

SENATE, No. 597

STATE OF NEW JERSEY 218th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2018 SESSION

Sponsored by:

Senator BOB SMITH

District 17 (Middlesex and Somerset)

Senator CHRISTOPHER "KIP" BATEMAN

District 16 (Hunterdon, Mercer, Middlesex and Somerset)

Co-Sponsored by:

Senator Gopal

SYNOPSIS

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

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 3/27/2018)

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.

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

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

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

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

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

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

44 "Real property" means all lands, including improvements and
45 fixtures thereon, and property of any nature appurtenant thereto or
46 used in connection therewith, and every estate, interest and right,
47 legal or equitable, therein, including terms for years and liens by

1 way of judgment, mortgage or otherwise, and indebtedness secured
2 by such liens.

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

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

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

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

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

44 "Redevelopment plan" means a plan adopted by the governing
45 body of a municipality for the redevelopment or rehabilitation of all
46 or any part of a redevelopment area, or an area in need of
47 rehabilitation, which plan shall be sufficiently complete to indicate
48 its relationship to definite municipal objectives as to appropriate

1 land uses, public transportation and utilities, recreational and
2 municipal facilities, and other public improvements; and to indicate
3 proposed land uses and building requirements in the redevelopment
4 area or area in need of rehabilitation, or both.

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

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

21 "Rehabilitation area" or "area in need of rehabilitation" means
22 any area determined to be in need of rehabilitation pursuant to
23 section 14 of P.L.1992, c.79 (C.40A:12A-14).
24 (cf: P.L.2008, c.46, s.1)

25
26 2. Section 7 of P.L.1992, c.79 (C.40A:12A-7) is amended to
27 read as follows:

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

35 The redevelopment plan shall include an outline for the planning,
36 development, redevelopment, or rehabilitation of the project area
37 sufficient to indicate:

38 (1) Its relationship to definite local objectives as to appropriate
39 land uses, density of population, the development of public electric
40 vehicle charging stations in appropriate locations, and improved
41 traffic and public transportation, public utilities, recreational and
42 community facilities and other public improvements.

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

45 (3) Adequate provision for the temporary and permanent
46 relocation, as necessary, of residents in the project area, including
47 an estimate of the extent to which decent, safe and sanitary dwelling

1 units affordable to displaced residents will be available to them in
2 the existing local housing market.

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

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

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

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

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

43 c. The redevelopment plan shall describe its relationship to
44 pertinent municipal development regulations as defined in the
45 "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.).
46 The redevelopment plan shall supersede applicable provisions of the
47 development regulations of the municipality or constitute an
48 overlay zoning district within the redevelopment area. When the

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

11 d. All provisions of the redevelopment plan shall be either
12 substantially consistent with the municipal master plan or designed
13 to effectuate the master plan; but the municipal governing body may
14 adopt a redevelopment plan which is inconsistent with or not
15 designed to effectuate the master plan by affirmative vote of a
16 majority of its full authorized membership with the reasons for so
17 acting set forth in the redevelopment plan.

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

38 f. The governing body of a municipality may direct the
39 planning board to prepare a redevelopment plan or an amendment
40 or revision to a redevelopment plan for a designated redevelopment
41 area. After completing the redevelopment plan, the planning board
42 shall transmit the proposed plan to the governing body for its
43 adoption. The governing body, when considering the proposed
44 plan, may amend or revise any portion of the proposed
45 redevelopment plan by an affirmative vote of the majority of its full
46 authorized membership and shall record in its minutes the reasons
47 for each amendment or revision. When a redevelopment plan or
48 amendment to a redevelopment plan is referred to the governing

1 body by the planning board under this subsection, the governing
2 body shall be relieved of the referral requirements of subsection e.
3 of this section.

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

5
6 3. Section 2 of P.L.2001, c.310 (C.40A:12A-65) is amended to
7 read as follows:

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

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

16 "Board" means the Local Finance Board established in the
17 Division of Local Government Services in the Department of
18 Community Affairs.

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

28 "Electric vehicle charging station" means an electric component
29 assembly or cluster of component assemblies designed specifically
30 to charge batteries within electric vehicles by permitting the transfer
31 of electric energy to a battery or other storage device in an electric
32 vehicle.

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

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

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

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

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

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

36 "Redevelopment bond financing agreement" means a contract
37 between a municipality and a redeveloper for any work or
38 undertaking for the redevelopment of a redevelopment area, or part
39 thereof, under the provisions of the "Redevelopment Area Bond
40 Financing Law," sections 1 through 10 of P.L.2001,
41 c.310 (C.40A:12A-64 et seq.) or the "Local Redevelopment and
42 Housing Law," P.L.1992, c.79 (C.40A:12A-1 et seq.), as the case
43 may be.

44 "Redevelopment area" means an area which has been delineated
45 a "redevelopment area" or "area in need of redevelopment" pursuant
46 to the "Local Redevelopment and Housing Law," P.L.1992,
47 c.79 (C.40A:12A-1 et seq.) or an area in need of redevelopment

1 delineated by a resolution of a State entity in accordance with the
2 provisions of the enabling statute governing that State entity.

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

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

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

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

36 "State entity redeveloper" means any person, firm or corporation
37 that shall enter into or propose to enter into a State entity
38 redevelopment agreement with a State entity for the redevelopment
39 or rehabilitation of a redevelopment area under the enabling
40 legislation governing the actions of the State entity or for any
41 construction or other work forming a part of a redevelopment
42 project.

43 "State entity redevelopment agreement" means an agreement
44 between a State entity and a State entity redeveloper for any work
45 or undertaking in a redevelopment area.

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

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

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

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

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

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

47 c. "Net profit" means the gross revenues of the urban renewal
48 entity less all operating and non-operating expenses of the entity, all

1 determined in accordance with generally accepted accounting
2 principles, but:

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

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

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

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

36 e. "Project" means any work or undertaking pursuant to a
37 redevelopment plan adopted pursuant to the "Local Redevelopment
38 and Housing Law," P.L.1992, c.79 (C.40A:12A-1 et al.), which has
39 as its purpose the redevelopment of all or any part of a
40 redevelopment area including any industrial, commercial,
41 residential or other use, and may include any buildings, land,
42 including demolition, clearance or removal of buildings from land,
43 equipment, facilities, or other real or personal properties which are
44 necessary, convenient, or desirable appurtenances, such as, but not
45 limited to, streets, sewers, utilities, parks, public electric vehicle
46 charging stations, site preparation, landscaping, and administrative,
47 community, health, recreational, educational and welfare facilities.

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

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

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

38
39 \$500,000 or less - 10%

40
41 \$500,000 through \$1,000,000 - \$50,000 plus 8% on
42 excess above \$500,000

43
44 \$1,000,001 through \$2,000,000 - \$90,000 plus 7% on
45 excess above \$1,000,000

46
47 \$2,000,001 through \$3,500,000 - \$160,000 plus 5.6667%
48 on excess above \$2,000,000

1 \$3,500,001 through \$5,500,000 - \$245,000 plus 4.25% on
2 excess above \$3,500,000

3
4 \$5,500,001 through \$10,000,000 - \$330,000 plus 3.7778%
5 on excess above \$5,500,000

6
7 over \$10,000,000 - 5%
8

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

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

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

45 j. "Redevelopment relocation housing project" means a
46 housing project which is necessary, useful or convenient for the
47 relocation of residents displaced by redevelopment of all or any part
48 of one or more redevelopment areas.

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

5 l. "Qualified subsidized housing project" means a low and
6 moderate income housing project owned by a nonprofit corporation
7 organized under the provisions of Title 15A of the New Jersey
8 Statutes for the purpose of developing, constructing and operating
9 rental housing for senior citizens under section 202 of Pub.L. 86-
10 372 (12 U.S.C. s.1701q) or rental housing for persons with
11 disabilities under section 811 of Pub.L. 101-625 (42 U.S.C. s.8013),
12 or under any other federal program that the Commissioner of
13 Community Affairs by rule may determine to be of a similar nature
14 and purpose.

15 m. "Debt service" means the amount required to make annual
16 payments of principal and interest or the equivalent thereof on any
17 construction mortgage, permanent mortgage or other financing
18 including returns on institutional equity financing and market rate
19 related party debt for a project for a period equal to the term of the
20 tax exemption granted by a financial agreement.
21 (cf: P.L.2003, c.125, s.7)

22

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

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

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

29 "Board" means the Local Finance Board established in the
30 Division of Local Government Services in the Department of
31 Community Affairs.

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

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

40 "District agent" means that entity designated by the municipal
41 governing body pursuant to section 14 of P.L.2001,
42 c.310 (C.52:27D-462) to administer a revenue allocation plan on
43 behalf of the municipality.

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

47 "Municipality" means the municipal governing body or an entity
48 acting on behalf of the municipality if permitted by the federal

1 Internal Revenue Code of 1986 or, if a redevelopment agency or
2 redevelopment entity is established in a municipality pursuant to
3 P.L.1992, c.79 (C.40A:12A-1 et seq.) and the municipality so
4 provides, the redevelopment agency or entity so established.

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

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

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

16 "Project" means the purchasing, leasing, condemning or
17 otherwise acquiring of land or other property, or an interest therein,
18 in the district or as necessary or convenient for the acquisition of
19 any right-of-way or other easement to or from the revenue
20 allocation district; the moving and relocation of persons or
21 businesses displaced by the acquisition of land or property; the
22 acquisition, construction, reconstruction or rehabilitation of land or
23 property and the improvements thereon, or the financing thereof,
24 including demolition, clearance, removal, relocation, renovation,
25 alteration, construction, reconstruction, alteration or repair of any
26 land, building, street, highway, alley, utility, mass transit facility,
27 service or other structure, infrastructure or improvement in the
28 district or necessary to effectuate the plan for the district, including
29 infrastructure improvements outside the district, but only those
30 which are integral to the effectuation of the district plan; the
31 acquisition, construction, reconstruction, rehabilitation or
32 installation of public facilities and improvements, including public
33 electric vehicle charging stations, or the financing thereof;
34 acquisition, construction, reconstruction or rehabilitation of
35 residential structures, or the conversion to residential use of
36 structures previously designed or used for other purposes, or the
37 financing thereof, nonprofit corporation or other suitable public or
38 private person, firm, corporation or association, and which, to the
39 extent economically feasible, shall constitute housing affordable to
40 persons and families of low and moderate income pursuant to
41 P.L.1985, c.222 (C.52:27D-301 et al.) or rules and regulations
42 adopted pursuant thereto; and all costs associated with any of the
43 foregoing, including the cost of administrative appraisals, legal,
44 financial, economic and environmental analyses, engineering or
45 cleanup, planning, design, architectural, surveying or other
46 professional and technical services necessary to effectuate the
47 purposes of the "Revenue Allocation District Financing Act,"
48 sections 11 through 41 of P.L.2001, c.310 (C.52:27D-459 et seq.).

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

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

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

18 (2) multiplying that product by a fraction having a numerator
19 equal to the taxable value of all the property assessed within the
20 district, minus the property tax increment base, and having a
21 denominator equal to the taxable value of all property assessed
22 within the district.

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

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

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

34 "Taxing entity" means the county, the school district or districts,
35 and the municipality authorized to levy a tax on the taxable
36 property within a municipality.

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

38

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

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

43 "Applicant" means a developer proposing to enter into a
44 redevelopment incentive grant agreement.

45 "Ancillary infrastructure project" means structures or
46 improvements that are located within the incentive area but outside
47 the project area of a redevelopment project, including, but not
48 limited to, docks, bulkheads, parking garages, public electric

1 vehicle charging stations, freight rail spurs, roadway overpasses,
2 and train station platforms, provided a developer or municipal
3 redeveloper has demonstrated that the redevelopment project would
4 not be economically viable or promote the use of public
5 transportation without such improvements, as approved by the State
6 Treasurer.

7 "Authority" means the New Jersey Economic Development
8 Authority established under section 4 of P.L.1974, c.80 (C.34:1B-
9 4).

10 "Aviation district" means the area within a one-mile radius of the
11 outermost boundary of the "Atlantic City International Airport,"
12 established pursuant to section 24 of P.L.1991, c.252 (C.27:25A-
13 24).

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

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

27 "Director" means the Director of the Division of Taxation in the
28 Department of the Treasury.

29 "Disaster recovery project" means a redevelopment project
30 located on property that has been wholly or substantially damaged
31 or destroyed as a result of a federally-declared disaster, and which
32 is located within the incentive area and has been determined by the
33 authority to be in an area appropriate for development and in need
34 of economic development incentive assistance.

35 "Distressed municipality" means a municipality that is qualified
36 to receive assistance under P.L.1978, c.14 (C.52:27D-178 et seq.), a
37 municipality under the supervision of the Local Finance Board
38 pursuant to the provisions of the "Local Government Supervision
39 Act (1947)," P.L.1947, c.151 (C.52:27BB-1 et seq.), a municipality
40 identified by the Director of the Division of Local Government
41 Services in the Department of Community Affairs to be facing
42 serious fiscal distress, a SDA municipality, or a municipality in
43 which a major rail station is located.

44 "Electric vehicle charging station" means an electric component
45 assembly or cluster of component assemblies designed specifically
46 to charge batteries within electric vehicles by permitting the transfer
47 of electric energy to a battery or other storage device in an electric
48 vehicle.

1 "Eligibility period" means the period of time specified in a
2 redevelopment incentive grant agreement for the payment of
3 reimbursements to a developer, which period shall not exceed 20
4 years, with the term to be determined solely at the discretion of the
5 applicant.

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

14 "Garden State Growth Zone" or "growth zone" means the four
15 New Jersey cities with the lowest median family income based on
16 the 2009 American Community Survey from the US Census, (Table
17 708. Household, Family, and Per Capita Income and Individuals,
18 and Families Below Poverty Level by City: 2009); or a municipality
19 which contains a Tourism District as established pursuant to section
20 5 of P.L.2011, c.18 (C.5:12-219) and regulated by the Casino
21 Reinvestment Development Authority.

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

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

32 "Infrastructure improvements in the public right-of-way" mean
33 public structures or improvements, including public electric vehicle
34 charging stations, located in the public right-of-way that are located
35 within a project area or that constitute an ancillary infrastructure
36 project, either of which are dedicated to or owned by a
37 governmental body or agency upon completion, or any required
38 payment in lieu of the structures, improvements or projects, or any
39 costs of remediation associated with the structures, improvements
40 or projects, and that are determined by the authority, in consultation
41 with applicable State agencies, to be consistent with and in
42 furtherance of State public infrastructure objectives and initiatives.

43 "Low-income housing" means housing affordable according to
44 federal Department of Housing and Urban Development or other
45 recognized standards for home ownership and rental costs and
46 occupied or reserved for occupancy by households with a gross
47 household income equal to 50 percent or less of the median gross

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

3 "Major rail station" means a railroad station located within a
4 qualified incentive area which provides access to the public to a
5 minimum of six rail passenger service lines operated by the New
6 Jersey Transit Corporation.

7 "Mixed use parking project" means a redevelopment project, the
8 parking component of which shall constitute 51 percent or more of
9 any of the following:

- 10 a. the total square footage of the entire mixed use parking
11 project;
- 12 b. the estimated revenues of the entire mixed use parking
13 project; or
- 14 c. the total construction cost of the entire mixed use parking
15 project.

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

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

- 26 a. a municipal government, a municipal parking authority, or a
27 redevelopment agency acting on behalf of a municipal government
28 as defined in section 3 of P.L.1992, c.79 (C.40A:12A-3); or
- 29 b. a developer of a mixed use parking project, provided that the
30 parking component of the mixed use parking project is operated and
31 maintained by a municipal parking authority for the term of any
32 financial assistance granted pursuant to P.L.2015, c.69.

33 "Municipal Revitalization Index" means the 2007 index by the
34 Office for Planning Advocacy within the Department of State
35 measuring or ranking municipal distress.

36 "Non-parking component" means that portion of a mixed use
37 parking project not used for parking, together with the portion of
38 the costs of the mixed use parking project, including but not limited
39 to the footings, foundations, site work, infrastructure, and soft costs
40 that are allocable to the non-parking use.

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

46 "Project area" means land or lands located within the incentive
47 area under common ownership or control including through a
48 redevelopment agreement with a municipality, or as otherwise

1 established by a municipality or a redevelopment agreement
2 executed by a State entity to implement a redevelopment project.

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

25 "Project financing gap" means:

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

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

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

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

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

46 b. multiplying that product by a fraction having a numerator
47 equal to the taxable value of all the property assessed within the
48 project area, minus the property tax increment base, and having a

1 denominator equal to the taxable value of all property assessed
2 within the project area.

3 For the purpose of this definition, "property tax increment base"
4 means the aggregate taxable value of all property assessed which is
5 located within the redevelopment project area as of October 1st of
6 the year proceeding the year in which the redevelopment incentive
7 grant agreement is authorized.

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

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

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

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

40 "Qualifying economic redevelopment and growth grant incentive
41 area" or "incentive area" means:

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

- 1 (c) Planning Area 3 (Fringe Planning Area);
- 2 (2) located within a smart growth area and planning area
- 3 designated in a master plan adopted by the New Jersey
- 4 Meadowlands Commission pursuant to subsection (i) of section 6 of
- 5 P.L.1968, c.404 (C.13:17-6) or subject to a redevelopment plan
- 6 adopted by the New Jersey Meadowlands Commission pursuant to
- 7 section 20 of P.L.1968, c.404 (C.13:17-21);
- 8 (3) located within any land owned by the New Jersey Sports and
- 9 Exposition Authority, established pursuant to P.L.1971,
- 10 c.137 (C.5:10-1 et seq.), within the boundaries of the Hackensack
- 11 Meadowlands District as delineated in section 4 of P.L.1968,
- 12 c.404 (C.13:17-4);
- 13 (4) located within a regional growth area, rural development
- 14 area zoned for industrial use as of the effective date of P.L.2016,
- 15 c.75, town, village, or a military and federal installation area
- 16 designated in the comprehensive management plan prepared and
- 17 adopted by the Pinelands Commission pursuant to the "Pinelands
- 18 Protection Act," P.L.1979, c.111 (C.13:18A-1 et seq.);
- 19 (5) located within the planning area of the Highlands Region as
- 20 defined in section 3 of P.L.2004, c.120 (C.13:20-3) or in a
- 21 highlands development credit receiving area or redevelopment area;
- 22 (6) located within a Garden State Growth Zone;
- 23 (7) located within land approved for closure under any federal
- 24 Base Closure and Realignment Commission action; or
- 25 (8) located only within the following portions of the areas
- 26 designated pursuant to the "State Planning Act," P.L.1985,
- 27 c.398 (C.52:18A-196 et al.), as Planning Area 4A (Rural Planning
- 28 Area), Planning Area 4B (Rural/Environmentally Sensitive) or
- 29 Planning Area 5 (Environmentally Sensitive) if Planning Area 4A
- 30 (Rural Planning Area), Planning Area 4B (Rural/Environmentally
- 31 Sensitive) or Planning Area 5 (Environmentally Sensitive) is
- 32 located within:
- 33 (a) a designated center under the State Development and
- 34 Redevelopment Plan;
- 35 (b) a designated growth center in an endorsed plan until the
- 36 State Planning Commission revises and readopts New Jersey's State
- 37 Strategic Plan and adopts regulations to revise this definition as it
- 38 pertains to Statewide planning areas;
- 39 (c) any area determined to be in need of redevelopment pursuant
- 40 to sections 5 and 6 of P.L.1992, c.79 (C.40A:12A-5 and
- 41 C.40A:12A-6) or in need of rehabilitation pursuant to section 14 of
- 42 P.L.1992, c.79 (C.40A:12A-14);
- 43 (d) any area on which a structure exists or previously existed
- 44 including any desired expansion of the footprint of the existing or
- 45 previously existing structure provided the expansion otherwise
- 46 complies with all applicable federal, State, county, and local
- 47 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,
37 c.79 (C.40A:12A-5 and C.40A:12A-6) but shall also include, but
38 not be 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.).

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

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

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

18 "SDA municipality" means a municipality in which an SDA
19 district is situated.

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

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

31 "Transit project" means a redevelopment project located within a
32 1/2-mile radius, or one-mile radius for projects located in a Garden
33 State Growth Zone, surrounding the mid-point of a New Jersey
34 Transit Corporation, Port Authority Transit Corporation, or Port
35 Authority Trans-Hudson Corporation rail, bus, or ferry station
36 platform area, including all light rail stations.

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

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

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

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

1 c. transportation facilities, such as bus shelters and parking
2 facilities.

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

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

23 "Vacant health facility project" means a redevelopment project
24 where a health facility, as defined by section 2 of P.L.1971,
25 c.136 (C.26:2H-2), currently exists and is considered vacant. A
26 health facility shall be considered vacant if at least 70 percent of
27 that facility has not been open to the public or utilized to serve any
28 patients at the time of application to the authority.
29 (cf: P.L.2016, c.75, s.2)

30

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

33 4. a. The governing body of a municipality wherein is located
34 a qualifying economic redevelopment and growth grant incentive
35 area may adopt an ordinance to establish a local Economic
36 Redevelopment and Growth Grant program for the purpose of
37 encouraging redevelopment projects in that area through the
38 provision of incentive grants to reimburse developers for all or a
39 portion of the project financing gap for such projects. No local
40 Economic Redevelopment and Growth Grant program shall take
41 effect until the Local Finance Board approves the ordinance.

42 b. A developer shall submit an application for a local incentive
43 grant prior to July 1, 2019. A developer that submits an application
44 for a local incentive grant shall indicate on the application whether
45 it is also applying for a State incentive grant. An application by a
46 developer applying for a local incentive grant only shall not require
47 approval by the authority. A municipal redeveloper may only apply
48 for local incentive grants for the construction of: (1) infrastructure

1 improvements in the public right-of-way, **【or】** (2) publicly owned
2 facilities, or (3) public electric vehicle charging stations.

3 c. No local incentive grant shall be finally approved by a
4 municipality until approved by the Local Finance Board. The Local
5 Finance Board shall not approve a local incentive grant unless the
6 application was submitted prior to July 1, 2019.

7 d. In deciding whether or not to approve a local incentive grant
8 agreement the Local Finance Board shall consider the following
9 factors:

10 (1) the economic feasibility of the redevelopment project;

11 (2) the extent of economic and related social distress in the
12 municipality and the area to be affected by the redevelopment
13 project;

14 (3) the degree to which the redevelopment project will advance
15 State, regional, and local development and planning strategies;

16 (4) the likelihood that the redevelopment project shall, upon
17 completion, be capable of generating new tax revenue in an amount
18 in excess of the amount necessary to reimburse the developer for
19 project costs incurred as provided in the redevelopment incentive
20 grant agreement;

21 (5) the relationship of the redevelopment project to a
22 comprehensive local development strategy, including other major
23 projects undertaken within the municipality;

24 (6) the need for the redevelopment incentive grant agreement to
25 the viability of the redevelopment project;

26 (7) compliance with the provisions of P.L.2009,
27 c.90 (C.52:27D-489a et al.); and

28 (8) the degree to which the redevelopment project enhances and
29 promotes job creation and economic development.

30 (cf: P.L.2013, c.161, s.15)

31

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

34 11. a. The governing body of a municipality may, by ordinance,
35 agree that certain eligible revenues in a project area may be paid for
36 a period, not to exceed 20 years, to a municipal redeveloper to
37 undertake and fund up to 100 percent of the construction of
38 infrastructure improvements in a public right-of-way **【or】**, publicly
39 owned facilities, or public electric vehicle charging stations.

40 b. An ordinance adopted pursuant to subsection a. of this
41 section shall set forth in detail the proposed construction, the
42 proposed redevelopment project, the estimated project costs, and
43 the projected eligible incremental revenues to be paid. No
44 ordinance shall be finally approved by the municipality unless
45 approved by the Local Finance Board. In deciding whether or not
46 to approve such ordinance, the Local Finance Board shall determine
47 whether the proposed redevelopment project consists of public
48 electric vehicle charging stations, publicly owned facilities, or

1 infrastructure improvements in the public right-of-way. It also shall
2 consider the factors listed at paragraphs (1) through (8) of
3 subsection d. of section 4 of P.L.2009, c.90 (C.52:27D-489d),
4 provided that with respect to infrastructure improvements in the
5 public right-of-way, it shall not consider paragraph (4) of
6 subsection d. of section 4 of P.L.2009, c.90 (C.52:27D-489d). Such
7 proposed redevelopment project shall conform to the requirements
8 of sections 7, 8, and 11 of P.L.2009, c.90 (C.52:27D-489g,
9 C.52:27D-489h, and C.52:27D-489k), except as set forth therein.
10 (cf: P.L.2010, c.10, s.11)

11

12 9. This act shall take effect immediately.

13

14

15 STATEMENT

16

17 This bill would encourage municipalities involved in
18 redevelopment efforts to include plans for the development of
19 publicly available electric vehicle charging infrastructure when
20 adopting redevelopment plans. The bill also encourages
21 municipalities to build public electric vehicle charging stations by
22 specifically authorizing municipalities to use revenue streams
23 available for funding infrastructure that is related to redevelopment
24 projects for the development of publicly available electric vehicle
25 charging stations.

26 New Jersey's Energy Master Plan encourages the greater use of
27 electric vehicles (EVs) by improving and expanding the EV
28 charging infrastructure needed throughout New Jersey. A report of
29 the New Jersey Energy Master Plan Alternative Fuels Work Group
30 identified the development, installation, and maintenance of EV
31 charging infrastructure, both at home and at strategically selected
32 public places, as one of the most significant opportunities for, and
33 barriers to, advancing the deployment and use of EVs in New
34 Jersey.

35 The development of an electric vehicle charging infrastructure is
36 a critical step in creating jobs, fostering economic growth, reducing
37 greenhouse gas emissions, reducing our reliance on foreign fuels,
38 and reducing pollution attributable to the operation of petroleum-
39 based vehicles. Limited driving distance between battery charges is
40 a fundamental disadvantage and obstacle to broad consumer
41 adoption of vehicles powered by electricity. In order to eliminate
42 this fundamental disadvantage and dramatically increase consumer
43 acceptance and usage of electric vehicles, it is essential that a
44 network of convenient electric vehicle charging opportunities be
45 developed.

46 Municipalities have an opportunity to increase EV adoption by
47 increasing the availability of public chargers, thereby reducing
48 consumer concerns about range anxiety. Range anxiety refers to the

1 concern consumers have in running out of charge and finding
2 themselves stranded. Although most EVs will support the owner's
3 typical daily drive, consumers worry about the unplanned trips that
4 might cause their vehicles to run out of charge. While most EV
5 charging will be done at home or at work, the development of
6 public charging stations is necessary to support motorists traveling
7 outside their normal routine, and to reduce range anxiety. In
8 addition to providing a real solution to range anxiety concerns, the
9 development of public charging stations increases public awareness
10 of electric vehicles.

11 This bill will further the goal of improving and expanding the
12 State's EV charging infrastructure by encouraging each
13 municipality, at the time of adopting redevelopment plans under the
14 "Local Redevelopment and Housing Law," to consider planning for
15 publicly available electric vehicle charging stations, and when
16 considering the use of various methods available under current law
17 for the financing of public infrastructure components of
18 redevelopment projects, to consider including the development of
19 publicly available electric vehicle charging stations in a
20 redevelopment project.