

**34:1B-5, 34:1B-7.13 and 34:1B-247  
LEGISLATIVE HISTORY CHECKLIST**

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**LAWS OF:** 2020

**CHAPTER:** 8

**NJSA:** 34:1B-5, 34:1B-7.13 and 34:1B-247 (Authorizes EDA to make grants during periods of emergency declared by Governor and for duration of economic disruptions due to emergency; allows EDA to grant certain business documentation submission deadline extensions.)

**BILL NO:** A3845 (Substituted for S2284)

**SPONSOR(S)** Roy Freiman and others

**DATE INTRODUCED:** 3/16/2020

**COMMITTEE:** **ASSEMBLY:** ---

**SENATE:** ---

**AMENDED DURING PASSAGE:** No

**DATE OF PASSAGE:** **ASSEMBLY:** 3/16/2020

**SENATE:** 3/19/2020

**DATE OF APPROVAL:** 3/20/2020

**FOLLOWING ARE ATTACHED IF AVAILABLE:**

**FINAL TEXT OF BILL** (Introduced bill enacted) Yes

**A3845**

**SPONSOR'S STATEMENT:** (Begins on page 14 of introduced bill) Yes

**COMMITTEE STATEMENT:** **ASSEMBLY:** No

**SENATE:** No

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, **may possibly** be found at [www.njleg.state.nj.us](http://www.njleg.state.nj.us))

**FLOOR AMENDMENT STATEMENT:** No

**LEGISLATIVE FISCAL ESTIMATE:** No

**S2284**

**SPONSOR'S STATEMENT:** (Begins on page 14 of introduced bill) Yes

**COMMITTEE STATEMENT:** **ASSEMBLY:** No

**SENATE:** No

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, **may possibly** be found at [www.njleg.state.nj.us](http://www.njleg.state.nj.us))

**FLOOR AMENDMENT STATEMENT:** No

**LEGISLATIVE FISCAL ESTIMATE:** No

**VETO MESSAGE:** No

**GOVERNOR'S PRESS RELEASE ON SIGNING:** Yes

**FOLLOWING WERE PRINTED:**

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**REPORTS:** No

**HEARINGS:** No

**NEWSPAPER ARTICLES:** Yes

"Murphy approves first batch of COVID-19 relief bills for workers, businesses." NJBIZ (New Brunswick, NJ), March 23, 2020.

"Virus no excuse to drop NJEDA oversight." Times, The (Trenton, NJ), March 21, 2020: 006.

"Ill workers now protected from being fired," The Star-Ledger, March 22, 2020

"Aid package protects against eviction," Suburban Trends, March 22, 2020

"Murphy signs aid package halting evictions and" The Record, March 22, 2020

Rwh/CL

P.L. 2020, CHAPTER 8, *approved March 20, 2020*

Assembly, No. 3845

1 **AN ACT** authorizing the New Jersey Economic Development  
2 Authority to make grants during periods of emergency declared  
3 by the Governor and for the duration of economic disruptions  
4 due to the emergency, and amending various parts of the  
5 statutory law.

6

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

9

10 1. Section 5 of P.L.1974, c.80 (C.34:1B-5) is amended to read  
11 as follows:

12 5. The authority shall have the following powers:

13 a. To adopt bylaws for the regulation of its affairs and the  
14 conduct of its business;

15 b. To adopt and have a seal and to alter the same at pleasure;

16 c. To sue and be sued;

17 d. To acquire in the name of the authority by purchase or  
18 otherwise, on such terms and conditions and such manner as it may  
19 deem proper, or by the exercise of the power of eminent domain in  
20 the manner provided by the "Eminent Domain Act of 1971,"  
21 P.L.1971, c.361 (C.20:3-1 et seq.), any lands or interests therein or  
22 other property which it may determine is reasonably necessary for  
23 any project; provided, however, that the authority in connection  
24 with any project shall not take by exercise of the power of eminent  
25 domain any real property except upon consent thereto given by  
26 resolution of the governing body of the municipality in which such  
27 real property is located; and provided further that the authority shall  
28 be limited in its exercise of the power of eminent domain in  
29 connection with any project in qualifying municipalities as defined  
30 under the provisions of P.L.1978, c.14 (C.52:27D-178 et seq.), or to  
31 municipalities which had a population, according to the latest  
32 federal decennial census, in excess of 10,000;

33 e. To enter into contracts with a person upon such terms and  
34 conditions as the authority shall determine to be reasonable,  
35 including, but not limited to, reimbursement for the planning,  
36 designing, financing, construction, reconstruction, improvement,  
37 equipping, furnishing, operation and maintenance of the project and  
38 to pay or compromise any claims arising therefrom;

39 f. To establish and maintain reserve and insurance funds with  
40 respect to the financing of the project or the school facilities project  
41 and any project financed pursuant to the "Municipal Rehabilitation  
42 and Economic Recovery Act," P.L.2002, c.43 (C.52:27BBB-  
43 1 et al.);

**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 g. To sell, convey or lease to any person all or any portion of a  
2 project for such consideration and upon such terms as the authority  
3 may determine to be reasonable;
- 4 h. To mortgage, pledge or assign or otherwise encumber all or  
5 any portion of a project, or revenues, whenever it shall find such  
6 action to be in furtherance of the purposes of this act, P.L.2000,  
7 c.72 (C.18A:7G-1 et al.), the "Municipal Rehabilitation and  
8 Economic Recovery Act," P.L.2002, c.43 (C.52:27BBB-1 et al.),  
9 P.L.2007, c.137 (C.52:18A-235 et al.), and sections 3 through 18 of  
10 P.L.2009, c.90 (C.52:27D-489c et al.);
- 11 i. To grant options to purchase or renew a lease for any of its  
12 projects on such terms as the authority may determine to be  
13 reasonable;
- 14 j. To contract for and to accept any gifts or grants or loans of  
15 funds or property or financial or other aid in any form from the  
16 United States of America or any agency or instrumentality thereof,  
17 or from the State or any agency, instrumentality or political  
18 subdivision thereof, or from any other source and to comply,  
19 subject to the provisions of P.L.1974, c.80 (C.34:1B-1 et seq.),  
20 section 6 of P.L.2001, c.401 (C.34:1B-4.1), P.L.2000, c.72  
21 (C.18A:7G-1 et al.), the "Municipal Rehabilitation and Economic  
22 Recovery Act," P.L.2002, c.43 (C.52:27BBB-1 et al.), and  
23 P.L.2007, c.137 (C.52:18A-235 et al.), with the terms and  
24 conditions thereof;
- 25 k. In connection with any action undertaken by the authority in  
26 the performance of its duties and any application for assistance or  
27 commitments therefor and modifications thereof, to require and  
28 collect such fees and charges as the authority shall determine to be  
29 reasonable, including but not limited to fees and charges for the  
30 authority's administrative, organizational, insurance, operating,  
31 legal, and other expenses;
- 32 l. To adopt, amend and repeal regulations to carry out the  
33 provisions of P.L.1974, c.80 (C.34:1B-1 et seq.), section 6 of  
34 P.L.2001, c.401 (C.34:1B-4.1), P.L.2000, c.72 (C.18A:7G-1 et al.),  
35 the "Municipal Rehabilitation and Economic Recovery Act,"  
36 P.L.2002, c.43 (C.52:27BBB-1 et al.), and P.L.2007, c.137  
37 (C.52:18A-235 et al.);
- 38 m. To acquire, purchase, manage and operate, hold and dispose  
39 of real and personal property or interests therein, take assignments  
40 of rentals and leases and make and enter into all contracts, leases,  
41 agreements and arrangements necessary or incidental to the  
42 performance of its duties;
- 43 n. To purchase, acquire and take assignments of notes,  
44 mortgages and other forms of security and evidences of  
45 indebtedness;
- 46 o. To purchase, acquire, attach, seize, accept or take title to any  
47 project or school facilities project by conveyance or by foreclosure,

1 and sell, lease, manage or operate any project or school facilities  
2 project for a use specified in this act, P.L.2000, c.72 (C.18A:7G-  
3 1 et al.), the "Municipal Rehabilitation and Economic Recovery  
4 Act," P.L.2002, c.43 (C.52:27BBB-1 et al.), P.L.2007, c.137  
5 (C.52:18A-235 et al.), and sections 3 through 18 of P.L.2009, c.90  
6 (C.52:27D-489c et al.);

7 p. To borrow money and to issue bonds of the authority and to  
8 provide for the rights of the holders thereof, as provided in  
9 P.L.1974, c.80 (C.34:1B-1 et seq.), section 6 of P.L.2001, c.401  
10 (C.34:1B-4.1), P.L.2000, c.72 (C.18A:7G-1 et al.), the "Municipal  
11 Rehabilitation and Economic Recovery Act," P.L.2002, c.43  
12 (C.52:27BBB-1 et al.), P.L.2007, c.137 (C.52:18A-235 et al.), and  
13 sections 3 through 18 of P.L.2009, c.90 (C.52:27D-489c et al.);

14 q. To extend credit or make loans to any person for the  
15 planning, designing, acquiring, constructing, reconstructing,  
16 improving, equipping and furnishing of a project or school facilities  
17 project, which credits or loans may be secured by loan and security  
18 agreements, mortgages, leases and any other instruments, upon such  
19 terms and conditions as the authority shall deem reasonable,  
20 including provision for the establishment and maintenance of  
21 reserve and insurance funds, and to require the inclusion in any  
22 mortgage, lease, contract, loan and security agreement or other  
23 instrument, of such provisions for the construction, use, operation  
24 and maintenance and financing of a project or school facilities  
25 project as the authority may deem necessary or desirable;

26 r. To guarantee up to 90% of the amount of a loan to a person,  
27 if the proceeds of the loan are to be applied to the purchase and  
28 installation, in a building devoted to industrial or commercial  
29 purposes, or in an office building, of an energy improvement  
30 system;

31 s. To employ consulting engineers, architects, attorneys, real  
32 estate counselors, appraisers, and such other consultants and  
33 employees as may be required in the judgment of the redevelopment  
34 utility to carry out the purposes of P.L.1974, c.80 (C.34:1B-  
35 1 et seq.), section 6 of P.L.2001, c.401 (C.34:1B-4.1), P.L.2000,  
36 c.72 (C.18A:7G-1 et al.), the "Municipal Rehabilitation and  
37 Economic Recovery Act," P.L.2002, c.43 (C.52:27BBB-1 et al.),  
38 P.L.2007, c.137 (C.52:18A-235 et al.), and sections 3 through 18 of  
39 P.L.2009, c.90 (C.52:27D-489c et al.), and to fix and pay their  
40 compensation from funds available to the redevelopment utility  
41 therefor, all without regard to the provisions of Title 11A of the  
42 New Jersey Statutes;

43 t. To do and perform any acts and things authorized by  
44 P.L.1974, c.80 (C.34:1B-1 et seq.), section 6 of P.L.2001, c.401  
45 (C.34:1B-4.1), P.L.2000, c.72 (C.18A:7G-1 et al.), the "Municipal  
46 Rehabilitation and Economic Recovery Act," P.L.2002, c.43  
47 (C.52:27BBB-1 et al.), P.L.2007, c.137 (C.52:18A-235 et al.), and

- 1 sections 3 through 18 of P.L.2009, c.90 (C.52:27D-489c et al.),  
2 under, through or by means of its own officers, agents and  
3 employees, or by contract with any person;
- 4 u. To procure insurance against any losses in connection with  
5 its property, operations or assets in such amounts and from such  
6 insurers as it deems desirable;
- 7 v. To do any and all things necessary or convenient to carry out  
8 its purposes and exercise the powers given and granted in P.L.1974,  
9 c.80 (C.34:1B-1 et seq.), section 6 of P.L.2001, c.401 (C.34:1B-  
10 4.1), P.L.2000, c.72 (C.18A:7G-1 et al.), the "Municipal  
11 Rehabilitation and Economic Recovery Act," P.L.2002, c.43  
12 (C.52:27BBB-1 et al.), P.L.2007, c.137 (C.52:18A-235 et al.), and  
13 sections 3 through 18 of P.L.2009, c.90 (C.52:27D-489c et al.);
- 14 w. To construct, reconstruct, rehabilitate, improve, alter, equip,  
15 maintain or repair or provide for the construction, reconstruction,  
16 improvement, alteration, equipping or maintenance or repair of any  
17 development property and lot, award and enter into construction  
18 contracts, purchase orders and other contracts with respect thereto,  
19 upon such terms and conditions as the authority shall determine to  
20 be reasonable, including, but not limited to, reimbursement for the  
21 planning, designing, financing, construction, reconstruction,  
22 improvement, equipping, furnishing, operation and maintenance of  
23 any such development property and the settlement of any claims  
24 arising therefrom and the establishment and maintenance of reserve  
25 funds with respect to the financing of such development property;
- 26 x. When authorized by the governing body of a municipality  
27 exercising jurisdiction over an urban growth zone, to construct,  
28 cause to be constructed or to provide financial assistance to projects  
29 in an urban growth zone which shall be exempt from the terms and  
30 requirements of the land use ordinances and regulations, including,  
31 but not limited to, the master plan and zoning ordinances, of such  
32 municipality;
- 33 y. To enter into business employment incentive agreements as  
34 provided in the "Business Employment Incentive Program Act,"  
35 P.L.1996, c.26 (C.34:1B-124 et al.);
- 36 z. To enter into agreements or contracts, execute instruments,  
37 and do and perform all acts or things necessary, convenient or  
38 desirable for the purposes of the redevelopment utility to carry out  
39 any power expressly provided pursuant to P.L.1974, c.80 (C.34:1B-  
40 1 et seq.), P.L.2000, c.72 (C.18A:7G-1 et al.), and P.L.2007, c.137  
41 (C.52:18A-235 et al.), including, but not limited to, entering into  
42 contracts with the State Treasurer, the Commissioner of Education,  
43 districts, the New Jersey Schools Development Authority, and any  
44 other entity which may be required in order to carry out the  
45 provisions of P.L.2000, c.72 (C.18A:7G-1 et al.), P.L.2007, c.137  
46 (C.52:18A-235 et al.), and sections 3 through 18 of P.L.2009, c.90  
47 (C.52:27D-489c et al.);

- 1       aa. (Deleted by amendment, P.L.2007, c.137);
- 2       bb. To make and contract to make loans to local units to finance  
3 the cost of school facilities projects and to acquire and contract to  
4 acquire bonds, notes or other obligations issued or to be issued by  
5 local units to evidence the loans, all in accordance with the  
6 provisions of P.L.2000, c.72 (C.18A:7G-1 et al.), and P.L.2007,  
7 c.137 (C.52:18A-235 et al.);
- 8       cc. Subject to any agreement with holders of its bonds issued to  
9 finance a project or school facilities project, obtain as security or to  
10 provide liquidity for payment of all or any part of the principal of  
11 and interest and premium on the bonds of the authority or for the  
12 purchase upon tender or otherwise of the bonds, lines of credit,  
13 letters of credit, reimbursement agreements, interest rate exchange  
14 agreements, currency exchange agreements, interest rate floors or  
15 caps, options, puts or calls to hedge payment, currency, rate, spread  
16 or similar exposure or similar agreements, float agreements,  
17 forward agreements, insurance contract, surety bond, commitment  
18 to purchase or sell bonds, purchase or sale agreement, or  
19 commitments or other contracts or agreements, and other security  
20 agreements or instruments in any amounts and upon any terms as  
21 the authority may determine and pay any fees and expenses required  
22 in connection therewith;
- 23       dd. To charge to and collect from local units, the State and any  
24 other person, any fees and charges in connection with the  
25 authority's actions undertaken with respect to school facilities  
26 projects, including, but not limited to, fees and charges for the  
27 authority's administrative, organization, insurance, operating and  
28 other expenses incident to the financing of school facilities projects;
- 29       ee. To make loans to refinance solid waste facility bonds  
30 through the issuance of bonds or other obligations and the execution  
31 of any agreements with counties or public authorities to effect the  
32 refunding or rescheduling of solid waste facility bonds, or otherwise  
33 provide for the payment of all or a portion of any series of solid  
34 waste facility bonds. Any county or public authority refunding or  
35 rescheduling its solid waste facility bonds pursuant to this  
36 subsection shall provide for the payment of not less than fifty  
37 percent of the aggregate debt service for the refunded or  
38 rescheduled debt of the particular county or public authority for the  
39 duration of the loan; except that, whenever the solid waste facility  
40 bonds to be refinanced were issued by a public authority and the  
41 county solid waste facility was utilized as a regional county solid  
42 waste facility, as designated in the respective adopted district solid  
43 waste management plans of the participating counties as approved  
44 by the department prior to November 10, 1997, and the utilization  
45 of the facility was established pursuant to tonnage obligations set  
46 forth in their respective interdistrict agreements, the public  
47 authority refunding or rescheduling its solid waste facility bonds

1 pursuant to this subsection shall provide for the payment of a  
2 percentage of the aggregate debt service for the refunded or  
3 rescheduled debt of the public authority not to exceed the  
4 percentage of the specified tonnage obligation of the host county for  
5 the duration of the loan. Whenever the solid waste facility bonds  
6 are the obligation of a public authority, the relevant county shall  
7 execute a deficiency agreement with the authority, which shall  
8 provide that the county pledges to cover any shortfall and to pay  
9 deficiencies in scheduled repayment obligations of the public  
10 authority. All costs associated with the issuance of bonds pursuant  
11 to this subsection may be paid by the authority from the proceeds of  
12 these bonds. Any county or public authority is hereby authorized to  
13 enter into any agreement with the authority necessary, desirable or  
14 convenient to effectuate the provisions of this subsection.

15 The authority shall not issue bonds or other obligations to effect  
16 the refunding or rescheduling of solid waste facility bonds after  
17 December 31, 2002. The authority may refund its own bonds issued  
18 for the purposes herein at any time;

19 ff. To pool loans for any local government units that are  
20 refunding bonds and do and perform any and all acts or things  
21 necessary, convenient or desirable for the purpose of the authority  
22 to achieve more favorable interest rates and terms for those local  
23 governmental units;

24 gg. To finance projects approved by the board, provide staff  
25 support to the board, oversee and monitor progress on the part of  
26 the board in carrying out the revitalization, economic development  
27 and restoration projects authorized pursuant to the "Municipal  
28 Rehabilitation and Economic Recovery Act," P.L.2002, c.43  
29 (C.52:27BBB-1 et al.) and otherwise fulfilling its responsibilities  
30 pursuant thereto;

31 hh. To offer financial assistance to qualified film production  
32 companies as provided in the "New Jersey Film Production  
33 Assistance Act," P.L.2003, c.182 (C.34:1B-178 et al.); **[and]**

34 ii. To finance or develop private or public parking facilities or  
35 structures, which may include the use of solar photovoltaic  
36 equipment, in municipalities qualified to receive State aid pursuant  
37 to the provisions of P.L.1978, c.14 (C.52:27D-178 et seq.) and  
38 municipalities that contain areas designated pursuant to P.L.1985,  
39 c.398 (C.52:18A-196 et al.) as Planning Area 1 (Metropolitan),  
40 Planning Area 2 (Suburban), or a town center, and to provide  
41 appropriate assistance, including but not limited to, extensions of  
42 credit, loans, and guarantees, to municipalities qualified to receive  
43 State aid pursuant to the provisions of P.L.1978, c.14 (C.52:27D-  
44 178 et seq.) and municipalities that contain areas designated  
45 pursuant to P.L.1985, c.398 (C.52:18A-196 et seq.) as Planning  
46 Area 1 (Metropolitan), Planning Area 2 (Suburban), or a town  
47 center, and their agencies and instrumentalities or to private entities



1 whose projects are located in those municipalities, in order to  
2 facilitate the financing and development of parking facilities or  
3 structures in such municipalities. The authority may serve as the  
4 issuing agent of bonds to finance the undertaking of a project for  
5 the purposes of this subsection; and

6 jj. To make grants for the planning, designing, acquiring,  
7 constructing, reconstructing, improving, equipping, and furnishing  
8 of a project, including, but not limited to, grants for working capital  
9 and meeting payroll requirements, upon such terms and conditions  
10 as the authority shall deem reasonable, during periods of emergency  
11 declared by the Governor and for the duration of economic  
12 disruptions due to the emergency.

13 (cf: P.L.2010, c.28, s.3)

14

15 2. Section 4 of P.L.1992, c.16 (C.34:1B-7.13) is amended to  
16 read as follows:

17 4. The authority may use the moneys in the fund to pay  
18 principal of, premium, if any, and interest on bonds or notes, which  
19 shall be entitled "Economic Recovery Fund Bonds or Notes," as  
20 appropriate, the proceeds, or net proceeds, of which shall be  
21 deposited into the fund, or used for purposes of the fund, and  
22 moneys in the fund, including money received from the sale of  
23 bonds shall, in such manner as is determined by the authority, and  
24 pursuant to subsections d., e., and f. of this section, be used for the  
25 financing of projects as set forth in section 3 of P.L.1974, c.80  
26 (C.34:1B-3) and to establish:

27 a. an economic growth account for business programs, which  
28 will invest in small and medium-size businesses that have the  
29 greatest potential for creating jobs and stimulating economic growth  
30 through such elements as a Statewide lending pool for small  
31 business, a business composite bond guarantee, a fund to further  
32 supplement the export finance program of the authority to provide  
33 direct loans and working capital necessary for New Jersey  
34 businesses to compete in the global market, real estate partnerships,  
35 a Statewide composite bond pool to assist municipalities in  
36 acquiring needed financing for capital expenditures, community-  
37 based assistance to assist municipalities in establishing local  
38 development corporations to stimulate economic development, a  
39 venture capital fund for start-up costs for businesses developing  
40 new concepts and inventions, a fund to assist businesses with  
41 expansion in such areas as manufacturing retooling to improve  
42 quality, to reduce production costs and to train employees to apply  
43 the latest technology, and a "Main Street Business Assistance  
44 Program" to provide guarantees and loans to small and mid-size  
45 businesses and not-for-profit corporations to stimulate the economy.  
46 The authority may promulgate rules and regulations for the  
47 effective implementation of the "Main Street Business Assistance

1 Program." Notwithstanding any provision of the "Administrative  
2 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to the  
3 contrary, the authority may adopt, immediately upon filing with the  
4 Office of Administrative Law, such regulations as are necessary to  
5 implement the provisions of this act, which shall be effective for a  
6 period not to exceed 12 months following enactment, and may  
7 thereafter be amended, adopted, or readopted by the authority in  
8 accordance with the requirements of the "Administrative Procedure  
9 Act," P.L.1968, c.410 (C.52:14B-1 et seq.). During periods of  
10 emergency declared by the Governor and for the duration of  
11 economic disruptions due to the emergency, the authority may use  
12 the economic growth account for the planning, designing, acquiring,  
13 constructing, reconstructing, improving, equipping, and furnishing  
14 by small and medium-size businesses and not-for-profit  
15 corporations of a project as defined in section 3 of P.L.1974, c. 80  
16 (C.34:1B-3), including, but not limited to, grants for working  
17 capital and meeting payroll requirements, upon such terms and  
18 conditions as the authority shall deem reasonable;

19 b. an economic development infrastructure program account,  
20 which shall provide for the financing and development of  
21 infrastructure and transportation projects, including but not limited  
22 to ports, terminal and transit facilities, roads and airports, parking  
23 facilities used in connection with transit facilities, and related  
24 facilities, including public-private partnerships, that are integral to  
25 economic growth;

26 c. an account for a cultural, recreational, fine and performing  
27 arts, military and veterans memorial, historic preservation project  
28 and tourism facilities and improvements program, which shall  
29 provide for the financing and development of cultural, recreational,  
30 fine and performing arts, military and veterans memorial, historic  
31 preservation and tourism projects, including partnerships with  
32 public, private and nonprofit entities;

33 d. an account, into which shall be deposited an amount not less  
34 than \$45,000,000, out of the total amounts deposited or credited to  
35 the fund from the proceeds of the sale of Economic Recovery Fund  
36 Bonds or Notes, for the financing of capital facilities for primary  
37 and secondary schools in the State for the purpose of the  
38 renovation, repair or alteration of existing school buildings, the  
39 construction of new school buildings or the conversion of existing  
40 school buildings to other instructional purposes.

41 (1) Of the amount deposited in the account, not less than  
42 \$25,000,000 shall be deposited in the "Public School Facilities  
43 Code Compliance Loan Fund" established pursuant to section 4 of  
44 P.L.1993, c.102 (C.34:1B-7.23).

45 (2) Of the amount deposited in the account, not less than  
46 \$20,000,000 shall be deposited in the "Public School Facilities

1 Loan Assistance Fund" established pursuant to section 5 of  
2 P.L.1993, c.102 (C.34:1B-7.24);

3 e. an environmental cleanup assistance account, into which  
4 shall be deposited an amount not less than \$10,000,000, out of the  
5 total amounts deposited or credited to the fund from the proceeds of  
6 the sale of Economic Recovery Fund Bonds or Notes, to provide  
7 financial assistance to the persons and other entities entitled to  
8 apply for financial assistance pursuant to P.L.1993, c.139; and

9 f. an account, into which shall be deposited an amount not less  
10 than \$15,000,000, out of the total amounts deposited or credited to  
11 the fund from the proceeds of the sale of Economic Recovery Fund  
12 Bonds or Notes, for the financing of shore restoration, maintenance,  
13 monitoring, protection and preservation projects pursuant to the  
14 shore protection master plan prepared by the Department of  
15 Environmental Protection pursuant to P.L.1978, c.157.

16 (cf: P.L.2010, c.28, s.2)

17

18 3. Section 6 of P.L.2011, c.149 (C.34:1B-247) is amended to  
19 read as follows:

20 6. a. (1) The combined value of all credits approved by the  
21 authority pursuant to P.L.2007, c.346 (C.34:1B-207 et seq.) and  
22 P.L.2011, c.149 (C.34:1B-242 et al.) prior to December 31, 2013  
23 shall not exceed \$1,750,000,000, except as may be increased by the  
24 authority as set forth in paragraph (5) of subsection a. of section 35  
25 of P.L.2009, c.90 (C.34:1B-209.3). Following the enactment of the  
26 "New Jersey Economic Opportunity Act of 2013," P.L.2013, c.161  
27 (C.52:27D-489p et al.), there shall be no monetary cap on the value  
28 of credits approved by the authority attributable to the program  
29 pursuant to the "New Jersey Economic Opportunity Act of 2013,"  
30 P.L.2013, c.161 (C.52:27D-489p et al.).

31 (2) (Deleted by amendment, P.L.2013, c.161)

32 (3) (Deleted by amendment, P.L.2013, c.161)

33 (4) (Deleted by amendment, P.L.2013, c.161)

34 (5) (Deleted by amendment, P.L.2013, c.161)

35 b. (1) A business shall submit an application for tax credits  
36 prior to July 1, 2019. The authority shall not approve an application  
37 for tax credits unless the application was submitted prior to July 1,  
38 2019.

39 (2) (a) A business shall submit its documentation indicating  
40 that it has met the capital investment and employment requirements  
41 specified in the incentive agreement for certification of its tax credit  
42 amount within three years following the date of approval of its  
43 application by the authority. The authority shall have the discretion  
44 to grant two six-month extensions of this deadline. Except as  
45 provided in **【subparagraph】** subparagraphs (b) and (c) of this  
46 paragraph, in no event shall the incentive effective date occur later

1 than four years following the date of approval of an application by  
2 the authority.

3 (b) As of the effective date of P.L.2017, c.314, a business which  
4 applied for the tax credit prior to July 1, 2014 under P.L.2011,  
5 c.149 (C.34:1B-242 et al.), shall submit its documentation to the  
6 authority no later than July 28, 2019, indicating that it has met the  
7 capital investment and employment requirements specified in the  
8 incentive agreement for certification of its tax credit amount.

9 (c) If the Governor declares an emergency, then the chief  
10 executive officer of the authority shall have the discretion to grant  
11 an extension for the duration of the emergency and the board of the  
12 authority, upon recommendation of the chief executive officer, may  
13 grant two additional six-month extensions; provided that (i) the  
14 extensions are due to the economic disruption cause by the  
15 emergency; (ii) the project is delayed due to unforeseeable acts  
16 related to the project beyond the eligible business's control and  
17 without its fault or negligence; (iii) the eligible business is using  
18 best efforts, with all due diligence, to proceed with the completion  
19 of the project and the submission of the certification; and (iv) the  
20 eligible business has made, and continues to make, all reasonable  
21 efforts to prevent, avoid, mitigate, and overcome the delay.

22 (3) Full-time employment for an accounting or privilege period  
23 shall be determined as the average of the monthly full-time  
24 employment for the period.

25 (4) A business seeking a credit for a mega project shall apply for  
26 the credit within four years after the effective date of the "New  
27 Jersey Economic Opportunity Act of 2013," P.L.2013, c.161  
28 (C.52:27D-489p et al.).

29 c. (1) In conducting its annual review, the authority may  
30 require a business to submit any information determined by the  
31 authority to be necessary and relevant to its review.

32 The credit amount for any tax period for which the  
33 documentation of a business's credit amount remains uncertified as  
34 of a date three years after the closing date of that period shall be  
35 forfeited, although credit amounts for the remainder of the years of  
36 the eligibility period shall remain available to it.

37 The credit amount may be taken by the tax certificate holder for  
38 the tax period for which it was issued or may be carried forward for  
39 use by the tax certificate holder in any of the next 20 successive tax  
40 periods, and shall expire thereafter. The tax certificate holder may  
41 transfer the tax credit amount on or after the date of issuance or at  
42 any time within three years of the date of issuance for use by the  
43 transferee in the tax period for which it was issued or in any of the  
44 next 20 successive tax periods. Notwithstanding the foregoing, no  
45 more than the amount of tax credits equal to the total credit amount  
46 divided by the duration of the eligibility period in years may be  
47 taken in any tax period.

1 (2) Credits granted to a partnership shall be passed through to  
2 the partners, members, or owners, respectively, pro-rata or pursuant  
3 to an executed agreement among the partners, members, or owners  
4 documenting an alternate distribution method provided to the  
5 Director of the Division of Taxation in the Department of the  
6 Treasury accompanied by any additional information as the director  
7 may require.

8 (3) The amount of credit allowed may be applied against the tax  
9 liability otherwise due pursuant to section 5 of P.L.1945, c.162  
10 (C.54:10A-5), pursuant to sections 2 and 3 of P.L.1945, c.132  
11 (C.54:18A-2 and C.54:18A-3), pursuant to section 1 of P.L.1950,  
12 c.231 (C.17:32-15), or pursuant to N.J.S.17B:23-5.

13 d. (1) If, in any tax period, the business reduces the total  
14 number of full-time employees in its Statewide workforce by more  
15 than 20 percent from the number of full-time employees in its  
16 Statewide workforce in the last tax period prior to the credit amount  
17 approval under section 3 of P.L.2011, c.149 (C.34:1B-244), then the  
18 business shall forfeit its credit amount for that tax period and each  
19 subsequent tax period, until the first tax period for which  
20 documentation demonstrating the restoration of the business's  
21 Statewide workforce to the threshold levels required by the  
22 incentive agreement has been reviewed and approved by the  
23 authority, for which tax period and each subsequent tax period the  
24 full amount of the credit shall be allowed.

25 (2) If, in any tax period, the number of full-time employees  
26 employed by the business at the qualified business facility located  
27 within a qualified incentive area drops below 80 percent of the  
28 number of new and retained full-time jobs specified in the incentive  
29 agreement, then the business shall forfeit its credit amount for that  
30 tax period and each subsequent tax period, until the first tax period  
31 for which documentation demonstrating the restoration of the  
32 number of full-time employees employed by the business at the  
33 qualified business facility to 80 percent of the number of jobs  
34 specified in the incentive agreement.

35 (3) (a) If the qualified business facility is sold by the owner in  
36 whole or in part during the eligibility period, the new owner shall  
37 not acquire the capital investment of the seller and the seller shall  
38 forfeit all credits for the tax period in which the sale occurs and all  
39 subsequent tax periods, provided however that any credits of the  
40 business shall remain unaffected.

41 (b) In connection with a regional distribution facility of  
42 foodstuffs, the business entity or entities which own or lease the  
43 facility shall qualify as a business regardless of: (i) the type of the  
44 business entity or entities which own or lease the facility; (ii) the  
45 ownership or leasing of the facility by more than one business  
46 entity; or (iii) the ownership of the business entity or entities which  
47 own or lease the facility. The ownership or leasing, whether by

1 members, shareholders, partners, or other owners of the business  
2 entity or entities, shall be treated as ownership or leasing by  
3 affiliates. The members, shareholders, partners, or other ownership  
4 or leasing participants and others that are tenants in the facility shall  
5 be treated as affiliates for the purpose of counting the full-time  
6 employees and capital investments in the facility. The business  
7 entity or entities may distribute credits to members, shareholders,  
8 partners, or other ownership or leasing participants in accordance  
9 with their respective interests. If the business entity or entities or  
10 their members, shareholders, partners, or other ownership or leasing  
11 participants lease space in the facility to members, shareholders,  
12 partners, or other ownership or leasing participants or others as  
13 tenants in the facility, the leases shall be treated as a lease to an  
14 affiliate, and the business entity or entities shall not be subject to  
15 forfeiture of the credits. For the purposes of this section, leasing  
16 shall include subleasing and tenants shall include subtenants.

17 (4) (a) For a project located within a Garden State Growth  
18 Zone, if, in any tax period, the number of full-time employees  
19 employed by the business at the qualified business facility located  
20 within a qualified incentive area increases above the number of full-  
21 time employees specified in the incentive agreement, then the  
22 business shall be entitled to an increased base credit amount for that  
23 tax period and each subsequent tax period, for each additional full-  
24 time employee added above the number of full-time employees  
25 specified in the incentive agreement, until the first tax period for  
26 which documentation demonstrating a reduction of the number of  
27 full-time employees employed by the business at the qualified  
28 business facility, at which time the tax credit amount will be  
29 adjusted accordingly pursuant to this section.

30 (b) For a project located within a Garden State Growth Zone  
31 which qualifies under the "Municipal Rehabilitation and Economic  
32 Recovery Act," P.L.2002, c.43 (C.52:27BBB-1 et al.), or which  
33 contains a Tourism District as established pursuant to section 5 of  
34 P.L.2011, c.18 (C.5:12-219) and regulated by the Casino  
35 Reinvestment Development Authority, and which qualifies for a tax  
36 credit pursuant to subsubparagraph (ii) of subparagraphs (a) through  
37 (e) of paragraph (6) of subsection d. of section 5 of P.L.2011, c.149  
38 (C.34:1B-246), if, in any tax period the number of full-time  
39 employees employed by the business at the qualified business  
40 facility located within a qualified incentive area increases above the  
41 number of full-time employees specified in the incentive agreement  
42 such that the business shall then meet the minimum number of  
43 employees required in subparagraph (b), (c), (d), or (e) of paragraph  
44 (6) of subsection d. of section 5 of P.L.2011, c.149 (C.34:1B-246),  
45 then the authority shall recalculate the total tax credit amount per  
46 full-time job by using the certified capital investment of the project  
47 allowable under the applicable subsubparagraph and the number of

1 full-time jobs certified on the date of the recalculation and applying  
2 those numbers to subparagraph (b), (c), (d), or (e) of paragraph (6)  
3 of subsection d. of section 5 of P.L.2011, c.149 (C.34:1B-246),  
4 until the first tax period for which documentation demonstrating a  
5 reduction of the number of full-time employees employed by the  
6 business at the qualified business facility, at which time the tax  
7 credit amount shall be adjusted accordingly pursuant to this section.

8 e. The authority shall not enter into an incentive agreement  
9 with a business that has previously received incentives pursuant to  
10 the "Business Retention and Relocation Assistance Act," P.L.1996,  
11 c.25 (C.34:1B-112 et seq.), the "Business Employment Incentive  
12 Program Act," P.L.1996, c.26 (C.34:1B-124 et al.), or any other  
13 program administered by the authority unless:

14 (1) the business has satisfied all of its obligations underlying the  
15 previous award of incentives or is compliant with section 4 of  
16 P.L.2011, c.149 (C.34:1B-245); or

17 (2) the capital investment incurred and new or retained full-time  
18 jobs pledged by the business in the new incentive agreement are  
19 separate and apart from any capital investment or jobs underlying  
20 the previous award of incentives.

21 f. A business which has already applied for a tax credit  
22 incentive award prior to the effective date of the "New Jersey  
23 Economic Opportunity Act of 2013," P.L.2013, c.161 (C.52:27D-  
24 489p et al.), but who has not yet been approved for the tax credits,  
25 or has not executed an agreement with the authority, may proceed  
26 under that application or seek to amend the application or reapply  
27 for a tax credit incentive award for the same project or any part  
28 thereof for the purpose of availing itself of any more favorable  
29 provisions of the program.

30 (cf: P.L.2018, c.120, s.3)

31  
32 4. This act shall take effect immediately.

### 33 34 35 STATEMENT

36  
37 This bill authorizes the New Jersey Economic Development  
38 Authority (authority) to provide grants during periods of emergency  
39 declared by the Governor, such as the declaration regarding the  
40 Coronavirus disease 2019, and for the duration of economic  
41 disruptions due to the emergency. The bill gives the authority the  
42 power to offer grants for the planning, designing, acquiring,  
43 constructing, reconstructing, improving, equipping, and furnishing  
44 of a project, including, but not limited to, grants for working capital  
45 and meeting payroll requirements, upon such terms and conditions  
46 as the authority deems reasonable, during such period of time. The  
47 bill also extends the uses of the economic growth account in the

1 Economic Recovery Fund to the planning, designing, acquiring,  
2 constructing, reconstructing, improving, equipping, and furnishing  
3 by small and medium-size businesses and not-for-profit  
4 corporations of certain projects, including, but not limited to, grants  
5 for working capital and meeting payroll requirements, upon such  
6 terms and conditions as the authority deems reasonable, during such  
7 periods of time.

8 Further, the bill provides that, for projects that were approved by  
9 the authority under the Grow New Jersey Assistance Program, if the  
10 Governor declares an emergency, then the chief executive officer of  
11 the authority has the discretion to grant a business documentation  
12 submission extension for the duration of the emergency and the  
13 board of the authority, upon recommendation of the chief executive  
14 officer, may grant two additional six-month extensions; provided  
15 that (i) the extensions are due to the economic disruption cause by  
16 the emergency; (ii) the project is delayed due to unforeseeable acts  
17 related to the project beyond the eligible business's control and  
18 without its fault or negligence; (iii) the eligible business is using  
19 best efforts, with all due diligence, to proceed with the completion  
20 of the project and the submission of the certification; and (iv) the  
21 eligible business has made, and continues to make, all reasonable  
22 efforts to prevent, avoid, mitigate, and overcome the delay.

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27 Authorizes EDA to make grants during periods of emergency  
28 declared by Governor and for duration of economic disruptions due  
29 to emergency; allows EDA to grant certain business documentation  
30 submission deadline extensions.



# ASSEMBLY, No. 3845

## STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED MARCH 16, 2020

**Sponsored by:**

**Assemblyman ROY FREIMAN**

**District 16 (Hunterdon, Mercer, Middlesex and Somerset)**

**Assemblyman LOUIS D. GREENWALD**

**District 6 (Burlington and Camden)**

**Assemblyman RONALD S. DANCER**

**District 12 (Burlington, Middlesex, Monmouth and Ocean)**

**Senator NILSA I. CRUZ-PEREZ**

**District 5 (Camden and Gloucester)**

**Senator BRIAN P. STACK**

**District 33 (Hudson)**

**Co-Sponsored by:**

**Assemblywoman DiMaso, Assemblymen Spearman, Conaway, Assemblywomen Reynolds-Jackson, McKnight, Lopez, Assemblyman Mazzeo, Assemblywomen Chaparro, Dunn, Assemblyman Zwicker, Assemblywoman Downey, Assemblyman Houghtaling, Assemblywoman Timberlake, Assemblyman Giblin, Assemblywoman Jasey, Assemblyman Mejia, Assemblywoman Jimenez, Assemblyman Johnson, Senators Singleton, Ruiz, Addiego, Greenstein, Madden, Bateman, Brown, Holzapfel, Singer and Oroho**

**SYNOPSIS**

Authorizes EDA to make grants during periods of emergency declared by Governor and for duration of economic disruptions due to emergency; allows EDA to grant certain business documentation submission deadline extensions.

**CURRENT VERSION OF TEXT**

As introduced.

(Sponsorship Updated As Of: 3/19/2020)

1 AN ACT authorizing the New Jersey Economic Development  
2 Authority to make grants during periods of emergency declared  
3 by the Governor and for the duration of economic disruptions  
4 due to the emergency, and amending various parts of the  
5 statutory law.

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

9  
10 1. Section 5 of P.L.1974, c.80 (C.34:1B-5) is amended to read  
11 as follows:

12 5. The authority shall have the following powers:

13 a. To adopt bylaws for the regulation of its affairs and the  
14 conduct of its business;

15 b. To adopt and have a seal and to alter the same at pleasure;

16 c. To sue and be sued;

17 d. To acquire in the name of the authority by purchase or  
18 otherwise, on such terms and conditions and such manner as it may  
19 deem proper, or by the exercise of the power of eminent domain in  
20 the manner provided by the "Eminent Domain Act of 1971,"  
21 P.L.1971, c.361 (C.20:3-1 et seq.), any lands or interests therein or  
22 other property which it may determine is reasonably necessary for  
23 any project; provided, however, that the authority in connection  
24 with any project shall not take by exercise of the power of eminent  
25 domain any real property except upon consent thereto given by  
26 resolution of the governing body of the municipality in which such  
27 real property is located; and provided further that the authority shall  
28 be limited in its exercise of the power of eminent domain in  
29 connection with any project in qualifying municipalities as defined  
30 under the provisions of P.L.1978, c.14 (C.52:27D-178 et seq.), or to  
31 municipalities which had a population, according to the latest  
32 federal decennial census, in excess of 10,000;

33 e. To enter into contracts with a person upon such terms and  
34 conditions as the authority shall determine to be reasonable,  
35 including, but not limited to, reimbursement for the planning,  
36 designing, financing, construction, reconstruction, improvement,  
37 equipping, furnishing, operation and maintenance of the project and  
38 to pay or compromise any claims arising therefrom;

39 f. To establish and maintain reserve and insurance funds with  
40 respect to the financing of the project or the school facilities project  
41 and any project financed pursuant to the "Municipal Rehabilitation  
42 and Economic Recovery Act," P.L.2002, c.43 (C.52:27BBB-  
43 1 et al.);

44 g. To sell, convey or lease to any person all or any portion of a  
45 project for such consideration and upon such terms as the authority  
46 may determine to be reasonable;

**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       h. To mortgage, pledge or assign or otherwise encumber all or  
2 any portion of a project, or revenues, whenever it shall find such  
3 action to be in furtherance of the purposes of this act, P.L.2000,  
4 c.72 (C.18A:7G-1 et al.), the "Municipal Rehabilitation and  
5 Economic Recovery Act," P.L.2002, c.43 (C.52:27BBB-1 et al.),  
6 P.L.2007, c.137 (C.52:18A-235 et al.), and sections 3 through 18 of  
7 P.L.2009, c.90 (C.52:27D-489c et al.);
- 8       i. To grant options to purchase or renew a lease for any of its  
9 projects on such terms as the authority may determine to be  
10 reasonable;
- 11       j. To contract for and to accept any gifts or grants or loans of  
12 funds or property or financial or other aid in any form from the  
13 United States of America or any agency or instrumentality thereof,  
14 or from the State or any agency, instrumentality or political  
15 subdivision thereof, or from any other source and to comply,  
16 subject to the provisions of P.L.1974, c.80 (C.34:1B-1 et seq.),  
17 section 6 of P.L.2001, c.401 (C.34:1B-4.1), P.L.2000, c.72  
18 (C.18A:7G-1 et al.), the "Municipal Rehabilitation and Economic  
19 Recovery Act," P.L.2002, c.43 (C.52:27BBB-1 et al.), and  
20 P.L.2007, c.137 (C.52:18A-235 et al.), with the terms and  
21 conditions thereof;
- 22       k. In connection with any action undertaken by the authority in  
23 the performance of its duties and any application for assistance or  
24 commitments therefor and modifications thereof, to require and  
25 collect such fees and charges as the authority shall determine to be  
26 reasonable, including but not limited to fees and charges for the  
27 authority's administrative, organizational, insurance, operating,  
28 legal, and other expenses;
- 29       l. To adopt, amend and repeal regulations to carry out the  
30 provisions of P.L.1974, c.80 (C.34:1B-1 et seq.), section 6 of  
31 P.L.2001, c.401 (C.34:1B-4.1), P.L.2000, c.72 (C.18A:7G-1 et al.),  
32 the "Municipal Rehabilitation and Economic Recovery Act,"  
33 P.L.2002, c.43 (C.52:27BBB-1 et al.), and P.L.2007, c.137  
34 (C.52:18A-235 et al.);
- 35       m. To acquire, purchase, manage and operate, hold and dispose  
36 of real and personal property or interests therein, take assignments  
37 of rentals and leases and make and enter into all contracts, leases,  
38 agreements and arrangements necessary or incidental to the  
39 performance of its duties;
- 40       n. To purchase, acquire and take assignments of notes,  
41 mortgages and other forms of security and evidences of  
42 indebtedness;
- 43       o. To purchase, acquire, attach, seize, accept or take title to any  
44 project or school facilities project by conveyance or by foreclosure,  
45 and sell, lease, manage or operate any project or school facilities  
46 project for a use specified in this act, P.L.2000, c.72 (C.18A:7G-  
47 1 et al.), the "Municipal Rehabilitation and Economic Recovery

1 Act," P.L.2002, c.43 (C.52:27BBB-1 et al.), P.L.2007, c.137  
2 (C.52:18A-235 et al.), and sections 3 through 18 of P.L.2009, c.90  
3 (C.52:27D-489c et al.);

4 p. To borrow money and to issue bonds of the authority and to  
5 provide for the rights of the holders thereof, as provided in  
6 P.L.1974, c.80 (C.34:1B-1 et seq.), section 6 of P.L.2001, c.401  
7 (C.34:1B-4.1), P.L.2000, c.72 (C.18A:7G-1 et al.), the "Municipal  
8 Rehabilitation and Economic Recovery Act," P.L.2002, c.43  
9 (C.52:27BBB-1 et al.), P.L.2007, c.137 (C.52:18A-235 et al.), and  
10 sections 3 through 18 of P.L.2009, c.90 (C.52:27D-489c et al.);

11 q. To extend credit or make loans to any person for the  
12 planning, designing, acquiring, constructing, reconstructing,  
13 improving, equipping and furnishing of a project or school facilities  
14 project, which credits or loans may be secured by loan and security  
15 agreements, mortgages, leases and any other instruments, upon such  
16 terms and conditions as the authority shall deem reasonable,  
17 including provision for the establishment and maintenance of  
18 reserve and insurance funds, and to require the inclusion in any  
19 mortgage, lease, contract, loan and security agreement or other  
20 instrument, of such provisions for the construction, use, operation  
21 and maintenance and financing of a project or school facilities  
22 project as the authority may deem necessary or desirable;

23 r. To guarantee up to 90% of the amount of a loan to a person,  
24 if the proceeds of the loan are to be applied to the purchase and  
25 installation, in a building devoted to industrial or commercial  
26 purposes, or in an office building, of an energy improvement  
27 system;

28 s. To employ consulting engineers, architects, attorneys, real  
29 estate counselors, appraisers, and such other consultants and  
30 employees as may be required in the judgment of the redevelopment  
31 utility to carry out the purposes of P.L.1974, c.80 (C.34:1B-  
32 1 et seq.), section 6 of P.L.2001, c.401 (C.34:1B-4.1), P.L.2000,  
33 c.72 (C.18A:7G-1 et al.), the "Municipal Rehabilitation and  
34 Economic Recovery Act," P.L.2002, c.43 (C.52:27BBB-1 et al.),  
35 P.L.2007, c.137 (C.52:18A-235 et al.), and sections 3 through 18 of  
36 P.L.2009, c.90 (C.52:27D-489c et al.), and to fix and pay their  
37 compensation from funds available to the redevelopment utility  
38 therefor, all without regard to the provisions of Title 11A of the  
39 New Jersey Statutes;

40 t. To do and perform any acts and things authorized by  
41 P.L.1974, c.80 (C.34:1B-1 et seq.), section 6 of P.L.2001, c.401  
42 (C.34:1B-4.1), P.L.2000, c.72 (C.18A:7G-1 et al.), the "Municipal  
43 Rehabilitation and Economic Recovery Act," P.L.2002, c.43  
44 (C.52:27BBB-1 et al.), P.L.2007, c.137 (C.52:18A-235 et al.), and  
45 sections 3 through 18 of P.L.2009, c.90 (C.52:27D-489c et al.),  
46 under, through or by means of its own officers, agents and  
47 employees, or by contract with any person;

- 1       u. To procure insurance against any losses in connection with  
2 its property, operations or assets in such amounts and from such  
3 insurers as it deems desirable;
- 4       v. To do any and all things necessary or convenient to carry out  
5 its purposes and exercise the powers given and granted in P.L.1974,  
6 c.80 (C.34:1B-1 et seq.), section 6 of P.L.2001, c.401 (C.34:1B-  
7 4.1), P.L.2000, c.72 (C.18A:7G-1 et al.), the "Municipal  
8 Rehabilitation and Economic Recovery Act," P.L.2002, c.43  
9 (C.52:27BBB-1 et al.), P.L.2007, c.137 (C.52:18A-235 et al.), and  
10 sections 3 through 18 of P.L.2009, c.90 (C.52:27D-489c et al.);
- 11       w. To construct, reconstruct, rehabilitate, improve, alter, equip,  
12 maintain or repair or provide for the construction, reconstruction,  
13 improvement, alteration, equipping or maintenance or repair of any  
14 development property and lot, award and enter into construction  
15 contracts, purchase orders and other contracts with respect thereto,  
16 upon such terms and conditions as the authority shall determine to  
17 be reasonable, including, but not limited to, reimbursement for the  
18 planning, designing, financing, construction, reconstruction,  
19 improvement, equipping, furnishing, operation and maintenance of  
20 any such development property and the settlement of any claims  
21 arising therefrom and the establishment and maintenance of reserve  
22 funds with respect to the financing of such development property;
- 23       x. When authorized by the governing body of a municipality  
24 exercising jurisdiction over an urban growth zone, to construct,  
25 cause to be constructed or to provide financial assistance to projects  
26 in an urban growth zone which shall be exempt from the terms and  
27 requirements of the land use ordinances and regulations, including,  
28 but not limited to, the master plan and zoning ordinances, of such  
29 municipality;
- 30       y. To enter into business employment incentive agreements as  
31 provided in the "Business Employment Incentive Program Act,"  
32 P.L.1996, c.26 (C.34:1B-124 et al.);
- 33       z. To enter into agreements or contracts, execute instruments,  
34 and do and perform all acts or things necessary, convenient or  
35 desirable for the purposes of the redevelopment utility to carry out  
36 any power expressly provided pursuant to P.L.1974, c.80 (C.34:1B-  
37 1 et seq.), P.L.2000, c.72 (C.18A:7G-1 et al.), and P.L.2007, c.137  
38 (C.52:18A-235 et al.), including, but not limited to, entering into  
39 contracts with the State Treasurer, the Commissioner of Education,  
40 districts, the New Jersey Schools Development Authority, and any  
41 other entity which may be required in order to carry out the  
42 provisions of P.L.2000, c.72 (C.18A:7G-1 et al.), P.L.2007, c.137  
43 (C.52:18A-235 et al.), and sections 3 through 18 of P.L.2009, c.90  
44 (C.52:27D-489c et al.);
- 45       aa. (Deleted by amendment, P.L.2007, c.137);
- 46       bb. To make and contract to make loans to local units to finance  
47 the cost of school facilities projects and to acquire and contract to

1 acquire bonds, notes or other obligations issued or to be issued by  
2 local units to evidence the loans, all in accordance with the  
3 provisions of P.L.2000, c.72 (C.18A:7G-1 et al.), and P.L.2007,  
4 c.137 (C.52:18A-235 et al.);

5 cc. Subject to any agreement with holders of its bonds issued to  
6 finance a project or school facilities project, obtain as security or to  
7 provide liquidity for payment of all or any part of the principal of  
8 and interest and premium on the bonds of the authority or for the  
9 purchase upon tender or otherwise of the bonds, lines of credit,  
10 letters of credit, reimbursement agreements, interest rate exchange  
11 agreements, currency exchange agreements, interest rate floors or  
12 caps, options, puts or calls to hedge payment, currency, rate, spread  
13 or similar exposure or similar agreements, float agreements,  
14 forward agreements, insurance contract, surety bond, commitment  
15 to purchase or sell bonds, purchase or sale agreement, or  
16 commitments or other contracts or agreements, and other security  
17 agreements or instruments in any amounts and upon any terms as  
18 the authority may determine and pay any fees and expenses required  
19 in connection therewith;

20 dd. To charge to and collect from local units, the State and any  
21 other person, any fees and charges in connection with the  
22 authority's actions undertaken with respect to school facilities  
23 projects, including, but not limited to, fees and charges for the  
24 authority's administrative, organization, insurance, operating and  
25 other expenses incident to the financing of school facilities projects;

26 ee. To make loans to refinance solid waste facility bonds  
27 through the issuance of bonds or other obligations and the execution  
28 of any agreements with counties or public authorities to effect the  
29 refunding or rescheduling of solid waste facility bonds, or otherwise  
30 provide for the payment of all or a portion of any series of solid  
31 waste facility bonds. Any county or public authority refunding or  
32 rescheduling its solid waste facility bonds pursuant to this  
33 subsection shall provide for the payment of not less than fifty  
34 percent of the aggregate debt service for the refunded or  
35 rescheduled debt of the particular county or public authority for the  
36 duration of the loan; except that, whenever the solid waste facility  
37 bonds to be refinanced were issued by a public authority and the  
38 county solid waste facility was utilized as a regional county solid  
39 waste facility, as designated in the respective adopted district solid  
40 waste management plans of the participating counties as approved  
41 by the department prior to November 10, 1997, and the utilization  
42 of the facility was established pursuant to tonnage obligations set  
43 forth in their respective interdistrict agreements, the public  
44 authority refunding or rescheduling its solid waste facility bonds  
45 pursuant to this subsection shall provide for the payment of a  
46 percentage of the aggregate debt service for the refunded or  
47 rescheduled debt of the public authority not to exceed the

1 percentage of the specified tonnage obligation of the host county for  
2 the duration of the loan. Whenever the solid waste facility bonds  
3 are the obligation of a public authority, the relevant county shall  
4 execute a deficiency agreement with the authority, which shall  
5 provide that the county pledges to cover any shortfall and to pay  
6 deficiencies in scheduled repayment obligations of the public  
7 authority. All costs associated with the issuance of bonds pursuant  
8 to this subsection may be paid by the authority from the proceeds of  
9 these bonds. Any county or public authority is hereby authorized to  
10 enter into any agreement with the authority necessary, desirable or  
11 convenient to effectuate the provisions of this subsection.

12 The authority shall not issue bonds or other obligations to effect  
13 the refunding or rescheduling of solid waste facility bonds after  
14 December 31, 2002. The authority may refund its own bonds issued  
15 for the purposes herein at any time;

16 ff. To pool loans for any local government units that are  
17 refunding bonds and do and perform any and all acts or things  
18 necessary, convenient or desirable for the purpose of the authority  
19 to achieve more favorable interest rates and terms for those local  
20 governmental units;

21 gg. To finance projects approved by the board, provide staff  
22 support to the board, oversee and monitor progress on the part of  
23 the board in carrying out the revitalization, economic development  
24 and restoration projects authorized pursuant to the "Municipal  
25 Rehabilitation and Economic Recovery Act," P.L.2002, c.43  
26 (C.52:27BBB-1 et al.) and otherwise fulfilling its responsibilities  
27 pursuant thereto;

28 hh. To offer financial assistance to qualified film production  
29 companies as provided in the "New Jersey Film Production  
30 Assistance Act," P.L.2003, c.182 (C.34:1B-178 et al.); **[and]**

31 ii. To finance or develop private or public parking facilities or  
32 structures, which may include the use of solar photovoltaic  
33 equipment, in municipalities qualified to receive State aid pursuant  
34 to the provisions of P.L.1978, c.14 (C.52:27D-178 et seq.) and  
35 municipalities that contain areas designated pursuant to P.L.1985,  
36 c.398 (C.52:18A-196 et al.) as Planning Area 1 (Metropolitan),  
37 Planning Area 2 (Suburban), or a town center, and to provide  
38 appropriate assistance, including but not limited to, extensions of  
39 credit, loans, and guarantees, to municipalities qualified to receive  
40 State aid pursuant to the provisions of P.L.1978, c.14 (C.52:27D-  
41 178 et seq.) and municipalities that contain areas designated  
42 pursuant to P.L.1985, c.398 (C.52:18A-196 et seq.) as Planning  
43 Area 1 (Metropolitan), Planning Area 2 (Suburban), or a town  
44 center, and their agencies and instrumentalities or to private entities  
45 whose projects are located in those municipalities, in order to  
46 facilitate the financing and development of parking facilities or  
47 structures in such municipalities. The authority may serve as the

1 issuing agent of bonds to finance the undertaking of a project for  
2 the purposes of this subsection; and

3 jj. To make grants for the planning, designing, acquiring,  
4 constructing, reconstructing, improving, equipping, and furnishing  
5 of a project, including, but not limited to, grants for working capital  
6 and meeting payroll requirements, upon such terms and conditions  
7 as the authority shall deem reasonable, during periods of emergency  
8 declared by the Governor and for the duration of economic  
9 disruptions due to the emergency.

10 (cf: P.L.2010, c.28, s.3)

11

12 2. Section 4 of P.L.1992, c.16 (C.34:1B-7.13) is amended to  
13 read as follows:

14 4. The authority may use the moneys in the fund to pay  
15 principal of, premium, if any, and interest on bonds or notes, which  
16 shall be entitled "Economic Recovery Fund Bonds or Notes," as  
17 appropriate, the proceeds, or net proceeds, of which shall be  
18 deposited into the fund, or used for purposes of the fund, and  
19 moneys in the fund, including money received from the sale of  
20 bonds shall, in such manner as is determined by the authority, and  
21 pursuant to subsections d., e., and f. of this section, be used for the  
22 financing of projects as set forth in section 3 of P.L.1974, c.80  
23 (C.34:1B-3) and to establish:

24 a. an economic growth account for business programs, which  
25 will invest in small and medium-size businesses that have the  
26 greatest potential for creating jobs and stimulating economic growth  
27 through such elements as a Statewide lending pool for small  
28 business, a business composite bond guarantee, a fund to further  
29 supplement the export finance program of the authority to provide  
30 direct loans and working capital necessary for New Jersey  
31 businesses to compete in the global market, real estate partnerships,  
32 a Statewide composite bond pool to assist municipalities in  
33 acquiring needed financing for capital expenditures, community-  
34 based assistance to assist municipalities in establishing local  
35 development corporations to stimulate economic development, a  
36 venture capital fund for start-up costs for businesses developing  
37 new concepts and inventions, a fund to assist businesses with  
38 expansion in such areas as manufacturing retooling to improve  
39 quality, to reduce production costs and to train employees to apply  
40 the latest technology, and a "Main Street Business Assistance  
41 Program" to provide guarantees and loans to small and mid-size  
42 businesses and not-for-profit corporations to stimulate the economy.  
43 The authority may promulgate rules and regulations for the  
44 effective implementation of the "Main Street Business Assistance  
45 Program." Notwithstanding any provision of the "Administrative  
46 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to the  
47 contrary, the authority may adopt, immediately upon filing with the



1 Office of Administrative Law, such regulations as are necessary to  
2 implement the provisions of this act, which shall be effective for a  
3 period not to exceed 12 months following enactment, and may  
4 thereafter be amended, adopted, or readopted by the authority in  
5 accordance with the requirements of the "Administrative Procedure  
6 Act," P.L.1968, c.410 (C.52:14B-1 et seq.). During periods of  
7 emergency declared by the Governor and for the duration of  
8 economic disruptions due to the emergency, the authority may use  
9 the economic growth account for the planning, designing, acquiring,  
10 constructing, reconstructing, improving, equipping, and furnishing  
11 by small and medium-size businesses and not-for-profit  
12 corporations of a project as defined in section 3 of P.L.1974, c. 80  
13 (C.34:1B-3), including, but not limited to, grants for working  
14 capital and meeting payroll requirements, upon such terms and  
15 conditions as the authority shall deem reasonable;

16 b. an economic development infrastructure program account,  
17 which shall provide for the financing and development of  
18 infrastructure and transportation projects, including but not limited  
19 to ports, terminal and transit facilities, roads and airports, parking  
20 facilities used in connection with transit facilities, and related  
21 facilities, including public-private partnerships, that are integral to  
22 economic growth;

23 c. an account for a cultural, recreational, fine and performing  
24 arts, military and veterans memorial, historic preservation project  
25 and tourism facilities and improvements program, which shall  
26 provide for the financing and development of cultural, recreational,  
27 fine and performing arts, military and veterans memorial, historic  
28 preservation and tourism projects, including partnerships with  
29 public, private and nonprofit entities;

30 d. an account, into which shall be deposited an amount not less  
31 than \$45,000,000, out of the total amounts deposited or credited to  
32 the fund from the proceeds of the sale of Economic Recovery Fund  
33 Bonds or Notes, for the financing of capital facilities for primary  
34 and secondary schools in the State for the purpose of the  
35 renovation, repair or alteration of existing school buildings, the  
36 construction of new school buildings or the conversion of existing  
37 school buildings to other instructional purposes.

38 (1) Of the amount deposited in the account, not less than  
39 \$25,000,000 shall be deposited in the "Public School Facilities  
40 Code Compliance Loan Fund" established pursuant to section 4 of  
41 P.L.1993, c.102 (C.34:1B-7.23).

42 (2) Of the amount deposited in the account, not less than  
43 \$20,000,000 shall be deposited in the "Public School Facilities  
44 Loan Assistance Fund" established pursuant to section 5 of  
45 P.L.1993, c.102 (C.34:1B-7.24);

46 e. an environmental cleanup assistance account, into which  
47 shall be deposited an amount not less than \$10,000,000, out of the

1 total amounts deposited or credited to the fund from the proceeds of  
2 the sale of Economic Recovery Fund Bonds or Notes, to provide  
3 financial assistance to the persons and other entities entitled to  
4 apply for financial assistance pursuant to P.L.1993, c.139; and

5 f. an account, into which shall be deposited an amount not less  
6 than \$15,000,000, out of the total amounts deposited or credited to  
7 the fund from the proceeds of the sale of Economic Recovery Fund  
8 Bonds or Notes, for the financing of shore restoration, maintenance,  
9 monitoring, protection and preservation projects pursuant to the  
10 shore protection master plan prepared by the Department of  
11 Environmental Protection pursuant to P.L.1978, c.157.

12 (cf: P.L.2010, c.28, s.2)

13

14 3. Section 6 of P.L.2011, c.149 (C.34:1B-247) is amended to  
15 read as follows:

16 6. a. (1) The combined value of all credits approved by the  
17 authority pursuant to P.L.2007, c.346 (C.34:1B-207 et seq.) and  
18 P.L.2011, c.149 (C.34:1B-242 et al.) prior to December 31, 2013  
19 shall not exceed \$1,750,000,000, except as may be increased by the  
20 authority as set forth in paragraph (5) of subsection a. of section 35  
21 of P.L.2009, c.90 (C.34:1B-209.3). Following the enactment of the  
22 "New Jersey Economic Opportunity Act of 2013," P.L.2013, c.161  
23 (C.52:27D-489p et al.), there shall be no monetary cap on the value  
24 of credits approved by the authority attributable to the program  
25 pursuant to the "New Jersey Economic Opportunity Act of 2013,"  
26 P.L.2013, c.161 (C.52:27D-489p et al.).

27 (2) (Deleted by amendment, P.L.2013, c.161)

28 (3) (Deleted by amendment, P.L.2013, c.161)

29 (4) (Deleted by amendment, P.L.2013, c.161)

30 (5) (Deleted by amendment, P.L.2013, c.161)

31 b. (1) A business shall submit an application for tax credits  
32 prior to July 1, 2019. The authority shall not approve an application  
33 for tax credits unless the application was submitted prior to July 1,  
34 2019.

35 (2) (a) A business shall submit its documentation indicating  
36 that it has met the capital investment and employment requirements  
37 specified in the incentive agreement for certification of its tax credit  
38 amount within three years following the date of approval of its  
39 application by the authority. The authority shall have the discretion  
40 to grant two six-month extensions of this deadline. Except as  
41 provided in **【subparagraph】** subparagraphs (b) and (c) of this  
42 paragraph, in no event shall the incentive effective date occur later  
43 than four years following the date of approval of an application by  
44 the authority.

45 (b) As of the effective date of P.L.2017, c.314, a business which  
46 applied for the tax credit prior to July 1, 2014 under P.L.2011,  
47 c.149 (C.34:1B-242 et al.), shall submit its documentation to the

1 authority no later than July 28, 2019, indicating that it has met the  
2 capital investment and employment requirements specified in the  
3 incentive agreement for certification of its tax credit amount.

4 (c) If the Governor declares an emergency, then the chief  
5 executive officer of the authority shall have the discretion to grant  
6 an extension for the duration of the emergency and the board of the  
7 authority, upon recommendation of the chief executive officer, may  
8 grant two additional six-month extensions; provided that (i) the  
9 extensions are due to the economic disruption cause by the  
10 emergency; (ii) the project is delayed due to unforeseeable acts  
11 related to the project beyond the eligible business's control and  
12 without its fault or negligence; (iii) the eligible business is using  
13 best efforts, with all due diligence, to proceed with the completion  
14 of the project and the submission of the certification; and (iv) the  
15 eligible business has made, and continues to make, all reasonable  
16 efforts to prevent, avoid, mitigate, and overcome the delay.

17 (3) Full-time employment for an accounting or privilege period  
18 shall be determined as the average of the monthly full-time  
19 employment for the period.

20 (4) A business seeking a credit for a mega project shall apply for  
21 the credit within four years after the effective date of the "New  
22 Jersey Economic Opportunity Act of 2013," P.L.2013, c.161  
23 (C.52:27D-489p et al.).

24 c. (1) In conducting its annual review, the authority may  
25 require a business to submit any information determined by the  
26 authority to be necessary and relevant to its review.

27 The credit amount for any tax period for which the  
28 documentation of a business's credit amount remains uncertified as  
29 of a date three years after the closing date of that period shall be  
30 forfeited, although credit amounts for the remainder of the years of  
31 the eligibility period shall remain available to it.

32 The credit amount may be taken by the tax certificate holder for  
33 the tax period for which it was issued or may be carried forward for  
34 use by the tax certificate holder in any of the next 20 successive tax  
35 periods, and shall expire thereafter. The tax certificate holder may  
36 transfer the tax credit amount on or after the date of issuance or at  
37 any time within three years of the date of issuance for use by the  
38 transferee in the tax period for which it was issued or in any of the  
39 next 20 successive tax periods. Notwithstanding the foregoing, no  
40 more than the amount of tax credits equal to the total credit amount  
41 divided by the duration of the eligibility period in years may be  
42 taken in any tax period.

43 (2) Credits granted to a partnership shall be passed through to  
44 the partners, members, or owners, respectively, pro-rata or pursuant  
45 to an executed agreement among the partners, members, or owners  
46 documenting an alternate distribution method provided to the  
47 Director of the Division of Taxation in the Department of the

1 Treasury accompanied by any additional information as the director  
2 may require.

3 (3) The amount of credit allowed may be applied against the tax  
4 liability otherwise due pursuant to section 5 of P.L.1945, c.162  
5 (C.54:10A-5), pursuant to sections 2 and 3 of P.L.1945, c.132  
6 (C.54:18A-2 and C.54:18A-3), pursuant to section 1 of P.L.1950,  
7 c.231 (C.17:32-15), or pursuant to N.J.S.17B:23-5.

8 d. (1) If, in any tax period, the business reduces the total  
9 number of full-time employees in its Statewide workforce by more  
10 than 20 percent from the number of full-time employees in its  
11 Statewide workforce in the last tax period prior to the credit amount  
12 approval under section 3 of P.L.2011, c.149 (C.34:1B-244), then the  
13 business shall forfeit its credit amount for that tax period and each  
14 subsequent tax period, until the first tax period for which  
15 documentation demonstrating the restoration of the business's  
16 Statewide workforce to the threshold levels required by the  
17 incentive agreement has been reviewed and approved by the  
18 authority, for which tax period and each subsequent tax period the  
19 full amount of the credit shall be allowed.

20 (2) If, in any tax period, the number of full-time employees  
21 employed by the business at the qualified business facility located  
22 within a qualified incentive area drops below 80 percent of the  
23 number of new and retained full-time jobs specified in the incentive  
24 agreement, then the business shall forfeit its credit amount for that  
25 tax period and each subsequent tax period, until the first tax period  
26 for which documentation demonstrating the restoration of the  
27 number of full-time employees employed by the business at the  
28 qualified business facility to 80 percent of the number of jobs  
29 specified in the incentive agreement.

30 (3) (a) If the qualified business facility is sold by the owner in  
31 whole or in part during the eligibility period, the new owner shall  
32 not acquire the capital investment of the seller and the seller shall  
33 forfeit all credits for the tax period in which the sale occurs and all  
34 subsequent tax periods, provided however that any credits of the  
35 business shall remain unaffected.

36 (b) In connection with a regional distribution facility of  
37 foodstuffs, the business entity or entities which own or lease the  
38 facility shall qualify as a business regardless of: (i) the type of the  
39 business entity or entities which own or lease the facility; (ii) the  
40 ownership or leasing of the facility by more than one business  
41 entity; or (iii) the ownership of the business entity or entities which  
42 own or lease the facility. The ownership or leasing, whether by  
43 members, shareholders, partners, or other owners of the business  
44 entity or entities, shall be treated as ownership or leasing by  
45 affiliates. The members, shareholders, partners, or other ownership  
46 or leasing participants and others that are tenants in the facility shall  
47 be treated as affiliates for the purpose of counting the full-time

1 employees and capital investments in the facility. The business  
2 entity or entities may distribute credits to members, shareholders,  
3 partners, or other ownership or leasing participants in accordance  
4 with their respective interests. If the business entity or entities or  
5 their members, shareholders, partners, or other ownership or leasing  
6 participants lease space in the facility to members, shareholders,  
7 partners, or other ownership or leasing participants or others as  
8 tenants in the facility, the leases shall be treated as a lease to an  
9 affiliate, and the business entity or entities shall not be subject to  
10 forfeiture of the credits. For the purposes of this section, leasing  
11 shall include subleasing and tenants shall include subtenants.

12 (4) (a) For a project located within a Garden State Growth  
13 Zone, if, in any tax period, the number of full-time employees  
14 employed by the business at the qualified business facility located  
15 within a qualified incentive area increases above the number of full-  
16 time employees specified in the incentive agreement, then the  
17 business shall be entitled to an increased base credit amount for that  
18 tax period and each subsequent tax period, for each additional full-  
19 time employee added above the number of full-time employees  
20 specified in the incentive agreement, until the first tax period for  
21 which documentation demonstrating a reduction of the number of  
22 full-time employees employed by the business at the qualified  
23 business facility, at which time the tax credit amount will be  
24 adjusted accordingly pursuant to this section.

25 (b) For a project located within a Garden State Growth Zone  
26 which qualifies under the "Municipal Rehabilitation and Economic  
27 Recovery Act," P.L.2002, c.43 (C.52:27BBB-1 et al.), or which  
28 contains a Tourism District as established pursuant to section 5 of  
29 P.L.2011, c.18 (C.5:12-219) and regulated by the Casino  
30 Reinvestment Development Authority, and which qualifies for a tax  
31 credit pursuant to subsubparagraph (ii) of subparagraphs (a) through  
32 (e) of paragraph (6) of subsection d. of section 5 of P.L.2011, c.149  
33 (C.34:1B-246), if, in any tax period the number of full-time  
34 employees employed by the business at the qualified business  
35 facility located within a qualified incentive area increases above the  
36 number of full-time employees specified in the incentive agreement  
37 such that the business shall then meet the minimum number of  
38 employees required in subparagraph (b), (c), (d), or (e) of paragraph  
39 (6) of subsection d. of section 5 of P.L.2011, c.149 (C.34:1B-246),  
40 then the authority shall recalculate the total tax credit amount per  
41 full-time job by using the certified capital investment of the project  
42 allowable under the applicable subsubparagraph and the number of  
43 full-time jobs certified on the date of the recalculation and applying  
44 those numbers to subparagraph (b), (c), (d), or (e) of paragraph (6)  
45 of subsection d. of section 5 of P.L.2011, c.149 (C.34:1B-246),  
46 until the first tax period for which documentation demonstrating a  
47 reduction of the number of full-time employees employed by the

1 business at the qualified business facility, at which time the tax  
2 credit amount shall be adjusted accordingly pursuant to this section.

3 e. The authority shall not enter into an incentive agreement  
4 with a business that has previously received incentives pursuant to  
5 the "Business Retention and Relocation Assistance Act," P.L.1996,  
6 c.25 (C.34:1B-112 et seq.), the "Business Employment Incentive  
7 Program Act," P.L.1996, c.26 (C.34:1B-124 et al.), or any other  
8 program administered by the authority unless:

9 (1) the business has satisfied all of its obligations underlying the  
10 previous award of incentives or is compliant with section 4 of  
11 P.L.2011, c.149 (C.34:1B-245); or

12 (2) the capital investment incurred and new or retained full-time  
13 jobs pledged by the business in the new incentive agreement are  
14 separate and apart from any capital investment or jobs underlying  
15 the previous award of incentives.

16 f. A business which has already applied for a tax credit  
17 incentive award prior to the effective date of the "New Jersey  
18 Economic Opportunity Act of 2013," P.L.2013, c.161 (C.52:27D-  
19 489p et al.), but who has not yet been approved for the tax credits,  
20 or has not executed an agreement with the authority, may proceed  
21 under that application or seek to amend the application or reapply  
22 for a tax credit incentive award for the same project or any part  
23 thereof for the purpose of availing itself of any more favorable  
24 provisions of the program.

25 (cf: P.L.2018, c.120, s.3)

26

27 4. This act shall take effect immediately.

28

29

30

#### STATEMENT

31

32 This bill authorizes the New Jersey Economic Development  
33 Authority (authority) to provide grants during periods of emergency  
34 declared by the Governor, such as the declaration regarding the  
35 Coronavirus disease 2019, and for the duration of economic  
36 disruptions due to the emergency. The bill gives the authority the  
37 power to offer grants for the planning, designing, acquiring,  
38 constructing, reconstructing, improving, equipping, and furnishing  
39 of a project, including, but not limited to, grants for working capital  
40 and meeting payroll requirements, upon such terms and conditions  
41 as the authority deems reasonable, during such period of time. The  
42 bill also extends the uses of the economic growth account in the  
43 Economic Recovery Fund to the planning, designing, acquiring,  
44 constructing, reconstructing, improving, equipping, and furnishing  
45 by small and medium-size businesses and not-for-profit  
46 corporations of certain projects, including, but not limited to, grants  
47 for working capital and meeting payroll requirements, upon such

1 terms and conditions as the authority deems reasonable, during such  
2 periods of time.

3 Further, the bill provides that, for projects that were approved by  
4 the authority under the Grow New Jersey Assistance Program, if the  
5 Governor declares an emergency, then the chief executive officer of  
6 the authority has the discretion to grant a business documentation  
7 submission extension for the duration of the emergency and the  
8 board of the authority, upon recommendation of the chief executive  
9 officer, may grant two additional six-month extensions; provided  
10 that (i) the extensions are due to the economic disruption cause by  
11 the emergency; (ii) the project is delayed due to unforeseeable acts  
12 related to the project beyond the eligible business's control and  
13 without its fault or negligence; (iii) the eligible business is using  
14 best efforts, with all due diligence, to proceed with the completion  
15 of the project and the submission of the certification; and (iv) the  
16 eligible business has made, and continues to make, all reasonable  
17 efforts to prevent, avoid, mitigate, and overcome the delay.

# SENATE, No. 2284

## STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED MARCH 16, 2020

**Sponsored by:**

**Senator NILSA I. CRUZ-PEREZ**  
**District 5 (Camden and Gloucester)**  
**Senator BRIAN P. STACK**  
**District 33 (Hudson)**

**Co-Sponsored by:**

**Senators Singleton, Ruiz, Addiego, Greenstein, Madden, Bateman, Brown, Holzapfel, Singer and Oroho**

**SYNOPSIS**

Authorizes EDA to make grants during periods of emergency declared by Governor and for duration of economic disruptions due to emergency; allows EDA to grant certain business documentation submission deadline extensions.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 3/19/2020)**



1 AN ACT authorizing the New Jersey Economic Development  
2 Authority to make grants during periods of emergency declared  
3 by the Governor and for the duration of economic disruptions  
4 due to the emergency, and amending various parts of the  
5 statutory law.

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

9  
10 1. Section 5 of P.L.1974, c.80 (C.34:1B-5) is amended to read  
11 as follows:

12 5. The authority shall have the following powers:

13 a. To adopt bylaws for the regulation of its affairs and the  
14 conduct of its business;

15 b. To adopt and have a seal and to alter the same at pleasure;

16 c. To sue and be sued;

17 d. To acquire in the name of the authority by purchase or  
18 otherwise, on such terms and conditions and such manner as it may  
19 deem proper, or by the exercise of the power of eminent domain in  
20 the manner provided by the "Eminent Domain Act of 1971,"  
21 P.L.1971, c.361 (C.20:3-1 et seq.), any lands or interests therein or  
22 other property which it may determine is reasonably necessary for  
23 any project; provided, however, that the authority in connection  
24 with any project shall not take by exercise of the power of eminent  
25 domain any real property except upon consent thereto given by  
26 resolution of the governing body of the municipality in which such  
27 real property is located; and provided further that the authority shall  
28 be limited in its exercise of the power of eminent domain in  
29 connection with any project in qualifying municipalities as defined  
30 under the provisions of P.L.1978, c.14 (C.52:27D-178 et seq.), or to  
31 municipalities which had a population, according to the latest  
32 federal decennial census, in excess of 10,000;

33 e. To enter into contracts with a person upon such terms and  
34 conditions as the authority shall determine to be reasonable,  
35 including, but not limited to, reimbursement for the planning,  
36 designing, financing, construction, reconstruction, improvement,  
37 equipping, furnishing, operation and maintenance of the project and  
38 to pay or compromise any claims arising therefrom;

39 f. To establish and maintain reserve and insurance funds with  
40 respect to the financing of the project or the school facilities project  
41 and any project financed pursuant to the "Municipal Rehabilitation  
42 and Economic Recovery Act," P.L.2002, c.43 (C.52:27BBB-1 et  
43 al.);

44 g. To sell, convey or lease to any person all or any portion of a  
45 project for such consideration and upon such terms as the authority  
46 may determine to be reasonable;

**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 h. To mortgage, pledge or assign or otherwise encumber all or  
2 any portion of a project, or revenues, whenever it shall find such  
3 action to be in furtherance of the purposes of this act, P.L.2000,  
4 c.72 (C.18A:7G-1 et al.), the "Municipal Rehabilitation and  
5 Economic Recovery Act," P.L.2002, c.43 (C.52:27BBB-1 et al.),  
6 P.L.2007, c.137 (C.52:18A-235 et al.), and sections 3 through 18 of  
7 P.L.2009, c.90 (C.52:27D-489c et al.);

8 i. To grant options to purchase or renew a lease for any of its  
9 projects on such terms as the authority may determine to be  
10 reasonable;

11 j. To contract for and to accept any gifts or grants or loans of  
12 funds or property or financial or other aid in any form from the  
13 United States of America or any agency or instrumentality thereof,  
14 or from the State or any agency, instrumentality or political  
15 subdivision thereof, or from any other source and to comply,  
16 subject to the provisions of P.L.1974, c.80 (C.34:1B-1 et seq.),  
17 section 6 of P.L.2001, c.401 (C.34:1B-4.1), P.L.2000, c.72  
18 (C.18A:7G-1 et al.), the "Municipal Rehabilitation and Economic  
19 Recovery Act," P.L.2002, c.43 (C.52:27BBB-1 et al.), and  
20 P.L.2007, c.137 (C.52:18A-235 et al.), with the terms and  
21 conditions thereof;

22 k. In connection with any action undertaken by the authority in  
23 the performance of its duties and any application for assistance or  
24 commitments therefor and modifications thereof, to require and  
25 collect such fees and charges as the authority shall determine to be  
26 reasonable, including but not limited to fees and charges for the  
27 authority's administrative, organizational, insurance, operating,  
28 legal, and other expenses;

29 l. To adopt, amend and repeal regulations to carry out the  
30 provisions of P.L.1974, c.80 (C.34:1B-1 et seq.), section 6 of  
31 P.L.2001, c.401 (C.34:1B-4.1), P.L.2000, c.72 (C.18A:7G-1 et al.),  
32 the "Municipal Rehabilitation and Economic Recovery Act,"  
33 P.L.2002, c.43 (C.52:27BBB-1 et al.), and P.L.2007, c.137  
34 (C.52:18A-235 et al.);

35 m. To acquire, purchase, manage and operate, hold and dispose  
36 of real and personal property or interests therein, take assignments  
37 of rentals and leases and make and enter into all contracts, leases,  
38 agreements and arrangements necessary or incidental to the  
39 performance of its duties;

40 n. To purchase, acquire and take assignments of notes,  
41 mortgages and other forms of security and evidences of  
42 indebtedness;

43 o. To purchase, acquire, attach, seize, accept or take title to any  
44 project or school facilities project by conveyance or by foreclosure,  
45 and sell, lease, manage or operate any project or school facilities  
46 project for a use specified in this act, P.L.2000, c.72 (C.18A:7G-1  
47 et al.), the "Municipal Rehabilitation and Economic Recovery Act,"  
48 P.L.2002, c.43 (C.52:27BBB-1 et al.), P.L.2007, c.137 (C.52:18A-

1 235 et al.), and sections 3 through 18 of P.L.2009, c.90 (C.52:27D-  
2 489c et al.);

3 p. To borrow money and to issue bonds of the authority and to  
4 provide for the rights of the holders thereof, as provided in  
5 P.L.1974, c.80 (C.34:1B-1 et seq.), section 6 of P.L.2001, c.401  
6 (C.34:1B-4.1), P.L.2000, c.72 (C.18A:7G-1 et al.), the "Municipal  
7 Rehabilitation and Economic Recovery Act," P.L.2002, c.43  
8 (C.52:27BBB-1 et al.), P.L.2007, c.137 (C.52:18A-235 et al.), and  
9 sections 3 through 18 of P.L.2009, c.90 (C.52:27D-489c et al.);

10 q. To extend credit or make loans to any person for the  
11 planning, designing, acquiring, constructing, reconstructing,  
12 improving, equipping and furnishing of a project or school facilities  
13 project, which credits or loans may be secured by loan and security  
14 agreements, mortgages, leases and any other instruments, upon such  
15 terms and conditions as the authority shall deem reasonable,  
16 including provision for the establishment and maintenance of  
17 reserve and insurance funds, and to require the inclusion in any  
18 mortgage, lease, contract, loan and security agreement or other  
19 instrument, of such provisions for the construction, use, operation  
20 and maintenance and financing of a project or school facilities  
21 project as the authority may deem necessary or desirable;

22 r. To guarantee up to 90% of the amount of a loan to a person,  
23 if the proceeds of the loan are to be applied to the purchase and  
24 installation, in a building devoted to industrial or commercial  
25 purposes, or in an office building, of an energy improvement  
26 system;

27 s. To employ consulting engineers, architects, attorneys, real  
28 estate counselors, appraisers, and such other consultants and  
29 employees as may be required in the judgment of the redevelopment  
30 utility to carry out the purposes of P.L.1974, c.80 (C.34:1B-1 et  
31 seq.), section 6 of P.L.2001, c.401 (C.34:1B-4.1), P.L.2000, c.72  
32 (C.18A:7G-1 et al.), the "Municipal Rehabilitation and Economic  
33 Recovery Act," P.L.2002, c.43 (C.52:27BBB-1 et al.), P.L.2007,  
34 c.137 (C.52:18A-235 et al.), and sections 3 through 18 of P.L.2009,  
35 c.90 (C.52:27D-489c et al.), and to fix and pay their compensation  
36 from funds available to the redevelopment utility therefor, all  
37 without regard to the provisions of Title 11A of the New Jersey  
38 Statutes;

39 t. To do and perform any acts and things authorized by  
40 P.L.1974, c.80 (C.34:1B-1 et seq.), section 6 of P.L.2001, c.401  
41 (C.34:1B-4.1), P.L.2000, c.72 (C.18A:7G-1 et al.), the "Municipal  
42 Rehabilitation and Economic Recovery Act," P.L.2002, c.43  
43 (C.52:27BBB-1 et al.), P.L.2007, c.137 (C.52:18A-235 et al.), and  
44 sections 3 through 18 of P.L.2009, c.90 (C.52:27D-489c et al.),  
45 under, through or by means of its own officers, agents and  
46 employees, or by contract with any person;

- 1       u. To procure insurance against any losses in connection with  
2 its property, operations or assets in such amounts and from such  
3 insurers as it deems desirable;
- 4       v. To do any and all things necessary or convenient to carry out  
5 its purposes and exercise the powers given and granted in P.L.1974,  
6 c.80 (C.34:1B-1 et seq.), section 6 of P.L.2001, c.401 (C.34:1B-  
7 4.1), P.L.2000, c.72 (C.18A:7G-1 et al.), the "Municipal  
8 Rehabilitation and Economic Recovery Act," P.L.2002, c.43  
9 (C.52:27BBB-1 et al.), P.L.2007, c.137 (C.52:18A-235 et al.), and  
10 sections 3 through 18 of P.L.2009, c.90 (C.52:27D-489c et al.);
- 11       w. To construct, reconstruct, rehabilitate, improve, alter, equip,  
12 maintain or repair or provide for the construction, reconstruction,  
13 improvement, alteration, equipping or maintenance or repair of any  
14 development property and lot, award and enter into construction  
15 contracts, purchase orders and other contracts with respect thereto,  
16 upon such terms and conditions as the authority shall determine to  
17 be reasonable, including, but not limited to, reimbursement for the  
18 planning, designing, financing, construction, reconstruction,  
19 improvement, equipping, furnishing, operation and maintenance of  
20 any such development property and the settlement of any claims  
21 arising therefrom and the establishment and maintenance of reserve  
22 funds with respect to the financing of such development property;
- 23       x. When authorized by the governing body of a municipality  
24 exercising jurisdiction over an urban growth zone, to construct,  
25 cause to be constructed or to provide financial assistance to projects  
26 in an urban growth zone which shall be exempt from the terms and  
27 requirements of the land use ordinances and regulations, including,  
28 but not limited to, the master plan and zoning ordinances, of such  
29 municipality;
- 30       y. To enter into business employment incentive agreements as  
31 provided in the "Business Employment Incentive Program Act,"  
32 P.L.1996, c.26 (C.34:1B-124 et al.);
- 33       z. To enter into agreements or contracts, execute instruments,  
34 and do and perform all acts or things necessary, convenient or  
35 desirable for the purposes of the redevelopment utility to carry out  
36 any power expressly provided pursuant to P.L.1974, c.80 (C.34:1B-  
37 1 et seq.), P.L.2000, c.72 (C.18A:7G-1 et al.), and P.L.2007, c.137  
38 (C.52:18A-235 et al.), including, but not limited to, entering into  
39 contracts with the State Treasurer, the Commissioner of Education,  
40 districts, the New Jersey Schools Development Authority, and any  
41 other entity which may be required in order to carry out the  
42 provisions of P.L.2000, c.72 (C.18A:7G-1 et al.), P.L.2007, c.137  
43 (C.52:18A-235 et al.), and sections 3 through 18 of P.L.2009, c.90  
44 (C.52:27D-489c et al.);
- 45       aa. (Deleted by amendment, P.L.2007, c.137);
- 46       bb. To make and contract to make loans to local units to finance  
47 the cost of school facilities projects and to acquire and contract to  
48 acquire bonds, notes or other obligations issued or to be issued by

1 local units to evidence the loans, all in accordance with the  
2 provisions of P.L.2000, c.72 (C.18A:7G-1 et al.), and P.L.2007,  
3 c.137 (C.52:18A-235 et al.);

4 cc. Subject to any agreement with holders of its bonds issued to  
5 finance a project or school facilities project, obtain as security or to  
6 provide liquidity for payment of all or any part of the principal of  
7 and interest and premium on the bonds of the authority or for the  
8 purchase upon tender or otherwise of the bonds, lines of credit,  
9 letters of credit, reimbursement agreements, interest rate exchange  
10 agreements, currency exchange agreements, interest rate floors or  
11 caps, options, puts or calls to hedge payment, currency, rate, spread  
12 or similar exposure or similar agreements, float agreements,  
13 forward agreements, insurance contract, surety bond, commitment  
14 to purchase or sell bonds, purchase or sale agreement, or  
15 commitments or other contracts or agreements, and other security  
16 agreements or instruments in any amounts and upon any terms as  
17 the authority may determine and pay any fees and expenses required  
18 in connection therewith;

19 dd. To charge to and collect from local units, the State and any  
20 other person, any fees and charges in connection with the  
21 authority's actions undertaken with respect to school facilities  
22 projects, including, but not limited to, fees and charges for the  
23 authority's administrative, organization, insurance, operating and  
24 other expenses incident to the financing of school facilities projects;

25 ee. To make loans to refinance solid waste facility bonds  
26 through the issuance of bonds or other obligations and the execution  
27 of any agreements with counties or public authorities to effect the  
28 refunding or rescheduling of solid waste facility bonds, or otherwise  
29 provide for the payment of all or a portion of any series of solid  
30 waste facility bonds. Any county or public authority refunding or  
31 rescheduling its solid waste facility bonds pursuant to this  
32 subsection shall provide for the payment of not less than fifty  
33 percent of the aggregate debt service for the refunded or  
34 rescheduled debt of the particular county or public authority for the  
35 duration of the loan; except that, whenever the solid waste facility  
36 bonds to be refinanced were issued by a public authority and the  
37 county solid waste facility was utilized as a regional county solid  
38 waste facility, as designated in the respective adopted district solid  
39 waste management plans of the participating counties as approved  
40 by the department prior to November 10, 1997, and the utilization  
41 of the facility was established pursuant to tonnage obligations set  
42 forth in their respective interdistrict agreements, the public  
43 authority refunding or rescheduling its solid waste facility bonds  
44 pursuant to this subsection shall provide for the payment of a  
45 percentage of the aggregate debt service for the refunded or  
46 rescheduled debt of the public authority not to exceed the  
47 percentage of the specified tonnage obligation of the host county for  
48 the duration of the loan. Whenever the solid waste facility bonds

1 are the obligation of a public authority, the relevant county shall  
2 execute a deficiency agreement with the authority, which shall  
3 provide that the county pledges to cover any shortfall and to pay  
4 deficiencies in scheduled repayment obligations of the public  
5 authority. All costs associated with the issuance of bonds pursuant  
6 to this subsection may be paid by the authority from the proceeds of  
7 these bonds. Any county or public authority is hereby authorized to  
8 enter into any agreement with the authority necessary, desirable or  
9 convenient to effectuate the provisions of this subsection.

10 The authority shall not issue bonds or other obligations to effect  
11 the refunding or rescheduling of solid waste facility bonds after  
12 December 31, 2002. The authority may refund its own bonds issued  
13 for the purposes herein at any time;

14 ff. To pool loans for any local government units that are  
15 refunding bonds and do and perform any and all acts or things  
16 necessary, convenient or desirable for the purpose of the authority  
17 to achieve more favorable interest rates and terms for those local  
18 governmental units;

19 gg. To finance projects approved by the board, provide staff  
20 support to the board, oversee and monitor progress on the part of  
21 the board in carrying out the revitalization, economic development  
22 and restoration projects authorized pursuant to the "Municipal  
23 Rehabilitation and Economic Recovery Act," P.L.2002, c.43  
24 (C.52:27BBB-1 et al.) and otherwise fulfilling its responsibilities  
25 pursuant thereto;

26 hh. To offer financial assistance to qualified film production  
27 companies as provided in the "New Jersey Film Production  
28 Assistance Act," P.L.2003, c.182 (C.34:1B-178 et al.); **[and]**

29 ii. To finance or develop private or public parking facilities or  
30 structures, which may include the use of solar photovoltaic  
31 equipment, in municipalities qualified to receive State aid pursuant  
32 to the provisions of P.L.1978, c.14 (C.52:27D-178 et seq.) and  
33 municipalities that contain areas designated pursuant to P.L.1985,  
34 c.398 (C.52:18A-196 et al.) as Planning Area 1 (Metropolitan),  
35 Planning Area 2 (Suburban), or a town center, and to provide  
36 appropriate assistance, including but not limited to, extensions of  
37 credit, loans, and guarantees, to municipalities qualified to receive  
38 State aid pursuant to the provisions of P.L.1978, c.14 (C.52:27D-  
39 178 et seq.) and municipalities that contain areas designated  
40 pursuant to P.L.1985, c.398 (C.52:18A-196 et seq.) as Planning  
41 Area 1 (Metropolitan), Planning Area 2 (Suburban), or a town  
42 center, and their agencies and instrumentalities or to private entities  
43 whose projects are located in those municipalities, in order to  
44 facilitate the financing and development of parking facilities or  
45 structures in such municipalities. The authority may serve as the  
46 issuing agent of bonds to finance the undertaking of a project for  
47 the purposes of this subsection; and

1     jj. To make grants for the planning, designing, acquiring,  
2 constructing, reconstructing, improving, equipping, and furnishing  
3 of a project, including, but not limited to, grants for working capital  
4 and meeting payroll requirements, upon such terms and conditions  
5 as the authority shall deem reasonable, during periods of emergency  
6 declared by the Governor and for the duration of economic  
7 disruptions due to the emergency.

8 (cf: P.L.2010, c.28, s.3)

9  
10     2. Section 4 of P.L.1992, c.16 (C.34:1B-7.13) is amended to  
11 read as follows:

12     4. The authority may use the moneys in the fund to pay  
13 principal of, premium, if any, and interest on bonds or notes, which  
14 shall be entitled "Economic Recovery Fund Bonds or Notes," as  
15 appropriate, the proceeds, or net proceeds, of which shall be  
16 deposited into the fund, or used for purposes of the fund, and  
17 moneys in the fund, including money received from the sale of  
18 bonds shall, in such manner as is determined by the authority, and  
19 pursuant to subsections d., e., and f. of this section, be used for the  
20 financing of projects as set forth in section 3 of P.L.1974, c.80  
21 (C.34:1B-3) and to establish:

22     a. an economic growth account for business programs, which  
23 will invest in small and medium-size businesses that have the  
24 greatest potential for creating jobs and stimulating economic growth  
25 through such elements as a Statewide lending pool for small  
26 business, a business composite bond guarantee, a fund to further  
27 supplement the export finance program of the authority to provide  
28 direct loans and working capital necessary for New Jersey  
29 businesses to compete in the global market, real estate partnerships,  
30 a Statewide composite bond pool to assist municipalities in  
31 acquiring needed financing for capital expenditures, community-  
32 based assistance to assist municipalities in establishing local  
33 development corporations to stimulate economic development, a  
34 venture capital fund for start-up costs for businesses developing  
35 new concepts and inventions, a fund to assist businesses with  
36 expansion in such areas as manufacturing retooling to improve  
37 quality, to reduce production costs and to train employees to apply  
38 the latest technology, and a "Main Street Business Assistance  
39 Program" to provide guarantees and loans to small and mid-size  
40 businesses and not-for-profit corporations to stimulate the economy.  
41 The authority may promulgate rules and regulations for the  
42 effective implementation of the "Main Street Business Assistance  
43 Program." Notwithstanding any provision of the "Administrative  
44 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to the  
45 contrary, the authority may adopt, immediately upon filing with the  
46 Office of Administrative Law, such regulations as are necessary to  
47 implement the provisions of this act, which shall be effective for a  
48 period not to exceed 12 months following enactment, and may

1 thereafter be amended, adopted, or readopted by the authority in  
2 accordance with the requirements of the "Administrative Procedure  
3 Act," P.L.1968, c.410 (C.52:14B-1 et seq.). During periods of  
4 emergency declared by the Governor and for the duration of  
5 economic disruptions due to the emergency, the authority may use  
6 the economic growth account for the planning, designing, acquiring,  
7 constructing, reconstructing, improving, equipping, and furnishing  
8 by small and medium-size businesses and not-for-profit  
9 corporations of a project as defined in section 3 of P.L.1974, c. 80  
10 (C.34:1B-3), including, but not limited to, grants for working  
11 capital and meeting payroll requirements, upon such terms and  
12 conditions as the authority shall deem reasonable;

13 b. an economic development infrastructure program account,  
14 which shall provide for the financing and development of  
15 infrastructure and transportation projects, including but not limited  
16 to ports, terminal and transit facilities, roads and airports, parking  
17 facilities used in connection with transit facilities, and related  
18 facilities, including public-private partnerships, that are integral to  
19 economic growth;

20 c. an account for a cultural, recreational, fine and performing  
21 arts, military and veterans memorial, historic preservation project  
22 and tourism facilities and improvements program, which shall  
23 provide for the financing and development of cultural, recreational,  
24 fine and performing arts, military and veterans memorial, historic  
25 preservation and tourism projects, including partnerships with  
26 public, private and nonprofit entities;

27 d. an account, into which shall be deposited an amount not less  
28 than \$45,000,000, out of the total amounts deposited or credited to  
29 the fund from the proceeds of the sale of Economic Recovery Fund  
30 Bonds or Notes, for the financing of capital facilities for primary  
31 and secondary schools in the State for the purpose of the  
32 renovation, repair or alteration of existing school buildings, the  
33 construction of new school buildings or the conversion of existing  
34 school buildings to other instructional purposes.

35 (1) Of the amount deposited in the account, not less than  
36 \$25,000,000 shall be deposited in the "Public School Facilities  
37 Code Compliance Loan Fund" established pursuant to section 4 of  
38 P.L.1993, c.102 (C.34:1B-7.23).

39 (2) Of the amount deposited in the account, not less than  
40 \$20,000,000 shall be deposited in the "Public School Facilities  
41 Loan Assistance Fund" established pursuant to section 5 of  
42 P.L.1993, c.102 (C.34:1B-7.24);

43 e. an environmental cleanup assistance account, into which  
44 shall be deposited an amount not less than \$10,000,000, out of the  
45 total amounts deposited or credited to the fund from the proceeds of  
46 the sale of Economic Recovery Fund Bonds or Notes, to provide  
47 financial assistance to the persons and other entities entitled to  
48 apply for financial assistance pursuant to P.L.1993, c.139; and



1 f. an account, into which shall be deposited an amount not less  
2 than \$15,000,000, out of the total amounts deposited or credited to  
3 the fund from the proceeds of the sale of Economic Recovery Fund  
4 Bonds or Notes, for the financing of shore restoration, maintenance,  
5 monitoring, protection and preservation projects pursuant to the  
6 shore protection master plan prepared by the Department of  
7 Environmental Protection pursuant to P.L.1978, c.157.

8 (cf: P.L.2010, c.28, s.2)

9

10 3. Section 6 of P.L.2011, c.149 (C.34:1B-247) is amended to  
11 read as follows:

12 6. a. (1) The combined value of all credits approved by the  
13 authority pursuant to P.L.2007, c.346 (C.34:1B-207 et seq.) and  
14 P.L.2011, c.149 (C.34:1B-242 et al.) prior to December 31, 2013  
15 shall not exceed \$1,750,000,000, except as may be increased by the  
16 authority as set forth in paragraph (5) of subsection a. of section 35  
17 of P.L.2009, c.90 (C.34:1B-209.3). Following the enactment of the  
18 "New Jersey Economic Opportunity Act of 2013," P.L.2013, c.161  
19 (C.52:27D-489p et al.), there shall be no monetary cap on the value  
20 of credits approved by the authority attributable to the program  
21 pursuant to the "New Jersey Economic Opportunity Act of 2013,"  
22 P.L.2013, c.161 (C.52:27D-489p et al.).

23 (2) (Deleted by amendment, P.L.2013, c.161)

24 (3) (Deleted by amendment, P.L.2013, c.161)

25 (4) (Deleted by amendment, P.L.2013, c.161)

26 (5) (Deleted by amendment, P.L.2013, c.161)

27 b. (1) A business shall submit an application for tax credits prior  
28 to July 1, 2019. The authority shall not approve an application for  
29 tax credits unless the application was submitted prior to July 1,  
30 2019.

31 (2) (a) A business shall submit its documentation indicating that  
32 it has met the capital investment and employment requirements  
33 specified in the incentive agreement for certification of its tax credit  
34 amount within three years following the date of approval of its  
35 application by the authority. The authority shall have the discretion  
36 to grant two six-month extensions of this deadline. Except as  
37 provided in **【subparagraph】** subparagraphs (b) and (c) of this  
38 paragraph, in no event shall the incentive effective date occur later  
39 than four years following the date of approval of an application by  
40 the authority.

41 (b) As of the effective date of P.L.2017, c.314, a business which  
42 applied for the tax credit prior to July 1, 2014 under P.L.2011,  
43 c.149 (C.34:1B-242 et al.), shall submit its documentation to the  
44 authority no later than July 28, 2019, indicating that it has met the  
45 capital investment and employment requirements specified in the  
46 incentive agreement for certification of its tax credit amount.

47 (c) If the Governor declares an emergency, then the chief  
48 executive officer of the authority shall have the discretion to grant

1 an extension for the duration of the emergency and the board of the  
2 authority, upon recommendation of the chief executive officer, may  
3 grant two additional six-month extensions; provided that (i) the  
4 extensions are due to the economic disruption cause by the  
5 emergency; (ii) the project is delayed due to unforeseeable acts  
6 related to the project beyond the eligible business's control and  
7 without its fault or negligence; (iii) the eligible business is using  
8 best efforts, with all due diligence, to proceed with the completion  
9 of the project and the submission of the certification; and (iv) the  
10 eligible business has made, and continues to make, all reasonable  
11 efforts to prevent, avoid, mitigate, and overcome the delay.

12 (3) Full-time employment for an accounting or privilege period  
13 shall be determined as the average of the monthly full-time  
14 employment for the period.

15 (4) A business seeking a credit for a mega project shall apply for  
16 the credit within four years after the effective date of the "New  
17 Jersey Economic Opportunity Act of 2013," P.L.2013, c.161  
18 (C.52:27D-489p et al.).

19 c. (1) In conducting its annual review, the authority may require  
20 a business to submit any information determined by the authority to  
21 be necessary and relevant to its review.

22 The credit amount for any tax period for which the  
23 documentation of a business's credit amount remains uncertified as  
24 of a date three years after the closing date of that period shall be  
25 forfeited, although credit amounts for the remainder of the years of  
26 the eligibility period shall remain available to it.

27 The credit amount may be taken by the tax certificate holder for  
28 the tax period for which it was issued or may be carried forward for  
29 use by the tax certificate holder in any of the next 20 successive tax  
30 periods, and shall expire thereafter. The tax certificate holder may  
31 transfer the tax credit amount on or after the date of issuance or at  
32 any time within three years of the date of issuance for use by the  
33 transferee in the tax period for which it was issued or in any of the  
34 next 20 successive tax periods. Notwithstanding the foregoing, no  
35 more than the amount of tax credits equal to the total credit amount  
36 divided by the duration of the eligibility period in years may be  
37 taken in any tax period.

38 (2) Credits granted to a partnership shall be passed through to  
39 the partners, members, or owners, respectively, pro-rata or pursuant  
40 to an executed agreement among the partners, members, or owners  
41 documenting an alternate distribution method provided to the  
42 Director of the Division of Taxation in the Department of the  
43 Treasury accompanied by any additional information as the director  
44 may require.

45 (3) The amount of credit allowed may be applied against the tax  
46 liability otherwise due pursuant to section 5 of P.L.1945, c.162  
47 (C.54:10A-5), pursuant to sections 2 and 3 of P.L.1945, c.132

1 (C.54:18A-2 and C.54:18A-3), pursuant to section 1 of P.L.1950,  
2 c.231 (C.17:32-15), or pursuant to N.J.S.17B:23-5.

3 d. (1) If, in any tax period, the business reduces the total number  
4 of full-time employees in its Statewide workforce by more than 20  
5 percent from the number of full-time employees in its Statewide  
6 workforce in the last tax period prior to the credit amount approval  
7 under section 3 of P.L.2011, c.149 (C.34:1B-244), then the business  
8 shall forfeit its credit amount for that tax period and each  
9 subsequent tax period, until the first tax period for which  
10 documentation demonstrating the restoration of the business's  
11 Statewide workforce to the threshold levels required by the  
12 incentive agreement has been reviewed and approved by the  
13 authority, for which tax period and each subsequent tax period the  
14 full amount of the credit shall be allowed.

15 (2) If, in any tax period, the number of full-time employees  
16 employed by the business at the qualified business facility located  
17 within a qualified incentive area drops below 80 percent of the  
18 number of new and retained full-time jobs specified in the incentive  
19 agreement, then the business shall forfeit its credit amount for that  
20 tax period and each subsequent tax period, until the first tax period  
21 for which documentation demonstrating the restoration of the  
22 number of full-time employees employed by the business at the  
23 qualified business facility to 80 percent of the number of jobs  
24 specified in the incentive agreement.

25 (3) (a) If the qualified business facility is sold by the owner  
26 in whole or in part during the eligibility period, the new owner shall  
27 not acquire the capital investment of the seller and the seller shall  
28 forfeit all credits for the tax period in which the sale occurs and all  
29 subsequent tax periods, provided however that any credits of the  
30 business shall remain unaffected.

31 (b) In connection with a regional distribution facility of  
32 foodstuffs, the business entity or entities which own or lease the  
33 facility shall qualify as a business regardless of: (i) the type of the  
34 business entity or entities which own or lease the facility; (ii) the  
35 ownership or leasing of the facility by more than one business  
36 entity; or (iii) the ownership of the business entity or entities which  
37 own or lease the facility. The ownership or leasing, whether by  
38 members, shareholders, partners, or other owners of the business  
39 entity or entities, shall be treated as ownership or leasing by  
40 affiliates. The members, shareholders, partners, or other ownership  
41 or leasing participants and others that are tenants in the facility shall  
42 be treated as affiliates for the purpose of counting the full-time  
43 employees and capital investments in the facility. The business  
44 entity or entities may distribute credits to members, shareholders,  
45 partners, or other ownership or leasing participants in accordance  
46 with their respective interests. If the business entity or entities or  
47 their members, shareholders, partners, or other ownership or leasing  
48 participants lease space in the facility to members, shareholders,

1 partners, or other ownership or leasing participants or others as  
2 tenants in the facility, the leases shall be treated as a lease to an  
3 affiliate, and the business entity or entities shall not be subject to  
4 forfeiture of the credits. For the purposes of this section, leasing  
5 shall include subleasing and tenants shall include subtenants.

6 (4) (a) For a project located within a Garden State Growth Zone,  
7 if, in any tax period, the number of full-time employees employed  
8 by the business at the qualified business facility located within a  
9 qualified incentive area increases above the number of full-time  
10 employees specified in the incentive agreement, then the business  
11 shall be entitled to an increased base credit amount for that tax  
12 period and each subsequent tax period, for each additional full-time  
13 employee added above the number of full-time employees specified  
14 in the incentive agreement, until the first tax period for which  
15 documentation demonstrating a reduction of the number of full-time  
16 employees employed by the business at the qualified business  
17 facility, at which time the tax credit amount will be adjusted  
18 accordingly pursuant to this section.

19 (b) For a project located within a Garden State Growth Zone  
20 which qualifies under the "Municipal Rehabilitation and Economic  
21 Recovery Act," P.L.2002, c.43 (C.52:27BBB-1 et al.), or which  
22 contains a Tourism District as established pursuant to section 5 of  
23 P.L.2011, c.18 (C.5:12-219) and regulated by the Casino  
24 Reinvestment Development Authority, and which qualifies for a tax  
25 credit pursuant to subparagraph (ii) of subparagraphs (a) through  
26 (e) of paragraph (6) of subsection d. of section 5 of P.L.2011, c.149  
27 (C.34:1B-246), if, in any tax period the number of full-time  
28 employees employed by the business at the qualified business  
29 facility located within a qualified incentive area increases above the  
30 number of full-time employees specified in the incentive agreement  
31 such that the business shall then meet the minimum number of  
32 employees required in subparagraph (b), (c), (d), or (e) of paragraph  
33 (6) of subsection d. of section 5 of P.L.2011, c.149 (C.34:1B-246),  
34 then the authority shall recalculate the total tax credit amount per  
35 full-time job by using the certified capital investment of the project  
36 allowable under the applicable subparagraph and the number of  
37 full-time jobs certified on the date of the recalculation and applying  
38 those numbers to subparagraph (b), (c), (d), or (e) of paragraph (6)  
39 of subsection d. of section 5 of P.L.2011, c.149 (C.34:1B-246),  
40 until the first tax period for which documentation demonstrating a  
41 reduction of the number of full-time employees employed by the  
42 business at the qualified business facility, at which time the tax  
43 credit amount shall be adjusted accordingly pursuant to this section.

44 e. The authority shall not enter into an incentive agreement  
45 with a business that has previously received incentives pursuant to  
46 the "Business Retention and Relocation Assistance Act," P.L.1996,  
47 c.25 (C.34:1B-112 et seq.), the "Business Employment Incentive

1 Program Act," P.L.1996, c.26 (C.34:1B-124 et al.), or any other  
2 program administered by the authority unless:

3 (1) the business has satisfied all of its obligations underlying the  
4 previous award of incentives or is compliant with section 4 of  
5 P.L.2011, c.149 (C.34:1B-245); or

6 (2) the capital investment incurred and new or retained full-time  
7 jobs pledged by the business in the new incentive agreement are  
8 separate and apart from any capital investment or jobs underlying  
9 the previous award of incentives.

10 f. A business which has already applied for a tax credit  
11 incentive award prior to the effective date of the "New Jersey  
12 Economic Opportunity Act of 2013," P.L.2013, c.161 (C.52:27D-  
13 489p et al.), but who has not yet been approved for the tax credits,  
14 or has not executed an agreement with the authority, may proceed  
15 under that application or seek to amend the application or reapply  
16 for a tax credit incentive award for the same project or any part  
17 thereof for the purpose of availing itself of any more favorable  
18 provisions of the program.

19 (cf: P.L.2018, c.120, s.3)

20

21 4. This act shall take effect immediately.

22

23

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#### STATEMENT

25

26 This bill authorizes the New Jersey Economic Development  
27 Authority (authority) to provide grants during periods of emergency  
28 declared by the Governor, such as the declaration regarding the  
29 Coronavirus disease 2019, and for the duration of economic  
30 disruptions due to the emergency. The bill gives the authority the  
31 power to offer grants for the planning, designing, acquiring,  
32 constructing, reconstructing, improving, equipping, and furnishing  
33 of a project, including, but not limited to, grants for working capital  
34 and meeting payroll requirements, upon such terms and conditions  
35 as the authority deems reasonable, during such period of time. The  
36 bill also extends the uses of the economic growth account in the  
37 Economic Recovery Fund to the planning, designing, acquiring,  
38 constructing, reconstructing, improving, equipping, and furnishing  
39 by small and medium-size businesses and not-for-profit  
40 corporations of certain projects, including, but not limited to, grants  
41 for working capital and meeting payroll requirements, upon such  
42 terms and conditions as the authority deems reasonable, during such  
43 periods of time.

44 Further, the bill provides that, for projects that were approved by  
45 the authority under the Grow New Jersey Assistance Program, if the  
46 Governor declares an emergency, then the chief executive officer of  
47 the authority has the discretion to grant a business documentation  
48 submission extension for the duration of the emergency and the

1 board of the authority, upon recommendation of the chief executive  
2 officer, may grant two additional six-month extensions; provided  
3 that (i) the extensions are due to the economic disruption cause by  
4 the emergency; (ii) the project is delayed due to unforeseeable acts  
5 related to the project beyond the eligible business's control and  
6 without its fault or negligence; (iii) the eligible business is using  
7 best efforts, with all due diligence, to proceed with the completion  
8 of the project and the submission of the certification; and (iv) the  
9 eligible business has made, and continues to make, all reasonable  
10 efforts to prevent, avoid, mitigate, and overcome the delay.

# Governor Murphy Signs Legislation Authorizing the EDA to Provide Grants During Periods of Emergency and to Extend Documentation Submission Deadlines

03/20/2020

**TRENTON** – In response to the ongoing COVID-19 pandemic, Governor Phil Murphy today signed legislation (A3845) that authorizes the New Jersey Economic Development Authority (NJEDA) to make grants during a state of emergency or a public health emergency declared by the Governor. The EDA will also be authorized to grant certain business documentation submission deadline extensions.

“Businesses small and large throughout our state are in uncharted waters during this time of national crisis,” **said Governor Murphy**. “Working with our partners in the Legislature, we are ensuring that businesses in New Jersey have access to EDA grants and have an extended period of time to submit required documents.”

“The Legislature’s quick action allows the NJEDA to move forward with new resources that will help sustain businesses across the State that are struggling to handle the disruption and uncertainty the COVID-19 outbreak has caused,” **said Tim Sullivan, CEO of the New Jersey Economic Development Authority (NJEDA)**. “It also provides us latitude to adjust existing program timelines to ensure we are able to continue supporting companies if they face unanticipated cash flow challenges. We are working closely with Governor Phil Murphy’s office, our partners across State government, and the business community, and will soon be announcing programs to help employers weather this challenging time.”

A3845 gives the EDA authority to provide grants during periods of emergency and for the duration of economic disruptions due to an emergency. The EDA will be able to offer grants for the planning, designing, acquiring, constructing, reconstructing, improving, equipping, and furnishing of a project, including grants for working capital and meeting payroll requirements. The legislation further allows the chief executive officer of the EDA to extend business document submission deadlines during a period of emergency.

Primary sponsors of A3845 include Assemblymembers Roy Freiman, Louis D. Greenwald, Ronald S. Dancer, and Senators Nilsa Cruz-Perez, and Brian Stack.

“As we work to protect residents from the Covid19 virus influence on our state, we have to think about the small business community, who rely on their customers to frequent their stores,” **said Assemblymembers Freiman, Greenwald, and Dancer in a joint statement**. “These businesses will be adversely affected by the need for many to stay indoors and potential quarantines. Providing access to loans will give small businesses an additional resource they can use to maintain their operations and pay their employees as we get through the days ahead.”

“This is a very trying time for the businesses in our state and they need to know that New Jersey has their backs,” **said Senator Nilsa Cruz-Perez**. “We will do everything we can to support them and this law instills confidence into the future of businesses and our economy as we work through this situation.”

“During these uncertain times, we need to make sure small businesses can weather the economic impact of having to stay closed for an extended period of time,” **said Senator Brian Stack**. “Small businesses are the life blood of New Jersey’s economy, and we need to assist them during the potential economic downturn in order to also save our local economies.”

“In an effort to slow the spread of the coronavirus through the population, the State has enacted a series of hard restrictions that are already taking an incredible toll on business and workers who are losing hours and jobs,” **said Senate Minority Leader Tom Kean, Jr.** “The ongoing public health crisis is also a very real financial

crisis for many people across the state, and this measure will help businesses survive the devastating punch of mandatory closings and social distancing. It's obvious many employers will continue to experience severe hardships as this virus disrupts life in this state, and across the globe."

"In time this crisis will pass, and when it does, we want as many businesses as possible to be able to pick up where they left off before this virus disrupted every-day life," **said Senator Anthony M. Bucco**. "As part of a package of almost three dozen bills to help New Jerseyans cope with the effects of the pandemic, our bipartisan bill addresses the very real economic threat to employers by providing access to emergency funding, especially those in the hospitality and service industries, and the jobs they provide for so many families across New Jersey."