

CHAPTER 16

LOCAL HOUSING AUTHORITY AND MUNICIPAL
REDEVELOPMENT AGENCY TRAINING
PROGRAM

Authority

N.J.S.A. 40A:12A-45 and 49.

Source and Effective Date

R.1995 d.259, effective June 5, 1995.
See: 26 N.J.R. 4867(a), 27 N.J.R. 2182(a).

Executive Order No. 66(1978) Expiration Date

Chapter 16, Local Housing Authority and Municipal Redevelopment
Agency Training Program, expires on June 5, 2000.

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SUBCHAPTER 1. GENERAL PROVISIONS

5:16-1.1 Title; scope

(a) The rules contained in this chapter shall be known as the "Rules for the Local Housing Authority and Municipal Redevelopment Agency Training Program."

(b) These rules govern the prescribed training program referred to as Local Housing Authority and Municipal

Redevelopment Agency Training Program, hereinafter designated as the LHA/MRA Training Program.

5:16-1.2 Authority

These rules are promulgated by the Commissioner of the Department of Community Affairs pursuant to the authority of the "Redevelopment and Housing Law," (P.L. 1992, c.79; N.J.S.A. 40A:12A-1 et seq.).

5:16-1.3 Intent and purpose

The purpose of the LHA/MRA Training Program shall be to improve the technical expertise and management skills of commissioners and executive directors of local housing authorities and municipal redevelopment agencies through a comprehensive, structured educational program.

5:16-1.4 Definitions

The following words and terms, as used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise. All definitions found in the Redevelopment and Housing Law, P.L. 1992, c.79 (N.J.S.A. 40A:12A-1 et seq.), shall be applicable to this chapter.

"Certificate of completion" means written documentation provided to executive directors and commissioners of local housing authorities and municipal redevelopment agencies evidencing successful completion of the required course of study for the LHA/MRA Training Program.

"Commissioner" means an appointed member of the governing board of a local housing authority or a municipal redevelopment agency, which board is responsible for overseeing operations, including developing policy and establishing monitoring controls.

"Commissioner of the Department," or "DCA Commissioner," means the Commissioner of Community Affairs.

"Course curriculum" means the mandatory and elective courses that executive directors and commissioners of local housing authorities and municipal redevelopment agencies must complete to satisfy the training requirements more fully described in N.J.A.C. 5:16-3.

"DCA Commissioner" (See "Commissioner of the Department.")

"Department" means the New Jersey Department of Community Affairs.

"Equivalency agency" means an agency, individual or group qualified to evaluate professional educational programs, and other license, certificate and training programs offered by educational institutions, and military, employer and professional associations to determine whether the

training meets or exceeds the LHA/MRA Training Program requirements.

“Executive director” means an individual employed as the chief officer of a local housing authority or municipal redevelopment agency and responsible for the daily management of the entity.

“Hardship” means any physical, mental or social privation, suffering or adversity that may hinder or preclude an individual from satisfactorily completing the requirements of the LHA/MRA Training Program. The New Jersey Department of Community Affairs will, within reason, provide appropriate accommodations to assist all LHA/MRA Training Program participants to complete both the course curriculum and evaluation components.

“Holdover” means an individual who continues to occupy a seat as a member of a board after resignation or upon expiration of the term associated with that seat, and who has no right to the office.

“Housing Authority and Redevelopment Agency Training Advisory Committee” means the committee, comprised of staff of the Department of Community Affairs, representatives of the New Jersey National Association of Housing and Redevelopment Officials (NJNAHRO), the New Jersey Association of Housing and Redevelopment Authorities (NJAHRA) and the United States Department of Housing and Urban Development, executive directors and commissioners of housing authorities, representatives of Rutgers, The State University, and two nationally recognized training organizations, that has responsibility for guiding the course of study for the Training Program.

“Local housing authority” means a housing authority created or continued pursuant to the “Redevelopment and Housing Law,” P.L. 1992, c.79 (N.J.S.A. 40A:12A-1 et seq.).

“Member” means an individual serving as a member of a local housing authority or a commissioner of a municipal redevelopment agency.

“Municipal redevelopment agency” means a redevelopment agency created or continued pursuant to the “Redevelopment and Housing Law,” P.L. 1992, c.79 (N.J.S.A. 40A:12A-11).

“Pre-session evaluation” means the written or oral performance assessment administered by LHA/MRA Training Program instructors at the beginning of each course to familiarize participants with the course material.

“Post-session evaluation” means the written or oral performance assessment administered by LHA/MRA Training Program instructors at the end of the course to assess the participant’s understanding of and to reinforce key concepts and significant issues covered during the training session.

“Program participant” means an individual attending approved LHA/MRA Training Program courses.

“Recognized educational agency” means an educational, business, military or professional organization which offers credit or non-credit educational courses which, upon prior approval of the Department, may be judged equivalent to the required LHA/MRA Training Program courses.

“Satisfactory” when used in reference to evaluations, means providing correct responses to no less than 70 percent of the questions.

“State-approved course” means a course offered by an organization or entity other than the New Jersey Department of Community Affairs, Rutgers or other training facilitator that satisfies the requirements of the LHA/MRA Training Program and for which executive directors and commissioners shall receive credit.

“Training facilitator” means an entity recognized and approved by the Department of Community Affairs to develop and offer the LHA/MRA Training Program curriculum.

“Vacancy” means an appointed position or board seat that is occupied by a holdover or that remains unfilled at the expiration of a term or upon the resignation, death or removal of an appointee of an unexpired term.

5:16-1.5 Severability

If any provision of these rules or the application thereof to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications of the rules and to this end, the provisions of the rules are severable.

SUBCHAPTER 2. TRAINING REQUIREMENTS AND ADMINISTRATION

5:16-2.1 Training curriculum

(a) The purpose, objectives and content of each course approved as part of the LHA/MRA Training Program curriculum shall meet the standards established and approved by the Department, as set forth in this chapter, and shall address New Jersey rules, programs and issues. The course of study shall be designed to clarify the functions, duties and limits of housing authorities and redevelopment agencies and the decision-making responsibilities of individuals serving as executive directors or commissioners and to familiarize them with current methods and procedures for managing public housing units, publicly assisted housing, or redevelopment projects.

(b) The course curriculum for commissioners of local housing authorities shall consist of four mandatory and one of five elective courses, ranging in length from one-half day to one day. A half-day program shall be four hours in length, while a full-day program shall be seven hours. Housing authority members must satisfactorily complete all mandatory courses and one elective course within the time prescribed in N.J.A.C. 5:16-2.4(a).

1. The mandatory commissioner courses shall be as follows:

- i. Skills for Commissioners: provides a broad overview of the roles and responsibilities of commissioners;
- ii. Financial Issues and Procedures: explores a range of financial management skills, including budgets, cost allocations and funding sources;
- iii. Public Housing Management Assessment Program (PHMAP): explores how to use PHMAP as a management tool and how to improve an authority's PHMAP scores; and
- iv. Ethics: provides an overview of public ethics.

2. Elective courses for commissioners may include, but are not limited to, the following courses. At the discretion of the Department, courses may be added or eliminated, as participant demand and interest dictate.

- i. Resident Initiatives;
- ii. Current Issues/Programs in Affordable Housing;
- iii. Legal Issues;
- iv. Public Relations/Communications; and
- v. Planning and Development of Affordable Housing.

(c) The course curriculum for executive directors of local housing authorities shall consist of seven mandatory and three of eight elective courses, ranging in length from one-half day to two days. A half-day program shall be four hours in length, while a full-day program shall be seven hours. Executive directors of housing authorities must satisfactorily complete all seven mandatory courses and three elective courses within the time prescribed in N.J.A.C. 5:16-2.4(b). Six of the seven mandatory courses shall be offered through the LHA/MRA Training Program. The seventh course, Public Housing Management Certification, is available from other sources.

1. The mandatory executive director courses shall be as follows:

- i. Executive Housing Management: a two-day program which includes an overview of the functions of planning, organizing, directing and controlling, with topics in time management, negotiation, conflict management and team building;

ii. Financial Management: includes budgets and their preparation, records, investment, computer software and financial statement preparation;

iii. Maintenance Management: includes budget preparation, staffing, quality control, resident involvement and insurance and liability;

iv. Procurement and Contract Management: provides a basic understanding of the differences between Federal and State mandated procedures and accepted professional practices used in PHA procurement in New Jersey, with emphasis on contract negotiation, management and administration skills and professional ethics;

v. Personnel Management: provides instruction to develop and evaluate management plans, correct personnel problems, measure performance levels and understand management by objectives;

vi. Ethics: familiarizes executive directors with New Jersey and HUD ethical standards and legal requirements for public officials; and

vii. Public Housing Management Certifications: PHM will not be offered on a regular basis as part of the LHA/MRA Training Program. To take this course, participants must contact a sponsoring organization directly. Credit will be awarded to anyone who has completed a PHM training program offered by a HUD-approved institute. To receive credit, a copy of a Certificate of Completion from the sponsoring organization must be submitted to the New Jersey Department of Community Affairs, Division of Housing, Fifth Floor, CN 806, Trenton, New Jersey 08625-0806 Attention: LHA/MRA Training Unit.

2. Elective courses for executive directors may include, but are not limited to, the following courses. Courses may be added or eliminated, as participant demand and interest dictate, and at the discretion of the Department.

- i. Planning and Development of Affordable Housing;
- ii. Resident Initiatives;
- iii. Legal Issues;
- iv. Public Relations/Communications;
- v. Public Housing Management Assessment Program;
- vi. Occupancy;
- vii. Modernization; and
- viii. Current Issues/Problems in Affordable Housing.

(d) The course curriculum for commissioners of municipal redevelopment agencies shall consist of three mandatory

courses, ranging in length from one-half day to one day. A half-day program shall be four hours in length, while a full-day program shall be seven hours. Commissioners must satisfactorily complete all mandatory courses within the time prescribed in N.J.A.C. 5:16-2.4(a).

1. The mandatory commissioner courses shall be as follows:

i. Principles of Redevelopment: explores strategies for neighborhood revitalization, the planning process as related to New Jersey Municipal Land Use Law, financial and marketing issues;

ii. Skills for Commissioners: provides a broad overview of the roles and responsibilities of commissioners; and

iii. Ethics: provides an overview of public ethics.

(e) The course curriculum for executive directors of municipal redevelopment authorities shall consist of three mandatory and two elective courses, selected from the courses offered executive directors through the LHA/MRA Training Program. Executive directors of redevelopment agencies must satisfactorily complete all three mandatory courses and two elective courses within the time prescribed in N.J.A.C. 5:16-2.4(b).

1. The mandatory executive director courses shall be as follows:

i. Principles of Redevelopment: explores strategies for neighborhood revitalization, the planning process as related to New Jersey Municipal Land Use Law, financial and marketing issues;

ii. Planning and Development of Affordable Housing; and

iii. Ethics: provides an overview of public employee ethics.

2. Executive directors and commissioners of an agency that serves as both a MRA and LHA shall complete only the Principles of Redevelopment course, in addition to the mandated LHA curriculum.

(f) For any course topic, proposed activities shall accomplish the instructional objectives of the LHA/MRA Training Program and may include lecture, small group discussion, in class exercises, audio visual material and handouts.

(g) To the greatest extent possible, the course curriculum shall be designed to enhance student participation and shall be interactive. The use of New Jersey-specific materials is encouraged. Class sizes shall be limited to no more than 45 students.

5:16-2.2 Evaluation criteria

(a) The Department, or its authorized designee, shall develop evaluation procedures to assess the competency of participants completing the LHA/MRA Training Program. The evaluations shall allow participants to demonstrate competency and proficiency at the conclusion of each course.

(b) Course competency shall be measured through the administration of brief pre- and post-session evaluations for each course. The post-session evaluation shall be rated on a satisfactory/unsatisfactory basis.

1. The pre-session evaluation shall familiarize course participants and course instructors with the course material prior to the actual delivery of the course curriculum.

2. The post-session evaluation shall assess the course participant's understanding of the materials covered during the class. Questions designed by the instructor shall reinforce key concepts, important issues and significant facts. The last half-hour of each course shall be reserved for students to complete written responses to the questions. A determination of satisfactory or unsatisfactory performance in completing the evaluation shall be in accordance with the standards prescribed by the Department.

(c) To receive credit for a course, a commissioner or executive director must attend the full session and achieve a satisfactory score on the evaluation. No credit shall be assigned for a failed or incomplete course.

1. In instances where a participant attends the course but does not complete the evaluation, the participant shall receive an incomplete for the course. In order to receive credit for the course, the participant must contact the training facilitator and make arrangements to complete the evaluation within 45 days of the date of the training course. Failure to contact the training facilitator and satisfactorily complete the required evaluation shall result in the participant receiving no credit for the course.

(d) To obtain credit toward certification for a failed course, the course must be retaken and a satisfactory score achieved on the evaluation.

5:16-2.3 Certificate of completion

(a) The training facilitator shall issue a certificate of completion to each LHA/MRA Training Program participant who satisfactorily completes the training program requirements.

(b) Issuance of a certificate shall certify that the individual has completed the requisite course of study of the LHA/MRA Training Program required for the type of agency or authority in which he or she is currently serving and is eligible to be employed or appointed in the State in accordance with the provisions of these rules. The certificate issued for completion of the Redevelopment Agency training shall not imply completion of the Local Housing Authority curriculum.

(c) When a person with a certificate assumes a position at an agency or authority with different training requirements, that person shall comply with the requirements mandated for the assumed position. When an agency or authority assumes new responsibilities that alter its power and functions, its director and board shall complete the training curriculum appropriate to the new function.

5:16-2.4 Compliance period

(a) Except as provided by N.J.S.A. 40A:12A-46(a), any person serving as a commissioner on the board of a local housing authority or municipal redevelopment agency after June 5, 1995 shall satisfactorily complete the prescribed course curriculum within one year following the date of appointment or by June 5, 1995, whichever is later.

(b) Any person serving as the executive director of a local housing authority or municipal redevelopment agency on or after June 5, 1995 shall satisfactorily complete the prescribed course of study within two years after June 5, 1995, or the effective date of his or her appointment, whichever is later. Executive directors of local housing authorities shall satisfactorily complete at least five of the requisite courses within one year of appointment, or June 5, 1995, whichever is later.

(c) The Department shall award course credit to those participants who attended the approved LHA/MRA Training Program courses prior to the promulgation of these rules and allow participants to apply these credits toward the training program requirements.

5:16-2.5 Waivers

(a) The DCA Commissioner shall waive all or part of the Training Program course requirements set forth in N.J.S.A. 40A:12A-46 and 47 upon submission of a written determination of course equivalency from a Department-approved Equivalency Agency.

1. The determination of course equivalency shall list the courses submitted for determination and indicate to which course(s) of the LHA/MRA Training Program the course is equivalent.

(b) A commissioner or executive director's coursework shall be eligible for evaluation for equivalency credit by the Department-approved equivalency agency, provided it was acquired within three years of the request and in one of the following ways:

1. By obtaining course credits at other institutions; or
2. By completing approved license, certificate, and training programs offered by employer and professional associations.

(c) The Department-approved equivalency agency will utilize the following criteria for judging equivalency:

1. The course must have been organized and presented under the auspices of a recognized educational or professional institution;

2. The course must have included seven hours of class attendance, not counting examinations. (Independent study, video or home study courses shall not be considered);

3. Registrants in the course must have satisfactorily completed at least one written evaluation; and

4. Satisfactory completion of the course must have been based upon providing correct responses to no less than 70 percent of the questions on the evaluation.

(d) Individuals requesting an equivalency evaluation from the Department-approved equivalency agency shall be responsible for the following:

1. Assuming all costs associated with the evaluation; and

2. Submitting a course description, official transcript or certificate of completion and other required documentation to the approved equivalency agency for review.

5:16-2.6 Right of appeal

(a) Any person aggrieved by any notice, action or order under this chapter concerning course and experience equivalency determinations, removal of a commissioner or executive director who is deemed unqualified, denials of waiver requests or imposition of any penalties, may appeal by submitting a written hearing request as set forth herein.

1. The aggrieved party must request a hearing. The request shall be made to the Hearing Coordinator, Department of Community Affairs, CN 802, Trenton, New Jersey 08625. The hearing shall be conducted by the Office of Administrative Law, with the DCA Commissioner issuing the final decision.

2. All hearing requests shall be signed by a proper party and shall include:

- i. The date of the action which is the subject of the appeal;
- ii. The name, title and status of the person submitting the appeal;
- iii. The action claimed to be in error; and
- iv. A concise statement of the basis for the appeal.

(b) Hearing requests shall not be valid unless submitted within 15 days after receipt of the ruling, notice, determination of equivalency or other similar document upon which the appeal is based.

5:16-2.7 Exemptions

(a) The executive director of a housing authority or redevelopment agency holding that position at the effective

date of the Redevelopment and Housing Law, P.L. 1992, c.79 (N.J.S.A. 40A:12A-1 et seq.), possessing the required work experience and holding certification as a Public Housing Manager (PHM) or other equivalent certification from the National Association of Housing Officials, or from another HUD-recognized professional association in the housing and redevelopment field, shall not be required to meet the college education requirements of the credentialing process set forth at N.J.A.C. 5:16-3.1(a) and shall be deemed qualified for continued employment as executive director of any local public housing authority in the State. An executive director shall meet the LHA/MRA Training Program requirements, set forth in this subchapter, unless he or she obtains a written waiver of all or part of the training requirements from the Department.

1. Executive directors in position on June 5, 1995 shall have until June 5, 1996, to obtain a recognized PHM certification.

2. Assistant and deputy directors employed by local housing authorities on the effective date of the act are exempt from the college education prerequisite for serving as the executive director of a housing authority. Such persons shall satisfy all other prerequisites for the executive director position.

SUBCHAPTER 3. GENERAL PROCEDURES

5:16-3.1 Employment requirements for executive directors

(a) To assure the effective management and operation of housing authorities and redevelopment agencies, N.J.S.A. 40A:12A-18 establishes that an executive director shall have attained the following educational and experience requirements:

1. A degree from an accredited four year college or university in public administration, social science or other appropriate program; and

2. At least five years' experience in public administration, public finance, realty, or similar professional employment.

i. Attainment of a masters' degree in an appropriate program may be substituted for two years of experience.

(b) To ensure that executive directors of local housing authorities and municipal redevelopment agencies satisfy the minimum requirements, the DCA Commissioner shall expeditiously review the credentials and qualifications of candidates for the position of executive director prior to appointment. The DCA Commissioner may, at his or her discretion, seek advisory input from other organizations in conducting the review.

1. The authority or agency shall submit for Department review the credentials of a candidate prior to an appointment. The candidate's resume, with name and location of college or university, date of graduation, area of study, and any other appropriate qualifications and certifications necessary to support a determination, should be sent to New Jersey Department of Community Affairs, Division of Housing and Community Resources, Fifth Floor, CN 806, Trenton, New Jersey 08625-0806 Attention: LHA/MRA Training Unit, Qualifications Review.

2. The DCA Commissioner shall notify the local housing authority or municipal redevelopment agency of the approval or denial of a candidate's qualifications within two weeks of receipt of the required candidate information and documentation.

(c) Executive directors of housing authorities or redevelopment agencies employed in that capacity as of June 5, 1995, may at any time, themselves request written certification for the education and experience requirements upon submission of their credentials to the Department. The Department will review the request and accompanying credentials and provide a "Pre-certification of Education and Experience" to an executive director who satisfies the statutory requirements. Said pre-certification shall evidence the satisfaction of the employment criteria set forth in N.J.S.A. 40A:12A-12 and 18.

1. The authority or agency board shall notify the Department of the appointment of a pre-certified executive director to the position within two weeks of the appointment.

(d) Appointments made in disregard of the requirements or the Department's determination that a candidate is not qualified shall constitute a violation of these rules, punishable as indicated at N.J.A.C. 5:16-3.3.

5:16-3.2 Board vacancies

(a) Six of the seven members of each local housing authority are subject to appointment by the mayor and governing body or chief executive officer of a municipality. The DCA Commissioner is empowered to fill board vacancies caused by a member's term expiration, resignation, removal or death, which remain unfilled or occupied by a "holdover" for 120 days or more. After a vacancy has occurred for 90 days, the DCA Commissioner shall notify the governing body or chief executive officer of his or her intent to fill the vacancy. If it is not filled within the following 30 day period, the DCA Commissioner may appoint a member for the unexpired term. At the expiration of the term, resignation, death or removal of the DCA Commissioner's appointment, the right of appointment will revert to the appointing agent.

5:16-3.3 Enforcement

(a) The Department shall take appropriate action to remove an individual or otherwise gain compliance with the statutes or rules. This appropriate action includes, but is not limited to, issuing administrative orders or notices or instituting or causing to be instituted any necessary legal proceedings. The Department shall take such action if it determines that an executive director or commissioner of a local housing authority or municipal redevelopment agency:

1. Has obtained the LHA/MRA Training Program Certificate of Completion by fraud or misrepresentation;
2. Has fraudulently or deceitfully accepted appointment as an executive director or served as a commissioner;
3. Has been appointed or is in violation of the statute and this chapter;
4. Has failed to satisfy the minimally acceptable level of training required by these rules;
5. Has made a false or misleading written statement, or has made a material omission in any submission to the Department; or
6. Has failed to comply with any order issued by the Department.

(b) The Department, in addition or as an alternative to the actions listed in (a) above, may issue a letter of warning, reprimand, or censure with regard to any conduct that, in the judgment of the Department so warrants.

SUBCHAPTER 4. ESTABLISHMENT OF TRAINING PROGRAM

5:16-4.1 Scope; intent

(a) This subchapter shall control all matters pertaining to the organization and development of the mandatory training program for executive directors and commissioners of local housing authorities and municipal redevelopment agencies.

(b) This chapter is intended to implement the "Redevelopment and Housing Law," P.L. 1992, c.79 (N.J.S.A. 40A:12A-1 et seq.) the purpose of which includes ensuring the diligent oversight and administration of local housing authorities and municipal redevelopment agencies and providing the executive directors and commissioners of these entities with comprehensive training in topics related to the operation and management of public housing, publicly assisted housing, and redevelopment agencies. The establishment of a LHA/MRA Training Program is intended to facilitate the effective training of executive directors and commissioners.

(c) The purpose of this subchapter and of N.J.A.C. 5:16-3 are as follows:

1. To establish a LHA/MRA Training Program;
2. To require all persons assuming the position of executive director or commissioner of a local housing authority or municipal redevelopment agency to receive appropriate training, as provided in this subchapter and in N.J.A.C. 5:16-3; and
3. To establish standards and qualifications for persons serving in the capacity of executive director of a local housing authority or municipal redevelopment agency.

5:16-4.2 Applicability

(a) The provisions of this subchapter and N.J.A.C. 5:16-3 shall apply to all executive directors and commissioners of local housing authorities and municipal redevelopment agencies who are currently serving or who are appointed or employed subsequent to the effective date of these rules.

5:16-4.3 Standards for Training Program

(a) In order to competently perform their individual responsibilities and effectively enforce the "Redevelopment and Housing Law," P.L. 1992, c.79 (N.J.S.A. 40A:12A-1 et seq.) at the local level, executive directors and commissioners must be fully knowledgeable about issues affecting the redevelopment process, public and publicly-assisted housing and their residents. Financial management, construction management and code compliance, ethics and legal issues affect the effective and efficient operation of local housing authorities and municipal redevelopment agencies. This subchapter adopts standards governing the creation and implementation of the LHA/MRA Training Program.

(b) The standards for the development and administration of the course curriculum shall be prescribed and enforced by the DCA Commissioner. The course curriculum is designed to enhance the knowledge and technical and administrative expertise of executive directors and commissioners exercising policy oversight and administrative and management responsibility for the operations of local housing authorities and municipal redevelopment agencies.

(c) The course curriculum for executive directors and commissioners shall consist of a planned pattern of comprehensive educational courses and interactive case studies designed to enhance group discussion and student participation and which meet the standards set forth in N.J.A.C. 5:16-3.1 et seq.

(d) LHA/MRA Training Program courses shall be scheduled in both the spring and fall semesters in various locations throughout the State of New Jersey. A full course curriculum will be offered for at least two years after the promulgation of the rules. In subsequent years, the Department will analyze the demand for continued training, estimate potential annual enrollments and structure the avail-

ability, location and selection of courses to sufficiently address the demand.

(e) State-approved courses may be offered for accreditation by other organizations only with the express written consent of the Department. The Department shall not provide course credit to any participant who completes courses offered by an institution or organization which has not been so approved by the State at the time the course is offered.