

**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 of 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.)

(a)

**DIVISION OF LOCAL GOVERNMENT SERVICES  
New Jersey Housing Assistance for Veterans  
Proposed New Rules: N.J.A.C. 5:55**

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

Authority: P.L. 2017, c. 258.

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

Proposal Number: PRN 2019-116.

Submit written comments by October 4, 2019, to:

Geraldine Callahan  
Department of Community Affairs  
PO Box 800  
Trenton, New Jersey 08625  
Email: [Geraldine.Callahan@dca.nj.gov](mailto:Geraldine.Callahan@dca.nj.gov)  
Fax Number: (609) 984-6696

The agency proposal follows:

**Summary**

The Department of Community Affairs (Department) is proposing new rules at N.J.A.C. 5:55, New Jersey Housing Assistance for Veterans, to implement the New Jersey Housing Assistance for Veterans Act (Act). P.L. 2017, c. 258, which became effective on June 1, 2018.

The Act establishes a five-year pilot program to assist disabled and low-income veterans with housing modification and rehabilitation needs for their primary residences. Pursuant to the Act, the Director of the Division of Housing and Community Affairs (Director) in the Department shall establish a pilot program to award grants to qualified nonprofit veterans' organizations to rehabilitate and modify the primary residences of eligible veterans. Five million dollars is appropriated from the general fund to fund the program and the Director is to distribute \$1 million during each of the five years of the pilot program. The Director is to manage the pilot program in consultation with the Adjutant General of the Department of Military and Veterans' Affairs. While the Director administers the program, the statute requires the Director of the Division of Local Government Services to promulgate the rules.

These proposed new rules implement this new pilot program.

Proposed N.J.A.C. 5:55-1.1 and 1.2 set forth the purpose and scope of the chapter.

Proposed N.J.A.C. 5:55-2.1 sets forth the definitions.

Proposed N.J.A.C. 5:55-3.1 sets forth the eligibility criteria for applicants for the funds. The proposed provisions include the statutory requirements that the qualified nonprofit veterans' organization demonstrate expertise in housing rehabilitation and modification services; have experience in successfully administering grants; and commit to pay workers prevailing wage. The proposed provisions also require that the applicant hold a Certificate of Good Standing with the State and provide audited financial statements for the previous three years. These proposed provisions help to ensure that a qualified organization has the capability to perform the services and rehabilitate or modify the housing.

Proposed N.J.A.C. 5:55-3.2 sets forth the minimum application requirements. The application is to be made through the Department, or its designee, and shall include a detailed resume(s) of the organization and its key employees; the geographical area the applicant intends to serve; the approximate number of veterans the organization has the capacity to serve with the requested funding; a description of the type of work to be completed; a marketing and outreach plan; and a detailed budget.

Proposed N.J.A.C. 5:55-3.3 sets forth the eligible activities. The grants awarded under this pilot program shall be used to modify and rehabilitate the primary residences of eligible veterans. The proposed rule lists permitted uses, but states that the grant awards are not limited to those uses. The funds are to be used to assist eligible veterans to upgrade their primary residences. The purpose of this section is to provide guidance as to how the funds should be used to upgrade a residence. Eligible activities include making the residence accessible for disabled veterans, rehabilitating homes that are in either exterior or interior disrepair, and installing features to make the home more energy efficient.

Proposed N.J.A.C. 5:55-4.1 provides that the Director shall give preference to qualified organizations that employ workers from an apprenticeable trade participating in the Helmets to Hardhats program.

Proposed N.J.A.C. 5:55-4.2 establishes grant amounts. In accordance with the statute, no organization may be awarded more than \$400,000 in any one fiscal year and the organization must have at least a 50 percent matching contribution. The maximum grant amount for the work is \$25,000 and the minimum is \$5,000. Administrative costs for the grantee are capped at \$2,500 per unit.

Proposed N.J.A.C. 5:55-4.3 provides that eligible veterans shall not pay any costs, including an application fee.

Proposed N.J.A.C. 5:55-5.1 states that if any section is deemed invalid or ineffective, all other provisions of the chapter shall remain effective.

As the Department 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 new rules will provide a positive social impact by awarding funds to nonprofit veterans' organizations for grants to disabled and/or low-income veterans to rehabilitate and modify their primary residences. According to the Housing Assistance Council, approximately five percent of New Jersey's adult population are veterans. Five percent of those live in poverty and approximately 12 percent have a service-related disability. Veterans occupy about 8.8 percent of New Jersey's homes and approximately one-out-of-four veterans live in homes that need rehabilitation or modification.

#### **Economic Impact**

The proposed new rules do not impose any costs or fees. The proposed new rules will have a positive economic impact by implementing a pilot program that will upgrade existing homes for low-income veterans. Preserving quality affordable housing costs significantly less than creation of a new unit. Additionally, renovation of existing homes may help neighborhood stabilization, which may lead to private investment in a neighborhood. This may enable local governments to attract and retain ratables.

#### **Federal Standards Statement**

No Federal standards analysis is required because the proposed new rules are not being proposed 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.

#### **Jobs Impact**

The proposed new rules will create jobs at prevailing wage in the housing construction and renovation industry. They also will provide apprenticeships for veterans.

#### **Agriculture Industry Impact**

The Department does not anticipate that the proposed new rules will have any impact on the agriculture industry.

#### **Regulatory Flexibility Analysis**

The Department does not expect the proposed rules to impose any added recordkeeping or reporting requirements on small businesses, as defined by the New Jersey Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. Pursuant to N.J.A.C. 5:55-3.1, an applicant for funding through this program must provide audited financial statements for the previous three years and demonstrate experience in successfully carrying out accountability and reporting requirements regarding grant funds administration. Additionally, pursuant to N.J.A.C. 5:55-3.2, as part of its application, an applicant must provide marketing and outreach plans, a plan for selecting eligible veteran recipients of the funds awarded, and a detailed budget. These requirements do not impose any unusual or unique requirements and represent requirements any applicant can be expected to submit for such a program. It is not anticipated that the application process will require any professional services in order to comply with the provisions of this chapter. The application process is designed so as not to be burdensome to a small business. Such compliance requirements, in order to substantiate applications, would be necessary for any housing sponsor in the ordinary course of business.

Likewise, the Department expects that the proposed new rules will not impose any additional reporting, recordkeeping, or other compliance requirements for a successful applicant. There are no fees or costs.

#### **Housing Affordability Impact Analysis**

The proposed new rules will have no impact on the affordability of housing or on the average costs of housing. The proposed new rules implement a pilot program that ultimately provides grants to low income and/or disabled veterans to improve their primary residences.

#### **Smart Growth Development Impact Analysis**

The proposed new rules facilitate the sustainability of housing and thereby facilitate achievement of smart growth, but should not 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 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 proposed new rules follows:

### CHAPTER 55

#### NEW JERSEY HOUSING ASSISTANCE FOR VETERANS

#### SUBCHAPTER 1. GENERAL PROVISIONS

##### 5:55-1.1 Purpose

The purpose of this chapter is to establish the rules governing the implementation of the New Jersey Assistance for Veterans Act.

##### 5:55-1.2 Scope

Pursuant to the New Jersey Housing Assistance for Veterans Act, N.J.S.A. 52:27D-516, the Director of the Division of Housing of Community Resources in the Department of Community Affairs shall establish a five-year pilot program to award grants to qualified organizations to rehabilitate and modify the primary residences of eligible veterans. The five-year pilot program is to be managed in consultation with the Adjutant General of the Department of Military and Veterans' Affairs to most effectively advance the needs of eligible veterans.

## SUBCHAPTER 2. DEFINITIONS

## 5:55-2.1 Definitions

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

“Certificate of Good Standing” means a certificate certified under the seal of the State Treasurer that attests to the legal status of business entities, such as corporations and limited liability companies operating in New Jersey.

“Department” means the New Jersey Department of Community Affairs.

“Director” means the Director of the Division of Housing and Community Resources in the Department.

“Disabled” means a person who fulfills the definition of having a “disability” pursuant to section 3 of the “Americans with Disabilities Act of 1990,” 42 U.S.C. § 12102. The following documentation will be acceptable to demonstrate that a veteran is disabled:

1. Benefits award letter from the United States Veterans Administration;
2. Evidence of receipt of Retirement, Survivor, Disability Insurance;
3. Evidence of receipt of Social Security Disability Income;
4. Evidence of a Medicaid finding of disability-related eligibility for in-home services;
5. Evidence of participation in a Federal or State program that requires that the participant is disabled as defined in the Americans with Disabilities Act of 1990;
6. Certification by a physician that the veteran is disabled within the meaning of the Americans with Disabilities Act of 1990; or
7. Other documentation to demonstrate that the veteran is disabled as defined in the Americans with Disabilities Act of 1990.

“Division” means the Division of Housing and Community Resources in the Department of Community Affairs.

“Eligible veteran” means a disabled or low-income veteran.

“Energy efficient features or equipment” means features or equipment within a primary residence that help to reduce the amount of electricity used to heat, cool, or ventilate the residence, including, but not limited to, insulation, weather-stripping, air sealing, repaired heating systems, or duct sealing.

“Family member” means a spouse, child, parent, sibling, aunt, uncle, niece, nephew, first cousin, grandparent, grandchild, father-in-law, mother-in-law, son-in-law, daughter-in-law, stepparent, stepchild, stepbrother, stepsister, half-brother, or half-sister, whether the individual is related by blood, marriage, or adoption.

“Low-income veteran” means a veteran occupying a household with a gross household income equal to 50 percent or less of the median gross household income for households of the same size, and within the same housing region, as defined by subsection b. of section 4 of P.L. 1985, c. 222 (N.J.S.A. 52:27D-304).

“Primary residence” means a dwelling unit that is owned by the eligible veteran or by a family member of the eligible veteran and occupied by the eligible veteran as his or her principle residence.

“Qualified organization” means a nonprofit veterans’ organization that qualifies as a section 501(c)(3) or 501(c)(19) tax exempt organization under the Internal Revenue Code.

“Veteran” means any resident of the State who has been honorably discharged or released under honorable circumstances from active service in any branch of the armed forces of the United States, or any honorably discharged member of the American Merchant Marine who served during World War II and is declared by the United States Department of Defense to be eligible for Federal veterans’ benefits.

## SUBCHAPTER 3. APPLICATIONS

## 5:55-3.1 Eligible applicants

(a) To apply for, and receive, a grant award under the pilot program, a qualified organization shall at a minimum:

1. Hold a current Certificate of Good Standing with the State of New Jersey;
2. Provide audited financial statements for the previous three years;

3. Demonstrate experience in providing housing rehabilitation and modification services for the purpose of making homes accessible, functional, and safe;

4. Have experience in carrying out accountability and reporting requirements involved in the proper administration of grant funds; and

5. Commit to paying workers employed through the pilot program no less than the prevailing wage rate for the worker’s craft or trade, as determined by the Commissioner of the Department of Labor and Workforce Development pursuant to P.L. 1963, c. 150 (N.J.S.A. 34:11-56.25 et seq.).

## 5:55-3.2 Applications for funding

(a) A qualified organization shall submit to the Division, or its designee, an application for funding on a form the Department requires and that includes, at least, the following:

1. A detailed resume(s) of the organization and key employees;
2. A defined geographical area that the applicant intends to serve;
3. The approximate number of veterans the qualified organization has the capacity to serve through grant funding;
4. A description of the type of work to be completed, such as interior home modifications, energy efficiency improvements, and other similar categories of work;
5. A detailed marketing and outreach plan for administering the awards;
6. A detailed plan for the selection of eligible veterans to receive assistance, which shall include a preference for low-income disabled veterans;
7. A detailed budget; and
8. Any other information the Director may require.

(b) Successful applicants will receive an award letter and shall enter into a Grant/Loan Agreement contract with the Department before receiving any funds.

## 5:55-3.3 Eligible activities

(a) Grant awards under the pilot program shall be used to modify and rehabilitate the primary residences of eligible veterans, and for other purposes necessary to advance this goal, as permitted by the Director. Permitted uses of grant funding shall include, but shall not be limited to:

1. Installing wheelchair ramps, widening exterior and interior doors, reconfiguring and re-equipping bathrooms to enhance accessibility, removing doorway thresholds, and installing appropriate floor coverings to accommodate the functional limitations that result from having a disability;
2. Rehabilitating homes that are in a state of interior or exterior disrepair;
3. Installing energy efficient features or equipment, if the eligible veteran’s monthly residential utility costs are greater than five percent of monthly household income, and an energy audit of the residence indicates that the installation of energy efficient features or equipment would reduce utility costs by 10 percent or more; and
4. Any other activity the Director deems appropriate.

(b) Funds shall not be used for any activity for which the primary residence being rehabilitated or modified has received full funding for that purpose from another program.

## SUBCHAPTER 4. GRANTS

## 5:55-4.1 Preferences

In awarding grants, the Director shall give preference to a qualified organization that employs workers from an apprenticeable trade participating in the Helmets to Hardhats program, as certified by the New Jersey State Building and Construction Trades Council. Not less than five percent of projected labor hours shall be completed by such participating organizations.

## 5:55-4.2 Grant amounts and contributions

(a) No qualified organization shall be awarded more than \$400,000 through the pilot program in any one fiscal year.

(b) A qualified organization receiving a grant shall contribute a matching contribution in an amount not less than 50 percent of the grant award. The matching requirement may be met through cash contributions or in-kind contributions.

(c) The minimum award amount to rehabilitate or modify an eligible veteran's primary residence shall be \$5,000 and the maximum amount shall be \$25,000.

(d) The qualified organization may utilize a maximum of \$2,500 per unit of their award as an administrative fee.

#### 5:55-4.3 Fees and costs for eligible veterans

Eligible veterans benefitting from the program shall not pay an application fee or any other cost for the work completed on their residences.

### SUBCHAPTER 5. SEPARABILITY

#### 5:55-5.1 Separability

If any provisions of this chapter shall be held invalid or ineffective, in whole or in part, or inapplicable to any person or situation, it is the purpose and intent of this chapter that all other provisions thereof shall nevertheless be separately and fully effective, and that the application of any such provision to other persons or situations shall not be affected.

## LAW AND PUBLIC SAFETY

### (a)

#### DIVISION OF CONSUMER AFFAIRS STATE BOARD OF MARRIAGE AND FAMILY THERAPY EXAMINERS PROFESSIONAL COUNSELOR EXAMINERS COMMITTEE

#### Supervisor Qualifications; Continuing Education Requirements; Minors; Custody/Parenting Time Evaluations

#### Proposed Amendments: N.J.A.C. 13:34-10.2, 13.1, 15.1, 15.2, 18.6, 24.2, 27.6, and 31.2

Authorized By: Board of Marriage and Family Therapy Examiners,  
Milagros Collazo, Executive Director.

Authority: N.J.S.A. 45:8B-13 and 34 et seq.

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

Proposal Number: PRN 2019-111.

Submit written comments by October 4, 2019, to:

Milagros Collazo, Executive Director  
State Board of Marriage and Family Therapy Examiners  
PO Box 45007  
124 Halsey Street  
Newark, New Jersey 07101  
or electronically at: <http://www.njconsumeraffairs.gov/Proposals/Pages/default.aspx>.

The agency proposal follows:

#### Summary

The State Board of Marriage and Family Therapy Examiners (Board), through its Professional Counselor Examiners Committee (Committee), is proposing amendments to the requirements for qualified supervisors and continuing education, maintaining confidentiality for patients who are minors, and to specify the scope of a custody/parenting time evaluation.

To enhance the overall quality of supervision, the Committee believes that qualified supervisors should have additional work experience prior to supervising licensed associate counselors. The Committee, therefore, proposes to amend the definition of "qualified supervisor" at N.J.A.C. 13:34-10.2 and the requirements to become a qualified supervisor set forth at N.J.A.C. 13:34-13.1 to increase from two to three years the amount of work experience subsequent to holding a clinical license that an individual must have before supervising a licensed associate counselor. In addition, the Committee proposes limiting to licensed professional counselors, marriage and family therapists, psychologists, psychiatrists, and social

workers, the mental health professionals that may supervise licensed associate counselors. The Committee is not including licensed alcohol and drug counselors because their scope of practice is more limited than that of professional counselors. The Committee, however, also proposes new N.J.A.C. 13:34-13.1(b) to specify that any mental health professional, including a licensed alcohol and drug counselor, who, prior to the effective date of the proposed amendment, the Committee deemed to be a qualified supervisor will continue to be allowed to supervise the provision of professional counseling services.

The Committee also proposes to amend the definition of "qualified supervisor" to be consistent with N.J.A.C. 13:34-13.1(a)2 to specify that the Committee requires a qualified supervisor to have a clinical supervisor certificate from the National Board for Certified Counselors for Credentialing and Education or an equivalent clinical supervisor credential recognized by the individual's respective professional healthcare licensing board, and to delete specific reference to the clinical supervisor's certificate from the American Association of Marriage and Family Therapy. The Committee will also continue to accept three graduate credits in clinical supervision from a regionally accredited institution of higher education.

The Committee proposes to amend N.J.A.C. 13:34-13.1(a)2 to delete the effective date, which has passed. In addition, the Committee proposes to amend recodified N.J.A.C. 13:34-13.1(g) to amend the limitation on the number of individuals who can be supervised at any one time to include all mental health professionals under supervision, not solely professional counselors. The Committee also proposes to clarify that for purposes of this limitation, mental health professionals shall not include those who are licensed to engage in independent practice.

The Committee proposes to amend its continuing education requirements at N.J.A.C. 13:34-15.1 and 15.2 to require all licensed professional counselors, beginning during the initial period of licensure, to satisfy the biennial continuing education requirements. The Committee believes that because the requirement to satisfy the biennial continuing education requirements commences in the second biennial period for associate counselors, it should not be interrupted once the individual becomes licensed as a professional counselor. The Committee proposes that this change should become effective for the biennial renewal period commencing on December 1, 2020.

To implement P.L. 2017, c. 341, which became effective on January 16, 2018, and requires the Committee to require its licensees to take at least one continuing education credit of educational programs or topics concerning prescription opioid drugs, including the risks and signs of opioid abuse, addiction, and diversion, the Committee is proposing new N.J.A.C. 13:34-15.2(c) and 24.2(d). The Committee proposes that this requirement commence for the biennial period beginning December 1, 2018. The Committee also proposes that this one credit is not eligible for carry-over to the next biennial period as provided for in recodified N.J.A.C. 13:34-24.2(e).

P.L. 2015, c. 287, known as the "Boys and Girls Keystone Law" and which became effective on January 19, 2016, amends N.J.S.A. 9:17A-4, concerning a minor's consent for behavioral health care. The Committee proposes to amend N.J.A.C. 13:34-18.6 and 27.6 to reference this statutory provision.

The Committee proposes amending the definitions at N.J.A.C. 13:34-31.2 to include a definition of "custody/parenting time evaluation." The Committee is proposing the same definition that appears in the Board of Social Work Examiners rules at N.J.A.C. 13:44G-13.1. The Committee believes that providing such a definition will help licensees understand that the evaluation should provide comprehensive, objective, and impartial information.

The Board has determined that the comment period for this notice of proposal shall be 60 days. Therefore, pursuant to N.J.A.C. 1:30-3.3(a)5, this notice is excepted from the rulemaking calendar requirement.

#### Social Impact

The Committee believes that the proposed amendments will have a positive social impact upon licensees and their clients. The proposed amendments to N.J.A.C. 13:34-10.2 and 13.1, concerning the qualifications of qualified supervisors, will have a positive impact by enhancing the quality of licensed professional counselors performing