

CHAPTER 2

ORGANIZATIONAL RULES

Authority

N.J.S.A. 52:27D-3 and 52:14B-3 and 4.

Source and Effective Date

R.1995, d.186, effective March 6, 1995.
See: 27 N.J.R. 1404(a).

Executive Order No. 66(1978) Expiration Date

Chapter 2, Organizational Rules, expires on March 6, 2000.

Chapter Historical Note

Chapter 2, originally Organization of the Department, was adopted as R.1989 d.237, effective April 10, 1989. See: 21 N.J.R. 1122(a). Pursuant to Executive Order No. 66(1978), Chapter 2 expired on April 10, 1994. A new Chapter 2, Organizational Rules, was adopted as R.1995 d.186. A new Subchapter 2 was adopted as R.1995 d. 353 effective July 3, 1995. See: Source and Effective Date.

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SUBCHAPTER 1. ORGANIZATION OF THE DEPARTMENT

5:2-1.1 Office of the Commissioner; Divisions

(a) The Department of Community Affairs includes the Office of the Commissioner, the Divisions of Codes and Standards, Housing and Community Resources, Fire Safety, Women, Aging and Local Government Services, the Office of Recreation and the Center for Hispanic Policy, Research and Development.

(b) The Office of the Commissioner includes the Commissioner, the Deputy Commissioner (who oversees the Division of Local Government Services), two Assistant Commissioners (one of whom oversees the Divisions of Codes and Standards, Housing and Community Resources and Fire Safety, and is responsible for liaison with the Housing and Mortgage Finance Agency and the Council on Affordable Housing, and the other of whom oversees the

Division on Women, the Division on Aging, the Office of Recreation and the Center for Hispanic Policy, Research and Development), and the following subordinate offices that report either to the Commissioner or the Deputy Commissioner:

1. Reporting to the Commissioner:
 - i. Affirmative Action.
2. Reporting to the Deputy Commissioner:
 - i. Office of Auditing;
 - ii. Press Office;
 - iii. Human Resources;
 - iv. Legislative Affairs; and
 - v. Administration.

(c) The Division of Codes and Standards consists of the Director's Office, the Office of Planning and Operations, the Construction Code Element and the Inspection and Licensing Element.

1. The Construction Code Element includes the Assistant Director's Office and the following bureaus:
 - i. Homeowner Protection;
 - ii. Technical Services;
 - iii. Code Services;
 - iv. Regulatory Affairs;
 - v. Construction Project Review; and
 - vi. Local Code Enforcement.
2. The Inspection and Licensing Element includes the Assistant Director's Office and the following bureaus:
 - i. Housing Inspection; and
 - ii. Rooming and Boarding House Standards.

(d) The Division of Fire Safety consists of the Director's Office, the Bureau of Fire Code Enforcement and the Bureau of Fire Department Services.

(e) The Division of Housing and Community Resources consists of the Director's Office (including the offices of Audit Review and Fiscal Monitoring and Division Administration and Operations) and the following elements: Housing Production and Community Development; Housing Assistance Programs; and Housing Sponsor Services.

(f) The Division on Women includes the Office of the Director and the following offices:

1. Advocacy, Public Information and Legislation;
2. Displaced Homemakers;

3. Domestic Violence;
4. Hispanic Women; and
5. Child Care and Disabled Women.

to the Press Office at CN 800, Trenton, New Jersey 08625 or by calling 1-800-332-4357.

(g) The Division on Aging includes the Office of the Director and the following offices:

1. Ombudsman for the Institutionalized Elderly;
2. The Public Guardian;
3. Administrative and Public Information;
4. Fiscal Operations;
5. Program Operations; and
6. Policy, Planning and Area Agency Administration.

(h) The Division of Local Government Services includes the Office of the Director, the Local Finance Board and the following elements: Local Assistance and Regulatory Services.

1. The Local Assistance Element includes the Assistant Director's Office, the Bureau of Local Management Services, and the Fiscal and Grant Unit;

2. The Regulatory Services Element includes the Assistant Director's Office, the Bureau of Authority Regulation, the Bureau of Financial Regulation, and the Audit Quality Assurance Unit.

5:2-1.2 Agencies in, but not of, the Department

(a) The following agencies of State government are allocated to the Department of Community Affairs in compliance with Article V, Section 4, Paragraph 1 of the New Jersey Constitution but are not, except as noted in (b) below, under the supervision or control of the Commissioner:

1. New Jersey Housing and Mortgage Finance Agency;
2. Council on Affordable Housing;
3. Hackensack Meadowlands Development Commission; and
4. New Jersey Sports and Exposition Authority.

(b) The Commissioner is chairperson of the New Jersey Housing and Mortgage Finance Agency and of the Hackensack Meadowlands Development Commission.

5:2-1.3 Public information requests

Members of the public may obtain general information concerning the Department of Community Affairs by writing

SUBCHAPTER 2. PETITIONS FOR RULES

Authority

N.J.S.A. 52:14B-4 and 52:27D-3

Source and Effective Date

R.1995 d.353, effective July 3, 1995.
See: 27 N.J.R. 1715(b), 27 N.J.R. 2577(c).

5:2-2.1 Scope

This subchapter shall apply to all petitions made by interested persons for the promulgation, amendment or repeal of any rule by the Department of Community Affairs, or by any of its component divisions or bureaus, pursuant to N.J.S.A. 52:14B-4(f).

5:2-2.2 Form of petition

(a) A petition for the promulgation, amendment or repeal of a rule shall be in writing, shall be legible and reasonably comprehensible, and shall be signed by the petitioner.

(b) Any such petition shall contain all of the following information:

1. The full name and address of the petitioner;
2. The substance or nature of the rulemaking that is requested;
3. The reasons for the request;
4. The petitioner's interest in the request, including, without limitation, any relevant organizational affiliation or economic interest; and
5. The statutory authority under which the Department may take the requested action.

(c) Any document submitted to the Department or to any of its component divisions or bureaus that is not in substantial compliance with (a) and (b) above shall not be deemed to be a petition for a rule requiring further action pursuant to N.J.S.A. 52:14B-4(f).

5:2-2.3 Procedure for petitions

(a) Petitions for the promulgation, amendment or repeal of a rule by the Department of Community Affairs or any of its component divisions or bureaus shall be addressed to the Office of the Commissioner, Department of Community Affairs, CN 800, Trenton, New Jersey 08625.

(b) Upon receipt of any such petition for a rule, the Office of the Commissioner shall date-stamp and log the petition and send a copy thereof to the director of any division having jurisdiction.

1. The Office of the Commissioner shall also provide a copy of the petition to the Department's Administrative Practice Officer.

(c) Within 20 days following receipt of a copy of the petition, a division director to whom such copy was sent shall recommend to the Commissioner, in writing, the proper course of action to be taken in response to such petitioner.

(d) Upon receipt of a copy of the petition, the Administrative Practice Officer shall prepare, for the Commissioner's signature, a notice of petition for a rule that is in compliance with N.J.A.C. 1:30-3.6(a). Upon signature by

the Commissioner, the Administrative Practice Officer shall file such notice with the Office of Administrative Law.

(e) Within 30 days following receipt of the petition, the Commissioner, or any board or subordinate official within the Department having rulemaking authority with regard to the subject matter of the petition, shall either deny the petition or proceed to act on the petition.

1. Upon notification as to the decision of the Commissioner, or of the board or subordinate official having rulemaking authority, with respect to the petition, the Administrative Practice Officer shall prepare a notice of action that is in compliance with N.J.A.C. 1:30-3.6(b). Upon signature by the Commissioner or other person having rulemaking authority, or person authorized to sign for a board having such authority, the Administrative Practice Officer shall file such notice with the Office of Administrative Law.