

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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District 18 (Middlesex)

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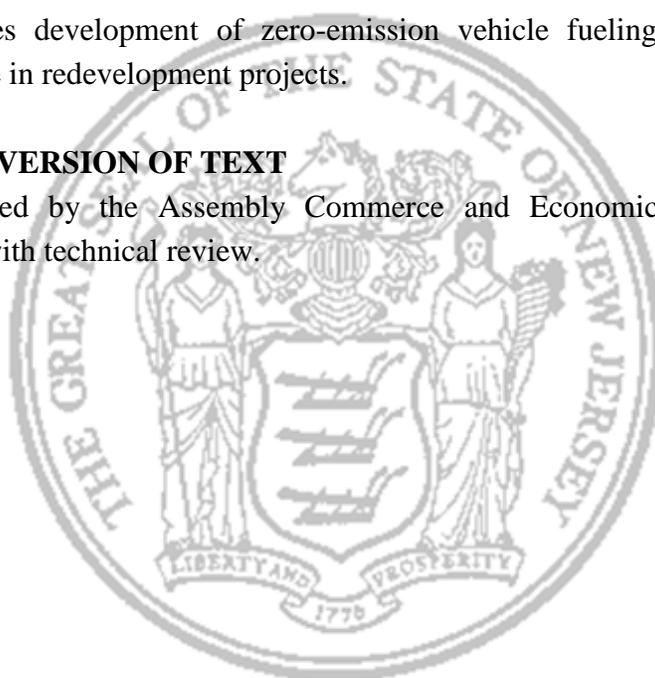
Assemblymen Calabrese, Johnson, Assemblywoman Jasey, Assemblymen McKeon, Chiaravalloti, Assemblywoman Lopez, Assemblymen Kennedy, Conaway, Houghtaling, Moen and Benson

SYNOPSIS

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

CURRENT VERSION OF TEXT

As reported by the Assembly Commerce and Economic Development Committee with technical review.



(Sponsorship Updated As Of: 2/13/2020)

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

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

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

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

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

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

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

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

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

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

40 "Publicly available parking space" means a parking space that is
41 available to, and accessible by, the public and may include on-street
42 parking spaces and parking spaces in surface lots or parking
43 garages, but shall not include: a parking space that is part of, or
44 associated with, a private residence; or a parking space that is
45 reserved for the exclusive use of an individual driver or vehicle or
46 for a group of drivers or vehicles, such as employees, tenants,
47 visitors, residents of a common interest development, or residents
48 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 (8) Proposed locations for public electric vehicle charging
4 infrastructure within the project area in a manner that appropriately
5 connects with an essential public charging network.

6 b. (1) A redevelopment plan may include the provision of
7 affordable housing in accordance with the "Fair Housing Act,"
8 P.L.1985, c.222 (C.52:27D-301 et al.) and the housing element of
9 the municipal master plan.

10 (2) A redevelopment plan may identify appropriate locations for
11 the development of zero-emission vehicle fueling and charging
12 infrastructure.

13 c. The redevelopment plan shall describe its relationship to
14 pertinent municipal development regulations as defined in the
15 "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.).
16 The redevelopment plan shall supersede applicable provisions of the
17 development regulations of the municipality or constitute an
18 overlay zoning district within the redevelopment area. When the
19 redevelopment plan supersedes any provision of the development
20 regulations, the ordinance adopting the redevelopment plan shall
21 contain an explicit amendment to the zoning district map included
22 in the zoning ordinance. The zoning district map as amended shall
23 indicate the redevelopment area to which the redevelopment plan
24 applies. Notwithstanding the provisions of the "Municipal Land
25 Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.) or of other law, no
26 notice beyond that required for adoption of ordinances by the
27 municipality shall be required for the hearing on or adoption of the
28 redevelopment plan or subsequent amendments thereof.

29 d. All provisions of the redevelopment plan shall be either
30 substantially consistent with the municipal master plan or designed
31 to effectuate the master plan; but the municipal governing body may
32 adopt a redevelopment plan which is inconsistent with or not
33 designed to effectuate the master plan by affirmative vote of a
34 majority of its full authorized membership with the reasons for so
35 acting set forth in the redevelopment plan.

36 e. Prior to the adoption of a redevelopment plan, or revision or
37 amendment thereto, the planning board shall transmit to the
38 governing body, within 45 days after referral, a report containing its
39 recommendation concerning the redevelopment plan. This report
40 shall include an identification of any provisions in the proposed
41 redevelopment plan which are inconsistent with the master plan and
42 recommendations concerning these inconsistencies and any other
43 matters as the board deems appropriate. The governing body, when
44 considering the adoption of a redevelopment plan or revision or
45 amendment thereof, shall review the report of the planning board
46 and may approve or disapprove or change any recommendation by a
47 vote of a majority of its full authorized membership and shall
48 record in its minutes the reasons for not following the

1 recommendations. Failure of the planning board to transmit its
2 report within the required 45 days shall relieve the governing body
3 from the requirements of this subsection with regard to the pertinent
4 proposed redevelopment plan or revision or amendment thereof.
5 Nothing in this subsection shall diminish the applicability of the
6 provisions of subsection d. of this section with respect to any
7 redevelopment plan or revision or amendment thereof.

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

22 (cf: P.L.2019, c.267, s.3)

23

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

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

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

38 "Board" means the Local Finance Board established in the
39 Division of Local Government Services in the Department of
40 Community Affairs.

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

1 Law", P.L.1992, c.79 (C.40A:12A-1 et seq.), or other applicable
2 law.

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

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

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

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

34 "Public electric vehicle charging station" means an electric
35 vehicle charging station located at a publicly available parking
36 space.

37 "Public hydrogen fueling station" means publicly available
38 equipment to store and dispense hydrogen fuel to vehicles
39 according to industry codes and standards.

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

1 "Redeveloper" means any person, firm, corporation, or public
2 body, including the New Jersey Economic Development Authority
3 or the New Jersey Redevelopment Authority to the extent permitted
4 by law, that shall enter into or propose to enter into a contract with
5 a municipality or other redevelopment entity for the redevelopment
6 or rehabilitation of an area in need of redevelopment, or an area in
7 need of rehabilitation, or any part thereof, under the provisions of
8 the "Redevelopment Area Bond Financing Law," sections 1 through
9 10 of P.L.2001, c.310 (C.40A:12A-64 et seq.), or for any
10 construction or other work forming part of a redevelopment or
11 rehabilitation project.

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

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

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

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

46 "Redevelopment project" means any work or undertaking
47 pursuant to a redevelopment plan; such undertaking may include
48 any buildings, land, including demolition, clearance, or removal of

1 buildings from land, equipment, facilities, or other real or personal
2 properties which are necessary, convenient, or desirable
3 appurtenances, such as but not limited to streets, sewers, utilities,
4 parks, site preparation, landscaping, and administrative, community,
5 health, recreational, educational, and welfare facilities and any
6 other related costs and expenses including preliminary planning and
7 development costs and any financing costs and expenses, and zero-
8 emission vehicle fueling and charging infrastructure.

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

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

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

31 "State entity redevelopment agreement" means an agreement
32 between a State entity and a State entity redeveloper for any work
33 or undertaking in a redevelopment area.

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

39 "Zero-emission vehicle fueling and charging infrastructure" means
40 infrastructure to charge or fuel zero-emission vehicles, including but
41 not limited to, public electric vehicle charging stations and public
42 hydrogen fueling stations.

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

44

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

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

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

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

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

44 c. "Net profit" means the gross revenues of the urban renewal
45 entity less all operating and non-operating expenses of the entity, all
46 determined in accordance with generally accepted accounting
47 principles, but:

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

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

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

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

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

47 f. "Redevelopment area" means an area determined to be in
48 need of redevelopment and for which a redevelopment plan has

1 been adopted by a municipality pursuant to the "Local
2 Redevelopment and Housing Law," P.L.1992, c.79 (C.40A:12A-1 et
3 al.).

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

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

36			
37	\$500,000 or less -		10%
38			
39	\$500,000 through \$1,000,000 -	\$50,000 plus	8% on
40	excess above \$500,000		
41			
42	\$1,000,001 through \$2,000,000 -	\$90,000 plus	7% on
43	excess above \$1,000,000		
44			
45	\$2,000,001 through \$3,500,000 -	\$160,000 plus	5.6667%
46	on excess above \$2,000,000		

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

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

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

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

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

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

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

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

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

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

21 n. "Zero-emission vehicle" means a vehicle certified as a zero
22 emission vehicle pursuant to the California Air Resources Board
23 zero emission vehicle standards for the applicable model year,
24 including but not limited to, battery electric-powered vehicles and
25 hydrogen fuel cell vehicles.

26 o. "Zero-emission vehicle fueling and charging infrastructure"
27 means infrastructure to charge or fuel zero-emission vehicles,
28 including but not limited to, public electric vehicle charging stations
29 and public hydrogen fueling stations.

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

31
32 5. Section 13 of P.L.2001, c.310 (C.52:27D-461) is amended to
33 read as follows:

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

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

38 "Board" means the Local Finance Board established in the
39 Division of Local Government Services in the Department of
40 Community Affairs.

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

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

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

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

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

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

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

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

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

1 persons and families of low and moderate income pursuant to
2 P.L.1985, c.222 (C.52:27D-301 et al.) or rules and regulations
3 adopted pursuant thereto; and all costs associated with any of the
4 foregoing, including the cost of administrative appraisals, legal,
5 financial, economic and environmental analyses, engineering or
6 cleanup, planning, design, architectural, surveying or other
7 professional and technical services necessary to effectuate the
8 purposes of the "Revenue Allocation District Financing Act,"
9 sections 11 through 41 of P.L.2001, c.310 (C.52:27D-459 et seq.).

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

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

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

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

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

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

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

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

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

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

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

5 "Applicant" means a developer proposing to enter into a
6 redevelopment incentive grant agreement.

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

17 "Authority" means the New Jersey Economic Development
18 Authority established under section 4 of P.L.1974, c.80 (C.34:1B-
19 4).

20 "Aviation district" means all areas within the boundaries of the
21 "Atlantic City International Airport," established pursuant to section
22 24 of P.L.1991, c.252 (C.27:25A-24), and the Federal Aviation
23 Administration William J. Hughes Technical Center and the area
24 within a one-mile radius of the outermost boundary of the "Atlantic
25 City International Airport" and the Federal Aviation Administration
26 William J. Hughes Technical Center.

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

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

40 "Director" means the Director of the Division of Taxation in the
41 Department of the Treasury.

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

1 "Distressed municipality" means a municipality that is qualified
2 to receive assistance under P.L.1978, c.14 (C.52:27D-178 et seq.), a
3 municipality under the supervision of the Local Finance Board
4 pursuant to the provisions of the "Local Government Supervision
5 Act (1947)," P.L.1947, c.151 (C.52:27BB-1 et seq.), a municipality
6 identified by the Director of the Division of Local Government
7 Services in the Department of Community Affairs to be facing
8 serious fiscal distress, a SDA municipality, or a municipality in
9 which a major rail station is located.

10 "Electric vehicle charging station" means an electric component
11 assembly or cluster of component assemblies designed specifically
12 to charge batteries within electric vehicles by permitting the transfer
13 of electric energy to a battery or other storage device in an electric
14 vehicle.

15 "Eligibility period" means the period of time specified in a
16 redevelopment incentive grant agreement for the payment of
17 reimbursements to a developer, which period shall not exceed 20
18 years, with the term to be determined solely at the discretion of the
19 applicant.

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

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

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

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

46 "Infrastructure improvements in the public right-of-way" mean
47 public structures or improvements, including public electric vehicle
48 charging stations, located in the public right-of-way that are located

1 within a project area or that constitute an ancillary infrastructure
2 project, either of which are dedicated to or owned by a
3 governmental body or agency upon completion, or any required
4 payment in lieu of the structures, improvements or projects, or any
5 costs of remediation associated with the structures, improvements
6 or projects, and that are determined by the authority, in consultation
7 with applicable State agencies, to be consistent with and in
8 furtherance of State public infrastructure objectives and initiatives.

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

16 "Major rail station" means a railroad station located within a
17 qualified incentive area which provides access to the public to a
18 minimum of six rail passenger service lines operated by the New
19 Jersey Transit Corporation.

20 "Mixed use parking project" means a redevelopment project, the
21 parking component of which shall constitute 51 percent or more of
22 any of the following:

- 23 a. the total square footage of the entire mixed use parking
24 project;
- 25 b. the estimated revenues of the entire mixed use parking
26 project; or
- 27 c. the total construction cost of the entire mixed use parking
28 project.

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

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

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

46 "Municipal Revitalization Index" means the 2007 index by the
47 Office for Planning Advocacy within the Department of State
48 measuring or ranking municipal distress.

1 "Non-parking component" means that portion of a mixed use
2 parking project not used for parking, together with the portion of
3 the costs of the mixed use parking project, including but not limited
4 to the footings, foundations, site work, infrastructure, and soft costs
5 that are allocable to the non-parking use.

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

17 "Project area" means land or lands located within the incentive
18 area under common ownership or control including through a
19 redevelopment agreement with a municipality, or as otherwise
20 established by a municipality or a redevelopment agreement
21 executed by a State entity to implement a redevelopment project.

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

44 "Project financing gap" means:

45 a. the part of the total project cost, including return on
46 investment, that remains to be financed after all other sources of
47 capital have been accounted for, including, but not limited to,
48 developer-contributed capital, which shall not be less than 20

1 percent of the total project cost, which may include the value of any
2 existing land and improvements in the project area owned or
3 controlled by the developer, and the cost of infrastructure
4 improvements in the public right-of-way, subject to review by the
5 State Treasurer, and investor or financial entity capital or loans for
6 which the developer, after making all good faith efforts to raise
7 additional capital, certifies that additional capital cannot be raised
8 from other sources on a non-recourse basis; and

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

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

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

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

17 b. multiplying that product by a fraction having a numerator
18 equal to the taxable value of all the property assessed within the
19 project area, minus the property tax increment base, and having a
20 denominator equal to the taxable value of all property assessed
21 within the project area.

22 For the purpose of this definition, "property tax increment base"
23 means the aggregate taxable value of all property assessed which is
24 located within the redevelopment project area as of October 1st of
25 the year proceeding the year in which the redevelopment incentive
26 grant agreement is authorized.

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

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

42 "Qualified incubator facility" means a commercial building
43 located within an incentive area: which contains 100,000 or more
44 square feet of office, laboratory, or industrial space; which is
45 located near, and presents opportunities for collaboration with, a
46 research institution, teaching hospital, college, or university; and
47 within which, at least 75 percent of the gross leasable area is

1 restricted for use by one or more technology startup companies
2 during the commitment period.

3 "Qualified residential project" means a redevelopment project
4 that is predominantly residential and includes multi-family
5 residential units for purchase or lease, or dormitory units for
6 purchase or lease, having a total project cost of at least
7 \$17,500,000, if the project is located in any municipality with a
8 population greater than 200,000 according to the latest federal
9 decennial census, or having a total project cost of at least
10 \$10,000,000 if the project is located in any municipality with a
11 population less than 200,000 according to the latest federal
12 decennial census, or is a disaster recovery project, or having a total
13 project cost of \$5,000,000 if the project is in a Garden State Growth
14 Zone.

15 "Qualifying economic redevelopment and growth grant incentive
16 area" or "incentive area" means:

- 17 a. an aviation district;
- 18 b. a port district;
- 19 c. a distressed municipality; or
- 20 d. an area (1) designated pursuant to the "State Planning Act,"
21 P.L.1985, c.398 (C.52:18A-196 et seq.), as:
 - 22 (a) Planning Area 1 (Metropolitan);
 - 23 (b) Planning Area 2 (Suburban); or
 - 24 (c) Planning Area 3 (Fringe Planning Area);
 - 25 (2) located within a smart growth area and planning area
26 designated in a master plan adopted by the New Jersey
27 Meadowlands Commission pursuant to subsection (i) of section 6 of
28 P.L.1968, c.404 (C.13:17-6) or subject to a redevelopment plan
29 adopted by the New Jersey Meadowlands Commission pursuant to
30 section 20 of P.L.1968, c.404 (C.13:17-21);
 - 31 (3) located within any land owned by the New Jersey Sports and
32 Exposition Authority, established pursuant to P.L.1971, c.137
33 (C.5:10-1 et seq.), within the boundaries of the Hackensack
34 Meadowlands District as delineated in section 4 of P.L.1968, c.404
35 (C.13:17-4);
 - 36 (4) located within a regional growth area, rural development
37 area zoned for industrial use as of the effective date of P.L.2016,
38 c.75, town, village, or a military and federal installation area
39 designated in the comprehensive management plan prepared and
40 adopted by the Pinelands Commission pursuant to the "Pinelands
41 Protection Act," P.L.1979, c.111 (C.13:18A-1 et seq.);
 - 42 (5) located within the planning area of the Highlands Region as
43 defined in section 3 of P.L.2004, c.120 (C.13:20-3) or in a
44 highlands development credit receiving area or redevelopment area;
 - 45 (6) located within a Garden State Growth Zone;
 - 46 (7) located within land approved for closure under any federal
47 Base Closure and Realignment Commission action; or

1 (8) located only within the following portions of the areas
2 designated pursuant to the "State Planning Act," P.L.1985, c.398
3 (C.52:18A-196 et al.), as Planning Area 4A (Rural Planning Area),
4 Planning Area 4B (Rural/Environmentally Sensitive) or Planning
5 Area 5 (Environmentally Sensitive) if Planning Area 4A (Rural
6 Planning Area), Planning Area 4B (Rural/Environmentally
7 Sensitive) or Planning Area 5 (Environmentally Sensitive) is
8 located within:

9 (a) a designated center under the State Development and
10 Redevelopment Plan;

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

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

19 (d) any area on which a structure exists or previously existed
20 including any desired expansion of the footprint of the existing or
21 previously existing structure provided the expansion otherwise
22 complies with all applicable federal, State, county, and local
23 permits and approvals;

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

27 (f) any area on which an existing tourism destination project is
28 located.

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

34 "Redevelopment incentive grant agreement" means an agreement
35 between:

36 a. the State and the New Jersey Economic Development
37 Authority and a developer; or

38 b. a municipality and a developer, or a municipal ordinance
39 authorizing a project to be undertaken by a municipal redeveloper,
40 under which, in exchange for the proceeds of an incentive grant, the
41 developer agrees to perform any work or undertaking necessary for
42 a redevelopment project, including the clearance, development or
43 redevelopment, construction, or rehabilitation of any structure or
44 improvement of commercial, industrial, residential, or public
45 structures or improvements within a qualifying economic
46 redevelopment and growth grant incentive area or a transit village.

47 "Redevelopment project" means a specific construction project
48 or improvement, including lands, buildings, improvements, real and

1 personal property or any interest therein, including lands under
2 water, riparian rights, space rights and air rights, acquired, owned,
3 leased, developed or redeveloped, constructed, reconstructed,
4 rehabilitated or improved, undertaken by a developer, owner or
5 tenant, or both, within a project area and any ancillary infrastructure
6 project including infrastructure improvements in the public right-of-
7 way, as set forth in an application to be made to the authority. The
8 use of the term "redevelopment project" in sections 3 through 18 of
9 P.L.2009, c.90 (C.52:27D-489c et al.) shall not be limited to only
10 redevelopment projects located in areas determined to be in need of
11 redevelopment pursuant to sections 5 and 6 of P.L.1992, c.79
12 (C.40A:12A-5 and C.40A:12A-6) but shall also include, but not be
13 limited to, any work or undertaking in accordance with the
14 "Redevelopment Area Bond Financing Law," sections 1 through 10
15 of P.L.2001, c.310 (C.40A:12A-64 et seq.) or other applicable law,
16 pursuant to a redevelopment plan adopted by a State entity, or as
17 described in the resolution adopted by a public entity created by
18 State law with the power to adopt a redevelopment plan or
19 otherwise determine the location, type and character of a
20 redevelopment project or part of a redevelopment project on land
21 owned or controlled by it or within its jurisdiction, including but
22 not limited to, the New Jersey Meadowlands Commission
23 established pursuant to P.L.1968, c.404 (C.13:17-1 et seq.), the
24 New Jersey Sports and Exposition Authority established pursuant to
25 P.L.1971 c.137 (C.5:10-1 et seq.) and the Fort Monmouth
26 Economic Revitalization Authority created pursuant to P.L.2010,
27 c.51 (C.52:27I-18 et seq.). A redevelopment project may include
28 the development of zero-emission vehicle fueling and charging
29 infrastructure.

30 "Redevelopment utility" means a self-liquidating fund created by
31 a municipality pursuant to section 12 of P.L.2009, c.90 (C.52:27D-
32 489l) to account for revenues collected and incentive grants paid
33 pursuant to section 11 of P.L.2009, c.90 (C.52:27D-489k), or other
34 revenues dedicated to a redevelopment project.

35 "Revenue increment base" means the amounts of all eligible
36 revenues from sources within the redevelopment project area in the
37 calendar year proceeding the year in which the redevelopment
38 incentive grant agreement is executed, as certified by the State
39 Treasurer for State revenues, and the chief financial officer of the
40 municipality for municipal revenues.

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

43 "SDA municipality" means a municipality in which an SDA
44 district is situated.

45 "Technology startup company" means a for profit business that
46 has been in operation fewer than five years and is developing or
47 possesses a proprietary technology or business method of a high-

1 technology or life science-related product, process, or service which
2 the business intends to move to commercialization.

3 "Tourism destination project" means a redevelopment project
4 that will be among the most visited privately owned or operated
5 tourism or recreation sites in the State, and which is located within
6 the incentive area and has been determined by the authority to be in
7 an area appropriate for development and in need of economic
8 development incentive assistance.

9 "Transit project" means a redevelopment project located within a
10 1/2-mile radius, or one-mile radius for projects located in a Garden
11 State Growth Zone, surrounding the mid-point of a New Jersey
12 Transit Corporation, Port Authority Transit Corporation, or Port
13 Authority Trans-Hudson Corporation rail, bus, or ferry station
14 platform area, including all light rail stations.

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

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

- 21 a. buildings and structures, such as academic buildings,
22 recreation centers, indoor athletic facilities, public works garages,
23 and water and sewer treatment and pumping facilities;
- 24 b. open space with improvements, such as athletic fields and
25 other outdoor athletic facilities, planned commons, and parks; and
- 26 c. transportation facilities, such as bus shelters and parking
27 facilities.

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

36 "Vacant commercial building" means any commercial building
37 or complex of commercial buildings having over 400,000 square
38 feet of office, laboratory, or industrial space that is more than 70
39 percent unoccupied at the time of application to the authority or is
40 negatively impacted by the approval of a "qualified business
41 facility," as defined pursuant to section 2 of P.L.2007, c.346
42 (C.34:1B-208), or any vacant commercial building in a Garden
43 State Growth Zone having over 35,000 square feet of office,
44 laboratory, or industrial space, or over 200,000 square feet of
45 office, laboratory, or industrial space in Atlantic, Burlington,
46 Camden, Cape May, Cumberland, Gloucester, Ocean, or Salem
47 counties available for occupancy for a period of over one year.

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

7 "Zero-emission vehicle" means a vehicle certified as a zero
8 emission vehicle pursuant to the California Air Resources Board
9 zero emission vehicle standards for the applicable model year,
10 including but not limited to, battery electric-powered vehicles and
11 hydrogen fuel cell vehicles.

12 "Zero-emission vehicle fueling and charging infrastructure"
13 means infrastructure to charge or fuel zero-emission vehicles,
14 including but not limited to, public electric vehicle charging
15 stations and public hydrogen fueling stations.

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

17

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

20 4. a. The governing body of a municipality wherein is located
21 a qualifying economic redevelopment and growth grant incentive
22 area may adopt an ordinance to establish a local Economic
23 Redevelopment and Growth Grant program for the purpose of
24 encouraging redevelopment projects in that area through the
25 provision of incentive grants to reimburse developers for all or a
26 portion of the project financing gap for such projects. No local
27 Economic Redevelopment and Growth Grant program shall take
28 effect until the Local Finance Board approves the ordinance.

29 b. A developer shall submit an application for a local incentive
30 grant prior to July 1, 2019. A developer that submits an application
31 for a local incentive grant shall indicate on the application whether
32 it is also applying for a State incentive grant. An application by a
33 developer applying for a local incentive grant only shall not require
34 approval by the authority. A municipal redeveloper may only apply
35 for local incentive grants for the construction of: (1) infrastructure
36 improvements in the public right-of-way, **[or]** (2) publicly owned
37 facilities, or (3) public electric vehicle charging stations.

38 c. No local incentive grant shall be finally approved by a
39 municipality until approved by the Local Finance Board. The Local
40 Finance Board shall not approve a local incentive grant unless the
41 application was submitted prior to July 1, 2019.

42 d. In deciding whether or not to approve a local incentive grant
43 agreement the Local Finance Board shall consider the following
44 factors:

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

46 (2) the extent of economic and related social distress in the
47 municipality and the area to be affected by the redevelopment
48 project;

- 1 (3) the degree to which the redevelopment project will advance
2 State, regional, and local development and planning strategies;
- 3 (4) the likelihood that the redevelopment project shall, upon
4 completion, be capable of generating new tax revenue in an amount
5 in excess of the amount necessary to reimburse the developer for
6 project costs incurred as provided in the redevelopment incentive
7 grant agreement;
- 8 (5) the relationship of the redevelopment project to a
9 comprehensive local development strategy, including other major
10 projects undertaken within the municipality;
- 11 (6) the need for the redevelopment incentive grant agreement to
12 the viability of the redevelopment project;
- 13 (7) compliance with the provisions of P.L.2009, c.90
14 (C.52:27D-489a et al.); and
- 15 (8) the degree to which the redevelopment project enhances and
16 promotes job creation and economic development.
- 17 e. A developer shall not be required to purchase pinelands
18 development credits under the "Pinelands Protection Act,"
19 P.L.1979, c.111 (C.13:18A-1 et seq.), the pinelands comprehensive
20 management plan, or any other rule or regulation adopted pursuant
21 to that act in connection with any approval or relief obtained related
22 to a redevelopment project located in an aviation district on or after
23 the effective date of P.L.2018, c.120, except if seeking to develop in
24 permanently protected open space pursuant to the Pinelands
25 Protection Act. The provisions of this subsection shall not apply to
26 a developer of a qualified residential project.
27 (cf: P.L.2018, c.120, s.5)
28
- 29 8. Section 11 of P.L.2010, c.10 (C.52:27D-489o) is amended to
30 read as follows:
- 31 11. a. The governing body of a municipality may, by
32 ordinance, agree that certain eligible revenues in a project area may
33 be paid for a period, not to exceed 20 years, to a municipal
34 redeveloper to undertake and fund up to 100 percent of the
35 construction of infrastructure improvements in a public right-of-
36 way **【or】** , publicly owned facilities, or public electric vehicle
37 charging stations.
- 38 b. An ordinance adopted pursuant to subsection a. of this
39 section shall set forth in detail the proposed construction, the
40 proposed redevelopment project, the estimated project costs, and
41 the projected eligible incremental revenues to be paid. No
42 ordinance shall be finally approved by the municipality unless
43 approved by the Local Finance Board. In deciding whether or not
44 to approve such ordinance, the Local Finance Board shall determine
45 whether the proposed redevelopment project consists of public
46 electric vehicle charging stations, publicly owned facilities, or
47 infrastructure improvements in the public right-of-way. It also shall
48 consider the factors listed at paragraphs (1) through (8) of

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