

SENATE, No. 2178

STATE OF NEW JERSEY

218th LEGISLATURE

INTRODUCED MARCH 8, 2018

Sponsored by:

Senator RONALD L. RICE

District 28 (Essex)

Senator M. TERESA RUIZ

District 29 (Essex)

SYNOPSIS

Qualifies certain assisted living facilities for certain EDA incentives.

CURRENT VERSION OF TEXT

As introduced.



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

1 AN ACT qualifying certain assisted living residences for certain
2 economic incentives and amending P.L.2011, c.149.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. Section 2 of P.L.2011, c.149 (C.34:1B-243) is amended to
8 read as follows:

9 2. As used in P.L.2011, c.149 (C.34:1B-242 et seq.):

10 "Affiliate" means an entity that directly or indirectly controls, is
11 under common control with, or is controlled by the business.
12 Control exists in all cases in which the entity is a member of a
13 controlled group of corporations as defined pursuant to section 1563
14 of the Internal Revenue Code of 1986 (26 U.S.C. s.1563) or the
15 entity is an organization in a group of organizations under common
16 control as defined pursuant to subsection (b) or (c) of section 414 of
17 the Internal Revenue Code of 1986 (26 U.S.C. s.414). A taxpayer
18 may establish by clear and convincing evidence, as determined by
19 the Director of the Division of Taxation in the Department of the
20 Treasury, that control exists in situations involving lesser
21 percentages of ownership than required by those statutes. An
22 affiliate of a business may contribute to meeting either the qualified
23 investment or full-time employee requirements of a business that
24 applies for a credit under section 3 of P.L.2007, c.346 (C.34:1B-
25 209).

26 "Assisted living residence" means a facility licensed by the
27 Department of Health to provide apartment-style housing and
28 congregate dining and to assure that assisted living services are
29 available when needed, for four or more adult persons unrelated to
30 the proprietor. Apartment units shall offer, at a minimum, one
31 unfurnished room, a private bathroom, a kitchenette, and a lockable
32 door on the unit entrance.

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

35 "Aviation district" means the area within a one-mile radius of the
36 outermost boundary of the "Atlantic City International Airport,"
37 established pursuant to section 24 of P.L.1991, c.252 (C.27:25A-
38 24).

39 "Business" means an applicant proposing to own or lease
40 premises in a qualified business facility that is:

41 a corporation that is subject to the tax imposed pursuant to
42 section 5 of P.L.1945, c.162 (C.54:10A-5);

43 a corporation that is subject to the tax imposed pursuant to
44 sections 2 and 3 of P.L.1945, c.132 (C.54:18A-2 and C.54:18A-3),
45 section 1 of P.L.1950, c.231 (C.17:32-15) or N.J.S.17B:23-5;

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 a partnership;
- 2 an S corporation;
- 3 a limited liability company; or
- 4 a non-profit corporation.

5 If the business or tenant is a cooperative or part of a cooperative,
6 then the cooperative may qualify for credits by counting the full-
7 time employees and capital investments of its member
8 organizations, and the cooperative may distribute credits to its
9 member organizations. If the business or tenant is a cooperative
10 that leases to its member organizations, the lease shall be treated as
11 a lease to an affiliate or affiliates.

12 A business shall include an affiliate of the business if that
13 business applies for a credit based upon any capital investment
14 made by or full-time employees of an affiliate.

15 "Capital investment" in a qualified business facility means
16 expenses by a business or any affiliate of the business incurred after
17 application for:

18 a. site preparation and construction, repair, renovation,
19 improvement, equipping, or furnishing on real property or of a
20 building, structure, facility, or improvement to real property;

21 b. obtaining and installing furnishings and machinery,
22 apparatus, or equipment, including but not limited to material goods
23 subject to bonus depreciation under sections 168 and 179 of the
24 federal Internal Revenue Code (26 U.S.C. s.168 and s.179), for the
25 operation of a business on real property or in a building, structure,
26 facility, or improvement to real property;

27 c. receiving Highlands Development Credits under the
28 Highlands Transfer Development Rights Program authorized
29 pursuant to section 13 of P.L.2004, c.120 (C.13:20-13); or

30 d. any of the foregoing.

31 In addition to the foregoing, in a Garden State Growth Zone, the
32 following qualify as a capital investment: any development,
33 redevelopment, and relocation costs, including, but not limited to,
34 site acquisition if made within 24 months of application to the
35 authority, engineering, legal, accounting, and other professional
36 services required; and relocation, environmental remediation, and
37 infrastructure improvements for the project area, including, but not
38 limited to, on- and off-site utility, road, pier, wharf, bulkhead, or
39 sidewalk construction or repair.

40 In addition to the foregoing, if a business acquires or leases a
41 qualified business facility, the capital investment made or acquired
42 by the seller or owner, as the case may be, if pertaining primarily to
43 the premises of the qualified business facility, shall be considered a
44 capital investment by the business and, if pertaining generally to the
45 qualified business facility being acquired or leased, shall be
46 allocated to the premises of the qualified business facility on the
47 basis of the gross leasable area of the premises in relation to the
48 total gross leasable area in the qualified business facility. The

1 capital investment described herein may include any capital
2 investment made or acquired within 24 months prior to the date of
3 application so long as the amount of capital investment made or
4 acquired by the business, any affiliate of the business, or any owner
5 after the date of application equals at least 50 percent of the amount
6 of capital investment, allocated to the premises of the qualified
7 business facility being acquired or leased on the basis of the gross
8 leasable area of the premises in relation to the total gross leasable
9 area in the qualified business facility made or acquired prior to the
10 date of application.

11 "College or university" means a county college, an independent
12 institution of higher education, a public research university, or a
13 State college.

14 "Commitment period" means the period of time that is 1.5 times
15 the eligibility period.

16 "County college" means an educational institution established by
17 one or more counties, pursuant to chapter 64A of Title 18A of the
18 New Jersey Statutes.

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

24 "Disaster recovery project" means a project located on property
25 that has been wholly or substantially damaged or destroyed as a
26 result of a federally-declared disaster which, after utilizing all
27 disaster funds available from federal, State, county, and local
28 funding sources, demonstrates to the satisfaction of the authority
29 that access to additional funding authorized pursuant to the "New
30 Jersey Economic Opportunity Act of 2013," P.L.2013, c.161
31 (C.52:27D-489p et al.), is necessary to complete the redevelopment
32 project, and which is located within the qualified incentive area and
33 has been determined by the authority to be in an area appropriate
34 for development and in need of economic development incentive
35 assistance.

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

45 "Doctoral university" means a university located within New
46 Jersey that is classified as a doctoral university under the Carnegie
47 Classification of Institutions of Higher Education's Basic
48 Classification methodology on the effective date of P.L.2017, c.221.

1 "Eligibility period" means the period in which a business may
2 claim a tax credit under the Grow New Jersey Assistance Program,
3 beginning with the tax period in which the authority accepts
4 certification of the business that it has met the capital investment
5 and employment requirements of the Grow New Jersey Assistance
6 Program and extending thereafter for a term of not more than 10
7 years, with the term to be determined solely at the discretion of the
8 applicant.

9 "Eligible position" or "full-time job" means a full-time position
10 in a business in this State which the business has filled with a full-
11 time employee.

12 "Full-time employee" means a person:

13 a. who is employed by a business for consideration for at least
14 35 hours a week, or who renders any other standard of service
15 generally accepted by custom or practice as full-time employment;
16 or

17 b. who is employed by a professional employer organization
18 pursuant to an employee leasing agreement between the business
19 and the professional employer organization, in accordance with
20 P.L.2001, c.260 (C.34:8-67 et seq.) for at least 35 hours a week, or
21 who renders any other standard of service generally accepted by
22 custom or practice as full-time employment, and whose wages are
23 subject to withholding as provided in the "New Jersey Gross
24 Income Tax Act," N.J.S.54A:1-1 et seq.; or

25 c. who is a resident of another State but whose income is not
26 subject to the "New Jersey Gross Income Tax Act," N.J.S.54A:1-1
27 et seq. or who is a partner of a business who works for the
28 partnership for at least 35 hours a week, or who renders any other
29 standard of service generally accepted by custom or practice as full-
30 time employment, and whose distributive share of income, gain,
31 loss, or deduction, or whose guaranteed payments, or any
32 combination thereof, is subject to the payment of estimated taxes, as
33 provided in the "New Jersey Gross Income Tax Act," N.J.S.54A:1-1
34 et seq.; and

35 d. who, except for purposes of the Statewide workforce, is
36 provided, by the business, with employee health benefits under a
37 health benefits plan authorized pursuant to State or federal law.

38 With respect to a logistics, manufacturing, energy, defense,
39 aviation, or maritime business, excluding primarily warehouse or
40 distribution operations, located in a port district having a container
41 terminal:

42 the requirement that employee health benefits are to be provided
43 shall be deemed to be satisfied if the benefits are provided in
44 accordance with industry practice by a third party obligated to
45 provide such benefits pursuant to a collective bargaining agreement;

46 full-time employment shall include, but not be limited to,
47 employees that have been hired by way of a labor union hiring hall
48 or its equivalent;

1 35 hours of employment per week at a qualified business facility
2 shall constitute one "full-time employee," regardless of whether or
3 not the hours of work were performed by one or more persons.

4 For any project located in a Garden State Growth Zone which
5 qualifies under the "Municipal Rehabilitation and Economic
6 Recovery Act," P.L.2002, c.43 (C.52:27BBB-1 et al.), or any
7 project located in the Atlantic City Tourism District as established
8 pursuant to section 5 of P.L.2011, c.18 (C.5:12-219) and regulated
9 by the Casino Reinvestment Development Authority, and which
10 will include a retail facility of at least 150,000 square feet, of which
11 at least 50 percent will be occupied by either a full-service
12 supermarket or grocery store, 30 hours of employment per week at a
13 qualified business facility shall constitute one "full-time employee,"
14 regardless of whether the hours of work were performed by one or
15 more persons, and the requirement that employee health benefits are
16 to be provided shall be deemed to be satisfied if the employees of
17 the business are covered by a collective bargaining agreement.

18 "Full-time employee" shall not include any person who works as
19 an independent contractor or on a consulting basis for the business.
20 Full-time employee shall also not include any person who at the
21 time of project application works in New Jersey for consideration
22 for at least 35 hours per week, or who renders any other standard of
23 service generally accepted by custom or practice as full-time
24 employment but who prior to project application was not provided,
25 by the business, with employee health benefits under a health
26 benefits plan authorized pursuant to State or federal law.

27 "Garden State Create Zone" means the campus of a doctoral
28 university, and the area within a three-mile radius of the outermost
29 boundary of the campus of a doctoral university, according to a map
30 appearing in the doctoral university's official catalog or other
31 official publication on the effective date of P.L.2017, c.221.

32 "Garden State Growth Zone" or "growth zone" means the four
33 New Jersey cities with the lowest median family income based on
34 the 2009 American Community Survey from the US Census, (Table
35 708. Household, Family, and Per Capita Income and Individuals,
36 and Families Below Poverty Level by City: 2009); or a municipality
37 which contains a Tourism District as established pursuant to section
38 5 of P.L.2011, c.18 (C.5:12-219) and regulated by the Casino
39 Reinvestment Development Authority.

40 "Highlands development credit receiving area or redevelopment
41 area" means an area located within a qualified incentive area and
42 designated by the Highlands Water Protection and Planning Council
43 for the receipt of Highlands Development Credits under the
44 Highlands Transfer Development Rights Program authorized
45 pursuant to section 13 of P.L.2004, c.120 (C.13:20-13).

46 "Incentive agreement" means the contract between the business
47 and the authority, which sets forth the terms and conditions under

1 which the business shall be eligible to receive the incentives
2 authorized pursuant to the program.

3 "Incentive effective date" means the date the authority issues a
4 tax credit based on documentation submitted by a business pursuant
5 to paragraph (1) of subsection b. of section 6 of P.L.2011, c.149
6 (C.34:1B-247).

7 "Independent institution of higher education" means a college or
8 university incorporated and located in New Jersey, which by virtue
9 of law or character or license is a nonprofit educational institution
10 authorized to grant academic degrees and which provides a level of
11 education which is equivalent to the education provided by the
12 State's public institutions of higher education, as attested by the
13 receipt of and continuation of regional accreditation by the Middle
14 States Association of Colleges and Schools, and which is eligible to
15 receive State aid under the provisions of the Constitution of the
16 United States and the Constitution of the State of New Jersey, but
17 does not include any educational institution dedicated primarily to
18 the education or training of ministers, priests, rabbis or other
19 professional persons in the field of religion.

20 "Major rail station" means a railroad station located within a
21 qualified incentive area which provides access to the public to a
22 minimum of six rail passenger service lines operated by the New
23 Jersey Transit Corporation.

24 "Mega project" means:

25 a. a qualified business facility located in a port district housing
26 a business in the logistics, manufacturing, energy, defense, or
27 maritime industries, either:

28 (1) having a capital investment in excess of \$20,000,000, and at
29 which more than 250 full-time employees of the business are
30 created or retained; or

31 (2) at which more than 1,000 full-time employees of the
32 business are created or retained;

33 b. a qualified business facility located in an aviation district
34 housing a business in the aviation industry, in a Garden State
35 Growth Zone, or in a priority area housing the United States
36 headquarters and related facilities of an automobile manufacturer,
37 either:

38 (1) having a capital investment in excess of \$20,000,000, and at
39 which more than 250 full-time employees of the business are
40 created or retained, or

41 (2) at which more than 1,000 full-time employees of the
42 business are created or retained;

43 c. a qualified business facility located in an urban transit hub
44 housing a business of any kind, having a capital investment in
45 excess of \$50,000,000, and at which more than 250 full-time
46 employees of the business are created or retained;

47 d. a project located in an area designated in need of
48 redevelopment, pursuant to P.L.1992, c.79 (C.40A:12A-1 et al.)

1 prior to the enactment of P.L.2014, c.63 (C.34:1B-251 et al.) within
2 Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester,
3 Ocean, or Salem counties having a capital investment in excess of
4 \$20,000,000, and at which more than 150 full-time employees of
5 the business are created or retained; or

6 e. a qualified business facility primarily used by a business
7 principally engaged in research, development, or manufacture of a
8 drug or device, as defined in R.S.24:1-1, or primarily used by a
9 business licensed to conduct a clinical laboratory and business
10 facility pursuant to the "New Jersey Clinical Laboratory
11 Improvement Act," P.L.1975, c.166 (C.45:9-42.26 et seq.), either:

12 (1) having a capital investment in excess of \$20,000,000, and at
13 which more than 250 full-time employees of the business are
14 created or retained, or

15 (2) at which more than 1,000 full-time employees of the
16 business are created or retained.

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

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

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

35 "New full-time job" means an eligible position created by the
36 business at the qualified business facility that did not previously
37 exist in this State. For the purposes of determining a number of
38 new full-time jobs, the eligible positions of an affiliate shall be
39 considered eligible positions of the business.

40 "Other eligible area" means the portions of the qualified
41 incentive area that are not located within a distressed municipality,
42 or the priority area.

43 "Partnership" means an entity classified as a partnership for
44 federal income tax purposes.

45 "Port district" means the portions of a qualified incentive area
46 that are located within:

1 a. the "Port of New York District" of the Port Authority of
2 New York and New Jersey, as defined in Article II of the Compact
3 Between the States of New York and New Jersey of 1921; or

4 b. a 15-mile radius of the outermost boundary of each marine
5 terminal facility established, acquired, constructed, rehabilitated, or
6 improved by the South Jersey Port District established pursuant to
7 "The South Jersey Port Corporation Act," P.L.1968, c.60
8 (C.12:11A-1 et seq.).

9 "Priority area" means the portions of the qualified incentive area
10 that are not located within a distressed municipality and which:

11 a. are designated pursuant to the "State Planning Act,"
12 P.L.1985, c.398 (C.52:18A-196 et seq.), as Planning Area 1
13 (Metropolitan), Planning Area 2 (Suburban), a designated center
14 under the State Development and Redevelopment Plan, or a
15 designated growth center in an endorsed plan until June 30, 2013, or
16 until the State Planning Commission revises and readopts New
17 Jersey's State Strategic Plan and adopts regulations to revise this
18 definition;

19 b. intersect with portions of: a deep poverty pocket, a port
20 district, or federally-owned land approved for closure under a
21 federal Commission on Base Realignment and Closure action;

22 c. are the proposed site of a disaster recovery project, a
23 qualified incubator facility, a highlands development credit
24 receiving area or redevelopment area, a tourism destination project,
25 or transit oriented development; or

26 d. contain: a vacant commercial building having over 400,000
27 square feet of office, laboratory, or industrial space available for
28 occupancy for a period of over one year; or a site that has been
29 negatively impacted by the approval of a "qualified business
30 facility," as defined pursuant to section 2 of P.L.2007, c.346
31 (C.34:1B-208).

32 "Professional employer organization" means an employee leasing
33 company registered with the Department of Labor and Workforce
34 Development pursuant to P.L.2001, c.260 (C.34:8-67 et seq.).

35 "Program" means the "Grow New Jersey Assistance Program"
36 established pursuant to section 3 of P.L.2011, c.149 (C.34:1B-244).

37 "Public research university" means a public research university
38 as defined in section 3 of P.L.1994, c.48 (C.18A:3B-3).

39 "Qualified business facility" means any building, complex of
40 buildings or structural components of buildings, and all machinery
41 and equipment located within a qualified incentive area, used in
42 connection with the operation of a business that is not engaged in
43 final point of sale retail business at that location unless the building,
44 complex of buildings or structural components of buildings, and all
45 machinery and equipment located within a qualified incentive area,
46 are used in connection with the operation of:

47 a. a final point of sale retail business located in a Garden State
48 Growth Zone that will include a retail facility of at least 150,000

1 square feet, of which at least 50 percent is occupied by either a full-
2 service supermarket or grocery store; **【or】**

3 b. a tourism destination project located in the Atlantic City
4 Tourism District as established pursuant to section 5 of P.L.2011,
5 c.18 (C.5:12-219); or

6 c. an assisted living residence in which 75% or more of the
7 units are financed with federal Low-Income Housing Tax Credits.

8 "Qualified incentive area" means:

9 a. an aviation district;

10 b. a port district;

11 c. a distressed municipality or urban transit hub municipality;

12 d. an area (1) designated pursuant to the "State Planning Act,"
13 P.L.1985, c.398 (C.52:18A-196 et seq.), as:

14 (a) Planning Area 1 (Metropolitan);

15 (b) Planning Area 2 (Suburban); or

16 (c) Planning Area 3 (Fringe Planning Area);

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

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

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

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

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

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

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

- 1 (a) a designated center under the State Development and
2 Redevelopment Plan;
- 3 (b) a designated growth center in an endorsed plan until the
4 State Planning Commission revises and readopts New Jersey's State
5 Strategic Plan and adopts regulations to revise this definition as it
6 pertains to Statewide planning areas;
- 7 (c) any area determined to be in need of redevelopment pursuant
8 to sections 5 and 6 of P.L.1992, c.79 (C.40A:12A-5 and
9 C.40A:12A-6) or in need of rehabilitation pursuant to section 14 of
10 P.L.1992, c.79 (C.40A:12A-14);
- 11 (d) any area on which a structure exists or previously existed
12 including any desired expansion of the footprint of the existing or
13 previously existing structure provided the expansion otherwise
14 complies with all applicable federal, State, county, and local
15 permits and approvals;
- 16 (e) the planning area of the Highlands Region as defined in
17 section 3 of P.L.2004, c.120 (C.13:20-3) or a highlands
18 development credit receiving area or redevelopment area; or
- 19 (f) any area on which an existing tourism destination project is
20 located.
- 21 "Qualified incentive area" shall not include any property located
22 within the preservation area of the Highlands Region as defined in
23 section 3 of P.L.2004, c.120 (C.13:20-3).
- 24 "Qualified incubator facility" means a commercial building
25 located within a qualified incentive area: which contains 50,000 or
26 more square feet of office, laboratory, or industrial space; which is
27 located near, and presents opportunities for collaboration with, a
28 research institution, teaching hospital, college, or university; and
29 within which, at least 50 percent of the gross leasable area is
30 restricted for use by one or more technology startup companies
31 during the commitment period.
- 32 "Retained full-time job" means an eligible position that currently
33 exists in New Jersey and is filled by a full-time employee but
34 which, because of a potential relocation by the business, is at risk of
35 being lost to another state or country, or eliminated. For the
36 purposes of determining a number of retained full-time jobs, the
37 eligible positions of an affiliate shall be considered eligible
38 positions of the business. For the purposes of the certifications and
39 annual reports required in the incentive agreement pursuant to
40 subsection e. of section 4 of P.L.2011, c.149 (C.34:1B-245), to the
41 extent an eligible position that was the basis of the award no longer
42 exists, a business shall include as a retained full-time job a new
43 eligible position that is filled by a full-time employee provided that
44 the position is included in the order of date of hire and is not the
45 basis for any other incentive award. For a project located in a
46 Garden State Growth Zone which qualified for the "Municipal
47 Rehabilitation and Economic Recovery Act," P.L.2002, c.43
48 (C.52:27BBB-1 et al.), retained full-time job shall include any

1 employee previously employed in New Jersey and transferred to the
2 new location in the Garden State Growth Zone which qualified for
3 the "Municipal Rehabilitation and Economic Recovery Act,"
4 P.L.2002, c.43 (C.52:27BBB-1 et al.).

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

7 "SDA municipality" means a municipality in which an SDA
8 district is situate.

9 "State college" means a State college or university established
10 pursuant to chapter 64 of Title 18A of the New Jersey Statutes.

11 "Targeted industry" means any industry identified from time to
12 time by the authority including initially, a transportation,
13 manufacturing, defense, energy, logistics, life sciences, technology,
14 health, and finance business, but excluding a primarily warehouse
15 or distribution business.

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

21 "Tourism destination project" means a qualified non-gaming
22 business facility that will be among the most visited privately
23 owned or operated tourism or recreation sites in the State, and
24 which is located within the qualified incentive area and has been
25 determined by the authority to be in an area appropriate for
26 development and in need of economic development incentive
27 assistance, including a non-gaming business within an established
28 Tourism District with a significant impact on the economic viability
29 of that District.

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

37 "Urban transit hub" means an urban transit hub, as defined in
38 section 2 of P.L.2007, c.346 (C.34:1B-208), that is located within
39 an eligible municipality, as defined in section 2 of P.L.2007, c.346
40 (C.34:1B-208) and also located within a qualified incentive area.

41 "Urban transit hub municipality" means a municipality: a. which
42 qualifies for State aid pursuant to P.L.1978, c.14 (C.52:27D-178 et
43 seq.), or which has continued to be a qualified municipality
44 thereunder pursuant to P.L.2007, c.111; and b. in which 30 percent
45 or more of the value of real property was exempt from local
46 property taxation during tax year 2006. The percentage of exempt
47 property shall be calculated by dividing the total exempt value by

1 the sum of the net valuation which is taxable and that which is tax
2 exempt.

3 (cf: P.L.2017, c.221, s.1)

4

5 2. This act shall take effect immediately.

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STATEMENT

9

10 This bill would amend the "Grow New Jersey Assistance Act"
11 ("GROWNJ") to qualify certain assisted living facilities for
12 GROWNJ program tax credits. Generally, the GROWNJ program
13 does not provide economic incentives to a business at a location
14 used for final point of sale retail business. Current law contains
15 exceptions to this general provision to further other public policy
16 objectives.

17 Assisted living facilities commonly include retail shops on-site
18 to provide their residents with ready access to goods and services.
19 Because of this feature, the GROWNJ program "final point of sale
20 retail" exclusion makes the GROWNJ program tax credits
21 unavailable to encourage the creation or retention of jobs at assisted
22 living facilities.

23 The bill would address this problem by amending the GROWNJ
24 program statute to exclude an assisted living facility from the law's
25 "final point of sale retail" restriction if 75% or more of the assisted
26 living facility's units are financed with federal Low-Income
27 Housing Tax Credits. Imposition of this requirement will limit
28 applicability of the bill's exclusion from the GROWNJ "final point
29 of sale retail" restriction to assisted living facilities that have set
30 aside a high percentage of assisted living apartment units for low-
31 and moderate-income, Medicaid-eligible senior citizens, who are in
32 need of long-term supportive care.