

COMMUNITY AFFAIRS

DIVISION OF CODES AND STANDARDS

Uniform Construction Code

Heating, Ventilation, Air Conditioning, and Refrigeration Contractors

Proposed Amendments: N.J.A.C. 5:23-2.15 and 2.15A

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

Authority: N.J.S.A. 52:27D-124.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2019-115.

Submit written comments by October 4, 2019, to:

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The agency proposal follows:

Summary

The proposed amendments are made to revise the administrative provisions of the Uniform Construction Code to reference the requirement for a licensed heating, ventilation, air conditioning, and refrigeration contractor to obtain a permit for work that falls within the scope of

this licensed trade. P.L. 2007, c. 211 established “the State Heating, Ventilation, Air Conditioning, and Refrigeration Contracting License Law,” codified as N.J.S.A. 45:16A-1 et seq. On April 15, 2013, the Department of Law and Public Safety, Division of Consumer Affairs, adopted rules requiring Heating, Ventilation, Air Conditioning, and Refrigeration (HVACR) contractors to be licensed (N.J.A.C. 13:31A) pursuant to the statute. Over the last five years, the Division of Consumer Affairs has issued licenses for approximately 10,000 HVACR contractors. As of July 1, 2016, the HVACR Licensing Board officially began its enforcement of the existing statute and rules. The proposed amendments would incorporate the requirements for HVACR contractors to be licensed into the Uniform Construction Code by requiring proof of licensure as a condition for obtaining a construction permit for work covered by the scope of the license. A section-by-section description of proposed amendments follows.

1. At N.J.A.C. 5:23-2.15(b)2, proposed amendments would add that HVACR contractors are required to provide their name and license number on the application for a construction permit for HVACR work.
2. At N.J.A.C. 5:23-2.15(d), a proposed amendment would add heating, ventilation, air conditioning, and refrigeration contractors to the list of those who are able to apply for a permit in connection with proposed work.
3. At N.J.A.C. 5:23-2.15A(b)4ii, a proposed amendment would allow HVACR contractors to prepare plans for HVACR work for Class 3 structures. The term “mechanical” has been deleted. The phrase “mechanical contractor” used to cover HVACR work. Because the HVACR license now exists, “licensed heating, ventilation, air conditioning, and refrigeration contractors” is now the accurate name.

4. At N.J.A.C. 5:23-2.15A(b)4ii(1), a proposed amendment would allow HVACR contractors to submit energy code compliance documentation as required by the UCC. The term “mechanical” has been deleted. The phrase “mechanical contractor” used to cover HVACR work. Because the HVACR license now exists, “licensed heating, ventilation, air conditioning, and refrigeration contractors” is now the accurate name.

As the Department of Community Affairs has provided a 60-day comment period on this notice of proposal, this notice is excepted from the rulemaking calendar requirement, pursuant to N.J.A.C. 1:30-3.3(a)5.

Social Impact

The proposed amendments incorporate the requirements for HVACR contractors to be licensed into the Uniform Construction Code. It is anticipated that this will have a positive social impact because it will align the Department’s rules with the existing law and rules already established by the Division of Consumer Affairs. This will clarify the licensing requirements for HVACR contractors and allow for uniform enforcement of rules across State agencies.

Economic Impact

The proposed amendments to incorporate the requirements for HVACR contractors to be licensed reflects the requirements of existing laws and rules. Accordingly, it is not anticipated that these proposed amendments will have any discernable economic impact.

Federal Standards Statement

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

Jobs Impact

The proposed amendments to incorporate the requirements for HVACR contractors to be licensed are not expected to have an impact on the creation or loss of jobs.

Agriculture Industry Impact

The Department does not anticipate that the proposed amendments will impact the agriculture industry.

Regulatory Flexibility Analysis

The proposed amendments do not impose any new reporting or recordkeeping requirements on “small businesses,” as defined in the New Jersey Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. There are no professional services required as a result the proposed amendments. The licensing requirements of a Heating, Ventilating, Air Conditioning and Refrigeration (HVACR) contractor are already required by other laws; the proposed amendments simply reference those requirements for permits for proposed work within the scope of those licensed trades and require applications to contain certain information as discussed in the Summary above.

Housing Affordability Impact Analysis

The proposed amendments incorporate the requirements for HVACR contractors to be licensed into the Uniform Construction Code. It is not anticipated that these updates to the administrative provisions of the Uniform Construction Code would have any impact on the average cost of housing or on the affordability of housing.

Smart Growth Development Impact Analysis

The proposed amendments incorporate the requirements for HVACR contractors to be licensed into the Uniform Construction Code. Because the proposed amendments do not impact zoning or what may be built in a given location, it is not anticipated that the proposed amendments

will have any impact upon housing production within Planning Areas 1 and 2, or within designated centers, under the State Development and Redevelopment Plan.

Racial and Ethnic Community Criminal Justice and Public Safety Impact

The Department of Community

Affairs has evaluated this rulemaking and determined that it will not have an impact on pretrial detention, sentencing, probation, or parole policies concerning adults and juveniles in the State. Accordingly, no further analysis is required.

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

SUBCHAPTER 2. ADMINISTRATION AND ENFORCEMENT; PROCESS

5:23-2.15 Construction permits – application

(a) (No change.)

(b) In addition **to the requirements of (a) above**, the following information shall be required on any application for a construction permit when such information is available, but not later than the commencement of work.

1. (No change.)

2. The name and license number of the contractor(s) or subcontractor(s) for plumbing; [and for] electrical; **or heating, ventilation, air conditioning, and refrigeration** work, where such work is proposed.

i. Plumbing, [and] electrical, **heating, ventilation, air conditioning, and**

refrigeration work shall not be undertaken except by persons licensed to perform such work pursuant to law, except in the case of a [single family] **single-family** homeowner on his **or her** own dwelling.

ii. The seal and signature of the licensed plumbing; [and] electrical; **or heating, ventilation, air conditioning, and refrigeration** contractor(s) shall be affixed to the corresponding subcode application form.

3. – 11. (No change.)

(c) (No change.)

(d) Application for a permit shall be made by the owner, or his **or her** agent, a licensed engineer, architect, plumbing, electrical, heating, ventilation, air conditioning, and refrigeration, or other contractor employed in connection with the proposed work. If the application is by a person other than the owner, it shall be accompanied by an affidavit of the owner or the authorized person making the application, that the proposed work is authorized by the owner, and that the applicant is authorized to make such application. All issued permits shall remain the property of the owner, even if the application was made by a contractor or authorized agent.

(e) – (f) (No change.)

5:23-2.15A Construction permit for a single-family residence

(a) (No change.)

(b) Plans containing the following information shall be considered to meet the requirements of

(a) above:

1. – 3. (No change.)

4. The drawings shall bear the seal and signature of the registered architect or licensed engineer who prepared the plans affixed to each sheet of each copy of the plans submitted and on the first or title sheet of the specifications and any additional supportive information submitted.

i. (No change.)

ii. Plumbing plans[,] electrical plans; and [mechanical] **heating, ventilation, air conditioning, and refrigeration** plans may be prepared by licensed plumbers, licensed electrical contractors, and [mechanical] **licensed heating, ventilation, air conditioning, and refrigeration** contractors, respectively, in accordance with [these regulations] **this subchapter**.

(1) Energy subcode compliance documentation from (b)3vi above may be submitted by the [mechanical] **licensed heating, ventilation, air conditioning, and refrigeration** contractor.

5. – 7. (No change.)