

**CHAPTER 3A  
ADMINISTRATION**

**Authority**

N.J.S.A. 13:17-1 et seq., specifically 13:17-6(i) and N.J.A.C. 19:4-6.27.

**Source and Effective Date**

R.1996 d.491, effective September 26, 1996.  
See: 28 N.J.R. 3235(a), 28 N.J.R. 4593(a).

**Executive Order No. 66(1978) Expiration Date**

Chapter 3A, Administration, expires on September 26, 2001, except Subchapter 3, Disability Discrimination Grievance Procedure, which is exempt from Executive Order No. 66(1978) under 28 C.F.R. Part 35.

**Chapter Historical Note**

Chapter 3A, Administration, was adopted by R.1974 d.83, effective March 29, 1974. See: 6 N.J.R. 209(b). Subchapter 3, Disability Discrimination Grievance Procedure, was adopted by R.1994 d.15, effective January 3, 1994. See: 25 N.J.R. 3946(b), 26 N.J.R. 251(a). Pursuant to Executive Order No. 66(1978), Chapter 3A was readopted by R.1996 d.491, effective September 26, 1996. See: Source and Effective Date. See, also, section annotations.

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**SUBCHAPTER 1. GENERAL PROVISIONS**

**19:3A-1.1 (Reserved)**

Repealed by R.1996 d.491, effective October 21, 1996.  
See: 28 N.J.R. 3235(a), 28 N.J.R. 4593(a).  
Section was "Indemnification".

**19:3A-1.2 (Reserved)**

R.1974 d.133, effective June 3, 1974.  
See: 6 N.J.R. 281(a).

Amended by R.1994 d.543, effective November 7, 1994.  
See: 26 N.J.R. 1970(a), 26 N.J.R. 4421(c).  
Repealed by R.1996 d.491, effective October 21, 1996.  
See: 28 N.J.R. 3235(a), 28 N.J.R. 4593(a).  
Section was "Annual meeting".

**19:3A-1.3 Petitions for rulemaking**

(a) Unless otherwise provided in the rules of the Hackensack Meadowlands Development Commission, this section shall constitute the Commission's requirements for the disposition of all requests for rulemaking pursuant to N.J.S.A. 52:14B-4(f).

1. For additional requirements relating to petitions for a zoning amendment to the Official Zoning Map, also known as a rezoning, see N.J.A.C. 19:4-6.29.

2. For additional requirements relating to petitions for an amendment to the District Zoning Regulations, N.J.A.C. 19:4, see N.J.A.C. 19:4-6.30.

(b) Any interested person may petition the Hackensack Meadowlands Development Commission to promulgate new rules, or to amend or repeal any of its existing rules. Such petition shall be filed with the Office of the Chief Engineer, in writing, and signed by the petitioner. The petition shall state clearly and concisely:

1. The substance or nature of the rulemaking which is requested;

2. The reasons for the request and the petitioner's interest in the request;

3. The statutory authority under which the Hackensack Meadowlands Development Commission may take the requested action; and

4. Existing Federal or State statutes and rules which the petitioner believes may be pertinent to the request.

(c) Petitions for the promulgation, amendment or repeal of a rule by the Hackensack Meadowlands Development Commission shall be sent by certified mail and shall be addressed to:

Hackensack Meadowlands Development Commission

One DeKorte Park Plaza

Lyndhurst, New Jersey 07071

Attention: Office of the Chief Engineer

(d) Any document submitted to the Hackensack Meadowlands Development Commission that is not in substantial compliance with this section shall not be deemed to be a petition for rulemaking requiring further agency action. The document shall be returned to sender with a deficiency explanation.

(e) Upon receipt of a petition for rulemaking, the following shall occur:

1. The petition shall be dated, stamped and logged;
2. A notice of petition shall be prepared and filed within 15 days of receipt with the Office of Administrative Law in compliance with N.J.A.C. 1:30-3.6(a).

(f) Prior to any action taken by the Hackensack Meadowlands Development Commission pursuant to this section, the Office of the Chief Engineer shall review the petition and prepare a preliminary analysis with recommendations thereon which shall be submitted to the Executive Director and the Commissioners.

(g) Within 30 days following receipt of a petition, the Office of the Chief Engineer shall mail to the petitioner and file with the Office of Administrative Law for publication in the New Jersey Register a notice of action on the petition which shall contain the information prescribed by N.J.A.C. 1:30-3.6(b).

(h) In accordance with N.J.A.C. 1:30-3.6(c), the Commission's action on a petition may include:

1. Denial of the petition;
2. Filing a notice of proposed rule or a notice of pre-proposal for a rule with the Office of Administrative Law; or
3. Referral of the matter for further deliberations, the nature of which shall be specified and which shall conclude upon a specified date. The results of these further deliberations shall be mailed to the petitioner and shall be submitted to the Office of Administrative Law for publication in the New Jersey Register.

New Rule, R.1991 d.553, effective November 4, 1991.  
See: 23 N.J.R. 1917(a), 23 N.J.R. 3346(a).

## SUBCHAPTER 2. FLOOD INSURANCE

### 19:3A-2.1 Required land use and control measures

(a) The Office of the Chief Engineer shall review all permit applications for new construction or substantial improvements to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a location that has a flood hazard, any proposed new construction or substantial improvement (including prefabricated and mobile homes) must:

1. Be designed (or modified) and anchored to prevent flotation, collapse, or lateral movement of the structure;
2. Use construction materials and utility equipment that are resistant to flood damage; and

3. Use construction methods and practices that will minimize flood damage.

(b) The Office of the Chief Engineer shall review all subdivision proposals and other proposed new developments to assure that:

1. All such proposals are consistent with the need to minimize flood damage;
2. All public utilities and facilities, such as sewer, gas, electrical and water systems are located, elevated, and constructed to minimize or eliminate flood damage; and
3. Adequate drainage is provided so as to reduce exposure to flood hazards.

(c) New or replacement water supply systems and/or sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters. On-site waste disposal systems shall be located so as to avoid impairment of them or contamination from them during flooding.

R.1974 d.213, effective August 2, 1974.

See: 6 N.J.R. 369(b).

Amended by R.1994 d.543, effective November 7, 1994.

See: 26 N.J.R. 1970(a), 26 N.J.R. 4421(c).

### 19:3A-2.2 Securing coverage under the National Flood Insurance Program

(a) The Hackensack Meadowlands Development Commission hereby evidences a positive interest in securing flood insurance coverage under the National Flood Insurance Program because of a clear danger of flooding and the resultant damage to property in the Hackensack Meadowlands District.

(b) The Executive Director of the Hackensack Meadowlands Development Commission shall be the person responsible for the implementation and coordination of the Federal Flood Insurance Program within the Hackensack Meadowlands District.

(c) The Executive Director of the Hackensack Meadowlands Development Commission shall be the person responsible to furnish on request, by an appropriate Federal or State official or by a designated representative of the National Insurers Association, information for each structure constructed within the area of special flood hazards after flood insurance is made available in the community concerning its first floor elevation, and if there is a basement the distance from the first floor to the bottom of the lowest opening where water flowing over the ground would enter said basement.

(d) The Executive Director of the Hackensack Meadowlands Development Commission shall be the person responsible for the preparation and submission to the Federal Flood Insurance Administrator an annual report concerning the activities of the District related to the National Flood Insurance Program.

2. The address and telephone number of the complainant or alternate contact person; and

3. A description of manner in which the ADA has not been complied with or has been violated, including times and locations of events and names of witnesses if appropriate.

19:3A-3.7 Complaint form

The following form may be utilized for the submission of a complaint pursuant to this subchapter:

Americans with Disabilities Act Grievance Form

Date: \_\_\_\_\_

Name of grievant: \_\_\_\_\_

Address of grievant: \_\_\_\_\_

Telephone number of grievant: \_\_\_\_\_

Disability of grievant: \_\_\_\_\_

Name, address and telephone number of alternate contact person:  
\_\_\_\_\_  
\_\_\_\_\_

Agency alleged to have denied access:

Department: \_\_\_\_\_

Division: \_\_\_\_\_

Bureau or office: \_\_\_\_\_

Location: \_\_\_\_\_

Incident or barrier:

Please describe the particular way in which you believe you have been denied the benefits of any service, program or activity or have otherwise been subject to discrimination. Please specify dates, times and places of incidents, and names and/or positions of agency employees involved, if any, as well as names, addresses and telephone numbers of any witnesses to any such incident. Attach additional pages if necessary.

Proposed access or accommodation:

If you wish, describe the way in which you feel access may be had to the benefits described above, or that accommodation could be provided to allow access.

A copy of the above form may be obtained by contacting the designated ADA coordinator identified at N.J.A.C. 19:3A-3.4.

19:3A-3.8 Investigation

(a) Upon receipt of a complaint submitted pursuant to this subchapter, the designated ADA coordinator will notify the complainant of the receipt of the complaint and the initiation of an investigation into the matter. The designated ADA coordinator will also indicate a date by which it is expected that the investigation will be completed, which date shall not be later than 45 days from the date of receipt of the complaint, unless a later date is agreed to by the complainant.

(b) Upon completion of the investigation, the designated ADA coordinator shall prepare a report for review by the designated decision maker for the agency. The designated decision maker shall render a written decision within 45 days of receipt of the complaint, unless a later date is agreed to by the complainant, which decision shall be transmitted to the complainant and/or the alternate contact person if so designated by the complainant.