

CHAPTER 3
DEPARTMENT RECORDS

Authority

N.J.S.A. 46:3B-5, 52:27C-24, 52:27D-3f, 52:27D-124,
52:27D-201, 52:27D-203, 55:13B-7.

Source and Effective Date

R.1998 d.296, effective May 14, 1998.
See: 30 N.J.R. 1003(a), 30 N.J.R. 2204(a).

Executive Order No. 66(1978) Expiration Date

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 3, Department Records, expires November 10, 2003. See: 35 N.J.R. 2550(a).

Chapter Historical Note

Chapter 3, originally Office of the Commissioner, was filed and became effective prior to September 1, 1969 with rules on contract approval. These rules were repealed by R.1978 d.360, effective October 6, 1978. See: 10 N.J.R. 377(a), 10 N.J.R. 470(a).

Pursuant to Executive Order 66(1978), Chapter 3 was readopted as R.1988 d.458, effective September 1, 1988. See: 20 N.J.R. 1763(a), 20 N.J.R. 2451(b).

Pursuant to Executive Order No. 66(1978), Chapter 3, Department Records, was readopted as R.1993 d.419, effective July 30, 1993. See: 25 N.J.R. 2157(a), 25 N.J.R. 4071(a).

Pursuant to Executive Order No. 66(1978), Chapter 3, Department Records, was readopted as R.1998 d.296, effective May 14, 1998. See: Source and Effective Date. See, also, section annotations.

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SUBCHAPTER 1. GENERAL PROVISIONS

5:3-1.1 Nonpublic records

(a) Throughout the entire Department of Community Affairs, the following shall not be deemed to be public records subject to inspection and examination and available for copying pursuant to P.L. 1963, c.73 (N.J.S.A. 47:1A-1 et seq.).

1. All confidential reports, executive memoranda and evaluations submitted to the Commissioner or any other State agency;
2. All personnel records, job applications and statements filed pursuant to the Department of Community Affairs Code of Ethics;
3. Any Social Security number submitted to the Department by any person. If any otherwise public record

contains a Social Security number, the Social Security number shall be concealed or removed from the document before it is made available for public inspection, examination or copying; and

4. All records containing financial, organizational or other information pertaining to the business operations of any firm or company required to provide information to the Department in connection with any Department program.

(b) The following records of the Division of Local Government Services are also deemed to be nonpublic records:

1. Those reports entitled "Special Confidential Reports" which are filed by any registered municipal accountant;
2. Those reports pertaining to the inspection of local administration and inquiry into financial affairs pursuant to N.J.S.A. 52:27BB and Titles 46 and 47 of the New Jersey Statutes;
3. "Questionnaire" for registered municipal accountants;
4. Auditor evaluations conducted as a continuing program by municipal registered accountants;
5. Internal management reports concerning plans, programs and methods of the Division of Local Government Services.

6. Any correspondence and records dealing with specific programs prior to execution of the intended contract;

7. All resource recovery contracts submitted to the Division of Local Government Services during the period of time in which such contracts are undergoing staff review for compliance with applicable law.

(c) The following records of the Division of Codes and Standards are also deemed to be nonpublic records:

1. All records containing personal or financial information submitted by applicants for rooming or boarding house owner's or operator's licenses or for loans under the Boarding House Life Safety Loan Program or submitted by public agencies or other persons with respect to such applicants; and
2. All records containing the name of a complainant which were submitted to or maintained by the Department pursuant to the Public Employees Occupational Safety and Health Act (P.L. 1983, c.516; N.J.S.A. 34:6A-25 et seq.).

(d) The following records of the Division of Housing and Community Resources are also deemed to be nonpublic records:

1. All records containing personal or financial information submitted by applicants for rental assistance under the Section 8 Existing Housing, Section 8 Moderate Rehabilitation and Boarding House Life Safety Loan programs or submitted by public agencies or other persons with respect to such applicants; and

2. All records containing applicant information submitted to the Affordable Housing Management Service for inclusion on the referral waiting list.

Amended by R.1983 d.433, effective October 17, 1983.

See: 15 N.J.R. 1152(a), 15 N.J.R. 1758(a).

Deleted old (d) and added new (d)1.

Amended by R.1983 d.643, effective January 17, 1984.

See: 15 N.J.R. 1910(a), 16 N.J.R. 128(a).

(d)2. added.

Amended by R.1988 d.458, effective October 3, 1988.

See: 20 N.J.R. 1763(a), 20 N.J.R. 2451(b).

Substantially amended.

Recodified from 5:3-2.1 and amended by R.1993 d.419, effective September 7, 1993.

See: 25 N.J.R. 2157(a), 25 N.J.R. 4071(a).

Amended by R.1998 d.296, effective June 15, 1998.

See: 30 N.J.R. 1003(a), 30 N.J.R. 2204(a).

In (a), added 4; in (c), substituted a reference to the Division of Codes and Standards for a reference to the Division of Housing and Development in the introductory paragraph, deleted former 2, 4 and 5, and recodified former 3 as 2; and added (d).

5:3-1.2 Social Security numbers

(a) Except as otherwise provided by Federal law, no division, bureau or other unit within the Department of Community Affairs may require any person to submit his or her Social Security number as a condition for acceptance of an application for licensure, certification, registration or assistance.

(b) Units within the Department of Community Affairs responsible for the enforcement of the Rooming and Boarding House Act of 1979, the State Uniform Construction Code Act, the Uniform Fire Safety Act, the New Home Warranty and Builders' Registration Act and the Prevention of Homelessness Act may request voluntary submission of Social Security numbers for use in connection with criminal background checks or credit checks needed for purposes of licensure, certification, registration or assistance, as the case may be. No application shall be denied for failure to comply with any such request; provided, however, that a person who refuses to submit a Social Security number may be required to submit such other information as the Department may require in order to determine an applicant's eligibility for licensure, certification, registration or assistance, as the case may be.

(c) Any form used by any unit within the Department to request submission of a Social Security number shall include the following:

1. A statement as to whether provision of the Social Security number is mandatory or voluntary;
2. A citation of the statute or rule (which, in the case of a request for voluntary submission, shall be this section, together with N.J.S.A. 55:13B-7, 52:27D-201, 52:27D-203, 52:27D-124, 46:3B-5 or 52:27C-24, whichever may be applicable) that authorizes the Department to require or request the Social Security number; and
3. A statement of the use or uses that the Department will make of the Social Security number.

New Rule, R.1993 d.419, effective September 7, 1993.

See: 25 N.J.R. 2157(a); 25 N.J.R. 4071(a).