

## CHAPTER 51

### OFFICE OF RECREATION

#### Authority

N.J.S.A. 52:27D-173.

#### Source and Effective Date

R.2009 d.188, effective May 14, 2009.  
See: 40 N.J.R. 4386(a), 41 N.J.R. 2466(a).

#### Chapter Expiration Date

Chapter 51, Office of Recreation, expires on May 14, 2014.

#### Chapter Historical Note

Chapter 36, Management Assistance Programs, was adopted by R.1978 d.365, effective October 16, 1978. See: 10 N.J.R. 470(b).

Pursuant to Executive Order 66(1978), Chapter 36, Management Assistance Programs, was readopted and recodified as Chapter 51, Management Assistance Programs, by R.1983 d.443, effective September 27, 1983. See: 15 N.J.R. 1305(a), 15 N.J.R. 1759(a).

Pursuant to Executive Order 66(1978), Chapter 51, Management Assistance Programs, was readopted and recodified as Chapter 2, Management Assistance Programs, by R.1988 d.459, effective September 1, 1988. See: 20 N.J.R. 1765(a), 20 N.J.R. 2451(a).

Chapter 2, Management Assistance Programs, was recodified to Chapter 51, as Office of Recreation, by R.1989 d.237, effective April 10, 1989. See: 21 N.J.R. 1122(a).

Pursuant to Executive Order No. 66(1978), Chapter 51, Office of Recreation, was readopted as R.1993 d.436, effective August 11, 1993. See: 25 N.J.R. 2633(a), 25 N.J.R. 4074(a).

Pursuant to Executive Order No. 66(1978), Chapter 51, Office of Recreation, was readopted as R.1998 d.331, effective June 5, 1998. See: 30 N.J.R. 1129(a), 30 N.J.R. 2431(a).

Chapter 51, Office of Recreation, was readopted as R.2004 d.5, effective December 2, 2003. See: 35 N.J.R. 2799(a), 36 N.J.R. 171(a).

Chapter 51, Office of Recreation, was readopted as R.2009 d.188, effective May 14, 2009. See: Source and Effective Date.

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#### SUBCHAPTER 1. HANDICAPPED PERSONS' RECREATIONAL OPPORTUNITIES ACT

##### 5:51-1.1 Introduction and general provisions

(a) The Handicapped Persons' Recreational Opportunities Act of 1978 was enacted to encourage and support the promotion, planning, development, implementation and main-

tenance of comprehensive recreation and leisure services to persons with disabilities by municipal and county governments as a public policy of the State of New Jersey.

(b) The Handicapped Persons' Recreational Opportunities Act of 1978 is administered by the Department of Community Affairs through the Office of Recreation. All correspondence and inquiries should be addressed to the Office of Recreation, Department of Community Affairs, 101 South Broad Street, PO Box 814, Trenton, New Jersey 08625-0814.

(c) The general purposes of the Handicapped Persons' Recreational Opportunities Act are:

1. To reinforce the status of persons with disabilities as members of the total society;
2. To promote the least restrictive environment in providing recreation and leisure services for persons with disabilities; and
3. To assist local governments in the commencement or expansion of recreation and leisure services for persons with disabilities.

As amended, R.1983 d.443, effective September 27, 1983.

See: 15 N.J.R. 1305(a), 15 N.J.R. 1759(a).

Amended by R.1988 d.459, effective October 3, 1988.

See: 20 N.J.R. 1765(a), 20 N.J.R. 2451(a).

Moved from Division of Community Resources to the Office of Recreation and address change.

Amended by R.1993 d.436, effective September 7, 1993.

See: 25 N.J.R. 2633(a), 25 N.J.R. 4074(a).

### 5:51-1.2 Definitions

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

"Certificate of Appropriated Funds" means a written statement submitted under the signature of the chief financial officer of a local government certifying the availability of local appropriated funds to meet the cash match required under the grant formula.

"Chief Executive Officer" means the mayor of a municipality, director of a board of chosen freeholders, or such other official designated as the chief executive officer of the local government by the provisions of the Optional Municipal Charter Law or Optional County Charter Law.

"Chief Financial Officer" means the treasurer of a local government, or such other official designated by the local government.

"Commissioner" means the Commissioner of the Department of Community Affairs or his or her designee.

"Comprehensive Recreation Services" means a continuous integrated or specialized recreation and leisure service program for persons with disabilities that promotes and provides

the least restrictive environment for a person with disabilities as an integral and on-going aspect of a local government's recreation and leisure service program.

"Department" means the New Jersey Department of Community Affairs.

"Local Contracts Law" means the Local Public Contracts Law as amended N.J.S.A. 40A:11-1 et seq.

"Local Government" means a county or municipality of the State of New Jersey.

"Local Resolution" means a resolution adopted by the governing body of the local government, certified by the seal of the respective local government.

"Non-Profit Agency" means a private non-profit agency serving persons with disabilities.

"Non-Profit Agency Resolution" means a formal written resolution signed by the chairman of the board of directors of a private non-profit agency certifying the non-profit agency's intent to enter into an agreement with a local government to service the recreation and leisure needs of persons with disabilities.

"Office" means the Office of Recreation of the Department of Community Affairs.

"Persons with disabilities" means persons who have mental retardation, visual disability, auditory disability, communication disability, neurological or perceptual impairment, orthopedic disability, chronic illness, emotional disturbance, social maladjustment, multiple disability or developmental disability.

"Special Event" means a relatively short-term special activity or program that fulfills particular and specific objectives for those persons with disabilities participating.

As amended, R.1983 d.443, effective September 27, 1983.

See: 15 N.J.R. 1305(a), 15 N.J.R. 1759(a).

Amended by R.1988 d.459, effective October 3, 1988.

See: 20 N.J.R. 1765(a), 20 N.J.R. 2451(a).

Deleted definitions "Bureau", "Director", "Division" and inserted "Commissioner" and "Office".

Amended by R.1993 d.436, effective September 7, 1993.

See: 25 N.J.R. 2633(a), 25 N.J.R. 4074(a).

### 5:51-1.3 Eligible applicants

(a) Local governments are eligible applicants for participation in the program. Applicants may perform the services directly or through contractual arrangements with non-profit agencies, which agreements shall comply with the Local Public Contracts Law.

(b) The following activities for persons with disabilities shall be accepted as eligible activities for participation in the program.

1. Special events;
2. Comprehensive recreation services.

(c) Grants to be awarded for Special Events or Comprehensive Recreation Services shall be subject to the following limitations:

1. Limitations necessitated by the State budget and the availability of appropriated funds.

2. Special Events grants may not exceed \$25,000 annually. No more than \$1,000 may be awarded annually to any one municipality, nor more than \$2,500 to any one county for a Special Events grant.

3. Grants to be awarded for Special Events or Comprehensive Recreation Services to local governments shall be made in the amount of \$5.00 for each \$1.00 appropriated by local government. The \$1.00 per \$5.00 match required of a local government must be a cash match contribution under the provisions of the grant formula, to be made in accordance with N.J.A.C. 5:51-1.5(d). In-kind services or costs of other on-going services shall not be allowed as substitute for the \$1.00 per \$5.00 cash match requirement.

As amended, R.1983 d.443, effective September 27, 1983.

See: 15 N.J.R. 1305(a), 15 N.J.R. 1759(a).

Amended by R.1988 d.459, effective October 3, 1988.

See: 20 N.J.R. 1765(a), 20 N.J.R. 2451(a).

Substituted "shall" for "will"; added "per \$5.00" and added "to be made in accordance with N.J.A.C. 5:2-1.5(d)".

Amended by R.1993 d.436, effective September 7, 1993.

See: 25 N.J.R. 2633(a), 25 N.J.R. 4074(a).

### 5:51-1.4 Application procedure

(a) The act requires that application for funding has to be made through a local government. The principals of the contract for funding through this Act will be the Department of Community Affairs and the approved local government.

(b) A local government that desires to participate in the program will be required to file a resolution from the government body expressing its intent to enter into a formal agreement with the Department for funding assistance under this Act. A certified copy of the resolution must be included as an attachment to the application.

(c) A local government that desires to participate in the program will be required to submit a formal application to the Department. Formal application forms are available upon request. The Division will, from time to time issue standard application forms together with appropriate instructions and guidelines. Time deadlines will be established annually or otherwise as may be appropriate for receipt of applications.