

P.L. 2021, CHAPTER 144, *approved July 1, 2021*  
Senate, No. 3990 (*Second Reprint*)

1 **AN ACT** <sup>2</sup>**[establishing a child care revitalization fund]** concerning  
2 licensed and registered child care providers<sup>2</sup>, appropriating  
3 \$100,000,000, and supplementing Title <sup>2</sup>**[30]** 52<sup>2</sup> of the New  
4 Jersey Statutes.

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

8  
9 <sup>1</sup>**[1.** The Legislature finds and declares that:

10 a. Working mothers in New Jersey and across the nation have  
11 been disparately affected by child care and school closures during  
12 the coronavirus 2019 (COVID-19) pandemic.

13 b. According to the United States Census Bureau, 1.6 million  
14 fewer women with school-aged children were actively working in  
15 January 2021, when compared with January 2020.

16 c. A Kaiser family Foundation survey conducted in late 2020  
17 found that 30 percent of working mothers interviewed had taken  
18 time off from work due to child care or school closures.

19 d. Without access to affordable, high-quality child care, New  
20 Jersey's working mothers will continue to face the difficult choice  
21 between caring for their young children and their careers.

22 e. Fully-operating schools and licensed child care providers are  
23 critical to the New Jersey's reopening plan, as well as the State's  
24 economic recovery from the COVID-19 pandemic.

25 f. Too many licensed child care providers have been unable to  
26 re-open following pandemic-related closures, due to high operating  
27 costs and reduced capacity required to slow the spread of COVID-  
28 19.

29 g. It is in the public interest for the Legislature to create a fund  
30 to address the critical child care and economic issues faced by the  
31 State's working families and licensed child care providers.<sup>1</sup>

32  
33 <sup>1</sup>**[2.** a. There is created within the Department of Children and  
34 Families a dedicated, non-lapsing fund to be known as the Child  
35 Care Revitalization Fund for the purpose of supporting child care  
36 providers, licensed pursuant to P.L.1983, c.492 (C.30:5B-1 et seq.),  
37 who were severely impacted by high operating costs and reduced  
38 capacity required to mitigate the health impact of the coronavirus  
39 2019 (COVID-19) pandemic.

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Senate SBA committee amendments adopted June 21, 2021.

<sup>2</sup>Assembly floor amendments adopted June 24, 2021.

1       b. The Commissioner of the Department of Children and  
2 Families, in consultation with the Commissioner of Human Services  
3 and the Chief Executive of the Economic Development Authority,  
4 shall establish processes by which licensed child care providers may  
5 submit, through an online portal, applications for assistance through  
6 the fund, and by which the allocation of resources from the fund  
7 may be prioritized.

8       c. Authorized allocations from the fund are to be disbursed to  
9 licensed child care providers within 21 days of the department's  
10 receipt of a qualifying application, as submitted by a provider  
11 through the online portal established pursuant to this act, prior to  
12 September 1, 2021.

13       d. The commissioner, pursuant to the "Administrative  
14 Procedure Act" P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt  
15 such rules and regulations as necessary to implement the provisions  
16 of this act. **1**<sup>1</sup>

17  
18       <sup>1</sup>**3.** There is appropriated \$100,000,000 from the General Fund  
19 to the Department of Children and Families to effectuate the  
20 purposes of this act. **1**<sup>1</sup>

21  
22       <sup>1</sup>1. a. There is appropriated to the Division of Disaster  
23 Recovery and Mitigation in the Department of Community Affairs  
24 \$15,500,000 in federal funds allocated to the State from the federal  
25 "Coronavirus State Fiscal Recovery Fund" established pursuant to  
26 the federal "American Rescue Plan Act", Pub.L.117-2, and such  
27 amounts shall be made available to the Department of Children and  
28 Families to create workforce development supports and conduct a  
29 child care landscape study, and of such amounts, not more than 2.5  
30 percent, subject to the division's ultimate review and approval, shall  
31 be utilized by the Department of Children and Families for  
32 organizational, administrative and other work and services,  
33 including salaries, equipment, services, and materials necessary to  
34 administer the activities authorized by this subsection. The  
35 Department of Children and Families shall enter into a  
36 memorandum of understanding or grant agreement, as applicable,  
37 with the division to effectuate the purposes of this subsection, to  
38 establish appropriate administrative costs, and to ensure compliance  
39 with federal rules and guidance, including with respect to the  
40 "American Rescue Plan Act," Pub.L.117-2.

41       b. The division shall be the State's grant manager for federal  
42 "Coronavirus State Fiscal Recovery Funds," and is responsible for  
43 ensuring compliance with all applicable federal rules and  
44 regulations for this act, including, but not limited to, submitting all  
45 required reporting and documentation to the United States  
46 Department of the Treasury in accordance with federal rules,  
47 including with respect to the "American Rescue Plan Act,"

1 Pub.L.117-2. As the State's grant manager for federal "Coronavirus  
2 State Fiscal Recovery Funds," the division shall require funds for  
3 organizational, administrative, and other work and services,  
4 including salaries, services, equipment, and materials necessary to  
5 administer the applicable provisions of this act.

6 c. Notwithstanding the provisions of subsection a. of this  
7 section to the contrary, the division may transfer the uncommitted  
8 balance of any funds made available pursuant to this section for any  
9 use authorized under this act. The division shall submit notice to  
10 the Joint Budget Oversight Committee no less than five calendar  
11 days before the date of the transfer. The notice shall indicate the  
12 amount of the transferred funds and the purpose for which the funds  
13 are transferred.<sup>1</sup>

14  
15 <sup>1</sup>2. a. There is appropriated to the Division of Disaster  
16 Recovery and Mitigation in the Department of Community Affairs  
17 \$54,500,000 in federal funds allocated to the State from the federal  
18 "Coronavirus State Fiscal Recovery Fund" established pursuant to  
19 the federal "American Rescue Plan Act", Pub.L.117-2, and such  
20 amounts shall be made available to the New Jersey Economic  
21 Development Authority for the purpose of providing technical  
22 assistance to licensed child care providers, registered family child  
23 care homes and grants to child care providers for facilities  
24 improvements which grants shall be allocated, on a rolling basis, to  
25 licensed child care providers, registered family child care homes,  
26 and child care providers, and of such amounts, not more than 2.5  
27 percent, subject to the division's ultimate review and approval, shall  
28 be utilized by the New Jersey Economic Development Authority for  
29 organizational, administrative and other work and services,  
30 including salaries, equipment, services, and materials necessary to  
31 administer the activities authorized by this subsection. The New  
32 Jersey Economic Development Authority shall enter into a  
33 memorandum of understanding or grant agreement, as applicable,  
34 with the division to effectuate the purposes of this subsection, to  
35 establish appropriate administrative costs, and to ensure compliance  
36 with federal rules and guidance, including with respect to the  
37 "American Rescue Plan Act," Pub.L.117-2.

38 b. The division shall be the State's grant manager for federal  
39 "Coronavirus State Fiscal Recovery Funds," and is responsible for  
40 ensuring compliance with all applicable federal rules and  
41 regulations for this act, including, but not limited to, submitting all  
42 required reporting and documentation to the United States  
43 Department of the Treasury in accordance with federal rules,  
44 including with respect to the "American Rescue Plan Act,"  
45 Pub.L.117-2. As the State's grant manager for federal "Coronavirus  
46 State Fiscal Recovery Funds," the division shall require funds for  
47 organizational, administrative, and other work and services,

1 including salaries, services, equipment, and materials necessary to  
2 administer the applicable provisions of this act.

3 c. Notwithstanding the provisions of subsection a. of this  
4 section to the contrary, the division may transfer the uncommitted  
5 balance of any funds made available pursuant to this section for any  
6 use authorized under this <sup>2</sup>act<sup>2</sup> . The division shall submit notice to  
7 the Joint Budget Oversight Committee no less than five calendar  
8 days before the date of the transfer. The notice shall indicate the  
9 amount of the transferred funds and the purpose for which the funds  
10 are transferred.<sup>1</sup>

11  
12 <sup>1</sup>3. a. There is appropriated to the Division of Disaster  
13 Recovery and Mitigation in the Department of Community Affairs  
14 \$30,000,000 in federal funds allocated to the State from the federal  
15 “Coronavirus State Fiscal Recovery Fund” established pursuant to  
16 the federal “American Rescue Plan Act”, Pub.L.117-2, and such  
17 amounts shall be made available to the Department of Human  
18 Services for the purpose of providing grants to the licensed child  
19 care providers<sup>2</sup>, registered family day care providers,<sup>2</sup> or employees  
20 of licensed child care providers <sup>2</sup>or registered family day care  
21 providers<sup>2</sup> , which grants shall be allocated, on a rolling basis, to  
22 licensed child care providers<sup>2</sup>, registered family day care  
23 providers,<sup>2</sup> or employees of licensed child care providers <sup>2</sup>or  
24 registered family day care providers<sup>2</sup> within 45 days of the  
25 department’s receipt of a complete qualifying application, and of  
26 such amounts, not more than 2.5 percent, subject to the division’s  
27 ultimate review and approval, shall be utilized by the Department of  
28 Human Services for organizational, administrative and other work  
29 and services, including salaries, equipment, services, and materials  
30 necessary to administer the activities authorized by this subsection.  
31 The Department of Human Services shall enter into a memorandum  
32 of understanding or grant agreement, as applicable, with the  
33 division to effectuate the purposes of this act subsection, to  
34 establish appropriate administrative costs, and to ensure compliance  
35 with federal rules and guidance, including with respect to the  
36 “American Rescue Plan Act,” Pub.L.117-2.

37 b. The division shall be the State’s grant manager for federal  
38 “Coronavirus State Fiscal Recovery Funds,” and is responsible for  
39 ensuring compliance with all applicable federal rules and  
40 regulations for this section, including, but not limited to, submitting  
41 all required reporting and documentation to the United States  
42 Department of the Treasury in accordance with federal rules,  
43 including with respect to the “American Rescue Plan Act,”  
44 Pub.L.117-2. As the State’s grant manager for federal “Coronavirus  
45 State Fiscal Recovery Funds,” the division shall require funds for  
46 organizational, administrative, and other work and services,

1 including salaries, services, equipment, and materials necessary to  
2 administer the applicable provisions of this act.

3 c. Notwithstanding the provisions of subsection a. of this  
4 section to the contrary, the division may transfer the uncommitted  
5 balance of any funds made available pursuant to this section for any  
6 use authorized under this act. The division shall submit notice to  
7 the Joint Budget Oversight Committee no less than five calendar  
8 days before the date of the transfer. The notice shall indicate the  
9 amount of the transferred funds and the purpose for which the funds  
10 are transferred.<sup>1</sup>

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12 4. This act shall take effect immediately.

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17 Appropriates \$100,000,000 to DCA for purpose of studying and  
18 providing grants and technical assistance to licensed and registered  
19 child care providers to support workforce development and other  
20 improvements.