

STATE OF NEW JERSEY
STATE PLANNING COMMISSION
NOTICE OF MODIFICATION OF TEMPORARY RULE
PURSUANT TO EXECUTIVE ORDERS NOS. 281 AND 292 (MURPHY)
Modification of Temporary Rule adopted by the State Planning Commission
Date: June 1, 2022

Authority: N.J.S.A. App.A:9-45 & App. A:9-47; Executive Order No. 103 (Murphy)("EO 103"); Executive Order No. 281; Executive 292. Effective Date:

This is a modification of a temporary rule of the State Planning Commission at N.J.A.C. 5:85-7.21(g) Section 6 of EO 103, issued in response to the COVID-19 pandemic, authorized agency heads to waive/suspend/modify any existing rule, where the enforcement of the rule would be detrimental to the public welfare during the emergency, notwithstanding the provisions of the Administrative Procedure Act or any law to the contrary. Pursuant to that authority, and with the approval of the Governor and in consultation with the State Director of Emergency Management and the Commissioner of the Department of Health, the State Planning Commission temporarily modified its rules to allow expiring Commission-designated Centers to remain as designated Centers.

Section 3 of EO 281 provided that certain administrative orders, directives, and waivers, issued by any Executive Branch departments and agencies under EO 103 and the Emergency Health Powers Act to respond to the COVID-19 outbreak and set forth in an appendix to the EO, shall remain in full force and effect unless otherwise modified or revoked by the Executive Branch department or agency. EO 292 terminated the Public Health Emergency but declared that the Executive Branch agency administrative orders, directives, and waivers that had not already been revoked would remain in full force and effect until revoked or modified by the department or agency head, or until the State of Emergency is no longer in effect. After due consideration, the State Planning Commission has determined that the temporary rule should be modified as it is no longer necessary and enforcement of the rule in its original form would no longer be detrimental to the public. Accordingly, the rule at 5:85-7.21(g) shall now be amended as follows:

(g) Centers in municipalities that are subject to extensions, pursuant to Executive Orders 103 and 292 and State Planning Commission Resolution #2020-07 that have expressed written desire not to pursue Plan Endorsement will expire on July 1, 2022. All other Centers that are subject to extensions, pursuant to Executive Orders 103 and 292 and State Planning Commission Resolution #2020-07 will expire on March 31, 2023.

I find that revocation of the temporary rule modification above is necessary because enforcement of the temporary rule is no longer detrimental to the public welfare during this state of emergency.



Thomas K. Wright
Chairman

June 1, 2022