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PARRY, WAYNE. "Murphy signs clean energy bills for electric cars and solar." Associated Press State Wire: New Jersey (NJ), July 9, 2021.

RH/CL

P.L. 2021, CHAPTER 168, *approved July 9, 2021*
Assembly, No. 1653 (*First Reprint*)

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.

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:

¹Assembly floor amendments adopted February 24, 2020.

1 "Housing authority" means a housing authority created or
2 continued pursuant to this act.

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

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

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

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

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

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

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

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

44 "Publicly available parking space" means a parking space that is
45 available to, and accessible by, the public and may include on-street
46 parking spaces and parking spaces in surface lots or parking
47 garages, but shall not include: a parking space that is part of, or
48 associated with, a private residence; or a parking space that is

1 reserved for the exclusive use of an individual driver or vehicle or
2 for a group of drivers or vehicles, such as employees, tenants,
3 visitors, residents of a common interest development, or residents
4 of an adjacent building.

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

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

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

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

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

46 "Redevelopment entity" means a municipality or an entity
47 authorized by the governing body of a municipality pursuant to
48 subsection c. of section 4 of P.L.1992, c.79 (C.40A:12A-4) to

1 implement redevelopment plans and carry out redevelopment
2 projects in an area in need of redevelopment, or in an area in need
3 of rehabilitation, or in both.

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

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

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

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

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

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

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

42

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

45 7. a. No redevelopment project shall be undertaken or carried
46 out except in accordance with a redevelopment plan adopted by
47 ordinance of the municipal governing body, upon its finding that the
48 specifically delineated project area is located in an area in need of

1 redevelopment or in an area in need of rehabilitation, or in both,
2 according to criteria set forth in section 5 or section 14 of P.L.1992,
3 c.79 (C.40A:12A-5 or 40A:12A-14), as appropriate.

4 The redevelopment plan shall include an outline for the planning,
5 development, redevelopment, or rehabilitation of the project area
6 sufficient to indicate:

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

11 (2) Proposed land uses and building requirements in the project
12 area.

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

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

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

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

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

1 provided within or in close proximity to the redevelopment area. A
2 municipality shall report annually to the Department of Community
3 Affairs on its progress in implementing the plan for provision of
4 comparable, affordable replacement housing required pursuant to
5 this section.

6 (8) Proposed locations for public electric vehicle charging
7 infrastructure within the project area in a manner that appropriately
8 connects with an essential public charging network.

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

13 (2) A redevelopment plan may identify appropriate locations for
14 the development of zero-emission vehicle fueling and charging
15 infrastructure.

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

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

39 e. Prior to the adoption of a redevelopment plan, or revision or
40 amendment thereto, the planning board shall transmit to the
41 governing body, within 45 days after referral, a report containing its
42 recommendation concerning the redevelopment plan. This report
43 shall include an identification of any provisions in the proposed
44 redevelopment plan which are inconsistent with the master plan and
45 recommendations concerning these inconsistencies and any other
46 matters as the board deems appropriate. The governing body, when
47 considering the adoption of a redevelopment plan or revision or
48 amendment thereof, shall review the report of the planning board

1 and may approve or disapprove or change any recommendation by a
2 vote of a majority of its full authorized membership and shall
3 record in its minutes the reasons for not following the
4 recommendations. Failure of the planning board to transmit its
5 report within the required 45 days shall relieve the governing body
6 from the requirements of this subsection with regard to the pertinent
7 proposed redevelopment plan or revision or amendment thereof.
8 Nothing in this subsection shall diminish the applicability of the
9 provisions of subsection d. of this section with respect to any
10 redevelopment plan or revision or amendment thereof.

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

25 (cf: P.L.2019, c.267, s.3)]¹

26

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

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

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

39 (1) Its relationship to definite local objectives as to appropriate
40 land uses, density of population, and improved traffic and public
41 transportation, public utilities, recreational and community facilities
42 and other public improvements.

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

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

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

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

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

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

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

39 (8) Proposed locations for **【public electric vehicle】** zero-
40 emission vehicle fueling and charging infrastructure within the
41 project area in a manner that appropriately connects with an
42 essential public charging network.

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

47 c. The redevelopment plan shall describe its relationship to
48 pertinent municipal development regulations as defined in the

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

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

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

42 f. The governing body of a municipality may direct the
43 planning board to prepare a redevelopment plan or an amendment
44 or revision to a redevelopment plan for a designated redevelopment
45 area. After completing the redevelopment plan, the planning board
46 shall transmit the proposed plan to the governing body for its
47 adoption. The governing body, when considering the proposed
48 plan, may amend or revise any portion of the proposed

1 redevelopment plan by an affirmative vote of the majority of its full
2 authorized membership and shall record in its minutes the reasons
3 for each amendment or revision. When a redevelopment plan or
4 amendment to a redevelopment plan is referred to the governing
5 body by the planning board under this subsection, the governing
6 body shall be relieved of the referral requirements of subsection e.
7 of this section.¹

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

9

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

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

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

24 "Board" means the Local Finance Board established in the
25 Division of Local Government Services in the Department of
26 Community Affairs.

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

36 "Electric vehicle charging station" means an electric component
37 assembly or cluster of component assemblies designed specifically
38 to charge batteries within electric vehicles by permitting the transfer
39 of electric energy to a battery or other storage device in an electric
40 vehicle.

41 "Environmental remediation" means the investigation, analysis,
42 planning, monitoring, acquisition, removal, containment,
43 remediation, construction, or improvement of any real property or
44 facility necessary or desirable for the cleanup of actual, potential, or
45 perceived environmental contamination or pollution, including
46 without limitation, water pollution, air pollution, pollution caused
47 by solid waste disposal, thermal pollution, radiation contamination,
48 or other general environmental contamination or pollution which is

1 or may become injurious to the environment or to the public health,
2 safety, or welfare.

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

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

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

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

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

34 "Redeveloper" means any person, firm, corporation, or public
35 body, including the New Jersey Economic Development Authority
36 or the New Jersey Redevelopment Authority to the extent permitted
37 by law, that shall enter into or propose to enter into a contract with
38 a municipality or other redevelopment entity for the redevelopment
39 or rehabilitation of an area in need of redevelopment, or an area in
40 need of rehabilitation, or any part thereof, under the provisions of
41 the "Redevelopment Area Bond Financing Law," sections 1 through
42 10 of P.L.2001, c.310 (C.40A:12A-64 et seq.), or for any
43 construction or other work forming part of a redevelopment or
44 rehabilitation project.

45 "Redevelopment" means clearance, replanning, development,
46 and redevelopment; the conservation and rehabilitation of any
47 structure or improvement, the construction and provision for
48 construction of residential, commercial, industrial, public, or other

1 structures, the grant or dedication of spaces as may be appropriate
2 or necessary in the interest of the general welfare for streets, parks,
3 playgrounds, or other public purposes, including recreational and
4 other facilities incidental or appurtenant thereto, environmental
5 remediation, the construction, enhancement, or mitigation of
6 wetlands impacted by a redevelopment project, and any other
7 related costs and expenses including preliminary planning and
8 development costs and any financing costs and expenses in
9 accordance with a redevelopment plan.

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

17 "Redevelopment area" means an area which has been delineated
18 a "redevelopment area" or "area in need of redevelopment" pursuant
19 to the "Local Redevelopment and Housing Law," P.L.1992, c.79
20 (C.40A:12A-1 et seq.) or with respect to a State entity, an area in
21 need of, or suitable for, redevelopment delineated by a resolution of
22 a State entity or a State entity redevelopment agreement, in either
23 case, in accordance with the provisions of the enabling statute
24 governing that State entity.

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

31 "Redevelopment project" means any work or undertaking
32 pursuant to a redevelopment plan; such undertaking may include
33 any buildings, land, including demolition, clearance, or removal of
34 buildings from land, equipment, facilities, or other real or personal
35 properties which are necessary, convenient, or desirable
36 appurtenances, such as but not limited to streets, sewers, utilities,
37 parks, site preparation, landscaping, and administrative, community,
38 health, recreational, educational, and welfare facilities and any
39 other related costs and expenses including preliminary planning and
40 development costs and any financing costs and expenses, and zero-
41 emission vehicle fueling and charging infrastructure.

42 "Special assessment" means an assessment upon the lands or
43 improvements on such lands, or both, in the redevelopment area
44 benefitted by improvements undertaken pursuant to the
45 "Redevelopment Area Bond Financing Law," sections 1 through 10
46 of P.L.2001, c.310 (C.40A:12A-64 et seq.), or the "Local
47 Redevelopment and Housing Law," P.L.1992, c.79 (C.40A:12A-1 et
48 seq.), and assessed pursuant to chapter 56 of Title 40 of the Revised

1 Statutes, R.S. 40:56-1 et seq., except as otherwise provided in
2 subsection c. of section 3 of P.L.2001, c.310 (C.40A:12A-66).

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

9 "State entity redeveloper" means any person, firm, or corporation
10 that shall enter into or propose to enter into a State entity
11 redevelopment agreement with a State entity for the redevelopment
12 or rehabilitation of a redevelopment area under the enabling
13 legislation governing the actions of the State entity or for any
14 construction or other work forming a part of a redevelopment
15 project.

16 "State entity redevelopment agreement" means an agreement
17 between a State entity and a State entity redeveloper for any work
18 or undertaking in a redevelopment area.

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

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

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

29

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

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

33 a. "Gross revenue" means annual gross revenue or gross shelter
34 rent or annual gross rents, as appropriate, and other income, for
35 each urban renewal entity designated pursuant to P.L.1991, c.431
36 (C.40A:20-1 et seq.). The financial agreement shall establish the
37 method of computing gross revenue for the entity, and the method
38 of determining insurance, operating and maintenance expenses paid
39 by a tenant which are ordinarily paid by a landlord, which shall be
40 included in the gross revenue; provided, however, that any federal
41 funds received, whether directly or in the form of rental subsidies
42 paid to tenants, by a nonprofit corporation that is the sponsor of a
43 qualified subsidized housing project, shall not be included in the
44 gross revenue of the project for purposes of computing the annual
45 services charge for municipal services supplied to the project; and
46 provided further that any gain realized by the urban renewal entity
47 on the sale of any unit in fee simple, whether or not taxable under

1 federal or State law, shall not be included in computing gross
2 revenue.

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

17 "Allowable profit rate" means the greater of 12% or the
18 percentage per annum arrived at by adding 1 1/4% to the annual
19 interest percentage rate payable on the entity's initial permanent
20 mortgage financing. If the initial permanent mortgage is insured or
21 guaranteed by a governmental agency, the mortgage insurance
22 premium or similar charge, if payable on a per annum basis, shall
23 be considered as interest for this purpose. If there is no permanent
24 mortgage financing the allowable profit rate shall be the greater of
25 12% or the percentage per annum arrived at by adding 1 1/4% per
26 annum to the interest rate per annum which the municipality
27 determines to be the prevailing rate on mortgage financing on
28 comparable improvements in the county.

29 c. "Net profit" means the gross revenues of the urban renewal
30 entity less all operating and non-operating expenses of the entity, all
31 determined in accordance with generally accepted accounting
32 principles, but:

33 (1) there shall be included in expenses: (a) all annual service
34 charges paid pursuant to section 12 of P.L.1991, c.431 (C.40A:20-
35 12); (b) all payments to the municipality of excess profits pursuant
36 to section 15 or 16 of P.L.1991, c.431 (C.40A:20-15 or 40A:20-16);
37 (c) an annual amount sufficient to amortize the total project cost
38 and all capital costs determined in accordance with generally
39 accepted accounting principles, of any other entity whose revenue is
40 included in the computation of excess profits, over the term of the
41 abatement as set forth in the financial agreement; (d) all reasonable
42 annual operating expenses of the urban renewal entity and any other
43 entity whose revenue is included in the computation of excess
44 profits, including the cost of all management fees, brokerage
45 commissions, insurance premiums, all taxes or service charges paid,
46 legal, accounting, or other professional service fees, utilities,
47 building maintenance costs, building and office supplies, and
48 payments into repair or maintenance reserve accounts; (e) all

1 payments of rent including, but not limited to, ground rent by the
2 urban renewal entity; (f) all debt service;

3 (2) there shall not be included in expenses either depreciation or
4 obsolescence, interest on debt, except interest which is part of debt
5 service, income taxes, or salaries, bonuses or other compensation
6 paid, directly or indirectly to directors, officers and stockholders of
7 the entity, or officers, partners or other persons holding any
8 proprietary ownership interest in the entity.

9 The urban renewal entity shall provide to the municipality an
10 annual audited statement which clearly identifies the calculation of
11 net profit for the urban renewal entity during the previous year.
12 The annual audited statement shall be prepared by a certified public
13 accountant and shall be submitted to the municipality within 90
14 days of the close of the fiscal year.

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

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

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

36 g. "Urban renewal entity" means a limited-dividend entity, the
37 New Jersey Economic Development Authority or a nonprofit entity
38 which enters into a financial agreement pursuant to P.L.1991,
39 c.431 (C.40A:20-1 et seq.) with a municipality to undertake a
40 project pursuant to a redevelopment plan for the redevelopment of
41 all or any part of a redevelopment area, or a project necessary,
42 useful, or convenient for the relocation of residents displaced or to
43 be displaced by the redevelopment of all or any part of one or more
44 redevelopment areas, or a low and moderate income housing
45 project.

46 h. "Total project unit cost" or "total project cost" means the
47 aggregate of the following items as related to a unit of a project, if
48 the project is undertaken in units, or to the total project, if the

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

20

21	\$500,000 or less -	10%
22		
23	\$500,000 through \$1,000,000 -	\$50,000 plus 8% on
24	excess above \$500,000	
25		
26	\$1,000,001 through \$2,000,000 -	\$90,000 plus 7% on
27	excess above \$1,000,000	
28		
29	\$2,000,001 through \$3,500,000 -	\$160,000 plus 5.6667%
30	on excess above \$2,000,000	
31		
32	\$3,500,001 through \$5,500,000 -	\$245,000 plus 4.25% on
33	excess above \$3,500,000	
34		
35	\$5,500,001 through \$10,000,000 -	\$330,000 plus 3.7778%
36	on excess above \$5,500,000	
37		
38	over \$10,000,000 -	5%

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

45 If the financial agreement so provides, there shall be excluded
 46 from the total project cost: (1) actual costs incurred by the entity
 47 and certified to the municipality by an independent and qualified
 48 architect or engineer which are associated with site remediation and

1 cleanup of environmentally hazardous materials or contaminants in
2 accordance with State or federal law; and (2) any extraordinary
3 costs incurred by the entity and certified to the chief financial
4 officer of the municipality by an independent certified public
5 accountant in order to alleviate blight conditions within the area in
6 need of redevelopment including, but not limited to, the cost of
7 demolishing structures considered by the entity to be an impediment
8 to the proposed redevelopment of the property, costs associated
9 with the relocation or removal of public utility facilities as defined
10 pursuant to section 10 of P.L.1992, c.79 (C.40A:12A-10)
11 considered necessary in order to implement the redevelopment plan,
12 costs associated with the relocation of residents or businesses
13 displaced or to be displaced by the proposed redevelopment, and the
14 clearing of title to properties within the area in need of
15 redevelopment in order to facilitate redevelopment.

16 i. "Housing project" means any work or undertaking to provide
17 decent, safe, and sanitary dwellings for families in need of housing;
18 the undertaking may include any buildings, land (including
19 demolition, clearance or removal of buildings from land),
20 equipment, facilities, or other real or personal properties or interests
21 therein which are necessary, convenient or desirable appurtenances
22 of the undertaking, such as, but not limited to, streets, sewers,
23 water, utilities, parks; site preparation; landscaping, and
24 administrative, community, health, recreational, educational,
25 welfare, commercial, or other facilities, or to provide any part or
26 combination of the foregoing.

27 j. "Redevelopment relocation housing project" means a
28 housing project which is necessary, useful or convenient for the
29 relocation of residents displaced by redevelopment of all or any part
30 of one or more redevelopment areas.

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

35 l. "Qualified subsidized housing project" means a low and
36 moderate income housing project owned by a nonprofit corporation
37 organized under the provisions of Title 15A of the New Jersey
38 Statutes for the purpose of developing, constructing and operating
39 rental housing for senior citizens under section 202 of Pub.L. 86-
40 372 (12 U.S.C. s.1701q) or rental housing for persons with
41 disabilities under section 811 of Pub.L. 101-625 (42 U.S.C. s.8013),
42 or under any other federal program that the Commissioner of
43 Community Affairs by rule may determine to be of a similar nature
44 and purpose.

45 m. "Debt service" means the amount required to make annual
46 payments of principal and interest or the equivalent thereof on any
47 construction mortgage, permanent mortgage or other financing
48 including returns on institutional equity financing and market rate

1 related party debt for a project for a period equal to the term of the
2 tax exemption granted by a financial agreement.

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

8 o. "Zero-emission vehicle fueling and charging infrastructure"
9 means infrastructure to charge or fuel zero-emission vehicles,
10 including but not limited to, public electric vehicle charging stations
11 and public hydrogen fueling stations.
12 (cf: P.L.2003, c.125, s.7)

13

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

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

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

20 "Board" means the Local Finance Board established in the
21 Division of Local Government Services in the Department of
22 Community Affairs.

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

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

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

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

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

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

47 "Plan" means the final revenue allocation plan developed by a
48 district agent pursuant to section 22 of P.L.2001, c.310 (C.52:27D-

1 470) and containing, among other elements, the proposed projects,
2 estimated cost of the projects, sources of revenue, and the terms of
3 any obligations, undertakings or commitments to be incurred by the
4 district agent.

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

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

40 "Project cost" means the cost of the plan or project in all or any
41 part of the district and of all and any property, rights, easements,
42 privileges, agreements and franchises deemed by the district agent
43 to be necessary or useful and convenient therefor or in connection
44 therewith, including interest or discount on bonds; cost of issuance
45 of bonds; engineering and inspection costs; legal expenses; costs of
46 financial and other professional estimates and advice; organization,
47 administrative, operating and other expenses of the district agent
48 prior to and during the planning and implementation of a

1 development, plan or project, including such provision as the
2 district agent may determine for the payment, or security for
3 payment, of principal of or interest on bonds during or after the
4 implementation of any development, plan or project.

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

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

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

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

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

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

25 "Taxing entity" means the county, the school district or districts,
26 and the municipality authorized to levy a tax on the taxable
27 property within a municipality.

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

29

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

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

34 "Applicant" means a developer proposing to enter into a
35 redevelopment incentive grant agreement.

36 "Ancillary infrastructure project" means structures or
37 improvements that are located within the incentive area but outside
38 the project area of a redevelopment project, including, but not
39 limited to, docks, bulkheads, parking garages, public electric
40 vehicle charging stations, freight rail spurs, roadway overpasses,
41 and train station platforms, provided a developer or municipal
42 redeveloper has demonstrated that the redevelopment project would
43 not be economically viable or promote the use of public
44 transportation without such improvements, as approved by the State
45 Treasurer.

46 "Authority" means the New Jersey Economic Development
47 Authority established under section 4 of P.L.1974, c.80 (C.34:1B-
48 4).

1 "Aviation district" means all areas within the boundaries of the
2 "Atlantic City International Airport," established pursuant to section
3 24 of P.L.1991, c.252 (C.27:25A-24), and the Federal Aviation
4 Administration William J. Hughes Technical Center and the area
5 within a one-mile radius of the outermost boundary of the "Atlantic
6 City International Airport" and the Federal Aviation Administration
7 William J. Hughes Technical Center.

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

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

21 "Director" means the Director of the Division of Taxation in the
22 Department of the Treasury.

23 "Disaster recovery project" means a redevelopment project
24 located on property that has been wholly or substantially damaged
25 or destroyed as a result of a federally-declared disaster, and which
26 is located within the incentive area and has been determined by the
27 authority to be in an area appropriate for development and in need
28 of economic development incentive assistance.

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

38 "Electric vehicle charging station" means an electric component
39 assembly or cluster of component assemblies designed specifically
40 to charge batteries within electric vehicles by permitting the transfer
41 of electric energy to a battery or other storage device in an electric
42 vehicle.

43 "Eligibility period" means the period of time specified in a
44 redevelopment incentive grant agreement for the payment of
45 reimbursements to a developer, which period shall not exceed 20
46 years, with the term to be determined solely at the discretion of the
47 applicant.

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

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

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

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

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

38 "Low-income housing" means housing affordable according to
39 federal Department of Housing and Urban Development or other
40 recognized standards for home ownership and rental costs and
41 occupied or reserved for occupancy by households with a gross
42 household income equal to 50 percent or less of the median gross
43 household income for households of the same size within the
44 housing region in which the housing is located.

45 "Major rail station" means a railroad station located within a
46 qualified incentive area which provides access to the public to a
47 minimum of six rail passenger service lines operated by the New
48 Jersey Transit Corporation.

- 1 "Mixed use parking project" means a redevelopment project, the
2 parking component of which shall constitute 51 percent or more of
3 any of the following:
- 4 a. the total square footage of the entire mixed use parking
5 project;
 - 6 b. the estimated revenues of the entire mixed use parking
7 project; or
 - 8 c. the total construction cost of the entire mixed use parking
9 project.
- 10 "Moderate-income housing" means housing affordable,
11 according to United States Department of Housing and Urban
12 Development or other recognized standards for home ownership
13 and rental costs, and occupied or reserved for occupancy by
14 households with a gross household income equal to more than 50
15 percent but less than 80 percent of the median gross household
16 income for households of the same size within the housing region in
17 which the housing is located.
- 18 "Municipal redeveloper" means an applicant for a redevelopment
19 incentive grant agreement, which applicant is:
- 20 a. a municipal government, a municipal parking authority, or a
21 redevelopment agency acting on behalf of a municipal government
22 as defined in section 3 of P.L.1992, c.79 (C.40A:12A-3); or
 - 23 b. a developer of a mixed use parking project, provided that the
24 parking component of the mixed use parking project is operated and
25 maintained by a municipal parking authority for the term of any
26 financial assistance granted pursuant to P.L.2015, c.69.
- 27 "Municipal Revitalization Index" means the 2007 index by the
28 Office for Planning Advocacy within the Department of State
29 measuring or ranking municipal distress.
- 30 "Non-parking component" means that portion of a mixed use
31 parking project not used for parking, together with the portion of
32 the costs of the mixed use parking project, including but not limited
33 to the footings, foundations, site work, infrastructure, and soft costs
34 that are allocable to the non-parking use.
- 35 "Parking component" means that portion of a mixed use parking
36 project used for parking, together with the portion of the costs of
37 the mixed use parking project, including but not limited to the
38 footings, foundations, site work, infrastructure, and soft costs that
39 are allocable to the parking use. The parking component, which
40 may include enclosed pedestrian walkways or a skybridge, may be
41 in the same structure as all the non-parking components or may be
42 in a structure with some non-parking components with the
43 remaining non-parking components in an adjacent or nearby
44 structure that is no more than one third of a mile from the parking
45 components.
- 46 "Project area" means land or lands located within the incentive
47 area under common ownership or control including through a
48 redevelopment agreement with a municipality, or as otherwise

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

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

25 "Project financing gap" means:

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

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

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

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

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

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

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

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

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

11 "Public hydrogen fueling station" means publicly available
12 equipment to store and dispense hydrogen fuel to vehicles
13 according to industry codes and standards.

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

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

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

43 "Qualifying economic redevelopment and growth grant incentive
44 area" or "incentive area" means:

- 45 a. an aviation district;
- 46 b. a port district;
- 47 c. a distressed municipality; or

- 1 d. an area (1) designated pursuant to the "State Planning Act,"
2 P.L.1985, c.398 (C.52:18A-196 et seq.), as:
- 3 (a) Planning Area 1 (Metropolitan);
 - 4 (b) Planning Area 2 (Suburban); or
 - 5 (c) Planning Area 3 (Fringe Planning Area);
- 6 (2) located within a smart growth area and planning area
7 designated in a master plan adopted by the New Jersey
8 Meadowlands Commission pursuant to subsection (i) of section 6 of
9 P.L.1968, c.404 (C.13:17-6) or subject to a redevelopment plan
10 adopted by the New Jersey Meadowlands Commission pursuant to
11 section 20 of P.L.1968, c.404 (C.13:17-21);
- 12 (3) located within any land owned by the New Jersey Sports and
13 Exposition Authority, established pursuant to P.L.1971, c.137
14 (C.5:10-1 et seq.), within the boundaries of the Hackensack
15 Meadowlands District as delineated in section 4 of P.L.1968, c.404
16 (C.13:17-4);
- 17 (4) located within a regional growth area, rural development
18 area zoned for industrial use as of the effective date of P.L.2016,
19 c.75, town, village, or a military and federal installation area
20 designated in the comprehensive management plan prepared and
21 adopted by the Pinelands Commission pursuant to the "Pinelands
22 Protection Act," P.L.1979, c.111 (C.13:18A-1 et seq.);
- 23 (5) located within the planning area of the Highlands Region as
24 defined in section 3 of P.L.2004, c.120 (C.13:20-3) or in a
25 highlands development credit receiving area or redevelopment area;
- 26 (6) located within a Garden State Growth Zone;
- 27 (7) located within land approved for closure under any federal
28 Base Closure and Realignment Commission action; or
- 29 (8) located only within the following portions of the areas
30 designated pursuant to the "State Planning Act," P.L.1985, c.398
31 (C.52:18A-196 et al.), as Planning Area 4A (Rural Planning Area),
32 Planning Area 4B (Rural/Environmentally Sensitive) or Planning
33 Area 5 (Environmentally Sensitive) if Planning Area 4A (Rural
34 Planning Area), Planning Area 4B (Rural/Environmentally
35 Sensitive) or Planning Area 5 (Environmentally Sensitive) is
36 located within:
- 37 (a) a designated center under the State Development and
38 Redevelopment Plan;
 - 39 (b) a designated growth center in an endorsed plan until the
40 State Planning Commission revises and readopts New Jersey's State
41 Strategic Plan and adopts regulations to revise this definition as it
42 pertains to Statewide planning areas;
 - 43 (c) any area determined to be in need of redevelopment pursuant
44 to sections 5 and 6 of P.L.1992, c.79 (C.40A:12A-5 and
45 C.40A:12A-6) or in need of rehabilitation pursuant to section 14 of
46 P.L.1992, c.79 (C.40A:12A-14);
 - 47 (d) any area on which a structure exists or previously existed
48 including any desired expansion of the footprint of the existing or

1 previously existing structure provided the expansion otherwise
2 complies with all applicable federal, State, county, and local
3 permits and approvals;

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

7 (f) any area on which an existing tourism destination project is
8 located.

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

14 "Redevelopment incentive grant agreement" means an agreement
15 between:

16 a. the State and the New Jersey Economic Development
17 Authority and a developer; or

18 b. a municipality and a developer, or a municipal ordinance
19 authorizing a project to be undertaken by a municipal redeveloper,
20 under which, in exchange for the proceeds of an incentive grant, the
21 developer agrees to perform any work or undertaking necessary for
22 a redevelopment project, including the clearance, development or
23 redevelopment, construction, or rehabilitation of any structure or
24 improvement of commercial, industrial, residential, or public
25 structures or improvements within a qualifying economic
26 redevelopment and growth grant incentive area or a transit village.

27 "Redevelopment project" means a specific construction project
28 or improvement, including lands, buildings, improvements, real and
29 personal property or any interest therein, including lands under
30 water, riparian rights, space rights and air rights, acquired, owned,
31 leased, developed or redeveloped, constructed, reconstructed,
32 rehabilitated or improved, undertaken by a developer, owner or
33 tenant, or both, within a project area and any ancillary infrastructure
34 project including infrastructure improvements in the public right-of-
35 way, as set forth in an application to be made to the authority. The
36 use of the term "redevelopment project" in sections 3 through 18 of
37 P.L.2009, c.90 (C.52:27D-489c et al.) shall not be limited to only
38 redevelopment projects located in areas determined to be in need of
39 redevelopment pursuant to sections 5 and 6 of P.L.1992, c.79
40 (C.40A:12A-5 and C.40A:12A-6) but shall also include, but not be
41 limited to, any work or undertaking in accordance with the
42 "Redevelopment Area Bond Financing Law," sections 1 through 10
43 of P.L.2001, c.310 (C.40A:12A-64 et seq.) or other applicable law,
44 pursuant to a redevelopment plan adopted by a State entity, or as
45 described in the resolution adopted by a public entity created by
46 State law with the power to adopt a redevelopment plan or
47 otherwise determine the location, type and character of a
48 redevelopment project or part of a redevelopment project on land

1 owned or controlled by it or within its jurisdiction, including but
2 not limited to, the New Jersey Meadowlands Commission
3 established pursuant to P.L.1968, c.404 (C.13:17-1 et seq.), the
4 New Jersey Sports and Exposition Authority established pursuant to
5 P.L.1971 c.137 (C.5:10-1 et seq.) and the Fort Monmouth
6 Economic Revitalization Authority created pursuant to P.L.2010,
7 c.51 (C.52:27I-18 et seq.). A redevelopment project may include
8 the development of zero-emission vehicle fueling and charging
9 infrastructure.

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

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

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

23 "SDA municipality" means a municipality in which an SDA
24 district is situated.

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

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

36 "Transit project" means a redevelopment project located within a
37 1/2-mile radius, or one-mile radius for projects located in a Garden
38 State Growth Zone, surrounding the mid-point of a New Jersey
39 Transit Corporation, Port Authority Transit Corporation, or Port
40 Authority Trans-Hudson Corporation rail, bus, or ferry station
41 platform area, including all light rail stations.

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

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

1 a. buildings and structures, such as academic buildings,
2 recreation centers, indoor athletic facilities, public works garages,
3 and water and sewer treatment and pumping facilities;

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

6 c. transportation facilities, such as bus shelters and parking
7 facilities.

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

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

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

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

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

44
45 7. Section 4 of P.L.2009, c.90 (C.52:27D-489d) is amended to
46 read as follows:

47 4. a. The governing body of a municipality wherein is located
48 a qualifying economic redevelopment and growth grant incentive

1 area may adopt an ordinance to establish a local Economic
2 Redevelopment and Growth Grant program for the purpose of
3 encouraging redevelopment projects in that area through the
4 provision of incentive grants to reimburse developers for all or a
5 portion of the project financing gap for such projects. No local
6 Economic Redevelopment and Growth Grant program shall take
7 effect until the Local Finance Board approves the ordinance.

8 b. A developer shall submit an application for a local incentive
9 grant prior to July 1, 2019. A developer that submits an application
10 for a local incentive grant shall indicate on the application whether
11 it is also applying for a State incentive grant. An application by a
12 developer applying for a local incentive grant only shall not require
13 approval by the authority. A municipal redeveloper may only apply
14 for local incentive grants for the construction of: (1) infrastructure
15 improvements in the public right-of-way, **[or]** (2) publicly owned
16 facilities, or (3) public electric vehicle charging stations.

17 c. No local incentive grant shall be finally approved by a
18 municipality until approved by the Local Finance Board. The Local
19 Finance Board shall not approve a local incentive grant unless the
20 application was submitted prior to July 1, 2019.

21 d. In deciding whether or not to approve a local incentive grant
22 agreement the Local Finance Board shall consider the following
23 factors:

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

25 (2) the extent of economic and related social distress in the
26 municipality and the area to be affected by the redevelopment
27 project;

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

30 (4) the likelihood that the redevelopment project shall, upon
31 completion, be capable of generating new tax revenue in an amount
32 in excess of the amount necessary to reimburse the developer for
33 project costs incurred as provided in the redevelopment incentive
34 grant agreement;

35 (5) the relationship of the redevelopment project to a
36 comprehensive local development strategy, including other major
37 projects undertaken within the municipality;

38 (6) the need for the redevelopment incentive grant agreement to
39 the viability of the redevelopment project;

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

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

44 e. A developer shall not be required to purchase pinelands
45 development credits under the "Pinelands Protection Act,"
46 P.L.1979, c.111 (C.13:18A-1 et seq.), the pinelands comprehensive
47 management plan, or any other rule or regulation adopted pursuant
48 to that act in connection with any approval or relief obtained related

1 to a redevelopment project located in an aviation district on or after
2 the effective date of P.L.2018, c.120, except if seeking to develop in
3 permanently protected open space pursuant to the Pinelands
4 Protection Act. The provisions of this subsection shall not apply to
5 a developer of a qualified residential project.

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

7

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

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

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

35 (cf: P.L.2010, c.10, s.11)

36

37 9. This act shall take effect immediately.

38

39

40

41

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

CHAPTER 168

AN ACT encouraging development of zero-emission vehicle fueling and charging infrastructure in redevelopment projects and amending various parts of the statutory law.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. Section 3 of P.L.1992, c.79 (C.40A:12A-3) is amended to read as follows:

C.40A:12A-3 Definitions.

3. As used in this act:

"Bonds" means any bonds, notes, interim certificates, debentures or other obligations issued by a municipality, county, redevelopment entity, or housing authority pursuant to P.L.1992, c.79 (C.40A:12A-1 et al.).

"Comparable, affordable replacement housing" means newly-constructed or substantially rehabilitated housing to be offered to a household being displaced as a result of a redevelopment project, that is affordable to that household based on its income under the guidelines established by the Council on Affordable Housing in the Department of Community Affairs for maximum affordable sales prices or maximum fair market rents, and that is comparable to the household's dwelling in the redevelopment area with respect to the size and amenities of the dwelling unit, the quality of the neighborhood, and the level of public services and facilities offered by the municipality in which the redevelopment area is located.

"Development" means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any building or other structure, or of any mining, excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission may be required pursuant to the "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.).

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

"Governing body" means the body exercising general legislative powers in a county or municipality according to the terms and procedural requirements set forth in the form of government adopted by the county or municipality.

"Housing authority" means a housing authority created or continued pursuant to this act.

"Housing project" means a project, or distinct portion of a project, which is designed and intended to provide decent, safe and sanitary dwellings, apartments or other living accommodations for persons of low and moderate income; such work or undertaking may include buildings, land, equipment, facilities and other real or personal property for necessary, convenient or desirable appurtenances, streets, sewers, water service, parks, site preparation, gardening, administrative, community, health, recreational, educational, welfare or other purposes. The term "housing project" also may be applied to the planning of the buildings and improvements, the acquisition of property, the demolition of existing structures, the construction, reconstruction, alteration and repair of the improvements and all other work in connection therewith.

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

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

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

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

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

"Public hydrogen fueling station" means publicly available equipment to store and dispense hydrogen fuel to vehicles according to industry codes and standards. "Publicly assisted housing" means privately owned housing which receives public assistance or subsidy, which may be grants or loans for construction, reconstruction, conservation, or rehabilitation of the housing, or receives operational or maintenance subsidies either directly or through rental subsidies to tenants, from a federal, State or local government agency or instrumentality.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

C.40A:12A-7 Adoption of redevelopment plan.

7. a. No redevelopment project shall be undertaken or carried out except in accordance with a redevelopment plan adopted by ordinance of the municipal governing body, upon its finding that the specifically delineated project area is located in an area in need of

redevelopment or in an area in need of rehabilitation, or in both, according to criteria set forth in section 5 or section 14 of P.L.1992, c.79 (C.40A:12A-5 or 40A:12A-14), as appropriate.

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

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

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

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

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

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

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

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

(8) Proposed locations for zero-emission vehicle fueling and charging infrastructure within the project area in a manner that appropriately connects with an essential public charging network.

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

c. The redevelopment plan shall describe its relationship to pertinent municipal development regulations as defined in the "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.). The redevelopment plan shall supersede applicable provisions of the

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

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

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

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

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

C.40A:12A-65 Definitions relative to the "Redevelopment Area Bond Financing Law."

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

"Authority" means the New Jersey Economic Development Authority established pursuant to P.L.1974, c.80 (C.34:1B-1 et seq.), the New Jersey Redevelopment Authority established pursuant to section 4 of P.L.1996, c.62 (C.55:19-23), a county improvement authority established pursuant to P.L.1960, c.183 (C.40:37A-44 et seq.), or other instrumentality

created by law of the State with the power to incur debt and issue bonds and other obligations. The issuance of debt in accordance herewith is hereby deemed an essential public, governmental, and corporate purpose of all such authorities.

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

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

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

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

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

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

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

"Public hydrogen fueling station" means publicly available equipment to store and dispense hydrogen fuel to vehicles according to industry codes and standards. "Publicly available parking space" means a parking space that is available to, and accessible by, the public and may include on-street parking spaces and parking spaces in surface lots or parking garages, but shall not include: a parking space that is part of, or associated with, a private residence; or a parking space that is reserved for the exclusive use of an individual driver or vehicle or for a group of drivers or vehicles, such as employees, tenants, visitors, residents of a common interest development, or residents of an adjacent building.

"Redeveloper" means any person, firm, corporation, or public body, including the New Jersey Economic Development Authority or the New Jersey Redevelopment Authority to the extent permitted by law, that shall enter into or propose to enter into a contract with a municipality or other redevelopment entity for the redevelopment or rehabilitation of an area

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

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

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

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

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

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

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

"State entity" means the New Jersey Sports and Exposition Authority established pursuant to P.L.1971, c.137 (C.5:10-1 et seq.) or any other entity created by State law which undertakes a redevelopment project directly or through a State entity redeveloper and which

has the power to determine the location, type, and character of projects on land owned or controlled by it.

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

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

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

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

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

C.40A:20-3 Definitions.

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

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

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

"Allowable profit rate" means the greater of 12% or the percentage per annum arrived at by adding 1 1/4% to the annual interest percentage rate payable on the entity's initial permanent mortgage financing. If the initial permanent mortgage is insured or guaranteed by a governmental agency, the mortgage insurance premium or similar charge, if payable on a per annum basis, shall be considered as interest for this purpose. If there is no permanent

mortgage financing the allowable profit rate shall be the greater of 12% or the percentage per annum arrived at by adding 1 1/4% per annum to the interest rate per annum which the municipality determines to be the prevailing rate on mortgage financing on comparable improvements in the county.

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

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

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

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

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

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

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

g. "Urban renewal entity" means a limited-dividend entity, the New Jersey Economic Development Authority or a nonprofit entity which enters into a financial agreement pursuant to P.L.1991, c.431 (C.40A:20-1 et seq.) with a municipality to undertake a project pursuant to a redevelopment plan for the redevelopment of all or any part of a redevelopment

area, or a project necessary, useful, or convenient for the relocation of residents displaced or to be displaced by the redevelopment of all or any part of one or more redevelopment areas, or a low and moderate income housing project.

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

\$500,000 or less -	10%
\$500,000 through \$1,000,000 -	\$50,000 plus 8% on excess above \$500,000
\$1,000,001 through \$2,000,000 -	\$90,000 plus 7% on excess above \$1,000,000
\$2,000,001 through \$3,500,000 -	\$160,000 plus 5.6667% on excess above \$2,000,000
\$3,500,001 through \$5,500,000 -	\$245,000 plus 4.25% on excess above \$3,500,000
\$5,500,001 through \$10,000,000 -	\$330,000 plus 3.7778% on excess above \$5,500,000
over \$10,000,000 -	5%

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

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

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

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

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

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

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

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

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

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

C.52:27D-461 Definitions relative to the "Revenue Allocation District Financing Act."

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

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

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

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

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

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

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

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

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

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

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

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

"Project cost" means the cost of the plan or project in all or any part of the district and of all and any property, rights, easements, privileges, agreements and franchises deemed by the district agent to be necessary or useful and convenient therefor or in connection therewith, including interest or discount on bonds; cost of issuance of bonds; engineering and inspection costs; legal expenses; costs of financial and other professional estimates and advice; organization, administrative, operating and other expenses of the district agent prior

to and during the planning and implementation of a development, plan or project, including such provision as the district agent may determine for the payment, or security for payment, of principal of or interest on bonds during or after the implementation of any development, plan or project.

"Property tax increment" means the amount obtained by:

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

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

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

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

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

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

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

C.52:27D-489c Definitions relative to economic stimulus.

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

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

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

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

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

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

"Developer" means any person who enters or proposes to enter into a redevelopment incentive grant agreement pursuant to the provisions of section 9 of P.L.2009, c.90

(C.52:27D-489i), or its successors or assignees, including but not limited to a lender that completes a redevelopment project, operates a redevelopment project, or completes and operates a redevelopment project. A developer also may be a municipal redeveloper as defined herein or Rutgers, the State University of New Jersey.

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

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

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

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

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

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

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

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

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

"Infrastructure improvements in the public right-of-way" mean public structures or improvements, including public electric vehicle charging stations, located in the public right-of-way that are located within a project area or that constitute an ancillary infrastructure

project, either of which are dedicated to or owned by a governmental body or agency upon completion, or any required payment in lieu of the structures, improvements or projects, or any costs of remediation associated with the structures, improvements or projects, and that are determined by the authority, in consultation with applicable State agencies, to be consistent with and in furtherance of State public infrastructure objectives and initiatives.

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

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

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

- a. the total square footage of the entire mixed use parking project;
- b. the estimated revenues of the entire mixed use parking project; or
- c. the total construction cost of the entire mixed use parking project.

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

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

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

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

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

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

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

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

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

"Project financing gap" means:

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

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

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

"Property tax increment" means the amount obtained by:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Redevelopment incentive grant agreement" means an agreement between:

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

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

"Redevelopment project" means a specific construction project or improvement, including lands, buildings, improvements, real and personal property or any interest therein, including lands under water, riparian rights, space rights and air rights, acquired, owned, leased, developed or redeveloped, constructed, reconstructed, rehabilitated or improved, undertaken by a developer, owner or tenant, or both, within a project area and any ancillary infrastructure project including infrastructure improvements in the public right-of-way, as set forth in an application to be made to the authority. The use of the term "redevelopment project" in sections 3 through 18 of P.L.2009, c.90 (C.52:27D-489c et al.) shall not be limited to only redevelopment projects located in areas determined to be in need of redevelopment pursuant to sections 5 and 6 of P.L.1992, c.79 (C.40A:12A-5 and C.40A:12A-6) but shall also include, but not be limited to, any work or undertaking in accordance with the "Redevelopment Area Bond Financing Law," sections 1 through 10 of P.L.2001, c.310 (C.40A:12A-64 et seq.) or other applicable law, pursuant to a redevelopment plan adopted by a State entity, or as described in the resolution adopted by a public entity created by State law with the power to adopt a redevelopment plan or otherwise determine the location, type

and character of a redevelopment project or part of a redevelopment project on land owned or controlled by it or within its jurisdiction, including but not limited to, the New Jersey Meadowlands Commission established pursuant to P.L.1968, c.404 (C.13:17-1 et seq.), the New Jersey Sports and Exposition Authority established pursuant to P.L.1971 c.137 (C.5:10-1 et seq.) and the Fort Monmouth Economic Revitalization Authority created pursuant to P.L.2010, c.51 (C.52:27I-18 et seq.). A redevelopment project may include the development of zero-emission vehicle fueling and charging infrastructure.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

C.52:27D-489d Establishment of local Economic Development and Growth Grant program.

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

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

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

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

- (1) the economic feasibility of the redevelopment project;
- (2) the extent of economic and related social distress in the municipality and the area to be affected by the redevelopment project;

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

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

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

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

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

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

e. A developer shall not be required to purchase pinelands development credits under the "Pinelands Protection Act," P.L.1979, c.111 (C.13:18A-1 et seq.), the pinelands comprehensive management plan, or any other rule or regulation adopted pursuant to that act in connection with any approval or relief obtained related to a redevelopment project located in an aviation district on or after the effective date of P.L.2018, c.120, except if seeking to develop in permanently protected open space pursuant to the Pinelands Protection Act. The provisions of this subsection shall not apply to a developer of a qualified residential project.

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

C.52:27D-489o Ordinance for payment to municipal redeveloper for certain projects.

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

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

9. This act shall take effect immediately.

Approved July 9, 2021.

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)

Assemblyman ROBERT J. KARABINCHAK

District 18 (Middlesex)

Assemblyman JAMEL C. HOLLEY

District 20 (Union)

Co-Sponsored by:

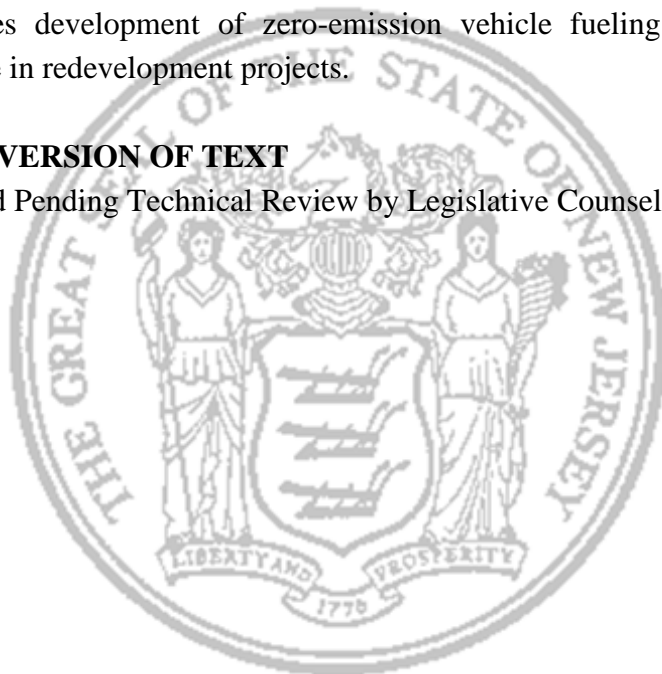
Assemblymen Calabrese, Johnson, Assemblywoman Jasey, Assemblymen McKeon, Chiaravalloti, Assemblywoman Lopez, Assemblymen Kennedy, Conaway, Houghtaling and Moen

SYNOPSIS

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

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



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

1 AN ACT encouraging development of zero-emission vehicle fueling
2 and charging infrastructure in redevelopment projects and
3 amending various parts of the statutory law.
4

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

7
8 1. Section 3 of P.L.1992, c.79 (C.40A:12A-3) is amended to
9 read as follows:

10 3. As used in this act:

11 "Bonds" means any bonds, notes, interim certificates, debentures
12 or other obligations issued by a municipality, county,
13 redevelopment entity, or housing authority pursuant to P.L.1992,
14 c.79 (C.40A:12A-1 et al.).

15 "Comparable, affordable replacement housing" means newly-
16 constructed or substantially rehabilitated housing to be offered to a
17 household being displaced as a result of a redevelopment project,
18 that is affordable to that household based on its income under the
19 guidelines established by the Council on Affordable Housing in the
20 Department of Community Affairs for maximum affordable sales
21 prices or maximum fair market rents, and that is comparable to the
22 household's dwelling in the redevelopment area with respect to the
23 size and amenities of the dwelling unit, the quality of the
24 neighborhood, and the level of public services and facilities offered
25 by the municipality in which the redevelopment area is located.

26 "Development" means the division of a parcel of land into two or
27 more parcels, the construction, reconstruction, conversion,
28 structural alteration, relocation, or enlargement of any building or
29 other structure, or of any mining, excavation or landfill, and any use
30 or change in the use of any building or other structure, or land or
31 extension of use of land, for which permission may be required
32 pursuant to the "Municipal Land Use Law," P.L.1975,
33 c.291 (C.40:55D-1 et seq.).

34 "Electric vehicle charging station" means an electric component
35 assembly or cluster of component assemblies designed specifically
36 to charge batteries within electric vehicles by permitting the transfer
37 of electric energy to a battery or other storage device in an electric
38 vehicle.

39 "Governing body" means the body exercising general legislative
40 powers in a county or municipality according to the terms and
41 procedural requirements set forth in the form of government
42 adopted by the county or municipality.

43 "Housing authority" means a housing authority created or
44 continued pursuant to this act.

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

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

Matter underlined thus is new matter.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

39

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

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

- 1 The redevelopment plan shall include an outline for the planning,
2 development, redevelopment, or rehabilitation of the project area
3 sufficient to indicate:
- 4 (1) Its relationship to definite local objectives as to appropriate
5 land uses, density of population, and improved traffic and public
6 transportation, public utilities, recreational and community facilities
7 and other public improvements.
- 8 (2) Proposed land uses and building requirements in the project
9 area.
- 10 (3) Adequate provision for the temporary and permanent
11 relocation, as necessary, of residents in the project area, including
12 an estimate of the extent to which decent, safe and sanitary dwelling
13 units affordable to displaced residents will be available to them in
14 the existing local housing market.
- 15 (4) An identification of any property within the redevelopment
16 area which is proposed to be acquired in accordance with the
17 redevelopment plan.
- 18 (5) Any significant relationship of the redevelopment plan to (a)
19 the master plans of contiguous municipalities, (b) the master plan of
20 the county in which the municipality is located, and (c) the State
21 Development and Redevelopment Plan adopted pursuant to the
22 "State Planning Act," P.L.1985, c.398 (C.52:18A-196 et al.).
- 23 (6) As of the date of the adoption of the resolution finding the
24 area to be in need of redevelopment, an inventory of all housing
25 units affordable to low and moderate income households, as defined
26 pursuant to section 4 of P.L.1985, c.222 (C.52:27D-304), that are to
27 be removed as a result of implementation of the redevelopment
28 plan, whether as a result of subsidies or market conditions, listed by
29 affordability level, number of bedrooms, and tenure.
- 30 (7) A plan for the provision, through new construction or
31 substantial rehabilitation of one comparable, affordable replacement
32 housing unit for each affordable housing unit that has been
33 occupied at any time within the last 18 months, that is subject to
34 affordability controls and that is identified as to be removed as a
35 result of implementation of the redevelopment plan. Displaced
36 residents of housing units provided under any State or federal
37 housing subsidy program, or pursuant to the "Fair Housing Act,"
38 P.L.1985, c.222 (C.52:27D-301 et al.), provided they are deemed to
39 be eligible, shall have first priority for those replacement units
40 provided under the plan; provided that any such replacement unit
41 shall not be credited against a prospective municipal obligation
42 under the "Fair Housing Act," P.L.1985, c.222 (C.52:27D-301 et
43 al.), if the housing unit which is removed had previously been
44 credited toward satisfying the municipal fair share obligation. To
45 the extent reasonably feasible, replacement housing shall be
46 provided within or in close proximity to the redevelopment area. A
47 municipality shall report annually to the Department of Community
48 Affairs on its progress in implementing the plan for provision of

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

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

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

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

20

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

40

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

40

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

36 "Project financing gap" means:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 13 (a) Planning Area 1 (Metropolitan);
- 14 (b) Planning Area 2 (Suburban); or
- 15 (c) Planning Area 3 (Fringe Planning Area);

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8

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

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

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

37

38 9. This act shall take effect immediately.

39

40

41

STATEMENT

42

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

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

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

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

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

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

ASSEMBLY COMMERCE AND ECONOMIC DEVELOPMENT
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1653

STATE OF NEW JERSEY

DATED: JANUARY 27, 2020

The Assembly Commerce and Economic Development Committee reports favorably Assembly Bill No. 1653.

This bill would encourage municipalities to identify appropriate locations for the development of publicly-available infrastructure for fueling or charging zero-emission vehicles (ZEVs) when adopting redevelopment plans. For the purposes of this bill, the term “zero-emission vehicle” specifically includes battery electric-powered vehicles and hydrogen fueling stations. The bill would also encourage municipalities to build publicly-available ZEV fueling and charging stations by allowing municipalities to fund them through revenue streams that are currently available to fund infrastructure related to redevelopment projects.

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

The development of ZEV charging infrastructure is a critical step in creating jobs, fostering economic growth, reducing greenhouse gas emissions, reducing our reliance on foreign fuels, and reducing pollution attributable to the operation of petroleum-based vehicles. Limited driving distance is a fundamental disadvantage and obstacle to broad consumer adoption of ZEVs. In order to eliminate this fundamental disadvantage and dramatically increase consumer acceptance and usage of ZEVs, it is essential to develop a network of convenient ZEV charging and fueling stations.

Municipalities have an opportunity to increase ZEV adoption by increasing the availability of public charging and fueling stations, thereby reducing consumer concerns about range anxiety. Range anxiety refers to the concern consumers have in running out of charge or fuel and finding themselves stranded. Although most ZEVs will support the owner’s typical daily drive, consumers worry about the unplanned trips that might cause their vehicles to run out of charge or

fuel. While most ZEVs will be charged or fueled at home or at work, the development of public ZEV charging and fueling stations is necessary to support motorists traveling outside their normal routine, and to reduce range anxiety. In addition to providing a real solution to range anxiety concerns, the development of public ZEV fueling and charging stations increases public awareness of zero-emission vehicles.

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

This bill was pre-filed for introduction in the 2020-2021 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

SENATE COMMUNITY AND URBAN AFFAIRS COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 1653

STATE OF NEW JERSEY

DATED: MARCH 11, 2021

The Senate Community and Urban Affairs Committee reports favorably Assembly Bill No. 1653 (1R).

This bill would encourage municipalities to identify appropriate locations for the development of publicly-available infrastructure for fueling or charging zero-emission vehicles (ZEVs) when adopting redevelopment plans. For the purposes of this bill, the term “zero-emission vehicle” specifically includes battery electric-powered vehicles and hydrogen fueling stations. The bill would also encourage municipalities to build publicly-available ZEV fueling and charging stations by allowing municipalities to fund them through revenue streams that are currently available to fund infrastructure related to redevelopment projects.

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

The development of ZEV charging infrastructure is a critical step in creating jobs, fostering economic growth, reducing greenhouse gas emissions, reducing our reliance on foreign fuels, and reducing pollution attributable to the operation of petroleum-based vehicles. Limited driving distance is a fundamental disadvantage and obstacle to broad consumer adoption of ZEVs. In order to eliminate this fundamental disadvantage and dramatically increase consumer acceptance and usage of ZEVs, it is essential to develop a network of convenient ZEV charging and fueling stations.

Municipalities have an opportunity to increase ZEV adoption by increasing the availability of public charging and fueling stations, thereby reducing consumer concerns about range anxiety. Range anxiety refers to the concern consumers have in running out of charge or fuel and finding themselves stranded. Although most ZEVs will support the owner’s typical daily drive, consumers worry about the unplanned trips that might cause their vehicles to run out of charge or

fuel. While most ZEVs will be charged or fueled at home or at work, the development of public ZEV charging and fueling stations is necessary to support motorists traveling outside their normal routine, and to reduce range anxiety. In addition to providing a real solution to range anxiety concerns, the development of public ZEV fueling and charging stations increases public awareness of zero-emission vehicles.

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

As reported by the committee, this bill is identical to Senate Bill No. 2142, which was also reported by the committee on this date, with committee amendments.

STATEMENT TO
ASSEMBLY, No. 1653

with Assembly Floor Amendments
(Proposed by Assemblywoman QUIJANO)

ADOPTED: FEBRUARY 24, 2020

This floor amendment would require redevelopment plans to include proposed locations for publicly accessible zero-emission vehicle fueling and charging infrastructure. A recent amendment to current law, P.L.2019, c.267, requires redevelopment plans to include proposed locations for public electric vehicle charging. This amendment would expand that provision of law so that redevelopment plans would set forth proposed locations for all types of publicly accessible zero-emission vehicle fueling and charging infrastructure.

SENATE, No. 2142

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED MARCH 16, 2020

Sponsored by:

Senator BOB SMITH

District 17 (Middlesex and Somerset)

Senator CHRISTOPHER "KIP" BATEMAN

District 16 (Hunterdon, Mercer, Middlesex and Somerset)

SYNOPSIS

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

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning the development of public electric vehicle
2 charging infrastructure in redevelopment projects and amending
3 various parts of the statutory law.

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

7
8 1. Section 3 of P.L.1992, c.79 (C.40A:12A-3) is amended to
9 read as follows:

10 3. As used in this act:

11 "Bonds" means any bonds, notes, interim certificates, debentures
12 or other obligations issued by a municipality, county,
13 redevelopment entity, or housing authority pursuant to P.L.1992,
14 c.79 (C.40A:12A-1 et al.).

15 "Comparable, affordable replacement housing" means newly-
16 constructed or substantially rehabilitated housing to be offered to a
17 household being displaced as a result of a redevelopment project,
18 that is affordable to that household based on its income under the
19 guidelines established by the Council on Affordable Housing in the
20 Department of Community Affairs for maximum affordable sales
21 prices or maximum fair market rents, and that is comparable to the
22 household's dwelling in the redevelopment area with respect to the
23 size and amenities of the dwelling unit, the quality of the
24 neighborhood, and the level of public services and facilities offered
25 by the municipality in which the redevelopment area is located.

26 "Development" means the division of a parcel of land into two or
27 more parcels, the construction, reconstruction, conversion,
28 structural alteration, relocation, or enlargement of any building or
29 other structure, or of any mining, excavation or landfill, and any use
30 or change in the use of any building or other structure, or land or
31 extension of use of land, for which permission may be required
32 pursuant to the "Municipal Land Use Law," P.L.1975, c.291
33 (C.40:55D-1 et seq.).

34 "Electric vehicle charging station" means an electric component
35 assembly or cluster of component assemblies designed specifically
36 to charge batteries within electric vehicles by permitting the transfer
37 of electric energy to a battery or other storage device in an electric
38 vehicle.

39 "Governing body" means the body exercising general legislative
40 powers in a county or municipality according to the terms and
41 procedural requirements set forth in the form of government
42 adopted by the county or municipality.

43 "Housing authority" means a housing authority created or
44 continued pursuant to this act.

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

Matter underlined thus is new matter.

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

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

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

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

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

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

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

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

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

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

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

23 "Redevelopment agency" means a redevelopment agency created
24 pursuant to subsection a. of section 11 of P.L.1992,
25 c.79 (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, public electric vehicle charging stations, site preparation,
17 landscaping, and administrative, community, health, recreational,
18 educational, and welfare facilities.

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

30

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

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

40 The redevelopment plan shall include an outline for the planning,
41 development, redevelopment, or rehabilitation of the project area
42 sufficient to indicate:

43 (1) Its relationship to definite local objectives as to appropriate
44 land uses, density of population, the development of public electric
45 vehicle charging stations in appropriate locations, and improved
46 traffic and public transportation, public utilities, recreational and
47 community facilities and other public improvements.

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

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

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

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

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

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

44 (8) Proposed locations for public electric vehicle charging
45 infrastructure within the project area in a manner that appropriately
46 connects with an essential public charging network.

47 b. A redevelopment plan may include the provision of
48 affordable housing in accordance with the "Fair Housing Act,"

1 P.L.1985, c.222 (C.52:27D-301 et al.) and the housing element of
2 the municipal master plan.

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

19 d. All provisions of the redevelopment plan shall be either
20 substantially consistent with the municipal master plan or designed
21 to effectuate the master plan; but the municipal governing body may
22 adopt a redevelopment plan which is inconsistent with or not
23 designed to effectuate the master plan by affirmative vote of a
24 majority of its full authorized membership with the reasons for so
25 acting set forth in the redevelopment plan.

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

46 f. The governing body of a municipality may direct the
47 planning board to prepare a redevelopment plan or an amendment
48 or revision to a redevelopment plan for a designated redevelopment

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

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

13

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

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

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

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

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

40 "Environmental remediation" means the investigation, analysis,
41 planning, monitoring, acquisition, removal, containment,
42 remediation, construction, or improvement of any real property or
43 facility necessary or desirable for the cleanup of actual, potential, or
44 perceived environmental contamination or pollution, including
45 without limitation, water pollution, air pollution, pollution caused
46 by solid waste disposal, thermal pollution, radiation contamination,
47 or other general environmental contamination or pollution which is

1 or may become injurious to the environment or to the public health,
2 safety, or welfare.

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

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

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

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

36 "Redeveloper" means any person, firm, corporation, or public
37 body, including the New Jersey Economic Development Authority
38 or the New Jersey Redevelopment Authority to the extent permitted
39 by law, that shall enter into or propose to enter into a contract with
40 a municipality or other redevelopment entity for the redevelopment
41 or rehabilitation of an area in need of redevelopment, or an area in
42 need of rehabilitation, or any part thereof, under the provisions of
43 the "Redevelopment Area Bond Financing Law," sections 1 through
44 10 of P.L.2001, c.310 (C.40A:12A-64 et seq.), or for any
45 construction or other work forming part of a redevelopment or
46 rehabilitation project.

47 "Redevelopment" means clearance, replanning, development,
48 and redevelopment; the conservation and rehabilitation of any

1 structure or improvement, the construction and provision for
2 construction of residential, commercial, industrial, public, or other
3 structures, the grant or dedication of spaces as may be appropriate
4 or necessary in the interest of the general welfare for public electric
5 vehicle charging stations, streets, parks, playgrounds, or other
6 public purposes, including recreational and other facilities
7 incidental or appurtenant thereto, environmental remediation, the
8 construction, enhancement, or mitigation of wetlands impacted by a
9 redevelopment project, and any other related costs and expenses
10 including preliminary planning and development costs and any
11 financing costs and expenses in accordance with a redevelopment
12 plan.

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

20 "Redevelopment area" means an area which has been delineated
21 a "redevelopment area" or "area in need of redevelopment" pursuant
22 to the "Local Redevelopment and Housing Law," P.L.1992, c.79
23 (C.40A:12A-1 et seq.) or with respect to a State entity, an area in
24 need of, or suitable for, redevelopment delineated by a resolution of
25 a State entity or a State entity redevelopment agreement, in either
26 case, in accordance with the provisions of the enabling statute
27 governing that State entity.

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

34 "Redevelopment project" means any work or undertaking
35 pursuant to a redevelopment plan; such undertaking may include
36 any buildings, land, including demolition, clearance, or removal of
37 buildings from land, equipment, facilities, or other real or personal
38 properties which are necessary, convenient, or desirable
39 appurtenances, such as but not limited to streets, sewers, utilities,
40 parks, public electric vehicle charging stations, site preparation,
41 landscaping, and administrative, community, health, recreational,
42 educational, and welfare facilities and any other related costs and
43 expenses including preliminary planning and development costs and
44 any financing costs and expenses.

45 "Special assessment" means an assessment upon the lands or
46 improvements on such lands, or both, in the redevelopment area
47 benefitted by improvements undertaken pursuant to the
48 "Redevelopment Area Bond Financing Law," sections 1 through 10

1 of P.L.2001, c.310 (C.40A:12A-64 et seq.), or the "Local
2 Redevelopment and Housing Law," P.L.1992, c.79 (C.40A:12A-1 et
3 seq.), and assessed pursuant to chapter 56 of Title 40 of the Revised
4 Statutes, R.S. 40:56-1 et seq., except as otherwise provided in
5 subsection c. of section 3 of P.L.2001, c.310 (C.40A:12A-66).

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

12 "State entity redeveloper" means any person, firm, or corporation
13 that shall enter into or propose to enter into a State entity
14 redevelopment agreement with a State entity for the redevelopment
15 or rehabilitation of a redevelopment area under the enabling
16 legislation governing the actions of the State entity or for any
17 construction or other work forming a part of a redevelopment
18 project.

19 "State entity redevelopment agreement" means an agreement
20 between a State entity and a State entity redeveloper for any work
21 or undertaking in a redevelopment area.

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

23

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

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

27 a. "Gross revenue" means annual gross revenue or gross shelter
28 rent or annual gross rents, as appropriate, and other income, for
29 each urban renewal entity designated pursuant to P.L.1991,
30 c.431 (C.40A:20-1 et seq.). The financial agreement shall establish
31 the method of computing gross revenue for the entity, and the
32 method of determining insurance, operating and maintenance
33 expenses paid by a tenant which are ordinarily paid by a landlord,
34 which shall be included in the gross revenue; provided, however,
35 that any federal funds received, whether directly or in the form of
36 rental subsidies paid to tenants, by a nonprofit corporation that is
37 the sponsor of a qualified subsidized housing project, shall not be
38 included in the gross revenue of the project for purposes of
39 computing the annual services charge for municipal services
40 supplied to the project; and provided further that any gain realized
41 by the urban renewal entity on the sale of any unit in fee simple,
42 whether or not taxable under federal or State law, shall not be
43 included in computing gross revenue.

44 b. "Limited-dividend entity" means an urban renewal entity
45 incorporated pursuant to Title 14A of the New Jersey Statutes, or
46 established pursuant to Title 42 of the Revised Statutes, for which
47 the profits and the entity are limited as follows. The allowable net
48 profits of the entity shall be determined by applying the allowable

1 profit rate to each total project unit cost, if the project is undertaken
2 in units, or the total project cost, if the project is not undertaken in
3 units, and all capital costs, determined in accordance with generally
4 accepted accounting principles, of any other entity whose revenue is
5 included in the computation of excess profits, for the period
6 commencing on the date on which the construction of the unit or
7 project is completed, and terminating at the close of the fiscal year
8 of the entity preceding the date on which the computation is made,
9 where:

10 "Allowable profit rate" means the greater of 12% or the
11 percentage per annum arrived at by adding 1 1/4% to the annual
12 interest percentage rate payable on the entity's initial permanent
13 mortgage financing. If the initial permanent mortgage is insured or
14 guaranteed by a governmental agency, the mortgage insurance
15 premium or similar charge, if payable on a per annum basis, shall
16 be considered as interest for this purpose. If there is no permanent
17 mortgage financing the allowable profit rate shall be the greater of
18 12% or the percentage per annum arrived at by adding 1 1/4% per
19 annum to the interest rate per annum which the municipality
20 determines to be the prevailing rate on mortgage financing on
21 comparable improvements in the county.

22 c. "Net profit" means the gross revenues of the urban renewal
23 entity less all operating and non-operating expenses of the entity, all
24 determined in accordance with generally accepted accounting
25 principles, but:

26 (1) there shall be included in expenses: (a) all annual service
27 charges paid pursuant to section 12 of P.L.1991, c.431 (C.40A:20-
28 12); (b) all payments to the municipality of excess profits pursuant
29 to section 15 or 16 of P.L.1991, c.431 (C.40A:20-15 or 40A:20-16);
30 (c) an annual amount sufficient to amortize the total project cost
31 and all capital costs determined in accordance with generally
32 accepted accounting principles, of any other entity whose revenue is
33 included in the computation of excess profits, over the term of the
34 abatement as set forth in the financial agreement; (d) all reasonable
35 annual operating expenses of the urban renewal entity and any other
36 entity whose revenue is included in the computation of excess
37 profits, including the cost of all management fees, brokerage
38 commissions, insurance premiums, all taxes or service charges paid,
39 legal, accounting, or other professional service fees, utilities,
40 building maintenance costs, building and office supplies, and
41 payments into repair or maintenance reserve accounts; (e) all
42 payments of rent including, but not limited to, ground rent by the
43 urban renewal entity; (f) all debt service;

44 (2) there shall not be included in expenses either depreciation or
45 obsolescence, interest on debt, except interest which is part of debt
46 service, income taxes, or salaries, bonuses or other compensation
47 paid, directly or indirectly to directors, officers and stockholders of

1 the entity, or officers, partners or other persons holding any
2 proprietary ownership interest in the entity.

3 The urban renewal entity shall provide to the municipality an
4 annual audited statement which clearly identifies the calculation of
5 net profit for the urban renewal entity during the previous year. The
6 annual audited statement shall be prepared by a certified public
7 accountant and shall be submitted to the municipality within 90
8 days of the close of the fiscal year.

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

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

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

29 g. "Urban renewal entity" means a limited-dividend entity, the
30 New Jersey Economic Development Authority or a nonprofit entity
31 which enters into a financial agreement pursuant to P.L.1991,
32 c.431 (C.40A:20-1 et seq.) with a municipality to undertake a
33 project pursuant to a redevelopment plan for the redevelopment of
34 all or any part of a redevelopment area, or a project necessary,
35 useful, or convenient for the relocation of residents displaced or to
36 be displaced by the redevelopment of all or any part of one or more
37 redevelopment areas, or a low and moderate income housing
38 project.

39 h. "Total project unit cost" or "total project cost" means the
40 aggregate of the following items as related to a unit of a project, if
41 the project is undertaken in units, or to the total project, if the
42 project is not undertaken in units, all of which as limited by, and
43 approved as part of the financial agreement: (1) cost of the land and
44 improvements to the entity, whether acquired from a private or a
45 public owner, with cost in the case of leasehold interests to be
46 computed by capitalizing the aggregate rental at a rate provided in
47 the financial agreement; (2) architect, engineer and attorney fees,
48 paid or payable by the entity in connection with the planning,

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1 construction and financing of the project; (3) surveying and testing
2 charges in connection therewith; (4) actual construction costs which
3 the entity shall cause to be certified and verified to the municipality
4 and the municipal governing body by an independent and qualified
5 architect, including the cost of any preparation of the site
6 undertaken at the entity's expense; (5) insurance, interest and
7 finance costs during construction; (6) costs of obtaining initial
8 permanent financing; (7) commissions and other expenses paid or
9 payable in connection with initial leasing; (8) real estate taxes and
10 assessments during the construction period; (9) a developer's
11 overhead based on a percentage of actual construction costs, to be
12 computed at not more than the following schedule:

13

14	\$500,000 or less -	10%
15		
16	\$500,000 through \$1,000,000 -	\$50,000 plus 8% on
17	excess above \$500,000	
18		
19	\$1,000,001 through \$2,000,000 -	\$90,000 plus 7% on
20	excess above \$1,000,000	
21		
22	\$2,000,001 through \$3,500,000 -	\$160,000 plus 5.6667%
23	on excess above \$2,000,000	
24	\$3,500,001 through \$5,500,000 -	\$245,000 plus 4.25% on
25	excess above \$3,500,000	
26		
27	\$5,500,001 through \$10,000,000 -	\$330,000 plus 3.7778%
28	on excess above \$5,500,000	
29		
30	over \$10,000,000 -	5%

31

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

38 If the financial agreement so provides, there shall be excluded
39 from the total project cost: (1) actual costs incurred by the entity
40 and certified to the municipality by an independent and qualified
41 architect or engineer which are associated with site remediation and
42 cleanup of environmentally hazardous materials or contaminants in
43 accordance with State or federal law; and (2) any extraordinary
44 costs incurred by the entity and certified to the chief financial
45 officer of the municipality by an independent certified public
46 accountant in order to alleviate blight conditions within the area in
47 need of redevelopment including, but not limited to, the cost of
48 demolishing structures considered by the entity to be an impediment

1 to the proposed redevelopment of the property, costs associated
2 with the relocation or removal of public utility facilities as defined
3 pursuant to section 10 of P.L.1992, c.79 (C.40A:12A-10)
4 considered necessary in order to implement the redevelopment plan,
5 costs associated with the relocation of residents or businesses
6 displaced or to be displaced by the proposed redevelopment, and the
7 clearing of title to properties within the area in need of
8 redevelopment in order to facilitate redevelopment.

9 i. "Housing project" means any work or undertaking to provide
10 decent, safe, and sanitary dwellings for families in need of housing;
11 the undertaking may include any buildings, land (including
12 demolition, clearance or removal of buildings from land),
13 equipment, facilities, or other real or personal properties or interests
14 therein which are necessary, convenient or desirable appurtenances
15 of the undertaking, such as, but not limited to, streets, sewers,
16 water, utilities, parks; site preparation; landscaping, and
17 administrative, community, health, recreational, educational,
18 welfare, commercial, or other facilities, or to provide any part or
19 combination of the foregoing.

20 j. "Redevelopment relocation housing project" means a
21 housing project which is necessary, useful or convenient for the
22 relocation of residents displaced by redevelopment of all or any part
23 of one or more redevelopment areas.

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

28 l. "Qualified subsidized housing project" means a low and
29 moderate income housing project owned by a nonprofit corporation
30 organized under the provisions of Title 15A of the New Jersey
31 Statutes for the purpose of developing, constructing and operating
32 rental housing for senior citizens under section 202 of Pub.L. 86-
33 372 (12 U.S.C. s.1701q) or rental housing for persons with
34 disabilities under section 811 of Pub.L. 101-625 (42 U.S.C. s.8013),
35 or under any other federal program that the Commissioner of
36 Community Affairs by rule may determine to be of a similar nature
37 and purpose.

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

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

45

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

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

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

5 "Board" means the Local Finance Board established in the
6 Division of Local Government Services in the Department of
7 Community Affairs.

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

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

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

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

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

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

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

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

40 "Project" means the purchasing, leasing, condemning or
41 otherwise acquiring of land or other property, or an interest therein,
42 in the district or as necessary or convenient for the acquisition of
43 any right-of-way or other easement to or from the revenue
44 allocation district; the moving and relocation of persons or
45 businesses displaced by the acquisition of land or property; the
46 acquisition, construction, reconstruction or rehabilitation of land or
47 property and the improvements thereon, or the financing thereof,
48 including demolition, clearance, removal, relocation, renovation,

1 alteration, construction, reconstruction, alteration or repair of any
2 land, building, street, highway, alley, utility, mass transit facility,
3 service or other structure, infrastructure or improvement in the
4 district or necessary to effectuate the plan for the district, including
5 infrastructure improvements outside the district, but only those
6 which are integral to the effectuation of the district plan; the
7 acquisition, construction, reconstruction, rehabilitation or
8 installation of public facilities and improvements, including public
9 electric vehicle charging stations, or the financing thereof;
10 acquisition, construction, reconstruction or rehabilitation of
11 residential structures, or the conversion to residential use of
12 structures previously designed or used for other purposes, or the
13 financing thereof, nonprofit corporation or other suitable public or
14 private person, firm, corporation or association, and which, to the
15 extent economically feasible, shall constitute housing affordable to
16 persons and families of low and moderate income pursuant to
17 P.L.1985, c.222 (C.52:27D-301 et al.) or rules and regulations
18 adopted pursuant thereto; and all costs associated with any of the
19 foregoing, including the cost of administrative appraisals, legal,
20 financial, economic and environmental analyses, engineering or
21 cleanup, planning, design, architectural, surveying or other
22 professional and technical services necessary to effectuate the
23 purposes of the "Revenue Allocation District Financing Act,"
24 sections 11 through 41 of P.L.2001, c.310 (C.52:27D-459 et seq.).

25 "Project cost" means the cost of the plan or project in all or any
26 part of the district and of all and any property, rights, easements,
27 privileges, agreements and franchises deemed by the district agent
28 to be necessary or useful and convenient therefor or in connection
29 therewith, including interest or discount on bonds; cost of issuance
30 of bonds; engineering and inspection costs; legal expenses; costs of
31 financial and other professional estimates and advice; organization,
32 administrative, operating and other expenses of the district agent
33 prior to and during the planning and implementation of a
34 development, plan or project, including such provision as the
35 district agent may determine for the payment, or security for
36 payment, of principal of or interest on bonds during or after the
37 implementation of any development, plan or project.

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

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

42 (2) multiplying that product by a fraction having a numerator
43 equal to the taxable value of all the property assessed within the
44 district, minus the property tax increment base, and having a
45 denominator equal to the taxable value of all property assessed
46 within the district.

47 "Property tax increment base" means the aggregate taxable value
48 of all property assessed which is located within a district as of

1 October 1 of the year preceding the year in which the district is
2 authorized pursuant to the "Revenue Allocation District Financing
3 Act," sections 11 through 41 of P.L.2001, c.310 (C.52:27D-459 et
4 seq.).

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

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

10 "Taxing entity" means the county, the school district or districts,
11 and the municipality authorized to levy a tax on the taxable
12 property within a municipality.

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

14

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

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

19 "Applicant" means a developer proposing to enter into a
20 redevelopment incentive grant agreement.

21 "Ancillary infrastructure project" means structures or
22 improvements that are located within the incentive area but outside
23 the project area of a redevelopment project, including, but not
24 limited to, docks, bulkheads, parking garages, public electric
25 vehicle charging stations, freight rail spurs, roadway overpasses,
26 and train station platforms, provided a developer or municipal
27 redeveloper has demonstrated that the redevelopment project would
28 not be economically viable or promote the use of public
29 transportation without such improvements, as approved by the State
30 Treasurer.

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

34 "Aviation district" means all areas within the boundaries of the
35 "Atlantic City International Airport," established pursuant to section
36 24 of P.L.1991, c.252 (C.27:25A-24), and the Federal Aviation
37 Administration William J. Hughes Technical Center and the area
38 within a one-mile radius of the outermost boundary of the "Atlantic
39 City International Airport" and the Federal Aviation Administration
40 William J. Hughes Technical Center.

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

46 "Developer" means any person who enters or proposes to enter
47 into a redevelopment incentive grant agreement pursuant to the
48 provisions of section 9 of P.L.2009, c.90 (C.52:27D-489i), or its

1 successors or assignees, including but not limited to a lender that
2 completes a redevelopment project, operates a redevelopment
3 project, or completes and operates a redevelopment project. A
4 developer also may be a municipal redeveloper as defined herein or
5 Rutgers, the State University of New Jersey.

6 "Director" means the Director of the Division of Taxation in the
7 Department of the Treasury.

8 "Disaster recovery project" means a redevelopment project
9 located on property that has been wholly or substantially damaged
10 or destroyed as a result of a federally-declared disaster, and which
11 is located within the incentive area and has been determined by the
12 authority to be in an area appropriate for development and in need
13 of economic development incentive assistance.

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

23 "Electric vehicle charging station" means an electric component
24 assembly or cluster of component assemblies designed specifically
25 to charge batteries within electric vehicles by permitting the transfer
26 of electric energy to a battery or other storage device in an electric
27 vehicle.

28 "Eligibility period" means the period of time specified in a
29 redevelopment incentive grant agreement for the payment of
30 reimbursements to a developer, which period shall not exceed 20
31 years, with the term to be determined solely at the discretion of the
32 applicant.

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

41 "Garden State Growth Zone" or "growth zone" means the four
42 New Jersey cities with the lowest median family income based on
43 the 2009 American Community Survey from the US Census, (Table
44 708. Household, Family, and Per Capita Income and Individuals,
45 and Families Below Poverty Level by City: 2009); a municipality
46 which contains a Tourism District as established pursuant to section
47 5 of P.L.2011, c.18 (C.5:12-219) and regulated by the Casino
48 Reinvestment Development Authority; or an aviation district.

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

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

11 "Infrastructure improvements in the public right-of-way" mean
12 public structures or improvements, including public electric vehicle
13 charging stations, located in the public right-of-way that are located
14 within a project area or that constitute an ancillary infrastructure
15 project, either of which are dedicated to or owned by a
16 governmental body or agency upon completion, or any required
17 payment in lieu of the structures, improvements or projects, or any
18 costs of remediation associated with the structures, improvements
19 or projects, and that are determined by the authority, in consultation
20 with applicable State agencies, to be consistent with and in
21 furtherance of State public infrastructure objectives and initiatives.

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

29 "Major rail station" means a railroad station located within a
30 qualified incentive area which provides access to the public to a
31 minimum of six rail passenger service lines operated by the New
32 Jersey Transit Corporation.

33 "Mixed use parking project" means a redevelopment project, the
34 parking component of which shall constitute 51 percent or more of
35 any of the following:

- 36 a. the total square footage of the entire mixed use parking
37 project;
- 38 b. the estimated revenues of the entire mixed use parking
39 project; or
- 40 c. the total construction cost of the entire mixed use parking
41 project.

42 "Moderate-income housing" means housing affordable,
43 according to United States Department of Housing and Urban
44 Development or other recognized standards for home ownership
45 and rental costs, and occupied or reserved for occupancy by
46 households with a gross household income equal to more than 50
47 percent but less than 80 percent of the median gross household

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

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

5 a. a municipal government, a municipal parking authority, or a
6 redevelopment agency acting on behalf of a municipal government
7 as defined in section 3 of P.L.1992, c.79 (C.40A:12A-3); or

8 b. a developer of a mixed use parking project, provided that the
9 parking component of the mixed use parking project is operated and
10 maintained by a municipal parking authority for the term of any
11 financial assistance granted pursuant to P.L.2015, c.69.

12 "Municipal Revitalization Index" means the 2007 index by the
13 Office for Planning Advocacy within the Department of State
14 measuring or ranking municipal distress.

15 "Non-parking component" means that portion of a mixed use
16 parking project not used for parking, together with the portion of
17 the costs of the mixed use parking project, including but not limited
18 to the footings, foundations, site work, infrastructure, and soft costs
19 that are allocable to the non-parking use.

20 "Parking component" means that portion of a mixed use parking
21 project used for parking, together with the portion of the costs of
22 the mixed use parking project, including but not limited to the
23 footings, foundations, site work, infrastructure, and soft costs that
24 are allocable to the parking use. The parking component, which
25 may include enclosed pedestrian walkways or a skybridge, may be
26 in the same structure as all the non-parking components or may be
27 in a structure with some non-parking components with the
28 remaining non-parking components in an adjacent or nearby
29 structure that is no more than one third of a mile from the parking
30 components.

31 "Project area" means land or lands located within the incentive
32 area under common ownership or control including through a
33 redevelopment agreement with a municipality, or as otherwise
34 established by a municipality or a redevelopment agreement
35 executed by a State entity to implement a redevelopment project.

36 "Project cost" means the costs incurred in connection with the
37 redevelopment project by the developer until the issuance of a
38 permanent certificate of occupancy, or until such other time
39 specified by the authority, for a specific investment or
40 improvement, including the costs relating to receiving Highlands
41 Development Credits under the Highlands Transfer Development
42 Rights Program authorized pursuant to section 13 of P.L.2004,
43 c.120 (C.13:20-13), lands, buildings, improvements, real or
44 personal property, or any interest therein, including leases
45 discounted to present value, including lands under water, riparian
46 rights, space rights and air rights acquired, owned, developed or
47 redeveloped, constructed, reconstructed, rehabilitated or improved,
48 any environmental remediation costs, plus costs not directly related

1 to construction, of an amount not to exceed 20 percent of the total
2 costs, capitalized interest paid to third parties, and the cost of
3 infrastructure improvements, including ancillary infrastructure
4 projects, and, for projects located in a Garden State Growth Zone
5 only, the cost of infrastructure improvements including any
6 ancillary infrastructure project and the amount by which total
7 project cost exceeds the cost of an alternative location for the
8 redevelopment project, but excluding any particular costs for which
9 the project has received federal, State, or local funding.

10 "Project financing gap" means:

11 a. the part of the total project cost, including return on
12 investment, that remains to be financed after all other sources of
13 capital have been accounted for, including, but not limited to,
14 developer-contributed capital, which shall not be less than 20
15 percent of the total project cost, which may include the value of any
16 existing land and improvements in the project area owned or
17 controlled by the developer, and the cost of infrastructure
18 improvements in the public right-of-way, subject to review by the
19 State Treasurer, and investor or financial entity capital or loans for
20 which the developer, after making all good faith efforts to raise
21 additional capital, certifies that additional capital cannot be raised
22 from other sources on a non-recourse basis; and

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

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

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

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

31 b. multiplying that product by a fraction having a numerator
32 equal to the taxable value of all the property assessed within the
33 project area, minus the property tax increment base, and having a
34 denominator equal to the taxable value of all property assessed
35 within the project area.

36 For the purpose of this definition, "property tax increment base"
37 means the aggregate taxable value of all property assessed which is
38 located within the redevelopment project area as of October 1st of
39 the year proceeding the year in which the redevelopment incentive
40 grant agreement is authorized.

41 "Public electric vehicle charging station" means an electric
42 vehicle charging station located at a publicly available parking
43 space.

44 "Publicly available parking space" means a parking space that is
45 available to, and accessible by, the public and may include on-street
46 parking spaces and parking spaces in surface lots or parking
47 garages, but shall not include a parking space that is part of, or
48 associated with, a private residence; or a parking space that is

1 reserved for the exclusive use of an individual driver or vehicle or
2 for a group of drivers or vehicles, such as employees, tenants,
3 visitors, residents of a common interest development, or residents
4 of an adjacent building.

5 "Qualified incubator facility" means a commercial building
6 located within an incentive area: which contains 100,000 or more
7 square feet of office, laboratory, or industrial space; which is
8 located near, and presents opportunities for collaboration with, a
9 research institution, teaching hospital, college, or university; and
10 within which, at least 75 percent of the gross leasable area is
11 restricted for use by one or more technology startup companies
12 during the commitment period.

13 "Qualified residential project" means a redevelopment project
14 that is predominantly residential and includes multi-family
15 residential units for purchase or lease, or dormitory units for
16 purchase or lease, having a total project cost of at least
17 \$17,500,000, if the project is located in any municipality with a
18 population greater than 200,000 according to the latest federal
19 decennial census, or having a total project cost of at least
20 \$10,000,000 if the project is located in any municipality with a
21 population less than 200,000 according to the latest federal
22 decennial census, or is a disaster recovery project, or having a total
23 project cost of \$5,000,000 if the project is in a Garden State Growth
24 Zone.

25 "Qualifying economic redevelopment and growth grant incentive
26 area" or "incentive area" means:

- 27 a. an aviation district;
28 b. a port district;
29 c. a distressed municipality; or
30 d. an area (1) designated pursuant to the "State Planning Act,"

31 P.L.1985, c.398 (C.52:18A-196 et seq.), as:

- 32 (a) Planning Area 1 (Metropolitan);
33 (b) Planning Area 2 (Suburban); or
34 (c) Planning Area 3 (Fringe Planning Area);
35 (2) located within a smart growth area and planning area
36 designated in a master plan adopted by the New Jersey
37 Meadowlands Commission pursuant to subsection (i) of section 6 of
38 P.L.1968, c.404 (C.13:17-6) or subject to a redevelopment plan
39 adopted by the New Jersey Meadowlands Commission pursuant to
40 section 20 of P.L.1968, c.404 (C.13:17-21);

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

46 (4) located within a regional growth area, rural development
47 area zoned for industrial use as of the effective date of P.L.2016,
48 c.75, town, village, or a military and federal installation area

1 designated in the comprehensive management plan prepared and
2 adopted by the Pinelands Commission pursuant to the "Pinelands
3 Protection Act," P.L.1979, c.111 (C.13:18A-1 et seq.);

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

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

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

10 (8) located only within the following portions of the areas
11 designated pursuant to the "State Planning Act," P.L.1985,
12 c.398 (C.52:18A-196 et al.), as Planning Area 4A (Rural Planning
13 Area), Planning Area 4B (Rural/Environmentally Sensitive) or
14 Planning Area 5 (Environmentally Sensitive) if Planning Area 4A
15 (Rural Planning Area), Planning Area 4B (Rural/Environmentally
16 Sensitive) or Planning Area 5 (Environmentally Sensitive) is
17 located within:

18 (a) a designated center under the State Development and
19 Redevelopment Plan;

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

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

28 (d) any area on which a structure exists or previously existed
29 including any desired expansion of the footprint of the existing or
30 previously existing structure provided the expansion otherwise
31 complies with all applicable federal, State, county, and local
32 permits and approvals;

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

36 (f) any area on which an existing tourism destination project is
37 located.

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

43 "Redevelopment incentive grant agreement" means an agreement
44 between:

45 a. the State and the New Jersey Economic Development
46 Authority and a developer; or

47 b. a municipality and a developer, or a municipal ordinance
48 authorizing a project to be undertaken by a municipal redeveloper,

1 under which, in exchange for the proceeds of an incentive grant, the
2 developer agrees to perform any work or undertaking necessary for
3 a redevelopment project, including the clearance, development or
4 redevelopment, construction, or rehabilitation of any structure or
5 improvement of commercial, industrial, residential, or public
6 structures or improvements within a qualifying economic
7 redevelopment and growth grant incentive area or a transit village.

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

37 "Redevelopment utility" means a self-liquidating fund created by
38 a municipality pursuant to section 12 of P.L.2009, c.90 (C.52:27D-
39 489l) to account for revenues collected and incentive grants paid
40 pursuant to section 11 of P.L.2009, c.90 (C.52:27D-489k), or other
41 revenues dedicated to a redevelopment project.

42 "Revenue increment base" means the amounts of all eligible
43 revenues from sources within the redevelopment project area in the
44 calendar year proceeding the year in which the redevelopment
45 incentive grant agreement is executed, as certified by the State
46 Treasurer for State revenues, and the chief financial officer of the
47 municipality for municipal revenues.

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

3 "SDA municipality" means a municipality in which an SDA
4 district is situated.

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

10 "Tourism destination project" means a redevelopment project
11 that will be among the most visited privately owned or operated
12 tourism or recreation sites in the State, and which is located within
13 the incentive area and has been determined by the authority to be in
14 an area appropriate for development and in need of economic
15 development incentive assistance.

16 "Transit project" means a redevelopment project located within a
17 1/2-mile radius, or one-mile radius for projects located in a Garden
18 State Growth Zone, surrounding the mid-point of a New Jersey
19 Transit Corporation, Port Authority Transit Corporation, or Port
20 Authority Trans-Hudson Corporation rail, bus, or ferry station
21 platform area, including all light rail stations.

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

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

28 a. buildings and structures, such as academic buildings,
29 recreation centers, indoor athletic facilities, public works garages,
30 and water and sewer treatment and pumping facilities;

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

33 c. transportation facilities, such as bus shelters and parking
34 facilities.

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

43 "Vacant commercial building" means any commercial building
44 or complex of commercial buildings having over 400,000 square
45 feet of office, laboratory, or industrial space that is more than 70
46 percent unoccupied at the time of application to the authority or is
47 negatively impacted by the approval of a "qualified business
48 facility," as defined pursuant to section 2 of P.L.2007,

1 c.346 (C.34:1B-208), or any vacant commercial building in a
2 Garden State Growth Zone having over 35,000 square feet of office,
3 laboratory, or industrial space, or over 200,000 square feet of
4 office, laboratory, or industrial space in Atlantic, Burlington,
5 Camden, Cape May, Cumberland, Gloucester, Ocean, or Salem
6 counties available for occupancy for a period of over one year.

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

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

14

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

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

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

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

39 d. In deciding whether or not to approve a local incentive grant
40 agreement the Local Finance Board shall consider the following
41 factors:

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

43 (2) the extent of economic and related social distress in the
44 municipality and the area to be affected by the redevelopment
45 project;

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

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

6 (5) the relationship of the redevelopment project to a
7 comprehensive local development strategy, including other major
8 projects undertaken within the municipality;

9 (6) the need for the redevelopment incentive grant agreement to
10 the viability of the redevelopment project;

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

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

15 e. A developer shall not be required to purchase pinelands
16 development credits under the "Pinelands Protection Act,"
17 P.L.1979, c.111 (C.13:18A-1 et seq.), the pinelands comprehensive
18 management plan, or any other rule or regulation adopted pursuant
19 to that act in connection with any approval or relief obtained related
20 to a redevelopment project located in an aviation district on or after
21 the effective date of P.L.2018, c.120, except if seeking to develop in
22 permanently protected open space pursuant to the Pinelands
23 Protection Act. The provisions of this subsection shall not apply to
24 a developer of a qualified residential project.

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

26

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

29 11. a. The governing body of a municipality may, by ordinance,
30 agree that certain eligible revenues in a project area may be paid for
31 a period, not to exceed 20 years, to a municipal redeveloper to
32 undertake and fund up to 100 percent of the construction of
33 infrastructure improvements in a public right-of-way **[or]** , publicly
34 owned facilities, or public electric vehicle charging stations.

35 b. An ordinance adopted pursuant to subsection a. of this
36 section shall set forth in detail the proposed construction, the
37 proposed redevelopment project, the estimated project costs, and
38 the projected eligible incremental revenues to be paid. No
39 ordinance shall be finally approved by the municipality unless
40 approved by the Local Finance Board. In deciding whether or not
41 to approve such ordinance, the Local Finance Board shall determine
42 whether the proposed redevelopment project consists of public
43 electric vehicle charging stations, publicly owned facilities, or
44 infrastructure improvements in the public right-of-way. It also shall
45 consider the factors listed at paragraphs (1) through (8) of
46 subsection d. of section 4 of P.L.2009, c.90 (C.52:27D-489d),
47 provided that with respect to infrastructure improvements in the
48 public right-of-way, it shall not consider paragraph (4) of

1 subsection d. of section 4 of P.L.2009, c.90 (C.52:27D-489d). Such
2 proposed redevelopment project shall conform to the requirements
3 of sections 7, 8, and 11 of P.L.2009, c.90 (C.52:27D-489g,
4 C.52:27D-489h, and C.52:27D-489k), except as set forth therein.
5 (cf: P.L.2010, c.10, s.11)

6
7 9. This act shall take effect immediately.
8
9

10 STATEMENT

11
12 This bill would encourage municipalities involved in
13 redevelopment efforts to include plans for the development of
14 publicly available electric vehicle charging infrastructure when
15 adopting redevelopment plans. The bill also encourages
16 municipalities to build public electric vehicle charging stations by
17 specifically authorizing municipalities to use revenue streams
18 available for funding infrastructure that is related to redevelopment
19 projects for the development of publicly available electric vehicle
20 charging stations.

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

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

41 Municipalities have an opportunity to increase EV adoption by
42 increasing the availability of public chargers, thereby reducing
43 consumer concerns about range anxiety. Range anxiety refers to the
44 concern consumers have in running out of charge and finding
45 themselves stranded. Although most EVs will support the owner's
46 typical daily drive, consumers worry about the unplanned trips that
47 might cause their vehicles to run out of charge. While most EV
48 charging will be done at home or at work, the development of

1 public charging stations is necessary to support motorists traveling
2 outside their normal routine, and to reduce range anxiety. In
3 addition to providing a real solution to range anxiety concerns, the
4 development of public charging stations increases public awareness
5 of electric vehicles.

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

SENATE COMMUNITY AND URBAN AFFAIRS COMMITTEE

STATEMENT TO

SENATE, No. 2142

with committee amendments

STATE OF NEW JERSEY

DATED: MARCH 11, 2021

The Senate Community and Urban Affairs Committee reports favorably and with committee amendments Senate Bill No. 2142.

As amended, this bill would encourage municipalities to identify appropriate locations for the development of publicly-available infrastructure for fueling or charging zero-emission vehicles (ZEVs) when adopting redevelopment plans. For the purposes of this bill, the term “zero-emission vehicle” specifically includes battery electric-powered vehicles and hydrogen fueling stations. The bill would also encourage municipalities to build publicly-available ZEV fueling and charging stations by allowing municipalities to fund them through revenue streams that are currently available to fund infrastructure related to redevelopment projects.

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

The development of ZEV charging infrastructure is a critical step in creating jobs, fostering economic growth, reducing greenhouse gas emissions, reducing our reliance on foreign fuels, and reducing pollution attributable to the operation of petroleum-based vehicles. Limited driving distance is a fundamental disadvantage and obstacle to broad consumer adoption of ZEVs. In order to eliminate this fundamental disadvantage and dramatically increase consumer acceptance and usage of ZEVs, it is essential to develop a network of convenient ZEV charging and fueling stations.

Municipalities have an opportunity to increase ZEV adoption by increasing the availability of public charging and fueling stations, thereby reducing consumer concerns about range anxiety. Range anxiety refers to the concern consumers have in running out of charge or fuel and finding themselves stranded. Although most ZEVs will support the owner’s typical daily drive, consumers worry about the unplanned trips that might cause their vehicles to run out of charge or

fuel. While most ZEVs will be charged or fueled at home or at work, the development of public ZEV charging and fueling stations is necessary to support motorists traveling outside their normal routine, and to reduce range anxiety. In addition to providing a real solution to range anxiety concerns, the development of public ZEV fueling and charging stations increases public awareness of zero-emission vehicles.

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

As amended and reported by the committee, this bill is identical to Assembly Bill No. 1653 (1R), which the committee also reported on this date.

COMMITTEE AMENDMENTS:

The committee amendments make the bill identical to Assembly Bill No. 1653 (1R).

Specifically, the committee amendments primarily change the focus of the bill from "public electric vehicle charging stations" to "zero-emission vehicle fueling and charging infrastructure." This would include "public electric vehicle charging stations" as well as "public hydrogen fueling stations."

Governor Murphy Signs Bills to Advance New Jersey's Clean Energy Future

07/9/2021

Legislation will Increase Solar Development and Facilitate Installation of Electric Vehicle Charging Infrastructure throughout the State

SEASIDE HEIGHTS – Governor Phil Murphy today signed a package of bills aimed at advancing New Jersey's transition to a clean energy future to further the Administration's goal of reaching 100 percent clean energy by 2050. The legislation will increase solar development and facilitate installation of electric vehicle charging infrastructure throughout the state.

"Three and a half years ago we put forth one of the most aggressive plans in the nation to move New Jersey away from fossil fuels and towards a future based on clean and renewable energy technologies," **said Governor Murphy**. "From wind-turbine component manufacturing, to solar energy installation, to electric vehicles, the modernization of our energy sector will not only aid us in addressing climate change, but also drive significant economic growth and create good-paying, union jobs across the state. By signing these bills today, we are marking another milestone on our path to 100 percent clean energy by 2050 and fueling our clean innovation economy."

"In order to combat climate change and its devastating consequences, we must do all we can to make it easier for people and families to use and charge electric vehicles whether they live in a single-family home or in a multi-family dwelling. Electric vehicles are the future and everyone should have access to the environmental and economic benefits they provide," **said Lt. Governor Sheila Oliver, who serves as Commissioner of the New Jersey Department of Community Affairs**. "The legislation that Governor Murphy signed today will go a long way to supporting electric vehicle adoption across New Jersey. In fact, DCA is already at work crafting model ordinances to provide local governments with the ability to safely and efficiently approve the installation of electric vehicle service equipment and parking spaces that are pre-wired for electric vehicle infrastructure. DCA looks forward to continuing to do its part on electric vehicles and the broader effort to protect our environment."

The Governor signed the following four bills into law:

S3223 (Smith, Bateman/Swain, Benson, Lopez, Verrelli, Karabinchak, Zwicker) - Establishes numerical requirements and zoning standards for installation of electric vehicle supply equipment and Make-Ready parking spaces

A1653 (Quijano, Karabinchak, Holley/Smith, Bateman) - Encourages development of zero-emission vehicle fueling and charging infrastructure in redevelopment projects.

A4554 (Karabinchak, Burzichelli, Houghtaling/Smith, Bateman) - Establishes successor program to solar renewable energy certificate program in BPU, including solicitation process for certain solar power generation facilities.

A5434 (Dancer, Armato, Houghtaling/Smith, Bateman) - Establishes dual-use solar project pilot program for unpreserved farmland; allows land used for dual-use solar project to be eligible for farmland assessment under certain conditions.

"I often talk about how significant these past few years have been for greatly expanding and growing renewable energy and electric vehicle capacity in New Jersey to combat climate change," **said Senator Smith**. "With the dual-use solar project and utility-scale solar program laws now established, we can significantly increase our renewable energy footprint in a way that both preserves farmland and open-space. This clean energy can then go into the electrical grid to help power the electric vehicles via charging stations installed around the state."

"In the not-so-distant future, we'll see the day when most cars on the road are electric. By 2040, over half of all passenger vehicles sold are projected to be electric," **said Assemblymembers Lisa Swain, Daniel Benson, Yvonne Lopez, Anthony Verrelli, Robert Karabinchak, and Andrew Zwicker in a joint statement.** "For the sake of our climate future, that day cannot come soon enough. If we want to encourage consumers to shift from buying gasoline-powered cars that emit dangerous fossil fuels into the air and erode our climate, to environmentally conscious electric vehicles that will reduce our dependence on oil and support clean air initiatives, we must invest in EV charging infrastructure in every community. The standards outlined in this law will remove roadblocks faced when installing EV supply equipment and parking spaces, which will expand our EV infrastructure and help New Jersey meet its climate goals."

"More people are using zero-emission vehicles now than ever before. This is due in part to the hundreds of dollars ZEV drivers save each year on gas," **said Assemblymembers Annette Quijano, Robert Karabinchak, and Jamel Holley in a joint statement.** "These vehicles are also better for our planet than gasoline cars because they don't create byproducts that can harm the environment. The Assembly passed quite a few bills last session to encourage the purchase of ZEVs, and we must continue our efforts of finding ways to make these cars more convenient for both current and prospective owners. This law will encourage municipalities to incorporate charging and refueling stations in their redevelopment plans to increase the number of stations throughout our state. The more places our residents can go to recharge or refuel their ZEV, the more practical and appealing these vehicles will be."

"Solar power is a clean, renewable source of energy that can reliably power homes and businesses throughout our state," **said Assemblymen Robert Karabinchak, John Burzichelli, and Eric Houghtaling in a joint statement.** "The Solar Successor Program will incentivize the generation of more solar power to help New Jersey reach our energy goals over the next five years and beyond. This program will not only create new jobs, but help protect our environment as well – ultimately benefitting everyone in our state."

"This law will allow large-scale solar energy projects to be used as a tool for farmland preservation, and improve long-term viability of New Jersey family-farming operations," **said Assemblymen John Armato and Eric Houghtaling in a joint statement.** "Studies have shown that agriculture production and solar generation can coexist on the same land. With a dual-use solar project pilot program, crops would flourish while the State continues its ambition toward 100% clean energy by 2050."

"A very good balance was struck between maintaining our best agricultural lands while at the same time advancing the state's Energy Master Plan," **said New Jersey Department of Agriculture Secretary Douglas Fisher.** "The Department of Agriculture is working closely with BPU as well as with Rutgers University to ensure the best possible outcomes are achieved. Thank you to Governor Murphy and the Legislature for continuing to make clean energy a priority that will allow solar interests to be developed while advancing agriculture in the Garden State."

"Governor Murphy's actions on these bills today will expand solar energy and electric vehicle infrastructure and continue to advance our efforts to achieve 100% clean energy by 2050," **said New Jersey Board of Public Utilities President Joseph L. Fiordaliso.** "We are building on the success of New Jersey's solar industry, which is going strong with over 142,000 installations in the state, as well developing the critical EV infrastructure necessary to help drivers make the switch. The new legislation complements our efforts at the Board and will help deliver on the Governor's vision of a clean energy future."

"Increasing the use of solar energy and zero-emission vehicles is not only essential for addressing the threat of climate change, but also creates important opportunities for long-term, sustainable economic growth," **said New Jersey Economic Development Authority Chief Executive Officer Tim Sullivan.** "Around the world, clean energy is a major job creator, and Governor Murphy's strong leadership in signing these bills is a critical step forward that will establish New Jersey as a leader in the fight against climate change while building a stronger, fairer economy."

"I am proud to stand with Governor Murphy today as he signs legislation that will make it easier for New Jersey's municipalities to create electric vehicle charging infrastructure in their communities and further advance the state's clean energy goals," **said New Jersey Department of Environmental Protection**

Commissioner Shawn M. LaTourette. "Driving electric has numerous benefits for public health, air quality and the environment. We encourage the public to review the many incentives New Jersey offers for purchasing and driving electric vehicles and consider doing so an investment in the state's clean energy future."

"Governor Murphy understands that the aggressive and thoughtful pursuit of clean energy and the economy of New Jersey will be the rising tide that lifts all boats," **said Pam Frank, CEO, ChargeVC-NJ.** "And importantly, in the name of fairness and in the name of decency, the governor recognizes that for so many generations, so many of our boats, never even left the shore. Putting his vision together with the leadership of these two men, Senator Smith and Assemblyman Benson means a lot is happening."

This Week in NJ: July 9th, 2021

07/9/2021



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Governor Murphy Signs Legislation to Protect New Jersey Workers, Employers From Unlawful Misclassification

Building on his commitment to making sure that workers and employers in New Jersey are treated fairly, Governor Murphy signed a four-bill legislative package furthering state efforts to stop employee misclassification.



“Workers who are misclassified as independent contractors miss out on fair wages and benefits,” **said Governor Murphy.** “These business practices are unfair, abusive, and illegal and they cannot be tolerated. Today’s action will give the state more tools to root-out and prevent misclassification. I am honored to sign these bills today on behalf of New Jersey’s workers.”

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NJBPU Launches Year 2 of Popular Charge Up New Jersey Electric Vehicle Rebate Program

The New Jersey Board of Public Utilities opened Year 2 of its Charge Up New Jersey electric vehicle (EV) incentive program taking one more step toward the Murphy Administration’s goal of getting 330,000 EVs on the road by 2025. Charge Up New Jersey provides a rebate of up to \$5,000 toward a new EV purchased or leased in New Jersey.

The incentive is available exclusively as a “point-of-sale” rebate applied during the purchase or leasing process at dealerships and requires a valid New Jersey driver’s license to get started. Only EVs registered and purchased in New Jersey are eligible.

“Transportation is responsible for over 40 percent of the state’s greenhouse gas emissions, as well as harmful air pollution, which often disproportionately impacts overburdened communities,” **said Joseph L. Fiordaliso, NJBPU President.** “Electrifying the transportation sector is a core strategy of Governor Murphy’s Energy Master Plan because it will help tackle climate change while improving public health and air quality. Making EVs more affordable will encourage EV adoption and get us closer to 100 percent clean energy by 2050.”

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Murphy Administration Enforces Strong Building Codes and Multi-Unit Housing Inspections Across the State

Governor Murphy and Lieutenant Governor Oliver reminded the public that the Division of Codes and Standards in the New Jersey Department of Community Affairs (DCA) is at the forefront of enforcing building codes, in partnership with municipalities in the state, to protect the health and safety of people who live, work, and visit New Jersey.



“The Florida condominium collapse is a sobering reminder that inspections and enforcement of building codes are critical tools that keep people safe,” **said Governor Murphy.** “New Jersey’s building codes are among the strongest in the nation, and our residents can rest assured that the Department of Community Affairs goes above and beyond the nationwide standard. Through continued vigilance, we can prevent tragedies and save lives.”

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