ASSEMBLY, No. 5408

STATE OF NEW JERSEY

222nd LEGISLATURE

INTRODUCED SEPTEMBER 10, 2026

Sponsored by:
Assemblywoman MAUREEN ROWAN
District 2 (Atlantic)

SYNOPSIS

Authorizes EDA to provide financial assistance for certain projects related to Atlantic City Convention Center; requires impact study on anticipated effects of certain Meadowlands projects on Atlantic City Convention Center.

CURRENT VERSION OF TEXT

As introduced.

AN ACT concerning certain economic development projects, amending P.L.1974, c.80, and supplementing Title 34 of the Revised Statutes.

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

1. Section 5 of P.L.1974, c.80 (C.34:1B-5) is amended to read as follows:

5. The authority shall have the following powers:

a. To adopt bylaws for the regulation of its affairs and the conduct of its business;

b. To adopt and have a seal and to alter the same at pleasure;

c. To sue and be sued;

d. To acquire in the name of the authority by purchase or otherwise, on such terms and conditions and such manner as it may deem proper, or by the exercise of the power of eminent domain in the manner provided by the "Eminent Domain Act of 1971," P.L.1971, c.361 (C.20:3-1 et seq.), any lands or interests therein or other property which it may determine is reasonably necessary for any project; provided, however, that the authority in connection with any project shall not take by exercise of the power of eminent domain any real property except upon consent thereto given by resolution of the governing body of the municipality in which such real property is located; and provided further that the authority shall be limited in its exercise of the power of eminent domain in connection with any project in qualifying municipalities as defined under the provisions of P.L.1978, c.14 (C.52:27D-178 et seq.), or to municipalities which had a population, according to the latest federal decennial census, in excess of 10,000;

e. To enter into contracts with a person upon such terms and conditions as the authority shall determine to be reasonable, including, but not limited to, reimbursement for the planning, designing, financing, construction, reconstruction, improvement, equipping, furnishing, operation and maintenance of the project and to pay or compromise any claims arising therefrom;

f. To establish and maintain reserve and insurance funds with respect to the financing of the project or the school facilities project and any project financed pursuant to the "Municipal Rehabilitation and Economic Recovery Act," P.L.2002, c.43 (C.52:27BBB-1 et al.);

g. To sell, convey or lease to any person all or any portion of a project for such consideration and upon such terms as the authority may determine to be reasonable;

h. To mortgage, pledge or assign or otherwise encumber all or any portion of a project, or revenues, whenever it shall find such

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 <u>thus</u> is new matter.

action to be in furtherance of the purposes of this act, P.L.2000, c.72 (C.18A:7G-1 et al.), the "Municipal Rehabilitation and Economic Recovery Act," P.L.2002, c.43 (C.52:27BBB-1 et al.), P.L.2007, c.137 (C.52:18A-235 et al.), and sections 3 through 18 of P.L.2009, c.90 (C.52:27D-489c et al.);

i. To grant options to purchase or renew a lease for any of its projects on such terms as the authority may determine to be reasonable;

j. To contract for and to accept any gifts or grants or loans of funds or property or financial or other aid in any form from the United States of America or any agency or instrumentality thereof, or from the State or any agency, instrumentality or political subdivision thereof, or from any other source and to comply, subject to the provisions of P.L.1974, c.80 (C.34:1B-1 et seq.), section 6 of P.L.2001, c.401 (C.34:1B-4.1), P.L.2000, c.72 (C.18A:7G-1 et al.), the "Municipal Rehabilitation and Economic Recovery Act," P.L.2002, c.43 (C.52:27BBB-1 et al.), and P.L.2007, c.137 (C.52:18A-235 et al.), with the terms and conditions thereof;

k. In connection with any action undertaken by the authority in the performance of its duties and any application for assistance or commitments therefor and modifications thereof, to require and collect such fees and charges as the authority shall determine to be reasonable, including but not limited to fees and charges for the authority's administrative, organizational, insurance, operating, legal, and other expenses;

l. To adopt, amend and repeal regulations to carry out the provisions of P.L.1974, c.80 (C.34:1B-1 et seq.), section 6 of P.L.2001, c.401 (C.34:1B-4.1), P.L.2000, c.72 (C.18A:7G-1 et al.), the "Municipal Rehabilitation and Economic Recovery Act," P.L.2002, c.43 (C.52:27BBB-1 et al.), and P.L.2007, c.137 (C.52:18A-235 et al.);

m. To acquire, purchase, manage and operate, hold and dispose of real and personal property or interests therein, take assignments of rentals and leases and make and enter into all contracts, leases, agreements and arrangements necessary or incidental to the performance of its duties;

n. To purchase, acquire and take assignments of notes, mortgages and other forms of security and evidences of indebtedness;

o. To purchase, acquire, attach, seize, accept or take title to any project or school facilities project by conveyance or by foreclosure, and sell, lease, manage or operate any project or school facilities project for a use specified in this act, P.L.2000, c.72 (C.18A:7G-1 et al.), the "Municipal Rehabilitation and Economic Recovery Act," P.L.2002, c.43 (C.52:27BBB-1 et al.), P.L.2007, c.137 (C.52:18A-235 et al.), and sections 3 through 18 of P.L.2009, c.90 (C.52:27D-489c et al.);

p. To borrow money and to issue bonds of the authority and to provide for the rights of the holders thereof, as provided in P.L.1974, c.80 (C.34:1B-1 et seq.), section 6 of P.L.2001, c.401 (C.34:1B-4.1), P.L.2000, c.72 (C.18A:7G-1 et al.), the "Municipal Rehabilitation and Economic Recovery Act," P.L.2002, c.43 (C.52:27BBB-1 et al.), P.L.2007, c.137 (C.52:18A-235 et al.), and sections 3 through 18 of P.L.2009, c.90 (C.52:27D-489c et al.);

q. To extend credit or make loans to any person for the planning, designing, acquiring, constructing, reconstructing, improving, equipping and furnishing of a project or school facilities project, which credits or loans may be secured by loan and security agreements, mortgages, leases and any other instruments, upon such terms and conditions as the authority shall deem reasonable, including provision for the establishment and maintenance of reserve and insurance funds, and to require the inclusion in any mortgage, lease, contract, loan and security agreement or other instrument, of such provisions for the construction, use, operation and maintenance and financing of a project or school facilities project as the authority may deem necessary or desirable;

r. To guarantee up to 90% of the amount of a loan to a person, if the proceeds of the loan are to be applied to the purchase and installation, in a building devoted to industrial or commercial purposes, or in an office building, of an energy improvement system;

s. To employ consulting engineers, architects, attorneys, real estate counselors, appraisers, and such other consultants and employees as may be required in the judgment of the redevelopment utility to carry out the purposes of P.L.1974, c.80 (C.34:1B-1 et seq.), section 6 of P.L.2001, c.401 (C.34:1B-4.1), P.L.2000, c.72 (C.18A:7G-1 et al.), the "Municipal Rehabilitation and Economic Recovery Act," P.L.2002, c.43 (C.52:27BBB-1 et al.), P.L.2007, c.137 (C.52:18A-235 et al.), and sections 3 through 18 of P.L.2009, c.90 (C.52:27D-489c et al.), and to fix and pay their compensation from funds available to the redevelopment utility therefor, all without regard to the provisions of Title 11A of the New Jersey Statutes;

t. To do and perform any acts and things authorized by P.L.1974, c.80 (C.34:1B-1 et seq.), section 6 of P.L.2001, c.401 (C.34:1B-4.1), P.L.2000, c.72 (C.18A:7G-1 et al.), the "Municipal Rehabilitation and Economic Recovery Act," P.L.2002, c.43 (C.52:27BBB-1 et al.), P.L.2007, c.137 (C.52:18A-235 et al.), and sections 3 through 18 of P.L.2009, c.90 (C.52:27D-489c et al.), under, through or by means of its own officers, agents and employees, or by contract with any person;

u. To procure insurance against any losses in connection with its property, operations or assets in such amounts and from such insurers as it deems desirable;

v. To do any and all things necessary or convenient to carry out its purposes and exercise the powers given and granted in P.L.1974, c.80 (C.34:1B-1 et seq.), section 6 of P.L.2001, c.401 (C.34:1B-4.1), P.L.2000, c.72 (C.18A:7G-1 et al.), the "Municipal Rehabilitation and Economic Recovery Act," P.L.2002, c.43 (C.52:27BBB-1 et al.), P.L.2007, c.137 (C.52:18A-235 et al.), and sections 3 through 18 of P.L.2009, c.90 (C.52:27D-489c et al.);

w. To construct, reconstruct, rehabilitate, improve, alter, equip, maintain or repair or provide for the construction, reconstruction, improvement, alteration, equipping or maintenance or repair of any development property and lot, award and enter into construction contracts, purchase orders and other contracts with respect thereto, upon such terms and conditions as the authority shall determine to be reasonable, including, but not limited to, reimbursement for the planning, designing, financing, construction, reconstruction, improvement, equipping, furnishing, operation and maintenance of any such development property and the settlement of any claims arising therefrom and the establishment and maintenance of reserve funds with respect to the financing of such development property;

x. When authorized by the governing body of a municipality exercising jurisdiction over an urban growth zone, to construct, cause to be constructed or to provide financial assistance to projects in an urban growth zone which shall be exempt from the terms and requirements of the land use ordinances and regulations, including, but not limited to, the master plan and zoning ordinances, of such municipality;

y. To enter into business employment incentive agreements as provided in the "Business Employment Incentive Program Act," P.L.1996, c.26 (C.34:1B-124 et al.);

z. To enter into agreements or contracts, execute instruments, and do and perform all acts or things necessary, convenient or desirable for the purposes of the redevelopment utility to carry out any power expressly provided pursuant to P.L.1974, c.80 (C.34:1B-1 et seq.), P.L.2000, c.72 (C.18A:7G-1 et al.), and P.L.2007, c.137 (C.52:18A-235 et al.), including, but not limited to, entering into contracts with the State Treasurer, the Commissioner of Education, districts, the New Jersey Schools Development Authority, and any other entity which may be required in order to carry out the provisions of P.L.2000, c.72 (C.18A:7G-1 et al.), P.L.2007, c.137 (C.52:18A-235 et al.), and sections 3 through 18 of P.L.2009, c.90 (C.52:27D-489c et al.);

aa. (Deleted by amendment, P.L.2007, c.137);

bb. To make and contract to make loans to local units to finance the cost of school facilities projects and to acquire and contract to acquire bonds, notes or other obligations issued or to be issued by local units to evidence the loans, all in accordance with the provisions of P.L.2000, c.72 (C.18A:7G-1 et al.), and P.L.2007, c.137 (C.52:18A-235 et al.);

cc. Subject to any agreement with holders of its bonds issued to finance a project or school facilities project, obtain as security or to provide liquidity for payment of all or any part of the principal of and interest and premium on the bonds of the authority or for the purchase upon tender or otherwise of the bonds, lines of credit, letters of credit, reimbursement agreements, interest rate exchange agreements, currency exchange agreements, interest rate floors or caps, options, puts or calls to hedge payment, currency, rate, spread or similar exposure or similar agreements, float agreements, forward agreements, insurance contract, surety bond, commitment to purchase or sell bonds, purchase or sale agreement, or commitments or other contracts or agreements, and other security agreements or instruments in any amounts and upon any terms as the authority may determine and pay any fees and expenses required in connection therewith;

dd. To charge to and collect from local units, the State and any other person, any fees and charges in connection with the authority's actions undertaken with respect to school facilities projects, including, but not limited to, fees and charges for the authority's administrative, organization, insurance, operating and other expenses incident to the financing of school facilities projects;

ee. To make loans to refinance solid waste facility bonds through the issuance of bonds or other obligations and the execution of any agreements with counties or public authorities to effect the refunding or rescheduling of solid waste facility bonds, or otherwise provide for the payment of all or a portion of any series of solid waste facility bonds. Any county or public authority refunding or rescheduling its solid waste facility bonds pursuant to this subsection shall provide for the payment of not less than fifty percent of the aggregate debt service for the refunded or rescheduled debt of the particular county or public authority for the duration of the loan; except that, whenever the solid waste facility bonds to be refinanced were issued by a public authority and the county solid waste facility was utilized as a regional county solid waste facility, as designated in the respective adopted district solid waste management plans of the participating counties as approved by the department prior to November 10, 1997, and the utilization of the facility was established pursuant to tonnage obligations set forth in their respective interdistrict agreements, the public authority refunding or rescheduling its solid waste facility bonds pursuant to this subsection shall provide for the payment of a percentage of the aggregate debt service for the refunded or rescheduled debt of the public authority not to exceed the percentage of the specified tonnage obligation of the host county for the duration of the loan. Whenever the solid waste facility bonds are the obligation of a public authority, the relevant county shall execute a deficiency agreement with the authority, which shall provide that the county pledges to cover any shortfall and to pay

deficiencies in scheduled repayment obligations of the public authority. All costs associated with the issuance of bonds pursuant to this subsection may be paid by the authority from the proceeds of these bonds. Any county or public authority is hereby authorized to enter into any agreement with the authority necessary, desirable or convenient to effectuate the provisions of this subsection.

The authority shall not issue bonds or other obligations to effect the refunding or rescheduling of solid waste facility bonds after December 31, 2002. The authority may refund its own bonds issued for the purposes herein at any time;

ff. To pool loans for any local government units that are refunding bonds and do and perform any and all acts or things necessary, convenient or desirable for the purpose of the authority to achieve more favorable interest rates and terms for those local governmental units;

gg. To finance projects approved by the board, provide staff support to the board, oversee and monitor progress on the part of the board in carrying out the revitalization, economic development and restoration projects authorized pursuant to the "Municipal Rehabilitation and Economic Recovery Act," P.L.2002, c.43 (C.52:27BBB-1 et al.) and otherwise fulfilling its responsibilities pursuant thereto;

hh. To offer financial assistance to qualified film production companies as provided in the "New Jersey Film Production Assistance Act," P.L.2003, c.182 (C.34:1B-178 et al.);

ii. To finance or develop private or public parking facilities or structures, which may include the use of solar photovoltaic equipment, in municipalities qualified to receive State aid pursuant to the provisions of P.L.1978, c.14 (C.52:27D-178 et seq.) and municipalities that contain areas designated pursuant to P.L.1985, c.398 (C.52:18A-196 et al.) as Planning Area 1 (Metropolitan), Planning Area 2 (Suburban), or a town center, and to provide appropriate assistance, including but not limited to, extensions of credit, loans, and guarantees, to municipalities qualified to receive State aid pursuant to the provisions of P.L.1978, c.14 (C.52:27D-178 et seq.) and municipalities that contain areas designated pursuant to P.L.1985, c.398 (C.52:18A-196 et seq.) as Planning Area 1 (Metropolitan), Planning Area 2 (Suburban), or a town center, and their agencies and instrumentalities or to private entities whose projects are located in those municipalities, in order to facilitate the financing and development of parking facilities or structures in such municipalities. The authority may serve as the issuing agent of bonds to finance the undertaking of a project for the purposes of this subsection;

jj. To make grants for the planning, designing, acquiring, constructing, reconstructing, improving, equipping, and furnishing of a project, including, but not limited to, grants for working capital and meeting payroll requirements, upon such terms and conditions

as the authority shall deem reasonable, during periods of emergency declared by the Governor and for the duration of economic disruptions due to the emergency;

kk. To purchase and lease real property at a nominal rate when it would result in a net economic benefit to the State, enhance access to employment and investment for underserved populations, or increase investment and employment in high-growth technology sectors; **[**and**]**

ll. To make investments of capital, not to exceed $10,000,000 per project, in New Jersey film-lease partner facilities, as that term is defined in section 1 of P.L.2018, c.56 (C.54:10A-5.39b) and subsection a. of section 2 of P.L.2018, c.56 (C.54A:4-12b), subject to commercially reasonable and customary terms and conditions as determined by the authority and the New Jersey film-lease partner facility; and

mm. To provide financial assistance for capital projects that improve or modernize the Atlantic City Convention Center pursuant to section 3 of P.L. , c. (C.) (pending before the Legislature as this bill).

(cf: P.L.2023, c.97, s.2)

2. (New section) a. For the purposes of this section:

"Economic development subsidy" means the provision of an amount of funds to a recipient by or from a State entity, including, but not limited to, the New Jersey Economic Development Authority and the Board of Public Utilities, with a value of greater than $25,000 for the purpose of stimulating economic development in New Jersey, including, but not limited to, any investment, bond, grant, loan, loan guarantee, matching fund, tax credit, or other tax expenditure. "Economic development subsidy" does not include any contract under which a State public body purchases or otherwise procures goods, services, or construction on an unsubsidized basis, including any contract solely for the construction or renovation of a facility owned by a State public body.

"Hackensack meadowlands" means the same as that term is defined in subsection h. of section 3 of P.L.1971, c.137 (C.5:10-3).

"Meadowlands sports and entertainment project" means a project for development within the Hackensack meadowlands, for which project the developer seeks an economic development subsidy, and which project is to be used for live sports or entertainment performances, games, contests, or other events, or is to be used as a convention center facility.

b. Notwithstanding any provision of law to the contrary, before any State entity may award an economic development subsidy for a Meadowlands sports and entertainment project, the New Jersey Sports and Exposition Authority shall, in consultation with the Department of Community Affairs, commission a comprehensive

impact study and publish a written report assessing the anticipated effects of the Meadowlands sports and entertainment project on the economic viability and competitiveness of the Atlantic City convention center project, constructed pursuant to paragraph (9) of subsection a. of section 6 of P.L.1971, c.137 (C.5:10-6), including, but not limited to, impacts related to tourism, job creation and retention, and regional competitiveness with respect to other states.

c. For any Meadowlands sports and entertainment project for which an application is pending approval by a State entity on the effective date of P.L. , c. (C.) (pending before the Legislature as this bill), the authority shall publish the report required pursuant to subsection b. of this section within 180 days after the effective date of P.L. , c. (C.) (pending before the Legislature as this bill), or prior to the approval of the application, whichever occurs earlier.

d. Upon the completion of each report required pursuant to this section, the New Jersey Sports and Exposition Authority shall submit to the Governor and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the Legislature, the written report on any findings of the comprehensive impact report. The New Jersey Sports and Exposition Authority shall provide a copy of the written report to the New Jersey Economic Development Authority.

3. (New section) a. The New Jersey Economic Development Authority may, in consultation with the Casino Reinvestment Development Authority and the Atlantic County Improvement Authority, provide financial assistance for capital projects that improve or modernize the Atlantic City convention center project, as defined pursuant to paragraph (9) of subsection a. of section 6 of P.L.1971, c.137 (C.5:10-6). The cumulative value of the financial assistance provided pursuant to this section shall not exceed $50,000,000, subject to appropriation by the Legislature. To receive financial assistance, a developer shall demonstrate to the satisfaction of the New Jersey Economic Development Authority that the improvement or modernization will preserve or enhance the competitiveness, functionality, and visitor experience of the Atlantic City Convention Center and contribute to the growth of tourism and economic development of the local community.

b. Prior to the issuance of any financial assistance pursuant to this section, the developer shall evaluate the need, order of priority, approximate cost, and funding strategies for any of the authorized expenses set forth in subsection c. of this section and shall report its findings to the authority in such form and manner as the New Jersey Economic Development Authority may require.

c. The financial assistance authorized pursuant to this section may include a grant, loan, or loan guarantee to support any costs associated with the following expenses:

(1) the repair or replacement of floors, carpeting, ceilings, entrances, or interior finishing, such as wall paint;

(2) any exterior paving, roadway repair, painting, or infrastructure improvements;

(3) any improvements to accessibility features, including, but not limited to, building access;

(4) the installation or improvement of energy-efficient technology, including, but not limited to, energy-efficient Leadership in Energy and Environmental Design (LEED) lighting systems;

(5) the improvement of wayfinding systems, such as signage;

(6) the implementation of a comprehensive preventive maintenance program;

(7) the installation of aesthetic enhancements, such as plants or artwork; and

(8) any other improvement or modernization necessary to the long-term viability of the Atlantic City Convention Center.

4. This act shall take effect immediately.

STATEMENT

This bill authorizes the New Jersey Economic Development Authority to provide financial assistance for capital projects that improve or modernize the Atlantic City Convention Center, subject to appropriation. The bill also requires a comprehensive impact study, and a written report on any findings, of the anticipated effects of a Meadowlands sports and entertainment project prior to the approval of such project.

The bill provides that before any State entity may award an economic development subsidy for a Meadowlands sports and entertainment project, the New Jersey Sports and Exposition Authority, in consultation with the Department of Community Affairs, is required to commission a comprehensive impact study and publish a written report assessing the anticipated effects of the project on the economic viability and competitiveness of the Atlantic City Convention Center. The bill defines "Meadowlands sports and entertainment project" as a project for development within the Hackensack meadowlands, for which project the developer seeks an economic development subsidy, and which project is to be used for live sports or entertainment performances, games, contests, or other events, or is to be used as a convention center facility.

Prior to the approval of an economic development subsidy for any Meadowlands sports and entertainment project, this bill requires the New Jersey Sports and Exposition Authority to submit the written report on any findings of the comprehensive impact

report to the Governor and the Legislature. The bill also requires the New Jersey Sports and Exposition Authority to provide a copy of the written report to the New Jersey Economic Development Authority.

This bill also authorizes the New Jersey Economic Development Authority, in consultation with the Casino Reinvestment Development Authority and the Atlantic County Improvement Authority, to provide financial assistance for capital projects that improve or modernize the Atlantic City Convention Center. The maximum cumulative value of financial assistance under the bill may not exceed $50 million, subject to appropriation by the Legislature. To receive financial assistance, a developer is required to demonstrate to the satisfaction of the authority that the improvement or modernization will preserve or enhance the competitiveness, functionality, and visitor experience of the Atlantic City Convention Center and contribute to the growth of tourism and economic development of the local community.

Under the bill, financial assistance may include a grant, loan, or loan guarantee to support costs associated with: (1) the repair or replacement of floors, carpeting, ceilings, entrances, or interior finishing, such as wall paint; (2) any exterior paving, roadway repair, painting, or infrastructure improvements; (3) any improvements to accessibility features, including, but not limited to, building access; (4) the installation or improvement of energy-efficient technology, including, but not limited to, energy-efficient LED lighting systems; (5) the improvement of wayfinding systems, such as signage; (6) the implementation of a comprehensive preventive maintenance program; (7) the installation of aesthetic enhancements, such as plants or artwork; and (8) any other improvement or modernization necessary to the long-term viability of the Atlantic City Convention Center.