

Home Elevation Contractor Certification



(Name and address of contractor)

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I \_\_\_\_\_ do hereby certify, as the contractor hired to undertake the home elevation at \_\_\_\_\_, that I am certified in accordance with the address of project – including lot and block

N.J.A.C. 13:45A-17A to perform such work and that I am in compliance with all of the requirements of P.L. 2014, c.34 and the regulations promulgated thereunder. I understand that if any of the foregoing statements made by me is false, I am subject to punishment.

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Signature of Contractor

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Contractors Registration Number

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(Date)

STATE OF NEW JERSEY  
Department of Community Affairs

Chris Christie  
*Governor*

Richard E. Constable, III  
*Commissioner*

Kim Guadagno  
*Lt. Governor*

MEMORANDUM

TO: Construction Officials

FROM: Edward M. Smith   
Director  
Division of Codes and Standards

DATE: October 3, 2014

SUBJECT: Home Elevation Contractor Registration and Home Elevation Standards

P.L. 2014, c. 34, signed into law by Governor Christie on August 15, 2014, calls for the Division of Consumer Affairs, in the Department of Law and Public Safety, to adopt rules for the registration of home elevation contractors. The Department of Community Affairs is charged with the adoption of rules governing the methods, procedures and other requirements that must be followed in performing home elevations. The statute authorized the two agencies to adopt special rules to implement these new requirements as quickly as possible. The rules are a special adoption and concurrent proposal. What does this mean? It means that the rules became effective on October 1, 2014 when they were filed with the Office of Administrative Law. And they have been proposed for public comment at the same time. The Notice of special adoption and concurrent proposal is posted on the Division's webpage and is attached for your review. It will appear in the New Jersey Register on November 3. The public comment period will extend until January 2, 2015. But the rules are on the books and must be enforced now.

The rules adopted (and concurrently proposed) by the Division of Consumer Affairs require a registered home elevation contractor for contracts to elevate entered into on or after October 1, 2014. (A copy of a notice on the new rules sent out by the Division of Consumer Affairs is attached. These rules include experience and insurance requirements for home elevation contractors.)

The following is a summary of the amendments to the Uniform Construction Code to establish standards for the elevation of existing buildings.

PERMIT APPLICATION – These requirements apply to permit applications submitted on or after October 1, 2014. N.J.A.C. 5:23-2.15 is amended to require that a permit application to elevate an existing home include the registration number of the home elevation contractor—or home improvement contractor if the contract was entered into prior to October 1.

Certification – The permit application must be accompanied by a certification signed by the contractor. A form to use for this purpose is attached. (Please note that this requirement is statutory.) When issuing permits for home elevations, it will be necessary to ask whether the contract was entered into before October 1. In every case, have the contractor complete the certification indicating that he/she is in compliance with the applicable provisions of the new laws. Those with contracts signed before October 1 may be home improvement contractors. Those with contracts signed on or after October 1 must be home elevation contractors.

INSPECTIONS – N.J.A.C. 5:23-2.18 is amended to state that a pile certification, prepared by a licensed professional engineer, takes the place of an inspection for pile foundations. The amendments include a description of what the certification must include and a requirement that the certification be based on the engineer's personal observations. (The person on site may be an employee of the engineer.)

REQUIREMENTS FOR HOME ELEVATIONS – A new rule, N.J.A.C. 5:23-2.37, contains the requirements for elevation, including addressing utility service connections, methods and equipment required, and protection of adjoining property. This is similar to the requirements contained at N.J.A.C. 5:23-2.17 for demolitions.

AMENDMENT TO THE ONE- AND TWO-FAMILY DWELLING SUBCODE FOR CONSTRUCTION ON PILES – N.J.A.C. 5:23-3.21 is amended to require the use of American Society of Civil Engineers (ASCE) Standard 24 for the construction of one- or two-family homes on piles. Previously, the use of ASCE 24 was required for buildings other than one- or two-family homes, but was listed as an alternative in the one- and two-family dwelling subcode. ASCE 24 is recognized as the industry standard for construction on piles. Its use is now required for all construction on piles. Alternate designs that do not conform to ASCE 24 may still be used through application for and granting of a variation. Because this is an amendment to an adopted subcode of the Uniform Construction Code, the six month grace period provided at N.J.A.C. 5:23-1.6 will apply.

Up until this point, the Uniform Construction Code has not contained requirements specifically applicable to the elevation of an existing house. All of us have witnessed incidents of unscrupulous or incompetent contractors taking advantage of homeowners in the Sandy-affected communities. The intent of these new rules is to protect homeowners and to provide local code enforcement agencies with regulatory tools to be used for this purpose. Should you have any questions or concerns, please feel free to contact the Code Assistance Unit at (609) 984-7607 or [codeassist@dca.nj.gov](mailto:codeassist@dca.nj.gov).

Attachments – Special Rule Adoption and Concurrent Proposal  
Form for Contractor Certification to Accompany Permit Application  
Notice from the Division of Consumer Affairs on Contractor Registration

## IMPORTANT NOTICE REGARDING HOME ELEVATIONS

On August 15, 2014, Governor Christie signed a law requiring home elevation contractors to register with the New Jersey Division of Consumer Affairs. The law defines home elevation as raising an entire residential or non-commercial structure to a higher level above the ground. The law requires that persons who offer to perform, engage in or attempt to engage in the business of home elevations are registered with the Division as home elevation contractors, on and after October 1, 2014, and that the registration is in effect and certified to when applying for a permit to perform a home elevation.

This law requires, among other things, that to be registered with the Division:

- The home elevation contractor has a named person in an ownership, employee, or consultant position who has a minimum of five years of experience in home elevation; and
- The home elevation contractor maintain \$500,000 per occurrence of commercial general liability insurance required of all home improvement contractors, and a minimum of \$1,000,000 per occurrence of cargo or other insurance that specifically covers damages or losses to the homeowner, lessee, tenant or other party resulting from home elevation activities.

If you are a home improvement contractor who engages in home elevation and **BEFORE OCTOBER 1, 2014**, you entered into a contract with a consumer to perform home elevation services, you will be deemed to be in compliance with the law so long as you maintain written proof that the consumer had been apprised of the requirements of the law and the consumer had knowingly elected to proceed under the terms of your contract. In addition, you should immediately begin the process to register as a home elevation contractor by completing and returning the accompanying Application and other required materials to the Division. The Division is prepared to provide you with expedited review, comment and issuance of registration upon satisfaction of the requirements for registration. Keep in mind that **ON AND AFTER OCTOBER 1, 2014**, you will be required to register as a home elevation contractor for all contracts entered into on or after October 1, 2014.

If you are a home improvement contractor who engages in home elevation and have not **BEFORE OCTOBER 1, 2014**, entered into a contract with a consumer to perform home elevation services, you must be registered with the Division on or after October 1, 2014, in order to offer to perform, engage in, or attempt to engage in the business of home elevation **AND** you must certify that you are registered with the Division at the time you apply for a permit to perform a home elevation. The registration process is initiated by completing and returning the accompanying Application and other required materials to the Division. The Division is prepared to provide you with prompt review, comment and issuance of registration upon satisfaction of the requirements for registration. Keep in mind that **ON AND AFTER OCTOBER 1, 2014**, only registered home elevation contractors can perform home elevations.

To assist you in the registration process, the application instructions and the application accompany this Notice.

The Division's Regulations will be published on its website (<http://www.njconsumeraffairs.gov/>). If you have any questions, please contact the Division's HIC/HEC Call Center at 973-424-8150 or 888-656-6225.

**COMMUNITY AFFAIRS**

**DIVISION OF CODES AND STANDARDS**

**Uniform Construction Code**

**Adopted Special Amendments and Concurrent Proposed Amendments: N.J.A.C. 5:23-2.15,  
2.18 and 3.21**

**Adopted Special New Rule and Concurrent Proposed New Rule: N.J.A.C. 5:23-2.37**

Authorized by: Richard E. Constable, III, Commissioner, Department of Community Affairs.

Authority: N.J.S.A. 52:27D-124 and P.L. 2014, c. 34

Proposal Number: PRN 2014-

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

Special Amendments Effective Date: October 1, 2014

Special Amendments Expiration Date: May 12, 2015

Submit written comments by: January 2, 2015 to:

Gabrielle N. Gallagher  
Department of Community Affairs  
PO Box 800  
Trenton, New Jersey 08625  
Fax No. (609) 984-6696  
[gabrielle.gallagher@dca.state.nj.us](mailto:gabrielle.gallagher@dca.state.nj.us)

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**RICHARD E. CONSTABLE, III,  
Commissioner**

In accordance with P.L. 2014, c. 34, the Department of Community Affairs has adopted the following amendments and new rule for the elevation of existing buildings. These amendments became effective on October 1, 2014, upon acceptance for filing by the Office of Administrative Law (see N.J.S.A. 51:14B-499c) as implemented by N.J.A.C. 1:30-6.4.)

Concurrently, the provisions of these amendments and new rule are being proposed for readoption in accordance with the normal rulemaking requirements of the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. The adopted and amendments and new rule will become effective upon acceptance for filing by the Office of Administrative Law (see N.J.A.C. 1:30-6.4(f)) if filed on or before the 270 day expiration date from the date of enactment of P.L. 2014, c. 34.

The agency special adoption and concurrent proposal follows:

### **Summary**

On August 15, 2014, P.L. 2014, c. 34 was enacted. This statute calls for the Division of Consumer Affairs, in the Department of Law and Public Safety, to adopt rules for the registration of home elevation contractors. And the Department of Community Affairs is charged with the adoption of rules governing the methods, procedures and other requirements that must be followed in performing home elevations. The rules promulgated by the Division of Consumer Affairs are published on even date herewith. (See NJR ) The following is a summary of the adopted special amendments and new rule and concurrent proposal to amend the State's Uniform Construction Code to establish standards for the elevation of existing buildings.

N.J.A.C. 5:23-2.15 is amended to require that a permit application to elevate an existing home include the registration number of the home elevation contractor.

N.J.A.C. 5:23-2.18 is amended to state that a pile log and certification, prepared by a licensed professional engineer, takes the place of an inspection for pile foundations. The amendments include a description of what the certification must include and a requirement that the certification be based on the engineer's personal observations.

A new rule, N.J.A.C. 5:23-2.37, contains the technical requirements for elevation, including addressing utility service connections, methods and equipment required, and protection of adjoining property.

N.J.A.C. 5:23-3.21 is amended to require the use of American Society of Civil Engineers (ASCE) Standard 24 for the construction of one- or two-family homes on piles. Currently, the use of ASCE 24 is required for buildings other than one- or two-family homes and is listed as an alternative in the one- and two-family dwelling subcode. Because ASCE 24 is recognized as the industry standard for construction on piles, it is being adopted, and concurrently proposed, herein. Alternate designs that do not conform to ASCE 24 may still be used through application for and granting of a variation. It should be noted that, because this is an amendment to an adopted subcode of the Uniform Construction Code, the six month grace period provided at N.J.A.C 5:23-1.6 will apply.

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 amendments and new rule are expected to have the beneficial effect of ensuring that home elevations are performed in a manner that is structurally sound.

### **Economic Impact**

The proposed amendments and new rule are expected to have the beneficial effect of ensuring that home elevations are performed in a manner that is structurally sound. To the extent that contractors have been performing home elevations in a manner that is not in conformance with these rules, the rules may result in the imposition of additional costs. However, it is the Department's position that the requirements contained herein are necessary to protect residents and the public from shoddy and dangerous workmanship and are in keeping with accepted engineering practice.

### **Federal Standards Statement**

A federal standards analysis is not required because the proposed amendments and new rule are not being proposed under the authority of, or in order to implement, comply with or participate in, any program established under Federal law or under a State statute that incorporates or refers to Federal law, standards or requirements.

### **Jobs Impact**

The proposed amendments are not expected to have an impact on jobs.

### **Agriculture Industry Impact**

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

### **Regulatory Flexibility Analysis**

The proposal would require home elevation contractors, many of which are “small businesses,” as defined in the New Jersey Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq., to submit the documents listed herein in order to obtain a construction permit. There is no basis for any modification of these requirements based on the size or nature of the owning entity as the clear intent of the enabling legislation is to provide for the structurally sound elevation of existing homes regardless of whether the owning entity is a small business.

### **Smart Growth Development Impact**

The proposed amendments and new rule are intended to ensure that the elevation of existing homes is performed in a manner that is structurally sound. It is not anticipated that the proposed amendments and new rule will have any impact upon housing production within planning areas one and two or within designated centers under the State Development and Redevelopment Plan.

### **Housing Affordability Impact**

The proposed amendments and new rule are intended to ensure that the elevation of existing homes is performed in a manner that is structurally sound. It is not anticipated that the proposed amendments and new rule will have an impact on the production of affordable housing.

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

5:23-2.15 Construction permits—application

(a) (No change.)

(b) In addition, 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. – 8. (No change.)

**9. If the work involves home elevation, any contractor performing such work shall be registered pursuant to N.J.S.A. 56:8-136 et seq. and shall be in compliance with the applicable provisions of N.J.A.C. 13:45A-17 and 17A. The registration number of the contractor shall appear on the permit application and the application shall include the certification required pursuant to N.J.S.A. 52:27D-123.16.**

**i. For purposes of this paragraph, “home elevation” shall mean and include any home improvement that involves raising an entire building of Group R-2, R-3, R-4 or R-5 to a higher level above the ground.**

9. renumber as 10. (No change in text.)

[10.] **11.** In the event of any change of contractor or person in charge of work under (b)1 through [9] **10** above, such change shall be filed as an amendment to the application.

(c) – (e) (No change.)

5:23-2.18 Inspections

(a) (No change.)

(b) Inspections during the progress of work: The construction official and appropriate subcode officials shall carry out periodic inspections during the progress of work to ensure that work inspected conforms to the requirements of the code.

1. Inspections of one and two-family dwellings for which construction must cease until the inspection is made shall be limited to the following:

i. The bottom of footing trenches before placement of footings [, except that in];

**(1) In the case of pile foundations, [inspections shall be made in accordance with the requirements of the building subcode] a pile log and certification prepared by a licensed professional engineer shall take the place of the inspection required by i. above. Such certification shall include, but not be limited to, verification that the size, type and location of the piles conforms to the released plans and that the piles are properly set to support the design loads. Such certification shall be based upon personal observations made by the engineer at the site.**

ii. – iv. (No change.)

2. – 4. (No change.)

(c) - (h) (No change.)

5:23-2.37 Elevation of an existing building

**(a) Service connections:** Before a building can be elevated, the owner or agent shall notify all utilities having service connections within the building, such as water, electric, gas, sewer and other connections. A permit to elevate shall not be issued until releases are obtained from all utilities that provide service to the property, stating that their respective service connections and appurtenant equipment, such as meters and regulators, have been removed or sealed or plugged in a safe manner.

**(b) Method of elevation:** The permit application shall include the proposed method of elevation or equipment to be used, including an estimate of the lifting load and identification of the locations for the principal lift beams, lateral support beams and cribbing, if any. All supports, including but not limited to jacks, beams, cribbing and strapping, shall be of sufficient size and strength to support the estimated lifting load.

**(c) Equipment:** The elevation shall employ a synchronized hydraulic jacking system or a method or equipment deemed to be equivalent. For purposes of evaluating the equivalency of any proposed method or equipment, the construction official or building subcode official may request additional supporting documentation pursuant to N.J.A.C. 5:23-2.19 and 3.7.

**(d) Protection of adjoining property:** In cases where the lot size or the location of the building on the lot is such that there is a need to protect adjoining property or public rights of way, a plan for providing such protection shall be included as part of the permit application. The construction official may require that the plans be prepared by a New Jersey licensed design professional.

(a) – (b) (No change.)

(c) The following chapters or sections of the IRC/2009 shall be modified as follows:

1. – 2. (No change.)

3. Chapter 3, Building Planning, shall be amended as follows:

i. –v. (No change.)

**vi. Section R301.2.4.1, Alternative provisions, shall be deleted in its entirety.**

Renumber vi. – xxxii. as vii. – xxxiii. (No change in text.)

**xxxiv. Section R322.1.1, Alternative provisions, shall be deleted in its entirety.**

Renumber xxxiii – xxxv. as xxxv. – xxxvii. (No change in text.)

**xxxviii. In Section R322.2.3, Foundation design and construction, “For buildings supported by piles, the design and methods of construction shall meet the applicable criteria of ASCE 24.” shall be inserted after the first sentence.**

**xxxix. In Section R322.3, Coastal high-hazard area (including V Zones), “through R322.3.6” shall be deleted and “and ASCE 24” shall be inserted in its place.**

Renumber xxxvi. as xl. (No change in text.)

**xli. Section R322.3.2, Elevation requirements, Section R322.3.3, Foundations, Section R322.3.4, Walls below design flood elevation, Section R322.3.5,**

**Enclosed areas below design flood elevation, and Section R322.3.6, Construction documents, shall be deleted in their entirety.**

[xxxvii. Section R322.2.3.6, Construction Documents, shall be deleted in its entirety.]

Renumber xxxviii. as xlii. (No change in text.)