

2. AMOUNT INVOLVED \$ _____

(If amount involved is not definitely known, so state, but give known amounts and facts as determined to date-render supplemental reports of findings from time to time, and give final report in Section 2.)

3. DISCOVERY

- (a) Date _____
- (b) Facts and circumstances leading to discovery (attention is directed to the text of the "Requirements of Audit")

SPECIAL CONFIDENTIAL REPORT-SECTION 1, PAGE 2

[MUNICIPALITY] *LOCAL UNIT*: _____

MUNI CODE: _____

COUNTY: _____

4. SURETY BONDS

Corporate

(a) Amounts and Company _____

(b) New bond each year Yes ___ No ___

(c) Continuation certificate Yes ___ No ___

Personal

(d) Name, address, and business of each bondsman

(e) Amount _____

5. REPORTED TO

(a) Governing Body

(1) How—written or oral

(2) Date _____

(b) Bonding Company

(1) By whom

(2) Company Direct

(3) Agent of Company

(4) How

(5) Date _____

(c) Prosecutor

(1) By whom

(2) How

(3) Date _____

Date _____ 20 _____ Signed _____

Print Name: _____

Registered Municipal Accountant

SPECIAL CONFIDENTIAL REPORT—SECTION 2, PAGE 3

(To be filed upon completion, or reasonable determination of amount)

[MUNICIPALITY] *LOCAL UNIT*: _____

MUNI CODE: _____

COUNTY: _____

6. METHOD OR METHODS USED BY OFFICIAL

(a) In obtaining funds

(b) In covering up shortage

7. AMOUNT OF SHORTAGE AS DETERMINED AT THIS DATE, AND DATE OF DETERMINATION

8. REPORT OR REPORTS TO

(a) Governing Body

(1) How—written or oral

(2) Date _____

(b) Bonding Company

(1) By whom

(2) To Whom

(3) How reported

(4) Date _____

(c) Prosecutor

(1) By whom

(2) How

(3) Date _____

Date _____ 20 _____ Signed _____

Print Name: _____

Registered Municipal Accountant

SPECIAL CONFIDENTIAL REPORT—SECTION 3, PAGE 4

(To be filed upon disposition of case)

[MUNICIPALITY] *LOCAL UNIT*: _____

MUNI CODE: _____

COUNTY: _____

9. DISPOSITION OF SHORTAGE OF

(a) Repayment by

(b) Terms of Bonding Company Settlement

10. REMARKS

(Note: Legal or criminal action and results)

Date _____ 20 _____ Signed _____

Print Name: _____

Registered Municipal Accountant

Note: To Registered Municipal Accountant

No report will be considered complete

Until all three (3) sections are filed

CHAPTER 31
LOCAL AUTHORITIES

SUBCHAPTER 9. MUNICIPAL PORT AUTHORITIES

5:31-9.1 (No change in text)

(a)

DIVISION OF HOUSING AND COMMUNITY RESOURCES

Winter Termination Program

Adopted New Rules: N.J.A.C. 5:45

Proposed: November 21, 2022, at 54 N.J.R. 2137(a).

Adopted: June 12, 2023, by Lt. Governor Sheila Y. Oliver,

Commissioner, Department of Community Affairs.

Filed: July 10, 2023 as R.2023 d.093, **with non-substantial changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-6.3).

Authority: N.J.S.A. 40A:5A-30.

Effective Date: August 7, 2023.

Expiration Date: August 7, 2030.

Summary of Public Comments and Agency Responses:

Comments were received from David McMillin, Legal Services of New Jersey, and Lawrence Levine, Director, Urban Water Infrastructure, Natural Resource Defense Council.

1. COMMENT: The commenter recommends that the definition of "vendor" be amended to add language to state that the vendor "provides electric, sewer, or water service."

RESPONSE: The Department of Community Affairs (Department) has changed the definition, as recommended, as part of this rulemaking as it is a non-substantive change, clarifying change.

2. COMMENT: The commenters note that N.J.S.A. 40A:5A-29.b1 extends eligibility for the Winter Termination Program (WTP) to residential customers who participate in "any other State or local program that provides assistance specifically to help eligible customer pay electric, sewer, or water bills." Accordingly, the commenters ask that N.J.A.C. 5:45-2.1(a) be amended to reflect that.

RESPONSE: The Department has changed the language as part of this rulemaking as it reflects the statutory language.

3. COMMENT: The commenters state that the proposed rules lack the statutorily required process for a residential customer to self-certify an inability to pay due to circumstances beyond their control. Both commenters suggest adding provisions at N.J.A.C. 5:45-2.1(a) that would allow a residential customer to self-certify, either orally or in writing, and provide that such self-certification is sufficient to demonstrate an inability to pay. The commenters also suggest language that would require the local

authority, municipal utility, or rural electric cooperative (vendor) to provide a written form with specific language.

RESPONSE: The Department disagrees that the language the commenters suggest is necessary. Proposed N.J.A.C. 5:45-2.1(a)9 states that a vendor cannot discontinue service from November 15 through March 15 for those residential customers who demonstrate that they are unable to pay their utility bill because of circumstances beyond their control. N.J.A.C. 5:45-2.1(a)9i lists some of those circumstances, but as it states, it is not limited to those circumstances. Pursuant to this rulemaking, a residential customer who is unable to pay during this time period may contact the vendor and advise of the inability to pay, which is the self-certification. As an aid to an affected residential customer, the Department's website includes a self-certification form for a residential customer, which the customer may choose to use, but as the website notice further states, a customer also can verbally report eligibility.

4. COMMENT: The commenter states that a residential customer should not have to affirmatively raise and demonstrate that they qualify for the WTP pursuant to N.J.A.C. 5:45-2.1(a) when service termination is threatened. The commenter says that the vendor should bear the responsibility for determining eligibility before service termination, including asking whether a customer is unable to pay the utility bills due to circumstances beyond their control.

RESPONSE: The Department does not agree with the suggested changes. Pursuant to the statute, the Department's proposed rules reflect those of the Board of Public Utilities' (BPU) rules for its WTP. Consistent with the BPU rules, the Department's rules state the residential customer must demonstrate eligibility at the time of the intended termination. Further, the WTP statutory provisions concerning eligibility and self-certification address the residential customer providing the information to the vendor.

5. COMMENT: The commenter states that N.J.A.C. 5:45-2.1(a) should be amended to add language that would extend the WTP time frames to include any extension the BPU may adopt. The commenter argues that this is consistent with the statutory provision that the Department's WTP reflect the BPU's WTP.

RESPONSE: The statute, and not the Department, establishes the timeframe for the WTP. N.J.S.A. 40A:5A-29.a sets those dates as November 15 through March 15. The Department notes that the BPU rules provide that utilities shall not discontinue service from November 15 through March 15, unless otherwise ordered by the Board, N.J.A.C. 14:3-3A.5(a), however, the BPU has significant statutory authority to regulate utilities under its jurisdiction which includes authority beyond the WTP. The Department does not have such authority over the limited vendors set forth at N.J.S.A. 40A:5A-29. Accordingly, the Department does not deem it appropriate to include the language the commenter requests.

6. COMMENT: The commenter recommends amending N.J.A.C. 5:45-2.1(b) to require that the vendor notice include an explanation of how a customer may demonstrate WTP eligibility.

RESPONSE: Pursuant to N.J.A.C. 5:45-2.1(b), a vendor's notice must include the terms and conditions of the WTP. Accordingly, the residential customer will be notified of the WTP eligibility requirements. Information on the WTP also is posted on the Department's website and vendors can, and have, link to the Department's website. If it appears that the notice is not meeting its intended purpose, the Department may amend its rules.

7. COMMENT: The commenter recommends amending N.J.A.C. 5:45-2.1(b) to require a vendor to post notice of the WTP on its website.

RESPONSE: A vendor is required to send notice of the WTP with the customer bill pursuant to N.J.A.C. 5:45-2.1(b), so customers are notified of the WTP. Additionally, the Department posts notice on its website, and will not be making the requested change.

8. COMMENT: The commenter recommends amending N.J.A.C. 5:45-2.1(b) to require a vendor to use a Department notice template if the Department publishes one or, alternatively, the Department-approved notice. The commenter further recommends including the same notice for new residential customers who begin service during the WTP period.

RESPONSE: The Department has not published a standardized notice template, and has no plans to do so at this time. The proposed rule requires a vendor to include the terms and conditions of the WTP. If it appears that the notices are not meeting their intended purpose, the Department may amend its rules, as needed.

9. COMMENT: The commenter recommends amending N.J.A.C. 5:45-2.1(c) to require the vendor website notice about its no shut off policy to comply with its recommendations set forth in [Comments 8].

RESPONSE: As explained in the Response to Comment 8, the Department will not be amending its proposed rule at this time so the suggested changes to this provision likewise will not be made.

10. COMMENT: The commenter supports the rulemaking but suggests that N.J.A.C. 5:45-2.1(c) be amended to require the utility to post the policy on its website and state that it will not be rescinded during the time the Winter Termination Program (WTP) protections are in place.

RESPONSE: The Department thanks the commenter for its support. The Department does not believe it is necessary to require a vendor to post such notice on its website. Pursuant to the proposed rules, as well as the statute, N.J.S.A. 40A:5A-29, a vendor is prohibited from discontinuing service to an eligible customer from November 15 through March 15. The proposed rules require the vendor to send notice of the WTP to all residential customers in the billing cycle prior to November 15. Additionally, the Department posts notice of the WTP on its website. The Department believes the statutory and regulatory requirements, as well as notice on the Department's website, are appropriate notice.

11. COMMENT: The commenter recommends adding language at N.J.A.C. 5:45-2.1(d) to state that the vendor will not discontinue service if there is a dispute as to a good faith ability to pay. The commenter notes that BPU rules include a provision that prohibits discontinuation while a dispute is being resolved, although the BPU has a dispute resolution process.

RESPONSE: As the commenter notes in their comment, the rules contain a self-certification provision, which allows a residential customer to self-certify an inability to pay. As discussed in the Response to Comment 3, once a residential customer self-certifies, the vendor cannot shut off service during the WTP period. N.J.A.C. 5:45-2.1(a) specifically states that "A vendor shall not discontinue service during the period from November 15, through March 15 ..."

12. COMMENT: The commenter states that N.J.A.C. 5:45-2.1(e) should be amended to include provisions that: require a vendor to maintain or reconnect service if a residential customer can prove that they have submitted an application for utility assistance; state that written or oral self-certification constitute proof that a customer has submitted an application for utility assistance; and that require a vendor to send annual notice explaining the provisions these provisions.

RESPONSE: The Department thanks the commenter for these suggestions, but the proposed rules follow the statutory directives, and the Department declines to adopt the commenter's suggestions. The statute provides that those residential customers receiving assistance under certain programs are eligible for participation in the WTP. Also, the BPU rules, likewise, state that residential customers must demonstrate, at the time of termination, that they are recipients of benefits under certain programs, unless it is a situation where there are circumstances beyond the customer's control. N.J.A.C. 5:45-2.1(a) reflects both the statutory and BPU rules language and as noted in the Response to Comment 13, the Department will undertake future rulemaking to address N.J.S.A. 40A:5A-29.b(3), if deemed necessary. Further, as discussed in the Response to Comment 6, the proposed rules require appropriate annual notice.

13. COMMENT: The commenters state the rules should include the statutory language at N.J.S.A. 40A:5A-29.b(3) requiring a vendor to maintain or reconnect utility service if a residential customer can prove that they have submitted an application under certain assistance programs.

RESPONSE: The statutory requirement applies, and it is not necessary to repeat it in the rules for the requirements to be effective.

14. COMMENT: The commenters request several amendments at N.J.A.C. 5:45-2.1(b) to clarify the notice provisions. The commenters suggest that vendors send additional notice with termination notices.

RESPONSE: The proposed rule, as presently written, does require a vendor to send notice about the WTP annually to all residential customers. The proposed rule, as written, further states that the notice shall set forth the terms and conditions of the WTP. Accordingly, since the proposed rule does require annual notice that describes the terms and conditions of the WTP, the Department does not see a need at this time to make the suggested changes.

15. COMMENT: The commenters state that there is no statutory basis for the waiver rule, and, therefore, ask that the proposed rule be deleted.

RESPONSE: The Department recognizes that it cannot waive statutory provisions. The Department included this rule in case circumstances arise that merit the waiver of a regulatory requirement.

16. COMMENT: The commenter states that rules should include a provision requiring a vendor to include notice about the WTP with any discontinuation notice and that such notice include how the residential customer may avail themselves of the WTP. The commenter notes that the BPU has such a rule in its rules on notices of discontinuation for nonpayment. See N.J.A.C. 14:3A.

RESPONSE: The BPU rule addresses notices a utility must include with a service discontinuation notice. It is not part of the BPU's WTP rules. Further, the residential customer will have received notice of the WTP in its bill pursuant to N.J.A.C. 5:45-2.1(b), and the Department has notice of the WTP on its website.

17. COMMENT: The commenter suggests adding language to require a vendor to specifically ask a customer whether they meet the criteria at N.J.A.C. 5:45-2.1(e)1 through 8 before discontinuing service. The suggested language would require a vendor to accept any reasonable demonstration that the residential customer satisfies the criteria.

RESPONSE: The Department declines to adopt this recommendation. As stated in the Response to Comment 4, pursuant to the statute, the residential customer must self-certify WTP eligibility at the time of intended service discontinuation. Pursuant to the proposed rules, the residential customer will receive notice of the WTP in its bill prior to the beginning of the WTP period and new customers thereafter will receive notice at the start of the service. Further, the Department's website has information about WTP eligibility and participation in the WTP.

18. COMMENT: The commenter states that the proposed rules should include an enforcement process and that vendor notices should have Department information so that a customer can lodge a complaint with the Department if a customer believes a vendor is not complying with WTP requirements.

RESPONSE: The statute sets forth the requirements for the WTP. The statute does not include any enforcement provisions. As the commenter noted in his comments, the Department does not have a dispute resolution process. The WTP statute does not authorize nor provide for such a process.

19. COMMENT: The commenter states that the Department's WTP rules must include provisions to address notice requirements for utilities set forth at P.L. 2022, c. 4.

RESPONSE: As the commenter notes, at P.L. 2022, c. 4, the obligation on utilities to include information about the WTP to customers arises when there is a service discontinuation generally, not just during the WTP time period. P.L. 2022, c. 4 addresses the utilities obligation to notify a customer facing potential service discontinuation of various programs. The statutory obligation the commenter references is the utilities' obligation, not the Department's obligation. The proposed rules meet the WTP's statutory requirements and mandate the required notice. Residential customers will receive notice of the WTP in their bills or when they begin a new service. Further, the Department's website has information specifically about the WTP, including eligibility requirements and how a customer may notify a vendor of eligibility.

20. COMMENT: The commenter states that, at N.J.A.C. 5:45-2.1(a)1, "Department of Human Services" should be replaced with "Department of Community Affairs."

RESPONSE: The Department has made this change to reflect the proper entity.

Federal Standards Statement

No Federal standards analysis is required for the adopted new rules because the new rules are not being adopted in order to implement, comply with, or participate in any program established under Federal law or under a State law that incorporates or refers to Federal law, standards, or requirements.

Full text of the adopted new rules follows (additions to the proposal indicated in boldface with asterisks ***thus***; deletions from proposal indicated in brackets with asterisks ***[thus]***):

CHAPTER 45 WINTER TERMINATION PROGRAM

SUBCHAPTER 1. GENERAL PROVISIONS

5:45-1.1 Purpose

The purpose of this chapter is to implement a Winter Termination Program to prevent service discontinuation for eligible residential customers receiving residential electric, sewer, and water service from a local authority, municipal utility, or rural electric cooperative from November 15 through March 15.

5:45-1.2 Definitions

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

"Board" means the Board of Public Utilities.

"Department" means the Department of Community Affairs.

"Local authority" means an authority, as defined in section 3 at P.L. 1983, c. 313 (N.J.S.A. 40A:5A-3), or a water district established pursuant to N.J.S.A. 40:62-96 et seq., that provides electric, sewer, or water service.

"Municipal utility" means a municipal public utility, as defined at N.J.S.A. 40A:1-1, that provides electric, sewer, or water service.

"Program" means the Winter Termination Program.

"Residential customer" means a residential customer of record of a local authority, municipal utility, or rural electric cooperative, or any residential tenant of a residence, where the owner or any agent or other representative of the owner of the residence is a non-residential customer of record of a local authority, municipal utility, or rural electric cooperative.

"Vendor" means the local authority, municipal utility, or rural electric cooperative ***that provides electric, sewer, or water service***, as relevant to a particular residential customer.

SUBCHAPTER 2. UTILITY SHUTOFF PROTECTIONS

5:45-2.1 Utility shutoff protections

(a) A vendor shall not discontinue service during the period from November 15 through March 15 to those residential customers who demonstrate, at the time of the intended termination that they are:

1. Recipients of benefits pursuant to the Federal Home Energy Assistance Program (HEAP) or certified as eligible therefor, pursuant to standards set by the New Jersey Department of ***[Human Services]* ***Community Affairs*****;

2. Recipients of Temporary Assistance to Needy Families (TANF);

3. Recipients of Federal Supplemental Security Income (SSI);

4. Recipients of Pharmaceutical Assistance to the Aged and Disabled (PAAD);

5. Recipients of General Assistance (GA) benefits;

6. Recipients of the Universal Service Fund (USF);

7. Recipients of the Low-Income Household Water Assistance Program;

8. Recipients of benefits pursuant to the Lifeline Credit Program; ***[or]***

9. Persons unable to pay their utility bills because of circumstances beyond their control.

i. Circumstances pursuant to this paragraph shall include, but not be limited to, unemployment, illness, medical-related expenses, recent death of an immediate family member, or any other circumstances that might cause financial hardship ***[.]**; or***

***10. A participant in any other State or local program that provides assistance, specifically, to help eligible customers pay electric, sewer, or water bills. ***

(b) A vendor shall send a notice to all residential customers about the Winter Termination Program in the billing cycle prior to November 15. The notice shall set forth the terms and conditions of the Program. A vendor shall send a notice about the Program to a residential customer who has started a new service, after the billing cycle, prior to November 15 at the time the residential customer starts the new service.

(c) If a vendor has a policy that provides that service will not be shut off to any residential customer from November 15 to March 15, the vendor does not have to comply with the notice requirement at (b) above. In such

case, the vendor shall post a notice generally describing the Program on its website. If the policy changes at any time, the vendor must comply with (b) above.

(d) All residential electric, water, and wastewater customers who are eligible for, and seek the protection of the Winter Termination Program, shall make good-faith payments during the period, if they are able.

(e) If a customer receives electric, water, or wastewater-related financial assistance, the customer shall forward any benefits received to their appropriate electric, water, or wastewater vendor.

(f) During the protection period, an electric, water, or wastewater vendor shall not request a security deposit or an addition to an existing security deposit from a customer who is eligible for, and seeks the protection of, the Winter Termination Program.

SUBCHAPTER 3. WAIVER

5:45-3.1 Waiver

The Commissioner of the Department may waive provisions in this chapter for good cause.

EDUCATION

(a)

STATE BOARD OF EDUCATION

Bilingual Education

Adoption with Amendments: N.J.A.C. 6A:15

Adopted Recodification with Amendments: N.J.A.C. 6A:15-1.5 as 1.15

Proposed: February 21, 2023, at 55 N.J.R. 275(a).

Adopted: July 12, 2023, by the State Board of Education, Angelica Allen-McMillan, Ed.D., Acting Commissioner, Department of Education, and Acting Secretary, State Board of Education.

Filed: July 14, 2023, as R.2023 d.095, **with non-substantial changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-6.3).

Authority: N.J.S.A. 18A:4-15 and 18A:35-15 through 26.

Effective Dates: July 14, 2023, Readoption;
August 7, 2023, Amendments and Recodification.

Expiration Date: July 14, 2030.

Summary of Public Comments and Agency Responses:

The following is a summary of the comments received from the public and the Department of Education's (Department) responses. Each commenter is identified at the end of the comment by a number that corresponds to the following list:

1. Dr. JoAnne M. Negrin, Supervisor of English as a Second Language (ESL), World Languages, Bilingual Education, and Performing Arts, Vineland School District
2. Julie Mitschow, Nutley School District
3. Sarah Jung, ESL teacher, Norwood School District
4. Nina Peckman, Staff attorney, Advocates for Children of New Jersey
5. Erin Sweeney, Esq., Equal Justice Works Fellow, and Cindy Lio, State and Local Policy Director, Kids in Need of Defense
6. Jesse Burns, Executive Director, Dr. Rozella G. Clyde, and Deborah Lee, League of Women Voters of New Jersey Education Committee
7. Ashley Warren, Ed.D., Vice President of Membership, Foreign Language Educators of New Jersey
8. Frank Angiola, ESL teacher, Hillcrest School District
9. Dr. Kimberly Tew, Assistant Superintendent of Curriculum and Instruction, Princeton School District
10. Dineen Gruchaz, Principal, Community Park School
11. Sheba Koshy, ESL teacher
12. Jacob Bailey, Fourth grade teacher, Village Elementary School
13. Odenis Goris, Dual language immersion elementary teacher
14. Kay Li

15. María José Spender, Spanish kindergarten dual language immersion teacher, West Windsor-Plainsboro Regional School District

16. Helen Kelmanovich, Spanish kindergarten dual language immersion teacher, West Windsor-Plainsboro Regional School District

17. Lilia Ruffo, Spanish first grade paraprofessional dual language immersion, West Windsor-Plainsboro Regional School District

18. Ashley Warren, Ed.D., Supervisor of World Languages, Dual Language Immersion, and English Language Learning, West Windsor-Plainsboro Regional School District

19. Joseph Grillo, Parent

20. Stacy Burke, ESL teacher, Maurice Hawk Elementary School

21. Nora Tang

22. Marla Fruhling, Third grade teacher, West Windsor-Plainsboro Regional School District

23. Jean Public

24. Debra J. Bradley, Esq., Director of Government Relations, New Jersey Principals and Supervisors Association

25. Robert F. Johnson, Director of Special Education, Middle Township School District

26. Katherine Stotler, Supervisor of World Language and English Language Learners, Bernards Township School District

27. Michele Schreiner, Supervisor of English Language Learning and World Languages, Egg Harbor Township School District

28. Jonathan Pushman, Director, Governmental Relations, New Jersey School Boards Association

29. Laura Arredondo, Supervisor, World Languages and English Language Learner Programs, Hunterdon Central Regional High School

30. Kathleen Fernandez, Executive Director, New Jersey Teachers of English to Speakers of Other Languages/New Jersey Bilingual Educators (NJTESOL/NJBE), Lady Jimenez Torres, New Jersey Consortium for Immigrant Children, and Elizabeth Athos and Jessica Levin, Education Law Center

1. COMMENT: The commenters applauded the State's efforts to ensure that multilingual learners (MLs) are viewed with an asset-based lens. (1, 6, and 24)

RESPONSE: The Department thanks the commenters for the support.

2. COMMENT: The commenter stated that the Department should provide Statewide translation and interpretation services. The commenter also remarked that the Department's stated commitment to ensuring that school districts and families are provided with information and communications in multiple languages and an accessible form is not being realized across the State. The commenter stated that there is an urgent issue of lack of compliance with Federal law and guidance, as well as existing State requirements. The commenter also stated that many school districts are not providing quality interpretation or translation services, except for special education testing. The commenter further stated that this crucial work must start with a clear requirement at N.J.A.C. 6A:15 that all information brought to the attention of English-speaking parents by the Department and school districts must also be provided to parents who do not speak English as their primary language. (6)

RESPONSE: The Department agrees that essential information and communication from school districts must be available in the language in which the parent possesses a primary speaking ability. Such communication is critical to achieve meaningful family engagement. The amendments at N.J.A.C. 6A:15-1.1(c) will ensure that the Department provides culturally and linguistically responsive technical assistance to each school district in the implementation of language instruction educational programs (LIEPs). Additionally, MLs' parents are also entitled, pursuant to Titles I and III of the Every Student Succeeds Act (ESSA) and the Individuals with Disabilities Education Act (IDEA), to translation and interpretation of particular information. Therefore, the Department proposed new N.J.A.C. 6A:15-1.14(a)1 to include a non-exhaustive list of parent communications that school districts must provide in the language in which the parent possesses a primary speaking ability. The allocation of resources for the Department to provide Statewide translation resources is outside the scope of this rulemaking.

3. COMMENT: The commenters applauded the State's efforts to ensure that MLs are viewed with an asset-based lens. (1, 6, and 24)

RESPONSE: The Department thanks the commenters for the support.