

ADMINISTRATIVE LAW

OFFICE OF ADMINISTRATIVE LAW

Notices

Proposed Amendment: N.J.A.C. 1:1-9.5

Authorized By: Barry E. Moscovitz, Acting Director, Office of Administrative Law.

Authority: N.J.S.A. 52:14F-5.e, f, and g.

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

Proposal Number: PRN 2025-075.

Submit written comments by September 5, 2025, to:

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Administrative Practice Officer

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The agency proposal follows:

Summary

As of March, 2000, with the declaration of a State of Emergency and a Public Health Emergency related to the COVID-19 pandemic, issued by Governor Murphy (see Executive Order No. 103 (2000)), the Office of Administrative Law (OAL) began using email as the primary method for delivery of notices related to all matters at the OAL. The use of email as a method of notice delivery has been received very well by the New Jersey Bar and by the public-

at-large. Therefore, the OAL proposes to amend N.J.A.C. 1:1-9.5(c) to permit, for delivery of notices to parties, any method reasonably certain to provide actual notice to the parties.

However, if the OAL does not have email for any party in a matter, the notices will be sent to all parties in that case by regular mail.

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

Social Impact

The proposed amendment should have a positive social impact as it confirms, by regulation, the primary method of delivery of notices by the OAL.

Economic Impact

The proposed amendment will not cost the OAL or the parties to a matter anything, as parties will still receive regular mail delivery if they do not have email. Additionally, the use of email, rather than regular mail, will save the OAL, and in turn, the State and taxpayers money for postage and mail supplies for the majority of all notices sent out by the OAL.

Federal Standards Statement

A Federal standards analysis is not required because the proposed amendment is not subject to any Federal standards.

Jobs Impact

The proposed amendment will have no impact on the number of jobs generated or lost in New Jersey.

Agriculture Industry Impact

The proposed amendment will have no impact on the agriculture industry in New Jersey.

Regulatory Flexibility Statement

A regulatory flexibility analysis is not required because the proposed amendment does not impose reporting, recordkeeping, or compliance requirements on small businesses, as defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The proposed amendment sets forth an internal process used for notice of matters at the OAL.

Housing Affordability Impact Analysis

The proposed amendment will have no impact on the affordability of housing in New Jersey and there is an extreme unlikelihood that the rule would evoke a change in the average costs associated with housing because the proposed amendment concerns delivery of notices for matters at the OAL.

Smart Growth Development Impact Analysis

The proposed amendment will have an insignificant impact on smart growth and there is an extreme unlikelihood that the amendment would evoke a change in housing production in Planning Areas 1 or 2, or within designated centers, pursuant to the State Development and Redevelopment Plan in New Jersey because the proposed amendment concerns delivery of notices for matters at the OAL.

Racial and Ethnic Community Criminal Justice and Public Safety Impact

The proposed amendment will have no impact on pretrial detention, sentencing, probation, or parole policies concerning juveniles and adults in the State. Accordingly, no further analysis is required.

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

SUBCHAPTER 9. SCHEDULING; CLERK'S NOTICES; ADJOURNMENTS; INACTIVE LIST

1:1-9.5 Notices

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

(c) Notices shall be by [regular mail, except that when emergent needs so require and the law permits, notice of proceedings may be by telephone or] any [other] method reasonably certain to provide actual notice to the parties.

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