

**CHAPTER 51**  
**OFFICE OF RECREATION**

**Authority**

N.J.S.A. 52:27D-173.

**Source and Effective Date**

R.1998 d.331, effective June 5, 1998.  
See: 30 N.J.R. 1129(a), 30 N.J.R. 2431(a).

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

Chapter 51, Handicapped Persons' Recreational Opportunities Act Rules, expires on June 5, 2003.

**Historical Note**

This chapter was originally "Management Assistance Programs" and was filed and became effective on October 16, 1978, as R.1978 d.365. See: 10 N.J.R. 470(b). The chapter was readopted pursuant to Executive Order 66(1978) effective September 27, 1983 as R.1983 d.443. The chapter was codified at N.J.A.C. 5:36 before being recodified to N.J.A.C. 5:51. This chapter was recodified to N.J.A.C. 5:2 effective October 3, 1988 as R.1988 d.459. See: 20 N.J.R. 1765(a), 20 N.J.R. 2451(a). The chapter was recodified to N.J.A.C. 5:51 and retitled "Office of Recreation" by R.1989 d.237, effective April 10, 1989. See: 21 N.J.R. 1122(a).

Pursuant to Executive Order No. 66(1978), Chapter 51, Office of Recreation, was readopted as R.1993 d.436, effective August 11, 1993. See: 25 N.J.R. 2633(a), 25 N.J.R. 4074(a).

Pursuant to Executive Order No. 66(1978), Chapter 51, Office of Recreation, was readopted as R.1998 d.331, effective June 5, 1998. See: Source and Effective Date.

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**SUBCHAPTER 1. HANDICAPPED PERSONS' RECREATIONAL OPPORTUNITIES ACT**

**5:51-1.1 Introduction and general provisions**

(a) The Handicapped Persons' Recreational Opportunities Act of 1978 was enacted to encourage and support the promotion, planning, development, implementation and maintenance of comprehensive recreation and leisure services to persons with disabilities by municipal and county governments as a public policy of the State of New Jersey.

(b) The Handicapped Persons' Recreational Opportunities Act of 1978 is administered by the Department of Community Affairs through the Office of Recreation. All correspondence and inquiries should be addressed to the Office of Recreation, Department of Community Affairs, 101 South Broad Street, PO Box 814, Trenton, New Jersey 08625-0814.

(c) The general purposes of the Handicapped Persons' Recreational Opportunities Act are:

1. To reinforce the status of persons with disabilities as members of the total society;
2. To promote the least restrictive environment in providing recreation and leisure services for persons with disabilities; and
3. To assist local governments in the commencement or expansion of recreation and leisure services for persons with disabilities.

As amended, R.1983 d.443, effective September 27, 1983.

See: 15 N.J.R. 1305(a), 15 N.J.R. 1759(a).

Amended by R.1988 d.459, effective October 3, 1988.

See: 20 N.J.R. 1765(a), 20 N.J.R. 2451(a).

Moved from Division of Community Resources to the Office of Recreation and address change.

Amended by R.1993 d.436, effective September 7, 1993.

See: 25 N.J.R. 2633(a), 25 N.J.R. 4074(a).

**5:51-1.2 Definitions**

The following words and terms, when used in this chapter shall have the following meanings, unless the context clearly indicates otherwise:

"Certificate of Appropriated Funds" means a written statement submitted under the signature of the chief financial officer of a local government certifying the availability of local appropriated funds to meet the cash match required under the grant formula.

"Chief Executive Officer" means the mayor of a municipality, director of a board of chosen freeholders, or such other official designated as the chief executive officer of the local government by the provisions of the Optional Municipal Charter Law or Optional County Charter Law.

"Chief Financial Officer" means the treasurer of a local government, or such other official designated by the local government.

"Commissioner" means the Commissioner of the Department of Community Affairs or his or her designee.

"Comprehensive Recreation Services" means a continuous integrated or specialized recreation and leisure service program for persons with disabilities that promotes and provides the least restrictive environment for a person with

disabilities as an integral and on-going aspect of a local government's recreation and leisure service program.

"Department" means the New Jersey Department of Community Affairs.

"Local Contracts Law" means the Local Public Contracts Law as amended N.J.S.A. 40A:11-1 et seq.

"Local Government" means a county or municipality of the State of New Jersey.

"Local Resolution" means a resolution adopted by the governing body of the local government, certified by the seal of the respective local government.

"Non-Profit Agency" means a private non-profit agency serving persons with disabilities.

"Non-Profit Agency Resolution" means a formal written resolution signed by the chairman of the board of directors of a private non-profit agency certifying the non-profit agency's intent to enter into an agreement with a local government to service the recreation and leisure needs of persons with disabilities.

"Office" means the Office of Recreation of the Department of Community Affairs.

"Persons with disabilities" means persons who have mental retardation, visual disability, auditory disability, communication disability, neurological or perceptual impairment, orthopedic disability, chronic illness, emotional disturbance, social maladjustment, multiple disability or developmental disability.

"Special Event" means a relatively short-term special activity or program that fulfills particular and specific objectives for those persons with disabilities participating.

As amended, R.1983 d.443, effective September 27, 1983.  
See: 15 N.J.R. 1305(a), 15 N.J.R. 1759(a).  
Amended by R.1988 d.459, effective October 3, 1988.  
See: 20 N.J.R. 1765(a), 20 N.J.R. 2451(a).

Deleted definitions "Bureau", "Director", "Division" and inserted "Commissioner" and "Office".

Amended by R.1993 d.436, effective September 7, 1993.  
See: 25 N.J.R. 2633(a), 25 N.J.R. 4074(a).

### 5:51-1.3 Eligible applicants

(a) Local governments are eligible applicants for participation in the program. Applicants may perform the services directly or through contractual arrangements with non-profit agencies, which agreements shall comply with the Local Public Contracts Law.

(b) The following activities for persons with disabilities shall be accepted as eligible activities for participation in the program.

1. Special events;

2. Comprehensive recreation services.

(c) Grants to be awarded for Special Events or Comprehensive Recreation Services shall be subject to the following limitations:

1. Limitations necessitated by the State budget and the availability of appropriated funds.

2. Special Events grants may not exceed \$25,000 annually. No more than \$1,000 may be awarded annually to any one municipality, nor more than \$2,500 to any one county for a Special Events grant.

3. Grants to be awarded for Special Events or Comprehensive Recreation Services to local governments shall be made in the amount of \$5.00 for each \$1.00 appropriated by local government. The \$1.00 per \$5.00 match required of a local government must be a cash match contribution under the provisions of the grant formula, to be made in accordance with N.J.A.C. 5:51-1.5(d). In-kind services or costs of other on-going services shall not be allowed as substitute for the \$1.00 per \$5.00 cash match requirement.

As amended, R.1983 d.443, effective September 27, 1983.

See: 15 N.J.R. 1305(a), 15 N.J.R. 1759(a).

Amended by R.1988 d.459, effective October 3, 1988.

See: 20 N.J.R. 1765(a), 20 N.J.R. 2451(a).

Substituted "shall" for "will"; added "per \$5.00" and added "to be made in accordance with N.J.A.C. 5:2-1.5(d)".

Amended by R.1993 d.436, effective September 7, 1993.

See: 25 N.J.R. 2633(a), 25 N.J.R. 4074(a).

### 5:51-1.4 Application procedure

(a) The act requires that application for funding has to be made through a local government. The principals of the contract for funding through this Act will be the Department of Community Affairs and the approved local government.

(b) A local government that desires to participate in the program will be required to file a resolution from the government body expressing its intent to enter into a formal agreement with the Department for funding assistance under this Act. A certified copy of the resolution must be included as an attachment to the application.

(c) A local government that desires to participate in the program will be required to submit a formal application to the Department. Formal application forms are available upon request. The Division will, from time to time issue standard application forms together with appropriate instructions and guidelines. Time deadlines will be established annually or otherwise as may be appropriate for receipt of applications.

(d) A local government will be required to designate whether the application is for Special Events grant, or Comprehensive Recreation Services grant. If a local government is applying for both types of grants, an application must be filed for each of the grant requests.

(e) A non-profit agency serving persons with disabilities may become eligible to participate in the program by entering into a formal agreement with a local government. The name and address of the non-profit agency shall be submitted as an attachment to the application.

(f) The Chief Executive of the local government must affix his signature to the formal application.

(g) The proposed third party agreement between the local government and the non-profit agency serving persons with disabilities must be completed in compliance with the Local Public Contract Law, as determined by the Department.

(h) The Department reserves the right to require the non-profit agency to sign any contract offered to the local government, and/or to specify the manner of contractual relationship between the two parties.

Amended by R.1985 d.444, effective September 3, 1985.  
See: 17 N.J.R. 1463(a), 17 N.J.R. 2105(a).

(e) deleted; (f)-(i) renumbered to (e)-(h).  
Amended by R.1993 d.436, effective September 7, 1993.  
See: 25 N.J.R. 2633(a), 25 N.J.R. 4074(a).

#### 5:51-1.5 Application processing and review procedure

(a) Professional staff of the Office shall register and review the application for conformity with application procedures and regulations established by the Department.

(b) Upon review of the Commissioner, applications shall be processed in accordance with standard departmental procedures.

(c) A contract shall be offered by the Department to the approved local government for the review and signature of the local chief executive.

(d) Prior to any payment being made by the Department, a local government shall submit one of the following documents:

1. A copy of the resolution providing for the insertion of a special item of revenue in the current year's budget pursuant to N.J.S.A. 40A:4-87 as approved by the Director, Division of Local Government Services, which also indicates that the match requirement of N.J.A.C. 5:51-1.3(c)3 has been met;

2. A certificate of appropriated funds;

3. A letter from the Chief Financial Officer or the Chief Executive Officer stating that, upon adoption of its budget, the local government shall comply with N.J.S.A. 52:27D-170 et seq.;

4. A certificate guaranteeing that the local government will include in its budget an appropriation for the necessary matching funds and, upon adoption of the budget, will comply with N.J.S.A. 52:27D-170 et seq.; or

5. A copy of a resolution indicating that the match requirement of N.J.A.C. 5:51-1.3(c)3 shall be met.

Amended by R.1985 d.444, effective September 3, 1985.  
See: 17 N.J.R. 1463(a), 17 N.J.R. 2105(a).

(d) added.

Amended by R.1988 d.459, effective October 3, 1988.  
See: 20 N.J.R. 1765(a), 20 N.J.R. 2451(a).

Substantially amended.

Amended by R.1993 d.436, effective September 7, 1993.  
See: 25 N.J.R. 2633(a), 25 N.J.R. 4074(a).

#### 5:51-1.6 Additional determinations

The Commissioner shall, as may be required, make such additional determinations as may be necessary to determine eligible activities or other matters pertaining to the most effective conduct of this program.

Amended by R.1988 d.459, effective October 3, 1988.  
See: 20 N.J.R. 1765(a), 20 N.J.R. 2451(a).

Substituted "Commissioner" for "Director".