

[First Reprint]

## **ASSEMBLY, No. 3075**

# **STATE OF NEW JERSEY**

## **218th LEGISLATURE**

INTRODUCED FEBRUARY 8, 2018

**Sponsored by:**

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**District 20 (Union)**

**Assemblywoman NANCY J. PINKIN**

**District 18 (Middlesex)**

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**District 18 (Middlesex)**

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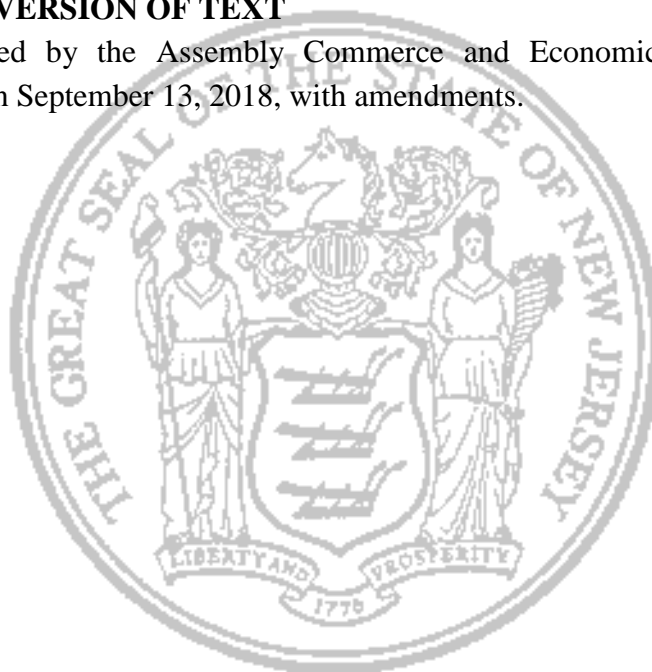
**District 20 (Union)**

### **SYNOPSIS**

Encourages development of public electric vehicle charging infrastructure in redevelopment projects.

### **CURRENT VERSION OF TEXT**

As reported by the Assembly Commerce and Economic Development Committee on September 13, 2018, with amendments.



**(Sponsorship Updated As Of: 10/30/2018)**

1 AN ACT concerning the development of public electric vehicle  
2 charging infrastructure in redevelopment projects and amending  
3 various parts 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. Section 3 of P.L.1992, c.79 (C.40A:12A-3) is amended to  
9 read as follows:

10 3. As used in this act:

11 "Bonds" means any bonds, notes, interim certificates, debentures  
12 or other obligations issued by a municipality, county,  
13 redevelopment entity, or housing authority pursuant to P.L.1992,  
14 c.79 (C.40A:12A-1 et al.).

15 "Comparable, affordable replacement housing" means newly-  
16 constructed or substantially rehabilitated housing to be offered to a  
17 household being displaced as a result of a redevelopment project,  
18 that is affordable to that household based on its income under the  
19 guidelines established by the Council on Affordable Housing in the  
20 Department of Community Affairs for maximum affordable sales  
21 prices or maximum fair market rents, and that is comparable to the  
22 household's dwelling in the redevelopment area with respect to the  
23 size and amenities of the dwelling unit, the quality of the  
24 neighborhood, and the level of public services and facilities offered  
25 by the municipality in which the redevelopment area is located.

26 "Development" means the division of a parcel of land into two or  
27 more parcels, the construction, reconstruction, conversion,  
28 structural alteration, relocation, or enlargement of any building or  
29 other structure, or of any mining, excavation or landfill, and any use  
30 or change in the use of any building or other structure, or land or  
31 extension of use of land, for which permission may be required  
32 pursuant to the "Municipal Land Use Law," P.L.1975,  
33 c.291 (C.40:55D-1 et seq.).

34 "Electric vehicle charging station" means an electric component  
35 assembly or cluster of component assemblies designed specifically  
36 to charge batteries within electric vehicles by permitting the transfer  
37 of electric energy to a battery or other storage device in an electric  
38 vehicle.

39 "Governing body" means the body exercising general legislative  
40 powers in a county or municipality according to the terms and  
41 procedural requirements set forth in the form of government  
42 adopted by the county or municipality.

43 "Housing authority" means a housing authority created or  
44 continued pursuant to this act.

**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:

<sup>1</sup>Assembly ACE committee amendments adopted September 13, 2018.

1 "Housing project" means a project, or distinct portion of a  
2 project, which is designed and intended to provide decent, safe and  
3 sanitary dwellings, apartments or other living accommodations for  
4 persons of low and moderate income; such work or undertaking  
5 may include buildings, land, equipment, facilities and other real or  
6 personal property for necessary, convenient or desirable  
7 appurtenances, streets, sewers, water service, parks, site  
8 preparation, gardening, administrative, community, health,  
9 recreational, educational, welfare or other purposes. The term  
10 "housing project" also may be applied to the planning of the  
11 buildings and improvements, the acquisition of property, the  
12 demolition of existing structures, the construction, reconstruction,  
13 alteration and repair of the improvements and all other work in  
14 connection therewith.

15 <sup>1</sup>"Parking authority" means a public corporation created pursuant  
16 to the "Parking Authority Law," P.L.1948, c.198 (C.40:11A-1 et  
17 seq.), and authorized to exercise redevelopment powers within the  
18 municipality.<sup>1</sup>

19 "Persons of low and moderate income" means persons or  
20 families who are, in the case of State assisted projects or programs,  
21 so defined by the Council on Affordable Housing in the Department  
22 of Community Affairs, or in the case of federally assisted projects  
23 or programs, defined as of "low and very low income" by the  
24 United States Department of Housing and Urban Development.

25 "Public body" means the State or any county, municipality,  
26 school district, authority or other political subdivision of the State.

27 "Public electric vehicle charging station" means an electric  
28 vehicle charging station located at a publicly available parking  
29 space.

30 "Public housing" means any housing for persons of low and  
31 moderate income owned by a municipality, county, the State or the  
32 federal government, or any agency or instrumentality thereof.

33 "Publicly assisted housing" means privately owned housing  
34 which receives public assistance or subsidy, which may be grants or  
35 loans for construction, reconstruction, conservation, or  
36 rehabilitation of the housing, or receives operational or maintenance  
37 subsidies either directly or through rental subsidies to tenants, from  
38 a federal, State or local government agency or instrumentality.

39 "Publicly available parking space" means a parking space that is  
40 available to, and accessible by, the public and may include on-street  
41 parking spaces and parking spaces in surface lots or parking  
42 garages, but shall not include a parking space that is part of, or  
43 associated with, a private residence; or a parking space that is  
44 reserved for the exclusive use of an individual driver or vehicle or  
45 for a group of drivers or vehicles, such as employees, tenants,  
46 visitors, residents of a common interest development, or residents  
47 of an adjacent building.

1 "Real property" means all lands, including improvements and  
2 fixtures thereon, and property of any nature appurtenant thereto or  
3 used in connection therewith, and every estate, interest and right,  
4 legal or equitable, therein, including terms for years and liens by  
5 way of judgment, mortgage or otherwise, and indebtedness secured  
6 by such liens.

7 "Redeveloper" means any person, firm, corporation or public  
8 body that shall enter into or propose to enter into a contract with a  
9 municipality or other redevelopment entity for the redevelopment or  
10 rehabilitation of an area in need of redevelopment, or an area in  
11 need of rehabilitation, or any part thereof, under the provisions of  
12 this act, or for any construction or other work forming part of a  
13 redevelopment or rehabilitation project.

14 "Redevelopment" means clearance, replanning, development and  
15 redevelopment; the conservation and rehabilitation of any structure  
16 or improvement, the construction and provision for construction of  
17 residential, commercial, industrial, public or other structures and  
18 the grant or dedication of spaces as may be appropriate or necessary  
19 in the interest of the general welfare for public electric vehicle  
20 charging stations, streets, parks, playgrounds, or other public  
21 purposes, including recreational and other facilities incidental or  
22 appurtenant thereto, in accordance with a redevelopment plan.

23 "Redevelopment agency" means a redevelopment agency created  
24 pursuant to subsection a. of section 11 of P.L.1992,  
25 c.79 (C.40A:12A-11) or established heretofore pursuant to the  
26 "Redevelopment Agencies Law," P.L.1949, c.306 (C.40:55C-1 et  
27 al.), repealed by this act, which has been permitted in accordance  
28 with the provisions of this act to continue to exercise its  
29 redevelopment functions and powers.

30 "Redevelopment area" or "area in need of redevelopment" means  
31 an area determined to be in need of redevelopment pursuant to  
32 sections 5 and 6 of P.L.1992, c.79 (C.40A:12A-5 and 40A:12A-6)  
33 or determined heretofore to be a "blighted area" pursuant to  
34 P.L.1949, c.187 (C.40:55-21.1 et seq.) repealed by this act, both  
35 determinations as made pursuant to the authority of Article VIII,  
36 Section III, paragraph 1 of the Constitution. A redevelopment area  
37 may include lands, buildings, or improvements which of themselves  
38 are not detrimental to the public health, safety or welfare, but the  
39 inclusion of which is found necessary, with or without change in  
40 their condition, for the effective redevelopment of the area of which  
41 they are a part.

42 "Redevelopment entity" means a municipality or an entity  
43 authorized by the governing body of a municipality pursuant to  
44 subsection c. of section 4 of P.L.1992, c.79 (C.40A:12A-4) to  
45 implement redevelopment plans and carry out redevelopment  
46 projects in an area in need of redevelopment, or in an area in need  
47 of rehabilitation, or in both.

1 "Redevelopment plan" means a plan adopted by the governing  
2 body of a municipality for the redevelopment or rehabilitation of all  
3 or any part of a redevelopment area, or an area in need of  
4 rehabilitation, which plan shall be sufficiently complete to indicate  
5 its relationship to definite municipal objectives as to appropriate  
6 land uses, public transportation and utilities, recreational and  
7 municipal facilities, and other public improvements; and to indicate  
8 proposed land uses and building requirements in the redevelopment  
9 area or area in need of rehabilitation, or both.

10 "Redevelopment project" means any work or undertaking  
11 pursuant to a redevelopment plan; such undertaking may include  
12 any buildings, land, including demolition, clearance or removal of  
13 buildings from land, equipment, facilities, or other real or personal  
14 properties which are necessary, convenient, or desirable  
15 appurtenances, such as but not limited to streets, sewers, utilities,  
16 parks, public electric vehicle charging stations, site preparation,  
17 landscaping, and administrative, community, health, recreational,  
18 educational, and welfare facilities.

19 "Rehabilitation" means an undertaking, by means of extensive  
20 repair, reconstruction or renovation of existing structures, with or  
21 without the introduction of new construction or the enlargement of  
22 existing structures, in any area that has been determined to be in  
23 need of rehabilitation or redevelopment, to eliminate substandard  
24 structural or housing conditions and arrest the deterioration of that  
25 area.

26 "Rehabilitation area" or "area in need of rehabilitation" means  
27 any area determined to be in need of rehabilitation pursuant to  
28 section 14 of P.L.1992, c.79 (C.40A:12A-14).  
29 (cf: P.L.2017, c.253, s.2)  
30

31 2. Section 7 of P.L.1992, c.79 (C.40A:12A-7) is amended to  
32 read as follows:

33 7. a. No redevelopment project shall be undertaken or carried  
34 out except in accordance with a redevelopment plan adopted by  
35 ordinance of the municipal governing body, upon its finding that the  
36 specifically delineated project area is located in an area in need of  
37 redevelopment or in an area in need of rehabilitation, or in both,  
38 according to criteria set forth in section 5 or section 14 of P.L.1992,  
39 c.79 (C.40A:12A-5 or 40A:12A-14), as appropriate.

40 The redevelopment plan shall include an outline for the planning,  
41 development, redevelopment, or rehabilitation of the project area  
42 sufficient to indicate:

43 (1) Its relationship to definite local objectives as to appropriate  
44 land uses, density of population, 'proposed general areas for' the  
45 development of public electric vehicle charging stations '[in  
46 appropriate locations]', and improved traffic and public  
47 transportation, public utilities, recreational and community facilities  
48 and other public improvements.

1       (2) Proposed land uses and building requirements in the project  
2 area.

3       (3) Adequate provision for the temporary and permanent  
4 relocation, as necessary, of residents in the project area, including  
5 an estimate of the extent to which decent, safe and sanitary dwelling  
6 units affordable to displaced residents will be available to them in  
7 the existing local housing market.

8       (4) An identification of any property within the redevelopment  
9 area which is proposed to be acquired in accordance with the  
10 redevelopment plan.

11       (5) Any significant relationship of the redevelopment plan to (a)  
12 the master plans of contiguous municipalities, (b) the master plan of  
13 the county in which the municipality is located, and (c) the State  
14 Development and Redevelopment Plan adopted pursuant to the  
15 "State Planning Act," P.L.1985, c.398 (C.52:18A-196 et al.).

16       (6) As of the date of the adoption of the resolution finding the  
17 area to be in need of redevelopment, an inventory of all housing  
18 units affordable to low and moderate income households, as defined  
19 pursuant to section 4 of P.L.1985, c.222 (C.52:27D-304), that are to  
20 be removed as a result of implementation of the redevelopment  
21 plan, whether as a result of subsidies or market conditions, listed by  
22 affordability level, number of bedrooms, and tenure.

23       (7) A plan for the provision, through new construction or  
24 substantial rehabilitation of one comparable, affordable replacement  
25 housing unit for each affordable housing unit that has been  
26 occupied at any time within the last 18 months, that is subject to  
27 affordability controls and that is identified as to be removed as a  
28 result of implementation of the redevelopment plan. Displaced  
29 residents of housing units provided under any State or federal  
30 housing subsidy program, or pursuant to the "Fair Housing Act,"  
31 P.L.1985, c.222 (C.52:27D-301 et al.), provided they are deemed to  
32 be eligible, shall have first priority for those replacement units  
33 provided under the plan; provided that any such replacement unit  
34 shall not be credited against a prospective municipal obligation  
35 under the "Fair Housing Act," P.L.1985, c.222 (C.52:27D-301 et  
36 al.), if the housing unit which is removed had previously been  
37 credited toward satisfying the municipal fair share obligation. To  
38 the extent reasonably feasible, replacement housing shall be  
39 provided within or in close proximity to the redevelopment area. A  
40 municipality shall report annually to the Department of Community  
41 Affairs on its progress in implementing the plan for provision of  
42 comparable, affordable replacement housing required pursuant to  
43 this section.

44       b. A redevelopment plan may include the provision of  
45 affordable housing in accordance with the "Fair Housing Act,"  
46 P.L.1985, c.222 (C.52:27D-301 et al.) and the housing element of  
47 the municipal master plan.

1 c. The redevelopment plan shall describe its relationship to  
2 pertinent municipal development regulations as defined in the  
3 "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.).  
4 The redevelopment plan shall supersede applicable provisions of the  
5 development regulations of the municipality or constitute an  
6 overlay zoning district within the redevelopment area. When the  
7 redevelopment plan supersedes any provision of the development  
8 regulations, the ordinance adopting the redevelopment plan shall  
9 contain an explicit amendment to the zoning district map included  
10 in the zoning ordinance. The zoning district map as amended shall  
11 indicate the redevelopment area to which the redevelopment plan  
12 applies. Notwithstanding the provisions of the "Municipal Land  
13 Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.) or of other law, no  
14 notice beyond that required for adoption of ordinances by the  
15 municipality shall be required for the hearing on or adoption of the  
16 redevelopment plan or subsequent amendments thereof.

17 d. All provisions of the redevelopment plan shall be either  
18 substantially consistent with the municipal master plan or designed  
19 to effectuate the master plan; but the municipal governing body may  
20 adopt a redevelopment plan which is inconsistent with or not  
21 designed to effectuate the master plan by affirmative vote of a  
22 majority of its full authorized membership with the reasons for so  
23 acting set forth in the redevelopment plan.

24 e. Prior to the adoption of a redevelopment plan, or revision or  
25 amendment thereto, the planning board shall transmit to the  
26 governing body, within 45 days after referral, a report containing its  
27 recommendation concerning the redevelopment plan. This report  
28 shall include an identification of any provisions in the proposed  
29 redevelopment plan which are inconsistent with the master plan and  
30 recommendations concerning these inconsistencies and any other  
31 matters as the board deems appropriate. The governing body, when  
32 considering the adoption of a redevelopment plan or revision or  
33 amendment thereof, shall review the report of the planning board  
34 and may approve or disapprove or change any recommendation by a  
35 vote of a majority of its full authorized membership and shall  
36 record in its minutes the reasons for not following the  
37 recommendations. Failure of the planning board to transmit its  
38 report within the required 45 days shall relieve the governing body  
39 from the requirements of this subsection with regard to the pertinent  
40 proposed redevelopment plan or revision or amendment thereof.  
41 Nothing in this subsection shall diminish the applicability of the  
42 provisions of subsection d. of this section with respect to any  
43 redevelopment plan or revision or amendment thereof.

44 f. The governing body of a municipality may direct the  
45 planning board to prepare a redevelopment plan or an amendment  
46 or revision to a redevelopment plan for a designated redevelopment  
47 area. After completing the redevelopment plan, the planning board  
48 shall transmit the proposed plan to the governing body for its

1 adoption. The governing body, when considering the proposed  
2 plan, may amend or revise any portion of the proposed  
3 redevelopment plan by an affirmative vote of the majority of its full  
4 authorized membership and shall record in its minutes the reasons  
5 for each amendment or revision. When a redevelopment plan or  
6 amendment to a redevelopment plan is referred to the governing  
7 body by the planning board under this subsection, the governing  
8 body shall be relieved of the referral requirements of subsection e.  
9 of this section.

10 (cf: P.L.2008, c.46, s.2)

11

12 3. Section 2 of P.L.2001, c.310 (C.40A:12A-65) is amended to  
13 read as follows:

14 2. As used in sections 1 through 10 of P.L.2001, c.310  
15 (C.40A:12A-64 et seq.):

16 "Authority" means the New Jersey Economic Development  
17 Authority established pursuant to P.L.1974, c.80 (C.34:1B-1 et  
18 seq.), the New Jersey Redevelopment Authority established  
19 pursuant to section 4 of P.L.1996, c.62 (C.55:19-23) or other  
20 instrumentality created by law by the State with the power to incur  
21 debt and issue bonds and other obligations.

22 "Board" means the Local Finance Board established in the  
23 Division of Local Government Services in the Department of  
24 Community Affairs.

25 "Bonds" mean bonds, notes or other obligations issued by the  
26 authority, including any State entity, or a municipality to finance or  
27 refinance redevelopment projects, and in connection therewith, to  
28 finance or refinance any other cost or expense of an authority, a  
29 State entity or a municipality pursuant to the "Redevelopment Area  
30 Bond Financing Law," sections 1 through 10 of P.L.2001,  
31 c.310 (C.40A:12A-64 et seq.), the "Local Redevelopment and  
32 Housing Law", P.L.1992, c.79 (C.40A:12A-1 et seq.), or other  
33 applicable law.

34 "Electric vehicle charging station" means an electric component  
35 assembly or cluster of component assemblies designed specifically  
36 to charge batteries within electric vehicles by permitting the transfer  
37 of electric energy to a battery or other storage device in an electric  
38 vehicle.

39 "Financial agreement" means an agreement that meets the  
40 requirements of a financial agreement under P.L.1991,  
41 c.431 (C.40A:20-1 et seq.) or, in the event that real property within  
42 a redevelopment area is exempt from taxation or has been or will be  
43 abated pursuant to applicable law, an agreement among a State  
44 entity, a municipality and a State entity redeveloper providing for  
45 payment of payments in lieu of taxes or special assessments by the  
46 State entity redeveloper with respect to a redevelopment project, or  
47 part thereof, to be carried out pursuant to a State entity  
48 redevelopment agreement.



1 "Municipality" means the municipal governing body or an entity  
2 acting on behalf of the municipality if permitted by the federal  
3 Internal Revenue Code of 1986, or, if a redevelopment agency or  
4 redevelopment entity is established in the municipality pursuant to  
5 P.L.1992, c.79 (C.40A:12A-1 et seq.) and the municipality so  
6 provides, the redevelopment agency or entity so established.

7 "Public electric vehicle charging station" means an electric  
8 vehicle charging station located at a publicly available parking  
9 space.

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

19 "Redeveloper" means any person, firm, corporation or public  
20 body, including the New Jersey Economic Development Authority  
21 or the New Jersey Redevelopment Authority to the extent permitted  
22 by law, that shall enter into or propose to enter into a contract with  
23 a municipality or other redevelopment entity for the redevelopment  
24 or rehabilitation of an area in need of redevelopment, or an area in  
25 need of rehabilitation, or any part thereof, under the provisions of  
26 the "Redevelopment Area Bond Financing Law," sections 1 through  
27 10 of P.L.2001, c.310 (C.40A:12A-64 et seq.), or for any  
28 construction or other work forming part of a redevelopment or  
29 rehabilitation project.

30 "Redevelopment" means clearance, replanning, development and  
31 redevelopment; the conservation and rehabilitation of any structure  
32 or improvement, the construction and provision for construction of  
33 residential, commercial, industrial, public or other structures and  
34 the grant or dedication of spaces as may be appropriate or necessary  
35 in the interest of the general welfare for public electric vehicle  
36 charging stations, streets, parks, playgrounds, or other public  
37 purposes, including recreational and other facilities incidental or  
38 appurtenant thereto, and any other related costs and expenses  
39 including preliminary planning and development costs and any  
40 financing costs and expenses in accordance with a redevelopment  
41 plan.

42 "Redevelopment bond financing agreement" means a contract  
43 between a municipality and a redeveloper for any work or  
44 undertaking for the redevelopment of a redevelopment area, or part  
45 thereof, under the provisions of the "Redevelopment Area Bond  
46 Financing Law," sections 1 through 10 of P.L.2001,  
47 c.310 (C.40A:12A-64 et seq.) or the "Local Redevelopment and

1 Housing Law," P.L.1992, c.79 (C.40A:12A-1 et seq.), as the case  
2 may be.

3 "Redevelopment area" means an area which has been delineated  
4 a "redevelopment area" or "area in need of redevelopment" pursuant  
5 to the "Local Redevelopment and Housing Law," P.L.1992,  
6 c.79 (C.40A:12A-1 et seq.) or an area in need of redevelopment  
7 delineated by a resolution of a State entity in accordance with the  
8 provisions of the enabling statute governing that State entity.

9 "Redevelopment plan" means a plan for the redevelopment or  
10 rehabilitation of all or any part of a redevelopment area as described  
11 in the redevelopment plan adopted pursuant to section 7 of  
12 P.L.1992, c.79 (C.40A:12A-7) or as described in the resolution  
13 adopted by a State entity determining the location, type and  
14 character of a redevelopment project.

15 "Redevelopment project" means any work or undertaking  
16 pursuant to a redevelopment plan; such undertaking may include  
17 any buildings, land, including demolition, clearance or removal of  
18 buildings from land, equipment, facilities, or other real or personal  
19 properties which are necessary, convenient, or desirable  
20 appurtenances, such as but not limited to streets, sewers, utilities,  
21 parks, public electric vehicle charging stations, site preparation,  
22 landscaping, and administrative, community, health, recreational,  
23 educational, and welfare facilities and any other related costs and  
24 expenses including preliminary planning and development costs and  
25 any financing costs and expenses.

26 "Special assessment" means an assessment upon the lands or  
27 improvements on such lands, or both, in the redevelopment area  
28 benefitted by improvements undertaken pursuant to the  
29 "Redevelopment Area Bond Financing Law," sections 1 through 10  
30 of P.L.2001, c.310 (C.40A:12A-64 et seq.), or the "Local  
31 Redevelopment and Housing Law," P.L.1992, c.79 (C.40A:12A-1 et  
32 seq.), and assessed pursuant to chapter 56 of Title 40 of the Revised  
33 Statutes, R.S. 40:56-1 et seq., except as otherwise provided in  
34 subsection c. of section 3 of P.L.2001, c.310 (C.40A:12A-66).

35 "State entity" means the New Jersey Meadowlands Commission  
36 established pursuant to P.L.1968, c.404 (C.13:17-1 et seq.) or any  
37 other entity created by State law with the power to undertake a  
38 redevelopment project directly or through a State entity redeveloper  
39 and with the power to determine the location, type and character of  
40 a redevelopment project or part of a redevelopment project on land  
41 owned or controlled by it.

42 "State entity redeveloper" means any person, firm or corporation  
43 that shall enter into or propose to enter into a State entity  
44 redevelopment agreement with a State entity for the redevelopment  
45 or rehabilitation of a redevelopment area under the enabling  
46 legislation governing the actions of the State entity or for any  
47 construction or other work forming a part of a redevelopment  
48 project.

1 "State entity redevelopment agreement" means an agreement  
2 between a State entity and a State entity redeveloper for any work  
3 or undertaking in a redevelopment area.

4 (cf: P.L.2004, c.112, s.1)

5  
6 4. Section 3 of P.L.1991, c.431 (C.40A:20-3) is amended to  
7 read as follows:

8 3. As used in P.L.1991, c.431 (C.40A:20-1 et seq.):

9 a. "Gross revenue" means annual gross revenue or gross shelter  
10 rent or annual gross rents, as appropriate, and other income, for  
11 each urban renewal entity designated pursuant to P.L.1991,  
12 c.431 (C.40A:20-1 et seq.). The financial agreement shall establish  
13 the method of computing gross revenue for the entity, and the  
14 method of determining insurance, operating and maintenance  
15 expenses paid by a tenant which are ordinarily paid by a landlord,  
16 which shall be included in the gross revenue; provided, however,  
17 that any federal funds received, whether directly or in the form of  
18 rental subsidies paid to tenants, by a nonprofit corporation that is  
19 the sponsor of a qualified subsidized housing project, shall not be  
20 included in the gross revenue of the project for purposes of  
21 computing the annual services charge for municipal services  
22 supplied to the project; and provided further that any gain realized  
23 by the urban renewal entity on the sale of any unit in fee simple,  
24 whether or not taxable under federal or State law, shall not be  
25 included in computing gross revenue.

26 b. "Limited-dividend entity" means an urban renewal entity  
27 incorporated pursuant to Title 14A of the New Jersey Statutes, or  
28 established pursuant to Title 42 of the Revised Statutes, for which  
29 the profits and the entity are limited as follows. The allowable net  
30 profits of the entity shall be determined by applying the allowable  
31 profit rate to each total project unit cost, if the project is undertaken  
32 in units, or the total project cost, if the project is not undertaken in  
33 units, and all capital costs, determined in accordance with generally  
34 accepted accounting principles, of any other entity whose revenue is  
35 included in the computation of excess profits, for the period  
36 commencing on the date on which the construction of the unit or  
37 project is completed, and terminating at the close of the fiscal year  
38 of the entity preceding the date on which the computation is made,  
39 where:

40 "Allowable profit rate" means the greater of 12% or the  
41 percentage per annum arrived at by adding 1 1/4% to the annual  
42 interest percentage rate payable on the entity's initial permanent  
43 mortgage financing. If the initial permanent mortgage is insured or  
44 guaranteed by a governmental agency, the mortgage insurance  
45 premium or similar charge, if payable on a per annum basis, shall  
46 be considered as interest for this purpose. If there is no permanent  
47 mortgage financing the allowable profit rate shall be the greater of  
48 12% or the percentage per annum arrived at by adding 1 1/4% per

1 annum to the interest rate per annum which the municipality  
2 determines to be the prevailing rate on mortgage financing on  
3 comparable improvements in the county.

4 c. "Net profit" means the gross revenues of the urban renewal  
5 entity less all operating and non-operating expenses of the entity, all  
6 determined in accordance with generally accepted accounting  
7 principles, but:

8 (1) there shall be included in expenses: (a) all annual service  
9 charges paid pursuant to section 12 of P.L.1991, c.431 (C.40A:20-  
10 12); (b) all payments to the municipality of excess profits pursuant  
11 to section 15 or 16 of P.L.1991, c.431 (C.40A:20-15 or 40A:20-16);  
12 (c) an annual amount sufficient to amortize the total project cost  
13 and all capital costs determined in accordance with generally  
14 accepted accounting principles, of any other entity whose revenue is  
15 included in the computation of excess profits, over the term of the  
16 abatement as set forth in the financial agreement; (d) all reasonable  
17 annual operating expenses of the urban renewal entity and any other  
18 entity whose revenue is included in the computation of excess  
19 profits, including the cost of all management fees, brokerage  
20 commissions, insurance premiums, all taxes or service charges paid,  
21 legal, accounting, or other professional service fees, utilities,  
22 building maintenance costs, building and office supplies, and  
23 payments into repair or maintenance reserve accounts; (e) all  
24 payments of rent including, but not limited to, ground rent by the  
25 urban renewal entity; (f) all debt service;

26 (2) there shall not be included in expenses either depreciation or  
27 obsolescence, interest on debt, except interest which is part of debt  
28 service, income taxes, or salaries, bonuses or other compensation  
29 paid, directly or indirectly to directors, officers and stockholders of  
30 the entity, or officers, partners or other persons holding any  
31 proprietary ownership interest in the entity.

32 The urban renewal entity shall provide to the municipality an  
33 annual audited statement which clearly identifies the calculation of  
34 net profit for the urban renewal entity during the previous year. The  
35 annual audited statement shall be prepared by a certified public  
36 accountant and shall be submitted to the municipality within 90  
37 days of the close of the fiscal year.

38 d. "Nonprofit entity" means an urban renewal entity  
39 incorporated pursuant to Title 15A of the New Jersey Statutes for  
40 which no part of its net profits inures to the benefit of its members.

41 e. "Project" means any work or undertaking pursuant to a  
42 redevelopment plan adopted pursuant to the "Local Redevelopment  
43 and Housing Law," P.L.1992, c.79 (C.40A:12A-1 et al.), which has  
44 as its purpose the redevelopment of all or any part of a  
45 redevelopment area including any industrial, commercial,  
46 residential or other use, and may include any buildings, land,  
47 including demolition, clearance or removal of buildings from land,  
48 equipment, facilities, or other real or personal properties which are

1 necessary, convenient, or desirable appurtenances, such as, but not  
2 limited to, streets, sewers, utilities, parks, public electric vehicle  
3 charging stations, site preparation, landscaping, and administrative,  
4 community, health, recreational, educational and welfare facilities.

5 f. "Redevelopment area" means an area determined to be in  
6 need of redevelopment and for which a redevelopment plan has  
7 been adopted by a municipality pursuant to the "Local  
8 Redevelopment and Housing Law," P.L.1992, c.79 (C.40A:12A-1 et  
9 al.).

10 g. "Urban renewal entity" means a limited-dividend entity, the  
11 New Jersey Economic Development Authority or a nonprofit entity  
12 which enters into a financial agreement pursuant to P.L.1991,  
13 c.431 (C.40A:20-1 et seq.) with a municipality to undertake a  
14 project pursuant to a redevelopment plan for the redevelopment of  
15 all or any part of a redevelopment area, or a project necessary,  
16 useful, or convenient for the relocation of residents displaced or to  
17 be displaced by the redevelopment of all or any part of one or more  
18 redevelopment areas, or a low and moderate income housing  
19 project.

20 h. "Total project unit cost" or "total project cost" means the  
21 aggregate of the following items as related to a unit of a project, if  
22 the project is undertaken in units, or to the total project, if the  
23 project is not undertaken in units, all of which as limited by, and  
24 approved as part of the financial agreement: (1) cost of the land and  
25 improvements to the entity, whether acquired from a private or a  
26 public owner, with cost in the case of leasehold interests to be  
27 computed by capitalizing the aggregate rental at a rate provided in  
28 the financial agreement; (2) architect, engineer and attorney fees,  
29 paid or payable by the entity in connection with the planning,  
30 construction and financing of the project; (3) surveying and testing  
31 charges in connection therewith; (4) actual construction costs which  
32 the entity shall cause to be certified and verified to the municipality  
33 and the municipal governing body by an independent and qualified  
34 architect, including the cost of any preparation of the site  
35 undertaken at the entity's expense; (5) insurance, interest and  
36 finance costs during construction; (6) costs of obtaining initial  
37 permanent financing; (7) commissions and other expenses paid or  
38 payable in connection with initial leasing; (8) real estate taxes and  
39 assessments during the construction period; (9) a developer's  
40 overhead based on a percentage of actual construction costs, to be  
41 computed at not more than the following schedule:

42

43	\$500,000 or less -	10%
44		
45	\$500,000 through \$1,000,000 -	\$50,000 plus 8% on
46	excess above \$500,000	

1           \$1,000,001 through \$2,000,000 - \$90,000 plus 7% on  
2 excess above \$1,000,000  
3  
4           \$2,000,001 through \$3,500,000 - \$160,000 plus 5.6667%  
5 on excess above \$2,000,000  
6           \$3,500,001 through \$5,500,000 - \$245,000 plus 4.25% on  
7 excess above \$3,500,000  
8  
9           \$5,500,001 through \$10,000,000 - \$330,000 plus 3.7778%  
10 on excess above \$5,500,000  
11  
12           over \$10,000,000 - 5%

13  
14       If the project includes units in fee simple, with respect to those  
15 units, "total project cost" shall mean the sales price of the individual  
16 housing unit which shall be the most recent true consideration paid  
17 for a deed to the unit in fee simple in a bona fide arm's length sales  
18 transaction, but not less than the assessed valuation of the unit in  
19 fee simple assessed at 100 percent of true value.

20       If the financial agreement so provides, there shall be excluded  
21 from the total project cost: (1) actual costs incurred by the entity  
22 and certified to the municipality by an independent and qualified  
23 architect or engineer which are associated with site remediation and  
24 cleanup of environmentally hazardous materials or contaminants in  
25 accordance with State or federal law; and (2) any extraordinary  
26 costs incurred by the entity and certified to the chief financial  
27 officer of the municipality by an independent certified public  
28 accountant in order to alleviate blight conditions within the area in  
29 need of redevelopment including, but not limited to, the cost of  
30 demolishing structures considered by the entity to be an impediment  
31 to the proposed redevelopment of the property, costs associated  
32 with the relocation or removal of public utility facilities as defined  
33 pursuant to section 10 of P.L.1992, c.79 (C.40A:12A-10)  
34 considered necessary in order to implement the redevelopment plan,  
35 costs associated with the relocation of residents or businesses  
36 displaced or to be displaced by the proposed redevelopment, and the  
37 clearing of title to properties within the area in need of  
38 redevelopment in order to facilitate redevelopment.

39       i. "Housing project" means any work or undertaking to provide  
40 decent, safe, and sanitary dwellings for families in need of housing;  
41 the undertaking may include any buildings, land (including  
42 demolition, clearance or removal of buildings from land),  
43 equipment, facilities, or other real or personal properties or interests  
44 therein which are necessary, convenient or desirable appurtenances  
45 of the undertaking, such as, but not limited to, streets, sewers,  
46 water, utilities, parks; site preparation; landscaping, and  
47 administrative, community, health, recreational, educational,

1 welfare, commercial, or other facilities, or to provide any part or  
2 combination of the foregoing.

3 j. "Redevelopment relocation housing project" means a  
4 housing project which is necessary, useful or convenient for the  
5 relocation of residents displaced by redevelopment of all or any part  
6 of one or more redevelopment areas.

7 k. "Low and moderate income housing project" means a  
8 housing project which is occupied, or is to be occupied, exclusively  
9 by households whose incomes do not exceed income limitations  
10 established pursuant to any State or federal housing program.

11 l. "Qualified subsidized housing project" means a low and  
12 moderate income housing project owned by a nonprofit corporation  
13 organized under the provisions of Title 15A of the New Jersey  
14 Statutes for the purpose of developing, constructing and operating  
15 rental housing for senior citizens under section 202 of Pub.L. 86-  
16 372 (12 U.S.C. s.1701q) or rental housing for persons with  
17 disabilities under section 811 of Pub.L. 101-625 (42 U.S.C. s.8013),  
18 or under any other federal program that the Commissioner of  
19 Community Affairs by rule may determine to be of a similar nature  
20 and purpose.

21 m. "Debt service" means the amount required to make annual  
22 payments of principal and interest or the equivalent thereof on any  
23 construction mortgage, permanent mortgage or other financing  
24 including returns on institutional equity financing and market rate  
25 related party debt for a project for a period equal to the term of the  
26 tax exemption granted by a financial agreement.

27 (cf: P.L.2003, c.125, s.7)

28

29 5. Section 13 of P.L.2001, c.310 (C.52:27D-461) is amended to  
30 read as follows:

31 13. As used in sections 11 through 41 of P.L.2001,  
32 c.310 (C.52:27D-459 et seq.):

33 "Area in need of redevelopment" means a redevelopment area as  
34 defined pursuant to section 3 of P.L.1992, c.79 (C.40A:12A-3).

35 "Board" means the Local Finance Board established in the  
36 Division of Local Government Services in the Department of  
37 Community Affairs.

38 "Bonds" means the bonds, notes and bond anticipation notes  
39 issued to finance projects pursuant to the "Revenue Allocation  
40 District Financing Act," sections 11 through 41 of P.L.2001,  
41 c.310 (C.52:27D-459 et seq.).

42 "District" means the area or areas within a municipality  
43 designated as a revenue allocation district pursuant to the provisions  
44 of the "Revenue Allocation District Financing Act," sections 11  
45 through 41 of P.L.2001, c.310 (C.52:27D-459 et seq.).

46 "District agent" means that entity designated by the municipal  
47 governing body pursuant to section 14 of P.L.2001,

1 c.310 (C.52:27D-462) to administer a revenue allocation plan on  
2 behalf of the municipality.

3 "Eligible revenue" means the property tax increment and any  
4 other incremental revenues set forth in section 21 of P.L.2001,  
5 c.310 (C.52:27D-469).

6 "Municipality" means the municipal governing body or an entity  
7 acting on behalf of the municipality if permitted by the federal  
8 Internal Revenue Code of 1986 or, if a redevelopment agency or  
9 redevelopment entity is established in a municipality pursuant to  
10 P.L.1992, c.79 (C.40A:12A-1 et seq.) and the municipality so  
11 provides, the redevelopment agency or entity so established.

12 "Permitted investment obligations" means any securities  
13 permitted for purchase by local units of government pursuant to  
14 section 8 of P.L.1977, c.396 (C.40A:5-15.1).

15 "Plan" means the final revenue allocation plan developed by a  
16 district agent pursuant to section 22 of P.L.2001, c.310 (C.52:27D-  
17 470) and containing, among other elements, the proposed projects,  
18 estimated cost of the projects, sources of revenue, and the terms of  
19 any obligations, undertakings or commitments to be incurred by the  
20 district agent.

21 "Pledged revenues" means those eligible revenues designated in  
22 the plan for payment of project costs.

23 "Project" means the purchasing, leasing, condemning or  
24 otherwise acquiring of land or other property, or an interest therein,  
25 in the district or as necessary or convenient for the acquisition of  
26 any right-of-way or other easement to or from the revenue  
27 allocation district; the moving and relocation of persons or  
28 businesses displaced by the acquisition of land or property; the  
29 acquisition, construction, reconstruction or rehabilitation of land or  
30 property and the improvements thereon, or the financing thereof,  
31 including demolition, clearance, removal, relocation, renovation,  
32 alteration, construction, reconstruction, alteration or repair of any  
33 land, building, street, highway, alley, utility, mass transit facility,  
34 service or other structure, infrastructure or improvement in the  
35 district or necessary to effectuate the plan for the district, including  
36 infrastructure improvements outside the district, but only those  
37 which are integral to the effectuation of the district plan; the  
38 acquisition, construction, reconstruction, rehabilitation or  
39 installation of public facilities and improvements, including public  
40 electric vehicle charging stations, or the financing thereof;  
41 acquisition, construction, reconstruction or rehabilitation of  
42 residential structures, or the conversion to residential use of  
43 structures previously designed or used for other purposes, or the  
44 financing thereof, nonprofit corporation or other suitable public or  
45 private person, firm, corporation or association, and which, to the  
46 extent economically feasible, shall constitute housing affordable to  
47 persons and families of low and moderate income pursuant to  
48 P.L.1985, c.222 (C.52:27D-301 et al.) or rules and regulations



1 adopted pursuant thereto; and all costs associated with any of the  
2 foregoing, including the cost of administrative appraisals, legal,  
3 financial, economic and environmental analyses, engineering or  
4 cleanup, planning, design, architectural, surveying or other  
5 professional and technical services necessary to effectuate the  
6 purposes of the "Revenue Allocation District Financing Act,"  
7 sections 11 through 41 of P.L.2001, c.310 (C.52:27D-459 et seq.).

8 "Project cost" means the cost of the plan or project in all or any  
9 part of the district and of all and any property, rights, easements,  
10 privileges, agreements and franchises deemed by the district agent  
11 to be necessary or useful and convenient therefor or in connection  
12 therewith, including interest or discount on bonds; cost of issuance  
13 of bonds; engineering and inspection costs; legal expenses; costs of  
14 financial and other professional estimates and advice; organization,  
15 administrative, operating and other expenses of the district agent  
16 prior to and during the planning and implementation of a  
17 development, plan or project, including such provision as the  
18 district agent may determine for the payment, or security for  
19 payment, of principal of or interest on bonds during or after the  
20 implementation of any development, plan or project.

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

22 (1) multiplying the general tax rate levied each year by the  
23 taxable value of all the property assessed within a district in the  
24 same year, excluding any special assessments; and

25 (2) multiplying that product by a fraction having a numerator  
26 equal to the taxable value of all the property assessed within the  
27 district, minus the property tax increment base, and having a  
28 denominator equal to the taxable value of all property assessed  
29 within the district.

30 "Property tax increment base" means the aggregate taxable value  
31 of all property assessed which is located within a district as of  
32 October 1 of the year preceding the year in which the district is  
33 authorized pursuant to the "Revenue Allocation District Financing  
34 Act," sections 11 through 41 of P.L.2001, c.310 (C.52:27D-459 et  
35 seq.).

36 "Redevelopment plan" means a redevelopment plan as the term  
37 is defined pursuant to section 3 of P.L.1992, c.79 (C.40A:12A-3).

38 "Revenue increment base" means the amount of any eligible  
39 revenues, other than the property tax increment, collected in the  
40 calendar year immediately preceding the adoption of the plan.

41 "Taxing entity" means the county, the school district or districts,  
42 and the municipality authorized to levy a tax on the taxable  
43 property within a municipality.

44 (cf: P.L.2001, c.310, s.13)

45  
46 6. Section 3 of P.L.2009, c.90 (C.52:27D-489c) is amended to  
47 read as follows:

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

3       "Applicant" means a developer proposing to enter into a  
4 redevelopment incentive grant agreement.

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

15       "Authority" means the New Jersey Economic Development  
16 Authority established under section 4 of P.L.1974, c.80 (C.34:1B-  
17 4).

18       "Aviation district" means the area within a one-mile radius of the  
19 outermost boundary of the "Atlantic City International Airport,"  
20 established pursuant to section 24 of P.L.1991, c.252 (C.27:25A-  
21 24).

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

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

35       "Director" means the Director of the Division of Taxation in the  
36 Department of the Treasury.

37       "Disaster recovery project" means a redevelopment project  
38 located on property that has been wholly or substantially damaged  
39 or destroyed as a result of a federally-declared disaster, and which  
40 is located within the incentive area and has been determined by the  
41 authority to be in an area appropriate for development and in need  
42 of economic development incentive assistance.

43       "Distressed municipality" means a municipality that is qualified  
44 to receive assistance under P.L.1978, c.14 (C.52:27D-178 et seq.), a  
45 municipality under the supervision of the Local Finance Board  
46 pursuant to the provisions of the "Local Government Supervision  
47 Act (1947)," P.L.1947, c.151 (C.52:27BB-1 et seq.), a municipality  
48 identified by the Director of the Division of Local Government

1 Services in the Department of Community Affairs to be facing  
2 serious fiscal distress, a SDA municipality, or a municipality in  
3 which a major rail station is located.

4 "Electric vehicle charging station" means an electric component  
5 assembly or cluster of component assemblies designed specifically  
6 to charge batteries within electric vehicles by permitting the transfer  
7 of electric energy to a battery or other storage device in an electric  
8 vehicle.

9 "Eligibility period" means the period of time specified in a  
10 redevelopment incentive grant agreement for the payment of  
11 reimbursements to a developer, which period shall not exceed 20  
12 years, with the term to be determined solely at the discretion of the  
13 applicant.

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

22 "Garden State Growth Zone" or "growth zone" means the four  
23 New Jersey cities with the lowest median family income based on  
24 the 2009 American Community Survey from the US Census, (Table  
25 708. Household, Family, and Per Capita Income and Individuals,  
26 and Families Below Poverty Level by City: 2009); or a municipality  
27 which contains a Tourism District as established pursuant to section  
28 5 of P.L.2011, c.18 (C.5:12-219) and regulated by the Casino  
29 Reinvestment Development Authority.

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

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

40 "Infrastructure improvements in the public right-of-way" mean  
41 public structures or improvements, including public electric vehicle  
42 charging stations, located in the public right-of-way that are located  
43 within a project area or that constitute an ancillary infrastructure  
44 project, either of which are dedicated to or owned by a  
45 governmental body or agency upon completion, or any required  
46 payment in lieu of the structures, improvements or projects, or any  
47 costs of remediation associated with the structures, improvements  
48 or projects, and that are determined by the authority, in consultation

1 with applicable State agencies, to be consistent with and in  
2 furtherance of State public infrastructure objectives and initiatives.

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

10 "Major rail station" means a railroad station located within a  
11 qualified incentive area which provides access to the public to a  
12 minimum of six rail passenger service lines operated by the New  
13 Jersey Transit Corporation.

14 "Mixed use parking project" means a redevelopment project, the  
15 parking component of which shall constitute 51 percent or more of  
16 any of the following:

17 a. the total square footage of the entire mixed use parking  
18 project;

19 b. the estimated revenues of the entire mixed use parking  
20 project; or

21 c. the total construction cost of the entire mixed use parking  
22 project.

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

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

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

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

40 "Municipal Revitalization Index" means the 2007 index by the  
41 Office for Planning Advocacy within the Department of State  
42 measuring or ranking municipal distress.

43 "Non-parking component" means that portion of a mixed use  
44 parking project not used for parking, together with the portion of  
45 the costs of the mixed use parking project, including but not limited  
46 to the footings, foundations, site work, infrastructure, and soft costs  
47 that are allocable to the non-parking use.

1 "Parking component" means that portion of a mixed use parking  
2 project used for parking, together with the portion of the costs of  
3 the mixed use parking project, including but not limited to the  
4 footings, foundations, site work, infrastructure, and soft costs that  
5 are allocable to the parking use. <sup>1</sup>The parking component, which  
6 may include enclosed pedestrian walkways or a skybridge, may be  
7 in the same structure as all the non-parking components or may be  
8 in a structure with some non-parking components with the  
9 remaining non-parking components in an adjacent or nearby  
10 structure that is no more than one third of a mile from the parking  
11 components.<sup>1</sup>

12 "Project area" means land or lands located within the incentive  
13 area under common ownership or control including through a  
14 redevelopment agreement with a municipality, or as otherwise  
15 established by a municipality or a redevelopment agreement  
16 executed by a State entity to implement a redevelopment project.

17 "Project cost" means the costs incurred in connection with the  
18 redevelopment project by the developer until the issuance of a  
19 permanent certificate of occupancy, or until such other time  
20 specified by the authority, for a specific investment or  
21 improvement, including the costs relating to receiving Highlands  
22 Development Credits under the Highlands Transfer Development  
23 Rights Program authorized pursuant to section 13 of P.L.2004,  
24 c.120 (C.13:20-13), lands, buildings, improvements, real or  
25 personal property, or any interest therein, including leases  
26 discounted to present value, including lands under water, riparian  
27 rights, space rights and air rights acquired, owned, developed or  
28 redeveloped, constructed, reconstructed, rehabilitated or improved,  
29 any environmental remediation costs, plus costs not directly related  
30 to construction, of an amount not to exceed 20 percent of the total  
31 costs, capitalized interest paid to third parties, and the cost of  
32 infrastructure improvements, including ancillary infrastructure  
33 projects, and, for projects located in a Garden State Growth Zone  
34 only, the cost of infrastructure improvements including any  
35 ancillary infrastructure project and the amount by which total  
36 project cost exceeds the cost of an alternative location for the  
37 redevelopment project, but excluding any particular costs for which  
38 the project has received federal, State, or local funding.

39 "Project financing gap" means:

40 a. the part of the total project cost, including return on  
41 investment, that remains to be financed after all other sources of  
42 capital have been accounted for, including, but not limited to,  
43 developer-contributed capital, which shall not be less than 20  
44 percent of the total project cost, which may include the value of any  
45 existing land and improvements in the project area owned or  
46 controlled by the developer, and the cost of infrastructure  
47 improvements in the public right-of-way, subject to review by the  
48 State Treasurer, and investor or financial entity capital or loans for

1 which the developer, after making all good faith efforts to raise  
2 additional capital, certifies that additional capital cannot be raised  
3 from other sources on a non-recourse basis; and

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

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

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

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

12 b. multiplying that product by a fraction having a numerator  
13 equal to the taxable value of all the property assessed within the  
14 project area, minus the property tax increment base, and having a  
15 denominator equal to the taxable value of all property assessed  
16 within the project area.

17 For the purpose of this definition, "property tax increment base"  
18 means the aggregate taxable value of all property assessed which is  
19 located within the redevelopment project area as of October 1st of  
20 the year proceeding the year in which the redevelopment incentive  
21 grant agreement is authorized.

22 "Public electric vehicle charging station" means an electric  
23 vehicle charging station located at a publicly available parking  
24 space.

25 "Publicly available parking space" means a parking space that is  
26 available to, and accessible by, the public and may include on-street  
27 parking spaces and parking spaces in surface lots or parking  
28 garages, but shall not include a parking space that is part of, or  
29 associated with, a private residence; or a parking space that is  
30 reserved for the exclusive use of an individual driver or vehicle or  
31 for a group of drivers or vehicles, such as employees, tenants,  
32 visitors, residents of a common interest development, or residents  
33 of an adjacent building.

34 "Qualified incubator facility" means a commercial building  
35 located within an incentive area: which contains 100,000 or more  
36 square feet of office, laboratory, or industrial space; which is  
37 located near, and presents opportunities for collaboration with, a  
38 research institution, teaching hospital, college, or university; and  
39 within which, at least 75 percent of the gross leasable area is  
40 restricted for use by one or more technology startup companies  
41 during the commitment period.

42 "Qualified residential project" means a redevelopment project  
43 that is predominantly residential and includes multi-family  
44 residential units for purchase or lease, or dormitory units for  
45 purchase or lease, having a total project cost of at least  
46 \$17,500,000, if the project is located in any municipality with a  
47 population greater than 200,000 according to the latest federal  
48 decennial census, or having a total project cost of at least

1 \$10,000,000 if the project is located in any municipality with a  
2 population less than 200,000 according to the latest federal  
3 decennial census, or is a disaster recovery project, or having a total  
4 project cost of \$5,000,000 if the project is in a Garden State Growth  
5 Zone.

6 "Qualifying economic redevelopment and growth grant incentive  
7 area" or "incentive area" means:

8 a. an aviation district;  
9 b. a port district;  
10 c. a distressed municipality; or  
11 d. an area (1) designated pursuant to the "State Planning Act,"  
12 P.L.1985, c.398 (C.52:18A-196 et seq.), as:

13 (a) Planning Area 1 (Metropolitan);  
14 (b) Planning Area 2 (Suburban); or  
15 (c) Planning Area 3 (Fringe Planning Area);

16 (2) located within a smart growth area and planning area  
17 designated in a master plan adopted by the New Jersey  
18 Meadowlands Commission pursuant to subsection (i) of section 6 of  
19 P.L.1968, c.404 (C.13:17-6) or subject to a redevelopment plan  
20 adopted by the New Jersey Meadowlands Commission pursuant to  
21 section 20 of P.L.1968, c.404 (C.13:17-21);

22 (3) located within any land owned by the New Jersey Sports and  
23 Exposition Authority, established pursuant to P.L.1971,  
24 c.137 (C.5:10-1 et seq.), within the boundaries of the Hackensack  
25 Meadowlands District as delineated in section 4 of P.L.1968,  
26 c.404 (C.13:17-4);

27 (4) located within a regional growth area, rural development  
28 area zoned for industrial use as of the effective date of P.L.2016,  
29 c.75, town, village, or a military and federal installation area  
30 designated in the comprehensive management plan prepared and  
31 adopted by the Pinelands Commission pursuant to the "Pinelands  
32 Protection Act," P.L.1979, c.111 (C.13:18A-1 et seq.);

33 (5) located within the planning area of the Highlands Region as  
34 defined in section 3 of P.L.2004, c.120 (C.13:20-3) or in a  
35 highlands development credit receiving area or redevelopment area;

36 (6) located within a Garden State Growth Zone;

37 (7) located within land approved for closure under any federal  
38 Base Closure and Realignment Commission action; or

39 (8) located only within the following portions of the areas  
40 designated pursuant to the "State Planning Act," P.L.1985,  
41 c.398 (C.52:18A-196 et al.), as Planning Area 4A (Rural Planning  
42 Area), Planning Area 4B (Rural/Environmentally Sensitive) or  
43 Planning Area 5 (Environmentally Sensitive) if Planning Area 4A  
44 (Rural Planning Area), Planning Area 4B (Rural/Environmentally  
45 Sensitive) or Planning Area 5 (Environmentally Sensitive) is  
46 located within:

47 (a) a designated center under the State Development and  
48 Redevelopment Plan;

1 (b) a designated growth center in an endorsed plan until the  
2 State Planning Commission revises and readopts New Jersey's State  
3 Strategic Plan and adopts regulations to revise this definition as it  
4 pertains to Statewide planning areas;

5 (c) any area determined to be in need of redevelopment pursuant  
6 to sections 5 and 6 of P.L.1992, c.79 (C.40A:12A-5 and  
7 C.40A:12A-6) or in need of rehabilitation pursuant to section 14 of  
8 P.L.1992, c.79 (C.40A:12A-14);

9 (d) any area on which a structure exists or previously existed  
10 including any desired expansion of the footprint of the existing or  
11 previously existing structure provided the expansion otherwise  
12 complies with all applicable federal, State, county, and local  
13 permits and approvals;

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

17 (f) any area on which an existing tourism destination project is  
18 located.

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

24 "Redevelopment incentive grant agreement" means an agreement  
25 between:

26 a. the State and the New Jersey Economic Development  
27 Authority and a developer; or

28 b. a municipality and a developer, or a municipal ordinance  
29 authorizing a project to be undertaken by a municipal redeveloper,  
30 under which, in exchange for the proceeds of an incentive grant, the  
31 developer agrees to perform any work or undertaking necessary for  
32 a redevelopment project, including the clearance, development or  
33 redevelopment, construction, or rehabilitation of any structure or  
34 improvement of commercial, industrial, residential, or public  
35 structures or improvements within a qualifying economic  
36 redevelopment and growth grant incentive area or a transit village.

37 "Redevelopment project" means a specific construction project  
38 or improvement, including lands, buildings, improvements, real and  
39 personal property or any interest therein, including lands under  
40 water, riparian rights, space rights and air rights, acquired, owned,  
41 leased, developed or redeveloped, constructed, reconstructed,  
42 rehabilitated or improved, undertaken by a developer, owner or  
43 tenant, or both, within a project area and any ancillary infrastructure  
44 project including infrastructure improvements in the public right of  
45 way, as set forth in an application to be made to the authority. The  
46 use of the term "redemption project" in sections 3 through 18 of  
47 P.L.2009, c.90 (C.52:27D-489c et al.) shall not be limited to only  
48 redevelopment projects located in areas determined to be in need of



1 redevelopment pursuant to sections 5 and 6 of P.L.1992,  
2 c.79 (C.40A:12A-5 and C.40A:12A-6) but shall also include, but  
3 not be limited to, any work or undertaking in accordance with the  
4 "Redevelopment Area Bond Financing Law," sections 1 through 10  
5 of P.L.2001, c.310 (C.40A:12A-64 et seq.) or other applicable law,  
6 pursuant to a redevelopment plan adopted by a State entity, or as  
7 described in the resolution adopted by a public entity created by  
8 State law with the power to adopt a redevelopment plan or  
9 otherwise determine the location, type and character of a  
10 redevelopment project or part of a redevelopment project on land  
11 owned or controlled by it or within its jurisdiction, including but  
12 not limited to, the New Jersey Meadowlands Commission  
13 established pursuant to P.L.1968, c.404 (C.13:17-1 et seq.), the  
14 New Jersey Sports and Exposition Authority established pursuant to  
15 P.L.1971 c.137 (C.5:10-1 et seq.) and the Fort Monmouth  
16 Economic Revitalization Authority created pursuant to P.L.2010,  
17 c.51 (C.52:27I-18 et seq.).

18 "Redevelopment utility" means a self-liquidating fund created by  
19 a municipality pursuant to section 12 of P.L.2009, c.90 (C.52:27D-  
20 489l) to account for revenues collected and incentive grants paid  
21 pursuant to section 11 of P.L.2009, c.90 (C.52:27D-489k), or other  
22 revenues dedicated to a redevelopment project.

23 "Revenue increment base" means the amounts of all eligible  
24 revenues from sources within the redevelopment project area in the  
25 calendar year proceeding the year in which the redevelopment  
26 incentive grant agreement is executed, as certified by the State  
27 Treasurer for State revenues, and the chief financial officer of the  
28 municipality for municipal revenues.

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

31 "SDA municipality" means a municipality in which an SDA  
32 district is situated.

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

38 "Tourism destination project" means a redevelopment project  
39 that will be among the most visited privately owned or operated  
40 tourism or recreation sites in the State, and which is located within  
41 the incentive area and has been determined by the authority to be in  
42 an area appropriate for development and in need of economic  
43 development incentive assistance.

44 "Transit project" means a redevelopment project located within a  
45 1/2-mile radius, or one-mile radius for projects located in a Garden  
46 State Growth Zone, surrounding the mid-point of a New Jersey  
47 Transit Corporation, Port Authority Transit Corporation, or Port

1 Authority Trans-Hudson Corporation rail, bus, or ferry station  
2 platform area, including all light rail stations.

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

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

9 a. buildings and structures, such as academic buildings,  
10 recreation centers, indoor athletic facilities, public works garages,  
11 and water and sewer treatment and pumping facilities;

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

14 c. transportation facilities, such as bus shelters and parking  
15 facilities.

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

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

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

42 (cf: P.L.2018, c.44, s.1)

43

44 7. Section 4 of P.L.2009, c.90 (C.52:27D-489d) is amended to  
45 read as follows:

46 4. a. The governing body of a municipality wherein is located  
47 a qualifying economic redevelopment and growth grant incentive  
48 area may adopt an ordinance to establish a local Economic

1 Redevelopment and Growth Grant program for the purpose of  
2 encouraging redevelopment projects in that area through the  
3 provision of incentive grants to reimburse developers for all or a  
4 portion of the project financing gap for such projects. No local  
5 Economic Redevelopment and Growth Grant program shall take  
6 effect until the Local Finance Board approves the ordinance.

7 b. A developer shall submit an application for a local incentive  
8 grant prior to July 1, 2019. A developer that submits an application  
9 for a local incentive grant shall indicate on the application whether  
10 it is also applying for a State incentive grant. An application by a  
11 developer applying for a local incentive grant only shall not require  
12 approval by the authority. A municipal redeveloper may only apply  
13 for local incentive grants for the construction of: (1) infrastructure  
14 improvements in the public right-of-way, **【or】** (2) publicly owned  
15 facilities, or (3) public electric vehicle charging stations.

16 c. No local incentive grant shall be finally approved by a  
17 municipality until approved by the Local Finance Board. The Local  
18 Finance Board shall not approve a local incentive grant unless the  
19 application was submitted prior to July 1, 2019.

20 d. In deciding whether or not to approve a local incentive grant  
21 agreement the Local Finance Board shall consider the following  
22 factors:

- 23 (1) the economic feasibility of the redevelopment project;
- 24 (2) the extent of economic and related social distress in the  
25 municipality and the area to be affected by the redevelopment  
26 project;
- 27 (3) the degree to which the redevelopment project will advance  
28 State, regional, and local development and planning strategies;
- 29 (4) the likelihood that the redevelopment project shall, upon  
30 completion, be capable of generating new tax revenue in an amount  
31 in excess of the amount necessary to reimburse the developer for  
32 project costs incurred as provided in the redevelopment incentive  
33 grant agreement;
- 34 (5) the relationship of the redevelopment project to a  
35 comprehensive local development strategy, including other major  
36 projects undertaken within the municipality;
- 37 (6) the need for the redevelopment incentive grant agreement to  
38 the viability of the redevelopment project;
- 39 (7) compliance with the provisions of P.L.2009, c.90  
40 (C.52:27D-489a et al.); and
- 41 (8) the degree to which the redevelopment project enhances and  
42 promotes job creation and economic development.  
43 (cf: P.L.2013, c.161, s.15)

44  
45 8. Section 11 of P.L.2010, c.10 (C.52:27D-489o) is amended to  
46 read as follows:

47 11. a. The governing body of a municipality may, by  
48 ordinance, agree that certain eligible revenues in a project area may

1 be paid for a period, not to exceed 20 years, to a municipal  
2 redeveloper to undertake and fund up to 100 percent of the  
3 construction of infrastructure improvements in a public right-of-  
4 way **【or】** , publicly owned facilities, or public electric vehicle  
5 charging stations.  
6 b. An ordinance adopted pursuant to subsection a. of this  
7 section shall set forth in detail the proposed construction, the  
8 proposed redevelopment project, the estimated project costs, and  
9 the projected eligible incremental revenues to be paid. No  
10 ordinance shall be finally approved by the municipality unless  
11 approved by the Local Finance Board. In deciding whether or not  
12 to approve such ordinance, the Local Finance Board shall determine  
13 whether the proposed redevelopment project consists of public  
14 electric vehicle charging stations, publicly owned facilities, or  
15 infrastructure improvements in the public right-of-way. It also shall  
16 consider the factors listed at paragraphs (1) through (8) of  
17 subsection d. of section 4 of P.L.2009, c.90 (C.52:27D-489d),  
18 provided that with respect to infrastructure improvements in the  
19 public right-of-way, it shall not consider paragraph (4) of  
20 subsection d. of section 4 of P.L.2009, c.90 (C.52:27D-489d). Such  
21 proposed redevelopment project shall conform to the requirements  
22 of sections 7, 8, and 11 of P.L.2009, c.90 (C.52:27D-489g,  
23 C.52:27D-489h, and C.52:27D-489k), except as set forth therein.  
24 (cf: P.L.2010, c.10, s.11)  
25  
26 9. This act shall take effect immediately.