

P.L. 2022, CHAPTER 75, *approved July 29, 2022*
Senate, No. 2677 (*Second Reprint*)

1 AN ACT concerning ²**[mixed use parking projects]** the Economic
2 Redevelopment and Growth Grant program² and amending and
3 supplementing P.L.2009, c.90.
4

5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*
7

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

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

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

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

24 "Authority" means the New Jersey Economic Development
25 Authority established under section 4 of P.L.1974, c.80 (C.34:1B-
26 4).

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

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

39 "Developer" means any person who enters or proposes to enter
40 into a redevelopment incentive grant agreement pursuant to the
41 provisions of section 9 of P.L.2009, c.90 (C.52:27D-489i), or its

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SBA committee amendments adopted June 6, 2022.

²Senate SBA committee amendments adopted June 27, 2022.

1 successors or assignees, including but not limited to a lender that
2 completes a redevelopment project, operates a redevelopment
3 project, or completes and operates a redevelopment project. A
4 developer also may be a municipal redeveloper as defined herein or
5 Rutgers, the State University of New Jersey.

6 "Director" means the Director of the Division of Taxation in the
7 Department of the Treasury.

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

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

23 "Electric vehicle charging station" means an electric component
24 assembly or cluster of component assemblies designed specifically
25 to charge batteries within electric vehicles by permitting the transfer
26 of electric energy to a battery or other storage device in an electric
27 vehicle.

28 "Eligibility period" means the period of time specified in a
29 redevelopment incentive grant agreement for the payment of
30 reimbursements to a developer, which period shall not exceed 20
31 years, with the term to be determined solely at the discretion of the
32 applicant.

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

41 "Garden State Growth Zone" or "growth zone" means the four
42 New Jersey cities with the lowest median family income based on
43 the 2009 American Community Survey from the US Census, (Table
44 708. Household, Family, and Per Capita Income and Individuals,
45 and Families Below Poverty Level by City: 2009); a municipality
46 which contains a Tourism District as established pursuant to section
47 5 of P.L.2011, c.18 (C.5:12-219) and regulated by the Casino
48 Reinvestment Development Authority; or an aviation district.

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

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

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

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

29 "Major rail station" means a railroad station located within a
30 qualified incentive area which provides access to the public to a
31 minimum of six rail passenger service lines operated by the New
32 Jersey Transit Corporation.

33 "Mixed use parking project" means a redevelopment project, the
34 parking component of which shall constitute 51 percent or more of
35 any of the following:

- 36 a. the total square footage of the entire mixed use parking
37 project;
- 38 b. the estimated revenues of the entire mixed use parking
39 project; or
- 40 c. the total construction cost of the entire mixed use parking
41 project.

42 "Moderate-income housing" means housing affordable,
43 according to United States Department of Housing and Urban
44 Development or other recognized standards for home ownership
45 and rental costs, and occupied or reserved for occupancy by
46 households with a gross household income equal to more than 50
47 percent but less than 80 percent of the median gross household

1 income for households of the same size within the housing region in
2 which the housing is located.

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

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

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

12 "Municipal Revitalization Index" means the 2007 index by the
13 Office ¹**[for]** ¹of Planning Advocacy within the Department of
14 State measuring or ranking municipal distress.

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

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

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

36 "Project cost" means the costs incurred in connection with the
37 redevelopment project by the developer until the issuance of a
38 permanent certificate of occupancy, or until such other time
39 specified by the authority, for a specific investment or
40 improvement, including the costs relating to receiving Highlands
41 Development Credits under the Highlands Transfer Development
42 Rights Program authorized pursuant to section 13 of P.L.2004,
43 c.120 (C.13:20-13), lands, buildings, improvements, real or
44 personal property, or any interest therein, including leases
45 discounted to present value, including lands under water, riparian
46 rights, space rights and air rights acquired, owned, developed or
47 redeveloped, constructed, reconstructed, rehabilitated or improved,
48 any environmental remediation costs, plus costs not directly related

1 to construction, of an amount not to exceed 20 percent of the total
2 costs, capitalized interest paid to third parties, and the cost of
3 infrastructure improvements, including ancillary infrastructure
4 projects, and, for projects located in a Garden State Growth Zone
5 only, the cost of infrastructure improvements including any
6 ancillary infrastructure project and the amount by which total
7 project cost exceeds the cost of an alternative location for the
8 redevelopment project, but excluding any particular costs for which
9 the project has received federal, State, or local funding. ¹~~For~~ In
10 the case of a¹ mixed use parking ¹~~projects only~~ project that is
11 undertaken by a municipal redeveloper and that did not commence
12 construction before the declaration of the COVID-19 public health
13 emergency on March 9, 2020¹, project costs ²~~shall~~ ²may² include
14 ², in the discretion of the chief executive officer of the authority
15 consistent with applicable law, the cost or value of land, demolition,
16 and equity contributions, as well as² any particular costs for which
17 the project has received ²~~federal,~~² State ²~~,~~² or local funding.

18 "Project financing gap" means:

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

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

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

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

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

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

44 For the purpose of this definition, "property tax increment base"
45 means the aggregate taxable value of all property assessed which is
46 located within the redevelopment project area as of October 1st of

1 the year preceding the year in which the redevelopment incentive
2 grant agreement is authorized.

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

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

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

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

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

38 "Qualifying economic redevelopment and growth grant incentive
39 area" or "incentive area" means:

- 40 a. an aviation district;
- 41 b. a port district;
- 42 c. a distressed municipality; or
- 43 d. an area (1) designated pursuant to the "State Planning Act,"
44 P.L.1985, c.398 (C.52:18A-196 et seq.), as:
 - 45 (a) Planning Area 1 (Metropolitan);
 - 46 (b) Planning Area 2 (Suburban); or
 - 47 (c) Planning Area 3 (Fringe Planning Area);

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

1 (e) the planning area of the Highlands Region as defined in
2 section 3 of P.L.2004, c.120 (C.13:20-3) or a highlands
3 development credit receiving area or redevelopment area; or

4 (f) any area on which an existing tourism destination project is
5 located.

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

11 "Redevelopment incentive grant agreement" means an agreement
12 between:

13 a. the State and the New Jersey Economic Development
14 Authority and a developer; or

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

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

1 New Jersey Sports and Exposition Authority established pursuant to
2 P.L.1971 c.137 (C.5:10-1 et seq.) and the Fort Monmouth
3 Economic Revitalization Authority created pursuant to P.L.2010,
4 c.51 (C.52:27I-18 et seq.). A redevelopment project may include
5 the development of zero-emission vehicle fueling and charging
6 infrastructure.

7 "Redevelopment utility" means a self-liquidating fund created by
8 a municipality pursuant to section 12 of P.L.2009, c.90 (C.52:27D-
9 489l) to account for revenues collected and incentive grants paid
10 pursuant to section 11 of P.L.2009, c.90 (C.52:27D-489k), or other
11 revenues dedicated to a redevelopment project.

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

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

20 "SDA municipality" means a municipality in which an SDA
21 district is situated.

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

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

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

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

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

45 a. buildings and structures, such as academic buildings,
46 recreation centers, indoor athletic facilities, public works garages,
47 and water and sewer treatment and pumping facilities;

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

3 c. transportation facilities, such as bus shelters and parking
4 facilities.

5 "Urban transit hub" means an urban transit hub, as defined in
6 section ¹ ~~10~~ ² of P.L.2007, c.346 (C.34:1B-208), that is located
7 within an eligible municipality, as defined in section ¹ ~~10~~ ² of
8 P.L.2007, c.346 (C.34:1B-208), or all light rail stations and
9 property located within a one-mile radius of the mid-point of the
10 platform area of such a rail, bus, or ferry station if the property is in
11 a qualified municipality under the "Municipal Rehabilitation and
12 Economic Recovery Act," P.L.2002, c.43 (C.52:27BBB-1 et al.).

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

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

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

36 "Zero-emission vehicle fueling and charging infrastructure"
37 means infrastructure to charge or fuel zero-emission vehicles,
38 including but not limited to, public electric vehicle charging
39 stations and public hydrogen fueling stations.

40 (cf: P.L.2021, c.168, s.6)

41
42 ²2. Section 6 of P.L.2009, c.90 (C.52:27D-489f) is amended to
43 read as follows:

44 6. a. Up to the limits established in subsection b. of this section
45 and in accordance with a redevelopment incentive grant agreement,
46 beginning upon the receipt of occupancy permits for any portion of
47 the redevelopment project, or upon any other event evidencing
48 project completion as set forth in the incentive grant agreement, the

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

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

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

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

43 (3) In the case of a mixed use parking project, if the authority
44 determines that the estimated amount of incremental revenues
45 pledged towards the State portion of an incentive grant is
46 inadequate to fully fund the amount of the State portion of the
47 incentive grant, then, in lieu of an incentive grant based on the

1 incremental revenues, the developer shall be awarded tax credits
2 equal to the full amount of the incentive grant.

3 The value of all credits approved by the authority pursuant to
4 paragraphs (2) and (3) of this subsection shall not exceed
5 **【\$968,000,000】** \$993,000,000, of which:

6 (a) \$250,000,000 shall be restricted to qualified residential
7 projects within Atlantic, Burlington, Camden, Cape May,
8 Cumberland, Gloucester, Ocean, and Salem counties, of which
9 \$175,000,000 of the credits shall be restricted to the following
10 categories of projects: (i) qualified residential projects located in a
11 Garden State Growth Zone located within the aforementioned
12 counties; and (ii) mixed use parking projects located in a Garden
13 State Growth Zone or urban transit hub located within the
14 aforementioned counties; (iii) and \$75,000,000 of the credits shall
15 be restricted to qualified residential projects in municipalities with a
16 2007 Municipal Revitalization Index of 400 or higher as of the date
17 of enactment of the "New Jersey Economic Opportunity Act of
18 2013," P.L.2013, c.161 (C.52:27D-489p et al.) and located within
19 the aforementioned counties;

20 (b) **【\$415,000,000】** \$440,000,000 shall be restricted to the
21 following categories of projects: (i) qualified residential projects
22 located in urban transit hubs that are commuter rail in nature that
23 otherwise do not qualify under subparagraph (a) of this paragraph;
24 (ii) qualified residential projects located in Garden State Growth
25 Zones that do not qualify under subparagraph (a) of this paragraph;
26 (iii) mixed use parking projects located in urban transit hubs or
27 Garden State Growth Zones that do not qualify under subparagraph
28 (a) of this paragraph, provided however, an urban transit hub shall
29 be allocated no more than \$25,000,000 for mixed use parking
30 projects; (iv) qualified residential projects which are disaster
31 recovery projects that otherwise do not qualify under subparagraph
32 (a) of this paragraph; (v) qualified residential projects in SDA
33 municipalities located in Hudson County that were awarded State
34 Aid in State Fiscal Year 2013 through the Transitional Aid to
35 Localities program and otherwise do not qualify under
36 subparagraph (a) of this paragraph; (vi) \$25,000,000 of credits shall
37 be restricted to mixed use parking projects in Garden State Growth
38 Zones which have a population in excess of 125,000 and do not
39 qualify under subparagraph (a) of this paragraph; (vii) \$40,000,000
40 of credits shall be restricted to qualified residential projects that
41 include a theater venue for the performing arts and do not qualify
42 under subparagraph (a) of this paragraph, which projects are located
43 in a municipality with a population of less than 100,000 according
44 to the latest federal decennial census, and within which
45 municipality is located an urban transit hub and a campus of a
46 public research university, as defined in section 1 of P.L.2009,
47 c.308 (C.18A:3B-46); and (viii) **【\$125,000,000】** \$150,000,000 of
48 credits shall be restricted to qualified residential projects and mixed

1 use parking projects in Garden State Growth Zones having a
2 population in excess of 125,000 and do not qualify under
3 subparagraph (a) of this paragraph;

4 (c) \$87,000,000 shall be restricted to the following categories of
5 projects: (i) qualified residential projects located in distressed
6 municipalities, deep poverty pockets, highlands development credit
7 receiving areas or redevelopment areas, otherwise not qualifying
8 pursuant to subparagraph (a) or (b) of this paragraph; and (ii) mixed
9 use parking projects that do not qualify under subparagraph (a) or
10 (b) of this paragraph, and which are used by an independent
11 institution of higher education, a school of medicine, a nonprofit
12 hospital system, or any combination thereof; provided, however,
13 that \$20,000,000 of the \$87,000,000 shall be allocated to mixed use
14 parking projects that do not qualify under subparagraph (a) or (b) of
15 this paragraph;

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

20 (ii) an additional \$50,000,000 shall be restricted to qualified
21 residential projects which, as of the effective date of P.L.2016, c.51,
22 are located in a city of the first class with a population in excess of
23 270,000, are subject to a Renewal Contract for a Section 8 Mark-
24 Up-To-Market Project from the United States Department of
25 Housing and Urban Development, and for which an application for
26 the award of tax credits under this subsection was submitted prior to
27 January 1, 2016;

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

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

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

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

1 than December 31, 2023. The developer of a qualified residential
2 project or a mixed use parking project seeking an award of credits
3 toward the funding of its incentive grant for a project restricted
4 under categories (vi) and (viii) of subparagraph (b) of this
5 paragraph shall submit an incentive grant application prior to July
6 1, 2019 or, in the case of a project restricted under category (viii) of
7 subparagraph (b) of this paragraph, December 31, 2021, and if
8 approved after the effective date of P.L.2017, c.59, shall submit a
9 temporary certificate of occupancy for the project no later than
10 **【December 31, 2023】** June 30, 2026 provided that the municipality
11 in which the project is located shall have submitted to the chief
12 executive officer of the authority a letter of support identifying up
13 to six projects prior to July 1, 2018. The letter of support is to
14 contain a project scope for each of the projects and may be
15 supplemented or amended from time to time until July 1, 2019 or,
16 in the case of a project restricted under **【category】** categories (vi)
17 and (viii) of subparagraph (b) of this paragraph, December 31,
18 **【2021】** 2022. Applications for tax credits pursuant to this
19 subsection relating to an ancillary infrastructure project or
20 infrastructure improvement in the public right-of-way, or both, shall
21 be accompanied with a letter of support relating to the project or
22 improvement by the governing body or agency in which the project
23 is located. Credits awarded to a developer pursuant to this
24 subsection shall be subject to the same financial and related analysis
25 by the authority, the same term of the grant, and the same
26 mechanism for administering the credits, and shall be utilized or
27 transferred by the developer as if the credits had been awarded to
28 the developer pursuant to section 35 of P.L.2009, c.90 (C.34:1B-
29 209.3) for qualified residential projects thereunder. No portion of
30 the revenues pledged pursuant to the "New Jersey Economic
31 Opportunity Act of 2013," P.L.2013, c.161 (C.52:27D-489p et al.)
32 shall be subject to withholding or retainage for adjustment, in the
33 event the developer or taxpayer waives its rights to claim a refund
34 thereof.

35 (i) The developer of a project seeking an award of credits for a
36 project restricted under subparagraph (g) of this paragraph shall
37 submit an incentive grant application prior to December 31, 2021,
38 and if approved after the effective date of P.L.2020, c.156
39 (C.34:1B-269 et al.), shall submit a temporary certificate of
40 occupancy for the project no later than December 31, 2024. In
41 addition to the requirements for an award of credits set forth in
42 P.L.2009, c.90 (C.52:27D-489a et al.), a developer shall be eligible
43 to receive an award of credits for a project restricted under
44 subparagraph (g) of this paragraph only if the developer
45 demonstrates to the authority at that time of application that: (i) the
46 project shall comply with minimum environmental and
47 sustainability standards; (ii) the project shall comply with the
48 authority's affirmative action requirements, adopted pursuant to

1 section 4 of P.L.1979, c.303 (C.34:1B-5.4); (iii) each worker
2 employed by the developer or subcontractor of a developer working
3 at the project shall be paid not less than \$15 per hour or 120 percent
4 of the minimum wage fixed under subsection a. of section 5 of
5 P.L.1966, c.113 (C.34:11-56a4), whichever is higher; and (iv)
6 during the eligibility period, each worker employed to perform
7 construction work or building services work at the project shall be
8 paid not less than the prevailing wage rate for the worker's craft or
9 trade, as determined by the Commissioner of Labor and Workforce
10 Development pursuant to P.L.1963, c.150 (C.34:11-56.25 et seq.)
11 and P.L.2005, c.379 (C.34:11-56.58 et seq.).

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

27 (4) A developer may apply to the Director of the Division of
28 Taxation in the Department of the Treasury and the chief executive
29 officer of the authority for a tax credit transfer certificate, if the
30 developer is awarded a tax credit pursuant to paragraph (2) or
31 paragraph (3) of this subsection, covering one or more years, in lieu
32 of the developer being allowed any amount of the credit against the
33 tax liability of the developer. The tax credit transfer certificate,
34 upon receipt thereof by the developer from the director and the
35 chief executive officer of the authority, may be sold or assigned, in
36 full or in part, to any other person who may have a tax liability
37 pursuant to section 5 of P.L.1945, c.162 (C.54:10A-5), sections 2
38 and 3 of P.L.1945, c.132 (C.54:18A-2 and C.54:18A-3), section 1
39 of P.L.1950, c.231 (C.17:32-15), or N.J.S.17B:23-5. The certificate
40 provided to the developer shall include a statement waiving the
41 developer's right to claim that amount of the credit against the taxes
42 that the developer has elected to sell or assign. The sale or
43 assignment of any amount of a tax credit transfer certificate allowed
44 under this paragraph shall not be exchanged for consideration
45 received by the developer of less than 75 percent of the transferred
46 credit amount before considering any further discounting to present
47 value that may be permitted. Any amount of a tax credit transfer
48 certificate used by a purchaser or assignee against a tax liability

1 shall be subject to the same limitations and conditions that apply to
2 the use of the credit by the developer who originally applied for and
3 was allowed the credit.

4 c. All administrative costs associated with the incentive grant
5 shall be assessed to the applicant and be retained by the State
6 Treasurer from the annual incentive grant payments.

7 d. The incremental revenue for the revenues listed in
8 subsection a. of this section shall be calculated as the difference
9 between the amount collected in any fiscal year from any eligible
10 revenue source included in the State redevelopment incentive grant
11 agreement, less the revenue increment base for that eligible
12 revenue.

13 e. The municipality is authorized to collect any information
14 necessary to facilitate grants under this program and remit that
15 information in order to assist in the calculation of incremental
16 revenue.²

17 (cf: P.L.2021, c.160, s.55)

18

19 ²[2.] 3.² (New section) Notwithstanding any provision of the
20 “New Jersey Economic Stimulus Act of 2009,” P.L.2009, c.90
21 (C.52:27D-489a et al.) to the contrary, the following provisions
22 shall apply to ²[any] a² mixed use parking project ²[to be] that is
23 restricted under categories (vi) or (viii) of subparagraph (b) of
24 paragraph (3) of subsection b. of section 6 of P.L.2009, c.90
25 (C.52:27D-489f) and² undertaken by a municipal redeveloper after
26 the effective date of P.L. , c. (C.) (pending before the
27 Legislature as this bill), for which a redevelopment incentive grant
28 is awarded:

29 a. A municipal redeveloper shall submit a temporary certificate
30 of occupancy for ²[any] such² proposed mixed use parking project
31 no later than June 30, 2026.

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

37 (2) A redevelopment incentive grant award shall be equal to 100
38 percent of the total project costs allocated to the parking component
39 of the project and 80 percent of the total project costs allocated to
40 the non-parking component of the mixed use parking project if the
41 mixed use parking project is:

42 (a) constructed upon all or a portion of a project site that was
43 previously the subject of an award of tax credits pursuant to the
44 “Urban Transit Hub Tax Credit Act,” P.L.2007, c. 346 (C.34:1B-
45 207 et seq.) or the “New Jersey Economic Stimulus Act of 2009,”
46 P.L.2009, c. 90 (C.52:27D-489a et al.), but the tax credits were not
47 issued; ¹[or]¹

1 (b) ¹an entertainment venue with seating capacity in excess of
2 5,000; or

3 (c)¹ constructed to be utilized by a visitor center or youth center
4 within or adjacent to a national historic park.

5 c. ²**[A municipal redeveloper shall not be required to**
6 **demonstrate a project financing gap to the authority and shall not be**
7 **required to provide an equity contribution with respect to the**
8 **parking component of the mixed use parking project.**

9 d.² The terms of any approval, granted by the authority, for a
10 proposed mixed use parking project undertaken by a municipal
11 redeveloper, which has not yet commenced construction activities
12 ¹other than demolition or site work¹, ²**[shall automatically] may**²
13 be modified to reflect the terms established pursuant to
14 P.L. , c. (C.) (pending before the Legislature as this bill),
15 ²**[without necessitating any further action by the authority] upon**
16 application to the authority for review and approval; provided,
17 however, the developer shall not be required to pay any fee that
18 may be established under law or regulation related to the
19 application for modification². All dates of required action by ²a²
20 municipal redeveloper contained in an approval, granted by the
21 authority, shall be automatically extended by the thirty-month
22 period corresponding to the temporary certificate of occupancy
23 submission date established by subsection a. of this section.

24 ¹**[For the purposes of this subsection, demolition and site work**
25 **shall not constitute the commencement of construction activities.]**¹

26 ²**[e.] d.**² All proposed mixed use parking projects shall
27 comply with Leadership in Energy and Environmental Design
28 (LEED) standards, to the extent that the United States Green
29 Building Council shall have promulgated standards for the project
30 type proposed.

31

32 ¹**[3.] 4.**¹ This act shall take effect immediately.

33

34

35

36

37 Amends requirements for certain mixed use parking projects
38 undertaken by municipal redevelopers under Economic
39 Redevelopment and Growth Grant program; increases total
40 available tax credits by \$25 million.