

EXECUTIVE ORDER NO. 103 NOTICES

COMMUNITY AFFAIRS

DIVISION OF FIRE SAFETY

Notice of Rule Waiver/Modification/Suspension Pursuant to Executive Order No. 103

(2020)

COVID-19 State of Emergency

Relaxation of the Regulatory Provisions Concerning Registration, Inspection, and

Permitting of Life Hazard Uses

N.J.A.C. 5:70-2.5, 2.6, 2.7, 2.9, 2.14, 2.19, 2.22, 2.24, 3.2 (403.8.1.4, 405.2, 907.10, 907.11, and 907.11.1); 5:71-2.7, 2.11, 4.2, 4.3, and 4.5; 5:73-2.5, 5.4, and 18.3; and 5:74-2.1 and 2.4

Authorized: June 2, 2020, by Richard Mikutsky, State Fire Marshall, Director, Division of Fire Safety.

Authority: N.J.S.A. App.A:9-45 and App.A:9-47; and Executive Order No. 103 (2020).

Effective Date: April 29, 2020.

Expiration Date: December 31, 2020.

This is an emergency adoption of temporary rule relaxations of the regulatory provisions concerning registration, inspection, and permitting of life hazard uses (N.J.A.C. 5:70-2.5, N.J.A.C. 5:70-2.6, N.J.A.C. 5:70-2.7), permit and carnival fees (N.J.A.C. 5:70-2.9), applications for variances (N.J.A.C. 5:70-2.14), the timeframe to request a hearing to appeal Division orders, decisions, or actions (N.J.A.C. 5:70-2.19), deadlines for carnival registration applications (N.J.A.C. 5:70-2.22), the timeframe to complete inspection of educational occupancies (N.J.A.C.

5:70-2.24), emergency evacuation drills (N.J.A.C. 5:70-3.2, 403.8.1.4; N.J.A.C. 5:70-3.2, 405.2), inspections of certain generators and smoke detectors (N.J.A.C. 5:70-3.2, 907.10; N.J.A.C. 5:70-3.2, 907.11; N.J.A.C. 5:70-3.2, 907.11.1), registry of agencies (N.J.A.C. 5:71-2.7), rights of appeal of fire code enforcement orders (N.J.A.C. 5:71-2.11), the certification of fire officials, including renewal and appeals (N.J.A.C. 5:71-4.2, N.J.A.C. 5:71-4.3, N.J.A.C. 5:71-4.5), live fire training permits (N.J.A.C. 5:73-2.5), fire service course instructors (N.J.A.C. 5:73-5.4), Fire Investigator certification renewals (N.J.A.C. 5:73-18.3), and fire protection equipment business permits and certifications (N.J.A.C. 5:74-2.1, N.J.A.C. 5:74-2.4). Section 6 of EO 103, issued in response to the COVID-19 pandemic, authorizes agency heads to waive/suspend/modify any existing rule, where the enforcement of the rule would be detrimental to the public welfare during the emergency, notwithstanding the provisions of the Administrative Procedure Act or any law to the contrary. Pursuant to that authority, and with the approval of the Governor and in consultation with the State Director of Emergency Management and the Commissioner of the Department of Health, the Division of Fire Safety is relaxing its rules as follows:

Pursuant to N.J.A.C. 5:70-2.5, certain life hazard uses must be inspected every few months, including large daycare centers and nurseries (capacity of 100 or more), which are inspected every six months and certain other life hazard uses, which must be inspected every three months. In light of the COVID-19 emergency, many of these daycare centers and nurseries are closed or are restricting visitors to these facilities. Consequently, routine life hazard use inspections are not being conducted except for when specific complaints are received or an imminent hazard appears. As the applicability of these rules is not required by statute and is regulated through agency rulemaking, the Division of Fire Safety has temporarily modified its rules to require that daycare

centers and nurseries be inspected twice in the calendar year 2020 and certain other life hazard uses be inspected four times in the calendar year 2020.

Pursuant to N.J.A.C. 5:70-2.6, owners of life hazard uses must complete and return a registration application within 30 days of receiving the application or within 30 days of transferring ownership of the life hazard use and pay a fee within that same timeframe. In light of the COVID-19 emergency, businesses that started while EO 103 was in effect face difficulties receiving, completing, or returning said applications. As the applicability of these rules is not required by statute and is regulated through agency rulemaking, the Division of Fire Safety has temporarily modified its rules to permit owners 30 days from the end of the public health emergency to file their registration applications and pay their fees.

Pursuant to N.J.A.C. 5:70-2.7, permits and fees are required for certain life hazard uses. In light of the COVID-19 emergency, certain life hazard uses are necessary to provide support in combatting COVID-19. As the applicability of these rules is not required by statute and is regulated through agency rulemaking, the Division of Fire Safety has temporarily modified its rules to exempt from permit fees those activities directly related to COVID-19 support and to permit certain expiring permits to remain active through 30 days following the end of the public health emergency.

Pursuant to N.J.A.C. 5:70-2.9, permit application fees are required for certain life hazard uses and carnival registration certificates. In light of the COVID-19 emergency, events scheduled before the emergency had to be cancelled. As the applicability of these rules is not required by statute and is regulated through agency rulemaking, the Division of Fire Safety has temporarily modified its rules to permit refunds of such fees paid for events canceled due to COVID-19 restrictions.

Pursuant to N.J.A.C. 5:70-2.14, fire officials must grant or deny variances within 30 days of written applications or they are deemed denied. In light of the COVID-19 emergency, decisions on variance applications have been delayed. As the applicability of these rules is not required by statute and is regulated through agency rulemaking, the Division of Fire Safety has temporarily modified its rules to extend the timeframe to approve or deny a variance to 30 days after the end of the public health emergency.

Pursuant to N.J.A.C. 5:70-2.19, persons aggrieved of an enforcement action may file an appeal within 15 days of service of the decision or action. In light of the COVID-19 emergency, aggrieved persons may be unable to proceed with an appeal in a timely fashion and may therefore be deprived of due process. As the applicability of these rules is not required by statute and is regulated through agency rulemaking, the Division of Fire Safety has temporarily modified its rules to extend the deadline to appeal an order issued during the period when EO 103 was in effect to 15 days after the end of the public health emergency.

Pursuant to N.J.A.C. 5:70-2.22, carnival owners must apply for a registration certificate at least 30 days before the first scheduled event or operation. In light of the COVID-19 emergency, carnival owners may be delayed in applying for such certificates. As the applicability of these rules is not required by statute and is regulated through agency rulemaking, the Division of Fire Safety has temporarily modified its rules to allow for the submission of a permit application for carnivals intending to operate within 30 days of the end of the public health emergency to be filed less than 30 days before the event, but not less than five days before the event.

Pursuant to N.J.A.C. 5:70-2.24, educational occupancies inspections must be conducted prior to June 1. In light of the COVID-19 emergency events, it may not be possible to inspect all educational occupancies prior to June 1 due to those buildings being sealed and closed and the lack

of any support staff to guide inspectors through the facility. Also, many of these facilities are not currently being used for on-site education. As the applicability of these rules is not required by statute and is regulated through agency rulemaking, the Division of Fire Safety has temporarily modified its rules to extend the timeframe to conduct such inspections to no later than December 31, 2020.

Pursuant to N.J.A.C. 5:70-3.2, 403.8.1.4 and 405.2, certain groups or occupancies must conduct emergency evacuation drills. In light of the COVID-19 emergency, it may not be feasible or possible to perform such drills because many of these facilities are unoccupied and have no one present to perform such drills. As the applicability of these rules is not required by statute and is regulated through agency rulemaking, the Division of Fire Safety has temporarily suspend these emergency evacuation drill rules for the duration of the public health emergency.

Pursuant to N.J.A.C. 5:70-3.2, 907.10, 907.11, and 907.11.1, engine-driven generators and smoke detectors must be inspected. In light of the COVID-19 emergency, businesses and other occupancies may be closed. As the applicability of these rules is not required by statute and is regulated through agency rulemaking, the Division of Fire Safety has temporarily suspended these rules for businesses and facilities closed as a result of EO 103 for the duration of the public health emergency.

Pursuant to N.J.A.C. 5:71-2.7, enforcing agencies must submit changes to enforcement responsibility to a registry by a certain deadline. In light of the COVID-19 emergency events, the registry is not being updated. As the applicability of these rules is not required by statute and is regulated through agency rulemaking, the Division of Fire Safety has temporarily modified its rules to extend the deadlines by which changes to the registry must be submitted until 60 days after the end of the public health emergency.

Pursuant to N.J.A.C. 5:71-2.11, aggrieved persons or agencies may request a hearing on notices, orders, actions, or decisions of the Division within 15 days of service of the notice, order, action, or decision. In light of the COVID-19 emergency events, persons or agencies may be unable to timely file a request for a hearing. As the applicability of these rules is not required by statute and is regulated through agency rulemaking, the Division of Fire Safety has temporarily modified its rules to extend the deadline to file a hearing request to 15 days from the date of end of the public health emergency.

Pursuant to N.J.A.C. 5:71-4.2, the Division certifies fire officials, and persons aggrieved by decisions regarding certification may request a hearing before the Office of Administrative Law. The request for a fair hearing must be made within 15 days after receipt of the determination. In light of the COVID-19 emergency events, persons aggrieved by a decision of the Division as to fire official certification may not be able to timely file a hearing request and may therefore be deprived of due process. As the applicability of these rules is not required by statute and is regulated through agency rulemaking, the Division of Fire Safety has temporarily modified its rules to extend the deadline to appeal decisions made while EO 103 is in effect to 15 days from the end of the public health emergency.

Pursuant to N.J.A.C. 5:71-4.3, local enforcing agencies must appoint a certified fire official within 45 days of a vacancy in said position. In light of the COVID-19 emergency events, local enforcing agencies may face difficulties in making permanent appointments to such positions. As the applicability of these rules is not required by statute and is regulated through agency rulemaking, the Division of Fire Safety has temporarily modified its rules to provide local enforcing agencies 60 days from termination of EO 103 to make permanent appointments to vacancies that occurred while the public health emergency was in effect.

Pursuant to N.J.A.C. 5:71-4.5, certified fire officials must satisfy continuing educational requirements every three years to renew their certification. In compliance with EO 103, and additional orders, all classes scheduled for the Spring 2020 training semester were canceled, thereby denying the certified individuals the ability to meet the continuing education requirements. As the applicability of these rules is not required by statute and is regulated through agency rulemaking, the Division of Fire Safety has temporarily modified its rules to extend the time to satisfy the continuing educational requirements for those fire officials whose certifications were scheduled for renewal on April 30, 2020 or October 31, 2020 to December 31, 2020.

Pursuant to N.J.A.C. 5:73-2.5, the Division issues permits for live fire training for the benefit of firefighters and fire brigade members that are valid for one year. In light of the COVID-19 emergency, fire academies are largely closed and inoperative and many DFS staff under stay-at-home orders, making it difficult to both receive and process permit renewals. Once the public health emergency is over, it is vital that fire academies quickly resume live fire training without delay to renew permits. As the applicability of these rules is not required by statute and is regulated through agency rulemaking, the Division of Fire Safety has temporarily modified its rules to extend those permits with an expiration date of July 31, 2020 to December 31, 2020.

Pursuant to N.J.A.C. 5:73-5.4, the Division certifies and renews certifications of instructors of fire service courses. In compliance with EO 103, and additional orders, all classes scheduled for the Spring 2020 training semester were canceled, thereby denying the certified instructors the ability to meet the continuing education requirements, despite the importance of maintaining an adequate body of certified instructors. As the applicability of these rules is not required by statute and is regulated through agency rulemaking, the Division of Fire Safety has temporarily modified its rules to extend the time to satisfy continuing educational requirements for those instructors

whose certifications were scheduled for renewal on April 30, 2020 or October 31, 2020 to December 31, 2020.

Pursuant to N.J.A.C. 5:73-18.3, the Division certifies and renews certifications of Fire Investigators. In compliance with EO 103, and other orders, all classes scheduled for the Spring 2020 training semester were canceled, thereby denying the certified fire investigators the ability to meet the continuing education requirements, despite the ongoing need for trained investigators to assess fires. As the applicability of these rules is not required by statute and is regulated through agency rulemaking, the Division of Fire Safety has temporarily modified its rules to extend the time to satisfy continuing educational requirements for those instructors whose certifications were scheduled for renewal on April 30, 2020 or October 31, 2020 to December 31, 2020.

Pursuant to N.J.A.C. 5:74-2.1, the Division issues permits and permit renewals to businesses engaged in fire protection equipment business. Such permits are dependent, in part, on business and its employees taking certain classes offered by industry sources. In light of the COVID-19 emergency, it may not be possible to receive or process renewals of expiring permits or for such businesses to take the required classes, although the public welfare is enhanced by having an adequate supply of businesses engaged in fire protection equipment. As the applicability of these rules is not required by statute and is regulated through agency rulemaking, the Division of Fire Safety has temporarily modified its rules to extend the expiration dates of permits set to expire on April 30, 2020 or October 31, 2020 to December 31, 2020.

Pursuant to N.J.A.C. 5:74-2.4, the Division renews certifications of fire protection contractors who install, service, or repair fire protection equipment, such as sprinklers, alarms, protective hoods, and more. Such certifications are dependent, in part, on contractors taking certain classes offered by industry sources. In light of the COVID-19 emergency, it may not be

possible for fire protection contractors to satisfy their continuing educational requirements for renewal. As the applicability of these rules is not required by statute and is regulated through agency rulemaking, the Division of Fire Safety has temporarily modified its rules to extend the time to satisfy continuing educational requirements for those contractors whose certifications were scheduled for renewal on April 30, 2020 or October 31, 2020 to December 31, 2020.

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

CHAPTER 70

UNIFORM FIRE CODE

SUBCHAPTER 2. ADMINISTRATION AND ENFORCEMENT

5:70-2.5 Required inspections

(a) All life hazard uses shall be inspected for compliance with the provisions of this Code periodically but not any less often than specified herein:

1. Type Aa through Aj life hazard uses: once every 12 months, except day nurseries and daycare centers with a maximum permitted occupancy of 100 or more which shall be inspected once every six months. **During the Calendar Year 2020, day nurseries and daycare centers with a maximum permitted occupancy of 100 or more shall be inspected twice. Due to the public health emergency, the requirements to inspect these facilities once in the first six months and once in the last six months are modified to inspections being required twice in the calendar year. On December 31, 2020, the cyclical inspection requirements will revert back to those as specified in the first sentence of this paragraph.**

2. (No change.)

3. Type Ca through Ci life hazard uses: once every three months. **During the Calendar Year 2020, Life Hazard Uses Ca through Ci, shall be inspected four times. Due to the public health emergency, the requirements to inspect these facilities once every three months are modified to inspections being required four times in the calendar year. On December 31, 2020, the cyclical inspection requirements will revert back to once every three months.**

4. Type Da through Dc life hazard uses: one every three months. **During the Calendar Year 2020, Life Hazard Uses Da through Dc, shall be inspected four times. Due to the public health emergency, the requirements to inspect these facilities once every three months are modified to inspections being required four times in the calendar year. On December 31, 2020, the cyclical inspection requirements will revert back to once every three months.**

i. (No change.)

(b) - (d) (No change.)

5:70-2.6 Registration of buildings and uses

(a) Whenever the Commissioner or any local enforcing agency shall have cause to believe that a building or use is a life hazard use, then the Commissioner or the agency shall submit a registration application to the owner. It shall be a violation of the Code for an owner to fail to complete and return such an application within 30 days.

1. Whenever the use of a building or any portion thereof is conducted on a seasonal basis, the Commissioner may require the owner of the building to comply with this registration requirement for any use conducted therein.

i. Businesses that started their operation during the public health emergency shall have 30 days following the end of the public health emergency to submit the required registration application.

(b) – (e) (No change.)

(f) If the ownership of a life hazard use is transferred, whether by sale, assignment, gift, intestate succession, testate devolution, reorganization, receivership, foreclosure or execution process, the new owner shall file with the Commissioner, within 30 days of the transfer, an application for a certificate of registration, and appoint an agent for the service of process, pursuant to this section.

Businesses that transferred ownership during the public health emergency shall have 30 days following the end of the public health emergency to submit a transfer of ownership application.

(g) (No change.)

(h) The owner of each life hazard use in the State shall pay to the Department an annual fee in the amount specified in this subchapter. The owner shall pay the annual fee within 30 days of the bill date. If the owner fails to do so, the Department may, pursuant to N.J.S.A. 52:27D-201, issue a certificate to the clerk of the Superior Court stating that the owner is indebted to the Department for the payment of the annual fee and the clerk shall immediately enter upon his record of docketed judgments the name of the owner and of the Department, a designation of the statute under which the fee is assessed, the amount of the fee certified and the date the certification was made. The making of the entry shall have the same effect as the entry of a

docketed judgment in the office of the clerk, but without prejudice to the owner's right of appeal.

The owner shall also be subject to a penalty in accordance with N.J.A.C. 5:70-2.12(b)8ii. **Any annual life hazard use registration fee payment with a due date during the public health emergency, shall be due 30 days after the end of the public health emergency.**

1. (No change.)

5:70-2.7 Permits required

(a) - (j) (No change.)

(k) Permits required in accordance with (a) above shall be exempted from the fees required by (i) above, when the activity is directly related to COVID-19 support. Any permit expiring in accordance with (g) above during the public health emergency, shall be extended 30 days from the end of the public health emergency. There shall be no additional fee for extension of the permit. Those permits extended by this subsection and renewed thereafter shall expire in accordance with the original cyclical date.

5:70-2.9 Fees: registration; certificate of smoke alarm, carbon monoxide alarm, and portable fire extinguisher compliance (CSACMAPFEC); permit; carnival registration certificate

(a) – (f) (No change.)

(g) Permit or carnival application fees paid in accordance with (c) and (e) above, respectively, for events scheduled prior to the public health emergency and subsequently canceled due to COVID-19 restrictions, shall be refunded.

5:70-2.14 Variances

(a) – (b) (No change.)

(c) Within 30 days after receiving an application for a variance, the fire official shall grant or deny the application in writing, stating the reasons for his action. **The time frame to approve or deny a variance request submitted during the public health emergency, shall be extended 30 days from the end of the public health emergency.**

1.-2. (No change.)

(d) – (f) (No change.)

5:70-2.19 Appeals

(a) (No change.)

(b) Hearing requests shall not be valid unless submitted within 15 days after service of a ruling, order or notice, except in cases of imminent hazards. **The right to appeal any order issued during the public health emergency, shall be extended to 15 days from the end of the public health emergency.**

(c) (No change.)

5:70-2.22 Registration of carnivals

(a) (No change.)

(b) The owner of every carnival shall apply for a carnival registration certificate at least 30 days before the first intended operation. **Notwithstanding the prior sentence, for carnivals intending to begin operating within 30 days of the end of the public health emergency, owners shall apply for a carnival registration certificate no less than five days before the first day of the event. Owners of all carnivals intending to begin operating more than 30**

days after the end of the public health emergency must still apply for a carnival registration certificate at least 30 days before the first intended operation. The application shall include the following:

1.-7. (No change.)

(c) – (e) (No change.)

5:70-2.24 Inspection of educational occupancies

The initial annual inspection of educational occupancies required by N.J.A.C. 5:70-2.5 must be conducted prior to June 1st of each calendar year. **Due to the public health emergency, the 2020 annual inspection of educational use buildings shall be completed no later than December 31, 2020. On December 31, 2020, the cyclical inspection requirements will revert back to those as specified in the first sentence of this section.**

SUBCHAPTER 3. STATE FIRE PREVENTION CODE

5:70-3.2 Modifications

(a) The following articles or sections of the State Fire Prevention Code are modified as follows:

1.-8. (No change.)

9. Chapter 9, Fire Prevention System, shall be amended as follows:

i.-iv. (No change.)

vi. In Section 403.8.1.4, Drill frequency, in addition to the evacuation drills required in Section 405.2, employees shall participate in drills an additional two times a year on each shift. Twelve drills with all occupants shall be conducted in the first year of operation. Drills are not required to comply with the time requirements of section 405.4.

The requirements of this section shall be suspended for the duration of the public health emergency. Upon the end of the public health emergency, the requirements of this section shall be reinstated.

Recodify existing vi.-xxi. as **vii.-xxii.** (No change in text.)

xxiii. In Section 405.2, Frequency, Required emergency evacuation drills shall be held at the intervals specified in Table 405.2 or more frequently where necessary to familiarize all occupants with the drill procedure.

GROUP OR OCCUPANCY	FREQUENCY	PARTICIPATION
Group A	Quarterly	Employees
Group B ^b	Annually	All occupants
Group B ^{b,c} (Ambulatory care facilities)	Annually	Employees
Group B ^b (Clinic, outpatient)	Annually	Employees
Group E ^{a,c}	Two drills per month	All occupants
Group I-1	Monthly to include	All occupants
	Semiannually on each shift	All occupants
Group I-2	Monthly to include	All occupants
	Quarterly on each shift (a)	Employees
Group I-3	Monthly to include	All occupants
	Quarterly on each shift (a)	Employees
Group I-4	Monthly to include	All occupants
	Quarterly on each shift (a)	All occupants
Group R-1	Quarterly on each shift	Employees

Group R-2 ^d	Four annually	All occupants
Group R-4	Semi-annually on each shift	All occupants
Therapeutic Residences	Monthly to include	All occupants
	Quarterly on each shift (a)	
High-rise buildings	Annually	All occupants
Casinos	Annually	Employees
Flammable liquid terminals	Twice per year	Employees
Group overnight stay	At the start of each night' s activities	All occupants

- (a) In severe climates, the fire code official shall have the authority to modify the emergency evacuation drill frequency.
- (b) Fire and evacuation drills in residential care assisted living facilities shall include complete evacuation of the premises in accordance with Sections 403.8.1.6 and 403.10.3.6. Where occupants receive habilitation or rehabilitation training, fire prevention and fire safety practices shall be included as part of the training program.
- (c) Group B buildings having an occupant load of 500 or more persons or more than 100 persons above or below the lowest level of exit discharge.
- (d) Emergency evacuation drills in Group R-2 college and university buildings shall be in accordance with Section 403.10.2.1. Other Group R-2 occupancies shall be in accordance with Section 403.10.2.2.
- (e) One drill shall be an emergency evacuation drill, and one drill shall be a lockdown drill.

The requirements of this section shall be suspended for the duration of the public health emergency. Upon the end of the public health emergency, the requirements of this section and the existing schedule for emergency drills shall be reinstated.

Recodify existing xxii.-lxiv. as **xxiv.-lxvi.** (No change in text.)

[lxv.] **lxvii.** New Section 907.10, Engine-driven generator, shall be inserted as follows: “907.10 Engine-driven generator: Where an engine-driven generator provides required secondary power source, such generator shall be inspected weekly and exercised at least monthly under load by disconnecting the normal supply to the system for a minimum of $1/2$ hour in a continuous period.” **The requirements of this section shall be suspended for businesses and facilities that are closed due to the public health emergency. Upon the end of the public health emergency, the requirements of this section shall be reinstated. Businesses and facilities that remain open or reopen during the public health emergency must still comply with this section.**

[lxvi.] **lxviii.** New Section 907.11, Periodic testing and inspection of Single-and Multiple-stations smoke detectors, shall be inserted as follows: “907.11 Periodic testing and inspections of Single- and Multiple-Stations smoke detectors. All single- and multiple- station smoke detectors shall be maintained, periodically inspected and tested in accordance with NFPA 72 and Section 907.11.1 and 907.11.2.” **The requirements of this section shall be suspended for businesses and facilities that are closed due to the public health emergency. Upon the end of the public health emergency, the requirements of this section shall be reinstated. Businesses and facilities that remain open or reopen during the public health emergency must still comply with this section.**

[lxvii.] **lxix.** New section 907.11.1, Single-station smoke detectors, shall be inserted as follows:

“907.11.1 Single-station smoke detectors. Tests or inspections in accordance with the manufacturer’s instructions shall be conducted at 1-month intervals for other than battery-powered smoke detectors and at 1-week intervals for battery-powered smoke detectors. **The requirements of this section shall be suspended for businesses and facilities that are closed due to the public health emergency. Upon the termination of the public health emergency, the requirements of this section shall be reinstated. Businesses and facilities that remain open or reopen during the public health emergency must still comply with this section.**

Exception: (No change.)

Recodify existing lxviii.-lxxxii. as **lxx.-lxxxiii.** (No change in text.)

10.-81. (No change.)

CHAPTER 71

FIRE CODE ENFORCEMENT

SUBCHAPTER 2. ENFORCING AGENCIES; ESTABLISHMENT AND RESPONSIBILITIES

5:71-2.7 Registry of agencies

(a) – (b) (No change.)

(c) The status of any enforcing agency with respect to responsibility to enforce the Code or inspect life hazard uses shall change as of the deadline date for submission to the next applicable quarterly registry unless the Division assumes jurisdiction in accordance with these regulations.

Submission deadline dates for the registry are as [follows:] **listed in (c)i below. During the public health emergency and extending to 60 days from the end of the public health emergency, no changes shall be made to the registry of agencies.**

i. (No change.)

(d) – (e) (No change.)

5:71-2.11 Right of appeal

In accordance with N.J.S.A. 52:27D-206, any person or agency aggrieved by a notice, order, action or decision of the Division pursuant to this subchapter shall be entitled to a hearing before the Office of Administrative Law pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. and the Uniform Administrative Rules of Practice, N.J.A.C. 1:1-1, provided that a request for a hearing is submitted to the Hearing Coordinator, Department of Community Affairs, PO Box 802, Trenton, New Jersey 08625-0802 within 15 days of the person or agency's receipt of the notice or order complained of. **The right to appeal any order pursuant to this subchapter issued during the public health emergency shall be extended to 15 days from the date of the end of the public health emergency.**

SUBCHAPTER 4. CERTIFICATION OF FIRE OFFICIALS

5:71-4.2 Authority; hearings

(a) – (b) (No change.)

(c) The right to appeal any order pursuant to this subchapter issued during the public health emergency shall be extended to 15 days from the end of the public health emergency.

5:71-4.3 Certification required

(a) – (c) (No change.)

(d) Temporary appointments will continue as specified in (c) above. However, the time period to have a permanent appointment for vacancies occurring during the public health emergency, shall be allowed to be extended 60 days from the end of the public health emergency.

5:71-4.5 Renewal of certification

(a) - (c) (No change)

(d) The above requirements for certification renewal are modified to provide certified fire inspectors or certified fire officials whose certifications were scheduled for renewal on April 30, 2020 or October 31, 2020, ample time to satisfy the continuing education requirements. Therefore, those renewable certifications expiring this calendar year are extended to December 31, 2020. There shall be no additional expense or cost due from those seeking certification as a result of this extension. Future certification cycles will return to the established expiration dates under the prior existing rule.

Recodify existing (d)-(e) as **(e)-(f)** (No change in text.)

CHAPTER 73

STANDARDS FOR FIRE SERVICE TRAINING AND CERTIFICATION

SUBCHAPTER 2. EDUCATIONAL PROGRAMS AND FACILITIES

5:73-2.5 Live fire training permit

(a)-(b) (No change.)

(c) Any permanent fire service training organization shall be eligible to apply for an annual Type A permit to conduct live fire training exercises.

1. (No change.)

2. Permits shall be valid for a period not to exceed one year from the date of issuance unless revoked or suspended in accordance with (f) below.

i. (No change.)

ii. As a result of Executive Order No. 103 (2020), Live Fire Training Permits issued by the New Jersey Division of Fire Safety with an expiration date of July 31, 2020, shall be extended to December 31, 2020. Future permits shall return to the July 31 cyclical dates.

(d) – (h) (No change.)

SUBCHAPTER 5. INSTRUCTORS

5:73-5.4 Renewal of certification

(a) Beginning January 1, 1999, and every three years thereafter, any instructor certification already issued shall be renewed upon submission of an application and verification by the Office of Training and Certification that the applicant has met the continuing education requirements established by this subchapter. The Office of Training and Certification shall renew, for a term of three years, the certification previously issued. The expiration date of the certification shall be April 30, if all documentation is completed and received between November 1 and April 30, or October 31, if all documentation is completed and received between May 1 and October 31. **The requirements of this subsection for certification renewal are modified to provide certified instructors whose certifications were scheduled for renewal on April 30, 2020 or October 31, 2020, ample time to satisfy the continuing educational requirements. Therefore, those renewable certifications expiring this calendar year are extended to December 31, 2020.**

There shall be no additional expense or cost due from those seeking certification as a result of this extension. Future certification cycles will return to the established expiration dates under the existing rule.

(b) – (d) (No change.)

SUBCHAPTER 18. FIRE INVESTIGATOR

5:73-18.3 Renewal of certification

(a) Once a Fire Investigator Certification is issued, and every three years thereafter, any Fire Investigator Certification already issued shall be renewed upon submission of an application and verification by the Office of Training and Certification that the applicant has met the continuing education requirements established by this subchapter. The Division shall renew, for a term of three years, the certification previously issued. The expiration date of the certification shall be April 30, if all documentation is completed and received between November 1 and April 30, or October 31, if all documentation is completed and received between May 1 and October 31. If the applicant holds other renewable certifications that have established a cycle expiration date, the date established shall reflect the current cycle expiration date. Where the expiration lapse date provides less than six months to obtain the required CEU requirements, the CEU requirements to renew the Fire Investigator Certification shall be viewed as being met. **The requirements of this subsection for certification renewal are modified to provide certified fire investigators whose certifications were scheduled for renewal on April 30, 2020 or October 31, 2020, ample time to satisfy the continuing education requirements. Therefore, those renewable certifications expiring this calendar year are extended to December 31, 2020. Future certification cycles will return to the established expiration dates under the existing rule.**

(b)-(d) (No change.)

CHAPTER 74

STANDARD FOR THE CERTIFICATION OF FIRE PROTECTION EQUIPMENT

CONTRACTORS

SUBCHAPTER 2. ADMINISTRATION OF PERMIT AND CERTIFICATION PROGRAM

5:74-2.1 Business permits

(a) – (d) (No change.)

(e) A business permit shall be issued to qualified applicants seeking to engage in the fire protection equipment business for a three-year period, upon payment of a permit fee. Permit renewals shall be issued for a three-year period upon the payment of a renewal fee. A renewal application shall be filed with the Contractor Certification and Emblems Unit at least 45 days prior to expiration of a permit. The renewal date for permits shall be April 30 or October 31 of each year. A permit issued pursuant to this chapter shall not be transferable. **Business permits issued by the New Jersey Division of Fire Safety with an expiration date of April 30, 2020 or October 31, 2020, are extended to December 31, 2020. This will enable the business qualifiers to obtain and complete the necessary classes to qualify for business permits. There shall be no additional expense or cost due as a result of this extension. Future business permit cycles will return to the established expiration dates under the existing rule.**

(f) – (n) (No change.)

5:74-2.4 Renewal of certifications

(a) Every three years, the Contractor Certification and Emblems Unit shall renew for three years any certification already issued upon submission of an application, payment of the required fee, and verification that the applicant has met such continuing education requirements as may be established by this chapter. The expiration date of the certification shall be April 30 or October 31 of each year. Certifications with multiple certificates shall have the same expiration date for all certificates. **Certifications issued by the New Jersey Division of Fire Safety with an expiration date of April 30, 2020 or October 31, 2020, are extended to December 31, 2020. This will enable the individuals to complete the required training to allow them to renew their certifications. There shall be no additional expense or fees due from those seeking renewal of certifications during this extension. Future certification cycles will return to the established expiration dates under the existing rule.**

(b) – (h) (No change.)