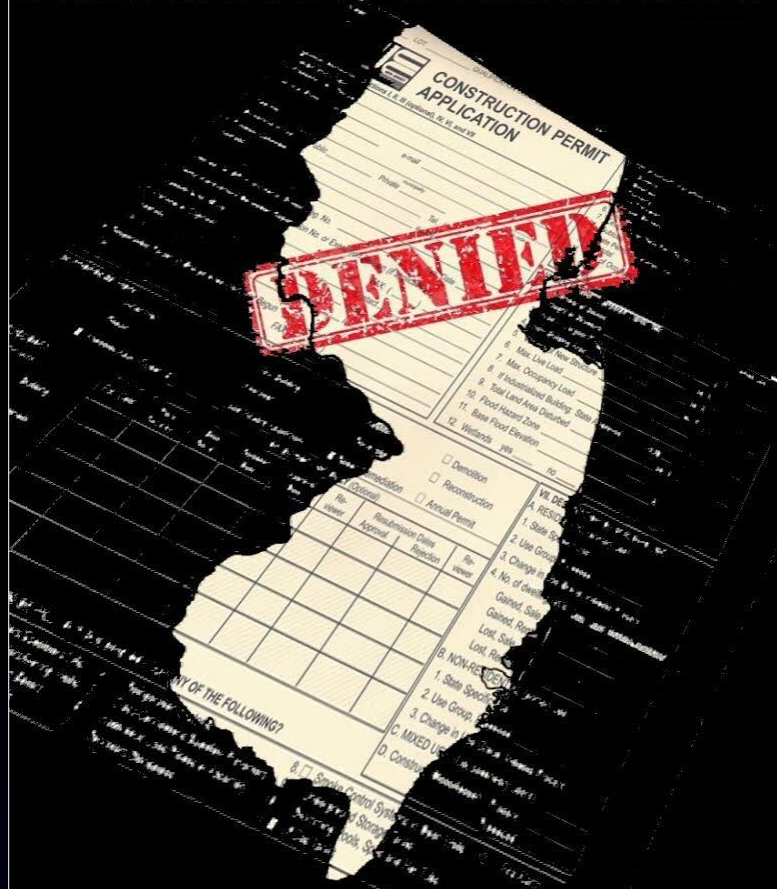


THE VOICE OF NEW JERSEY HEARTH AND CHIMNEY PROFESSIONALS

HEARTH & CHIMNEY



Mid-Atlantic
HPBA
Hearth, Patio & Barbecue Association

For Information Visit
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Why the MHP Bill is needed.

Introductions - Government Affairs

- Ron Kessner - Fireplaces Plus Inc. GA Chair - MAHPBA Secretary
- Kurt Evers - Superior Fire Place - GA Vice Chair - MAHPBA Vice President
- Rich Sedgwick – R&D Cross Inc. MAHPA President
- John Susnosky - Light My Fire – GA - Committee
- Brian Doroshuck - Fire Design Hearth - GA Committee
- Brandon Mersksamer - Energy Resources - GA Committee
- Rudi Oosting - Complete Chimney & Fireplace Solutions - GA Committee

Introductions

- **Steve Cordemus**
 - Legal Council, Retired Assemblymen NJ
- **Ryan Carrol**
 - Government Affairs HPBA
- **Dane Farrell**
 - Government Affairs HPBA
- **Rick Vlahose**
 - National Fireplace Institute
- **Diane Rossi**
 - Executive Director MAHPBA



Insight into the HVACR Law

And How It All Started

N.J.A.C. 13:32A

STATE BOARD OF EXAMINERS OF HEATING, VENTILATING,
AIR CONDITIONING AND REFRIGERATION CONTRACTORS RULES

HVACR Law - How It Started

- **2007 The New HVACR Law Was In-Acted.**
- The Purpose and intent of the 2007 HVACR Law (also known as, N.J.A.C. 13:32A) was to provide for the licensing and regulation of Master Heating Ventilating, Air Conditioning and Refrigeration Contractors.
- Grandfathering was needed to get all the pieces in place.
- HVACR Licenses needed to be issued & Continued Education Courses needed to be put in place, before any of the New regulations could be enforced.
- **So Over the next several years, that's what the HVACR Board did.**
- The HVACR Board grandfathered close to 11,000 applicants that could produce an IRS W2, as proof that they had worked for 2 years in the business.

Grandfathering Period Ends – Enforcement Begins

- In 2016 Hearth Professionals Start to experience denied permits for the first time.
- It Started with gas lines but now the HVACR Board has moved to claim ownership of the Installation, Service, Connection, Maintenance and Repair of the following:
 - *Gas Lines*
 - Prefabricated Fireplaces
 - Fireplace Inserts
 - Decorative Appliances
 - B-Vent & Direct Vent Flues
 - And any Flue Pipe that removes products of combustion

How The HVACR Law Is Interpreted

HVACR Boards Method of Interpretation

The HVACR Board interprets - Code, thru the "Scope Of Practice Policy".

■ How The HVACR "Scope Of Practice" Policy works

■ 1st - The Business of HVACR Contracting and the scope of work performed by an HVACR Contractor is defined in the HVACR Licensing Law.

■ 2nd – The Department of Community Affairs enforces the Scope of Practice Policy by enforcing (N.J.A.C. 13:32A-5.9) that declares "No person, firm, partnership, corporation, or other legal entity shall engage in **The Business of HVACR Contracting** or **HVACR work**, unless the person is licensed by the HVACR Board."

What the HVACR Law States

In the HVACR Law, it states:

- *"HVACR" means the provision of propane services and the **installation, servicing, connecting, maintenance, or repair of the following:***
 - *Power boiler systems, hydronic heating systems, fire tube and water tub boilers, pressure steam and hot water boilers, furnaces and space heaters, water recovery systems, and appurtenances utilizing electric, fossil fuel, wood pellets, or solar energy, other than those appurtenances utilized solely for the purpose of heating potable water;*
5. *Natural or manufactured gas piping on the load side of a meter;*

What the HVACR Board Ruled

For now lets focus on just one part of what the HVACR Law States

"HVACR" means the provision of propane services and the *installation, servicing, connecting, maintenance, or repair of Natural or manufactured gas piping on the load side of a meter;*

What the HVACR Law Doesn't State:

The HVACR Law Doesn't state that this work is exclusive or non-exclusive to the HVACR Contractor.

With all that being said, What did the HVACR Board Rule?

The HVACR Board ruled that thru the Scope Of Practices Policy, that the installation, service, connecting, maintenance, or repair of Gas Lines, is the exclusive right of HVACR's and Master Plumbers. The DCA then moved to enforce that ruling, and gas line permits started to be denied in the State of New Jersey, to anyone who was not a Licensed Master Plumber or HVACR Contractor.

Lets Go Back & Take a Second Look

This Section of the HVACR Law, Talks About More, Than Just Gas Lines

- *"HVACR" means the provision of propane services and the **installation, servicing, connecting, maintenance, or repair of the following:***
- *Power boiler systems, hydronic heating systems, fire tube and water tub boilers, pressure steam and hot water boilers, furnaces and **space heaters**, water recovery systems, and appurtenances utilizing electric, fossil fuel, wood pellets, or solar energy, other than those appurtenances utilized solely for the purpose of heating potable water;*
- 5. *Natural or manufactured gas piping on the load side of a meter;*

Is There Anything Else We Need To Be Concerned With?

MAHPBAs GA **Committee** read between the lines a long time ago, and has been **warning** for some time, that if the HVACR Board interprets that a “**space heater**” is a fireplace, insert or decorative appliance that the only individual according NJAC 13:32A that can do the install of that appliance is a LICENSED HVACR Contractor or LICENSED Plumber.

What The HVACR Board Has Ruled:

On January 3, 2017, Board Members discussed this matter, and concluded that The task of gas piping “remains” within the scope of practice for the Licensed Master HVACR Contractor and Licensed Master Plumber.

On July 5th, 2017, the HVACR Board Concluded in a motion made by Thomas C. Pitcherello and seconded by Daniel G. Danko that this work or The installation of prefabricated fireplaces, fireplace inserts and decorative appliances “remains” within the scope of the HVACR Contractor. Anything sound familiar?

The HVACR Board Also Ruled:

On July 5th, the HVACR Board ruled that **The installation of flue pipe is considered HVACR Work** when the appliance in operation produces products of combustion. Members clarified that both the Licensed Master HVACR contractor and Licensed Master Plumbers can install prefabricated fireplaces, fireplace inserts and decorative appliances.

MAHPBA's Attorney, Steve Corodemus - Responds to the HVACR Boards Rulings

It appears that the tentacles of the HVACR Law, may be reaching further. As far as MAHPBA is concerned, it first appeared that the administration of the HVACR Law, was limited to the permitting of the gas line aspects of fireplace installation.

Now it could be viewed that the HVACR Law privileges, have been expanded. If we add to that expansion, The "scope of profession" - interpretive law, the right to install a fireplace may be EXCLUSIVE to the HVACR licensee (and plumbers perhaps). Also please note that the HVACR Law has left the plumbers doubting the once broad license privileges it enjoyed.



MAHPBA Meets With The HVACR Board

In An Attempt To Push Back Regulations And Get Answers

N.J.A.C. 13:32A

STATE BOARD OF EXAMINERS OF HEATING, VENTILATING,
AIR CONDITIONING AND REFRIGERATION CONTRACTORS RULES

NJ Issue Update

URGENT DEVELOPMENTS

MAHPBA met Once Again with the HVACR Board on November 8th, 2017 in an attempt to push back regulations and get answers about the language that came out of the July 5th, 2017 HVACR Board Meeting.

MAHPBA has been very concerned with the July 5th Board Meeting minutes because a plumber by the name of Mr. Winkins kicked a hornets' nest when he asked a question, **Who has the authority to install fireplaces, fireplace inserts, decorative appliances, B-Vent and Direct Vent Flues?** In response to the question posed by Mr. Winkins, the HVACR Board ruled, "[Both the Gas Line Installation AND the installation of Space Heaters are SPECIFICALLY CITED under the scope of practice for both the HVAC Contractor and the Plumber. To the extent that it is heating the environment, a fireplace falls within the definition of a Space Heater which is within the jurisdiction of an HVACR Contractor.](#)" This is very concerning to MAHPBA's Government Affairs team because this is exactly what the HVACR Board and DCA did with the Gas Line Issue in New Jersey a year earlier. If Hearth Appliances are deemed to be "Space Heaters" this could take away the Hearth Professionals ability to install hearth products in the State of New Jersey. This would put many of MAHPBA's members out of business. At this point the only thing missing is the enforcement of the DCA.

MAHPBA's Attorney, Steve Corodemus argued that, Fireplaces are not space heaters. The HVACR board however, ruled that they are, "We're saying, **Space Heaters and specifically Fireplaces** as they are deemed to be **Space Heaters fall within the jurisdiction of this board.**"

Steve Corodemus then asked a very direct question. Does the fireplace, the installation of a fireplace require an HVAC License or Plumbing License? Putting aside as to how the gas line gets there, does the installation of that fireplace, whether its natural gas, wood, or wood pellets, require an HVAC License or Plumbing License? The HVACR Board Responded,

"I think to the extent that it is heating the environment, that falls within the definition of a **Space Heater which is within the jurisdiction of an HVAC Contractor.**"

Steve Corodemus followed up with the question, "Is there any fireplace in your mind that doesn't affect the environment? The Board Responded, "I think the other issue you have to consider is **The flue**. Proper sizing and proper installation of the flue. **This is a matter of public safety.**"

MAHPBA's Attorney Steve Corodemus then attempted to get the HVACR Board to say or make a motion that the installation of fireplaces was not exclusive to the HVACR Contractor or Plumbing Contractor. The Board would not.

He asked the question, so tomorrow, when these gentlemen go to work and they have a request from a homeowner or restaurant to install a fireplace, their permits should not be denied because they're not HVAC Licensees? The Board responded, "That's a Department of Community Affairs issue, we can't comment on the permitting issue. We can only comment with regards to our statutory act."

Multiple times the HVACR Board questioned the Hearth Professionals authority to perform their work and asked, "You just have to be a home improvement contractor and that in and of its self allows you to do the gas piping and allows you to install fireplaces? Is that your position?"

Note: In the State of New Jersey ALL unlicensed contractors and businesses are registered as home improvement contractors and are issued an HIC #.

The HVACR Boards Chairman spoke up and said, "From where I'm sitting you're looking to put us in a position that we have minutes. That you can go forward, that you can use, OK and I'm not comfortable with that."

MAHPBA's Attorney Steve Corodemus responded by saying, "What I'm trying to do is keep three hundred people at work."

And once again the Chairman responded, "I understand that. OK, but you might have to do that Legislatively."



The MHP Bill Was Created To Protect And Keep
Hearth Professionals At Work.

SENATE NO. 1303 - ASSEMBLY NO. 3118

SPONSORED BY: SENATOR ANTHONY R. BUCCO & ASSEMBLYMAN JOHN BURZICHELL

SENATE BILL, No. 1303
ASSEMBLY BILL, No. 3118

STATE OF NEW JERSEY

218th LEGISLATURE

SENATE, No. 1303

INTRODUCED FEBRUARY 2018

ASSEMBLY, NO. 3118

STATE OF NEW JERSEY

218th LEGISLATURE

INTRODUCED FEBRUARY 2018

Sponsored by:

Senator ANTHONY R. BUCCO

Assemblyman JOHN BURZICHELLI

SYNOPSIS

Establishes licensure for master hearth professionals.

As introduced.





Letter of Opposition Regarding The MHP Bill

SENATE NO. 1303 - ASSEMBLY NO. 3118

SPONSORED BY: SENATOR ANTHONY R. BUCCO & ASSEMBLYMAN JOHN BURZICHELL

NOTE From MAHPBA's Government Affairs Team:

The NJACCA which wrote this letter has two of its members sitting on the HVACR Board.

New Jersey Air Conditioning Contractors Association

PRINCETON PUBLIC AFFAIRS GROUP, INC.

PUBLIC AND GOVERNMENT AFFAIRS COUNSEL

MEMORANDUM

TO: The Honorable Anthony Bucco
State Senator

From: Dale Florio
Kevin Hagan
Sam Weinstein

DATE: March 9, 2018

RE: Letter of Opposition Regarding S1303/A3118

On behalf of our client, *The New Jersey Air Conditioning Contractors Association*, we respectfully write to express their opposition to Senate Bill 1303/Assembly Bill 3118, which establishes licensure for master Hearth professionals. **Absent a change to the legislation, the proposed master hearth professionals would be allowed to install, replace, connect, vent, inspect, repair, maintain, or service HEARTH PRODUCTS, which includes gas lines, chimneys, and space heaters.**

The installation and service of gas fired appliances, chimneys and space heaters, according to N.J.S.A. 45:16A-2 is to be conducted by a licensed heating, ventilating, air conditioning and refrigeration contractor (HVACR). As the legislation stands, unlicensed professionals would be performing mechanical work authorized to licensed HVACR that could potentially result in:

Placing consumers at additional and unnecessary risk, where work on gas burning appliances and spacing heating systems would be performed by unlicensed individuals who do not have the specialized training in gas burning appliances Master HVACR's do and;

RE: Letter of Opposition Regarding S1303/A3118 - Continued

Impacting the livelihood of numerous HVACR contractors.

The HVACR license requires extensive apprenticeship, examination and continuing education to ensure that consumer protection is at the forefront of practice. When work is performed with in close proximity to the home, proper licensure should always be considered.

Thank you for your kind consideration of our request.

Should you have any questions or require additional information, please do not hesitate to contact us.

After reading that letter, I don't even know what to say.

The HVACR Contractor received his License thru Grandfathering. He was not required to take a course, take a test or to have hands on training. The only thing he was required to do, was to produce 2 years of W2s, proving that he worked in the trade.

Then in the letter the NJACCA makes the claim, “Absent a change to the legislation, the proposed master hearth professionals would be allowed to install, replace, connect, vent, inspect, repair, maintain, or service HEARTH PRODUCTS, which includes gas lines, chimneys, and space heaters.”

Can you imagine that? A Chimney Service Professional or a Hearth Professional being impowered by the MHP Bill to continue to do what they have done safely for years. The NJACCA then try's to play off their power grab as a public safety issue. Wow!



Your trade association relies on your support – please make a donation to MAHPBA and help us fight the Hearth Issue In New Jersey

To Contribute Call:
Diane Rossi, MAHPBA Executive Director
603) 669-2744 – Ext. 101

What MAHPBA Would Like You To Do

Protect Your Business

*Protect your business from the overreaching hand of government regulation by **teaming up** with **and supporting** the efforts of MAHPBA's Government Affairs Team.*

Secure Your Future

*If we are to secure our future, we need to **unite** and speak with **one voice**.*

Promote Your Trade

*Please help promote your trade and your business by **Maintaining Your Membership** in MAHPBA and if you are not a member, **Become One!***

Together, We can do so much more!

MAHPBA cannot do this alone, we need your help & financial support!



**We cannot allow the HVACR to hijack our industry.
Let's unite and fight together with one voice.**

If you have questions please do not hesitate to call:

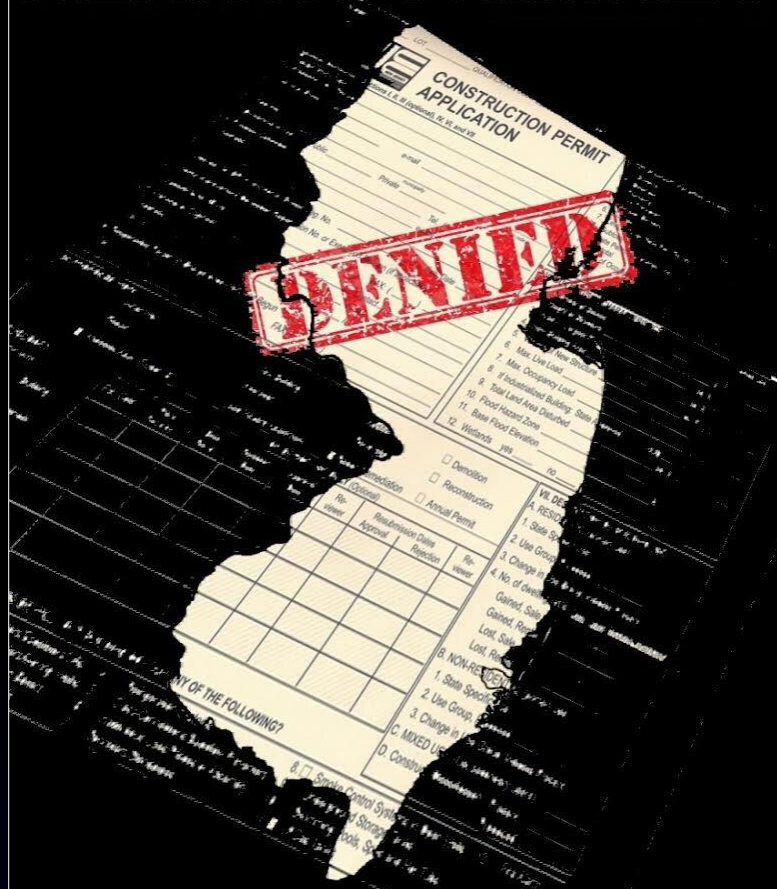
Ron Kessner - (609) 276-1022

MAHPBA Government Affairs Chair

or email ron@fireplacesonline.com

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