

SENATE, No. 4845

STATE OF NEW JERSEY

222nd LEGISLATURE

INTRODUCED OCTOBER 19, 2026

Sponsored by:

Senator BRIAN P. STACK

District 33 (Hudson)

Senator M. TERESA RUIZ

District 29 (Essex and Hudson)

Co-Sponsored by:

Senator McKnight

SYNOPSIS

Establishes Social Housing Program; establishes Workforce Housing Investment Program; establishes Human Infrastructure Bank Fund in NJ Infrastructure Bank.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 10/19/2026)

1 AN ACT concerning the financing and development of certain
2 housing projects, and supplementing and amending various parts
3 of the statutory law.

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

7
8 1. (New section) As used in P.L. , c. (C.) (pending
9 before the Legislature as this bill):

10 “Affordable housing” means low-income housing and moderate-
11 income housing.

12 “Agency” means the New Jersey Housing and Mortgage Finance
13 Agency established pursuant to section 4 of P.L.1983, c.530
14 (C.55:14K-4).

15 “Authority” means the New Jersey Economic Development
16 Authority established by section 4 of P.L.1974, c.80 (C.34:1B-4).

17 “Developer” means a person, including a local government
18 redeveloper, that proposes to complete or operate a social housing
19 project or a workforce housing project.

20 “Director” means the Director of the Division of Taxation in the
21 Department of the Treasury.

22 “Division” means the Division of Investment in the Department of
23 the Treasury.

24 “Eligibility period” means the period not to exceed 10 years, as
25 specified in an incentive award agreement, during which a local
26 government redeveloper may claim a tax credit under the Social
27 Housing Program, as such period shall be determined by the agency
28 pursuant to section 6 of P.L. , c. (C.) (pending before the
29 Legislature as this bill), provided that a local government redeveloper
30 may elect a period not to exceed five years for a project located in a
31 government-restricted municipality. A local government
32 redeveloper of a social housing project that has a project labor
33 agreement may elect a period not to exceed five years, provided that
34 if the project is located in a government-restricted municipality the
35 developer may elect a period not to exceed three years.

36 “Enhanced area means (1) a municipality that contains an urban
37 transit hub, as defined in section 2 of P.L.2007, c.346 (C.34:1B-208);
38 (2) the five municipalities with the highest poverty rates according to
39 the 2017 Municipal Revitalization Index; and (3) the three
40 municipalities with the highest percentage of SNAP recipients
41 according to the 2017 Municipal Revitalization Index.

42 “Environmental remediation costs” means any costs incurred by a
43 developer in the completion of any actions necessary to investigate,
44 clean up, or respond to a known, suspected, or threatened discharge
45 of contaminants, including, as necessary, the preliminary assessment,

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.

1 site investigation, remedial investigation, and remedial action,
2 pursuant to sections 23 through 43 and section 45 of P.L.1993, c.139
3 (C.58:10B-1 et seq.).

4 “Government-restricted municipality” means a municipality in
5 this State with a municipal revitalization index distress score of at
6 least 75, that met the criteria for designation as an urban aid
7 municipality in the 2019 State fiscal year, and that, on the effective
8 date of P.L. , c. (C.) (pending before the Legislature as this
9 bill), is subject to financial restrictions imposed pursuant to the
10 "Municipal Stabilization and Recovery Act," P.L.2016, c.4
11 (C.52:27BBBB-1 et seq.), or is restricted in its ability to levy
12 property taxes on property in that municipality as a result of the State
13 of New Jersey owning or controlling property representing at least
14 25 percent of the total land area of the municipality or as a result of
15 the federal government of the United States owning or controlling at
16 least 50 acres of the total land area of the municipality, which is
17 dedicated as a national natural landmark. The term "government-
18 restricted municipality" also includes any municipality that: has a
19 population greater than 50,000 and less than 60,000 according to the
20 latest federal decennial census, is designated as the county seat of a
21 county of the second class with a population greater than 800,000
22 according to the latest federal decennial census, and has an MRI
23 distress score of 62.1; has a population greater than 70,000 and less
24 than 100,000 according to the latest federal decennial census, is
25 designated as the county seat of a county of the second class with a
26 population greater than 515,000 and less than 525,000 according to
27 the latest federal decennial census, and has an MRI distress score of
28 100; or contains the intersection of Interstate 280 and the Garden
29 State Parkway, and corresponding land areas occupied by such
30 highways under the ownership or control of the federal government
31 of the United States or of this State within its municipal boundary,
32 and has an MRI distress score of 55.5.

33 “Incentive award” means an award of tax credits to reimburse a
34 local government redeveloper for all or a portion of the project
35 financing gap of a social housing project pursuant to the provisions
36 of sections 2 through 12 of P.L. , c. (C. through)
37 (pending before the Legislature as this bill).

38 “Incentive award agreement” means the contract executed
39 between a local government redeveloper and the agency pursuant to
40 section 6 of P.L. , c. (C.) (pending before the Legislature
41 as this bill), which sets forth the terms and conditions under which
42 the developer may receive the incentive awards authorized pursuant
43 to the provisions of sections 2 through 12 of P.L. , c. (C.
44 through) (pending before the Legislature as this bill).

45 “Local government redeveloper” means a county, a county
46 improvement authority designated pursuant to the county
47 improvement authorities law, P.L.1960, c.183 (C.40:37A-44 et seq.),
48 a municipality, a housing authority as defined in the Local

1 Redevelopment and Housing Law, P.L.1992, c.79 (C.40A:12A-1 et
2 seq.), or any entity designated by a county or municipality that enters
3 or proposes to enter into an incentive award agreement pursuant to
4 the provisions of section 6 of P.L. , c. (C.) (pending before
5 the Legislature as this bill) for the completion and operation of a
6 social housing project.

7 “Low-income housing” means housing affordable according to the
8 federal Department of Housing and Urban Development, or other
9 recognized standards for home ownership and rental costs, and
10 occupied or reserved for occupancy by households with a gross
11 household income equal to 50 percent or less of the median gross
12 household income for households of the same size within the housing
13 region in which the housing is located.

14 “Minimum environmental and sustainability standards” means
15 standards established by the agency in accordance with the green
16 building manual prepared by the Commissioner of Community
17 Affairs pursuant to section 1 of P.L.2007, c.132 (C.52:27D-130.6),
18 regarding the use of renewable energy, energy-efficient technology,
19 and non-renewable resources to reduce environmental degradation
20 and encourage long-term cost reduction.

21 “Moderate-income housing” means housing affordable according
22 to the federal Department of Housing and Urban Development, or
23 other recognized standards for home ownership and rental costs, and
24 occupied or reserved for occupancy by households with a gross
25 household income equal to more than 50 percent, but less than 80
26 percent, of the median gross household income for households of the
27 same size within the housing region in which the housing is located.

28 “MRI distress score” means a municipal revitalization index
29 distress score, as documented in the 2023 Municipal Revitalization
30 Index developed by the Department of Community Affairs.

31 “Municipal Revitalization Index” means the index by the
32 Department of Community Affairs ranking New Jersey's
33 municipalities according to eight separate indicators that measure
34 diverse aspects of social, economic, physical, and fiscal conditions
35 in each locality.

36 “Program” means the Social Housing Program, established
37 pursuant to section 2 of P.L. , c. (C.) (pending before the
38 Legislature as this bill).

39 "Project cost" or "eligible project cost" means the costs incurred
40 in connection with a redevelopment project by a developer until the
41 issuance of a permanent certificate of occupancy, or until such other
42 time specified by the agency, for a specific investment or
43 improvement, including the costs relating to lands, except the cost of
44 acquiring such lands, buildings, improvements, real or personal
45 property, or any interest therein, including leases discounted to
46 present value, including lands under water, riparian rights, space
47 rights, and air rights acquired, owned, developed or redeveloped,
48 constructed, reconstructed, rehabilitated, or improved, any

1 environmental remediation costs, plus costs not directly related to
2 construction, including capitalized interest paid to third parties, of an
3 amount not to exceed 20 percent of the total costs and the cost of
4 infrastructure improvements, including ancillary infrastructure
5 projects. In addition to the foregoing, the term "project cost" shall
6 include, for a project located in a government-restricted municipality,
7 land costs in an amount not to exceed 20 percent of the eligible
8 project cost. The fees associated with the application or
9 administration of a tax credit under sections 2 through 12 of P.L. ,
10 c. (C. through C.) (pending before the Legislature as this
11 bill) shall not constitute a project cost.

12 "Project financing gap" means the part of the total project cost,
13 including reasonable and appropriate return on investment, that
14 remains to be financed after all other sources of capital have been
15 accounted for, including, but not limited to, developer-contributed
16 capital, which shall not be less than 20 percent of the total project
17 cost, and investor or financial entity capital or loans for which the
18 developer, after making all good faith efforts to raise additional
19 capital, certifies that additional capital cannot be raised from other
20 sources on a non-recourse basis, provided, however, that for a project
21 located in a government-restricted municipality, the local
22 government redeveloper contributed capital shall not be less than 10
23 percent of the total project cost. Developer-contributed capital may
24 consist of cash, deferred development fees, costs for project
25 feasibility incurred within the 12 months prior to application,
26 property value less any mortgages when the local government
27 redeveloper owns the project site, and any other investment by the
28 developer in the project deemed acceptable by the agency, as
29 provided by regulations promulgated by the agency. Property value
30 shall be valued at the lesser of: (1) the purchase price, provided the
31 property was purchased pursuant to an arm's-length transaction
32 within 12 months of application; or (2) the value as determined by a
33 current appraisal.

34 "Project labor agreement" means a form of pre-hire collective
35 bargaining agreement covering terms and conditions of a specific
36 project that satisfies the requirements set forth in section 5 of
37 P.L.2002, c.44 (C.52:38-5).

38 "Qualified incentive tract" means a population census tract having
39 a poverty rate of 20 percent or more or a census tract in which the
40 median family income for the census tract does not exceed 80 percent
41 of the greater of the Statewide median family income or the median
42 family income of the metropolitan statistical area in which the census
43 tract is situated.

44 "Reasonable and appropriate return on investment" means the
45 discount rate at which the present value of the future cash flows of
46 an investment equals the cost of the investment. In determining the
47 "reasonable and appropriate return on investment," an investment
48 shall not include any federal, State, or local tax credits. For a project

1 that utilizes federal low-income housing tax credits awarded by the
2 agency, the "reasonable and appropriate return on investment" shall
3 be based on the approval of deferred developer fees pursuant to the
4 rules established by the agency. In the event that a project which
5 utilizes federal low-income housing tax credits awarded by the
6 agency generates returns on equity other than federal or local grants
7 or proceeds from the sale of federal or local tax credits, the
8 "reasonable and appropriate return on investment" shall be based on
9 both the discount rate at which the present value of the future cash
10 flows of an investment equal the cost of the investment for the entire
11 project, and when evaluating only the units financed with federal
12 low-income housing tax credits awarded by the agency, the approval
13 of deferred developer fees pursuant to the rules established by the
14 agency.

15 "Registered apprenticeship program" means a plan containing all
16 the terms and conditions for the qualification, recruitment, selection,
17 employment, and training of apprentices, as required under Part 29
18 and Part 30 of Title 49 of the Code of Federal Regulations.

19 "Residential project" means a specific construction project or
20 improvement undertaken by a developer and any ancillary
21 infrastructure project, that is residential in nature, intended for multi-
22 family residency, and may include a parking component. A
23 residential project may involve construction or improvement upon
24 lands, buildings, improvements, or real and personal property, or any
25 interest therein, including lands under water, riparian rights, space
26 rights, and air rights, acquired, owned, developed or redeveloped,
27 constructed, reconstructed, rehabilitated, or improved.

28 "Social housing project" means a residential project that is
29 undertaken and operated by a local government redeveloper, and
30 which: is located on land owned by the local government redeveloper
31 within an enhanced area; is financed, in part, by general obligation
32 bonds issued by the local government redeveloper, or issued on
33 behalf of the local government redeveloper by a county improvement
34 authority established pursuant to P.L.1960, c.183 (C.40:37A-44 et
35 seq.), for not less than 20 percent of the project costs; and contains
36 no less than 300 residential units. A "social housing project" may
37 include, but is not limited to, a single building, multiple contiguous
38 buildings, or multiple buildings located on contiguous parcels of land
39 or on parcels of land no farther apart than one-quarter of a mile,
40 which project can be completed in phases over a period not to exceed
41 six years commencing from the date of the incentive award
42 agreement.

43 "Total project cost" means the total amount of money that is
44 required to complete the workforce housing project, as certified and
45 approved by the agency, which amount may be audited at any time
46 by the New Jersey Housing and Mortgage Finance Agency.

47 "Workforce housing" means housing that is affordable, according
48 to federal Department of Housing and Urban Development or other

1 recognized standards, for home ownership and rental costs and that
2 is occupied or reserved for occupancy by households with a gross
3 household income not more than 120 percent of the median gross
4 household income for households of the same size within the housing
5 region in which the housing is located.

6 “Workforce housing project” means a specific construction
7 project or improvement undertaken by a developer, which project is
8 located in the State and predominantly includes the construction or
9 improvement of residential housing units, and may include a parking
10 component, provided that at least 20 percent of the residential units
11 in the project are reserved for workforce housing.

12
13 2. (New section) a. The Social Housing Program is hereby
14 established as a program under the jurisdiction of the New Jersey
15 Housing and Mortgage Finance Agency. The agency shall administer
16 the program to encourage social housing projects through the
17 provision of incentive awards to reimburse local government
18 redevelopers for certain project costs. The agency may approve the
19 award of an incentive award to a local government redeveloper upon
20 application to the agency pursuant to sections 4 and 5 of P.L. , c.
21 (C. and C.) (pending before the Legislature as this bill).

22 b. The agency shall adopt rules and regulations, pursuant to
23 section 12 of P.L. , c. (C.) (pending before the Legislature
24 as this bill), concerning the establishment and administration of the
25 affordability controls that shall apply to the residential units
26 constructed for occupancy as low-income housing, moderate-income
27 housing, and workforce housing under the program, including, but
28 not limited to, residential units within residential projects that utilize
29 federal low-income housing tax credits awarded by the agency.
30 Notwithstanding any provision of law or regulation to the contrary,
31 the affordability controls shall, at a minimum, be consistent with the
32 affordability controls established in the rules and regulations adopted
33 pursuant to the "Fair Housing Act," P.L.1985, c.222 (C.52:27D-301
34 et al.), including, but not limited to, any requirements concerning the
35 bedroom distributions, affordability averages, affirmative marketing,
36 and long-term deed restrictions of residential units constructed for
37 occupancy by low- and moderate-income households.

38
39 3. (New section) a. A local government redeveloper shall be
40 eligible to receive an incentive award for a social housing project
41 only if the local government redeveloper demonstrates to the agency
42 at the time of application that:

43 (1) without the incentive award, the social housing project is not
44 economically feasible;

45 (2) a project financing gap exists, or the agency determines that
46 the social housing project will generate a below market rate of return;

47 (3) the social housing project is located in an enhanced area;

1 (4) except for demolition and site remediation activities, the local
2 government redeveloper has not commenced any construction at the
3 site of the social housing project prior to submitting an application,
4 unless the agency determines that the social housing project would
5 not be completed otherwise;

6 (5) the social housing project shall comply with minimum
7 environmental and sustainability standards;

8 (6) the social housing project shall comply with any applicable
9 State affirmative action requirements;

10 (7) during the eligibility period, each worker employed to
11 perform construction work at the social housing project shall be paid
12 not less than the prevailing wage rate for the worker's craft or trade,
13 as determined by the Commissioner of Labor and Workforce
14 Development pursuant to P.L.1963, c.150 (C.34:11-56.25 et seq.) and
15 P.L.2005, c.379 (C.34:11-56.58 et seq.); and

16 (8) the social housing project shall be completed, and the local
17 government redeveloper shall be issued a certificate of occupancy for
18 the social housing project facilities by the applicable enforcing
19 agency, within four years of executing the incentive award
20 agreement.

21 b. In addition to the requirements set forth in subsection a. of
22 this section, for a social housing project to qualify for an incentive
23 award, the project shall:

24 (1) have a total project cost of at least \$17,500,000 if the project
25 is located in a municipality with a population greater than 200,000
26 according to the latest federal decennial census;

27 (2) have a total project cost of at least \$10,000,000 if the project
28 is located in a municipality with a population less than 200,000
29 according to the latest federal decennial census; or

30 (3) have a total project cost of at least \$5,000,000 if the project is
31 in a qualified incentive tract or government-restricted municipality.

32 c. (1) In addition to the requirements set forth in subsections a.
33 and b. of this section, the local government redeveloper shall
34 permanently reserve at least 20 percent of the residential units
35 constructed for workforce housing, and shall permanently reserve at
36 least 20 percent of residential units constructed for low- and
37 moderate-income housing, subject to the affordability controls
38 adopted by the agency pursuant to subsection b. of section 2 of
39 P.L. , c. (C.) (pending before the Legislature as this bill).

40 (2) In addition to the requirements set forth in subsections a. and
41 b. of this section, a local government redeveloper shall certify that
42 upon completion of a social housing project if, during any year, the
43 local government redeveloper receives rental payments from tenants
44 of the project in excess of the amounts necessary to defray the
45 operating costs of the project, together with any debt service on bonds
46 issued to finance the project, not less than 75 percent of the excess
47 payments shall be deposited into a non-lapsing fund maintained by

1 the local government redeveloper and used exclusively for the
2 maintenance or additional production of social housing projects.

3 d. Prior to considering an application submitted by a local
4 government redeveloper, the agency shall confirm with the
5 Department of Labor and Workforce Development, the Department
6 of Environmental Protection, and the Department of the Treasury
7 whether the local government redeveloper is in substantial good
8 standing with the respective department or has entered into an
9 agreement with the respective department that includes a practical
10 corrective action plan for the local government redeveloper. The
11 local government redeveloper shall certify that any contractors or
12 subcontractors that will perform work at the redevelopment project:
13 (1) are registered as required by "The Public Works Contractor
14 Registration Act," P.L.1999, c.238 (C.34:11-56.48 et seq.); (2) have
15 not been debarred by the Department of Labor and Workforce
16 Development from engaging in or bidding on Public Works Contracts
17 in the State; and (3) possess a tax clearance certificate issued by the
18 Division of Taxation in the Department of the Treasury. The agency
19 may also contract with an independent third party to perform a
20 background check on the local government redeveloper.

21
22 4. (New section) a. A local government redeveloper seeking an
23 incentive award for social housing projects eligible pursuant to
24 section 3 of P.L. , c. (C.) (pending before the Legislature as
25 this bill) shall submit an application to the agency in a form and
26 manner prescribed in regulations adopted by the agency pursuant to
27 section 12 of P.L. , c. (C.) (pending before the Legislature
28 as this bill). At the time of application, a local government
29 redeveloper shall be subject to a non-refundable application fee not
30 to exceed \$10,000.

31 b. If at any time during the eligibility period the agency
32 determines that the local government redeveloper made a material
33 misrepresentation on the local government redeveloper's application,
34 the local government redeveloper shall forfeit the incentive award.

35 c. If circumstances require a local government redeveloper to
36 amend its application to the agency, then the local government
37 redeveloper, or an authorized agent of the local government
38 redeveloper, shall certify to the agency that the information provided
39 in its amended application is true under the penalty of perjury.

40
41 5. (New section) a. For social housing projects eligible pursuant
42 to section 3 of P.L. , c. (C.) (pending before the Legislature
43 as this bill), the agency shall award incentive awards based on the
44 order in which complete, qualifying applications are received by the
45 agency. If a local government redeveloper intends to apply to both
46 the authority and the agency for subsidies, the local government
47 redeveloper shall notify the authority simultaneously with any
48 application made to the agency. The agency shall transmit its grant

1 determination for such residential projects to the authority along with
2 any information developed by the agency and confirmation of the
3 agency's intent to provide an incentive award or award to the project.
4 The authority shall review the project cost and shall evaluate and
5 validate the project financing gap estimated by the local government
6 redeveloper.

7 b. Prior to allocating an incentive award to a social housing
8 project, the agency shall confirm with the Department of Labor and
9 Workforce Development, the Department of Environmental
10 Protection, and the Department of the Treasury that the local
11 government redeveloper is in substantial good standing with the
12 respective department, or a local government redeveloper not in
13 substantial good standing with each department has entered into an
14 agreement with the respective department that includes a practical
15 corrective action plan for the local government redeveloper, and that
16 the local government redeveloper shall confirm that each contractor
17 or subcontractor performing work at the social housing project: (1) is
18 registered as required by "The Public Works Contractor Registration
19 Act," P.L.1999, c.238 (C.34:11-56.48 et seq.); (2) has not been
20 debarred by the Department of Labor and Workforce Development
21 from engaging in or bidding on Public Works Contracts in the State;
22 and (3) possesses a tax clearance certificate issued by the Division of
23 Taxation in the Department of the Treasury. The agency may also
24 contract with an independent third party to perform a background
25 check on the local government redeveloper. Provided that the local
26 government redeveloper, and all contractors and subcontractors, are
27 in compliance with this subsection, the agency shall allocate
28 incentive awards to social housing projects according to the social
29 housing project's score and until either the available incentive awards
30 are exhausted or all social housing projects obtaining the minimum
31 score receive an incentive award, whichever occurs first. If
32 insufficient funding exists to fully fund all eligible projects, a project
33 may be offered partial funding.

34
35 6. (New section) a. Following approval and selection of an
36 application pursuant to sections 4 and 5 of P.L. , c.
37 (C. and C.) (pending before the Legislature as this bill), the
38 agency shall enter into an incentive award agreement with the local
39 government redeveloper. The executive director of the agency shall
40 negotiate the terms and conditions of the incentive award agreement
41 on behalf of the State.

42 b. An incentive award agreement shall specify the amount of the
43 incentive award the agency shall award to the local government
44 redeveloper and the duration of the eligibility period. The duration
45 of the eligibility period shall not exceed 10 years for a social housing
46 project, except that to reduce the total value of tax credits needed to
47 reimburse a local government redeveloper for all or part of the project
48 financing gap of a social housing project, the agency may, in its

1 discretion, approve a duration for the eligibility period that is shorter
2 than the applicable maximum periods. The incentive award
3 agreement shall provide an estimated date of completion and include
4 a requirement for periodic progress reports, including the submittal
5 of executed financing commitments and documents that evidence site
6 control, provided, however, that the local government redeveloper
7 may sell one or more buildings during the eligibility period, subject
8 to such rules and regulations as may be adopted by the agency. If the
9 agency does not receive periodic progress reports, or if the progress
10 reports demonstrate unsatisfactory progress, then the agency may
11 rescind the incentive award. The incentive award agreement may
12 also provide for a verification of the financing gap at the time the
13 local government redeveloper provides executed financing
14 commitments to the agency and a verification of the local
15 government redeveloper's projected cash flow at the time of
16 certification that the project is completed, provided that the agency
17 shall not resize or reduce the tax credit based on the executed
18 financing commitments or the updated projected cash flow, but that
19 the agency shall use the commitments and cash flow to calculate the
20 return on investment required pursuant to subsection c. of this
21 section.

22 c. The incentive award agreement shall include a requirement
23 that the agency confirm with the Department of Environmental
24 Protection, the Department of Labor and Workforce Development,
25 and the Department of the Treasury that the local government
26 redeveloper is in substantial good standing with the respective
27 department, or the local government redeveloper has entered into an
28 agreement with the respective department that includes a practical
29 corrective action for the local government redeveloper, and the local
30 government redeveloper shall confirm that each contractor or
31 subcontractor performing work at the social housing project: (1) is
32 registered as required by "The Public Works Contractor Registration
33 Act," P.L.1999, c.238 (C.34:11-56.48 et seq.); (2) has not been
34 debarred, suspended, or disqualified by the Department of Labor and
35 Workforce Development from engaging in or bidding on Public
36 Works Contracts in the State, or been debarred, suspended, or
37 disqualified by a federal agency from engaging in federally funded
38 construction projects or bidding on federal contracting opportunities;
39 and (3) possesses a tax clearance certificate issued by the Division of
40 Taxation in the Department of the Treasury. The incentive award
41 agreement shall also include a provision that the local government
42 redeveloper shall forfeit the incentive award in any year in which the
43 local government redeveloper is neither in substantial good standing
44 with each department nor has entered into a practical corrective
45 action. The incentive award agreement shall also require a local
46 government redeveloper to engage in on-site consultations with the
47 Division of Workplace Safety and Health in the Department of
48 Health.

1 d. A local government redeveloper shall submit, prior to the first
2 disbursement of tax credits under the incentive award agreement, but
3 no later than six months following project completion, satisfactory
4 evidence of actual project costs, as certified by a certified public
5 accountant, evidence of a temporary certificate of occupancy, or
6 other event evidencing project completion that begins the eligibility
7 period indicated in the incentive award agreement. The local
8 government redeveloper, or an authorized agent of the local
9 government redeveloper, shall certify that the information provided
10 pursuant to this subsection is true under the penalty of perjury.
11 Claims, records, or statements submitted by a local government
12 redeveloper to the agency in order to receive tax credits shall not be
13 considered claims, records, or statements made in connection with
14 State tax laws.

15 e. The incentive award agreement shall include a provision
16 allowing the agency to extend, in individual cases, the deadline for
17 any annual reporting or certification requirement.

18 f. The incentive award agreement shall include one or more
19 provisions, as determined by the agency, concerning the terms and
20 conditions for default and the remedies for the local government
21 redeveloper in the event of default. The incentive award agreement
22 shall not allow the agency to declare a cross-default when the local
23 government redeveloper, including any business affiliate of the local
24 government redeveloper or any other entity with common principals
25 as the local government redeveloper, is in default with any other
26 assistance program administered by the agency.

27 g. For a social housing project, the incentive award agreement
28 shall include a requirement that upon completion of the project if,
29 during any year, the local government redeveloper receives rental
30 payments from tenants of the project in excess of the amounts
31 necessary to defray the operating costs of the project, together with
32 any debt service on bonds issued to finance the project, not less than
33 75 percent of the excess payments shall be deposited into a non-
34 lapsing fund maintained by the local government redeveloper and
35 used exclusively for the maintenance or additional production of
36 social housing projects.

37
38 7. (New section) a. Up to the limits established in this section
39 and in accordance with an incentive award agreement, beginning
40 upon the receipt of occupancy permits for any portion of the social
41 housing project, or upon any other event evidencing project
42 completion as set forth in the incentive award agreement, a local
43 government redeveloper shall be allowed a total tax credit that shall
44 not exceed: 85 percent of the eligible project cost for a social housing
45 project constructed under a project labor agreement; or 80 percent of
46 the eligible project cost for a social housing project not constructed
47 under a project labor agreement.

1 b. The value of all tax credits approved by the agency under the
2 program for a social housing project shall not exceed \$225,000,000
3 per social housing project.

4 c. The agency shall not approve a total amount of tax credits
5 greater than \$475,000,000 for all social housing projects approved
6 under the program.

7
8 8. (New section) a. A local government redeveloper approved
9 for an incentive award pursuant to sections 4 and 5 of P.L. , c. (C.
10 and C.) (pending before the Legislature as this bill) and that
11 enters an incentive award agreement pursuant to section 6 of P.L. ,
12 c. (C.) (pending before the Legislature as this bill) shall submit
13 annually, commencing in the year in which the incentive award is
14 issued and for the remainder of the eligibility period, a report
15 indicating whether the local government redeveloper is aware of any
16 condition, event, or act that would cause the local government
17 redeveloper not to be in compliance with the incentive award
18 agreement or the provisions of sections 2 through 12 of P.L. , c.
19 (C. through C.) (pending before the Legislature as this bill)
20 and any additional reporting requirements contained in the incentive
21 award agreement or tax credit certificate. The local government
22 redeveloper, or an authorized agent of the local government
23 redeveloper, shall certify that the information provided pursuant to
24 this subsection is true under the penalty of perjury.

25 b. (1) Upon receipt and review of each report submitted during the
26 eligibility period, the agency shall provide to the local government
27 redeveloper and the director a certificate of compliance indicating the
28 amount of tax credits that the local government redeveloper may
29 apply against the local government redeveloper's tax liability.
30 Notwithstanding any provision of law or regulation to the contrary,
31 the agency shall not require the local government redeveloper to
32 include a permanent certificate of occupancy in the first annual
33 report, but the local government redeveloper shall include the
34 permanent certificate of occupancy in the next annual report after the
35 local government redeveloper receives the permanent certificate of
36 occupancy. Subject to forfeiture, reduction, or other action for
37 failure to comply with a program requirement, within 120 days after
38 the agency preliminarily determines that an annual report is
39 complete, the agency shall either: (a) approve the annual report and
40 notify the director that the agency has approved the report and that
41 the director is to issue the tax credit certificate; or (b) request more
42 information from the local government redeveloper to finalize the
43 approval. If the agency fails to act within 120 days from its
44 preliminary determination that the annual report is complete, the
45 annual report shall be deemed approved by the agency, and the local
46 government redeveloper shall be entitled to receive its tax credit
47 certificate.

1 (2) Upon receipt by the director of the certificate of compliance,
2 the director shall allow the local government redeveloper a credit
3 against the tax imposed pursuant to section 5 of P.L.1945, c.162
4 (C.54:10A-5). A local government redeveloper shall apply the credit
5 awarded against the local government redeveloper's liability under
6 section 5 of P.L.1945, c.162 (C.54:10A-5), sections 2 and 3 of
7 P.L.1945, c.132 (C.54:18A-2 and C.54:18A-3), section 1 of
8 P.L.1950, c.231 (C.17:32-15), or N.J.S.17B:23-5 in the tax period for
9 which it was issued, in the tax period in which it was issued, or in
10 any tax period during the eligibility period without the need to amend
11 the tax return for the tax period for which the credit was issued,
12 subject to the carry-forward provision in this section.
13 Notwithstanding the foregoing, no more than the amount of tax
14 credits equal to the total credit amount divided by the duration of the
15 tax credit term, in years, may be taken in any tax period. A local
16 government redeveloper may carry forward an unused credit
17 resulting from the limitations of paragraph (3) of this subsection, if
18 necessary, for use in the seven privilege periods next following the
19 privilege period for which the credits are applied. Credits granted to
20 a partnership shall be passed through to the partners, members, or
21 owners, respectively, pro-rata, or pursuant to an executed agreement
22 among the partners, members, or owners documenting an alternate
23 distribution method provided to the director accompanied by any
24 additional information as the director may prescribe.

25 (3) The director shall prescribe the order of priority of the
26 application of the credit allowed under this section and any other
27 credits allowed by law against the tax imposed under section 5 of
28 P.L.1945, c.162 (C.54:10A-5). The amount of the credit applied
29 under this section against the tax imposed pursuant to section 5 of
30 P.L.1945, c.162 (C.54:10A-5) for a privilege period, together with
31 any other credits allowed by law, shall not reduce the tax liability to
32 an amount less than the statutory minimum provided in subsection
33 (e) of section 5 of P.L.1945, c.162 (C.54:10A-5).

34
35 9. (New section) a. (1) A local government redeveloper may
36 apply to the director and the agency for a tax credit transfer
37 certificate, covering one or more years, in lieu of the local
38 government redeveloper being allowed any amount of the credit
39 against the tax liability of the local government redeveloper. Subject
40 to the forfeiture, reduction, or other action for failure to comply with
41 a program requirement, within 120 days after the agency
42 preliminarily determines that an application is complete, the agency
43 shall either: (a) approve the application and notify the director that
44 the agency has approved the application and that the director is to
45 issue the tax credit transfer certificate; or (b) request more
46 information from the local government redeveloper to finalize the
47 approval. If the agency fails to act within 120 days from its
48 preliminary determination that the application is complete, the

1 application shall be deemed approved by the agency, and the local
2 government redeveloper shall be entitled to receive its tax credit
3 transfer certificate.

4 (2) The tax credit transfer certificate, upon receipt thereof by the
5 local government redeveloper from the director and the agency, may
6 be sold or assigned, in full or in part in an amount not less than
7 \$25,000, in the privilege period during which the local government
8 redeveloper receives the tax credit transfer certificate from the
9 director, to another person, who may apply the credit against a tax
10 liability pursuant to section 5 of P.L.1945, c.162 (C.54:10A-5),
11 sections 2 and 3 of P.L.1945, c.132 (C.54:18A-2 and C.54:18A-3),
12 section 1 of P.L.1950, c.231 (C.17:32-15), or N.J.S.17B:23-5. The
13 certificate provided to the local government redeveloper shall include
14 a statement waiving the local government redeveloper's right to claim
15 the amount of the credit that the local government redeveloper has
16 elected to sell or assign against the local government redeveloper's
17 tax liability.

18 b. The local government redeveloper shall not sell or assign,
19 including a collateral assignment, a tax credit transfer certificate
20 allowed under this section for consideration received by the local
21 government redeveloper of less than 85 percent of the transferred
22 credit amount before considering any further discounting to present
23 value which shall be permitted, except a local government
24 redeveloper of a social housing project consisting of newly-
25 constructed residential units may assign a tax credit transfer
26 certificate for consideration of less than 85 percent subject to the
27 submission of a plan to the agency to use the proceeds derived from
28 the assignment of tax credits to complete the social housing project,
29 except a local government redeveloper of a social housing project
30 consisting of newly-constructed residential units that has received
31 federal low income housing tax credits under 26 U.S.C.
32 s.42(b)(1)(B)(i) may assign a tax credit transfer certificate for
33 consideration of no less than 65 percent subject to the submission of
34 a plan to the agency to use the proceeds derived from the assignment
35 of tax credits to complete the social housing project. The tax credit
36 transfer certificate issued to a local government redeveloper by the
37 director shall be subject to any limitations and conditions imposed on
38 the application of State tax credits pursuant to sections 2 through 12
39 of P.L. , c. (C. through) (pending before the Legislature
40 as this bill) and any other terms and conditions that the director may
41 prescribe, provided, however, that the holder of a tax credit
42 certificate may transfer all or part of the tax credit amount, on or after
43 the date of issuance of the tax credit transfer certificate, for use by
44 the transferee in the tax period for which it was issued, in the tax
45 period in which it was issued, or in any of the next three successive
46 tax periods. The tax certificate holder or transferee may first use the
47 credit against tax liabilities in the tax period in which it was issued
48 or in a succeeding tax period, as authorized in this subsection,

1 without the need to amend the tax return for the tax period for which
2 the credit was issued, subject to the provisions of this section. A
3 transferee may carry forward an unused credit for use in any of the
4 next five successive tax periods, and the unused credit shall expire
5 thereafter. Notwithstanding any provision of this section to the
6 contrary, the amount of tax credits that may be claimed by the
7 transferee in any tax period shall not exceed the total tax credit
8 amount divided by the duration of the eligibility period in years.

9 c. A purchaser or assignee of a tax credit transfer certificate
10 pursuant to this section shall not make any subsequent transfers,
11 assignments, or sales of the tax credit transfer certificate.

12 d. The agency shall publish on its Internet website the following
13 information concerning each tax credit transfer certificate approved
14 by the agency and the director pursuant to this section:

- 15 (1) the name of the transferor;
- 16 (2) the name of the transferee;
- 17 (3) the value of the tax credit transfer certificate; and
- 18 (4) the consideration received by the transferor.

19
20 10. (New section) a. A local government redeveloper who has
21 entered into an incentive award agreement pursuant to section 6 of
22 P.L. , c. (C.) (pending before the Legislature as this bill)
23 may, upon notice to and written consent of the agency and State
24 Treasurer, pledge, assign, transfer, or sell any or all of its right, title,
25 and interest in and to the incentive award agreement and in the
26 incentive awards payable under the incentive award agreement, and
27 the right to receive the incentive awards, along with the rights and
28 remedies provided to the local government redeveloper under the
29 incentive award agreement. Any assignment shall be an absolute
30 assignment for all purposes, including the federal bankruptcy code.

31 b. Any pledge of an incentive award made by the local
32 government redeveloper shall be valid and binding from the time the
33 pledge is made and filed in the records of the agency. The incentive
34 award pledged and thereafter received by the local government
35 redeveloper shall immediately be subject to the lien of the pledge
36 without any physical delivery thereof or further act, and the lien of
37 any pledge shall be valid and binding against all parties having claims
38 of any kind in tort, contract, or otherwise against the local
39 government redeveloper irrespective of whether the parties have
40 notice thereof. As a condition of any incentive award, the grantee,
41 assignee, pledgee or subsequent holder of the incentive award shall
42 immediately file notice of the same with the clerk of the county in
43 which the project is located.

44 c. The agency shall publish on its Internet website the following
45 information concerning each pledge, assignment, transfer, or sale
46 approved by the agency pursuant to this section:

1 (1) the name of the person or entity offering the pledge,
2 assignment, transfer, or sale of a right, title, or interest in an incentive
3 grant agreement or tax credit agreement;

4 (2) the name of the person or entity receiving the pledge,
5 assignment, transfer, or sale of a right, title, or interest in the
6 incentive grant agreement or tax credit agreement;

7 (3) the value of the right, title, or interest in the incentive grant
8 agreement or tax credit agreement; and

9 (4) the consideration received by the person or entity offering the
10 pledge, assignment, transfer, or sale of the right, title, or interest in
11 the incentive grant agreement or tax credit agreement.

12
13 11. (New section) Beginning the year next following the year in
14 which P.L. , c. (C.) (pending before the Legislature as this
15 bill) takes effect and every two years thereafter, the agency shall
16 select a State college or university established pursuant to chapter 64
17 of Title 18A of the New Jersey Statutes to prepare a report, pursuant
18 to an agreement executed between the State college or university and
19 the agency, concerning the implementation of the program, and
20 submit the report to the agency, the Governor, and, pursuant to
21 section 2 of P.L.1991, c.164 (C.52:14-19.1), to the Legislature. Each
22 biennial report required under this section shall include a description
23 of each social housing project receiving a tax credit under the
24 program, a detailed analysis of the consideration given in each
25 project to the factors set forth in sections 4 and 5 of P.L. , c. (C.
26 and C.) (pending before the Legislature as this bill), and any
27 other metrics the State college or university determines are relevant
28 based upon national best practices.

29
30 12. (New section) Notwithstanding the provisions of the
31 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
32 seq.) to the contrary, except as otherwise provided in subsection b. of
33 this section, the executive director of the agency may adopt,
34 immediately, upon filing with the Office of Administrative Law,
35 regulations that the executive director deems necessary to implement
36 the provisions of sections 2 through 12 of P.L. , c.
37 (C. through) (pending before the Legislature as this bill),
38 which regulations shall be effective for a period not to exceed 180
39 days from the date of the filing. The executive director shall
40 thereafter amend, adopt, or readopt the regulations in accordance
41 with the requirements of P.L.1968, c.410 (C.52:14B-1 et seq.).

42
43 13. (New section) a. Within one calendar year of the effective
44 date of P.L. , c. (C.) (pending before the Legislature as this
45 bill), the New Jersey Housing and Mortgage Finance Agency shall
46 establish a Workforce Housing Investment Program for the purposes
47 of facilitating the financing of certified workforce housing projects.
48 The New Jersey Housing and Mortgage Finance Agency, in

1 collaboration with the New Jersey Economic Development
2 Authority, shall review applications under the program established
3 pursuant to this section, submitted in such form and manner as the
4 agency may require.

5 b. A developer of a workforce housing project is eligible for
6 certification of a workforce housing project pursuant to this section
7 if the project:

8 (1) is located in a transit-oriented, high-pedestrian, or walkable
9 area or is located in a former Brownfield site as defined by section
10 10 of P.L.2020, c.156 (C.34:1B-278);

11 (2) reserves at least 20 percent of the residential units included in
12 the project for workforce housing;

13 (3) is constructed under a project labor agreement;

14 (4) is affiliated with a registered apprenticeship program;

15 (5) contains a minimum capital investment provided by the
16 developer of the project of at least 30 percent of total project costs;
17 and

18 (6) adheres to monitoring standards, as determined by the agency.

19 c. A developer of a workforce housing project may submit
20 evidence of investment by the manager of a pension fund for private-
21 sector employees in the development of the project. If a developer
22 submits such evidence, then the agency shall provide the evidence to
23 the Division of Investment in the Department of the Treasury.

24 d. The agency shall review an application for the Workforce
25 Housing Investment Program pursuant to this section. Upon
26 approval of an application, the agency shall provide a written
27 certification that the project is a workforce housing project to:

28 (1) the Division of Investment in the Department of the Treasury
29 for the purpose of consideration of investment in the workforce
30 housing project pursuant to section 14 of P.L. , c. (C.)
31 (pending before the Legislature as this bill); and

32 (2) the New Jersey Infrastructure Bank for the purpose of
33 determining eligibility of the developer for a loan pursuant to section
34 18 of P.L. , c. (C.) (pending before the Legislature as this
35 bill).

36 e. The New Jersey Housing and Mortgage Finance Agency, in
37 consultation with the New Jersey Economic Development Authority,
38 shall promulgate any rules and regulations necessary to effectuate the
39 provisions of this section.

40

41 14. (New section) Subject to and consistent with the fiduciary
42 duties and the standard for prudent investment set forth in section 11
43 of P.L.1950, c.270 (C.52:18A-89):

44 a. upon receipt of a certification that a project is a workforce
45 housing project, pursuant to section 13 of P.L. , c. (C.)
46 (pending before Legislature as this bill), the Division of Investment
47 in the Department of the Treasury and the State Investment Council

1 shall consider investing State funds or assets, as appropriate, in the
2 development of the project;

3 b. the division and council may invest a minimum of five percent
4 of funds in the development of affordable housing or workforce
5 housing, including, but not limited to, a workforce housing project,
6 pursuant to subsection a. of this section; and

7 c. the division and council shall consider making an investment
8 equal in value to any private investment for which evidence is
9 provided pursuant to subsection c. of section 13 of P.L. , c.
10 (C.) (pending before the Legislature as this bill).

11
12 15. (New section) a. There is established the “Interagency Task
13 Force on Public Land for Housing” in the Department of the
14 Treasury. The purpose of the task force is to determine public lands
15 that are underutilized and may be suitable for the development of
16 workforce housing projects under the Workforce Housing Investment
17 Program established pursuant to section 13 of P.L. , c. (C.)
18 (pending before the Legislature as this bill). The task force shall
19 organize within 90 days of the effective date of P.L. , c. (C.)
20 (pending before the Legislature as this bill).

21 b. The task force shall consist of eight members as follows:

22 (1) the Chief Executive Officer of the New Jersey Economic
23 Development Authority, or the officer's designee;

24 (2) the Director of the Division of Investment in the Department
25 of the Treasury, or the director's designee;

26 (3) the Executive Director of the New Jersey Housing and
27 Mortgage Finance Agency, or the executive director's designee;

28 (4) the Chairperson of the New Jersey Infrastructure Bank, or the
29 chairperson's designee;

30 (5) two public members, one to be appointed by the Senate
31 President and one to be appointed by the Senate Minority Leader,
32 both of whom shall have expertise in at least one of the following
33 categories: economic development; finance; investing; or the
34 administration of affordable housing programs; and

35 (6) two public members, one to be appointed by the Speaker of
36 the General Assembly and one to be appointed by the Assembly
37 Minority Leader, both of whom shall have expertise in at least one of
38 the following categories: economic development; finance; investing;
39 or the administration of affordable housing programs.

40 c. Within three months following initial organization, the task
41 force shall publish a report recommending rules and regulations to
42 increase coordination among State entities, counties, and
43 municipalities in order to reduce unnecessary administrative delays
44 and improve the efficiency of the review process for applications
45 submitted under the Workforce Housing Investment Program,
46 established pursuant to section 13 of P.L. , c. (C.) (pending
47 before the Legislature as this bill). The task force may recommend

1 new rules and regulations, revisions to existing rules and regulations,
2 and the removal of existing rules and regulations.

3 d. Following the publication of the report required pursuant to
4 subsection c. of this section, the New Jersey Economic Development
5 Authority and the New Jersey Housing and Mortgage Finance
6 Agency shall consider, and to the extent feasible, implement the
7 recommendations provided by the task force.

8 e. Within six months following initial organization, the task
9 force shall publish a report recommending ways in which the State,
10 counties, and municipalities can utilize existing financial structures
11 and practices to invest funds, increase revenues, and develop
12 workforce housing projects under the Workforce Housing Investment
13 Program, established pursuant to section 13 of P.L. , c. (C.)
14 (pending before the Legislature as this bill).

15 f. Within one calendar year following initial organization, the
16 task force shall publish a comprehensive report recommending sites
17 of public land in the State that are suitable for the development of
18 workforce housing projects under the Workforce Housing Investment
19 Program, established pursuant to section 13 of P.L. , c. (C.)
20 (pending before the Legislature as this bill). The task force shall list
21 the identified sites in order of priority, beginning with sites that are
22 capable of supporting workforce housing projects that include at least
23 100 housing units.

24 g. The task force shall provide copies of the reports required
25 under this section to the Governor and, pursuant to section 2 of
26 P.L.1991, c.164 (C.52:14-19.1), the Legislature on its findings and
27 recommendations. The reports shall be made available to the public
28 on the Internet website of the Division of Investment.

29 h. The task force shall expire 30 days following the issuance of
30 the report pursuant to subsection e. of this section.

31

32 16. (New section) The New Jersey Economic Development
33 Authority shall prioritize the approval of any complete application
34 submitted for any program administered by the authority, which
35 application concerns a project that includes the development of:

36 a. affordable housing or workforce housing, as those terms are
37 defined in section 1 of P.L. , c. (C.) (pending before the
38 Legislature as this bill), that is situated on land owned by a unit of
39 local government; or

40 b. affordable housing in excess of the minimum affordable
41 housing requirements for the program under which the application is
42 submitted.

43

44 17. (New section) a. The New Jersey Housing and Mortgage
45 Finance Agency shall prioritize the approval of any complete
46 application submitted for any program administered by the agency,
47 which application concerns a project that includes the development
48 of:

1 a. affordable housing or workforce housing, as those terms are
2 defined in section 1 of P.L. , c. (C.) (pending before the
3 Legislature as this bill), that is situated on land owned by a unit of
4 local government; or

5 b. affordable housing in excess of the minimum affordable
6 housing requirements for the program under which the application is
7 submitted.

8
9 18. (New section) a. There is established in the New Jersey
10 Infrastructure Bank a special fund to be known as the Human
11 Infrastructure Bank Fund. The Human Infrastructure Bank Fund
12 shall be credited with:

13 (1) any funds appropriated by the Legislature for the purpose of
14 issuing loans pursuant to this section;

15 (2) all moneys received as repayment of the principal of, and the
16 interest or premium on, loans made from the Human Infrastructure
17 Bank Fund;

18 (3) any interest earnings received on the moneys in the Human
19 Infrastructure Bank Fund; and

20 (4) such other moneys received or made available to finance or
21 refinance loans issued from the Human Infrastructure Bank Fund.

22 b. Notwithstanding any provision of law to the contrary, all
23 moneys placed into the Human Infrastructure Bank Fund shall be
24 held separate from other funds of the trust, and no infrastructure
25 funds shall be combined or comingled with any funds that finance the
26 following project if the projects are not workforce housing projects:
27 wastewater treatment system projects; water supply projects; other
28 environmental infrastructure projects; or transportation projects,
29 aviation projects, or marine projects.

30 c. Notwithstanding any provision of law to the contrary, the trust
31 may provide loans to the developer of a project that is certified by
32 the New Jersey Housing and Mortgage Finance Agency as a
33 workforce housing project pursuant to section 13 of P.L. , c.
34 (C.) (pending before the Legislature as this bill), which loans may
35 finance all or part of the costs incurred by the developer for the
36 planning, acquisition, engineering, construction, reconstruction,
37 repair, and rehabilitation of the workforce housing project.

38 d. The trust shall consider the following factors when setting an
39 interest rate on a loan provided pursuant to this section:

40 (1) the current market rates for comparable obligations;

41 (2) the nature of the project;

42 (3) the financing structure of the project;

43 (4) the creditworthiness of the borrower; and

44 (5) the term of the proposed obligation.

45 e. The trust may establish or direct the establishment of such
46 State accounts or subaccounts as may be necessary to meet any
47 applicable legal requirements or desirable for the efficient
48 administration of the trust.

1 19. Section 3 of P.L.1985, c.334 (C.58:11B-3) is amended to read
2 as follows:

3 3. As used in sections 1 through 27 of P.L.1985, c.334
4 (C.58:11B-1 through C.58:11B-27), sections 23 through 27 of
5 P.L.1997, c.224 (C.58:11B-10.1, C.58:11B-20.1, C.58:11B-21.1,
6 C.58:11B-22.1, and C.58:11B-22.2), **【and】** sections 22 and 34
7 through 38 of P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-
8 10.5, C.58:11B-20.2, C.58:11B-22.3, and C.58:11B-22.4), and
9 section 18 of P.L. , c. (C.) (pending before the Legislature as
10 this bill):

11 "Aviation project" means a project to develop or improve county
12 or municipal airport facilities, or airport facilities owned or operated
13 by a regional transportation authority that is not a bi-state authority,
14 and related infrastructure or capital equipment, including, but not
15 limited to, any design, planning, acquisition, construction,
16 reconstruction, relocation, installation, removal, repair, or
17 rehabilitation project that facilitates, increases the efficiency of, or
18 improves the capacity for inter-modal trade for commercial and
19 industrial facilities that are part of airport facilities. "Aviation
20 project" includes, but is not limited to, any project to develop or
21 improve terminal facilities designed for public use and for the
22 transportation of persons or property, such as airports, runways,
23 berms, basins, storage places, sheds, warehouses, and related
24 infrastructure;

25 "Bonds" means bonds issued by the trust pursuant to P.L.1985,
26 c.334 (C.58:11B-1 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.);

27 "Combined sewer overflow" means the discharge of untreated or
28 partially treated stormwater runoff and wastewater from a combined
29 sewer system into a body of water;

30 "Combined sewer system" means a sewer system designed to carry
31 sanitary wastewater at all times, which is also designed to collect and
32 transport stormwater runoff from streets and other sources, thereby
33 serving a combined purpose;

34 "Commissioner" means the Commissioner of the Department of
35 Environmental Protection;

36 "Cost" means the cost of all labor, materials, machinery and
37 equipment, lands, property, rights and easements, financing charges,
38 interest on bonds, notes or other obligations, plans and specifications,
39 surveys or estimates of costs and revenues, engineering and legal
40 services, and all other expenses necessary or incident to all or part of
41 an environmental infrastructure project;

42 "Department" means the Department of Environmental
43 Protection;

44 "Environmental infrastructure project" means the acquisition,
45 construction, improvement, repair or reconstruction of all or part of
46 any structure, facility or equipment, or real or personal property
47 necessary for or ancillary to any: (1) wastewater treatment system
48 project, including any stormwater management or combined sewer

1 overflow abatement projects; or (2) water supply project, as
2 authorized pursuant to P.L.1985, c.334 (C.58:11B-1 et seq.) or
3 P.L.1997, c.224 (C.58:11B-10.1 et al.), including any water resources
4 project, as authorized pursuant to P.L.2003, c.162;

5 "Federal infrastructure bank program" means the United States
6 Department of Transportation State Infrastructure Bank Program
7 provided for in section 350 of Pub.L.104-59 and Pub.L.102-240 as
8 amended or superseded;

9 "Local government unit" means (1) a State authority, county,
10 municipality, municipal, county or regional sewerage or utility
11 authority, municipal sewerage district, joint meeting, improvement
12 authority, or any other political subdivision of the State authorized to
13 construct, operate, and maintain wastewater treatment systems; (2) a
14 State authority, district water supply commission, county,
15 municipality, municipal, county or regional utilities authority,
16 municipal water district, joint meeting, or any other political
17 subdivision of the State authorized pursuant to law to operate or
18 maintain a public water supply system or to construct, rehabilitate,
19 operate, or maintain water supply facilities or otherwise provide
20 water for human consumption; (3) a county, municipality, municipal,
21 county or regional transportation authority, or any other political
22 subdivision of the State authorized to construct, operate, or maintain
23 public highways or transportation projects; (4) a county,
24 municipality, or other political subdivision or instrumentality of the
25 State, or a municipal, county, or State authority that is not a bi-state
26 authority, authorized to construct, operate, or maintain ports or
27 marine projects; (5) a county, municipality, municipal or regional
28 transportation authority, or other political subdivision or
29 instrumentality of the State authorized to construct, operate, or
30 maintain airports or aviation projects; or (6) a local government unit
31 as defined in section 2 of P.L.2023, c.63 (C.58:11B-20.4) authorized
32 to receive funds pursuant to the "Safeguarding Tomorrow Through
33 Ongoing Risk Mitigation (STORM) Act," Pub.L. 116-284 (42 U.S.C.
34 s.5135), as amended or supplemented, and P.L.2023, c.63 (C.58:11B-
35 20.3 et al.);

36 "Marine project" means a project to develop or improve public
37 port or terminal facilities, and related infrastructure or capital
38 equipment, including, but not limited to, any design, planning,
39 acquisition, construction, reconstruction, relocation, installation,
40 removal, repair, or rehabilitation project that facilitates, increases the
41 efficiency of, or improves the capacity for inter-modal trade and
42 cargo movement for commercial or industrial facilities that are part
43 of port or terminal facilities. "Marine project" includes, but is not
44 limited to, dredging, soil hardening, and paving of the port facilities,
45 and ferry terminal facilities designed for public use and the
46 transportation of persons or property such as water craft, docks,
47 wharves, piers, slips, storage places, sheds, warehouses, and related

1 infrastructure. "Marine project" shall not include any project that
2 relates to or supports recreational or commercial boating activities;

3 "New Jersey Environmental Infrastructure Financing Program"
4 means the financing program to fund environmental infrastructure
5 projects;

6 "New Jersey Transportation Infrastructure Financing Program"
7 means the financing program to fund transportation projects, aviation
8 projects, and marine projects;

9 "Notes" means notes issued by the trust pursuant to P.L.1985,
10 c.334 (C.58:11B-1 et seq.), P.L.1997, c.224 (C.58:11B-10.1 et al.),
11 or sections 22 and 34 through 38 of P.L.2016, c.56 (C.58:11B-10.3
12 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-22.3, and
13 C.58:11B-22.4);

14 "Onsite wastewater treatment and disposal system" means an
15 onsite system designed to treat and dispose of domestic sewage;

16 "Other assistance" means forms of financial assistance, in addition
17 to loans, authorized by the New Jersey Infrastructure Bank from the
18 State Transportation Infrastructure Bank Fund, the wastewater
19 treatment system general loan fund, the water supply facilities
20 general loan fund, or the Community Hazard Assistance Mitigation
21 Program Revolving Loan Fund established pursuant to section 3 of
22 P.L.2023, c.63 (C.58:11B-10.6), including, but not limited to, use of
23 funds to: provide credit enhancements, serve as a capital reserve for
24 bond or other debt instrument financing, subsidize interest rates,
25 ensure the issuance of letters of credit and credit instruments, finance
26 purchase and lease agreements with respect to transit projects, and
27 provide bond or other debt financing instrument security;

28 "Planning, design, and construction loan" means a short-term or
29 temporary loan for eligible costs incurred in project planning,
30 engineering design, or construction issued before or during the
31 planning stage of a project;

32 "Project" means the acquisition, construction, improvement,
33 repair or reconstruction of all or part of any structure, facility, or
34 equipment, or real or personal property necessary for or ancillary to
35 any: (1) wastewater treatment system project, including any
36 stormwater management or combined sewer overflow abatement
37 projects; (2) water supply project, as authorized pursuant to
38 P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L.1997, c.224 (C.58:11B-
39 10.1 et al.), including any water resources project, as authorized
40 pursuant to P.L.2003, c.162; **[or]** (3) transportation project, aviation
41 project, or marine project authorized pursuant to sections 22 and 34
42 through 38 of P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-
43 10.5, C.58:11B-20.2, C.58:11B-22.3, and C.58:11B-22.4); or (4)
44 workforce housing project certified pursuant to section 13 of P.L. ,
45 c. (C.) (pending before the Legislature as this bill);

46 "Public highway" means public roads, streets, expressways,
47 freeways, parkways, motorways and boulevards, including bridges,
48 tunnels, overpasses, underpasses, interchanges, express bus

1 roadways, bus pullouts and turnarounds, park-ride facilities, traffic
2 circles, grade separations, traffic control devices, the elimination or
3 improvement of crossings of railroads and highways, whether at-
4 grade or not at-grade, bicycle and pedestrian pathways and pedestrian
5 and bicycle bridges, and any property, rights of way, easements and
6 interests therein needed for the construction, improvement, and
7 maintenance of highways;

8 "Public water utility" means any investor-owned water company
9 or small water company;

10 "Small water company" means any company, purveyor, or entity,
11 other than a governmental agency, that provides water for human
12 consumption and which regularly serves less than 1,000 customer
13 connections, including nonprofit, noncommunity water systems
14 owned or operated by a nonprofit group or organization;

15 "Stormwater management system" means any equipment, plants,
16 structures, machinery, apparatus, management practices, or land, or
17 any combination thereof, acquired, used, constructed, implemented,
18 or operated to prevent nonpoint source pollution, abate improper
19 cross-connections and interconnections between stormwater and
20 sewer systems, minimize stormwater runoff, reduce soil erosion, or
21 induce groundwater recharge, or any combination thereof;

22 "Transportation project" means a capital project for public
23 highways, approach roadways, and other necessary land-side
24 improvements, ramps, signal systems, roadbeds, transit lanes or
25 rights of way, related transmission and distribution lines, pedestrian
26 walkways and bridges connecting to passenger stations and servicing
27 facilities, bridges, and grade crossings;

28 "Trust" means the New Jersey Infrastructure Bank created
29 pursuant to section 4 of P.L.1985, c.334 (C.58:11B-4);

30 "Wastewater" means residential, commercial, industrial, or
31 agricultural liquid waste, sewage, septage, stormwater runoff, or any
32 combination thereof, or other liquid residue discharged or collected
33 into a sewer system or stormwater management system, or any
34 combination thereof;

35 "Wastewater treatment system" means any equipment, plants,
36 structures, machinery, apparatus, or land, or any combination thereof,
37 acquired, used, constructed or operated by, or on behalf of, a local
38 government unit for the storage, collection, reduction, recycling,
39 reclamation, disposal, separation, or other treatment of wastewater or
40 sewage sludge, or for the collection or treatment, or both, of
41 stormwater runoff and wastewater, or for the final disposal of
42 residues resulting from the treatment of wastewater, including, but
43 not limited to, pumping and ventilating stations, treatment plants and
44 works, connections, outfall sewers, interceptors, trunk lines,
45 stormwater management systems, and other personal property and
46 appurtenances necessary for their use or operation; "wastewater
47 treatment system" shall include a stormwater management system or
48 a combined sewer system;

1 "Wastewater treatment system project" means any work relating
2 to the acquisition, construction, improvement, repair or
3 reconstruction of all or part of any structure, facility or equipment, or
4 real or personal property necessary for or ancillary to any wastewater
5 treatment system that meets the requirements set forth in sections 20,
6 21, and 22 of P.L.1985, c.334 (C.58:11B-20, C.58:11B-21, and
7 C.58:11B-22); or any work relating to any of the stormwater
8 management or combined sewer overflow abatement projects
9 identified in the stormwater management and combined sewer
10 overflow abatement project priority list adopted by the commissioner
11 pursuant to section 28 of P.L.1989, c.181; or any work relating to the
12 purposes set forth in section 6 of P.L.2003, c.162; or any work
13 relating to any other project eligible for financing under the "Federal
14 Water Pollution Control Act Amendments of 1972" (33 U.S.C.
15 s.1251 et seq.), or any amendatory or supplementary acts thereto;

16 "Water resources project" means any work related to transferring
17 water between public water systems during a state of water
18 emergency, to avert a drought emergency in all or any part of the
19 State, to plan, design or construct interconnections of existing water
20 supplies, or to extend water supplies to areas with contaminated
21 ground water supplies;

22 "Water supply facilities" means and refers to the real property and
23 the plants, structures, interconnections between existing water supply
24 facilities, machinery and equipment and other property, real, personal
25 and mixed, acquired, constructed or operated, or to be acquired,
26 constructed or operated, in whole or in part, by or on behalf of a
27 public water utility, or by or on behalf of the State or a local
28 government unit, for the purpose of augmenting the natural water
29 resources of the State and making available an increased supply of
30 water for all uses, or of conserving existing water resources, and any
31 and all appurtenances necessary, useful or convenient for the
32 collecting, impounding, storing, improving, treating, filtering,
33 conserving or transmitting of water, and for the preservation and
34 protection of these resources and facilities, whether in public or
35 private ownership, and providing for the conservation and
36 development of future water supply resources, and facilitating
37 incidental recreational uses thereof;

38 "Water supply project" means any work relating to the acquisition,
39 construction, improvement, repair or reconstruction of all or part of
40 any structure, facility or equipment, or real or personal property
41 necessary for or ancillary to water supply facilities that meets the
42 requirements set forth in sections 24, 25, and 26 of P.L.1997, c.224
43 (C.58:11B-20.1, C.58:11B-21.1, and C.58:11B-22.1); or any work
44 relating to the purposes set forth in section 4 of P.L.1981, c.261; or
45 any work relating to the purposes set forth in section 6 of P.L.2003,
46 c.162; or any work relating to any other project eligible for funding
47 pursuant to the federal "Safe Drinking Water Act Amendments of

1 1996," Pub.L.104-182, and any amendatory and supplementary acts
2 thereto.

3 "Workforce housing" means housing that is affordable, according
4 to federal Department of Housing and Urban Development or other
5 recognized standards, for home ownership and rental costs and that
6 is occupied or reserved for occupancy by households with a gross
7 household income not more than 120 percent of the median gross
8 household income for households of the same size within the housing
9 region in which the housing is located.

10 "Workforce housing project" means a specific construction
11 project or improvement undertaken by a developer, which project is
12 located in the State and predominantly includes the construction or
13 improvement of residential housing units, and may include a parking
14 component, provided that at least 20 percent of the residential units
15 in the project are reserved for workforce housing.

16 (cf: P.L.2025, c.14, s.1)

17

18 20. Section 4 of P.L.1985, c.334 (C.58:11B-4) is amended to read
19 as follows:

20 4. a. There is established in, but not of, the Department of the
21 Treasury a body corporate and politic, with corporate succession, to
22 be known as the "New Jersey Infrastructure Bank." The trust is
23 constituted as an instrumentality of the State exercising public and
24 essential governmental functions, no part of whose revenues shall
25 accrue to the benefit of any individual, and the exercise by the trust
26 of the powers conferred by the provisions of P.L.1985, c.334
27 (C.58:11B-1 et seq.), P.L.1997, c.224 (C.58:11B-10.1 et al.), **[or]**
28 sections 22 and 34 through 38 of P.L.2016, c.56 (C.58:11B-10.3
29 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-22.3, and
30 C.58:11B-22.4), or section 18 of P.L. , c. (C.) (pending
31 before the Legislature as this bill) shall be deemed and held to be an
32 essential governmental function of the State.

33 b. The trust shall consist of a 10 member board of directors
34 composed of the State Treasurer, the Commissioner of the
35 Department of Community Affairs, the Commissioner of the
36 Department of Transportation, and the Commissioner of the
37 Department of Environmental Protection, who shall be members ex
38 officio; two people appointed by the Governor upon the
39 recommendation of the President of the Senate, and two people
40 appointed by the Governor upon the recommendation of the Speaker
41 of the General Assembly, who shall serve during the two-year
42 legislative term in which they are appointed; and two residents of the
43 State appointed by the Governor with the advice and consent of the
44 Senate, who shall serve for terms of four years, except that the first
45 two appointed shall serve terms of two and three years respectively.
46 Each appointed director shall serve until that director's successor has
47 been appointed and qualified. A director is eligible for

1 reappointment. Any vacancy shall be filled in the same manner as the
2 original appointment, but for the unexpired term only.

3 With respect to those public members first appointed by the
4 Governor, the appointment of each of the two members upon the
5 advice and consent of the Senate shall become effective 30 days after
6 their nomination by the Governor if the Senate has not given advice
7 and consent on those nominations within that time period; the
8 President of the Senate and the Speaker of the General Assembly
9 each shall recommend to the Governor a public member for
10 appointment within 20 days following the effective date of P.L.1985,
11 c.334 (C.58:11B-1 et seq.) and a public member for appointment
12 within 20 days following the effective date of P.L.2016, c.56 and a
13 recommendation made in this manner shall become effective if the
14 Governor makes the appointment in accordance with the
15 recommendation, in writing, within 10 days of the Governor's receipt
16 thereof. In each instance where the Governor fails to make the
17 appointment, the President of the Senate and the Speaker of the
18 General Assembly shall make new recommendations subject to
19 appointment by the Governor as determined in this section.

20 c. Each appointed director may be removed from office by the
21 Governor for cause, upon the Governor's consideration of the
22 findings and recommendations of an administrative law judge after a
23 public hearing before the judge, and may be suspended by the
24 Governor pending the completion of the hearing. Each director,
25 before entering upon the director's duties, shall take and subscribe an
26 oath to perform the duties of the director's office faithfully,
27 impartially and justly to the best of the director's ability. A record of
28 oaths shall be filed in the office of the Secretary of State.

29 d. The Governor shall designate one of the appointed members
30 to be the chairperson and chief executive officer of the trust and the
31 directors shall biannually elect a vice-chairperson from among the
32 appointed directors. The chairperson shall serve as such for a term of
33 two years and until a successor has been designated. A chairperson
34 shall be eligible for one additional two-year term as chairperson. The
35 directors shall elect a secretary and treasurer, who need not be
36 directors, and the same person may be elected to serve as both
37 secretary and treasurer.

38 The powers of the trust are vested in the directors in office from
39 time to time and six directors shall constitute a quorum at any
40 meeting. Action may be taken and motions and resolutions adopted
41 by the trust by the affirmative majority vote of those directors
42 present, but in no event shall any action be taken or motions or
43 resolutions adopted without the affirmative vote of at least six
44 directors. No vacancy on the board of directors of the trust shall
45 impair the right of a quorum of the directors to exercise the powers
46 and perform the duties of the trust.

47 e. Each director and the treasurer of the trust shall execute a
48 bond to be conditioned upon the faithful performance of the duties of

1 the director or treasurer in a form and amount as may be prescribed
2 by the State Treasurer. Bonds shall be filed in the office of the
3 Secretary of State. At all times thereafter, the directors and treasurer
4 shall maintain these bonds in full effect. All costs of the bonds shall
5 be borne by the trust.

6 f. The directors of the trust shall serve without compensation,
7 but the trust shall reimburse the directors for actual and necessary
8 expenses incurred in the performance of their duties.
9 Notwithstanding the provisions of any other law to the contrary, no
10 officer or employee of the State shall be deemed to have forfeited or
11 shall forfeit the officer's or employee's office or employment or any
12 benefits or emoluments thereof by reason of the officer's or
13 employee's acceptance of the office of ex officio director of the trust
14 or the ex officio director's services thereon.

15 g. Each ex officio director may designate an officer of the ex
16 officio director's department to represent the ex officio director at
17 meetings of the trust. Each designee may lawfully vote and otherwise
18 act on behalf of the director for whom the person constitutes the
19 designee. The designation shall be delivered in writing to the trust
20 and shall continue in effect until revoked or amended in writing and
21 delivered to the trust.

22 h. The trust may be dissolved by law; provided the trust has no
23 debts or obligations outstanding or that provision has been made for
24 the payment or retirement of these debts or obligations. The trust
25 shall continue in existence until dissolved by act of the Legislature.
26 Upon any dissolution of the trust, all property, funds and assets of the
27 trust shall be vested in the State.

28 i. A true copy of the minutes of every meeting of the trust shall
29 be forthwith delivered by and under the certification of the secretary
30 thereof to the Governor and at the same time to the Senate and
31 General Assembly. The time and act of this delivery shall be duly
32 recorded on a delivery receipt. No action taken or motion or
33 resolution adopted at a meeting by the trust shall have effect until 10
34 days, exclusive of Saturdays, Sundays and public holidays, after a
35 copy of the minutes has been delivered to the Governor, unless during
36 the 10-day period the Governor shall approve all or part of the actions
37 taken or motions or resolutions adopted, in which case the action or
38 motion or resolution shall become effective upon the approval.

39 If, in the 10-day period, the Governor returns the copy of the
40 minutes with a veto of any action taken by the trust or any member
41 thereof at that meeting, the action shall be of no effect. The Senate or
42 General Assembly shall have the right to provide written comments
43 concerning the minutes to the Governor within the 10-day period,
44 which comments shall be returned to the trust by the Governor with
45 the Governor's approval or veto of the minutes.

46 The powers conferred in this subsection upon the Governor shall
47 be exercised with due regard for the rights of the holders of bonds,
48 notes and other obligations of the trust at any time outstanding, and

1 nothing in, or done pursuant to, this subsection shall in any way limit,
2 restrict or alter the obligation or powers of the trust or any
3 representative or officer of the trust to carry out and perform each
4 covenant, agreement, or contract made or entered into by or on behalf
5 of the trust with respect to its bonds, notes, or other obligations or for
6 the benefit, protection or security of the holders thereof.

7 j. No resolution or other action of the trust providing for the
8 issuance of bonds, refunding bonds, notes or other obligations shall
9 be adopted or otherwise made effective by the trust without the prior
10 approval in writing of the Governor and the State Treasurer. The trust
11 shall provide the Senate and General Assembly with written notice
12 of any request for approval of the Governor and State Treasurer at
13 the time the request is made, and shall also provide the Senate and
14 General Assembly written notice of the response of the Governor and
15 State Treasurer at the time that the response is received by the trust.
16 (cf: P.L.2016, c.56, s.13)

17
18 21. Section 5 of P.L.1985, c.334 (C.58:11B-5) is amended to read
19 as follows:

20 5. Except as otherwise limited by the provisions of P.L.1985,
21 c.334 (C.58:11B-1 et seq.), P.L.1997, c.224 (C.58:11B-10.1 et al.),
22 **[or]** sections 22 and 34 through 38 of P.L.2016, c.56 (C.58:11B-10.3
23 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-22.3, and
24 C.58:11B-22.4), or section 18 of P.L. , c. (C.) (pending
25 before the Legislature as this bill), the trust may:

26 a. Make and alter bylaws for its organization and internal
27 management and, subject to agreements with holders of its bonds,
28 notes or other obligations, make rules and regulations with respect to
29 its operations, properties and facilities;

30 b. Adopt an official seal and alter it;

31 c. Sue and be sued;

32 d. Make and enter into all contracts, leases and agreements
33 necessary or incidental to the performance of its duties and the
34 exercise of its powers under the provisions of P.L.1985, c.334
35 (C.58:11B-1 et seq.), P.L.1997, c.224 (C.58:11B-10.1 et al.), **[or]**
36 sections 22 and 34 through 38 of P.L.2016, c.56 (C.58:11B-10.3
37 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-22.3, and
38 C.58:11B-22.4), or section 18 of P.L. , c. (C.) (pending
39 before the Legislature as this bill), and subject to any agreement with
40 the holders of the trust's bonds, notes or other obligations, consent to
41 any modification, amendment or revision of any contract, lease or
42 agreement to which the trust is a party;

43 e. Enter into agreements or other transactions with and accept,
44 subject to the provisions of section 23 of P.L.1985, c.334 (C.58:11B-
45 23), grants, appropriations and the cooperation of the State, or any
46 State agency, in furtherance of the purposes of P.L.1985, c.334
47 (C.58:11B-1 et seq.), P.L.1997, c.224 (C.58:11B-10.1 et al.), **[or]**
48 sections 22 and 34 through 38 of P.L.2016, c.56 (C.58:11B-10.3

- 1 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-22.3, and
2 C.58:11B-22.4), or section 18 of P.L. , c. (C.) (pending
3 before the Legislature as this bill), and do anything necessary in order
4 to avail itself of that aid and cooperation;
- 5 f. Receive and accept aid or contributions from any source of
6 money, property, labor or other things of value, to be held, used and
7 applied to carry out the purposes of P.L.1985, c.334 (C.58:11B-1 et
8 seq.), P.L.1997, c.224 (C.58:11B-10.1 et al.), **【or】** sections 22 and
9 34 through 38 of P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-
10 10.5, C.58:11B-20.2, C.58:11B-22.3, and C.58:11B-22.4), or section
11 18 of P.L. , c. (C.) (pending before the Legislature as this
12 bill), subject to the conditions upon which that aid and those
13 contributions may be made, including, but not limited to, gifts or
14 grants from any department or agency of the State, or any State
15 agency, for any purpose consistent with the provisions of P.L.1985,
16 c.334 (C.58:11B-1 et seq.), P.L.1997, c.224 (C.58:11B-10.1 et al.),
17 **【or】** sections 22 and 34 through 38 of P.L.2016, c.56 (C.58:11B-10.3
18 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-22.3, and
19 C.58:11B-22.4), or section 18 of P.L. , c. (C.) (pending
20 before the Legislature as this bill), subject to the provisions of section
21 23 of P.L.1985, c.334 (C.58:11B-23);
- 22 g. Acquire, own, hold, construct, improve, rehabilitate,
23 renovate, operate, maintain, sell, assign, exchange, lease, mortgage
24 or otherwise dispose of real and personal property, or any interest
25 therein, in the exercise of its powers and the performance of its duties
26 under the provisions of P.L.1985, c.334 (C.58:11B-1 et seq.),
27 P.L.1997, c.224 (C.58:11B-10.1 et al.), **【or】** sections 22 and 34
28 through 38 of P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-
29 10.5, C.58:11B-20.2, C.58:11B-22.3, and C.58:11B-22.4), or section
30 18 of P.L. , c. (C.) (pending before the Legislature as this
31 bill);
- 32 h. Appoint and employ an executive director and any other
33 officers or employees as it may require for the performance of its
34 duties, without regard to the provisions of Title 11A of the New
35 Jersey Statutes;
- 36 i. Borrow money and issue bonds, notes and other obligations,
37 and secure the same, and provide for the rights of the holders thereof
38 as provided in the provisions of P.L.1985, c.334 (C.58:11B-1 et seq.),
39 P.L.1997, c.224 (C.58:11B-10.1 et al.), or sections 22 and 34 through
40 38 of P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-10.5,
41 C.58:11B-20.2, C.58:11B-22.3, and C.58:11B-22.4);
- 42 j. Subject to any agreement with holders of its bonds, notes or
43 other obligations, invest moneys of the trust not required for
44 immediate use, including proceeds from the sale of any bonds, notes
45 or other obligations, in any obligations, securities and other
46 investments in accordance with the rules and regulations of the State
47 Investment Council or as may otherwise be approved by the Director
48 of the Division of Investment in the Department of the Treasury upon

1 a finding that such investments are consistent with the corporate
2 purposes of the trust;

3 k. Procure insurance to secure the payment of its bonds, notes or
4 other obligations or the payment of any guarantees or loans made by
5 it in accordance with the provisions of P.L.1985, c.334 (C.58:11B-1
6 et seq.), P.L.1997, c.224 (C.58:11B-10.1 et al.), **【or】** sections 22 and
7 34 through 38 of P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-
8 10.5, C.58:11B-20.2, C.58:11B-22.3, and C.58:11B-22.4), or section
9 18 of P.L. , c. (C.) (pending before the Legislature as this
10 bill), or against any loss in connection with its property and other
11 assets and operations, in any amounts and from any insurers as it
12 deems desirable;

13 l. Engage the services of attorneys, accountants, engineers, and
14 financial experts and any other advisors, consultants, experts and
15 agents as may be necessary in its judgment and fix their
16 compensation;

17 m. (1) Make and contract to make loans and provide other
18 assistance to local government units, or to a local government unit on
19 behalf of another local government unit, to finance the cost of
20 wastewater treatment system projects or water supply projects and
21 acquire and contract to acquire notes, bonds or other obligations
22 issued or to be issued by any local government units to evidence the
23 loans, all in accordance with the provisions of P.L.1985, c.334
24 (C.58:11B-1 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.);

25 (2) Make and contract to make loans and provide other assistance
26 to public water utilities, or to any other person or local government
27 unit on behalf of a public water utility, to finance the cost of water
28 supply projects in accordance with the provisions of P.L.1985, c.334
29 (C.58:11B-1 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.);

30 (3) Make and contract to make loans and provide other assistance
31 to private persons other than local government units, or to any other
32 person or local government unit on behalf of a private person, to
33 finance the cost of onsite wastewater treatment and disposal systems
34 or stormwater management systems in accordance with the
35 provisions of P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L.1997,
36 c.224 (C.58:11B-10.1 et al.);

37 (4) Make and contract to make loans and provide other assistance
38 to one or more local government units or consortia thereof to finance
39 the cost of transportation projects, aviation projects, and marine
40 projects in accordance with applicable provisions of the federal
41 infrastructure bank program and pursuant to sections 22 and 34
42 through 38 of P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-
43 10.5, C.58:11B-20.2, C.58:11B-22.3, and C.58:11B-22.4);

44 (5) Make and contract to make loans to private persons and local
45 government units to finance the cost of workforce housing projects
46 pursuant to section 18 of P.L. , c. (C.) (pending before the
47 Legislature as this bill);

1 n. Subject to any agreement with holders of its bonds, notes or
2 other obligations, purchase bonds, notes and other obligations of the
3 trust and (1) hold the same for resale for any duration, including until
4 maturity thereof, including in connection with any cross-investment
5 initiative of the trust, or (2) provide for the cancellation thereof, all
6 in accordance with the provisions of P.L.1985, c.334 (C.58:11B-1 et
7 seq.), P.L.1997, c.224 (C.58:11B-10.1 et al.), or sections 22 and 34
8 through 38 of P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-
9 10.5, C.58:11B-20.2, C.58:11B-22.3, and C.58:11B-22.4);

10 o. (1) Charge to and collect from local government units, private
11 persons, public water utilities, or nonprofit organizations any fees
12 and charges in connection with the trust's loans, guarantees or other
13 services, including, but not limited to, fees and charges sufficient to
14 reimburse the trust for all reasonable costs necessarily incurred by it
15 in connection with its financings and the establishment and
16 maintenance of reserve or other funds, as the trust may determine to
17 be reasonable. The fees and charges shall be in accordance with a
18 uniform schedule published by the trust for the purpose of providing
19 actual cost reimbursement for the services rendered;

20 (2) Any fees and charges collected by the trust pursuant to this
21 subsection may be deposited and maintained in a special fund
22 separate from any other funds held by the trust pursuant to section 10
23 of P.L.1985, c.334 (C.58:11B-10) **【or】** , section 23 of P.L.1997,
24 c.224 (C.58:11B-10.1), or section 18 of P.L. , c. (C.) (pending
25 before the Legislature as this bill), and shall be available for any
26 corporate purposes of the trust;

27 p. Subject to any agreement with holders of its bonds, notes or
28 other obligations, obtain as security or to provide liquidity for
29 payment of all or any part of the principal of and interest and
30 premium on the bonds, notes and other obligations of the trust or for
31 the purchase upon tender or otherwise of the bonds, notes or other
32 obligations, lines of credit, letters of credit and other security
33 agreements or instruments in any amounts and upon any terms as the
34 trust may determine, and pay any fees and expenses required in
35 connection therewith;

36 q. Provide to local government units any financial and credit
37 advice, and any form of technical assistance, as these local
38 government units may request;

39 r. Make payments to the State from any moneys of the trust
40 available therefor as may be required pursuant to any agreement with
41 the State or act appropriating moneys to the trust; and

42 s. Take any action necessary or convenient to the exercise of the
43 foregoing powers or reasonably implied therefrom.
44 (cf: P.L.2023, c.63, s.11)

45
46 22. Section 9 of P.L.1985, c.334 (C.58:11B-9) is amended to read
47 as follows:

1 9. a. (1) The trust may make and contract to make loans to local
2 government units, or to a local government unit on behalf of another
3 local government unit, in accordance with and subject to the
4 provisions of P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L.1997,
5 c.224 (C.58:11B-10.1 et al.) to finance the cost of any wastewater
6 treatment system project or water supply project, which the local
7 government unit may lawfully undertake or acquire and for which the
8 local government unit is authorized by law to borrow money.

9 (2) The trust may make and contract to make loans to public water
10 utilities, or to any other person or local government unit on behalf of
11 a public water utility, in accordance with and subject to the
12 provisions of P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L.1997,
13 c.224 (C.58:11B-10.1 et al.) to finance the cost of any water supply
14 project, which the public water utility may lawfully undertake or
15 acquire.

16 (3) The trust may make and contract to make loans to private
17 persons other than local government units, or to any other person or
18 local government unit on behalf of a private person, in accordance
19 with and subject to the provisions of P.L.1985, c.334 (C.58:11B-1 et
20 seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.) to finance the cost of
21 onsite wastewater treatment and disposal systems or stormwater
22 management systems.

23 (4) The trust may make and contract to make loans and provide
24 other assistance to a local government unit or consortia thereof to
25 finance the cost of transportation projects, aviation projects, and
26 marine projects pursuant to sections 22 and 34 through 38 of
27 P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-10.5, C.58:11B-
28 20.2, C.58:11B-22.3, and C.58:11B-22.4), and provided that the
29 federally-funded transportation subaccount is operated in accordance
30 with the provisions of the federal infrastructure bank program.

31 (5) The trust may make and contract to make loans to private
32 persons and local government units to finance the cost of workforce
33 housing projects pursuant to section 18 of P.L. , c. (C.)
34 (pending before the Legislature as this bill).

35 The loans may be made subject to those terms and conditions as
36 the trust shall determine to be consistent with the purposes thereof.
37 Except for short-term or temporary loans, each loan by the trust and
38 the terms and conditions thereof shall be subject to approval by the
39 State Treasurer, and the trust shall make available to the State
40 Treasurer all information, statistical data and reports of independent
41 consultants or experts as the State Treasurer shall deem necessary in
42 order to evaluate the loan. Each loan to a local government unit,
43 public water utility or any other person shall be evidenced by notes,
44 bonds or other obligations thereof issued to the trust. In the case of
45 each local government unit, notes and bonds to be issued to the trust
46 and, if applicable, the State, acting by and through the Department of
47 Environmental Protection, by the local government unit (1) shall be
48 authorized and issued as provided by law for the issuance of notes

1 and bonds by the local government unit, (2) notwithstanding any
2 provisions of the "Local Authorities Fiscal Control Law," P.L.1983,
3 c.313 (C.40A:5A-1 et seq.) to the contrary, shall be approved by the
4 Director of the Division of Local Government Services in the
5 Department of Community Affairs, and (3) notwithstanding the
6 provisions of N.J.S.40A:2-27, N.J.S.40A:2-28 and N.J.S.40A:2-29 or
7 any other provisions of law to the contrary, may be sold at private
8 sale to the trust or the State, as the case may be, at any price, whether
9 or not less than par value, and shall be subject to redemption prior to
10 maturity at any times and at any prices as the trust or the State, as the
11 case may be, and local government units may agree. Each loan to a
12 local government unit, public water utility or any other person and
13 the notes, bonds or other obligations thereby issued shall bear interest
14 at a rate or rates per annum as the trust or the State, as the case may
15 be, and the local government unit, public water utility or any other
16 person, as the case may be, may agree.

17 b. The trust is authorized to guarantee or contract to guarantee
18 the payment of all or any portion of the principal and interest on
19 bonds, notes or other obligations issued by a local government unit,
20 public water utility, or other person, to finance, as applicable, the cost
21 of any wastewater treatment system project, water supply project,
22 transportation project, aviation project, or marine project, or
23 redevelopment project that includes, as a portion thereof, any
24 wastewater treatment system project, water supply project,
25 transportation project, aviation project, marine project, or hazard
26 mitigation and resilience project as defined in section 2 of P.L.2023,
27 c.63 (C.58:11B-20.4), which the local government unit, public water
28 utility, or other person may lawfully undertake or acquire and for
29 which the local government unit is authorized by law to borrow
30 money, and the guarantee shall constitute an obligation of the trust,
31 and shall be in furtherance of the corporate purposes of the trust, for
32 the purposes of P.L.1985, c.334 (C.58:11B-1 et seq.), P.L.1997,
33 c.224 (C.58:11B-10.1 et al.), or sections 22 and 34 through 38 of
34 P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-10.5, C.58:11B-
35 20.2, C.58:11B-22.3, and C.58:11B-22.4). Each guarantee by the
36 trust and the terms and conditions thereof shall be subject to approval
37 by the State Treasurer, and the trust shall make available to the State
38 Treasurer all information, statistical data and reports of independent
39 consultants or experts as the State Treasurer shall deem necessary in
40 order to evaluate the guarantee.

41 c. The trust shall not make or contract to make any loans or
42 guarantees to local government units, public water utilities or any
43 other person, or otherwise incur any additional indebtedness, on or
44 after June 30, 2053.

45 d. Notwithstanding any provision of P.L.1985, c.334 (C.58:11B-
46 1 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.) to the contrary,
47 the trust may receive funds from any source including, without
48 limitation, any funds drawn by the trust from a revolving line of

1 credit or other similar financial vehicle that may be procured by the
2 trust, either through a competitive or negotiated process, pursuant to
3 section 5 of P.L.1985, c.334 (C.58:11B-5), for deposit into the
4 Interim Environmental Financing Program Fund or the trust may
5 issue its bonds, notes or other obligations, including commercial
6 paper issued through a competitive or negotiated process, in any
7 principal amounts, in either case, as in the judgment of the trust shall
8 be necessary to provide sufficient funds to finance or refinance short-
9 term or temporary loans to local government units, public water
10 utilities or private persons for any wastewater treatment system
11 projects included on the Department of Environmental Protection
12 project priority list and eligible for approval pursuant to section 20
13 of P.L.1985, c.334 (C.58:11B-20) or water supply projects included
14 on the Department of Environmental Protection project priority list
15 and eligible for approval pursuant to section 24 of P.L.1997, c.224
16 (C.58:11B-20.1), as applicable, without regard to any other
17 provisions of P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L.1997,
18 c.224 (C.58:11B-10.1 et al.), including, without limitation, any
19 administrative or legislative approvals.

20 The trust shall create and establish a special fund to be known as
21 the "Interim Environmental Financing Program Fund" for the short-
22 term or temporary loan financing or refinancing program to be known
23 as the "Interim Environmental Financing Program." The monies in
24 the fund shall be used for short-term or temporary loans for clean
25 water and drinking water projects pursuant to the New Jersey
26 Environmental Infrastructure Financing Program.

27 Except as provided in section 1 of P.L.2013, c.93 (C.58:11B-9.5),
28 any short-term or temporary loans made by the trust pursuant to this
29 subsection may only be made in advance of the anticipated loans the
30 trust may make and contract to make under the provisions of
31 subsection a. of this section from any source of funds anticipated to
32 be received by the trust. Any such short-term or temporary loan made
33 pursuant to the Interim Environmental Financing Program shall
34 mature no later than the last day of the fifth succeeding fiscal year
35 following the closing date on which the short-term or temporary loan
36 was made by the trust to the project sponsor; except a short-term or
37 temporary loan made pursuant to this subsection for environmental
38 planning and engineering design costs associated with long-term
39 control plans for combined sewer overflow projects shall mature no
40 later than the last day of the 10th succeeding fiscal year following the
41 closing date on which the short-term or temporary loan was made by
42 the trust to the project sponsor; and except a short-term or temporary
43 loan made pursuant to this subsection which has been submitted as
44 part of an application for funding pursuant to the "Water
45 Infrastructure Finance and Innovation Act of 2014" (WIFIA), 33
46 U.S.C. s.3901 et seq., as amended and supplemented, shall mature
47 not later than the funding draw period allowed by this federal act.
48 Any short-term or temporary loan made by the trust pursuant to this

1 subsection may mature in a shorter period of time as may be
2 necessary to align with construction completion. With respect to any
3 short-term or temporary loan made by the trust pursuant to this
4 subsection, the trust may authorize one short-term supplemental loan
5 for residual project expenses thereof upon receipt by the trust from
6 the Department of Environmental Protection of a certification that
7 states that the time required by the project sponsor to complete
8 construction of the project exceeds the maximum maturity date of the
9 project sponsor's outstanding short-term or temporary loan. Any
10 such short-term supplemental loan shall not exceed in duration the
11 last day of the third succeeding fiscal year following the loan closing
12 of the supplemental loan. The trust may make short-term or
13 temporary loans pursuant to the Interim Environmental Financing
14 Program to any one or more of the project sponsors, for the respective
15 projects thereof, identified in the interim financing project priority
16 list to be known as the "Interim Environmental Financing Program
17 Project Priority List" in the form provided to the Legislature by the
18 Commissioner of Environmental Protection.

19 The Interim Environmental Financing Program Project Priority
20 List, including any revision thereof or supplement thereto, shall be
21 submitted to the Legislature pursuant to section 2 of P.L.1991, c.164
22 (C.52:14-19.1) at least once in each fiscal year as provided in section
23 20 of P.L.1985, c.334 (C.58:11B-20) and section 24 of P.L.1997,
24 c.224 (C.58:11B-20.1). The Secretary and the Clerk shall cause the
25 date of submission to be entered upon the Senate Journal and the
26 Minutes of the General Assembly, respectively. The trust may revise
27 or supplement the Interim Environmental Financing Program Project
28 Priority List no more than four times during the fiscal year and shall
29 submit the revised list to the Legislature when the revisions are made.
30 Any environmental infrastructure project or the project sponsor
31 thereof not identified in the Interim Environmental Financing
32 Program Project Priority List shall not be eligible for a short-term or
33 temporary loan from the Interim Environmental Financing Program
34 Fund. The trust may issue short-term or temporary loans pursuant to
35 this subsection only if a project is listed on an Interim Environmental
36 Financing Program Project Priority List that has been submitted to
37 the Legislature. No funds may be disbursed pursuant to this section
38 for environmental infrastructure project activities prior to a
39 determination and certification, in writing, from the Department of
40 Environmental Protection, that the project activities satisfy the
41 provisions of P.L.1985, c.334 (C.58:11B-1 et seq.).

42 e. Notwithstanding any provisions of the "Local Bond Law"
43 (N.J.S.40A:2-1 et seq.), the "sewerage authorities law," P.L.1946,
44 c.138 (C.40:14A-1 et seq.), or the "municipal and county utilities
45 authorities law," P.L.1957, c.183 (C.40:14B-1 et seq.) to the
46 contrary, short-term or temporary loans made by the trust pursuant to
47 section 9 of P.L.1985, c.334 (C.58:11B-9), section 1 of P.L.2013,
48 c.93 (C.58:11B-9.5), or section 6 of P.L.2023, c.63 (C.58:11B-20.5),

1 and the obligations issued by project sponsors to evidence such loans,
2 may, at the discretion of the trust and upon application by the project
3 sponsor, bear interest at a variable rate determined pursuant to a
4 methodology as may be established by the trust from time to time.

5 Further, notwithstanding any provisions of the "Local Bond Law"
6 (N.J.S.40A:2-1 et seq.), the "sewerage authorities law," P.L.1946,
7 c.138 (C.40:14A-1 et seq.), or the "municipal and county utilities
8 authorities law," P.L.1957, c.183 (C.40:14B-1 et seq.) to the
9 contrary, any short-term or temporary loans made by the trust
10 pursuant to section 9 of P.L.1985, c.334 (C.58:11B-9), section 1 of
11 P.L.2013, c.93 (C.58:11B-9.5), or section 6 of P.L.2023, c.63
12 (C.58:11B-20.5), and any notes or other obligations issued by project
13 sponsors to evidence such short-term or temporary loans, as such
14 loans, notes, or other obligations may be refinanced or extended, as
15 provided in subsections d. and g. of this section and section 1 of
16 P.L.2013, c.93 (C.58:11B-9.5), except for loans for environmental
17 planning and engineering design costs associated with long-term
18 control plans for combined sewer overflow projects as provided in
19 subsection d. of this section, shall mature no later than the maturity
20 date as established pursuant to subsections d. and g. of this section
21 and section 1 of P.L.2013, c.93 (C.58:11B-9.5), without payment by
22 project sponsors of any portion of the principal thereof prior to
23 maturity.

24 f. Any balances remaining in the Emergency Loan Fund
25 established pursuant to section 4 of P.L.2007, c.138 (C.58:11B-9.1),
26 the Planning and Design Fund established pursuant to section 1 of
27 P.L.2009, c.59 (C.58:11B-9.2), the Onsite Wastewater Disposal Loan
28 Fund established pursuant to section 5 of P.L.2009, c.103 (C.58:11B-
29 9.3), the Supplemental Loan Fund established pursuant to section 2
30 of P.L.2011, c.94 (C.58:11B-9.4), and the Equipment Loan Fund
31 established pursuant to section 1 of P.L.2014, c.28 (C.58:11B-9.6)
32 after the date of enactment of P.L.2016, c.30 shall be transferred to
33 the Interim Environmental Financing Program Fund, and any loan
34 repayments to the trust of principal and interest or premium on loans
35 made from those funds shall be credited to the Interim Environmental
36 Financing Program Fund.

37 g. The trust shall create and establish a special fund to be known
38 as the "Interim Transportation Financing Program Fund" for the
39 short-term or temporary loan financing or refinancing program to be
40 known as the "Interim Transportation Financing Program."

41 Notwithstanding any provision of P.L.1985, c.334 (C.58:11B-1 et
42 seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.) to the contrary, the
43 trust may receive funds from any source including, without
44 limitation, any funds drawn by the trust from a revolving line of
45 credit or other similar financial vehicle that may be procured by the
46 trust, either through a competitive or negotiated process, pursuant to
47 section 5 of P.L.1985, c.334 (C.58:11B-5), for deposit into the
48 Interim Transportation Financing Program Fund or the trust may

1 issue its bonds, notes or other obligations in any principal amounts,
2 in either case, as in the judgment of the trust shall be necessary to
3 provide sufficient funds to finance or refinance short-term or
4 temporary loans to local government units or private persons for any
5 transportation project, aviation project, or marine project included on
6 the Department of Transportation Interim Transportation Financing
7 Program Project Priority List for the ensuing fiscal year and eligible
8 for approval pursuant to sections 22 and 34 through 38 of P.L.2016,
9 c.56 (C.58:11B-10.3 through C.58:11B-10.5, C.58:11B-20.2,
10 C.58:11B-22.3, and C.58:11B-22.4), without regard to any other
11 provisions of P.L.1985, c.334 (C.58:11B-1 et seq.), P.L.1997, c.224
12 (C.58:11B-10.1 et al.), or sections 22 and 34 through 38 of P.L.2016,
13 c.56 (C.58:11B-10.3 through C.58:11B-10.5, C.58:11B-20.2,
14 C.58:11B-22.3, and C.58:11B-22.4), including, without limitation,
15 any administrative or legislative approvals.

16 Any short-term or temporary loans made by the trust pursuant to
17 this subsection may only be made in advance of the anticipated loans
18 the trust may make and contract to make under the provisions of
19 subsection a. of this section from any source of funds anticipated to
20 be received by the trust. Any such short-term or temporary loan made
21 pursuant to the Interim Transportation Financing Program shall
22 mature no later than the last day of the fifth succeeding fiscal year
23 following the closing date on which the short-term or temporary loan
24 was made by the trust to the project sponsor; except a short-term or
25 temporary loan made pursuant to this subsection which has been
26 submitted as part of an application for funding pursuant to the
27 "Transportation Infrastructure Finance and Innovation Act of 1998"
28 (TIFIA), 23 U.S.C. s.601 et seq., as amended and supplemented, shall
29 mature not later than the funding draw period allowed by this federal
30 act. Any short-term or temporary loan made by the trust pursuant to
31 this subsection may mature in a shorter period of time as may be
32 necessary to align with construction completion. With respect to any
33 short-term or temporary loan made by the trust pursuant to this
34 subsection, the trust may authorize one short-term supplemental loan
35 for residual expenses thereof upon receipt by the trust from the
36 Department of Transportation of a certification that states that the
37 time required by the project sponsor to complete construction of the
38 project exceeds the maximum maturity date of the short-term or
39 temporary loan. Any such short-term supplemental loan shall not
40 exceed in duration the last day of the third succeeding fiscal year
41 following the loan closing of the short-term supplemental loan. The
42 trust may make short-term or temporary loans pursuant to the Interim
43 Transportation Financing Program to any one or more of the project
44 sponsors, for the respective projects thereof, only if a project is
45 identified in the Department of Transportation Interim
46 Transportation Financing Program Project Priority List to be known
47 as the "Interim Transportation Financing Program Project Priority

1 List" in the form provided to the Legislature by the Commissioner of
2 Transportation.

3 The Interim Transportation Financing Program Project Priority
4 List, including any revision thereof or supplement thereto, shall be
5 submitted to the Secretary of the Senate and the Clerk of the General
6 Assembly on or before July 1 of each year. The Interim
7 Transportation Financing Program Project Priority List shall be
8 submitted to the Legislature pursuant to section 2 of P.L.1991, c.164
9 (C.52:14-19.1) at least once in each fiscal year. The Secretary and
10 the Clerk shall cause the date of submission to be entered upon the
11 Senate Journal and the Minutes of the General Assembly,
12 respectively. Any transportation infrastructure project or the project
13 sponsor thereof not identified in the Interim Transportation
14 Financing Program Project Priority List shall not be eligible for a
15 short-term or temporary loan from the Interim Transportation
16 Financing Program Fund. The trust may revise or supplement the
17 Interim Transportation Financing Program Project Priority List no
18 more than four times during the fiscal year, and shall submit the
19 revised list to the Legislature when the revisions are made.

20 No funds may be disbursed pursuant to this subsection for
21 transportation project, aviation project, or marine project activities
22 prior to certification in writing, from the trust, that the project
23 activities satisfy the provisions of P.L.1985, c.334 (C.58:11B-1 et
24 seq.), P.L.1997, c.224 (C.58:11B-10.1 et al.), or sections 22 and 34
25 through 38 of P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-
26 10.5, C.58:11B-20.2, C.58:11B-22.3, and C.58:11B-22.4).
27 Construction activities for a transportation project shall also require
28 written notification of award concurrence from the Department of
29 Transportation prior to fund disbursement.

30 (cf: P.L.2025, c.14, s.4)

31

32 23. Section 23 of P.L.1985, c.334 (C.58:11B-23) is amended to
33 read as follows:

34 23. a. No funds from State sources or State bond issues used to
35 capitalize the trust shall be available for use by the trust unless
36 appropriated by law to the trust.

37 b. No funds shall be expended by the trust for its annual
38 operating expenses unless appropriated by law to the trust. Unless
39 required to be otherwise applied pursuant to law, funds generated by
40 the operation of the trust, including, but not limited to: proceeds from
41 the sale of the trust's bonds, notes or other obligations; revenues
42 derived from investments by the trust; loan repayments from local
43 government units, public water utilities, or other persons; and fees
44 and charges levied by the trust, may thereafter be applied in
45 accordance with the provisions of P.L.1985, c.334 (C.58:11B-1 et
46 seq.), P.L.1997, c.224 (C.58:11B-10.1 et al.), **【or】** sections 22 and
47 34 through 38 of P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-
48 10.5, C.58:11B-20.2, C.58:11B-22.3, and C.58:11B-22.4), or section

1 18 of P.L. , c. (C.) (pending before the Legislature as this
2 bill) for any corporate purpose of the trust without appropriation;
3 except that the funds shall only be used to make loans or guarantees
4 approved by the Legislature in accordance with the provisions of
5 sections 20, 21, and 22 of P.L.1985, c.334 (C.58:11B-20, C.58:11B-
6 21 and C.58:11B-22), sections 24, 25, and 26 of P.L.1997, c.224
7 (C.58:11B-20.1, C.58:11B-21.1 and C.58:11B-22.1), **【or】** sections
8 35 through 37 of P.L.2016, c.56 (C.58:11B-10.5, C.58:11B-20.2, and
9 C.58:11B-22.3), or section 18 of P.L. , c. (C.) (pending
10 before the Legislature as this bill).

11 c. The trust shall not apply for federal funds, including funds
12 which are authorized pursuant to the "Federal Water Pollution
13 Control Act Amendments of 1972," Pub.L. 92-500 (33 U.S.C. s.1251
14 et seq.), and any amendatory or supplementary acts thereto, except
15 the trust is expressly authorized to apply, in consultation with the
16 Department of Environmental Protection, for funds under the "Water
17 Infrastructure Finance and Innovation Act," (WIFIA) 33 U.S.C.
18 s.3901 et seq. as amended or superseded, and, in consultation with
19 the State Office of Emergency Management in the Department of
20 Law and Public Safety for funds under the "Safeguarding Tomorrow
21 Through Ongoing Risk Mitigation (STORM) Act," Pub.L. 116-284
22 (42 U.S.C. s. 5135) as amended or superseded, and with notice to the
23 Department of Transportation, for funds under the Transportation
24 Infrastructure Finance and Innovation Act (TIFIA) 23 U.S.C. 601
25 through 23 U.S.C. 609 as amended or superseded, and provisions of
26 the Moving Ahead for Progress in the 21st Century Act (MAP-21)
27 Pub. L. 112-141, the Fixing America's Surface Transportation Act
28 (FAST Act) Pub. L. 114-94, the Transportation Equity Act for the
29 21st Century (TEA-21) Pub. L. 105-178, the Safe, Accountable,
30 Flexible and Efficient Transportation Equity Act: a Legacy for User
31 ("SAFETEA-LU") Pub. L. 109-59, and the Rail Safety Improvement
32 Act of 2008 Pub. L. 110-432, or any subsequent law concerning
33 federal surface transportation programs as applicable.

34 The trust, with the concurrence of the Commissioner of
35 Environmental Protection, may receive, accept or utilize moneys
36 received from local government units as repayments of principal and
37 interest on loans made from the State Revolving Fund Accounts
38 established pursuant to section 1 of P.L.1988, c.133.

39 Repayments of principal and interest on all federal funds for which
40 the New Jersey Infrastructure Bank is expressly permitted to apply
41 shall be the responsibility of the borrowers of New Jersey
42 Infrastructure Bank loans issued utilizing those federal funds, and in
43 no way shall it be the responsibility of the State of New Jersey or the
44 Department of Transportation.

45 (cf: P.L.2023, c.63, s.20)

46

47 24. Section 25 of P.L.1985, c.334 (C.58:11B-25) is amended to
48 read as follows:

1 25. The trust shall establish the rules and regulations governing
2 the making and use of loans or guarantees, including, but not limited
3 to, procedures for the submission of loan guarantee requests,
4 standards for the evaluation of requests, provisions implementing
5 priority systems for projects, reporting requirements of the recipient
6 of any loan or guarantee concerning the progress and the expenditure
7 of funds, and limitations, restrictions or requirements concerning the
8 use of loan funds as the trust shall prescribe; provided that the rules
9 and regulations shall be in compliance with the terms and provisions
10 of P.L.1985, c.334 (C.58:11B-1 et seq.), P.L.1997, c.224 (C.58:11B-
11 10.1 et al.), **【or】** sections 22 and 34 through 38 of P.L.2016, c.56
12 (C.58:11B-10.3 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-
13 22.3, and C.58:11B-22.4), or section 18 of P.L. , c. (C.)
14 (pending before the Legislature as this bill) relating to the making of
15 or eligibility for loans or guarantees for environmental infrastructure
16 projects generally, **【or】** for any particular type or class of wastewater
17 treatment system or water supply projects, or for workforce housing
18 projects.

19 (cf: P.L.2016, c.56, s.31)

21 25. Section 27 of P.L.1985, c.334 (C.58:11B-27) is amended to
22 read as follows:

23 27. The trust shall adopt such rules and regulations as it deems
24 necessary to effectuate the purposes of P.L.1985, c.334 (C.58:11B-1
25 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.), including those
26 required pursuant to sections 25 and 26 of P.L.1985, c.334
27 (C.58:11B-25 and C.58:11B-26), **【and】** sections 22 and 34 through
28 38 of P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-10.5,
29 C.58:11B-20.2, C.58:11B-22.3, and C.58:11B-22.4), and section 18
30 of P.L. , c. (C.) (pending before the Legislature as this bill),
31 in accordance with the "Administrative Procedure Act," P.L.1968,
32 c.410 (C.52:14B-1 et seq.).

33 (cf: P.L.2016, c.56, s.33)

35 26. Section 11 of P.L.1960 c.83 (C.40:37A-54) is amended to
36 read as follows:

37 11. a. The purposes of every authority shall be (a) provision within
38 the county or any beneficiary county of public facilities for use by
39 the State, the county or any beneficiary county, or any municipality
40 in any such county, or any two or more or any subdivisions,
41 departments, agencies or instrumentalities of any of the foregoing for
42 any of their respective governmental purposes, (b) provision within
43 the county or any beneficiary county of public facilities for use as
44 convention halls, or the rehabilitation, improvement or enlargement
45 of any convention hall, including appropriate and desirable
46 appurtenances located within the convention hall or near, adjacent to
47 or over it within boundaries determined at the discretion of the
48 authority, including but not limited to office facilities, commercial

1 facilities, community service facilities, parking facilities, hotel
2 facilities and other facilities for the accommodation and
3 entertainment of tourists and visitors, (c) provision within the county
4 or any beneficiary county of structures, franchises, equipment and
5 facilities for operation of public transportation or for terminal
6 purposes, including development and improvement of port terminal
7 structures, facilities and equipment for public use in counties in,
8 along or through which a navigable river flows, (d) provision within
9 the county or any beneficiary county of structures or other facilities
10 used or operated by the authority or any governmental unit in
11 connection with, or relative to development and improvement of,
12 aviation for military or civilian purposes, including research in
13 connection therewith, and including structures or other facilities for
14 the accommodation of passengers, (e) provision within the county or
15 any beneficiary county of a public facility for a combination of
16 governmental and nongovernmental uses; provided that not more
17 than 50 percent of the usable space in any such facility shall be made
18 available for nongovernmental use under a lease or other agreement
19 by or with the authority, (f) acquisition of any real property within
20 the county or any beneficiary county, with or without the
21 improvements thereof or thereon or personal property appurtenant or
22 incidental thereto, from the United States of America or any
23 department, agency or instrumentality heretofore or hereafter
24 created, designated or established by or for it, and the clearance,
25 development or redevelopment, improvement, use or disposition of
26 the acquired lands and premises in accordance with the provisions
27 and for the purposes stated in the "county improvement authorities
28 law," P.L.1960, c.183 (C.40:37A-44 et seq.), including the
29 construction, reconstruction, demolition, rehabilitation, conversion,
30 repair or alteration of improvements on or to said lands and premises,
31 and structures and facilities incidental to the foregoing as may be
32 necessary, convenient or desirable, (g) acquisition, construction,
33 maintenance and operation of garbage and solid waste disposal
34 systems for the purpose of collecting and disposing of garbage, solid
35 waste or refuse matter, whether owned or operated by any person, the
36 authority or any other governmental unit, within or without the
37 county or any beneficiary county, (h) the improvement, furtherance
38 and promotion of the tourist industries and recreational attractiveness
39 of the county or any beneficiary county through the planning,
40 acquisition, construction, improvement, maintenance and operation
41 of facilities for the recreation and entertainment of the public, which
42 facilities may include, without being limited to, a center for the
43 performing and visual arts, (i) provision of loans and other financial
44 assistance and technical assistance for the construction,
45 reconstruction, demolition, rehabilitation, conversion, repair or
46 alteration of buildings or facilities designed to provide decent, safe
47 and sanitary dwelling units for persons of low and moderate income
48 in need of housing, including the acquisition of land, equipment or

1 other real or personal properties which the authority determines to be
2 necessary, convenient or desirable appurtenances, all in accordance
3 with the provisions of the "county improvement authorities law,"
4 P.L.1960, c.183 (C.40:37A-44 et seq.), as amended and
5 supplemented, (j) planning, initiating and carrying out
6 redevelopment projects for the elimination, and for the prevention of
7 the development or spread of blighted, deteriorated or deteriorating
8 areas and the disposition, for uses in accordance with the objectives
9 of the redevelopment project, of any property or part thereof acquired
10 in the area of such project, (k) any combination or combinations of
11 the foregoing or following, and (l) subject to the prior approval of the
12 Local Finance Board, the planning, design, acquisition, construction,
13 improvement, renovation, installation, maintenance and operation of
14 facilities or any other type of real or personal property within the
15 county for a corporation or other person organized for any one or
16 more of the purposes described in subsection a. of N.J.S.15A:2-1
17 except those facilities or any other type of real or personal property
18 which can be financed pursuant to the provisions of P.L.1972, c.29
19 (C.26:2I-1 et seq.) as amended. A county improvement authority
20 shall also have as its purpose the pooling of loans for any local
21 governmental units within the county or any beneficiary county that
22 are refunding bonds in order to achieve more favorable interest rates
23 and terms for those local governmental units. A county improvement
24 authority shall also have as its purpose the administration, on behalf
25 of an authorized municipality or county, of a local C-PACE program
26 as defined in section 2 of P.L.2021, c.201 (C.34:1B-375) and to issue
27 bonds to finance a C-PACE project for a local C-PACE program or
28 the Garden State C-PACE program pursuant to section 9 of P.L.2021,
29 c.201 (C.34:1B-382). A county improvement authority shall also
30 have as its purpose the ability to undertake the following projects,
31 including, but not limited to, the ability to apply for and receive a tax
32 credit award as a developer of such projects: a social housing project
33 under the Social Housing Program, established pursuant to sections
34 2 through 12 of P.L. , c. (C. through C.) (pending before
35 the Legislature as this bill); and a workforce housing project under
36 the Workforce Housing Investment Program, established pursuant to
37 section 13 of P.L. , c. (C. and C.) (pending before the
38 Legislature as this bill).

39 b. In a fiscal year in which a public health emergency, pursuant
40 to the "Emergency Health Powers Act," P.L.2005, c.222 (C.26:13-1
41 et seq.), a state of emergency, pursuant to P.L.1942, c.251
42 (C.App.A:9-33 et seq.), or both has been declared by the Governor in
43 response to COVID-19 and during the next following fiscal year, a
44 county improvement authority shall also have as its purpose the
45 pooling of special emergency notes issued by the county or any
46 beneficiary county, or by any local governmental unit within the
47 county or any beneficiary county, pursuant to N.J.S.40A:4-55 for

1 purposes of financing a special emergency appropriation authorized
2 for the purpose set forth in subsections l. and m. of N.J.S.40A:4-53.
3 (cf: P.L.2021, c.201, s.13)
4

5 27. Section 89 of P.L.2020, c.156 (C.52:18A-263) is amended to
6 read as follows:

7 89. a. The Director of the Division of Taxation in the Department
8 of the Treasury may purchase unused tax credits awarded under a
9 program listed in paragraphs (1) through (5) or paragraphs (7)
10 through (10) of subsection b. of this section and shall purchase
11 unused tax credits awarded under a program listed in paragraphs (6),
12 (13), (14), **and** (16), and (17) of subsection b. of this section,
13 including tax credit transfer certificates issued by the director in lieu
14 of a tax credit allowed under such programs. The director shall not
15 pay consideration in excess of 75 percent of the credit amount to be
16 purchased, except for a credit awarded under:

17 (1) the "Emerge Program Act," sections 68 through 81 of
18 P.L.2020, c.156 (C.34:1B-336 et al.), which shall be subject to the
19 provisions of paragraph (4) of subsection d. of section 77 of
20 P.L.2020, c.156 (C.34:1B-345);

21 (2) the "New Jersey Aspire Program Act," sections 54 through
22 67 of P.L.2020, c.156 (C.34:1B-322 through C.34:1B-335), as
23 amended and supplemented, for which the director shall pay an
24 amount equal to 85 percent of the credit amount, provided that the
25 issuance date of the tax credit certificate or tax credit transfer
26 certificate to the developer or the holder of such certificate occurred
27 at least one year prior to the date of application to the director, and
28 further provided that, if the application to the director is submitted
29 after the sixth year of the eligibility period, the amount in excess of
30 the reasonable and appropriate rate of return on investment that the
31 developer is required to pay pursuant to subsection c. of section 60
32 of P.L.2020, c.156 (C.34:1B-328) shall increase to 50 percent;

33 (3) the "Cultural Arts Incentives Program Act," P.L.2023, c.197
34 (C.34:1B-383 et al.), for which the director shall pay an amount equal
35 to 85 percent of the credit amount, provided that the issuance date of
36 the tax credit certificate or tax credit transfer certificate to the
37 developer or the holder of such certificate occurred at least one year
38 prior to the date of application to the director;

39 (4) the "Garden State Film and Digital Media Jobs Act,"
40 P.L.2018, c.56 (C.54:10A-5.39b et al.), for which the director shall
41 pay an amount equal to 95 percent of the credit amount for any
42 original application approved by the authority on or after January 1,
43 2026, provided that the issuance date of the tax credit certificate or
44 tax credit transfer certificate to the taxpayer, which taxpayer is a New
45 Jersey studio partner or the holder of such certificate originally issued
46 to a New Jersey studio partner, occurred at least one year prior to the
47 date of application to the director and provided that the director shall
48 purchase such certificates valued at no more than a cumulative

1 amount of \$80,000,000 in State fiscal year 2026, \$160,000,000 in
2 State fiscal year 2027, \$240,000,000 in State fiscal year 2028, and
3 \$200,000,000 in each State fiscal year thereafter, subject to the
4 conditions in this paragraph. If an application to the director for the
5 purchase of tax credits otherwise qualifies pursuant to this paragraph,
6 but the value of tax credits for which the director receives
7 applications exceeds the maximum cumulative amount for the State
8 fiscal year in which the application is made, the director shall
9 purchase the remaining tax credits in the State fiscal year next
10 following the State fiscal year in which the application is made,
11 provided that the director shall not purchase a cumulative amount
12 above the maximum cumulative amount for the respective State fiscal
13 year. No payments shall be made pursuant to this paragraph unless
14 the following conditions are met: full funding is provided for the
15 fiscal year to satisfy the requirement in Article VIII, Section IV,
16 paragraph 1 of the New Jersey Constitution that the Legislature
17 provide for the maintenance and support of a thorough and efficient
18 system of free public schools for the instruction of children in the
19 State between the ages of five and 18 years; full payment of the
20 contributions required by law for the fiscal year is made to the State-
21 administered retirement systems; and the annual appropriations act
22 for the State fiscal year maintains a budgetary surplus; **[or]**

23 (5) sections 1 through 4 of P.L.2025, c.399 (C.34:1B-335.4
24 through C.34:1B-335.7), for which the director shall pay an amount
25 equal to 85 percent of the credit amount, provided that the issuance
26 date of the tax credit certificate or tax credit transfer certificate to the
27 developer or the holder of such certificate occurred at least one year
28 prior to the date of application to the director; or

29 (6) the "Social Housing Program," sections 2 through 12 of
30 P.L. , c. (C. through C.) (pending before the
31 Legislature as this bill), for which the director shall pay an amount
32 equal to 85 percent of the credit amount, provided that the issuance
33 date of the tax credit certificate or tax credit transfer certificate to the
34 developer or the holder of such certificate occurred at least one year
35 prior to the date of application to the director.

36 b. The Director of the Division of Taxation in the Department of
37 the Treasury may or shall, subject to the provisions of subsection a.
38 of this section, purchase tax credits awarded under the following:

39 (1) the "Historic Property Reinvestment Act," sections 2 through
40 8 of P.L.2020, c.156 (C.34:1B-270 through C.34:1B-276);

41 (2) the "Brownfield Redevelopment Incentive Program Act,"
42 sections 9 through 19 of P.L.2020, c.156 (C.34:1B-277 through
43 C.34:1B-287);

44 (3) the "New Jersey Innovation Evergreen Act," sections 20
45 through 34 of P.L.2020, c.156 (C.34:1B-288 through C.34:1B-302);

46 (4) the "Food Desert Relief Act," sections 35 through 42 of
47 P.L.2020, c.156 (C.34:1B-303 through C.34:1B-310);

48 (5) (Deleted by amendment, P.L.2025, c.127)

1 (6) the "New Jersey Aspire Program Act," sections 54 through 67
2 of P.L.2020, c.156 (C.34:1B-322 through C.34:1B-335);

3 (7) the "Emerge Program Act," sections 68 through 81 of
4 P.L.2020, c.156 (C.34:1B-336 et al.);

5 (8) the Grow New Jersey Assistance Program established
6 pursuant to section 3 of P.L.2011, c.149 (C.34:1B-244);

7 (9) section 6 of P.L.2010, c.57 (C.34:1B-209.4);

8 (10) the State Economic Redevelopment and Growth Grant
9 program established pursuant to section 5 of P.L.2009, c.90
10 (C.52:27D-489e);

11 (11) (Deleted by amendment, P.L.2025, c.400)

12 (12) (Deleted by amendment, P.L.2025, c.400)

13 (13) the "Cultural Arts Incentives Program Act," P.L.2023, c.197
14 (C.34:1B-383 et al.);

15 (14) the "Garden State Film and Digital Media Jobs Act,"
16 P.L.2018, c.56 (C.54:10A-5.39b et al.);

17 (15) sections 3 through 7 of P.L.2025, c.111 (C.55:14K-106
18 through C.55:14K-110); **and**

19 (16) sections 1 through 4 of P.L.2025, c.399 (C.34:1B-335.4
20 through C.34:1B-335.7); and

21 (17) the "Social Housing Program," sections 2 through 12 of
22 P.L. , c. (C. through C.) (pending before the
23 Legislature as this bill).

24 (cf: P.L.2025, c.400, s.6)

25

26 28. (New section) Any municipality or housing authority shall
27 have the power to undertake the following projects, including, but
28 not limited to, the power to apply for and receive a tax credit award
29 as a developer of such projects:

30 a. a social housing project under the Social Housing Program,
31 established pursuant to sections 2 through 12 of P.L. , c. (C.
32 through C.) (pending before the Legislature as this bill); and

33 b. a workforce housing project under the Workforce Housing
34 Investment Program, established pursuant to section 13 of P.L. , c.
35 (C. and C.) (pending before the Legislature as this bill).

36

37 29. This act shall take effect immediately.

38

39

40 STATEMENT

41

42 This bill provides for increased support for the development of
43 affordable housing and workforce housing through new State
44 programs.

45 Specifically, the bill establishes the Social Housing Program
46 under the New Jersey Housing and Mortgage Finance Agency
47 (HMFA), which authorizes the award of tax credits for social housing
48 projects. The bill also requires the New Jersey Economic

1 Development Authority (EDA) and HMFA to prioritize applications
2 that include the development of: affordable housing or workforce
3 housing situated on land owned by a unit of local government; or
4 affordable housing in excess of the minimum affordable housing
5 requirements for the program under which the application is
6 submitted.

7 The bill also establishes the Workforce Housing Investment
8 Program (WHIP), through which a developer of a certified workforce
9 housing project may become eligible for a loan through the New
10 Jersey Infrastructure Bank, as well as consideration for State
11 investment by the Division of Investment in the Department of the
12 Treasury.

13 Additionally, the bill establishes a temporary task force in the
14 Department of the Treasury, designated as the “Interagency Task
15 Force on Public Land for Housing.”

16

17 *Social Housing Program*

18 The bill establishes the Social Housing Program in the HMFA,
19 under which a local government redeveloper may apply for tax
20 credits to finance the construction of a social housing project. A local
21 government redeveloper will be eligible to receive a tax credit if the
22 social housing project meets certain conditions. A tax credit granted
23 for a social housing project may not exceed 80 percent of the eligible
24 project cost, or 85 percent if constructed under a project labor
25 agreement. Each incentive award may not exceed \$225,000,000. The
26 bill limits the cumulative value of all tax credits awarded for social
27 housing projects to \$475,000,000. Following the award of a tax
28 credit, a local government redeveloper may transfer the tax credit if
29 approved by the HMFA.

30 Under the bill, a “social housing project” is defined as a residential
31 project that is undertaken and operated by a local government
32 redeveloper, and which: (1) is located on land owned by the local
33 government redeveloper within an enhanced area; (2) is financed, in
34 part, by general obligation bonds issued by the local government
35 redeveloper, or issued on behalf of the local government redeveloper
36 by a county improvement authority for not less than 20 percent of the
37 project costs; and (3) contains no less than 300 residential units. A
38 social housing project may include, but is not limited to, a single
39 building, multiple contiguous buildings, or multiple buildings
40 located on contiguous parcels of land or on parcels of land no farther
41 apart than one-quarter of a mile, which can be completed over six
42 years. A “local government redeveloper” is defined under the bill to
43 mean a county, county improvement authority, municipality, housing
44 authority, or any entity designated by a county or municipality that
45 enters or proposes to enter into an incentive award agreement for the
46 completion and operation of a social housing project under the
47 program. The bill also amends existing law to explicitly provide
48 county improvement authorities and housing authorities with the

1 ability to apply for and receive a tax credit award as a developer of a
2 social housing project.

3 A local government redeveloper undertaking a social housing
4 project would be required to permanently reserve at least 20 percent
5 of the residential units constructed for workforce housing, and at least
6 20 percent of residential units constructed for occupancy by low- and
7 moderate-income households with affordability controls, subject to
8 the affordability controls established by the HMFA.

9 Additionally, the local government redeveloper would be required
10 to dedicate certain excess rent payments received from the project for
11 future housing purposes. Specifically, the bill provides that upon
12 completion of the project if, during any year, the local government
13 redeveloper receives rental payments from tenants of the project in
14 excess of the amounts necessary to defray the operating costs of the
15 project, together with any debt service on bonds issued to finance the
16 project, not less than 75 percent of the excess payments would be
17 required to be deposited into a non-lapsing fund maintained by the
18 redeveloper and used exclusively for the production or maintenance
19 of additional housing projects.

20 The bill also provides that a local government redeveloper would
21 be required to submit a non-refundable application fee not to exceed
22 \$10,000.

23 The bill provides that upon completion of a social housing project,
24 tax credits would be issued to the local government redeveloper over
25 a specified eligibility period, which would be set at 10 years for most
26 projects. However, the local government redeveloper may elect an
27 eligibility period of five years for any social housing project that has
28 a project labor agreement may elect an eligibility period not to exceed
29 five years, or three years if the project is located in a government-
30 restricted municipality. The bill also authorizes a local government
31 redeveloper to sell, transfer, or pledge the right to receive any tax
32 credits issued under the program.

33 Additionally, the HMFA is required to adopt any necessary rules
34 and regulations to administer the program and publish on its Internet
35 site any pledge, assignment, transfer, or sale approved as a result of
36 the provisions of the bill.

37 The bill also requires the HMFA to elect a State college or
38 university to prepare a report concerning the implementation of the
39 Social Housing Program every two years. The report is required to
40 include: a description of each social housing project that receives a
41 tax credit under the program; a detailed analysis of the consideration
42 of project factors; and recommendations to further incentivize
43 development.

44

45 *Workforce Housing Investment Program (WHIP)*

46 Within one calendar year of the enactment of this bill, the HMFA
47 is required to establish the WHIP for the purposes of facilitating the
48 financing of certified workforce housing projects. Under the

1 program, the HMFA, in coordination with the EDA, will issue
2 certifications for certain projects that qualify as workforce housing
3 projects. Each certification will be issued upon application by the
4 developer of the project.

5 The bill defines a “workforce housing project” as a specific
6 construction project or improvement undertaken by a developer,
7 including a local government redeveloper, which project is located in
8 the State and predominantly includes the construction or
9 improvement of residential housing units, and may include a parking
10 component, provided that at least 20 percent of the residential units
11 in the project are reserved for workforce housing. The bill defines
12 “workforce housing” as housing that is affordable, according to
13 federal Department of Housing and Urban Development or other
14 recognized standards, for home ownership and rental costs and that
15 is occupied or reserved for occupancy by households with a gross
16 household income not more than 120 percent of the median gross
17 household income for households of the same size within the housing
18 region in which the housing is located. The bill also amends existing
19 law to explicitly provide county improvement authorities and
20 housing authorities with the ability to apply for and receive a tax
21 credit award as a developer of a workforce housing project.

22 The bill provides that a workforce housing project is eligible for
23 certification if the project: (1) is located in a transit-oriented, high-
24 pedestrian, or walkable area or is located in a former Brownfield site;
25 (2) reserves at least 20 percent of the residential units in the project
26 for workforce housing; (3) is constructed under a project labor
27 agreement; (4) is affiliated with a registered apprenticeship program;
28 (5) contains a minimum capital investment provided by the developer
29 of the project of at least 30 percent of total project costs; and (6)
30 adheres to monitoring standards as determined by the HMFA.

31 When applying for certification, the developer of a workforce
32 housing project may submit evidence of investment from a private
33 pension fund. Upon receipt of such evidence, the HMFA is required
34 to provide the evidence to the Division of Investment.

35 Upon certification, the HMFA will notify the Division of
36 Investment for consideration of investment in the project, including
37 a match to any private investments for which evidence is submitted,
38 subject to the fiduciary duties and standards for prudent investment,
39 and the New Jersey Infrastructure Bank for determination of
40 eligibility of the developer for a loan issued by the bank through the
41 Human Infrastructure Bank Fund, also established by the bill.

42 Specifically, the bill establishes a Human Infrastructure Bank
43 Fund within the New Jersey Infrastructure Bank. The fund will be
44 used to provide loans to the developer of a workforce housing project,
45 as certified by the HMFA, to finance all or part of the costs incurred
46 for the planning, acquisition, engineering, construction,
47 reconstruction, repair, and rehabilitation of a workforce housing
48 project. Under the bill, all moneys placed into the Human

1 Infrastructure Bank Fund are required to be held separate from other
2 funds of the trust.

3

4 *Interagency Task Force on Public Land for Housing*

5 The bill also establishes the Interagency Task Force on Public
6 Land for Housing. The task force will consist of eight members as
7 follows: the Chief Executive Officer of the EDA; the Director of the
8 Division of Investment in the Department of the Treasury; the
9 Executive Director of the HMFA; the Chairperson of the New Jersey
10 Infrastructure Bank; and four public members, one to be appointed
11 by the Senate President, one by the Senate Minority Leader, one by
12 the Speaker of the General Assembly, and one by the Assembly
13 Minority Leader.

14 The task force is required to publish three reports following initial
15 organization as follows: (1) within three months, a report
16 recommending rules and regulations to increase coordination among
17 State entities, counties, and municipalities to reduce administrative
18 delays and improve the efficiency of the review process for WHIP
19 applications; (2) within six months, a report recommending ways in
20 which the State, counties, and municipalities can utilize existing
21 financial structures and practices to invest funds, increase revenues,
22 and develop projects under WHIP; and (3) within one calendar year,
23 a report recommending sites of public land that are suitable for the
24 development of projects under WHIP, beginning with those that are
25 able to support at least 100 housing units.

26 Following the publication of the reports, the EDA and HMFA are
27 required to consider and implement, to the extent feasible, the
28 recommendations provided by the task force regarding the review
29 process for WHIP applications.

30 The task force is set to expire 30 days following the submission of
31 its final report.

32

33 *Local Unit Participation as a Developer*

34 This bill expressly provides that a county, municipality, or entity
35 designated by a county or municipality may participate as the
36 developer in the Social Housing Program or WHIP. The bill
37 specifically authorizes a housing authority designated by a
38 municipality, and a county improvement authority designated by a
39 county, to participate as the developer of such projects.