

[First Reprint]

SENATE, No. 3096

STATE OF NEW JERSEY
213th LEGISLATURE

INTRODUCED NOVEMBER 23, 2009

Sponsored by:

Senator STEPHEN M. SWEENEY

District 3 (Salem, Cumberland and Gloucester)

SYNOPSIS

Extends prevailing wage requirements to certain for-sale multi-family housing.

CURRENT VERSION OF TEXT

As reported by the Senate Labor Committee on December 7, 2009, with amendments.



1 AN ACT concerning prevailing wage requirements and amending
2 P.L.1983, c.530.

3

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

6

7 1. Section 42 of P.L.1983, c.530 (C.55:14K-42) is amended to
8 read as follows:

9 42. Each qualified housing sponsor granted a loan from the
10 agency, or any builder, contractor or subcontractor engaged by the
11 qualified housing sponsor for the construction or rehabilitation of
12 any housing project, shall pay the **[workmen]** workers employed in
13 the performance of any contract for such construction or
14 rehabilitation not less than the prevailing wage rate. The prevailing
15 wage rate shall be determined by the Commissioner of the New
16 Jersey Department of Labor and Workforce Development in all
17 cases, except that the prevailing rate shall be determined by the
18 Secretary of the United States Department of Labor in accordance
19 with **[the Davis-Bacon Act as amended (40 U.S.C. 276a to 276a-**
20 **5)]** Section 1 of Pub.L. 107-217 (40 U.S.C. 3141 et seq.), when the
21 loan from the agency for the construction or rehabilitation of a
22 housing project or the tenants of the housing project **[is]** are the
23 subject of direct or indirect federal assistance other than the federal
24 tax exemption of the interest paid on the agency obligations.

25 Any person, partnership, corporation or association, whether
26 organized as for profit or not for profit, who receives a loan from
27 the 'New Jersey' Housing and Mortgage Finance Agency directly
28 from the agency or indirectly from an institutional lender for any
29 work, whether new construction, improvement or rehabilitation of
30 buildings 'b[or units]' which are designed for the primary purpose
31 of providing 'b[non-rental] for-sale' multi-family housing, shall pay
32 each worker employed in the work not less than the prevailing wage
33 rate for the worker's craft or trade, as determined by the
34 Commissioner of Labor and Workforce Development pursuant to
35 P.L.1963, c.150 (C.34:11-56.25 et seq.).

36 The Commissioner of Labor and Workforce Development **[is]**
37 authorized to, and shall, determine the prevailing wage rate and
38 shall **[establish]** designate the prevailing wage in the locality in
39 which the construction or rehabilitation of any housing project
40 subject to the provisions of this section or any 'b[non-rental] for-
41 sale' multi-family housing subject to the provisions of this section
42 is to be performed for each craft or trade or classification of all
43 **[workmen]** workers employed in the performance of such

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SLA committee amendments adopted December 7, 2009.

1 construction or rehabilitation, as if such construction or
2 rehabilitation were "public work" within the meaning of P.L.1963,
3 c.150 (C.34:11-56.25 et seq.). For the purpose of carrying out the
4 provisions of this section, the Commissioner of Labor and
5 Workforce Development and any **workmen** workers employed in
6 the performance of any contract for the construction or
7 rehabilitation of any housing project subject to the provisions of
8 this section or any '**non-rental** for-sale' multi-family housing
9 subject to the provisions of this section, shall have and may exercise
10 or perform any right, power or duty granted or imposed upon them
11 by P.L.1963, c.150 (C.34:11-56.25 et seq.).
12 (cf: P.L.1983, c.530, s.42)

13

14 2. This act shall take effect immediately.