

ASSEMBLY, No. 2386

STATE OF NEW JERSEY 216th LEGISLATURE

INTRODUCED FEBRUARY 6, 2014

Sponsored by:

Assemblyman TROY SINGLETON

District 7 (Burlington)

Assemblywoman ANNETTE QUIJANO

District 20 (Union)

SYNOPSIS

Establishes New Jersey port support zone surrounding certain ports and marine terminals.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/11/2014)

1 AN ACT establishing a New Jersey port support zone surrounding
2 certain ports and marine terminals, supplementing Title 12 of the
3 Revised Statutes, and amending P.L.2009, c.90.

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

7
8 1. (New section) The Legislature finds and declares that:

9 a. The Panama Canal expansion project, which will create a
10 new lane of traffic along the canal to accommodate larger, modern
11 “Post-Panamax” container ships, will double the capacity of the
12 canal upon the completion of the project in 2014.

13 b. Upon the completion of the expansion project, there will be
14 an increase in demand along the Eastern Seaboard of the United
15 States for ports able to accommodate Post-Panamax ships.

16 c. It is in the public interest to establish a New Jersey port
17 support zone to assist New Jersey ports in preparing for the
18 expected increase in shipping volume.

19

20 2. (New section) As used in P.L. , c. (C.) (pending
21 before the Legislature as this bill):

22 “Overweight vehicle” means any commercial motor vehicle,
23 whether registered in this State or elsewhere, with a gross vehicle
24 weight rating (GVWR) of 100,000 or more pounds.

25 “New Jersey port support zone” means and includes the area
26 within a five-mile radius of the outermost boundary of: a. Port
27 Newark; b. the Elizabeth Port Authority Marine Terminal; c. any
28 port facility owned or operated by the South Jersey Port
29 Corporation; and d. the Paulsboro Marine Terminal.

30

31 3. (New section) a. There shall be established a New Jersey
32 port support zone as defined in section 2 of P.L. ,
33 c. (C.)(pending before the Legislature as this bill) to provide
34 assistance to New Jersey ports and to accommodate potential
35 increased demand at ports in this State.

36 b. No amendment or revision to any zoning ordinance shall
37 change the classification of a district zoned for commercial or
38 industrial purposes and located within a New Jersey port support
39 zone.

40

41 4. (New section) Notwithstanding any law, rule, regulation, or
42 ordinance to the contrary, an overweight vehicle may travel along
43 any road reasonably contiguous to Port Newark; the Elizabeth Port
44 Authority Marine Terminal; any port facility owned or operated by
45 the South Jersey Port Corporation; and the Paulsboro Marine

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 Terminal, so long as that road is within an industrial or commercial
2 zone of the municipality where the port or marine terminal is
3 located.

4

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

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

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

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

20 "Authority" means the New Jersey Economic Development
21 Authority established under section 4 of P.L.1974, c.80 (C.34:1B-
22 4).

23 "Aviation district" means the area within a one-mile radius of the
24 outermost boundary of the "Atlantic City International Airport,"
25 established pursuant to section 24 of P.L.1991, c.252 (C.27:25A-
26 24).

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

32 "Developer" means any person who enters or proposes to enter
33 into a redevelopment incentive grant agreement pursuant to the
34 provisions of section 9 of P.L.2009, c.90 (C.52:27D-489i), or its
35 successors or assigns, including but not limited to a lender that
36 completes a redevelopment project, operates a redevelopment
37 project, or completes and operates a redevelopment project. A
38 developer also may be a municipal government or a redevelopment
39 agency as defined in section 3 of P.L.1992, c.79 (C.40A:12A-3).

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

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

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

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

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

23 "Garden State Growth Zone" or "growth zone" means the four
24 New Jersey cities with the lowest median family income based on
25 the 2009 American Community Survey from the US Census, (Table
26 708. Household, Family, and Per Capita Income and Individuals,
27 and Families Below Poverty Level by City: 2009).

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

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

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

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

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

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

20 "Municipal redeveloper" means a municipal government or a
21 redevelopment agency acting on behalf of a municipal government
22 as defined in section 3 of P.L.1992, c.79 (C.40A:12A-3) that is an
23 applicant for a redevelopment incentive grant agreement.

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

27 "Project area" means land or lands located within the incentive
28 area under common ownership or control including through a
29 redevelopment agreement with a municipality, or as otherwise
30 established by a municipality or a redevelopment agreement
31 executed by a State entity to implement a redevelopment project.

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

1 only, the cost of infrastructure improvements including any
2 ancillary infrastructure project and the amount by which total
3 project cost exceeds the cost of an alternative location for the
4 redevelopment project, but excluding any particular costs for which
5 the project has received federal, State, or local funding.

6 "Project financing gap" means: a. the part of the total project
7 cost, including return on investment, that remains to be financed
8 after all other sources of capital have been accounted for, including,
9 but not limited to, developer-contributed capital, which shall not be
10 less than 20 percent of the total project cost, which may include the
11 value of any existing land and improvements in the project area
12 owned or controlled by the developer, and the cost of infrastructure
13 improvements in the public right-of-way, subject to review by the
14 State Treasurer, and investor or financial entity capital or loans for
15 which the developer, after making all good faith efforts to raise
16 additional capital, certifies that additional capital cannot be raised
17 from other sources on a non-recourse basis; and b. the amount by
18 which total project cost exceeds the cost of an alternative location
19 for the out-of-State redevelopment project.

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

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

23 **[(1)]** a. multiplying the general tax rate levied each year by
24 the taxable value of all the property assessed within a project area
25 in the same year, excluding any special assessments; and

26 **[(2)]** b. multiplying that product by a fraction having a
27 numerator equal to the taxable value of all the property assessed
28 within the project area, minus the property tax increment base, and
29 having a denominator equal to the taxable value of all property
30 assessed within the project area.

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

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

44 "Qualified residential project" means a redevelopment project
45 that is predominantly residential and includes multi-family
46 residential units for purchase or lease, or dormitory units for
47 purchase or lease, having a total project cost of at least
48 \$17,500,000, if the project is located in any municipality with a

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

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

10 a. an aviation district;

11 b. a port district or a New Jersey port support zone, as defined
12 pursuant to section 2 of P.L. , c. (C.) (pending before the
13 Legislature as this bill);

14 c. a distressed municipality; or

15 d. an area (1) designated pursuant to the "State Planning Act,"
16 P.L.1985, c.398 (C.52:18A-196 et seq.), as:

17 (a) Planning Area 1 (Metropolitan);

18 (b) Planning Area 2 (Suburban); or

19 (c) Planning Area 3 (Fringe Planning Area);

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

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

31 (4) located within a regional growth area, a town, village, or a
32 military and federal installation area designated in the
33 comprehensive management plan prepared and adopted by the
34 Pinelands Commission pursuant to the "Pinelands Protection Act,"
35 P.L.1979, c.111 (C.13:18A-1 et seq.);

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

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

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

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

1 Sensitive) or Planning Area 5 (Environmentally Sensitive) is
2 located within:

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

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

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

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

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

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

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

28 "Redevelopment incentive grant agreement" means an agreement
29 between【, (1)】: a the State and the New Jersey Economic
30 Development Authority and a developer【,】; or 【(2)】 b. a
31 municipality and a developer, or a municipal ordinance authorizing
32 a project to be undertaken by a municipal redeveloper, under which,
33 in exchange for the proceeds of an incentive grant, the developer
34 agrees to perform any work or undertaking necessary for a
35 redevelopment project, including the clearance, development or
36 redevelopment, construction, or rehabilitation of any structure or
37 improvement of commercial, industrial, residential, or public
38 structures or improvements within a qualifying economic
39 redevelopment and growth grant incentive area or a transit village.

40 "Redevelopment project" means a specific construction project
41 or improvement, including lands, buildings, improvements, real and
42 personal property, or any interest therein, including lands under
43 water, riparian rights, space rights, and air rights, acquired, owned,
44 leased, developed or redeveloped, constructed, reconstructed,
45 rehabilitated, or improved, undertaken by a developer, owner or
46 tenant, or both, within a project area and any ancillary infrastructure
47 project including infrastructure improvements in the public right of
48 way, as set forth in an application to be made to the authority. The

1 use of the term "redevelopment project" in sections 3 through 18 of
2 P.L.2009, c.90 (C.52:27D-489c et al.) shall not be limited to only
3 redevelopment projects located in areas determined to be in need of
4 redevelopment pursuant to sections 5 and 6 of P.L.1992, c.79
5 (C.40A:12A-5 and 40A:12A-6) but shall also include any work or
6 undertaking in accordance with the "Redevelopment Area Bond
7 Financing Law," sections 1 through 10 of P.L.2001, c.310
8 (C.40A:12A-64 et seq.) or other applicable law, pursuant to a
9 redevelopment plan adopted by a State entity, or as described in the
10 resolution adopted by a public entity created by State law with the
11 power to adopt a redevelopment plan or otherwise determine the
12 location, type and character of a redevelopment project or part of a
13 redevelopment project on land owned or controlled by it or within
14 its jurisdiction, including but not limited to, the New Jersey
15 Meadowlands Commission established pursuant to P.L.1968, c.404
16 (C.13:17-1 et seq.), the New Jersey Sports and Exposition Authority
17 established pursuant to P.L.1971 c.137 (C.5:10-1 et seq.) and the
18 Fort Monmouth Economic Revitalization Authority created
19 pursuant to P.L.2010, c.51 (C.52:27I-18 et seq.).

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

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

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

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

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

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

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

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

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

8 "Urban transit hub" means an urban transit hub, as defined in
9 section **【10】 2** of P.L.2007, c.346 (C.34:1B-208), that is located
10 within an eligible municipality, as defined in section **【10】 2** of
11 P.L.2007, c.346 (C.34:1B-208), or all light rail stations and
12 property located within a one-mile radius of the mid-point of the
13 platform area of such a rail, bus, or ferry station if the property is in
14 a qualified municipality under the "Municipal Rehabilitation and
15 Economic Recovery Act," P.L.2002, c.43 (C.52:27BBB-1 et al.).

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

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

34 (cf: P.L.2013, c.161, s.14)

35
36 6. Section 9 of P.L.2009, c.90 (C.52:27D-489i) is amended to
37 read as follows:

38 9. a. The authority is authorized to enter into a redevelopment
39 incentive grant agreement with a developer for any redevelopment
40 project located within a qualifying economic redevelopment and
41 growth grant incentive area that does not qualify as such area solely
42 by virtue of being a transit village.

43 b. The decision whether or not to enter into a redevelopment
44 incentive grant agreement is solely within the discretion of the
45 authority and the State Treasurer, provided that they both agree to
46 enter into an agreement.

1 c. The Chief Executive Officer of the authority, in consultation
2 with the State Treasurer shall negotiate the terms and conditions of
3 any redevelopment incentive grant agreement on behalf of the State.

4 d. (1) The redevelopment incentive grant agreement shall
5 specify the maximum amount of project costs, the amount of the
6 incentive grant to be awarded the developer, the frequency of
7 payments, and the eligibility period, which shall not exceed 20
8 years, during which reimbursement will be granted, and for a
9 project receiving an incentive grant in excess of \$50 million, the
10 amount of the negotiated repayment amount to the State, which may
11 include, but not be limited to, cash, equity, and warrants. Except
12 for redevelopment incentive grant agreements with a municipal
13 redeveloper or with the developer of a redevelopment project solely
14 with respect to the cost of infrastructure improvements in the public
15 right-of-way including any ancillary infrastructure project in the
16 public right-of-way, in no event shall the base amount of the
17 combined reimbursements under redevelopment incentive grant
18 agreements with the State or municipality exceed 20 percent of the
19 total project cost, except in a Garden State Growth Zone, which
20 shall not exceed 30 percent , or except that any redevelopment
21 incentive grant agreement with a developer for a project within a
22 New Jersey port support zone, as that term is defined in section 2 of
23 P.L. , c. (C.) (pending before the Legislature as this bill), shall
24 not exceed 35 percent of the total cost of the project.

25 (2) The authority shall be permitted to increase the amount of
26 the reimbursement under the redevelopment incentive grant
27 agreement with the State by up to 10 percent of the total project
28 cost if the project is:

29 (a) located in a distressed municipality which lacks adequate
30 access to nutritious food in the judgment of the Chief Executive
31 Officer of the authority and will include either a supermarket or
32 grocery store with a minimum of 15,000 square feet of selling space
33 devoted to the sale of consumable products or a prepared food
34 establishment selling only nutritious ready to serve meals;

35 (b) located in a distressed municipality which lacks adequate
36 access to health care and health services in the judgment of the
37 Chief Executive Officer of the authority and will include a health
38 care and health services center with a minimum of 10,000 square
39 feet of space devoted to the provision of health care and health
40 services;

41 (c) located in a distressed municipality which has a business
42 located therein that is required to respond to a request for proposal
43 to fulfill a contract with the federal government as set forth in
44 subsection d. of section 3 of P.L.2011, c.149 (C.34:1B-244);

45 (d) a transit project;

46 (e) a qualified residential project in which at least 10 percent of
47 the residential units are constructed as and reserved for moderate
48 income housing;

- 1 (f) located in a highlands development credit receiving area or
2 redevelopment area;
- 3 (g) located in a Garden State Growth Zone;
- 4 (h) a disaster recovery project;
- 5 (i) an aviation project;
- 6 (j) a tourism destination project; or
- 7 (k) substantial rehabilitation or renovation of an existing
8 structure or structures.
- 9 (3) The maximum amount of any redevelopment incentive grant
10 shall be equal to up to 30 percent of the total project costs, except
11 for projects located in a Garden State Growth Zone, in which case
12 the maximum amount of any redevelopment incentive grant shall be
13 equal to up to 40 percent of the total project costs.
- 14 e. Except in the case of a qualified residential project, the
15 authority and the State Treasurer may enter into a redevelopment
16 incentive grant agreement only if they make a finding that the State
17 revenues to be realized from the redevelopment project will be in
18 excess of the amount necessary to reimburse the developer for its
19 project financing gap. This finding may be made by an estimation
20 based upon the professional judgment of the Chief Executive
21 Officer of the authority and the State Treasurer.
- 22 f. In deciding whether or not to recommend entering into a
23 redevelopment incentive grant agreement and in negotiating a
24 redevelopment agreement with a developer, the Chief Executive
25 Officer of the authority shall consider the following factors:
- 26 (1) the economic feasibility of the redevelopment project;
- 27 (2) the extent of economic and related social distress in the
28 municipality and the area to be affected by the redevelopment
29 project or the level of site specific distress to include dilapidated
30 conditions, brownfields designation, environmental contamination,
31 pattern of vacancy, abandonment, or under utilization of the
32 property, rate of foreclosures, or other site conditions as determined
33 by the authority;
- 34 (3) the degree to which the redevelopment project will advance
35 State, regional, and local development and planning strategies;
- 36 (4) the likelihood that the redevelopment project shall, upon
37 completion, be capable of generating new tax revenue in an amount
38 in excess of the amount necessary to reimburse the developer for
39 project costs incurred as provided in the redevelopment incentive
40 grant agreement, provided, however, that any tax revenue generated
41 by a redevelopment project that is a disaster recovery project shall
42 be considered new tax revenue even if the same or more tax revenue
43 was generated at or on the site prior to the disaster;
- 44 (5) the relationship of the redevelopment project to a
45 comprehensive local development strategy, including other major
46 projects undertaken within the municipality;

1 (6) the need of the redevelopment incentive grant agreement to
2 the viability of the redevelopment project or the promotion of the
3 use of public transportation; and

4 (7) the degree to which the redevelopment project enhances and
5 promotes job creation and economic development or the promotion
6 of the use of public transportation.

7 g. (1) A developer that has entered into a redevelopment
8 incentive grant agreement with the authority and the State Treasurer
9 pursuant to this section may, upon notice to and consent of the
10 authority and the State Treasurer, pledge, assign, transfer, or sell
11 any or all of its right, title and interest in and to such agreements
12 and in the incentive grants payable thereunder, and the right to
13 receive same, along with the rights and remedies provided to the
14 developer under such agreement. Any such assignment shall be an
15 absolute assignment for all purposes, including the federal
16 bankruptcy code.

17 (2) Any pledge of incentive grants made by the developer shall
18 be valid and binding from the time when the pledge is made and
19 filed in the records of the authority. The incentive grants so
20 pledged and thereafter received by the developer shall immediately
21 be subject to the lien of the pledge without any physical delivery
22 thereof or further act, and the lien of any pledge shall be valid and
23 binding as against all parties having claims of any kind in tort,
24 contract, or otherwise against the developer irrespective of whether
25 the parties have notice thereof. Neither the redevelopment
26 incentive grant agreement nor any other instrument by which a
27 pledge under this section is created need be filed or recorded except
28 with the authority.

29 (cf: P.L.2013, c.161, s.19)

30
31 7. This act shall take effect immediately.
32
33

34 STATEMENT

35
36 This bill establishes a New Jersey port support zone surrounding:
37 Port Newark; the Elizabeth Port Authority Marine Terminal; any
38 port facility owned or operated by the South Jersey Port
39 Corporation; and the Paulsboro Marine Terminal (collectively,
40 “ports”). The South Jersey Port Corporation currently owns or
41 operates the Port of Camden and the Port of Salem Terminal and
42 will operate the Paulsboro Marine Terminal upon completion of that
43 terminal.

44 The bill amends current law to increase the allowable amount of
45 redevelopment incentive grants awarded for qualified projects in the
46 New Jersey port support zone. The bill provides that any
47 redevelopment incentive grant agreement with a developer for a

1 project within the a port support zone shall not exceed 35 percent of
2 the total cost of the project.

3 By increasing the availability of incentive grants available to the
4 ports the establishment of a New Jersey port support zone will
5 allow New Jersey ports to prepare for an expected increase in
6 shipping volume upon the completion of the expansion of the
7 Panama Canal in 2014. The port support zone includes the area
8 within a five-mile radius of the outermost boundary of the ports.

9 The bill also provides that, notwithstanding any law, rule,
10 regulation, or ordinance to the contrary: (1) no amendment or
11 revision to any zoning ordinance shall change the classification of a
12 district zoned for commercial or industrial purposes and located
13 within a New Jersey port support zone; and (2) an overweight
14 commercial vehicle may travel along any road reasonably
15 contiguous to the ports, so long as that road is within an industrial
16 or commercial zone of that municipality.