

CHAPTER 2**ORGANIZATIONAL RULES****Authority**

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

Source and Effective Date

R.2010 d.271, effective October 22, 2010.
See: 41 N.J.R. 3992(a), 42 N.J.R. 2952(b).

Chapter Expiration Date

Chapter 2, Organizational Rules, expires on October 22, 2015.

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: 32 N.J.R. 825(a).

Subchapter 2, Petitions for Rules, was adopted as new rules by R.2000 d.194, effective May 15, 2000. See: 32 N.J.R. 623(a), 32 N.J.R. 1763(a).

Subchapter 3, Extensions for Military Personnel, was adopted as new rules by 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). Subchapter 1, Organization of the Department, expired on August 8, 2005.

Chapter 2, Organizational Rules, was readopted as R.2010 d.271, effective October 22, 2010. See: Source and Effective Date.

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SUBCHAPTER 1. (RESERVED)**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.