

# RULE ADOPTIONS

## COMMUNITY AFFAIRS

### (a)

#### DIVISION OF CODES AND STANDARDS

##### Notice of Readoption

##### Urban and Rural Centers Unsafe Buildings

##### Demolition Loan Fund

##### Readoption: N.J.A.C. 5:7

Authority: P.L. 1997, c. 125.

Authorized By: Lt. Governor Sheila Y. Oliver, Commissioner,  
Department of Community Affairs.

Effective Date: January 17, 2023.

New Expiration Date: January 17, 2030.

**Take notice** that, pursuant to N.J.S.A. 52:14B-5.1, the rules at N.J.A.C. 5:7 were scheduled to expire on February 19, 2023. The rules are intended to establish a loan program for the purpose of providing financing for the demolition and disposal of unsafe buildings in urban and rural centers pursuant to P.L. 1997, c. 125, Urban and Rural Centers Unsafe Buildings Demolition Bond Act.

This chapter contains 3 subchapters. Subchapter 1 contains general provisions, Subchapter 2 contains definitions, and Subchapter 3 addresses funding.

The Department of Community Affairs has reviewed the rules and has determined that they should be readopted without change. The rules are necessary, reasonable, and proper for the purpose for which they were originally promulgated. Therefore, pursuant to N.J.S.A. 52:14B-5.1.c(2), the rules are readopted and shall continue in effect for a seven-year period.

### (b)

#### DIVISION OF CODES AND STANDARDS

##### Notice of Administrative Correction

##### Maintenance of Hotels and Multiple Dwellings

##### N.J.A.C. 5:10-27 Appendix 27B

Effective Date: January 18, 2023.

**Take notice** that the Department of Community Affairs (Department) discovered two erroneous phone numbers within the text of the Maintenance of Hotels and Multiple Dwellings Administrative Code. This notice of administrative correction will remove two inclusions of a now disconnected number.

The Department has requested, and the Office of Administrative Law has agreed to, such correction be made administratively. This notice of administrative correction is published pursuant to N.J.A.C. 1:30-2.7.

**Full text** of the corrected rule follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

#### SUBCHAPTER 27. CHILD-PROTECTION WINDOW GUARDS

##### APPENDIX 27B

##### TENANT'S GUIDE TO WINDOW GUARD SAFETY

...  
*What should a tenant do if there is a problem with a window guard or if the owner will not provide and install a window guard?*

If there is a problem with a window guard, the tenant should notify in writing the owner of the building or of the apartment or the person who is in charge of maintenance. If the apartment is in a condominium, cooperative or mutual housing corporation building, the tenant should notify in writing the owner of the apartment or the person in charge of maintenance of the apartment or, if the problem is with a window in a

common area, the tenant should notify in writing the condominium association or cooperative or mutual housing corporation or the person who is in charge of the association's maintenance.

A tenant should never remove or tamper with a window guard. A tenant should regularly check window guards to make sure that they have not become loose or damaged in any way. If there is a problem that the owner or maintenance person fails or refuses to fix within a reasonable time after being told about it, the tenant can contact the municipal housing or building department or the Bureau of Housing Inspection of the New Jersey Department of Community Affairs [(609-633-6210)] **at (609) 633-6216**. The tenant should contact the Bureau of Housing Inspection if the owner fails or refuses to provide and install a window guard after receiving a written request from the tenant.

...  
*Who can answer additional questions about the window guard law and rules?*

Any tenant or owner who has questions about the law and rules concerning window guards can call the Bureau of Housing Inspection of the New Jersey Department of Community Affairs [(609-633-6210)] **at (609) 633-6216**.

## HIGHER EDUCATION

### (c)

#### HIGHER EDUCATION STUDENT ASSISTANCE AUTHORITY

##### Primary Care Practitioner Loan Redemption Program

##### Readoption with Amendments: N.J.A.C. 9A:16

Proposed: September 6, 2022, at 54 N.J.R. 1677(a).

Adopted: January 18, 2023, by the Higher Education Student Assistance Authority, Christy Van Horn, Chairperson.

Filed: January 30, 2023, as R.2023 d.026, **without change**.

Authority: N.J.S.A. 18A:71C-32 et seq.

Effective Dates: January 30, 2023, Readoption;  
February 21, 2023, Amendments.

Expiration Date: January 30, 2030.

##### Summary of Public Comment and Agency Response:

The comment period officially ended on November 5, 2022. The Higher Education Student Assistance Authority ("HESAA" or "Authority") received comments from Kiera Boertzel-Smith, JD, Executive Director of the New Jersey Society of Optometric Physicians (NJSOP).

1. COMMENT: On behalf of the NJSOP, Kiera Boertzel-Smith requests that optometrists be included in the definition of "primary care" by the Commissioner of Health. Ms. Boertzel-Smith states that "optometrists are independent, primary care doctors who provide a wide range of eye, health, and vision services to diverse patient populations. Optometrists independently diagnose and treat potentially blinding disease of the eye, and they have an important role in managing the general health of the population."

RESPONSE: HESAA appreciates this comment and is taking it under advisement, as it is beyond the scope of this rulemaking. While the Authority is adopting the rules as proposed at this time, HESAA is sharing NJSOP's suggestion with the Commissioner of the Department of Health and is amenable to proposing a subsequent amendment to the rules if the Commissioner of the Department of Health deems it appropriate to add optometrists to the definition of "primary care" at N.J.A.C. 9A:16-1.2.

##### Federal Standards Statement

A Federal standards analysis is not required since the rules readopted with amendments are not subject to any Federal requirements or

standards, with the exception of those governing health care practitioners' student loan redemptions using Federal funds provided to the State through a matching grant, pursuant to the Public Health Services Act, 42 U.S.C. § 254q-1. The rules governing the Program are consistent with, and do not exceed, the terms and conditions of contracts under the Public Health Services Act; therefore, a Federal standards analysis is not required.

Full text of the readopted rules can be found in the New Jersey Administrative Code at N.J.A.C. 9A:16.

Full text of the adopted amendments follows:

SUBCHAPTER 1. GENERAL PROVISIONS

9A:16-1.2 Definitions

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

"Approved site" means a site located within a State-designated underserved area or a health professional shortage area, or a clinic which is part of the extramural network of dental clinics established by the Rutgers School of Dental Medicine of the Rutgers Biomedical and Health Sciences, or a site that has been determined by the Higher Education Student Assistance Authority, in consultation with the Department of Health, to serve medically underserved populations according to criteria determined by the Authority, including:

- 1.-2. (No change.)
- 3. Sites must accept Medicare, Medicaid, Medicaid Managed Care plans, unless they provide services free of charge;
- 4.-6. (No change.)

...  
 "Primary care" means the practice of family medicine, general internal medicine, general pediatrics, general obstetrics, gynecology, pediatric dentistry, general dentistry, public health dentistry, psychiatry, and any other areas of medicine or dentistry defined as such by the Commissioner of Health. Primary care also includes the practice of a nurse-practitioner, certified nurse-midwife, and physician assistant as defined by the U.S. Department of Health and Human Services regulations at 42 CFR Part 62.  
 ...

SUBCHAPTER 2. PROGRAM REQUIREMENTS

9A:16-2.1 Eligibility

- (a) To be eligible for participation in the program, an applicant must:
  - 1.-2. (No change.)
  - 3. Agree to practice primary care at an approved site, pursuant to the terms specified at N.J.A.C. 9A:16-2.3;
  - 4. Not be in default on any eligible qualifying loan;
  - 5. Not previously have been selected for participation in the program and received the maximum amount of qualifying loan repayment through the program; and
  - 6. (No change in text.)

9A:16-2.2 Application and selection procedures

- (a)-(c) (No change.)
- (d) The Executive Director, in consultation with the Commissioner, shall match eligible applicants to State-designated underserved areas. If an applicant is the owner of the approved site at which the applicant requests to be placed, the site must have operated for a minimum of two years prior to the program participant's application for the program.
- (e) (No change.)
- (f) At the completion of each program participant's probationary period, a primary care staff member at his or her approved site, or in the case of a clinic which is part of the extramural network of dental clinics established by the Rutgers School of Dental Medicine of the Rutgers Biomedical and Health Sciences, the director of the clinics and the vice-dean of the dental school, or whomever is serving in that capacity, shall submit to the Executive Director a recommendation of either the continuation of the program participant's placement, a change of placement, or the program participant's unsuitability for the program.
  - 1.-2. (No change.)

3. In the event the participant is an owner of the approved site, in lieu of a letter of recommendation, the participant must submit supporting documentation, as requested by the Executive Director, demonstrating their suitability for the program and the placement site. The Executive Director shall take such documentation into consideration in determining the participant's final acceptance into the program.

(g)-(h) (No change)

9A:16-2.3 Terms of contract and loan redemption

- (a)-(e) (No change.)
- (f) If the program participant's total loan amounts equal less than \$120,000, or the maximum amount authorized by the Federal government, whichever is greater, a prorated amount of interest costs for the loan will be added to each annual payment. Other than the prorated interest costs, loan repayments cannot exceed the outstanding balance on qualifying educational loans at the time of payment.

9A:16-2.4 Procedure for loan redemption

- (a)-(b) (No change.)
- (c) The Executive Director shall authorize payment to a program participant for that portion of his or her indebtedness to be forgiven as specified in his or her contract. Checks shall be made payable to the lending institution designated by the participant to ensure proper application of the payment to eligible indebtedness as defined at N.J.S.A. 18A:71C-32 et seq. If a program participant is entitled to pro-rated interest amounts, pursuant to N.J.A.C. 9A:16-2.3(f), and submits documentation to substantiate that all qualifying loans have been paid in full, then the prorated amount will be paid directly to the participant.

9A:16-2.6 Termination by participant prior to completion of contractual service requirements

- (a)-(c) (No change.)
- (d) A program participant's failure to complete the procedures required at N.J.A.C. 9A:16-2.4 to receive the loan redemption within 60 days of written request for the required documents by the Authority will be deemed to have terminated program participation.

HUMAN SERVICES

(a)

DIVISION OF FAMILY DEVELOPMENT

Notice of Readoption  
 Child Support Program  
 Readoption: N.J.A.C. 10:110

Authority: N.J.S.A. 30:1-12; 44:10-58 and 2A:17-56.23a; 42 U.S.C. §§ 601, 654, 666, and 669A, as amended in accordance with Public Law 104-193, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA); P.L. 105-34, the Taxpayer Relief Act of 1997; P.L. 105-149, the Balanced Budget Act of 1997; P.L. 105-200, Child Support Performance and Incentive Act of 1998; P.L. 1998, c. 1, the New Jersey Child Support Program Improvement Act (NJCSPIA); and P.L. 1998, c. 2, the New Jersey Uniform Interstate Family Support Act; 42 U.S.C. §§ 651 through 669B; the New Jersey Rules of Court (Rule 5:6A and Appendices IXA through IXH); and P.L. 109-171, the Deficit Reduction Act of 2005.

Authorized By: Sarah Adelman, Commissioner, Department of Human Services.

Effective Date: January 18, 2023.

New Expiration Date: January 18, 2030.

Take notice that, in accordance with N.J.S.A. 52:14B-5.1, the Child Support Program rules at N.J.A.C. 10:110 are readopted. The rules were scheduled to expire on February 22, 2023. The Division of Family Development (DFD) has reviewed the rules and determined that the rules should be readopted because they are necessary, reasonable, and proper for the purpose for which they were originally promulgated. Therefore, in