

P.L. 2024, CHAPTER 58, *approved August 22, 2024*  
Assembly, No. 4360 (*First Reprint*)

1 AN ACT establishing a design professional self-certification  
2 program and supplementing P.L.1975, c.217 (C.52:27D-119 et  
3 seq.).  
4  
5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:  
7  
8 1. P.L. , c. (C. ) (pending before the Legislature as this  
9 bill) shall be known and may be cited as the "New Jersey Design  
10 Professional Self-Certification Act."  
11  
12 2. As used in P.L. , c. (C. ) (pending before the  
13 Legislature as this bill):  
14 "Architect" means an individual who, through education,  
15 training, and experience, is skilled in the art and science of building  
16 design and has been licensed by the New Jersey State Board of  
17 Architects to practice architecture in the State of New Jersey.  
18 "Commissioner" means the Commissioner of Community  
19 Affairs.  
20 "Department" means the Department of Community Affairs.  
21 "Design professional" means an architect or professional  
22 engineer.  
23 "Enforcing agency" means the same as the term is defined in  
24 section 3 of P.L.1975, c.217 (C.52:27D-121). "Enforcing agency"  
25 shall also mean the commissioner, in municipalities for which the  
26 commissioner has assumed the task of administering and enforcing  
27 the State Uniform Construction Code pursuant to section 10 of  
28 P.L.1975, c.217 (C.52:27D-128).  
29 "Professional engineer" means a person who is licensed by the  
30 State Board of Professional Engineers and Land Surveyors to  
31 practice engineering in the State of New Jersey.  
32 "Project" means the work identified in a construction permit  
33 application and accompanying plans.  
34 "Qualified design professional" means a design professional who  
35 satisfies the requirements established pursuant to subsection e. of  
36 section 3 of P.L. , c. (C. ) (pending before the Legislature

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Assembly ASL committee amendments adopted June 6, 2024.

1 as this bill), and has not been excluded, suspended, or otherwise  
2 sanctioned by the department pursuant to section 5 of P.L. , c.  
3 (C. ) (pending before the Legislature as this bill).

4 "Qualified design professional of record" means the qualified  
5 design professional who prepared or supervised the preparation of  
6 an application for a construction permit, and the plans and  
7 specifications submitted therewith, filed with the enforcing agency  
8 pursuant to the self-certification program established pursuant to  
9 section 3 of P.L. , c. (C. ) (pending before the Legislature  
10 as this bill).

11 "Self-certification" or "self-certified" means a qualified design  
12 professional's submission to an enforcing agency of an application  
13 for a construction permit, and the associated plans and  
14 specifications, submitted together with a design professional of  
15 record self-certification form, as specified in section 4 of P.L. , c.  
16 (C. ) (pending before the Legislature as this bill).

17 "Self-certification program" or "program" means the program  
18 established pursuant to section 3 of P.L. , c. (C. ) (pending  
19 before the Legislature as this bill), requiring an enforcing agency to  
20 accept an application for a construction permit, and the associated  
21 plans and specifications, that have been self-certified by a qualified  
22 design professional.

23 "Supervisory check" means the enforcing agency's  
24 acknowledgement of receipt of all materials required to support  
25 issuance of a construction permit pursuant to the State Uniform  
26 Construction Code.

27

28 3. a. The Commissioner of Community Affairs shall establish a  
29 self-certification program through which a qualified design  
30 professional shall be permitted to:

31 (1) take responsibility for a project's compliance with the State  
32 Uniform Construction Code, and

33 (2) self-certify that an application for a construction permit, and  
34 the plans and specifications submitted therewith, comply with the State  
35 Uniform Construction Code and the requirements of other applicable  
36 laws.

37 b. Self-certification pursuant to P.L. , c. (C. ) (pending  
38 before the Legislature as this bill) shall be available for repair,  
39 renovation, alteration, and reconstruction projects, as defined by the  
40 State Uniform Construction Code, in the following use groups with the  
41 following square footage limitations:

- 42 (1) Group B occupancies up to 9,000 square feet;
- 43 (2) Group F-1 occupancies up to 8,500 square feet;
- 44 (3) Group F-2 occupancies up to 13,000 square feet;
- 45 (4) Group M occupancies up to 9,000 square feet;
- 46 (5) Group R-1 occupancies up to 7,000 square feet;
- 47 (6) Group R-2 occupancies up to 7,000 square feet;
- 48 (7) Group R-3 occupancies up to 4,800 square feet;

- 1 (8) Group R-4 occupancies up to 7,000 square feet;  
2 (9) Group R-5 occupancies up to 4,800 square feet;  
3 (10) Group S-1 occupancies up to 9,000 square feet; and  
4 (11) Group S-2 occupancies up to 13,500 square feet.
- 5 c. The commissioner, by adoption of regulations after  
6 consultation with the code advisory board, may extend authorization to  
7 participate in the self-certification program to projects in addition to  
8 those specified in subsection b. of this section, including but not  
9 limited to projects involving: additional categories of work; additional  
10 use groups; <sup>1</sup>~~and~~ more extensive square footage limitations <sup>1</sup>; and  
11 to projects and submittals specified in subsection d. of this section<sup>1</sup>.  
12 <sup>1</sup>~~The commissioner shall not exercise this power in contravention of~~  
13 ~~the provisions of subsection d. of this section.~~<sup>1</sup>
- 14 d. Self-certification pursuant to P.L. , c. (C. ) (pending  
15 before the Legislature as this bill) shall not be available for <sup>1</sup>any of the  
16 following types of projects and submittals, unless the commissioner,  
17 by regulation, extends authorization for that type of project or  
18 submittal in the self-certification program<sup>1</sup>:
- 19 (1) projects where plan review is reserved solely to the Department  
20 of Community Affairs;  
21 (2) projects that include a new commercial kitchen;  
22 (3) projects that include new electrical service exceeding 400  
23 amps;  
24 (4) projects that include structural alterations involving lateral  
25 design, or any project that requires a special inspection pursuant to the  
26 State Uniform Construction Code; and  
27 (5) prototype plan submittals.
- 28 e. The enforcing agency shall, within one to five calendar days  
29 following receipt of a self-certified construction permit application and  
30 accompanying plans and specifications; conduct a supervisory check  
31 of the application materials to ascertain receipt of all materials  
32 necessary to support issuance of the construction permit, and upon  
33 acknowledgement of receipt of those materials, issue a construction  
34 permit. A permit issued under the self-certification program shall have  
35 the same force and effect as a permit issued by an enforcing agency  
36 after full examination and approval of the construction documents.  
37 Except as otherwise provided in the State Uniform Construction Code,  
38 or in the rules of the department, an approved application for a  
39 construction permit, plans or specifications, or the approval of similar  
40 construction documents, shall be deemed to refer to accepted, self-  
41 certified construction documents or to the acceptance of construction  
42 documents, as applicable.
- 43 f. The commissioner shall establish requirements for design  
44 professionals to qualify to participate in the self-certification program,  
45 which shall include, but not be limited to:
- 46 (1) current licensure as a design professional;

1 (2) current licensure by the department to inspect high-rise and  
2 hazardous structures for the applicable State Uniform Construction  
3 Code subcode jurisdiction;

4 (3) authorization granted by the department; and

5 (4) proof of, or a certificate demonstrating, professional liability  
6 insurance coverage, issued by an insurer authorized to provide  
7 insurance coverage in the State of New Jersey, which provides  
8 coverage with limits that are no less than \$500,000 per claim, and  
9 \$1,000,000 in the aggregate, for all claims made during the policy  
10 period.

11 g. The self-certification program shall include a condition that the  
12 qualified design professional of record remain with the project until  
13 the enforcing agency signs off on the project through the issuance of a  
14 letter of completion or certificate of approval. If the qualified design  
15 professional of record withdraws from a project before the enforcing  
16 agency's issuance of a letter of completion or certificate of approval,  
17 all work shall cease and no permit, letter of completion, or certificate  
18 of approval shall be issued until:

19 (1) a successor qualified design professional is designated as the  
20 qualified design professional of record and satisfies the requirements  
21 set forth in this section; and

22 (2) (a) the successor qualified design professional submits a  
23 professional certification confirming the qualified design  
24 professional's concurrence with the construction documents accepted  
25 by the enforcing agency; or

26 (b) new construction documents are approved or accepted by the  
27 enforcing agency.

28

29 4. a. The commissioner shall establish and promulgate a design  
30 professional of record self-certification form, and provide online  
31 access to the form through the department's Internet website. A  
32 qualified design professional of record shall complete and submit  
33 the form to the enforcing agency, together with submission of a  
34 self-certified construction permit application and accompanying  
35 plans and specifications. The form shall include:

36 (1) a design professional of record self-certification statement,  
37 pursuant to subsection b. of this section; and

38 (2) the qualified design professional of record's certification and  
39 attestation that:

40 (a) the qualified design professional of record shall take all  
41 measures necessary to correct a false or inaccurate statement  
42 provided to the enforcing agency in the permit application, or plans  
43 and specifications submitted therewith, immediately after the  
44 qualified design professional of record becomes aware of the false  
45 or inaccurate statement, regardless of whether the false or  
46 inaccurate statement was made by the qualified design professional  
47 of record or the design professional's agent or employee;

1 (b) the qualified design professional of record acknowledges  
2 that the enforcing agency's issuance of a permit under the self-  
3 certification program is reliant upon the truth and accuracy of the  
4 design professional's certifications set forth in the design  
5 professional of record self-certification;

6 (c) the qualified design professional of record agrees that if the  
7 enforcing agency determines that a submitted permit application,  
8 and plans and specifications, do not conform to the requirements of  
9 the State Uniform Construction Code or other applicable law, the  
10 qualified design professional of record, in a timely manner, shall  
11 bring the submitted permit, plans, and specifications, and all  
12 construction undertaken thereunder, into conformance with the  
13 requirements of the State Uniform Construction Code and other  
14 applicable law, and shall take all remedial measures within the  
15 qualified design professional of record's control;

16 (d) the qualified design professional of record acknowledges  
17 that failure, prior to the final inspection of the project, of the design  
18 professional to bring the submitted permit, plans, and  
19 specifications, and all construction undertaken pursuant thereto,  
20 into conformity with the requirements of the State Uniform  
21 Construction Code and other applicable law, and failure to take all  
22 reasonably necessary remedial measures, within the design  
23 professional's control, to bring the submitted permit, plans, and  
24 specifications, and all construction undertaken pursuant thereto into  
25 compliance with the State Uniform Construction Code and other  
26 applicable law, may result in revocation of the qualified design  
27 professional of record's privileges under the self-certification  
28 program, and may result in notification of the revocation to the  
29 appropriate State professional licensing board; and

30 (e) the qualified design professional agrees to comply with  
31 additional certification requirements imposed pursuant to rule or  
32 regulation adopted by the commissioner.

33 b. In order to support issuance of a construction permit under  
34 the self-certification program, at the time of submission of a design  
35 professional of record self-certification form and a self-certified  
36 construction permit application, plans, and specifications to the  
37 enforcing agency, the qualified design professional of record shall  
38 submit a design professional of record self-certification statement  
39 certifying that:

40 (1) the qualified design professional has been a licensed  
41 architect or professional engineer for at least three years and is  
42 licensed and certified in the State of New Jersey;

43 (2) within the preceding five-year period, the qualified design  
44 professional has not been convicted or found liable of:

45 (a) knowingly making a false statement of material fact on, or in  
46 connection with, a construction permit application;

- 1 (b) knowingly submitting, in support of a construction permit  
2 application, a document containing false or fraudulent information;  
3 or  
4 (c) knowingly affixing a false signature to a construction permit  
5 application;  
6 (3) submission to an enforcing agency of a permit application,  
7 plans, and specifications, upon which the stamp of the qualified  
8 design professional has been affixed, indicates that each page of the  
9 application:  
10 (a) was prepared by, under the direct supervision of, or reviewed  
11 by, the qualified design professional of record;  
12 (b) is complete;  
13 (c) as of the date of submission, the permit application, plans,  
14 and specifications comply with the requirements of the State  
15 Uniform Construction Code and other applicable law;  
16 (4) the permit application, plans, and specifications, and all  
17 technical submissions made by the qualified design professional of  
18 record in connection with the self-certified project, were prepared in  
19 accordance with and meet the standard of care required of the  
20 profession; and  
21 (5) all information and assertions made in support of a permit  
22 application by the qualified design professional of record in the  
23 permit application, plans, and specifications are true and correct.  
24 c. The commissioner shall establish and promulgate on the  
25 department's Internet website, an owner certification statement,  
26 which, for each project, the owner responsible for the work  
27 identified in the permit application, shall certify that the owner:  
28 (1) authorized the work of all professionals and consultants  
29 named in the permit application and accompanying plans; and  
30 (2) shares joint responsibility for ensuring compliance with the  
31 State Uniform Construction Code.  
32 d. The commissioner shall establish and promulgate on the  
33 department's Internet website, an owner hold harmless letter,  
34 which, for each project, the owner shall sign, date, and agree to, and  
35 furnish to the qualified design professional of record, who shall  
36 submit the letter to the enforcing agency, and which shall provide  
37 that the owner agrees:  
38 (1) to protect, defend, indemnify, and hold harmless the  
39 municipality and the State of New Jersey, and their officers,  
40 representatives, managers, agents, and employees, against any and  
41 all claims, liabilities, judgments, costs, expenses, delays, demands,  
42 or injuries arising out of or in any way connected with the design,  
43 construction, State Uniform Construction Code compliance review,  
44 or issuance of a permit for the project identified in the permit  
45 application; and  
46 (2) that if any component of construction is found to not  
47 conform to the requirements of the State Uniform Construction  
48 Code, any other applicable law, or any permit issued under the self-

1 certification program, the owner shall, without undue delay, remove  
2 or modify, at the owner's own expense, the nonconforming  
3 component or components of construction.

4

5 5. a. The department may review any action performed by an  
6 enforcing agency to ensure reasonable oversight of a project.

7 b. (1) All qualified design professionals shall be subject to  
8 random audit by the department to determine whether the  
9 application, plans, and specifications for their projects comply with  
10 the requirements of the State Uniform Construction Code, the  
11 provisions of P.L. , c. (C. ) (pending before the Legislature  
12 as this bill), and other applicable laws. The department shall design  
13 and implement audits to measure the efficiency of the self-  
14 certification program and compliance with the provisions of P.L. ,  
15 c. (C. ) (pending before the Legislature as this bill).

16 (2) The department shall provide written notice of the results of  
17 an audit to the qualified design professional of record. The  
18 notification shall provide a summary of the audit results and direct  
19 the qualified design professional to address all violations of the  
20 State Uniform Construction Code found in the audit by a specific  
21 date. The specified date shall be reasonable based upon the type of  
22 violations and the nature of the corrections that need to be made.  
23 Failure to submit required corrections may result in actions  
24 specified in subsection c. of this section.

25 (3) The commissioner may charge a reasonable fee to cover the  
26 costs associated with the performance of the audit.

27 c. (1) The commissioner may exclude, suspend, or otherwise  
28 sanction a qualified design professional for cause, after providing  
29 the opportunity for a hearing, for failure to submit required  
30 corrections pursuant to subsection b. of this section. A qualified  
31 design professional shall not be eligible to participate in the self-  
32 certification program during any period of probation imposed as a  
33 sanction by the New Jersey State Board of Architects or the State  
34 Board of Professional Engineers and Land Surveyors.

35 (2) The commissioner, after providing a qualified design  
36 professional the opportunity for an administrative hearing, shall  
37 exclude or suspend a qualified design professional from  
38 participating in the self-certification program, or otherwise  
39 condition the professional's eligibility to participate in the program,  
40 upon determining that the professional:

41 (a) knowingly or negligently submitted a self-certified permit  
42 application or construction document that contains false information  
43 or is not in compliance with all applicable provisions of law, or

44 (b) submitted two self-certified permit applications or  
45 construction documents, within a 12-month period, which contained  
46 material errors that resulted in revocation of construction permits or  
47 otherwise demonstrate incompetence or a lack of knowledge of  
48 applicable laws.

1 (3) A qualified design professional who is excluded from the  
2 program pursuant to this section may apply for reinstatement no  
3 sooner than one year after the date of exclusion. An applicant who  
4 the commissioner determines is qualified to resume participation in  
5 the program shall be on probation for a period of not less than six  
6 months after reinstatement and, during that time, as a condition of  
7 such reinstatement, shall attend one or more trainings or continuing  
8 education courses approved by the department and related to  
9 compliance with the State Uniform Construction Code and related  
10 laws and rules. The design professional shall submit satisfactory  
11 proof of the successful completion of the training or continuing  
12 education courses to the department.

13 (4) The commissioner shall revoke, after the opportunity for an  
14 administrative hearing, for a period of not less than five years, the  
15 self-certification privileges of a qualified design professional who,  
16 while on probation, professionally certifies an application, plan,  
17 construction documents, or other document that contains materially  
18 false information or is not in material compliance with all  
19 applicable provisions of law, or who otherwise demonstrates gross  
20 negligence or incompetence, or a total disregard of applicable laws  
21 or standards.

22 (5) Nothing in this subsection shall be construed to limit the  
23 commissioner's power to adopt rules, pursuant to section 7  
24 of P.L. , c. (C. ) (pending before the Legislature as this  
25 bill), that include additional grounds to limit the self-certification  
26 privileges of, or otherwise sanction, a qualified design professional,  
27 after affording the professional an opportunity for a hearing, when  
28 the commissioner determines that the design professional  
29 knowingly or negligently submitted permit applications or other  
30 documents to the enforcing agency that contained materially false  
31 information or were not in material compliance with all applicable  
32 provisions of law, or that otherwise demonstrate gross negligence or  
33 incompetence, or a total disregard of applicable law or standards.

34 d. The department shall create and maintain a searchable  
35 database on the department's Internet website of all qualified design  
36 professionals who have been excluded, suspended, or otherwise  
37 sanctioned by the department. Within seven business days of the  
38 date a sanction is imposed, the department shall post on its Internet  
39 website and shall make available upon request, the name of the  
40 qualified design professional, a description of the sanction, the  
41 initial date of the sanction, the reinstatement date, if applicable, the  
42 address of the premises for which the application associated with  
43 the sanction was submitted, and whether the sanction was imposed  
44 after a hearing or through a settlement. The department shall  
45 provide requested information concerning the exclusion,  
46 suspension, or other sanction of a specific qualified design  
47 professional within 30 days of such request.



1 e. Within 10 business days of the department's adverse  
2 determination or sanction of a professional engineer under the self-  
3 certification program, the department shall provide written notice of  
4 the adverse determination or sanction to the State Board of  
5 Professional Engineers and Land Surveyors. As used in this  
6 section, "adverse determination or sanction" includes a settlement  
7 agreement that results in the department's imposition of a sanction  
8 or loss of privileges the professional engineer. The department  
9 shall notify the board of the name, and business firm name and  
10 address of the professional engineer, as well as supporting  
11 documentation for the sanction imposed.

12 f. Within 10 business days of the department's adverse  
13 determination or sanction of a registered architect under the self-  
14 certification program, the department shall provide written notice of  
15 the adverse determination or sanction to the New Jersey State Board  
16 of Architects. As used in this section, "adverse determination or  
17 sanction" includes a settlement agreement that results in the  
18 department's imposition of a sanction or loss of privileges of the  
19 registered architect. The department shall notify the board of the  
20 name, and business firm name and address of the registered  
21 architect, as well as supporting documentation for the sanction  
22 imposed.

23 g. The department shall not provide notice pursuant to  
24 subsection d., e., or f. of this section until a design professional's  
25 rights to appeal are exhausted or have expired.

26

27 6. The commissioner shall, within three years following the  
28 effective date of P.L. , c. (C. ) (pending before the  
29 Legislature as this bill):

30 a. undertake a study, in consultation with the code advisory  
31 board, established pursuant to section 7 of P.L.1975, c.217  
32 (C.52:27D-125), to determine construction activity, which may be  
33 added to the self-certification program. The department may retain  
34 a third party or consultant to undertake this study, but shall consult  
35 with the code advisory board regarding the results of the study  
36 conducted by a third party; and

37 b. prepare and submit a report to the Governor and, pursuant to  
38 section 2 of P.L.1991, c.164 (C.52:14-19.1), to the Legislature  
39 regarding the self-certification program established pursuant to  
40 section 3 of P.L. , c. (C. ) (pending before the Legislature  
41 as this bill), and the results of the study conducted pursuant to  
42 subsection a. of this section.

43

44 7. The Commissioner of Community Affairs shall, in accordance  
45 with the "Administrative Procedure Act," P.L.1968, c.410  
46 (C.52:14B-1 et seq.), adopt rules and regulations as necessary to  
47 implement the provisions of P.L. , c. (C. ) (pending before  
48 the Legislature as this bill).

1       8. This act shall take effect on the first day of the fourth month  
2 next following enactment, except that the commissioner may take  
3 anticipatory administrative action in advance necessary to effectuate  
4 the provisions of P.L.     , c.     (C.     ) (pending before the  
5 Legislature as this bill).

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10       "New Jersey Design Professional Self-Certification Act";  
11 requires DCA to establish design professional self-certification  
12 program.