

**CHAPTER 2  
ORGANIZATIONAL RULES**

**Authority**

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

**Source and Effective Date**

R.2000 d.87, effective February 9, 2000.  
See: 32 N.J.R. 825(a).

**Chapter Expiration Date**

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 2, Organizational Rules, expires on August 8, 2005. See: 37 N.J.R. 561(a).

**Chapter Historical Note**

Chapter 2, 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.

Chapter 2, Organizational Rules, was adopted as new rules by R.1995 d.186, effective March 6, 1995. See: 27 N.J.R. 1404(a).

Subchapter 2, Petitions for Rules, was adopted as R.1995 d.353, effective July 3, 1995. See: 27 N.J.R. 1715(b), 27 N.J.R. 2577(c).

Pursuant to Executive Order No. 66(1978), Subchapter 1, Organization of the Department, was readopted as R.2000 d.87, effective February 9, 2000. See: Source and Effective Date. See, also, section annotations.

Subchapter 2, Petitions for Rules, was adopted as R.2000 d.194, effective May 15, 2000. See: 32 N.J.R. 632(a), 32 N.J.R. 1763(a).

Subchapter 3, Extensions for Military Personnel, was adopted as R.2003 d.281, effective July 21, 2003. See: 35 N.J.R. 1474(a), 35 N.J.R. 3297(a).

Subchapter 2, Petitions for Rules, and Subchapter 3, Extensions for Military Personnel, were readopted as R.2005 d.245, effective June 28, 2005. See: 37 N.J.R. 561(a), 37 N.J.R. 2859(c).

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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, the Division on Women and the Center for Hispanic Policy, Research and Development), one Assistant Commissioner who 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, the Council on Affordable Housing, the New Jersey Redevelopment Authority, the State Planning Commission and the Office of State Planning, and the following subordinate offices that report either to the Commissioner or the Deputy Commissioner:

1. Reporting to the Commissioner:
  - i. Affirmative Action; and
  - ii. Ethics.
2. Reporting to the Deputy Commissioner:
  - i. Office of Auditing;
  - ii. Communications and Policy;
  - iii. Human Resources;
  - iv. Legislative Affairs;
  - v. Internal Services; and
  - vi. Fiscal Affairs.

(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. Code Services;
- iii. Regulatory Affairs;
- iv. Construction Project Review; and
- v. Local Code Enforcement.

2. The Inspection and Licensing Element includes the Assistant Director's Office and the following bureaus:

- i. Housing Inspection;
- ii. Rooming and Boarding House Standards; and
- iii. Boiler and Pressure Vessel Compliance.

(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 and Community 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.

(g) The Division of Local Government Services includes the Office of the Director 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.

Amended by R.2000 d.87, effective February 9, 2000.  
See: 32 N.J.R. 825(a).

Rewrote (b); in (c)1, deleted a former ii and recodified former iii through vi as ii through v; in (c)2 added iii; in (e), substituted a reference to Housing and Community Services for a reference to Housing Sponsor Services at the end; deleted a former (g); and recodified former (h) as (g).

Amended by R.2000 d.234, effective May 11, 2000.  
See: 32 N.J.R. 2048(a).

#### **5:2-1.2 Agencies in, but not of, the Department; other agencies**

(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 (c) below, under the supervision or control of the Commissioner or any division director:

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

#### **5. New Jersey Redevelopment Authority.**

(b) The following agencies within the Department are not, except as noted in (c) below, under the supervision or control of the Commissioner or of any division director with regard to the manner in which they carry out their specific statutory duties:

1. Local Finance Board;
2. State Planning Commission; and
3. Office of State Planning.

(c) The Commissioner is chairperson of the New Jersey Housing and Mortgage Finance Agency and of the Hackensack Meadowlands Development Commission. The Director of the Division of Local Government Services is chairperson of the Local Finance Board.

Amended by R.2000 d.87, effective February 9, 2000.  
See: 32 N.J.R. 825(a).

In (a), added 5 through 7.  
Petition for Rulemaking.

See: 32 N.J.R. 1427(a).  
Amended by R.2000 d.234, effective May 11, 2000.  
See: 32 N.J.R. 2048(a).

#### **5:2-1.3 Public information requests**

Members of the public may obtain general information concerning the Department of Community Affairs by writing to the Office of Communications and Policy at PO Box 800, Trenton, New Jersey 08625-0800 or by calling (609) 292-6055.

Amended by R.2000 d.87, effective February 9, 2000.  
See: 32 N.J.R. 825(a).

Substituted a reference to the Office of Communications and Policy for a reference to the Press Office, and changed telephone number.

### **SUBCHAPTER 2. PETITIONS FOR RULES**

#### **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, PO Box 800, Trenton, New Jersey 08625-0800.

(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.

## SUBCHAPTER 3. EXTENSIONS FOR MILITARY PERSONNEL

### 5:2-3.1 Licensing and certification

(a) Any person in the military service of the United States, of the State of New Jersey or of another state, who is deployed or ordered to active duty by Federal or State authorities, and who holds a renewable license or certification by the Department of Community Affairs under authority of any statute, shall have such license or certification extended until 60 days following the end of such deployment or active service, or until such later time as the person has had a reasonable opportunity to comply with continuing education or other relicensing or recertification requirements.

1. Proof of deployment or activation shall be made by the licensed or certified individual submitting a copy or copies of the executed deployment and/or activation orders to the office within the division having jurisdiction that is responsible for issuance of licenses upon return to New Jersey or cancellation of activation. In the absence of orders, a letter from the individual's commanding officer, on appropriate letterhead, providing the information required shall be accepted.

2. Division staff shall adjust a certification cycle upon presentation of the proper military recertification documentation.

(b) A military recertification extension shall be for no more than three years.