

[First Reprint]

ASSEMBLY, No. 4226

STATE OF NEW JERSEY
221st LEGISLATURE

INTRODUCED MAY 2, 2024

Sponsored by:

Assemblyman BENJIE E. WIMBERLY

District 35 (Bergen and Passaic)

Assemblywoman SHAVONDA E. SUMTER

District 35 (Bergen and Passaic)

SYNOPSIS

Modifies requirements for certain projects under Economic Redevelopment and Growth Grant program.

CURRENT VERSION OF TEXT

As reported by the Assembly Commerce, Economic Development and Agriculture Committee on May 13, 2024, with amendments.



(Sponsorship Updated As Of: 6/28/2024)

1 AN ACT concerning the Economic Redevelopment and Growth
2 Grant program and amending P.L.2009, c.90 and P.L.2022, c.75.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. Section 3 of P.L.2009, c.90 (C.52:27D-489c) is amended to
8 read as follows:

9 3. As used in sections 3 through 18 of P.L.2009, c.90
10 (C.52:27D-489c et al.):

11 "Applicant" means a developer proposing to enter into a
12 redevelopment incentive grant agreement.

13 "Ancillary infrastructure project" means structures or
14 improvements that are located within the incentive area but outside
15 the project area of a redevelopment project, including, but not
16 limited to, docks, bulkheads, parking garages, public electric
17 vehicle charging stations, freight rail spurs, roadway overpasses,
18 and train station platforms, provided a developer or municipal
19 redeveloper has demonstrated that the redevelopment project would
20 not be economically viable or promote the use of public
21 transportation without such improvements, as approved by the State
22 Treasurer.

23 "Authority" means the New Jersey Economic Development
24 Authority established under section 4 of P.L.1974, c.80 (C.34:1B-
25 4).

26 "Aviation district" means all areas within the boundaries of the
27 "Atlantic City International Airport," established pursuant to section
28 24 of P.L.1991, c.252 (C.27:25A-24), and the Federal Aviation
29 Administration William J. Hughes Technical Center and the area
30 within a one-mile radius of the outermost boundary of the "Atlantic
31 City International Airport" and the Federal Aviation Administration
32 William J. Hughes Technical Center.

33 "Deep poverty pocket" means a population census tract having a
34 poverty level of 20 percent or more, and which is located within the
35 incentive area and has been determined by the authority to be an
36 area appropriate for development and in need of economic
37 development incentive assistance.

38 "Developer" means any person who enters or proposes to enter
39 into a redevelopment incentive grant agreement pursuant to the
40 provisions of section 9 of P.L.2009, c.90 (C.52:27D-489i), or its
41 successors or assignees, including but not limited to a lender that
42 completes a redevelopment project, operates a redevelopment
43 project, or completes and operates a redevelopment project. A
44 developer also may be a municipal redeveloper as defined herein or
45 Rutgers, the State University of New Jersey.

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:

¹Assembly ACE committee amendments adopted May 13, 2024.

1 "Director" means the Director of the Division of Taxation in the
2 Department of the Treasury.

3 "Disaster recovery project" means a redevelopment project
4 located on property that has been wholly or substantially damaged
5 or destroyed as a result of a federally-declared disaster, and which
6 is located within the incentive area and has been determined by the
7 authority to be in an area appropriate for development and in need
8 of economic development incentive assistance.

9 "Distressed municipality" means a municipality that is qualified
10 to receive assistance under P.L.1978, c.14 (C.52:27D-178 et seq.), a
11 municipality under the supervision of the Local Finance Board
12 pursuant to the provisions of the "Local Government Supervision
13 Act (1947)," P.L.1947, c.151 (C.52:27BB-1 et seq.), a municipality
14 identified by the Director of the Division of Local Government
15 Services in the Department of Community Affairs to be facing
16 serious fiscal distress, a SDA municipality, or a municipality in
17 which a major rail station is located.

18 "Electric vehicle charging station" means an electric component
19 assembly or cluster of component assemblies designed specifically
20 to charge batteries within electric vehicles by permitting the transfer
21 of electric energy to a battery or other storage device in an electric
22 vehicle.

23 "Eligibility period" means the period of time specified in a
24 redevelopment incentive grant agreement for the payment of
25 reimbursements to a developer, which period shall not exceed 20
26 years, with the term to be determined solely at the discretion of the
27 applicant.

28 "Eligible revenue" means the property tax increment and any
29 other incremental revenues set forth in section 11 of P.L.2009, c.90
30 (C.52:27D-489k), except in the case of a Garden State Growth
31 Zone, in which the property tax increment and any other
32 incremental revenues are calculated as those incremental revenues
33 that would have existed notwithstanding the provisions of the "New
34 Jersey Economic Opportunity Act of 2013," P.L.2013, c.161
35 (C.52:27D-489p et al.).

36 "Garden State Growth Zone" or "growth zone" means the four
37 New Jersey cities with the lowest median family income based on
38 the 2009 American Community Survey from the US Census, (Table
39 708. Household, Family, and Per Capita Income and Individuals,
40 and Families Below Poverty Level by City: 2009); a municipality
41 which contains a Tourism District as established pursuant to section
42 5 of P.L.2011, c.18 (C.5:12-219) and regulated by the Casino
43 Reinvestment Development Authority; or an aviation district.

44 "Highlands development credit receiving area or redevelopment
45 area" means an area located within an incentive area and designated
46 by the Highlands Council for the receipt of Highlands Development
47 Credits under the Highlands Transfer Development Rights Program
48 authorized under section 13 of P.L.2004, c.120 (C.13:20-13).

1 "Incentive grant" means reimbursement of all or a portion of the
2 project financing gap of a redevelopment project through the State
3 or a local Economic Redevelopment and Growth Grant program
4 pursuant to section 4 or section 5 of P.L.2009, c.90 (C.52:27D-489d
5 or C.52:27D-489e).

6 "Infrastructure improvements in the public right-of-way" mean
7 public structures or improvements, including public electric vehicle
8 charging stations, located in the public right-of-way that are located
9 within a project area or that constitute an ancillary infrastructure
10 project, either of which are dedicated to or owned by a
11 governmental body or agency upon completion, or any required
12 payment in lieu of the structures, improvements or projects, or any
13 costs of remediation associated with the structures, improvements
14 or projects, and that are determined by the authority, in consultation
15 with applicable State agencies, to be consistent with and in
16 furtherance of State public infrastructure objectives and initiatives.

17 "Low-income housing" means housing affordable according to
18 federal Department of Housing and Urban Development or other
19 recognized standards for home ownership and rental costs and
20 occupied or reserved for occupancy by households with a gross
21 household income equal to 50 percent or less of the median gross
22 household income for households of the same size within the
23 housing region in which the housing is located.

24 "Major rail station" means a railroad station located within a
25 qualified incentive area which provides access to the public to a
26 minimum of six rail passenger service lines operated by the New
27 Jersey Transit Corporation.

28 "Mixed use parking project" means a redevelopment project, the
29 parking component of which shall constitute 51 percent or more of
30 any of the following:

- 31 a. the total square footage of the entire mixed use parking
32 project;
- 33 b. the estimated revenues of the entire mixed use parking
34 project; or
- 35 c. the total construction cost of the entire mixed use parking
36 project.

37 "Moderate-income housing" means housing affordable,
38 according to United States Department of Housing and Urban
39 Development or other recognized standards for home ownership
40 and rental costs, and occupied or reserved for occupancy by
41 households with a gross household income equal to more than 50
42 percent but less than 80 percent of the median gross household
43 income for households of the same size within the housing region in
44 which the housing is located.

45 "Municipal redeveloper" means an applicant for a redevelopment
46 incentive grant agreement, which applicant is:

1 a. a municipal government, a municipal parking authority, or a
2 redevelopment agency acting on behalf of a municipal government
3 as defined in section 3 of P.L.1992, c.79 (C.40A:12A-3); or

4 b. a developer of a mixed use parking project, provided that the
5 parking component of the mixed use parking project is operated and
6 maintained by a municipal parking authority for the term of any
7 financial assistance granted pursuant to P.L.2015, c.69.

8 "Municipal Revitalization Index" means the 2007 index by the
9 Office of Planning Advocacy within the Department of State
10 measuring or ranking municipal distress.

11 "Non-parking component" means that portion of a mixed use
12 parking project not used for parking, together with the portion of
13 the costs of the mixed use parking project, including but not limited
14 to the footings, foundations, site work, infrastructure, and soft costs
15 that are allocable to the non-parking use.

16 "Parking component" means that portion of a mixed use parking
17 project used for parking, together with the portion of the costs of
18 the mixed use parking project, including but not limited to the
19 footings, foundations, site work, infrastructure, and soft costs that
20 are allocable to the parking use. The parking component, which
21 may include enclosed pedestrian walkways or a skybridge, may be
22 in the same structure as all the non-parking components or may be
23 in a structure with some non-parking components with the
24 remaining non-parking components in an adjacent or nearby
25 structure that is no more than one third of a mile from the parking
26 components.

27 "Project area" means land or lands located within the incentive
28 area under common ownership or control including through a
29 redevelopment agreement with a municipality, or as otherwise
30 established by a municipality or a redevelopment agreement
31 executed by a State entity to implement a redevelopment project.

32 "Project cost" means the costs incurred in connection with the
33 redevelopment project by the developer until the issuance of a
34 permanent certificate of occupancy, or until such other time
35 specified by the authority, for a specific investment or
36 improvement, including the costs relating to: receiving Highlands
37 Development Credits under the Highlands Transfer Development
38 Rights Program authorized pursuant to section 13 of P.L.2004,
39 c.120 (C.13:20-13), lands, buildings, improvements, real or
40 personal property, or any interest therein, including leases
41 discounted to present value, including lands under water, riparian
42 rights, space rights and air rights acquired, owned, developed or
43 redeveloped, constructed, reconstructed, rehabilitated or improved,
44 and any environmental remediation costs], plus costs not directly
45 related to construction, of an amount not to exceed 20 percent of the
46 total costs], capitalized interest paid to third parties, which for
47 purposes of this definition shall be deemed to be costs directly
48 related to construction, the funding of a debt service reserve fund,

1 **[and]** the cost of infrastructure improvements, including ancillary
2 infrastructure projects, and an amount not to exceed 20 percent of
3 the total project cost for costs not directly related to construction,
4 and, for projects located in a Garden State Growth Zone only, the
5 cost of infrastructure improvements, including any ancillary
6 infrastructure project and the amount by which total project cost
7 exceeds the cost of an alternative location for the redevelopment
8 project, but excluding any particular costs for which the project has
9 received federal, State, or local funding. In the case of a mixed use
10 parking project that is undertaken by a municipal redeveloper and
11 that did not commence construction before the declaration of the
12 COVID-19 public health emergency on March 9, 2020, project
13 costs may include, in the discretion of the chief executive officer of
14 the authority consistent with applicable law, the cost or value of
15 land, demolition, and equity contributions, as well as any particular
16 costs for which the project has received State or local funding.

17 "Project financing gap" means:

18 a. the part of the total project cost, including return on
19 investment, that remains to be financed after all other sources of
20 capital have been accounted for, including, but not limited to,
21 developer-contributed capital, which shall not be less than 20
22 percent of the total project cost, which may include the value of any
23 existing land and improvements in the project area owned or
24 controlled by the developer, and the cost of infrastructure
25 improvements in the public right-of-way, subject to review by the
26 State Treasurer, and investor or financial entity capital or loans for
27 which the developer, after making all good faith efforts to raise
28 additional capital, certifies that additional capital cannot be raised
29 from other sources on a non-recourse basis; and

30 b. the amount by which total project cost exceeds the cost of an
31 alternative location for the out-of-State redevelopment project.

32 "Project revenue" means all rents, fees, sales, and payments
33 generated by a project, less taxes or other government payments.

34 "Property tax increment" means the amount obtained by:

35 a. multiplying the general tax rate levied each year by the
36 taxable value of all the property assessed within a project area in
37 the same year, excluding any special assessments; and

38 b. multiplying that product by a fraction having a numerator
39 equal to the taxable value of all the property assessed within the
40 project area, minus the property tax increment base, and having a
41 denominator equal to the taxable value of all property assessed
42 within the project area.

43 For the purpose of this definition, "property tax increment base"
44 means the aggregate taxable value of all property assessed which is
45 located within the redevelopment project area as of October 1st of
46 the year preceding the year in which the redevelopment incentive
47 grant agreement is authorized.

1 "Public electric vehicle charging station" means an electric
2 vehicle charging station located at a publicly available parking
3 space.

4 "Public hydrogen fueling station" means publicly available
5 equipment to store and dispense hydrogen fuel to vehicles
6 according to industry codes and standards.

7 "Publicly available parking space" means a parking space that is
8 available to, and accessible by, the public and may include on-street
9 parking spaces and parking spaces in surface lots or parking
10 garages, but shall not include: a parking space that is part of, or
11 associated with, a private residence; or a parking space that is
12 reserved for the exclusive use of an individual driver or vehicle or
13 for a group of drivers or vehicles, such as employees, tenants,
14 visitors, residents of a common interest development, or residents
15 of an adjacent building.

16 "Qualified incubator facility" means a commercial building
17 located within an incentive area: which contains 100,000 or more
18 square feet of office, laboratory, or industrial space; which is
19 located near, and presents opportunities for collaboration with, a
20 research institution, teaching hospital, college, or university; and
21 within which, at least 75 percent of the gross leasable area is
22 restricted for use by one or more technology startup companies
23 during the commitment period.

24 "Qualified residential project" means a redevelopment project
25 that is predominantly residential and includes multi-family
26 residential units for purchase or lease, or dormitory units for
27 purchase or lease, having a total project cost of at least
28 \$17,500,000, if the project is located in any municipality with a
29 population greater than 200,000 according to the latest federal
30 decennial census, or having a total project cost of at least
31 \$10,000,000 if the project is located in any municipality with a
32 population less than 200,000 according to the latest federal
33 decennial census, or is a disaster recovery project, or having a total
34 project cost of \$5,000,000 if the project is in a Garden State Growth
35 Zone.

36 "Qualifying economic redevelopment and growth grant incentive
37 area" or "incentive area" means:

- 38 a. an aviation district;
- 39 b. a port district;
- 40 c. a distressed municipality; or
- 41 d. an area (1) designated pursuant to the "State Planning Act,"
42 P.L.1985, c.398 (C.52:18A-196 et seq.), as:
 - 43 (a) Planning Area 1 (Metropolitan);
 - 44 (b) Planning Area 2 (Suburban); or
 - 45 (c) Planning Area 3 (Fringe Planning Area);
- 46 (2) located within a smart growth area and planning area
47 designated in a master plan adopted by the New Jersey
48 Meadowlands Commission pursuant to subsection (i) of section 6 of

- 1 P.L.1968, c.404 (C.13:17-6) or subject to a redevelopment plan
2 adopted by the New Jersey Meadowlands Commission pursuant to
3 section 20 of P.L.1968, c.404 (C.13:17-21);
- 4 (3) located within any land owned by the New Jersey Sports and
5 Exposition Authority, established pursuant to P.L.1971, c.137
6 (C.5:10-1 et seq.), within the boundaries of the Hackensack
7 Meadowlands District as delineated in section 4 of P.L.1968, c.404
8 (C.13:17-4);
- 9 (4) located within a regional growth area, rural development
10 area zoned for industrial use as of the effective date of P.L.2016,
11 c.75, town, village, or a military and federal installation area
12 designated in the comprehensive management plan prepared and
13 adopted by the Pinelands Commission pursuant to the "Pinelands
14 Protection Act," P.L.1979, c.111 (C.13:18A-1 et seq.);
- 15 (5) located within the planning area of the Highlands Region as
16 defined in section 3 of P.L.2004, c.120 (C.13:20-3) or in a
17 highlands development credit receiving area or redevelopment area;
- 18 (6) located within a Garden State Growth Zone;
- 19 (7) located within land approved for closure under any federal
20 Base Closure and Realignment Commission action; or
- 21 (8) located only within the following portions of the areas
22 designated pursuant to the "State Planning Act," P.L.1985, c.398
23 (C.52:18A-196 et al.), as Planning Area 4A (Rural Planning Area),
24 Planning Area 4B (Rural/Environmentally Sensitive) or Planning
25 Area 5 (Environmentally Sensitive) if Planning Area 4A (Rural
26 Planning Area), Planning Area 4B (Rural/Environmentally
27 Sensitive) or Planning Area 5 (Environmentally Sensitive) is
28 located within:
- 29 (a) a designated center under the State Development and
30 Redevelopment Plan;
- 31 (b) a designated growth center in an endorsed plan until the
32 State Planning Commission revises and readopts New Jersey's State
33 Strategic Plan and adopts regulations to revise this definition as it
34 pertains to Statewide planning areas;
- 35 (c) any area determined to be in need of redevelopment pursuant
36 to sections 5 and 6 of P.L.1992, c.79 (C.40A:12A-5 and
37 C.40A:12A-6) or in need of rehabilitation pursuant to section 14 of
38 P.L.1992, c.79 (C.40A:12A-14);
- 39 (d) any area on which a structure exists or previously existed
40 including any desired expansion of the footprint of the existing or
41 previously existing structure provided the expansion otherwise
42 complies with all applicable federal, State, county, and local
43 permits and approvals;
- 44 (e) the planning area of the Highlands Region as defined in
45 section 3 of P.L.2004, c.120 (C.13:20-3) or a highlands
46 development credit receiving area or redevelopment area; or
- 47 (f) any area on which an existing tourism destination project is
48 located.

1 "Qualifying economic redevelopment and growth grant incentive
2 area" or "incentive area" shall not include any property located
3 within the preservation area of the Highlands Region as defined in
4 the "Highlands Water Protection and Planning Act," P.L.2004,
5 c.120 (C.13:20-1 et al.).

6 "Redevelopment incentive grant agreement" means an agreement
7 between:

8 a. the State and the New Jersey Economic Development
9 Authority and a developer; or

10 b. a municipality and a developer, or a municipal ordinance
11 authorizing a project to be undertaken by a municipal redeveloper,
12 under which, in exchange for the proceeds of an incentive grant, the
13 developer agrees to perform any work or undertaking necessary for
14 a redevelopment project, including the clearance, development or
15 redevelopment, construction, or rehabilitation of any structure or
16 improvement of commercial, industrial, residential, or public
17 structures or improvements within a qualifying economic
18 redevelopment and growth grant incentive area or a transit village.

19 "Redevelopment project" means a specific construction project
20 or improvement, including lands, buildings, improvements, real and
21 personal property or any interest therein, including lands under
22 water, riparian rights, space rights and air rights, acquired, owned,
23 leased, developed or redeveloped, constructed, reconstructed,
24 rehabilitated or improved, undertaken by a developer, owner or
25 tenant, or both, within a project area and any ancillary infrastructure
26 project including infrastructure improvements in the public right-of-
27 way, as set forth in an application to be made to the authority. The
28 use of the term "redevelopment project" in sections 3 through 18 of
29 P.L.2009, c.90 (C.52:27D-489c et al.) shall not be limited to only
30 redevelopment projects located in areas determined to be in need of
31 redevelopment pursuant to sections 5 and 6 of P.L.1992, c.79
32 (C.40A:12A-5 and C.40A:12A-6) but shall also include, but not be
33 limited to, any work or undertaking in accordance with the
34 "Redevelopment Area Bond Financing Law," sections 1 through 10
35 of P.L.2001, c.310 (C.40A:12A-64 et seq.) or other applicable law,
36 pursuant to a redevelopment plan adopted by a State entity, or as
37 described in the resolution adopted by a public entity created by
38 State law with the power to adopt a redevelopment plan or
39 otherwise determine the location, type and character of a
40 redevelopment project or part of a redevelopment project on land
41 owned or controlled by it or within its jurisdiction, including but
42 not limited to, the New Jersey Meadowlands Commission
43 established pursuant to P.L.1968, c.404 (C.13:17-1 et seq.), the
44 New Jersey Sports and Exposition Authority established pursuant to
45 P.L.1971 c.137 (C.5:10-1 et seq.) and the Fort Monmouth
46 Economic Revitalization Authority created pursuant to P.L.2010,
47 c.51 (C.52:27I-18 et seq.). A redevelopment project may include

1 the development of zero-emission vehicle fueling and charging
2 infrastructure.

3 "Redevelopment utility" means a self-liquidating fund created by
4 a municipality pursuant to section 12 of P.L.2009, c.90 (C.52:27D-
5 4891) to account for revenues collected and incentive grants paid
6 pursuant to section 11 of P.L.2009, c.90 (C.52:27D-489k), or other
7 revenues dedicated to a redevelopment project.

8 "Revenue increment base" means the amounts of all eligible
9 revenues from sources within the redevelopment project area in the
10 calendar year proceeding the year in which the redevelopment
11 incentive grant agreement is executed, as certified by the State
12 Treasurer for State revenues, and the chief financial officer of the
13 municipality for municipal revenues.

14 "SDA district" means an SDA district as defined in section 3 of
15 P.L.2000, c.72 (C.18A:7G-3).

16 "SDA municipality" means a municipality in which an SDA
17 district is situated.

18 "Technology startup company" means a for profit business that
19 has been in operation fewer than five years and is developing or
20 possesses a proprietary technology or business method of a high-
21 technology or life science-related product, process, or service which
22 the business intends to move to commercialization.

23 "Tourism destination project" means a redevelopment project
24 that will be among the most visited privately owned or operated
25 tourism or recreation sites in the State, and which is located within
26 the incentive area and has been determined by the authority to be in
27 an area appropriate for development and in need of economic
28 development incentive assistance.

29 "Transit project" means a redevelopment project located within a
30 1/2-mile radius, or one-mile radius for projects located in a Garden
31 State Growth Zone, surrounding the mid-point of a New Jersey
32 Transit Corporation, Port Authority Transit Corporation, or Port
33 Authority Trans-Hudson Corporation rail, bus, or ferry station
34 platform area, including all light rail stations.

35 "Transit village" means a community with a bus, train, light rail,
36 or ferry station that has developed a plan to achieve its economic
37 development and revitalization goals and has been designated by
38 the New Jersey Department of Transportation as a transit village.

39 "University infrastructure" means any of the following located
40 on the campus of Rutgers, the State University of New Jersey:

41 a. buildings and structures, such as academic buildings,
42 recreation centers, indoor athletic facilities, public works garages,
43 and water and sewer treatment and pumping facilities;

44 b. open space with improvements, such as athletic fields and
45 other outdoor athletic facilities, planned commons, and parks; and

46 c. transportation facilities, such as bus shelters and parking
47 facilities.

1 "Urban transit hub" means an urban transit hub, as defined in
2 section 2 of P.L.2007, c.346 (C.34:1B-208), that is located within
3 an eligible municipality, as defined in section 2 of P.L.2007, c.346
4 (C.34:1B-208), or all light rail stations and property located within
5 a one-mile radius of the mid-point of the platform area of such a
6 rail, bus, or ferry station if the property is in a qualified
7 municipality under the "Municipal Rehabilitation and Economic
8 Recovery Act," P.L.2002, c.43 (C.52:27BBB-1 et al.).

9 "Vacant commercial building" means any commercial building
10 or complex of commercial buildings having over 400,000 square
11 feet of office, laboratory, or industrial space that is more than 70
12 percent unoccupied at the time of application to the authority or is
13 negatively impacted by the approval of a "qualified business
14 facility," as defined pursuant to section 2 of P.L.2007, c.346
15 (C.34:1B-208), or any vacant commercial building in a Garden
16 State Growth Zone having over 35,000 square feet of office,
17 laboratory, or industrial space, or over 200,000 square feet of
18 office, laboratory, or industrial space in Atlantic, Burlington,
19 Camden, Cape May, Cumberland, Gloucester, Ocean, or Salem
20 counties available for occupancy for a period of over one year.

21 "Vacant health facility project" means a redevelopment project
22 where a health facility, as defined by section 2 of P.L.1971, c.136
23 (C.26:2H-2), currently exists and is considered vacant. A health
24 facility shall be considered vacant if at least 70 percent of that
25 facility has not been open to the public or utilized to serve any
26 patients at the time of application to the authority.

27 "Zero-emission vehicle" means a vehicle certified as a zero
28 emission vehicle pursuant to the California Air Resources Board
29 zero emission vehicle standards for the applicable model year,
30 including but not limited to, battery electric-powered vehicles and
31 hydrogen fuel cell vehicles.

32 "Zero-emission vehicle fueling and charging infrastructure"
33 means infrastructure to charge or fuel zero-emission vehicles,
34 including but not limited to, public electric vehicle charging
35 stations and public hydrogen fueling stations.

36 (cf: P.L.2022, c.75, s.1)

37

38 2. Section 6 of P.L.2009, c.90 (C.52:27D-489f) is amended to
39 read as follows:

40 6. a. Up to the limits established in subsection b. of this section
41 and in accordance with a redevelopment incentive grant agreement,
42 beginning upon the receipt of occupancy permits for any portion of
43 the redevelopment project, or upon any other event evidencing
44 project completion as set forth in the incentive grant agreement, the
45 State Treasurer shall pay to the developer incremental State
46 revenues directly realized from businesses operating at the site of
47 the redevelopment project from the following taxes: the Corporation
48 Business Tax Act (1945), P.L.1945, c.162 (C.54:10A-1 et seq.), the

1 tax imposed on marine insurance companies pursuant to R.S.54:16-
2 1 et seq., the tax imposed on insurers generally, pursuant to
3 P.L.1945, c.132 (C.54:18A-1 et seq.), the public utility franchise
4 tax, public utilities gross receipts tax and public utility excise tax
5 imposed on sewerage and water corporations pursuant to P.L.1940,
6 c.5 (C.54:30A-49 et seq.), those tariffs and charges imposed by
7 electric, natural gas, telecommunications, water and sewage
8 utilities, and cable television companies under the jurisdiction of
9 the New Jersey Board of Public Utilities, or comparable entity,
10 except for those tariffs, fees, or taxes related to societal benefits
11 charges assessed pursuant to section 12 of P.L.1999, c.23 (C.48:3-
12 60), any charges paid for compliance with the "Global Warming
13 Response Act," P.L.2007, c.112 (C.26:2C-37 et seq.), transitional
14 energy facility assessment unit taxes paid pursuant to section 67 of
15 P.L.1997, c.162 (C.48:2-21.34), and the sales and use taxes on
16 public utility and cable television services and commodities, the tax
17 derived from net profits from business, a distributive share of
18 partnership income, or a pro rata share of S corporation income
19 under the "New Jersey Gross Income Tax Act," N.J.S.54A:1-1 et
20 seq., the tax derived from a business at the site of a redevelopment
21 project that is required to collect the tax pursuant to the "Sales and
22 Use Tax Act," P.L.1966, c.30 (C.54:32B-1 et seq.), the tax imposed
23 pursuant to P.L.1966, c.30 (C.54:32B-1 et seq.) from the purchase
24 of furniture, fixtures and equipment, or materials for the
25 remediation, the construction of new structures at the site of a
26 redevelopment project, the hotel and motel occupancy fee imposed
27 pursuant to section 1 of P.L.2003, c.114 (C.54:32D-1), or the
28 portion of the fee imposed pursuant to section 3 of P.L.1968, c.49
29 (C.46:15-7) derived from the sale of real property at the site of the
30 redevelopment project and paid to the State Treasurer for use by the
31 State, that is not credited to the "Shore Protection Fund" or the
32 "Neighborhood Preservation Nonlapsing Revolving Fund" ("New
33 Jersey Affordable Housing Trust Fund") pursuant to section 4 of
34 P.L.1968, c.49 (C.46:15-8). Any developer shall be allowed to
35 assign their ability to apply for the tax credit under this subsection
36 to a non-profit organization with a mission dedicated to attracting
37 investment and completing development and redevelopment
38 projects in a Garden State Growth Zone. The non-profit
39 organization may make an application on behalf of a developer
40 which meets the requirements for the tax credit, or a group of non-
41 qualifying developers, such that these will be considered a unified
42 project for the purposes of the incentives provided under this
43 section.

44 b. (1) (a) Up to an average of 75 percent of the projected
45 annual incremental revenues or 85 percent of the projected annual
46 incremental revenues in a Garden State Growth Zone may be
47 pledged towards the State portion of an incentive grant.

1 (b) State incentive grants not to exceed an aggregate total value
2 of \$75,000,000 shall be made available by the authority for
3 applications submitted after the effective date of P.L.2020, c.156,
4 but prior to December 31, 2021, for projects that are predominantly
5 commercial and contain 100,000 or more square feet of office and
6 retail space, or industrial space for purchase or lease, and may
7 include a parking component. The developer of a project seeking
8 an award of credits for a project restricted under this subparagraph
9 shall submit an incentive grant application prior to December 31,
10 2021, and if approved after the effective date of P.L.2020, c.156,
11 shall submit a temporary certificate of occupancy for the project no
12 later than December 31, 2024. In addition to the requirements for
13 an incentive award set forth in P.L.2009, c.90 (C.52:27D-489a et
14 al.), a developer shall be eligible to receive an award of credits for a
15 project restricted under this subparagraph only if the developer
16 demonstrates to the authority at that time of application that: (i) the
17 project shall comply with minimum environmental and
18 sustainability standards; (ii) the project shall comply with the
19 authority's affirmative action requirements, adopted pursuant to
20 section 4 of P.L.1979, c.303 (C.34:1B-5.4); (iii) each worker
21 employed by the developer, or subcontractor of a developer
22 working at the project, shall be paid not less than \$15 per hour or
23 120 percent of the minimum wage fixed under subsection a. of
24 section 5 of P.L.1966, c.113 (C.34:11-56a4), whichever is higher;
25 and (iv) during the eligibility period, each worker employed to
26 perform construction work or building services work at the project
27 shall be paid not less than the prevailing wage rate for the worker's
28 craft or trade, as determined by the Commissioner of Labor and
29 Workforce Development pursuant to P.L.1963, c.150 (C.34:11-
30 56.25 et seq.) and P.L.2005, c.379 (C.34:11-56.58 et seq.).

31 (2) In the case of a qualified residential project or a project
32 involving university infrastructure, if the authority determines that
33 the estimated amount of incremental revenues pledged towards the
34 State portion of an incentive grant is inadequate to fully fund the
35 amount of the State portion of the incentive grant, then in lieu of an
36 incentive grant based on the incremental revenues, the developer
37 shall be awarded tax credits equal to the full amount of the
38 incentive grant.

39 (3) In the case of a mixed use parking project, if the authority
40 determines that the estimated amount of incremental revenues
41 pledged towards the State portion of an incentive grant is
42 inadequate to fully fund the amount of the State portion of the
43 incentive grant, then, in lieu of an incentive grant based on the
44 incremental revenues, the developer shall be awarded tax credits
45 equal to the full amount of the incentive grant.

46 The value of all credits approved by the authority pursuant to
47 paragraphs (2) and (3) of this subsection shall not exceed
48 \$993,000,000, of which:

1 (a) \$250,000,000 shall be restricted to qualified residential
2 projects within Atlantic, Burlington, Camden, Cape May,
3 Cumberland, Gloucester, Ocean, and Salem counties, of which
4 \$175,000,000 of the credits shall be restricted to the following
5 categories of projects: (i) qualified residential projects located in a
6 Garden State Growth Zone located within the aforementioned
7 counties; and (ii) mixed use parking projects located in a Garden
8 State Growth Zone or urban transit hub located within the
9 aforementioned counties; (iii) and \$75,000,000 of the credits shall
10 be restricted to qualified residential projects in municipalities with a
11 2007 Municipal Revitalization Index of 400 or higher as of the date
12 of enactment of the "New Jersey Economic Opportunity Act of
13 2013," P.L.2013, c.161 (C.52:27D-489p et al.) and located within
14 the aforementioned counties;

15 (b) \$440,000,000 shall be restricted to the following categories
16 of projects: (i) qualified residential projects located in urban transit
17 hubs that are commuter rail in nature that otherwise do not qualify
18 under subparagraph (a) of this paragraph; (ii) qualified residential
19 projects located in Garden State Growth Zones that do not qualify
20 under subparagraph (a) of this paragraph; (iii) mixed use parking
21 projects located in urban transit hubs or Garden State Growth Zones
22 that do not qualify under subparagraph (a) of this paragraph,
23 provided however, an urban transit hub shall be allocated no more
24 than \$25,000,000 for mixed use parking projects; (iv) qualified
25 residential projects which are disaster recovery projects that
26 otherwise do not qualify under subparagraph (a) of this paragraph;
27 (v) qualified residential projects in SDA municipalities located in
28 Hudson County that were awarded State Aid in State Fiscal Year
29 2013 through the Transitional Aid to Localities program and
30 otherwise do not qualify under subparagraph (a) of this paragraph;
31 (vi) \$25,000,000 of credits shall be restricted to mixed use parking
32 projects in Garden State Growth Zones which have a population in
33 excess of 125,000 and do not qualify under subparagraph (a) of this
34 paragraph; (vii) \$40,000,000 of credits shall be restricted to
35 qualified residential projects that include a theater venue for the
36 performing arts and do not qualify under subparagraph (a) of this
37 paragraph, which projects are located in a municipality with a
38 population of less than 100,000 according to the latest federal
39 decennial census, and within which municipality is located an urban
40 transit hub and a campus of a public research university, as defined
41 in section 1 of P.L.2009, c.308 (C.18A:3B-46); and (viii)
42 \$150,000,000 of credits shall be restricted to qualified residential
43 projects and mixed use parking projects in Garden State Growth
44 Zones having a population in excess of 125,000 and do not qualify
45 under subparagraph (a) of this paragraph;

46 (c) \$87,000,000 shall be restricted to the following categories of
47 projects: (i) qualified residential projects located in distressed
48 municipalities, deep poverty pockets, highlands development credit

1 receiving areas or redevelopment areas, otherwise not qualifying
2 pursuant to subparagraph (a) or (b) of this paragraph; and (ii) mixed
3 use parking projects that do not qualify under subparagraph (a) or
4 (b) of this paragraph, and which are used by an independent
5 institution of higher education, a school of medicine, a nonprofit
6 hospital system, or any combination thereof; provided, however,
7 that \$20,000,000 of the \$87,000,000 shall be allocated to mixed use
8 parking projects that do not qualify under subparagraph (a) or (b) of
9 this paragraph;

10 (d) (i) \$16,000,000 shall be restricted to qualified residential
11 projects that are located within a qualifying economic
12 redevelopment and growth grant incentive area otherwise not
13 qualifying under subparagraph (a), (b), or (c) of this paragraph; and

14 (ii) an additional \$50,000,000 shall be restricted to qualified
15 residential projects which, as of the effective date of P.L.2016, c.51,
16 are located in a city of the first class with a population in excess of
17 270,000, are subject to a Renewal Contract for a Section 8 Mark-
18 Up-To-Market Project from the United States Department of
19 Housing and Urban Development, and for which an application for
20 the award of tax credits under this subsection was submitted prior to
21 January 1, 2016;

22 (e) \$25,000,000 shall be restricted to projects involving
23 university infrastructure; and

24 (f) (Deleted by amendment, P.L.2021, c.160)

25 (g) \$125,000,000 shall be restricted to applications submitted
26 after the effective date of P.L.2020, c.156 (C.34:1B-269 et al.) for
27 residential projects in any county of the State.

28 (h) For subparagraphs (a) through (d) of this paragraph, not
29 more than \$40,000,000 of credits shall be awarded to any qualified
30 residential project in a deep poverty pocket or distressed
31 municipality and not more than \$20,000,000 of credits shall be
32 awarded to any other qualified residential project. The developer of
33 a qualified residential project seeking an award of credits towards
34 the funding of its incentive grant shall submit an incentive grant
35 application prior to July 1, 2016 and if approved after September
36 18, 2013, the effective date of P.L.2013, c.161 (C.52:27D-489p et
37 al.) shall submit a temporary certificate of occupancy for the project
38 no later than December 31, 2023. The developer of a mixed use
39 parking project seeking an award of credits towards the funding of
40 its incentive grant pursuant to subparagraph (c) of this paragraph
41 and if approved after the effective date of P.L.2015, c.217, shall
42 submit a temporary certificate of occupancy for the project no later
43 than December 31, 2023. The developer of a qualified residential
44 project or a mixed use parking project seeking an award of credits
45 toward the funding of its incentive grant for a project restricted
46 under categories (vi) and (viii) of subparagraph (b) of this
47 paragraph shall submit an incentive grant application prior to July
48 1, 2019 or, in the case of a project restricted under category (viii) of

1 subparagraph (b) of this paragraph, December 31, 2021, and if
2 approved after the effective date of P.L.2017, c.59, shall submit a
3 temporary certificate of occupancy for the project no later than June
4 30, ~~2026~~ 2028 provided that the municipality in which the project
5 is located shall have submitted to the chief executive officer of the
6 authority a letter of support identifying up to six projects prior to
7 July 1, 2018. The letter of support is to contain a project scope for
8 each of the projects and may be supplemented or amended from
9 time to time until July 1, 2019 or, in the case of a project restricted
10 under categories (vi) and (viii) of subparagraph (b) of this
11 paragraph, December 31, 2022. A developer may amend the
12 application, or assign the application to a municipal ¹[developer]
13 redeveloper¹, for a project restricted under categories (vi) and (viii)
14 of subparagraph (b) of this paragraph that is described in
15 subparagraph (c) of paragraph (2) of subsection b. of section 3 of
16 P.L.2022, c.75 (C.52:27D-489i1) by excluding the visitor center,
17 youth center, or both from the application, provided that the project
18 otherwise qualifies as a mixed use parking project, and,
19 notwithstanding any provisions of section 3 of P.L.2022, c.75
20 (C.52:27D-489i1) or any law or rule to the contrary, the maximum
21 amount of any redevelopment incentive grant for the modified
22 project shall be as set forth for projects described in subparagraph
23 (c) of paragraph (2) of subsection b. of section 3 of P.L.2022, c.75
24 (C.52:27D-489i1). Applications for tax credits pursuant to this
25 subsection relating to an ancillary infrastructure project or
26 infrastructure improvement in the public right-of-way, or both, shall
27 be accompanied with a letter of support relating to the project or
28 improvement by the governing body or agency in which the project
29 is located. Credits awarded to a developer pursuant to this
30 subsection shall be subject to the same financial and related analysis
31 by the authority, the same term of the grant, and the same
32 mechanism for administering the credits, and shall be utilized or
33 transferred by the developer as if the credits had been awarded to
34 the developer pursuant to section 35 of P.L.2009, c.90 (C.34:1B-
35 209.3) for qualified residential projects thereunder. No portion of
36 the revenues pledged pursuant to the "New Jersey Economic
37 Opportunity Act of 2013," P.L.2013, c.161 (C.52:27D-489p et al.)
38 shall be subject to withholding or retainage for adjustment, in the
39 event the developer or taxpayer waives its rights to claim a refund
40 thereof.

41 (i) The developer of a project seeking an award of credits for a
42 project restricted under subparagraph (g) of this paragraph shall
43 submit an incentive grant application prior to December 31, 2021,
44 and if approved after the effective date of P.L.2020, c.156
45 (C.34:1B-269 et al.), shall submit a temporary certificate of
46 occupancy for the project no later than December 31, 2024. In
47 addition to the requirements for an award of credits set forth in
48 P.L.2009, c.90 (C.52:27D-489a et al.), a developer shall be eligible

1 to receive an award of credits for a project restricted under
2 subparagraph (g) of this paragraph only if the developer
3 demonstrates to the authority at that time of application that: (i) the
4 project shall comply with minimum environmental and
5 sustainability standards; (ii) the project shall comply with the
6 authority's affirmative action requirements, adopted pursuant to
7 section 4 of P.L.1979, c.303 (C.34:1B-5.4); (iii) each worker
8 employed by the developer or subcontractor of a developer working
9 at the project shall be paid not less than \$15 per hour or 120 percent
10 of the minimum wage fixed under subsection a. of section 5 of
11 P.L.1966, c.113 (C.34:11-56a4), whichever is higher; and (iv)
12 during the eligibility period, each worker employed to perform
13 construction work or building services work at the project shall be
14 paid not less than the prevailing wage rate for the worker's craft or
15 trade, as determined by the Commissioner of Labor and Workforce
16 Development pursuant to P.L.1963, c.150 (C.34:11-56.25 et seq.)
17 and P.L.2005, c.379 (C.34:11-56.58 et seq.).

18 Prior to the board considering an application submitted by a
19 developer for a project restricted under subparagraph (g) of this
20 paragraph, the authority shall confirm with the Department of Labor
21 and Workforce Development, the Department of Environmental
22 Protection, and the Department of the Treasury whether the
23 developer is in substantial good standing with the respective
24 department, or has entered into an agreement with the respective
25 department that includes a practical corrective action plan for the
26 developer. The developer, or an authorized agent of the developer,
27 shall certify to the authority that all factual assertions made in the
28 developer's application are true under the penalty of perjury. If at
29 any time the authority determines that the developer made a
30 material misrepresentation on the developer's application, the
31 developer shall forfeit the award of credits and the authority shall
32 recapture any tax credits awarded to the developer.

33 (4) A developer may apply to the Director of the Division of
34 Taxation in the Department of the Treasury and the chief executive
35 officer of the authority for a tax credit transfer certificate, if the
36 developer is awarded a tax credit pursuant to paragraph (2) or
37 paragraph (3) of this subsection, covering one or more years, in lieu
38 of the developer being allowed any amount of the credit against the
39 tax liability of the developer. The tax credit transfer certificate,
40 upon receipt thereof by the developer from the director and the
41 chief executive officer of the authority, may be sold or assigned, in
42 full or in part, to any other person who may have a tax liability
43 pursuant to section 5 of P.L.1945, c.162 (C.54:10A-5), sections 2
44 and 3 of P.L.1945, c.132 (C.54:18A-2 and C.54:18A-3), section 1
45 of P.L.1950, c.231 (C.17:32-15), or N.J.S.17B:23-5. The certificate
46 provided to the developer shall include a statement waiving the
47 developer's right to claim that amount of the credit against the taxes
48 that the developer has elected to sell or assign. The sale or

1 assignment of any amount of a tax credit transfer certificate allowed
2 under this paragraph shall not be exchanged for consideration
3 received by the developer of less than 75 percent of the transferred
4 credit amount before considering any further discounting to present
5 value that may be permitted. Any amount of a tax credit transfer
6 certificate used by a purchaser or assignee against a tax liability
7 shall be subject to the same limitations and conditions that apply to
8 the use of the credit by the developer who originally applied for and
9 was allowed the credit.

10 c. All administrative costs associated with the incentive grant
11 shall be assessed to the applicant and be retained by the State
12 Treasurer from the annual incentive grant payments.

13 d. The incremental revenue for the revenues listed in
14 subsection a. of this section shall be calculated as the difference
15 between the amount collected in any fiscal year from any eligible
16 revenue source included in the State redevelopment incentive grant
17 agreement, less the revenue increment base for that eligible
18 revenue.

19 e. The municipality is authorized to collect any information
20 necessary to facilitate grants under this program and remit that
21 information in order to assist in the calculation of incremental
22 revenue.

23 (cf: P.L.2022, c.75, s.2)

24

25 3. Section 3 of P.L.2022, c.75 (C.52:27D-489i1) is amended to
26 read as follows:

27 3. Notwithstanding any provision of the "New Jersey Economic
28 Stimulus Act of 2009," P.L.2009, c.90 (C.52:27D-489a et al.) to the
29 contrary, the following provisions shall apply to a mixed use
30 parking project that is restricted under categories (vi) or (viii) of
31 subparagraph (b) of paragraph (3) of subsection b. of section 6 of
32 P.L.2009, c.90 (C.52:27D-489f) and undertaken by a municipal
33 redeveloper after the effective date of P.L.2022, c.75 (C.52:27D-
34 489i1 et al.), for which a redevelopment incentive grant is awarded:

35 a. A municipal redeveloper shall submit a temporary certificate
36 of occupancy for such proposed mixed use parking project no later
37 than June 30, **【2026】** 2028.

38 b. (1) Except as provided in paragraph (2) of this subsection, a
39 redevelopment incentive grant award shall be equal to 100 percent
40 of the total project costs allocated to the parking component of the
41 project and 40 percent of the total project costs allocated to the non-
42 parking component of a proposed mixed use parking project.

43 (2) A redevelopment incentive grant award shall be equal to 100
44 percent of the total project costs allocated to the parking component
45 of the project and 80 percent of the total project costs allocated to
46 the non-parking component of the mixed use parking project if the
47 mixed use parking project is:

1 (a) constructed upon all or a portion of a project site that was
2 previously the subject of an award of tax credits pursuant to the
3 "Urban Transit Hub Tax Credit Act," P.L.2007, c. 346 (C.34:1B-
4 207 et seq.) or the "New Jersey Economic Stimulus Act of 2009,"
5 P.L.2009, c. 90 (C.52:27D-489a et al.), but the tax credits were not
6 issued;

7 (b) an entertainment venue with seating capacity in excess of
8 5,000; or

9 (c) constructed to be utilized by a visitor center or youth center
10 within or adjacent to a national historic park.

11 c. The terms of any approval, granted by the authority, for a
12 proposed mixed use parking project undertaken by a municipal
13 redeveloper, which has not yet commenced construction activities
14 other than demolition or site work, may be modified to reflect the
15 terms established pursuant to P.L.2022, c.75 (C.52:27D-489i1 et
16 al.), upon application to the authority for review and approval;
17 provided, however, the developer shall not be required to pay any
18 fee that may be established under law or regulation related to the
19 application for modification. All dates of required action by a
20 municipal redeveloper contained in an approval, granted by the
21 authority, shall be automatically extended by the thirty-month
22 period corresponding to the temporary certificate of occupancy
23 submission date established by subsection a. of this section.

24 d. All proposed mixed use parking projects shall comply with
25 Leadership in Energy and Environmental Design (LEED) standards,
26 to the extent that the United States Green Building Council shall
27 have promulgated standards for the project type proposed.

28 (cf: P.L.2022, c.75, s.3)

29

30 4. This act shall take effect immediately.