

SENATE COMMUNITY AND URBAN AFFAIRS COMMITTEE

STATEMENT TO

SENATE, No. 3402

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 17, 2024

The Senate Community and Urban Affairs Committee reports favorably and with committee amendments Senate Bill No. 3402.

As amended, this bill directs the Commissioner of Community Affairs (commissioner) to establish a program through which the commissioner is required to certify an architect or engineer who satisfies certain criteria to be a qualified design professional. This certification enables the person to take responsibility for a construction project's compliance with the State Uniform Construction Code (UCC), and to self-certify that an application for a construction permit, and the plans and specifications submitted therewith, comply with the UCC and other applicable laws.

The bill requires an enforcing agency to: accept a self-certified permit application and accompanying documents; conduct a supervisory check acknowledging the enforcing agency's receipt of all materials required under the UCC; and issue a permit within one to five calendar days following receipt of a submission, depending on the scope of the project.

The bill directs the commissioner to establish eligibility requirements for a design professional to qualify to participate in the self-certification program. The bill specifically excludes certain types of projects from participating in the self-certification program, however, the bill, as amended, authorizes the commissioner, by regulation, to extend the scope of the self-certification program to include one or more of those types of projects.

The bill further requires that a qualified design professional remain with the project until the project is signed-off or approved by the enforcing agency; otherwise, the enforcing agency is to require that the project cease until satisfaction with certain criteria.

The bill requires the commissioner to establish and promulgate on the Department of Community Affairs (department) Internet website, a design professional of record self-certification form, and requires a qualified design professional of record to complete, sign, and deliver the completed form to the enforcing agency together with the construction permit application and accompanying documents. The bill requires a qualified design professional to submit a design

professional of record self-certification statement, and the qualified design professional's attestation concerning:

- the veracity and correctness of information provided in the permit application, accompanying plans, and other documents submitted in support of the application;
- approval of the project and acknowledgement that the construction permit is subject to audit and revocation under certain circumstances;
- promptness related to the submission of various materials;
- acknowledgement that failure to take specified remedial measures to conform submitted plans and construction to the requirements of the UCC may result in revocation of self-certification privileges and notice to the appropriate State professional licensing board; and
- compliance with the requirements established by the commissioner.

The bill also requires the commissioner to establish and promulgate on the department's Internet website, an owner certification statement, and an owner hold harmless letter. The bill sets forth the contents of the owner certification statement and owner hold harmless letter, which pertain to certain authorization, joint compliance responsibility acknowledgement, and indemnification.

The bill empowers the department to conduct random audits of qualified design professionals to determine whether a construction permit application, and plans and other documents submitted in support of the application, comply with the requirements of UCC and other applicable laws. The bill enables the commissioner to exclude, suspend, or sanction a qualified design professional for cause for actions specified by the bill, including failure to correct violations identified by the audit and knowingly or negligently submitting a self-certification, permit application, or construction document that contains false information. The bill also requires the commissioner to create and maintain a searchable database on the department's Internet website of all qualified design professionals who have been excluded from the program, suspended, or sanctioned by the department, and requires notice of such actions to be provided to the State Board of Professional Engineers and Land Surveyors, or the State Board of Architects, under circumstances specified by the bill.

The bill requires the commissioner, within three years following the effective date of the bill: to undertake a study, in consultation with the Code Advisory Board, to determine construction activity that may be added to the self-certification program; and to prepare and submit a report to the Governor and the Legislature regarding the self-certification program and the results of the study.

The bill is to take effect on the first day of the fourth month next following enactment, but the bill permits the commissioner to take

anticipatory action prior to the effective date, if the action is necessary to effectuate the bill.

COMMITTEE AMENDMENTS

As introduced, the bill specifies certain project categories for which self-certification is not available. The committee amended the bill to provide that those projects and submittal categories remain generally unavailable for self-certification, but authorizes the Commissioner of Community Affairs, by regulation, to extend authorization for one or more of those types of project or submittals to participate in the self-certification program.