

ASSEMBLY, No. 1653

STATE OF NEW JERSEY 219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblywoman ANNETTE QUIJANO

District 20 (Union)

Assemblywoman NANCY J. PINKIN

District 18 (Middlesex)

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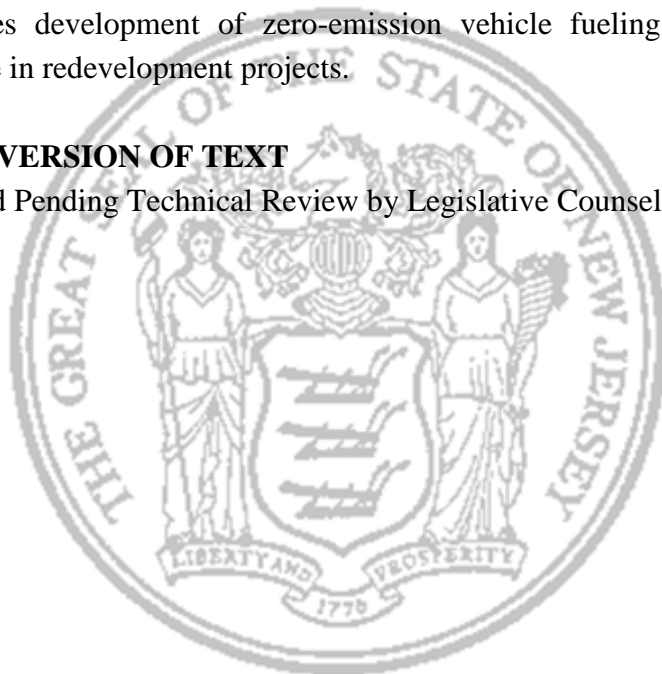
Assemblymen Calabrese, Johnson, Assemblywoman Jasey, Assemblymen McKeon, Chiaravalloti, Assemblywoman Lopez, Assemblymen Kennedy, Conaway, Houghtaling and Moen

SYNOPSIS

Encourages development of zero-emission vehicle fueling and charging infrastructure in redevelopment projects.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 1/27/2020)

1 AN ACT encouraging development of zero-emission vehicle fueling
2 and charging infrastructure in redevelopment projects and
3 amending 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.

45 "Housing project" means a project, or distinct portion of a
46 project, which is designed and intended to provide decent, safe and
47 sanitary dwellings, apartments or other living accommodations for

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 persons of low and moderate income; such work or undertaking
2 may include buildings, land, equipment, facilities and other real or
3 personal property for necessary, convenient or desirable
4 appurtenances, streets, sewers, water service, parks, site
5 preparation, gardening, administrative, community, health,
6 recreational, educational, welfare or other purposes. The term
7 "housing project" also may be applied to the planning of the
8 buildings and improvements, the acquisition of property, the
9 demolition of existing structures, the construction, reconstruction,
10 alteration and repair of the improvements and all other work in
11 connection therewith.

12 "Parking authority" means a public corporation created pursuant
13 to the "Parking Authority Law," P.L.1948, c.198 (C.40:11A-1 et
14 seq.), and authorized to exercise redevelopment powers within the
15 municipality.

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

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

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

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

30 "Public hydrogen fueling station" means publicly available
31 equipment to store and dispense hydrogen fuel to vehicles
32 according to industry codes and standards.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

38 (cf: P.L.2017, c.253, s.2)

39

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

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

1 The redevelopment plan shall include an outline for the planning,
2 development, redevelopment, or rehabilitation of the project area
3 sufficient to indicate:

4 (1) Its relationship to definite local objectives as to appropriate
5 land uses, density of population, and improved traffic and public
6 transportation, public utilities, recreational and community facilities
7 and other public improvements.

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

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

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

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

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

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

- 1 comparable, affordable replacement housing required pursuant to
2 this section.
- 3 b. (1) A redevelopment plan may include the provision of
4 affordable housing in accordance with the "Fair Housing Act,"
5 P.L.1985, c.222 (C.52:27D-301 et al.) and the housing element of
6 the municipal master plan.
- 7 (2) A redevelopment plan may identify appropriate locations for
8 the development of zero-emission vehicle fueling and charging
9 infrastructure.
- 10 c. The redevelopment plan shall describe its relationship to
11 pertinent municipal development regulations as defined in the
12 "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.).
13 The redevelopment plan shall supersede applicable provisions of the
14 development regulations of the municipality or constitute an
15 overlay zoning district within the redevelopment area. When the
16 redevelopment plan supersedes any provision of the development
17 regulations, the ordinance adopting the redevelopment plan shall
18 contain an explicit amendment to the zoning district map included
19 in the zoning ordinance. The zoning district map as amended shall
20 indicate the redevelopment area to which the redevelopment plan
21 applies. Notwithstanding the provisions of the "Municipal Land
22 Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.) or of other law, no
23 notice beyond that required for adoption of ordinances by the
24 municipality shall be required for the hearing on or adoption of the
25 redevelopment plan or subsequent amendments thereof.
- 26 d. All provisions of the redevelopment plan shall be either
27 substantially consistent with the municipal master plan or designed
28 to effectuate the master plan; but the municipal governing body may
29 adopt a redevelopment plan which is inconsistent with or not
30 designed to effectuate the master plan by affirmative vote of a
31 majority of its full authorized membership with the reasons for so
32 acting set forth in the redevelopment plan.
- 33 e. Prior to the adoption of a redevelopment plan, or revision or
34 amendment thereto, the planning board shall transmit to the
35 governing body, within 45 days after referral, a report containing its
36 recommendation concerning the redevelopment plan. This report
37 shall include an identification of any provisions in the proposed
38 redevelopment plan which are inconsistent with the master plan and
39 recommendations concerning these inconsistencies and any other
40 matters as the board deems appropriate. The governing body, when
41 considering the adoption of a redevelopment plan or revision or
42 amendment thereof, shall review the report of the planning board
43 and may approve or disapprove or change any recommendation by a
44 vote of a majority of its full authorized membership and shall
45 record in its minutes the reasons for not following the
46 recommendations. Failure of the planning board to transmit its
47 report within the required 45 days shall relieve the governing body
48 from the requirements of this subsection with regard to the pertinent

1 proposed redevelopment plan or revision or amendment thereof.
2 Nothing in this subsection shall diminish the applicability of the
3 provisions of subsection d. of this section with respect to any
4 redevelopment plan or revision or amendment thereof.

5 f. The governing body of a municipality may direct the
6 planning board to prepare a redevelopment plan or an amendment
7 or revision to a redevelopment plan for a designated redevelopment
8 area. After completing the redevelopment plan, the planning board
9 shall transmit the proposed plan to the governing body for its
10 adoption. The governing body, when considering the proposed
11 plan, may amend or revise any portion of the proposed
12 redevelopment plan by an affirmative vote of the majority of its full
13 authorized membership and shall record in its minutes the reasons
14 for each amendment or revision. When a redevelopment plan or
15 amendment to a redevelopment plan is referred to the governing
16 body by the planning board under this subsection, the governing
17 body shall be relieved of the referral requirements of subsection e.
18 of this section.

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

20

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

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

25 "Authority" means the New Jersey Economic Development
26 Authority established pursuant to P.L.1974, c.80 (C.34:1B-1 et
27 seq.), the New Jersey Redevelopment Authority established
28 pursuant to section 4 of P.L.1996, c.62 (C.55:19-23), a county
29 improvement authority established pursuant to P.L.1960, c.183
30 (C.40:37A-44 et seq.), or other instrumentality created by law of the
31 State with the power to incur debt and issue bonds and other
32 obligations. The issuance of debt in accordance herewith is hereby
33 deemed an essential public, governmental, and corporate purpose of
34 all such authorities.

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

38 "Bonds" mean bonds, notes, or other obligations issued by the
39 authority, including any State entity, or a municipality to finance or
40 refinance redevelopment projects, and in connection therewith, to
41 finance or refinance any other cost or expense of an authority, a
42 State entity or a municipality pursuant to the "Redevelopment Area
43 Bond Financing Law," sections 1 through 10 of P.L.2001, c.310
44 (C.40A:12A-64 et seq.), the "Local Redevelopment and Housing
45 Law", P.L.1992, c.79 (C.40A:12A-1 et seq.), or other applicable
46 law.

47 "Electric vehicle charging station" means an electric component
48 assembly or cluster of component assemblies designed specifically

1 to charge batteries within electric vehicles by permitting the transfer
2 of electric energy to a battery or other storage device in an electric
3 vehicle.

4 "Environmental remediation" means the investigation, analysis,
5 planning, monitoring, acquisition, removal, containment,
6 remediation, construction, or improvement of any real property or
7 facility necessary or desirable for the cleanup of actual, potential, or
8 perceived environmental contamination or pollution, including
9 without limitation, water pollution, air pollution, pollution caused
10 by solid waste disposal, thermal pollution, radiation contamination,
11 or other general environmental contamination or pollution which is
12 or may become injurious to the environment or to the public health,
13 safety, or welfare.

14 "Financial agreement" means an agreement that meets the
15 requirements of a financial agreement under P.L.1991, c.431
16 (C.40A:20-1 et seq.) or, in the event that real property within a
17 redevelopment area is exempt from taxation or has been or will be
18 abated pursuant to applicable law, an agreement among, as
19 applicable, a State entity or a municipality or both, and a State
20 entity redeveloper providing for payment of payments in lieu of
21 taxes or special assessments by the State entity redeveloper with
22 respect to a redevelopment project, or part thereof, to be carried out
23 pursuant to a State entity redevelopment agreement.

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

30 "Public electric vehicle charging station" means an electric
31 vehicle charging station located at a publicly available parking
32 space.

33 "Public hydrogen fueling station" means publicly available
34 equipment to store and dispense hydrogen fuel to vehicles
35 according to industry codes and standards.

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

45 "Redeveloper" means any person, firm, corporation, or public
46 body, including the New Jersey Economic Development Authority
47 or the New Jersey Redevelopment Authority to the extent permitted
48 by law, that shall enter into or propose to enter into a contract with

1 a municipality or other redevelopment entity for the redevelopment
2 or rehabilitation of an area in need of redevelopment, or an area in
3 need of rehabilitation, or any part thereof, under the provisions of
4 the "Redevelopment Area Bond Financing Law," sections 1 through
5 10 of P.L.2001, c.310 (C.40A:12A-64 et seq.), or for any
6 construction or other work forming part of a redevelopment or
7 rehabilitation project.

8 "Redevelopment" means clearance, replanning, development,
9 and redevelopment; the conservation and rehabilitation of any
10 structure or improvement, the construction and provision for
11 construction of residential, commercial, industrial, public, or other
12 structures, the grant or dedication of spaces as may be appropriate
13 or necessary in the interest of the general welfare for streets, parks,
14 playgrounds, or other public purposes, including recreational and
15 other facilities incidental or appurtenant thereto, environmental
16 remediation, the construction, enhancement, or mitigation of
17 wetlands impacted by a redevelopment project, and any other
18 related costs and expenses including preliminary planning and
19 development costs and any financing costs and expenses in
20 accordance with a redevelopment plan.

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

28 "Redevelopment area" means an area which has been delineated
29 a "redevelopment area" or "area in need of redevelopment" pursuant
30 to the "Local Redevelopment and Housing Law," P.L.1992, c.79
31 (C.40A:12A-1 et seq.) or with respect to a State entity, an area in
32 need of, or suitable for, redevelopment delineated by a resolution of
33 a State entity or a State entity redevelopment agreement, in either
34 case, in accordance with the provisions of the enabling statute
35 governing that State entity.

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

42 "Redevelopment project" means any work or undertaking
43 pursuant to a redevelopment plan; such undertaking may include
44 any buildings, land, including demolition, clearance, or removal of
45 buildings from land, equipment, facilities, or other real or personal
46 properties which are necessary, convenient, or desirable
47 appurtenances, such as but not limited to streets, sewers, utilities,
48 parks, site preparation, landscaping, and administrative, community,

1 health, recreational, educational, and welfare facilities and any
2 other related costs and expenses including preliminary planning and
3 development costs and any financing costs and expenses, and zero-
4 emission vehicle fueling and charging infrastructure.

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

14 "State entity" means the New Jersey Sports and Exposition
15 Authority established pursuant to P.L.1971, c.137 (C.5:10-1 et seq.)
16 or any other entity created by State law which undertakes a
17 redevelopment project directly or through a State entity redeveloper
18 and which has the power to determine the location, type, and
19 character of projects on land owned or controlled by it.

20 "State entity redeveloper" means any person, firm, or corporation
21 that shall enter into or propose to enter into a State entity
22 redevelopment agreement with a State entity for the redevelopment
23 or rehabilitation of a redevelopment area under the enabling
24 legislation governing the actions of the State entity or for any
25 construction or other work forming a part of a redevelopment
26 project.

27 "State entity redevelopment agreement" means an agreement
28 between a State entity and a State entity redeveloper for any work
29 or undertaking in a redevelopment area.

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

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

39 (cf: P.L.2018, c.97, s.12)

40

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

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

44 a. "Gross revenue" means annual gross revenue or gross shelter
45 rent or annual gross rents, as appropriate, and other income, for
46 each urban renewal entity designated pursuant to P.L.1991, c.431
47 (C.40A:20-1 et seq.). The financial agreement shall establish the
48 method of computing gross revenue for the entity, and the method

1 of determining insurance, operating and maintenance expenses paid
2 by a tenant which are ordinarily paid by a landlord, which shall be
3 included in the gross revenue; provided, however, that any federal
4 funds received, whether directly or in the form of rental subsidies
5 paid to tenants, by a nonprofit corporation that is the sponsor of a
6 qualified subsidized housing project, shall not be included in the
7 gross revenue of the project for purposes of computing the annual
8 services charge for municipal services supplied to the project; and
9 provided further that any gain realized by the urban renewal entity
10 on the sale of any unit in fee simple, whether or not taxable under
11 federal or State law, shall not be included in computing gross
12 revenue.

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

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

39 c. "Net profit" means the gross revenues of the urban renewal
40 entity less all operating and non-operating expenses of the entity, all
41 determined in accordance with generally accepted accounting
42 principles, but:

43 (1) there shall be included in expenses: (a) all annual service
44 charges paid pursuant to section 12 of P.L.1991, c.431 (C.40A:20-
45 12); (b) all payments to the municipality of excess profits pursuant
46 to section 15 or 16 of P.L.1991, c.431 (C.40A:20-15 or 40A:20-16);
47 (c) an annual amount sufficient to amortize the total project cost
48 and all capital costs determined in accordance with generally

1 accepted accounting principles, of any other entity whose revenue is
2 included in the computation of excess profits, over the term of the
3 abatement as set forth in the financial agreement; (d) all reasonable
4 annual operating expenses of the urban renewal entity and any other
5 entity whose revenue is included in the computation of excess
6 profits, including the cost of all management fees, brokerage
7 commissions, insurance premiums, all taxes or service charges paid,
8 legal, accounting, or other professional service fees, utilities,
9 building maintenance costs, building and office supplies, and
10 payments into repair or maintenance reserve accounts; (e) all
11 payments of rent including, but not limited to, ground rent by the
12 urban renewal entity; (f) all debt service;

13 (2) there shall not be included in expenses either depreciation or
14 obsolescence, interest on debt, except interest which is part of debt
15 service, income taxes, or salaries, bonuses or other compensation
16 paid, directly or indirectly to directors, officers and stockholders of
17 the entity, or officers, partners or other persons holding any
18 proprietary ownership interest in the entity.

19 The urban renewal entity shall provide to the municipality an
20 annual audited statement which clearly identifies the calculation of
21 net profit for the urban renewal entity during the previous year.
22 The annual audited statement shall be prepared by a certified public
23 accountant and shall be submitted to the municipality within 90
24 days of the close of the fiscal year.

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

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

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

46 g. "Urban renewal entity" means a limited-dividend entity, the
47 New Jersey Economic Development Authority or a nonprofit entity
48 which enters into a financial agreement pursuant to P.L.1991,

1 c.431 (C.40A:20-1 et seq.) with a municipality to undertake a
 2 project pursuant to a redevelopment plan for the redevelopment of
 3 all or any part of a redevelopment area, or a project necessary,
 4 useful, or convenient for the relocation of residents displaced or to
 5 be displaced by the redevelopment of all or any part of one or more
 6 redevelopment areas, or a low and moderate income housing
 7 project.

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

30				
31	\$500,000 or less	-	10%	
32				
33	\$500,000 through \$1,000,000	-	\$50,000 plus 8%	on
34	excess above \$500,000			
35				
36	\$1,000,001 through \$2,000,000	-	\$90,000 plus 7%	on
37	excess above \$1,000,000			
38				
39	\$2,000,001 through \$3,500,000	-	\$160,000 plus 5.6667%	on
40	excess above \$2,000,000			
41				
42	\$3,500,001 through \$5,500,000	-	\$245,000 plus 4.25%	on
43	excess above \$3,500,000			
44				
45	\$5,500,001 through \$10,000,000	-	\$330,000 plus 3.7778%	on
46	excess above \$5,500,000			
47				
48	over \$10,000,000	-	5%	

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

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

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

37 j. "Redevelopment relocation housing project" means a
38 housing project which is necessary, useful or convenient for the
39 relocation of residents displaced by redevelopment of all or any part
40 of one or more redevelopment areas.

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

45 l. "Qualified subsidized housing project" means a low and
46 moderate income housing project owned by a nonprofit corporation
47 organized under the provisions of Title 15A of the New Jersey
48 Statutes for the purpose of developing, constructing and operating

1 rental housing for senior citizens under section 202 of Pub.L. 86-
2 372 (12 U.S.C. s.1701q) or rental housing for persons with
3 disabilities under section 811 of Pub.L. 101-625 (42 U.S.C. s.8013),
4 or under any other federal program that the Commissioner of
5 Community Affairs by rule may determine to be of a similar nature
6 and purpose.

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

13 n. "Zero-emission vehicle" means a vehicle certified as a zero
14 emission vehicle pursuant to the California Air Resources Board
15 zero emission vehicle standards for the applicable model year,
16 including but not limited to, battery electric-powered vehicles and
17 hydrogen fuel cell vehicles.

18 o. "Zero-emission vehicle fueling and charging infrastructure"
19 means infrastructure to charge or fuel zero-emission vehicles,
20 including but not limited to, public electric vehicle charging stations
21 and public hydrogen fueling stations.

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

23

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

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

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

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

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

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

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

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

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

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

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

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

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

1 purposes of the "Revenue Allocation District Financing Act,"
2 sections 11 through 41 of P.L.2001, c.310 (C.52:27D-459 et seq.).

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

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

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

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

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

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

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

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

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

40

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

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

45 "Applicant" means a developer proposing to enter into a
46 redevelopment incentive grant agreement.

47 "Ancillary infrastructure project" means structures or
48 improvements that are located within the incentive area but outside

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

9 "Authority" means the New Jersey Economic Development
10 Authority established under section 4 of P.L.1974, c.80 (C.34:1B-
11 4).

12 "Aviation district" means all areas within the boundaries of the
13 "Atlantic City International Airport," established pursuant to section
14 24 of P.L.1991, c.252 (C.27:25A-24), and the Federal Aviation
15 Administration William J. Hughes Technical Center and the area
16 within a one-mile radius of the outermost boundary of the "Atlantic
17 City International Airport" and the Federal Aviation Administration
18 William J. Hughes Technical Center.

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 incentive area and has been determined by the authority to be an
22 area appropriate for development and in need of economic
23 development incentive assistance.

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

32 "Director" means the Director of the Division of Taxation in the
33 Department of the Treasury.

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

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

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

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

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

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

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

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

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

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

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

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

- 15 a. the total square footage of the entire mixed use parking
16 project;
- 17 b. the estimated revenues of the entire mixed use parking
18 project; or
- 19 c. the total construction cost of the entire mixed use parking
20 project.

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

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

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

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

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

46 "Parking component" means that portion of a mixed use parking
47 project used for parking, together with the portion of the costs of
48 the mixed use parking project, including but not limited to the

1 footings, foundations, site work, infrastructure, and soft costs that
2 are allocable to the parking use. The parking component, which
3 may include enclosed pedestrian walkways or a skybridge, may be
4 in the same structure as all the non-parking components or may be
5 in a structure with some non-parking components with the
6 remaining non-parking components in an adjacent or nearby
7 structure that is no more than one third of a mile from the parking
8 components.

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

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

36 "Project financing gap" means:

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

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

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

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

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

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

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

19 "Public electric vehicle charging station" means an electric
20 vehicle charging station located at a publicly available parking
21 space.

22 "Public hydrogen fueling station" means publicly available
23 equipment to store and dispense hydrogen fuel to vehicles
24 according to industry codes and standards.

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

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

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

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

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

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

13 (a) Planning Area 1 (Metropolitan);
14 (b) Planning Area 2 (Suburban); or
15 (c) Planning Area 3 (Fringe Planning Area);
16 (2) located within a smart growth area and planning area
17 designated in a master plan adopted by the New Jersey
18 Meadowlands Commission pursuant to subsection (i) of section 6 of
19 P.L.1968, c.404 (C.13:17-6) or subject to a redevelopment plan
20 adopted by the New Jersey Meadowlands Commission pursuant to
21 section 20 of P.L.1968, c.404 (C.13:17-21);

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

33 "SDA municipality" means a municipality in which an SDA
34 district is situated.

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

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

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

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

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

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

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

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

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

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

25 "Vacant commercial building" means any commercial building
26 or complex of commercial buildings having over 400,000 square
27 feet of office, laboratory, or industrial space that is more than 70
28 percent unoccupied at the time of application to the authority or is
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), or any vacant commercial building in a Garden
32 State Growth Zone having over 35,000 square feet of office,
33 laboratory, or industrial space, or over 200,000 square feet of
34 office, laboratory, or industrial space in Atlantic, Burlington,
35 Camden, Cape May, Cumberland, Gloucester, Ocean, or Salem
36 counties available for occupancy for a period of over one year.

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

43 "Zero-emission vehicle" means a vehicle certified as a zero
44 emission vehicle pursuant to the California Air Resources Board
45 zero emission vehicle standards for the applicable model year,
46 including but not limited to, battery electric-powered vehicles and
47 hydrogen fuel cell vehicles.

1 "Zero-emission vehicle fueling and charging infrastructure"
2 means infrastructure to charge or fuel zero-emission vehicles,
3 including but not limited to, public electric vehicle charging
4 stations and public hydrogen fueling stations.

5 (cf: P.L.2018, c.120, s.4)

6
7 7. Section 4 of P.L.2009, c.90 (C.52:27D-489d) is amended to
8 read as follows:

9 4. a. The governing body of a municipality wherein is located
10 a qualifying economic redevelopment and growth grant incentive
11 area may adopt an ordinance to establish a local Economic
12 Redevelopment and Growth Grant program for the purpose of
13 encouraging redevelopment projects in that area through the
14 provision of incentive grants to reimburse developers for all or a
15 portion of the project financing gap for such projects. No local
16 Economic Redevelopment and Growth Grant program shall take
17 effect until the Local Finance Board approves the ordinance.

18 b. A developer shall submit an application for a local incentive
19 grant prior to July 1, 2019. A developer that submits an application
20 for a local incentive grant shall indicate on the application whether
21 it is also applying for a State incentive grant. An application by a
22 developer applying for a local incentive grant only shall not require
23 approval by the authority. A municipal redeveloper may only apply
24 for local incentive grants for the construction of: (1) infrastructure
25 improvements in the public right-of-way, **[or]** (2) publicly owned
26 facilities, or (3) public electric vehicle charging stations.

27 c. No local incentive grant shall be finally approved by a
28 municipality until approved by the Local Finance Board. The Local
29 Finance Board shall not approve a local incentive grant unless the
30 application was submitted prior to July 1, 2019.

31 d. In deciding whether or not to approve a local incentive grant
32 agreement the Local Finance Board shall consider the following
33 factors:

- 34 (1) the economic feasibility of the redevelopment project;
35 (2) the extent of economic and related social distress in the
36 municipality and the area to be affected by the redevelopment
37 project;
38 (3) the degree to which the redevelopment project will advance
39 State, regional, and local development and planning strategies;
40 (4) the likelihood that the redevelopment project shall, upon
41 completion, be capable of generating new tax revenue in an amount
42 in excess of the amount necessary to reimburse the developer for
43 project costs incurred as provided in the redevelopment incentive
44 grant agreement;
45 (5) the relationship of the redevelopment project to a
46 comprehensive local development strategy, including other major
47 projects undertaken within the municipality;

1 (6) the need for the redevelopment incentive grant agreement to
2 the viability of the redevelopment project;

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

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

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

8

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

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

18 b. An ordinance adopted pursuant to subsection a. of this
19 section shall set forth in detail the proposed construction, the
20 proposed redevelopment project, the estimated project costs, and
21 the projected eligible incremental revenues to be paid. No
22 ordinance shall be finally approved by the municipality unless
23 approved by the Local Finance Board. In deciding whether or not
24 to approve such ordinance, the Local Finance Board shall determine
25 whether the proposed redevelopment project consists of public
26 electric vehicle charging stations, publicly owned facilities, or
27 infrastructure improvements in the public right-of-way. It also shall
28 consider the factors listed at paragraphs (1) through (8) of
29 subsection d. of section 4 of P.L.2009, c.90 (C.52:27D-489d),
30 provided that with respect to infrastructure improvements in the
31 public right-of-way, it shall not consider paragraph (4) of
32 subsection d. of section 4 of P.L.2009, c.90 (C.52:27D-489d). Such
33 proposed redevelopment project shall conform to the requirements
34 of sections 7, 8, and 11 of P.L.2009, c.90 (C.52:27D-489g,
35 C.52:27D-489h, and C.52:27D-489k), except as set forth therein.
36 (cf: P.L.2010, c.10, s.11)

37

38 9. This act shall take effect immediately.

39

40

41

STATEMENT

42

43 This bill would encourage municipalities involved in
44 redevelopment efforts to include plans for the development of
45 publicly available fueling and charging infrastructure for all types
46 of zero-emission vehicles (ZEV) when adopting redevelopment
47 plans. The bill also encourages municipalities to build public ZEV
48 charging stations by specifically authorizing municipalities to use

1 revenue streams available for funding infrastructure that is related
2 to redevelopment projects for the development of publicly available
3 ZEV fueling and charging stations.

4 New Jersey's Energy Master Plan encourages the greater use of
5 ZEVs by improving and expanding the ZEV charging infrastructure
6 needed throughout New Jersey. A report of the New Jersey Energy
7 Master Plan Alternative Fuels Work Group identified the
8 development, installation, and maintenance of ZEV charging
9 infrastructure, both at home and at strategically selected public
10 places, as one of the most significant opportunities for, and barriers
11 to, advancing the deployment and use of ZEVs in New Jersey.

12 The development of a zero-emission vehicle charging
13 infrastructure is a critical step in creating jobs, fostering economic
14 growth, reducing greenhouse gas emissions, reducing our reliance
15 on foreign fuels, and reducing pollution attributable to the operation
16 of petroleum-based vehicles. Limited driving distance between
17 battery charges is a fundamental disadvantage and obstacle to broad
18 consumer adoption of vehicles powered by electricity. In order to
19 eliminate this fundamental disadvantage and dramatically increase
20 consumer acceptance and usage of electric vehicles, it is essential
21 that a network of convenient ZEV charging opportunities be
22 developed.

23 Municipalities have an opportunity to increase ZEV adoption by
24 increasing the availability of public chargers, thereby reducing
25 consumer concerns about range anxiety. Range anxiety refers to the
26 concern consumers have in running out of charge and finding
27 themselves stranded. Although most ZEVs will support the owner's
28 typical daily drive, consumers worry about the unplanned trips that
29 might cause their vehicles to run out of charge. While most EV
30 charging will be done at home or at work, the development of
31 public ZEV charging stations is necessary to support motorists
32 traveling outside their normal routine, and to reduce range anxiety.
33 In addition to providing a real solution to range anxiety concerns,
34 the development of public ZEV fueling and charging stations
35 increases public awareness of zero-emission vehicles.

36 This bill will further the goal of improving and expanding the
37 State's ZEV fueling and charging infrastructure by encouraging
38 each municipality, at the time of adopting redevelopment plans
39 under the "Local Redevelopment and Housing Law," to consider
40 planning for publicly available ZEV fueling and charging stations,
41 and when considering the use of various methods available under
42 current law for the financing of public infrastructure components of
43 redevelopment projects, to consider including the development of
44 publicly available ZEV fueling and charging stations in a
45 redevelopment project.