cdc.gov); and

2. (No change.)

[“Personal care” means assistance in essential daily living activities, such as bathing, dressing, transferring, toileting, eating, grooming, and hygiene.]

...

## SUBCHAPTER 2. ELIGIBILITY CRITERIA

## 10:46-2.1 General eligibility

(a)-(e) (No change.)

[(f) Individuals receiving services from the Division on January 22, 2013, who are not Medicaid eligible shall continue to receive services for a period not to exceed March 23, 2013. The individual shall receive services for an additional time-limited period not to exceed 30 days, provided the conditions in (c)1, 2, and 3 above are met.]

[(g)] (f) (No change in text.)

[(h)] (g) When an individual receives residential services from the Division **funded through contract reimbursement**, he or she is also required to contribute to the cost of care and maintenance. The requirements and financial ability of the individual and that of their legally responsible relatives to contribute to the cost of care and maintenance are set forth [in] **at** N.J.A.C. 10:46D, Contributions for Care and Maintenance Requirements.

Recodify existing (i)-(j) as (h)-(i) (No change in text.)

[(k)] (j) It is the Division’s policy to fund services in the State of New Jersey, **except where the conditions stipulated at N.J.S.A. 30:6D-21.1 through 21.3 (P.L. 2015, c. 192) exist.**

## 10:46-2.2 Residency

(a) An individual must be a resident of New Jersey before the Division can provide services. It shall be the responsibility of the individual applying for eligibility, or his or her guardian, to establish residency in the State of New Jersey. Residency shall be determined in the following manner:

1. (No change.)

2. When an individual applying for eligibility is residing in an out-of-State residential placement at the time of application for eligibility **and the conditions stipulated at N.J.S.A. 30:6D-21.1 through 21.3 (P.L. 2015, c. 192) do not apply**, she or he shall indicate on the application that it is their intention to return to New Jersey to receive in-State services no later than six months after eligibility has been established. If the individual does not return to New Jersey within six months of the determination of eligibility, the individual will not have met the residency requirement, and eligibility will be rescinded. If the individual is not yet 21 years of age, the individual will have no more than six months after their 21st birthday to return to New Jersey or the individual will not have met the residency requirement and eligibility will be rescinded.

(b) If an individual 21 years of age or older has already been determined functionally eligible for services and is residing in an out-of-State placement **and the conditions stipulated at N.J.S.A. 30:6D-21.1 through 21.3 (P.L. 2015, c. 192) do not apply**, the individual shall return to New Jersey within six months of notification from the Division or the individual will no longer meet the residency requirement and eligibility will be rescinded. An individual whose eligibility is rescinded under this section may reapply at any time if she or he returns to New Jersey and is living in the State as his or her primary residence.

1.-2. (No change.)

(c) Exceptions to (a)2 and (b) above may be made with the authorization of the Assistant Commissioner in one of the following two circumstances only:

1. (No change.)

2. The individual’s services are reimbursed by Medicaid under the Community Care [Waiver (CCW)] **Program (CCP)** and health and safety can be assured despite the individual not residing in the State.

(d)-(g) (No change.)

SUBCHAPTER 3. APPLICATION

10:46-3.1 Who may apply

(a) (No change.)

(b) Pursuant to **N.J.S.A. 30:4C-4.4** (P.L. 2012, c. 16, sec. 158), the Division may continue to provide services to certain individuals under age 21 whom it is serving on January 22, 2013.

(c) (No change.)

10:46-3.2 How to apply

(a)-(e) (No change.)

(f) An application shall be deemed complete when there is sufficient information to make a determination of eligibility. An applicant has one year from the date of the submission of the initial application to submit all supporting documentation to constitute a complete application or a new application will be required. [Individuals who have started, but not completed, the full application process or have not yet been determined fully eligible for functional services as of January 22, 2013, will be subject to all requirements of this chapter.]

SUBCHAPTER 4. DETERMINATION PROCESS

10:46-4.2 Notice requirements

(a)-(b) (No change.)

(c) If the applicant is determined eligible, Division staff shall notify the applicant, in writing, within 10 working days of the determination and such notice shall include information regarding the service(s) deemed most suitable by the intake worker or the intake team.

1. (No change.)

2. The Division may also place the eligible individual's name on the Community Care [Waiver] **Program** Waiting List in accordance with N.J.A.C. 10:46C and/or any other applicable waiting lists. Nothing in this paragraph entitles an individual determined eligible for services to immediate enrollment on the Community Care [Waiver] **Program** or any other service for which there may be a waiting list.

(d) (No change.)

**OTHER AGENCIES**

**(a)**

**FORT MONMOUTH ECONOMIC REVITALIZATION AUTHORITY**

**Fort Monmouth Economic Revitalization Authority Rules**

**Proposed New Rules: N.J.A.C. 19:31C**

Authorized By: Fort Monmouth Economic Revitalization Authority, Bruce Steadman, Executive Director.

Authority: N.J.S.A. 52:27I-18 et seq., specifically 52:27I-26kk.

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

Proposal Number: PRN 2020-022.

Submit written comments by May 1, 2020, to:

Bruce Steadman, Executive Director  
 Fort Monmouth Economic Revitalization Authority  
 502 Brewer Avenue  
 Oceanport, NJ 07757  
 Email: [Bsteadman@njeda.com](mailto:Bsteadman@njeda.com)

The agency proposal follows:

**Summary**

The Fort Monmouth Economic Revitalization Authority ("FMERA" or "Authority") is proposing the expired rules as new rules, pursuant to the Fort Monmouth Economic Revitalization Act (the Act), P.L. 2010, c. 51 (N.J.S.A. 52:27I-18 et seq.), consistent with, and in furtherance of, the Fort Monmouth Reuse and Redevelopment Plan (Reuse Plan)—the comprehensive conversion and revitalization plan for Fort Monmouth developed by the former Fort Monmouth Economic Revitalization

Planning Authority (FMERPA) "... to encourage enlightened land use and create employment and other business opportunities for the benefit of the three host municipalities." Accordingly, FMERA has determined that the rules are necessary to further advance the efficient redevelopment and reuse of Fort Monmouth.

The expired rules proposed herein as new rules at N.J.A.C. 19:31C-1 establish procedures for the lease of real property and accompanying personal property, pursuant to P.L. 2010, c. 10 (N.J.S.A. 52:27I-18 et seq.) and are summarized as follows:

N.J.A.C. 19:31C-1.1, Applicability and scope, addresses the statutory authority and summarizes the scope and purpose of the subchapter.

N.J.A.C. 19:31C-1.2, Definitions, defines certain terms used in the subchapter, incorporates terms used in the Fort Monmouth Economic Revitalization Authority Act, and provides additional terms including governing the lease of real and accompanying personal property at Fort Monmouth.

N.J.A.C. 19:31C-1.3, Advertising process, outlines procedures for the public notice and contact of potential lessees for the lease of real and accompanying personal property at Fort Monmouth.

N.J.A.C. 19:31C-1.4, Proposal request, establishes the required information and procedures for the notice of opportunity for a lease of a particular parcel or building.

N.J.A.C. 19:31C-1.5, Proposal submission, establishes the requirements for submittal of proposals, including payment of 10 percent of the first year's rent that shall be held as a deposit and applied to rental payments for the accepted proposal, and returned to all others.

N.J.A.C. 19:31C-1.6, Extension of time to submit proposal, authorizes the Authority Director, at the request of a potential lessee, to extend the time to submit a proposal and establishes requirements for such requests, including the applicability to all potential lessees.

N.J.A.C. 19:31C-1.7, Prices, requires that proposals shall include all material price information required by the notice, which shall remain effective for 90 days after the opening date, subject to any negotiations conducted in accordance with N.J.A.C. 19:31C-1.13.

N.J.A.C. 19:31C-1.8, Withdrawal of proposal, establishes factors upon which a potential lessee may request the withdrawal of a proposal, including instances in which the potential lessee(s) or the Authority discovers a material error in a proposal.

N.J.A.C. 19:31C-1.9, Correction of pricing error, identifies the circumstances under which the Authority shall correct a pricing error in a leased space proposal.

N.J.A.C. 19:31C-1.10, Verification of proposal, concerns the means by which the Authority may seek to verify the accuracy and responsiveness of a proposal, including contacting the potential lessee's surety companies, financial institutions, and prior lessees, or visiting the potential lessee's place of business and property sites.

N.J.A.C. 19:31C-1.11, Rejection of all proposals, re-advertisement, and termination, establishes the reservation of right of the Authority to reject all proposals and to either re-advertise or terminate an advertised opportunity to lease upon certain instances.

N.J.A.C. 19:31C-1.12, Evaluation, identifies that proposals shall be evaluated based on the provisions of the subchapter and determined to be responsive to all material elements as set forth in the notice and as referenced in the section.

N.J.A.C. 19:31C-1.13, Negotiations, clarifies that the Authority may negotiate terms with potential lessee(s) and that FMERA reserves the right to negotiate with some, but not all, potential lessees, which conforms to a similar provision outlined in the expired rules proposed herein as new rules at N.J.A.C. 19:31C-2.15 that establish procedures for the sale of real property and accompanying personal property.

N.J.A.C. 19:31C-1.14, Recommendation, review, and award, establishes the process for the recommendation, review, and award of lease and lease agreements.

N.J.A.C. 19:31C-1.15, Challenges, provides that after a notice of intent to award has been sent to all potential lessees that submitted a proposal, potential lessees are entitled to review proposals submitted by other potential lessees, as well as the Authority's comparative summary of proposals received and records of negotiations, if any, and that challenges may be submitted according to the provisions of the section.