

(b) Course competency shall be measured through the administration of brief written evaluations for each course. The 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 an incomplete or failed course, the participant must either retake the course and evaluation or arrange with the training facilitator to complete or retake the evaluation one time within 60 days of the date of the training course. Failure to contact the training facilitator and satisfactorily complete the required evaluation within the allowed time shall result in the participant receiving no credit for the course. Otherwise, the course must be retaken to receive credit.

Amended by R.2000 d.61, effective February 22, 2000.
See: 31 N.J.R. 3250(a), 32 N.J.R. 690(a).
Rewrote (b) and (c); and deleted a former (d).

5:44-2.3 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.

5:44-2.4 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 courses of study within 18 months following the date of appointment or by July 1, 1997, whichever is later.

1. A commissioner appointed after June 5, 1995 who fails to comply with the training requirements within the allowed period, is deemed resigned and shall vacate the position. That individual shall not be eligible for reappointment to the board until such time as he or she has fulfilled all course requirements, having taken the remaining prescribed courses at his or her own expense at a time when he or she was not serving as a member of a housing authority or redevelopment agency.

2. A commissioner serving on or before June 5, 1995 who failed to comply with the training requirements by July 1, 1997 may serve until the end of his or her appointed term but may not be reappointed for a period of five years thereafter and then only upon completion of the curriculum.

(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 the effective date of his or her appointment. Executive directors of local housing authorities shall satisfactorily complete at least five of the requisite courses within one year of appointment.

(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.

Amended by R.2000 d.61, effective February 22, 2000.
See: 31 N.J.R. 3250(a), 32 N.J.R. 690(a).
Rewrote (a) and (b).

5:44-2.5 Waivers

(a) The DCA Commissioner shall waive all or part of the Training Program course requirements in N.J.S.A. 40A:12A-46 and 47 upon a determination of course equivalency by the Department on a case-by-case basis.

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 shall be eligible for a waiver of a required State Training Program course upon completion of an equivalent course taken from a professional training institution or organization recognized by the Department, provided it was acquired within three

years of the request and satisfies the criteria and standards established for course equivalency in this subchapter.

(c) The Department 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 shall have included seven hours of class instruction for a full-day course, and 3.5 hours of instruction for a half-day course, 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;
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;
5. The course was completed within three years of the request for a waiver; and
6. The content, topics and material of the alternate course shall be essentially the same as that of the required State course.

(d) Individuals requesting a course waiver from the Department shall be responsible for the following:

1. Assuming all costs associated with the waiver;
2. Obtaining a Waiver Procedures Form from the Department; and
3. Submitting a course description, official transcript or certificate of completion and other required documentation, together with a completed Waiver Procedures Form, to the Department for review.
 - i. Waiver forms may be obtained from and shall be submitted to the New Jersey Department of Community Affairs, Division of Housing and Community Resources, PO Box 806, Trenton, New Jersey 08625-0806 Attention: Housing Authority Unit.

Amended by R.2000 d.61, effective February 22, 2000.
See: 31 N.J.R. 3250(a), 32 N.J.R. 690(a).
Rewrote the section.

5:44-2.6 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, PO Box 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.

5:44-2.7 Exemptions

(a) The executive director of a housing authority or redevelopment agency holding that position prior to or on January 18, 1992, possessing the required work experience and holding certification as a Public Housing Manager (PHM) or other equivalent certification from the National Association of Housing and Redevelopment Officials (NAHRO), 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. 5:44-3.1(a) and shall be deemed qualified for continued employment as executive director of any local public housing authority in the State. All executive directors shall meet the LHA/MRA Training Program requirements, set forth in this subchapter.

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

(b) Assistant and deputy directors employed by local housing authorities on August 5, 1992 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.

Amended by R.2000 d.61, effective February 22, 2000.
See: 31 N.J.R. 3250(a), 32 N.J.R. 690(a).

In (a), rewrote the introductory paragraph; and recodified former (a)2 as (b), and substituted "August 5, 1992" for "the effective date of the act" following "authorities on".

SUBCHAPTER 3. GENERAL PROCEDURES

5:44-3.1 Employment requirements for executive directors

(a) The housing authority or redevelopment agency shall appoint and employ an individual as executive director, who shall be its secretary. The executive director shall serve at the pleasure of the board or, at the discretion of the board, may serve under a contract entered into pursuant to P.L. 1999, c.240, N.J.S.A. 40A:12A-18. The executive director may be relieved of his or her duties only after not less than 120 days' notice.