SYNOPSIS

Creates Garden State Growth Zone at Atlantic City International Airport and surrounding area; adjusts full-time employee designation requirements.

CURRENT VERSION OF TEXT

As amended on August 27, 2018 by the General Assembly pursuant to the Governor's recommendations.
A3676 [3R] MAZZEO, ARMATO

AN ACT concerning ¹a¹ Garden State Growth ¹[Zones] Zone¹ and
amending various parts of the statutory law.

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

1. Section 2 of P.L.2011, c.149 (C.34:1B-243) is amended to
read as follows:

2. As used in P.L.2011, c.149 (C.34:1B-242 et seq.):

"Affiliate" means an entity that directly or indirectly controls, is
under common control with, or is controlled by the business.
Control exists in all cases in which the entity is a member of a
controlled group of corporations as defined pursuant to section 1563
of the Internal Revenue Code of 1986 (26 U.S.C. s.1563) or the
entity is an organization in a group of organizations under common
control as defined pursuant to subsection (b) or (c) of section 414 of
may establish by clear and convincing evidence, as determined by
the Director of the Division of Taxation in the Department of the
Treasury, that control exists in situations involving lesser
percentages of ownership than required by those statutes. An
affiliate of a business may contribute to meeting either the qualified
investment or full-time employee requirements of a business that
applies for a credit under section 3 of P.L.2007, c.346 (C.34:1B-
209).

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

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

"Business" means an applicant proposing to own or lease
premises in a qualified business facility that is:

a corporation that is subject to the tax imposed pursuant to
section 5 of P.L.1945, c.162 (C.54:10A-5);
a corporation that is subject to the tax imposed pursuant to
sections 2 and 3 of P.L.1945, c.132 (C.54:18A-2 and C.54:18A-3),
section 1 of P.L.1950, c.231 (C.17:32-15) or N.J.S.17B:23-5;

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

Matter underlined thus is new matter.
Matter enclosed in superscript numerals has been adopted as follows:
¹Assembly ACE committee amendments adopted May 7, 2018.
²Assembly ABU committee amendments adopted June 18, 2018.
³Assembly amendments adopted in accordance with Governor's
recommendations August 27, 2018.
a partnership;

an S corporation;

a limited liability company; or

a non-profit corporation.

If the business or tenant is a cooperative or part of a cooperative, then the cooperative may qualify for credits by counting the full-time employees and capital investments of its member organizations, and the cooperative may distribute credits to its member organizations. If the business or tenant is a cooperative that leases to its member organizations, the lease shall be treated as a lease to an affiliate or affiliates.

A business shall include an affiliate of the business if that business applies for a credit based upon any capital investment made by or full-time employees of an affiliate.

"Capital investment" in a qualified business facility means expenses by a business or any affiliate of the business incurred after application for:

a. site preparation and construction, repair, renovation, improvement, equipping, or furnishing on real property or of a building, structure, facility, or improvement to real property;

b. obtaining and installing furnishings and machinery, apparatus, or equipment, including but not limited to material goods subject to bonus depreciation under sections 168 and 179 of the federal Internal Revenue Code (26 U.S.C. s.168 and s.179), for the operation of a business on real property or in a building, structure, facility, or improvement to real property;

c. receiving Highlands Development Credits under the Highlands Transfer Development Rights Program authorized pursuant to section 13 of P.L.2004, c.120 (C.13:20-13); or

d. any of the foregoing.

In addition to the foregoing, in a Garden State Growth Zone, the following qualify as a capital investment: any development, redevelopment, and relocation costs, including, but not limited to, site acquisition if made within 24 months of application to the authority, engineering, legal, accounting, and other professional services required; and relocation, environmental remediation, and infrastructure improvements for the project area, including, but not limited to, on- and off-site utility, road, pier, wharf, bulkhead, or sidewalk construction or repair.

In addition to the foregoing, if a business acquires or leases a qualified business facility, the capital investment made or acquired by the seller or owner, as the case may be, if pertaining primarily to the premises of the qualified business facility, shall be considered a capital investment by the business and, if pertaining generally to the qualified business facility being acquired or leased, shall be allocated to the premises of the qualified business facility on the basis of the gross leasable area of the premises in relation to the total gross leasable area in the qualified business facility. The
capital investment described herein may include any capital investment made or acquired within 24 months prior to the date of application so long as the amount of capital investment made or acquired by the business, any affiliate of the business, or any owner after the date of application equals at least 50 percent of the amount of capital investment, allocated to the premises of the qualified business facility being acquired or leased on the basis of the gross leasable area of the premises in relation to the total gross leasable area in the qualified business facility made or acquired prior to the date of application.

"College or university" means a county college, an independent institution of higher education, a public research university, or a State college. "Commitment period" means the period of time that is 1.5 times the eligibility period. "County college" means an educational institution established by one or more counties, pursuant to chapter 64A of Title 18A of the New Jersey Statutes. "Deep poverty pocket" means a population census tract having a poverty level of 20 percent or more, and which is located within the qualified incentive area and has been determined by the authority to be an area appropriate for development and in need of economic development incentive assistance. "Disaster recovery project" means a project located on property that has been wholly or substantially damaged or destroyed as a result of a federally-declared disaster which, after utilizing all disaster funds available from federal, State, county, and local funding sources, demonstrates to the satisfaction of the authority that access to additional funding authorized pursuant to the "New Jersey Economic Opportunity Act of 2013," P.L.2013, c.161 (C.52:27D-489p et al.), is necessary to complete the redevelopment project, and which is located within the qualified incentive area and has been determined by the authority to be in an area appropriate for development and in need of economic development incentive assistance.

"Distressed municipality" means a municipality that is qualified to receive assistance under P.L.1978, c.14 (C.52:27D-178 et seq.), a municipality under the supervision of the Local Finance Board pursuant to the provisions of the "Local Government Supervision Act (1947)," P.L.1947, c.151 (C.52:27BB-1 et seq.), a municipality identified by the Director of the Division of Local Government Services in the Department of Community Affairs to be facing serious fiscal distress, a SDA municipality, or a municipality in which a major rail station is located. "Doctoral university" means a university located within New Jersey that is classified as a doctoral university under the Carnegie Classification of Institutions of Higher Education's Basic Classification methodology on the effective date of P.L.2017, c.221.
"Eligibility period" means the period in which a business may claim a tax credit under the Grow New Jersey Assistance Program, beginning with the tax period in which the authority accepts certification of the business that it has met the capital investment and employment requirements of the Grow New Jersey Assistance Program and extending thereafter for a term of not more than 10 years, with the term to be determined solely at the discretion of the applicant.

"Eligible position" or "full-time job" means a full-time position in a business in this State which the business has filled with a full-time employee.

"Full-time employee" means a person:

a. who is employed by a business for consideration for at least 35 hours a week, or who renders any other standard of service generally accepted by custom or practice as full-time employment;

b. who is employed by a professional employer organization pursuant to an employee leasing agreement between the business and the professional employer organization, in accordance with P.L.2001, c.260 (C.34:8-67 et seq.) for at least 35 hours a week, or who renders any other standard of service generally accepted by custom or practice as full-time employment, and whose wages are subject to withholding as provided in the "New Jersey Gross Income Tax Act," N.J.S.54A:1-1 et seq.; or

c. who is a resident of another State but whose income is not subject to the "New Jersey Gross Income Tax Act," N.J.S.54A:1-1 et seq. or who is a partner of a business who works for the partnership for at least 35 hours a week, or who renders any other standard of service generally accepted by custom or practice as full-time employment, and whose distributive share of income, gain, loss, or deduction, or whose guaranteed payments, or any combination thereof, is subject to the payment of estimated taxes, as provided in the "New Jersey Gross Income Tax Act," N.J.S.54A:1-1 et seq.; and

d. who, except for purposes of the Statewide workforce, is provided, by the business, with employee health benefits under a health benefits plan authorized pursuant to State or federal law.

With respect to a logistics, manufacturing, energy, defense, aviation, or maritime business, excluding primarily warehouse or distribution operations, located in a port district having a container terminal:

the requirement that employee health benefits are to be provided shall be deemed to be satisfied if the benefits are provided in accordance with industry practice by a third party obligated to provide such benefits pursuant to a collective bargaining agreement;

full-time employment shall include, but not be limited to, employees that have been hired by way of a labor union hiring hall or its equivalent;
35 hours of employment per week at a qualified business facility shall constitute one “full-time employee,” regardless of whether or not the hours of work were performed by one or more persons.

For any project located in a Garden State Growth Zone which qualifies under the "Municipal Rehabilitation and Economic Recovery Act," P.L.2002, c.43 (C.52:27BBB-1 et al.), or any project located in the Atlantic City Tourism District as established pursuant to section 5 of P.L.2011, c.18 (C.5:12-219) and regulated by the Casino Reinvestment Development Authority, and which will include a retail facility of at least 150,000 square feet, of which at least 50 percent will be occupied by either a full-service supermarket or grocery store, 30 hours of employment per week at a qualified business facility shall constitute one “full-time employee,” regardless of whether the hours of work were performed by one or more persons, and the requirement that employee health benefits are to be provided shall be deemed to be satisfied if the employees of the business are covered by a collective bargaining agreement.

"Full-time employee" shall not include any person who works as an independent contractor or on a consulting basis for the business, except that, for any project located in an aviation district, any person working as an independent contractor for the business shall be deemed a full-time employee if the business demonstrates to the authority that:

1. the person working as an independent contractor for the business provides critical capabilities to the business in engineering, software development, technology services, or advanced manufacturing supply chain disciplines under a contractual or partnering relationship for a term of no less than three years;
2. the person working as an independent contractor for the business:
   a. works at least 80 percent of the person’s work time at a qualified business facility;
   b. works for at least 35 hours a week, or renders any other standard service generally accepted by custom or practice as full-time employment; and
   c. is provided with employee health benefits under a health benefits plan authorized pursuant to State or federal law; and
3. the person working as an independent contractor for the business shall not be included in the business’s Statewide workforce total if that person is simultaneously receiving a State economic incentive benefit for job creation or retention under any other program.

A business with at least 15 persons working as independent contractors for the business who meet the conditions established pursuant to paragraphs (1) and (2) of this subsection may claim each of those persons as eight-tenths of a full-time employee for the purposes of meeting the minimum Statewide workforce total required under the program. Persons working as independent
contractors for the business shall be considered full-time employees solely for the purposes of being counted towards the minimum number of eligible positions required under the program. Compliance period obligations of those persons following the receipt of an economic incentive benefit shall not disqualify inclusion of those persons as part of the business’s Statewide workforce total. The inclusion of persons working as independent contractors for the business as part of the business’s Statewide workforce total may be applied starting on January 1, 2017 for all previously awarded and future tax credits awarded under the program established pursuant to section 3 of P.L.2011, c.149 (C.34:1B-244).

A business that includes persons working as independent contractors for the business as part of the business’s Statewide workforce total shall provide to the authority an annual report that identifies the number of persons working as independent contractors for the business and their contractual or partnering relationship with the business.

Full-time employee shall also not include any person who at the time of project application works in New Jersey for consideration for at least 35 hours per week, or who renders any other standard of service generally accepted by custom or practice as full-time employment but who prior to project application was not provided, by the business, with employee health benefits under a health benefits plan authorized pursuant to State or federal law.

"Garden State Create Zone" means the campus of a doctoral university, and the area within a three-mile radius of the outermost boundary of the campus of a doctoral university, according to a map appearing in the doctoral university's official catalog or other official publication on the effective date of P.L.2017, c.221.

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

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

"Incentive agreement" means the contract between the business and the authority, which sets forth the terms and conditions under
which the business shall be eligible to receive the incentives authorized pursuant to the program.

"Incentive effective date" means the date the authority issues a tax credit based on documentation submitted by a business pursuant to paragraph (1) of subsection b. of section 6 of P.L.2011, c.149 (C.34:1B-247).

"Independent institution of higher education" means a college or university incorporated and located in New Jersey, which by virtue of law or character or license is a nonprofit educational institution authorized to grant academic degrees and which provides a level of education which is equivalent to the education provided by the State's public institutions of higher education, as attested by the receipt of and continuation of regional accreditation by the Middle States Association of Colleges and Schools, and which is eligible to receive State aid under the provisions of the Constitution of the United States and the Constitution of the State of New Jersey, but does not include any educational institution dedicated primarily to the education or training of ministers, priests, rabbis or other professional persons in the field of religion.

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

"Mega project" means:

a. a qualified business facility located in a port district housing a business in the logistics, manufacturing, energy, defense, or maritime industries, either:

   (1) having a capital investment in excess of $20,000,000, and at which more than 250 full-time employees of the business are created or retained; or

   (2) at which more than 1,000 full-time employees of the business are created or retained;

b. a qualified business facility located in an aviation district housing a business in the aviation industry, in a Garden State Growth Zone, or in a priority area housing the United States headquarters and related facilities of an automobile manufacturer, either:

   (1) having a capital investment in excess of $20,000,000, and at which more than 250 full-time employees of the business are created or retained, or

   (2) at which more than 1,000 full-time employees of the business are created or retained;

c. a qualified business facility located in an urban transit hub housing a business of any kind, having a capital investment in excess of $50,000,000, and at which more than 250 full-time employees of the business are created or retained;

d. a project located in an area designated in need of redevelopment, pursuant to P.L.1992, c.79 (C.40A:12A-1 et al.)
prior to the enactment of P.L.2014, c.63 (C.34:1B-251 et al.) within
Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester,
Ocean, or Salem counties having a capital investment in excess of
$20,000,000, and at which more than 150 full-time employees of
the business are created or retained; or

e. a qualified business facility primarily used by a business
principally engaged in research, development, or manufacture of a
drug or device, as defined in R.S.24:1-1, or primarily used by a
business licensed to conduct a clinical laboratory and business
facility pursuant to the "New Jersey Clinical Laboratory
Improvement Act," P.L.1975, c.166 (C.45:9-42.26 et seq.), either:

(1) having a capital investment in excess of $20,000,000, and at
which more than 250 full-time employees of the business are
created or retained, or

(2) at which more than 1,000 full-time employees of the
business are created or retained.

"Minimum environmental and sustainability standards" means
standards established by the authority in accordance with the green
building manual prepared by the Commissioner of Community
Affairs pursuant to section 1 of P.L.2007, c.132 (C.52:27D-130.6),
regarding the use of renewable energy, energy-efficient technology,
and non-renewable resources in order to reduce environmental
degradation and encourage long-term cost reduction.

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

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

"New full-time job" means an eligible position created by the
business at the qualified business facility that did not previously
exist in this State. For the purposes of determining a number of
new full-time jobs, the eligible positions of an affiliate shall be
considered eligible positions of the business.

"Other eligible area" means the portions of the qualified
incentive area that are not located within a distressed municipality,
or the priority area.

"Partnership" means an entity classified as a partnership for
federal income tax purposes.

"Port district" means the portions of a qualified incentive area
that are located within:
a. the "Port of New York District" of the Port Authority of
New York and New Jersey, as defined in Article II of the Compact
Between the States of New York and New Jersey of 1921; or
b. a 15-mile radius of the outermost boundary of each marine
terminal facility established, acquired, constructed, rehabilitated, or
improved by the South Jersey Port District established pursuant to
"The South Jersey Port Corporation Act," P.L.1968, c.60
(C.12:11A-1 et seq.).

"Priority area" means the portions of the qualified incentive area
that are not located within a distressed municipality and which:
a. are designated pursuant to the "State Planning Act,"
P.L.1985, c.398 (C.52:18A-196 et seq.), as Planning Area 1
(Metropolitan), Planning Area 2 (Suburban), a designated center
under the State Development and Redevelopment Plan, or a
designated growth center in an endorsed plan until June 30, 2013, or
until the State Planning Commission revises and readopts New
Jersey's State Strategic Plan and adopts regulations to revise this
definition;
b. intersect with portions of: a deep poverty pocket, a port
district, or federally-owned land approved for closure under a
federal Commission on Base Realignment and Closure action;
c. are the proposed site of a disaster recovery project, a
qualified incubator facility, a highlands development credit
receiving area or redevelopment area, a tourism destination project,
or transit oriented development; or
d. contain: a vacant commercial building having over 400,000
square feet of office, laboratory, or industrial space available for
occupancy for a period of over one year; or a site that has been
negatively impacted by the approval of a "qualified business
facility," as defined pursuant to section 2 of P.L.2007, c.346
(C.34:1B-208).

"Professional employer organization" means an employee leasing
company registered with the Department of Labor and Workforce
Development pursuant to P.L.2001, c.260 (C.34:8-67 et seq.).

"Program" means the "Grow New Jersey Assistance Program"
established pursuant to section 3 of P.L.2011, c.149 (C.34:1B-244).

"Public research university" means a public research university
as defined in section 3 of P.L.1994, c.48 (C.18A:3B-3).

"Qualified business facility" means any building, complex of
buildings or structural components of buildings, and all machinery
and equipment located within a qualified incentive area, used in
connection with the operation of a business that is not engaged in
final point of sale retail business at that location unless the building,
complex of buildings or structural components of buildings, and all
machinery and equipment located within a qualified incentive area,
are used in connection with the operation of:
a. a final point of sale retail business located in a Garden State
Growth Zone that will include a retail facility of at least 150,000
square feet, of which at least 50 percent is occupied by either a full-service supermarket or grocery store; or
b. a tourism destination project located in the Atlantic City Tourism District as established pursuant to section 5 of P.L.2011, c.18 (C.5:12-219).

"Qualified incentive area" means:
a. an aviation district;
b. a port district;
c. a distressed municipality or urban transit hub municipality;
d. an area (1) designated pursuant to the "State Planning Act," P.L.1985, c.398 (C.52:18A-196 et seq.), as:
  (a) Planning Area 1 (Metropolitan);
  (b) Planning Area 2 (Suburban); or
  (c) Planning Area 3 (Fringe Planning Area);
  (2) located within a smart growth area and planning area designated in a master plan adopted by the New Jersey Meadowlands Commission pursuant to subsection (i) of section 6 of P.L.1968, c.404 (C.13:17-6) or subject to a redevelopment plan adopted by the New Jersey Meadowlands Commission pursuant to section 20 of P.L.1968, c.404 (C.13:17-21);
  (3) located within any land owned by the New Jersey Sports and Exposition Authority, established pursuant to P.L.1971, c.137 (C.5:10-1 et seq.), within the boundaries of the Hackensack Meadowlands District as delineated in section 4 of P.L.1968, c.404 (C.13:17-4);
  (4) located within a regional growth area, rural development area zoned for industrial use as of the effective date of P.L.2016, c.75, town, village, or a military and federal installation area designated in the comprehensive management plan prepared and adopted by the Pinelands Commission pursuant to the "Pinelands Protection Act," P.L.1979, c.111 (C.13:18A-1 et seq.);
  (5) located within the planning area of the Highlands Region as defined in section 3 of P.L.2004, c.120 (C.13:20-3) or a highlands development credit receiving area or redevelopment area;
  (6) located within a Garden State Growth Zone;
  (7) located within land approved for closure under any federal Commission on Base Realignment and Closure action; or
  (8) located only within the following portions of the areas designated pursuant to the "State Planning Act," P.L.1985, c.398 (C.52:18A-196 et seq.), as Planning Area 4A (Rural Planning Area), Planning Area 4B (Rural/Environmentally Sensitive) or Planning Area 5 (Environmentally Sensitive) if Planning Area 4A (Rural Planning Area), Planning Area 4B (Rural/Environmentally Sensitive) or Planning Area 5 (Environmentally Sensitive) is located within:
    (a) a designated center under the State Development and Redevelopment Plan;
(b) a designated growth center in an endorsed plan until the 
State Planning Commission revises and readopts New Jersey's State 
Strategic Plan and adopts regulations to revise this definition as it 
pertains to Statewide planning areas;
(c) any area determined to be in need of redevelopment pursuant 
to sections 5 and 6 of P.L.1992, c.79 (C.40A:12A-5 and 
C.40A:12A-6) or in need of rehabilitation pursuant to section 14 of 
P.L.1992, c.79 (C.40A:12A-14);
(d) any area on which a structure exists or previously existed 
including any desired expansion of the footprint of the existing or 
previously existing structure provided the expansion otherwise 
complies with all applicable federal, State, county, and local 
permits and approvals;
(e) the planning area of the Highlands Region as defined in 
section 3 of P.L.2004, c.120 (C.13:20-3) or a highlands 
development credit receiving area or redevelopment area; or 
(f) any area on which an existing tourism destination project is 
located.

"Qualified incentive area" shall not include any property located 
within the preservation area of the Highlands Region as defined in 
section 3 of P.L.2004, c.120 (C.13:20-3).

"Qualified incubator facility" means a commercial building 
located within a qualified incentive area: which contains 50,000 or 
more square feet of office, laboratory, or industrial space; which is 
located near, and presents opportunities for collaboration with, a 
research institution, teaching hospital, college, or university; and 
within which, at least 50 percent of the gross leasable area is 
restricted for use by one or more technology startup companies 
during the commitment period.

"Retained full-time job" means an eligible position that currently 
exists in New Jersey and is filled by a full-time employee but 
which, because of a potential relocation by the business, is at risk of 
being lost to another state or country, or eliminated. For the 
purposes of determining a number of retained full-time jobs, the 
eligible positions of an affiliate shall be considered eligible 
positions of the business. For the purposes of the certifications and 
annual reports required in the incentive agreement pursuant to 
subsection e. of section 4 of P.L.2011, c.149 (C.34:1B-245), to the 
extent an eligible position that was the basis of the award no longer 
exists, a business shall include as a retained full-time job a new 
eligible position that is filled by a full-time employee provided that 
the position is included in the order of date of hire and is not the 
basis for any other incentive award. For a project located in a 
Garden State Growth Zone which qualified for the "Municipal 
(C.52:27BBB-1 et al.), retained full-time job shall include any 
employee previously employed in New Jersey and transferred to the 
new location in the Garden State Growth Zone which qualified for
the "Municipal Rehabilitation and Economic Recovery Act."
"SDA district" means an SDA district as defined in section 3 of
"SDA municipality" means a municipality in which an SDA
district is situate.
"State college" means a State college or university established
pursuant to chapter 64 of Title 18A of the New Jersey Statutes.
"Targeted industry" means any industry identified from time to
time by the authority including initially, a transportation,
manufacturing, defense, energy, logistics, life sciences, technology,
health, and finance business, but excluding a primarily warehouse
or distribution business.
"Technology startup company" means a for profit business that
has been in operation fewer than five years and is developing or
possesses a proprietary technology or business method of a high-
technology or life science-related product, process, or service which
the business intends to move to commercialization.
"Tourism destination project" means a qualified non-gaming
business facility that will be among the most visited privately
owned or operated tourism or recreation sites in the State, and
which is located within the qualified incentive area and has been
determined by the authority to be in an area appropriate for
development and in need of economic development incentive
assistance, including a non-gaming business within an established
Tourism District with a significant impact on the economic viability
of that District.
"Transit oriented development" means a qualified business
facility located within a 1/2-mile radius, or one-mile radius for
projects located in a Garden State Growth Zone, surrounding the
mid-point of a New Jersey Transit Corporation, Port Authority
Transit Corporation, or Port Authority Trans-Hudson Corporation
rail, bus, or ferry station platform area, including all light rail
stations.
"Urban transit hub" means an urban transit hub, as defined in
section 2 of P.L.2007, c.346 (C.34:1B-208), that is located within
an eligible municipality, as defined in section 2 of P.L.2007, c.346
(C.34:1B-208) and also located within a qualified incentive area.
"Urban transit hub municipality" means a municipality: a. which
qualifies for State aid pursuant to P.L.1978, c.14 (C.52:27D-178 et
seq.), or which has continued to be a qualified municipality
thereunder pursuant to P.L.2007, c.111; and b. in which 30 percent
or more of the value of real property was exempt from local
property taxation during tax year 2006. The percentage of exempt
property shall be calculated by dividing the total exempt value by
the sum of the net valuation which is taxable and that which is tax
exempt.
(cf: P.L.2017, c.221, s.1)
2. Section 3 of P.L.2011, c.149 (C.34:1B-244) is amended to read as follows:

3. a. The Grow New Jersey Assistance Program is hereby established as a program under the jurisdiction of the New Jersey Economic Development Authority and shall be administered by the authority. The purpose of the program is to encourage economic development and job creation and to preserve jobs that currently exist in New Jersey but which are in danger of being relocated outside of the State. To implement this purpose, the program may provide tax credits to eligible businesses for an eligibility period not to exceed 10 years.

To be eligible for any tax credits pursuant to P.L.2011, c.149 (C.34:1B-242 et al.), a business's chief executive officer or equivalent officer shall demonstrate to the authority, at the time of application, that:

(1) the business, expressly including its landlord or seller, will make, acquire, or lease a capital investment equal to, or greater than, the applicable amount set forth in subsection b. of this section at a qualified business facility at which it will:

(a) retain full-time jobs in an amount equal to or greater than the applicable number set forth in subsection c. of this section;

(b) create new full-time jobs in an amount equal to or greater than the applicable number set forth in subsection c. of this section;

or

(c) in combination, retain full-time jobs and create new full-time jobs in an amount equal to or greater than the applicable number set forth in subsection c. of this section;

(2) the qualified business facility shall be constructed in accordance with the minimum environmental and sustainability standards;

(3) the capital investment resultant from the award of tax credits and the resultant retention and creation of full-time jobs will yield a net positive benefit to the State equaling at least 110 percent of the requested tax credit allocation amount, which determination is calculated prior to taking into account the value of the requested tax credit and shall be based on the benefits generated during the first 20 years following the completion of the project, except that:

(a) for a mega project or a project located in a Garden State Growth Zone, the determination shall be based on the benefits generated during a period of up to 30 years following the completion of the project, as determined by the authority, and

(b) for a project located in a Garden State Growth Zone which qualified for the “Municipal Rehabilitation and Economic Recovery Act,” P.L.2002, c.43 (C.52:27BBB-1 et al.), the net positive benefit determination shall be based on the benefits generated during a period of up to 35 years following completion of the project, as determined by the authority, and shall equal at least 100 percent of the requested tax credit allocation amount and may utilize the value
of those property taxes subject to the provisions of section 24 of
P.L.2013 c.161 (C.52:27D-489s), or the value of those property
taxes that would have been assessed on the new construction,
improvements, or substantial rehabilitation of structures on real
property if the structures were not exempt because they are on real
property owned by a public entity, and incremental sales and excise
taxes that are derived from activities within the area and which are
rebated or retained by the municipality pursuant to the "New Jersey
seq.) or any other law providing for such rebate or retention; and
(4) except as provided in subsection f. of this section, the award
of tax credits will be a material factor in the business's decision to
create or retain the minimum number of new or retained full-time
jobs for eligibility under the program.
With respect to the provisions of paragraph (3) of this
subsection, in the case of a project located in a Garden State
Growth Zone, the authority, in its discretion, may award bonuses in
its net positive benefit calculation.
b. For all projects approved after the effective date of
P.L.2013, c.161, the minimum capital investment required to be
eligible under this program shall be as follows:
(1) for the rehabilitation, improvement, fit-out, or retrofit of an
existing industrial, warehousing, logistics, or research and
development premises for continued similar use by the business in
at least 51 percent of the gross leasable area of the premises, a
minimum investment of $20 per square foot of gross leasable area;
(2) for the new construction of an industrial, warehousing,
logistics, or research and development premises for similar use by
the business in at least 51 percent of the gross leasable area of the
premises, a minimum investment of $60 per square foot of gross
leasable area;
(3) for the rehabilitation, improvement, fit-out, or retrofit of an
existing premises that does not qualify pursuant to paragraph (1) or
(2) of this subsection, a minimum investment of $40 per square foot
of gross leasable area; and
(4) for the new construction of a premises that does not qualify
pursuant to paragraph (1) or (2) of this subsection, a minimum
investment of $120 per square foot of gross leasable area.
The minimum capital investment required by this subsection
shall be reduced by one-third for projects located in a Garden State
Growth Zone or projects located within Atlantic, Burlington,
Camden, Cape May, Cumberland, Gloucester, Ocean, or Salem
counties.
c. The minimum number of new or retained full-time jobs
required to be eligible under this program shall be as follows:
(1) for a business that is a technology startup company or a
manufacturing company, a minimum of 10 new or 25 retained full-
time jobs;
(2) for a business engaged primarily in a targeted industry other than a technology startup company or a manufacturing company, a minimum of 25 new or 35 retained full-time jobs; and

(3) for any other business, a minimum of 35 new or 50 retained full-time jobs.

The minimum number of new or retained full-time jobs required by this subsection shall be reduced by one-quarter for projects located in a Garden State Growth Zone or projects located within Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Ocean, or Salem counties.

d. To assist the authority in determining whether a proposed capital investment will yield a net positive benefit, the business's chief executive officer, or equivalent officer, shall submit a certification to the authority indicating: (1) that any existing full-time jobs are at risk of leaving the State or being eliminated; (2) that any projected creation or retention, as applicable, of new full-time jobs would not occur but for the provision of tax credits under the program; and (3) that the business's chief executive officer, or equivalent officer, has reviewed the information submitted to the authority and that the representations contained therein are accurate, provided however, that in satisfaction of the provisions of paragraphs (1) and (2) of this subsection, the certification with respect to a project in a Garden State Growth Zone that qualifies under the "Municipal Rehabilitation and Economic Recovery Act," P.L.2002, c.43 (C.52:27BBB-1 et al.), or a project located in a Garden State Growth Zone which contains a Tourism District as established pursuant to section 5 of P.L.2011, c.18 (C.5:12-219) and regulated by the Casino Reinvestment Development Authority, shall indicate that the provision of tax credits under the program is a material factor in the business decision to make a capital investment and locate in a Garden State Growth Zone that qualifies under the "Municipal Rehabilitation and Economic Recovery Act," P.L.2002, c.43 (C.52:27BBB-1 et al.), or a Garden State Growth Zone which contains a Tourism District as established pursuant to section 5 of P.L.2011, c.18 (C.5:12-219) and regulated by the Casino Reinvestment Development Authority. In the event that this certification by the business's chief executive officer, or equivalent officer, is found to be willfully false, the authority may revoke any award of tax credits in their entirety, which revocation shall be in addition to any other criminal or civil penalties that the business and the officer may be subject to. When considering an application involving intra-State job transfers, the authority shall require the business to submit the following information as part of its application: a full economic analysis of all locations under consideration by the business; all lease agreements, ownership documents, or substantially similar documentation for the business's current in-State locations; and all lease agreements, ownership documents, or substantially similar documentation for the potential...
out-of-State location alternatives, to the extent they exist. Based on
this information, and any other information deemed relevant by the
authority, the authority shall independently verify and confirm, by
way of making a factual finding by separate vote of the authority's
board, the business's assertion that the jobs are actually at risk of
leaving the State, and as to the date or dates at which the authority
expects that those jobs would actually leave the State, or, with
respect to projects located in a Garden State Growth Zone that
qualifies under the "Municipal Rehabilitation and Economic
Recovery Act," P.L.2002, c.43 (C.52:27BBB-1 et al.), or projects
located in a Garden State Growth Zone which contains a Tourism
District as established pursuant to section 5 of P.L.2011, c.18
(C.5:12-219) and regulated by the Casino Reinvestment
Development Authority, the business's assertion that the provision
of tax credits under the program is a material factor in the business's
decision to make a capital investment and locate in a Garden State
Growth Zone that qualifies under the "Municipal Rehabilitation and
in a Garden State Growth Zone which contains a Tourism District
as established pursuant to section 5 of P.L.2011, c.18 (C.5:12-219)
and regulated by the Casino Reinvestment Development Authority,
before a business may be awarded any tax credits under this section.

e. A project that consists solely of point-of-final-purchase
retail facilities shall not be eligible for a grant of tax credits. If a
project consists of both point-of-final-purchase retail facilities and
non-retail facilities, only the portion of the project consisting of
non-retail facilities shall be eligible for a grant of tax credits. For a
qualified business facility that is a mixed-use project that includes
retail facilities and that is located in a Garden State Growth Zone or
the Atlantic City Tourism District as established pursuant to section
5 of P.L.2011, c.18 (C.5:12-219) and regulated by the Casino
Reinvestment Development Authority, retail facilities in an amount
up to 7.5 percent of the mixed-use project may be included in the
mixed-use project application for a grant of tax credits along with
the non-retail facilities, and that application may include in the
aggregate the pro-rata number of full-time employees employed by
any number of tenants or other occupants of the included retail
facilities. If a warehouse facility is part of a point-of-final-purchase
retail facility and supplies only that facility, the warehouse facility
shall not be eligible for a grant of tax credits. For the purposes of
this section, a retail facility of at least 150,000 square feet, of which
at least 50 percent is occupied by a full-service supermarket or
grocery store, located in a Garden State Growth Zone which
qualified under the "Municipal Rehabilitation and Economic
Recovery Act," P.L.2002, c.43 (C.52:27BBB-1 et al.), or a tourism
destination project in the Atlantic City Tourism District as
established pursuant to section 5 of P.L.2011, c.18 (C.5:12-219), or
catalog distribution centers shall not be considered point-of-final-purchase retail facilities.

f. The authority may determine as eligible for tax credits under the program any business that is required to respond to a request for proposals and to fulfill a contract with the federal government although the business's chief executive officer or equivalent officer has not demonstrated to the authority that the award of tax credits will be a material factor in the business's decision to retain the minimum number of retained full-time jobs, as otherwise required by this section. The authority may, in its discretion, consider the economic benefit of the retained jobs servicing the contract in conducting a net benefit analysis required by paragraph (4) of subsection a. of this section. For the purposes of this subsection, "retained full-time jobs" includes jobs that are at risk of being eliminated. Applications to the authority for eligibility under the program pursuant to the criteria set forth in this subsection shall be completed by December 31, 2013. Submission of a proposal to the federal government prior to authority approval shall not disqualify a business from the program.

g. Nothing shall preclude a business from applying for tax credits under the program for more than one project pursuant to one or more applications.

h. A business shall not be required to purchase pinelands development credits under the "Pinelands Protection Act," P.L.1979, c.111 (C.13:18A-1 et seq.), the pinelands comprehensive management plan, or any other rule or regulation adopted pursuant to that act in connection with any approval or relief obtained related to a qualified business facility located in an aviation district on or after the effective date of P.L. , c. (C. ) (pending before the Legislature as this bill) 3 , except if seeking to develop in permanently protected open space pursuant to the Pinelands Protection Act3.

(cf: P.L.2014, c.63, s.3)

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

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

(2) (Deleted by amendment, P.L.2013, c.161)
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1 (3) (Deleted by amendment, P.L.2013, c.161)
2 (4) (Deleted by amendment, P.L.2013, c.161)
3 (5) (Deleted by amendment, P.L.2013, c.161)

4 b. (1) A business shall submit an application for tax credits
5 prior to July 1, 2019. The authority shall not approve an application
6 for tax credits unless the application was submitted prior to July 1,
7 2019. 3 For a business located within a Garden State Growth Zone
8 that is an aviation district, the business shall submit an application
9 for tax credits prior to July 1, 2022. The authority shall not approve
10 an application for tax credits for a business located within a Garden
11 State Growth Zone that is an aviation district unless the application
12 was submitted prior to July 1, 2022. 3

13 (2) (a) A business shall submit its documentation indicating
14 that it has met the capital investment and employment requirements
15 specified in the incentive agreement for certification of its tax credit
16 amount within three years following the date of approval of its
17 application by the authority. The authority shall have the discretion
18 to grant two six-month extensions of this deadline. Except as
19 provided in subparagraph (b) of this paragraph, in no event shall the
20 incentive effective date occur later than four years following the
21 date of approval of an application by the authority.
22 (b) As of the effective date of P.L.2017, c.314, a business which
23 applied for the tax credit prior to July 1, 2014 under P.L.2011,
24 c.149 (C.34:1B-242 et al.), shall submit its documentation to the
25 authority no later than July 28, 2019, indicating that it has met the
26 capital investment and employment requirements specified in the
27 incentive agreement for certification of its tax credit amount.
28 (3) Full-time employment for an accounting or privilege period
29 shall be determined as the average of the monthly full-time
30 employment for the period.
31 (4) A business seeking a credit for a mega project shall apply for
32 the credit within four years after the effective date of the "New
34 (C.52:27D-489p et al.).
35 c. (1) In conducting its annual review, the authority may
36 require a business to submit any information determined by the
37 authority to be necessary and relevant to its review.
38 The credit amount for any tax period for which the
documentation of a business's credit amount remains uncertified as
of a date three years after the closing date of that period shall be
forfeited, although credit amounts for the remainder of the years of
the eligibility period shall remain available to it.

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

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

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

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

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

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

(b) In connection with a regional distribution facility of
foodstuffs, the business entity or entities which own or lease the
facility shall qualify as a business regardless of: (i) the type of the
business entity or entities which own or lease the facility; (ii) the
ownership or leasing of the facility by more than one business
entity; or (iii) the ownership of the business entity or entities which
own or lease the facility. The ownership or leasing, whether by
members, shareholders, partners, or other owners of the business
entity or entities, shall be treated as ownership or leasing by
affiliates. The members, shareholders, partners, or other ownership
or leasing participants and others that are tenants in the facility shall
be treated as affiliates for the purpose of counting the full-time
employees and capital investments in the facility. The business
entity or entities may distribute credits to members, shareholders,
partners, or other ownership or leasing participants in accordance
with their respective interests. If the business entity or entities or
their members, shareholders, partners, or other ownership or leasing
participants lease space in the facility to members, shareholders,
partners, or other ownership or leasing participants or others as
tenants in the facility, the leases shall be treated as a lease to an
affiliate, and the business entity or entities shall not be subject to
forfeiture of the credits. For the purposes of this section, leasing
shall include subleasing and tenants shall include subtenants.

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

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

e. The authority shall not enter into an incentive agreement with a business that has previously received incentives pursuant to the "Business Retention and Relocation Assistance Act," P.L.1996, c.25 (C.34:1B-112 et seq.), the "Business Employment Incentive Program Act," P.L.1996, c.26 (C.34:1B-124 et al.), or any other program administered by the authority unless:
   (1) the business has satisfied all of its obligations underlying the previous award of incentives or is compliant with section 4 of P.L.2011, c.149 (C.34:1B-245); or
   (2) the capital investment incurred and new or retained full-time jobs pledged by the business in the new incentive agreement are separate and apart from any capital investment or jobs underlying the previous award of incentives.

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

(cf: P.L.2017, c.314, s.4)

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

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

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

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

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


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

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

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

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

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

"Eligibility period" means the period of time specified in a redevelopment incentive grant agreement for the payment of reimbursements to a developer, which period shall not exceed 20 years, with the term to be determined solely at the discretion of the applicant.
"Eligible revenue" means the property tax increment and any other incremental revenues set forth in section 11 of P.L.2009, c.90 (C.52:27D-489k), except in the case of a Garden State Growth Zone, in which the property tax increment and any other incremental revenues are calculated as those incremental revenues that would have existed notwithstanding the provisions of the "New Jersey Economic Opportunity Act of 2013," P.L.2013, c.161 (C.52:27D-489p et al.).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Project financing gap" means:

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

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

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

"Property tax increment" means the amount obtained by:

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

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

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

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

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

"Qualifying economic redevelopment and growth grant incentive
area" or "incentive area" means:
a. an aviation district;
b. a port district;
c. a distressed municipality; or
d. an area (1) designated pursuant to the "State Planning Act,"
P.L.1985, c.398 (C.52:18A-196 et seq.), as:
(a) Planning Area 1 (Metropolitan);
(b) Planning Area 2 (Suburban); or
(c) Planning Area 3 (Fringe Planning Area);
(2) located within a smart growth area and planning area
designated in a master plan adopted by the New Jersey
Meadowlands Commission pursuant to subsection (i) of section 6 of
P.L.1968, c.404 (C.13:17-6) or subject to a redevelopment plan
adopted by the New Jersey Meadowlands Commission pursuant to
section 20 of P.L.1968, c.404 (C.13:17-21);
(3) located within any land owned by the New Jersey Sports and
Exposition Authority, established pursuant to P.L.1971, c.137
(C.5:10-1 et seq.), within the boundaries of the Hackensack
Meadowlands District as delineated in section 4 of P.L.1968, c.404
(C.13:17-4);
(4) located within a regional growth area, rural development
area zoned for industrial use as of the effective date of P.L.2016,
c.75, town, village, or a military and federal installation area
designated in the comprehensive management plan prepared and

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

(6) located within a Garden State Growth Zone;

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

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

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

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

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

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

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

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

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

"Redevelopment incentive grant agreement" means an agreement between:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(cf: P.L.2016, c.75, s.2)

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

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

b. A developer shall submit an application for a local incentive grant prior to July 1, 2019. A developer that submits an application for a local incentive grant prior to July 1, 2022. A developer that submits an application for a local incentive grant shall indicate on the application whether it is also applying for a State incentive grant. An application by a developer applying for a local incentive grant only shall not require approval by the authority. A municipal redeveloper may only apply for local incentive grants for the construction of: (1) infrastructure improvements in the public right-of-way, or (2) publicly owned facilities.

c. No local incentive grant shall be finally approved by a municipality until approved by the Local Finance Board. The Local Finance Board shall not approve a local incentive grant unless the application was submitted prior to July 1, 2019. The Local Finance Board shall not approve a local incentive grant for a redevelopment project located within a Garden State Growth Zone that is an aviation district unless the application was submitted prior to July 1, 2022.

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

(1) the economic feasibility of the redevelopment project;
(2) the extent of economic and related social distress in the
city and the area to be affected by the redevelopment
project;
(3) the degree to which the redevelopment project will advance
State, regional, and local development and planning strategies;
(4) the likelihood that the redevelopment project shall, upon
completion, be capable of generating new tax revenue in an amount
in excess of the amount necessary to reimburse the developer for
project costs incurred as provided in the redevelopment incentive
grant agreement;
(5) the relationship of the redevelopment project to a
comprehensive local development strategy, including other major
projects undertaken within the municipality;
(6) the need for the redevelopment incentive grant agreement to
the viability of the redevelopment project;
(7) compliance with the provisions of P.L.2009, c.90
(C.52:27D-489a et al.); and
(8) the degree to which the redevelopment project enhances and
promotes job creation and economic development.
e. A developer shall not be required to purchase pinelands
development credits under the “Pinelands Protection Act,”
P.L.1979, c.111 (C.13:18A-1 et seq.), the pinelands comprehensive
management plan, or any other rule or regulation adopted pursuant
to that act in connection with any approval or relief obtained related
to a redevelopment project located in an aviation district on or after
the effective date of P.L. , c. (C. ) (pending before the
Legislature as this bill) , except if seeking to develop in
permanently protected open space pursuant to the Pinelands
Protection Act . The provisions of this subsection shall not apply
to a developer of a qualified residential project.
(cf: P.L.2013, c.161, s.15)
6. Section 5 of P.L.2009, c.90 (C.52:27D-489e) is amended to
read as follows:
5. a. The New Jersey Economic Development Authority, in
consultation with the State Treasurer, shall establish an Economic
Redevelopment and Growth Grant program for the purpose of
encouraging redevelopment projects in qualifying economic
redevelopment and growth grant incentive areas that do not qualify
as such areas solely by virtue of being a transit village, through the
provision of incentive grants to reimburse developers for certain
project financing gap costs.
b. (1) A developer shall submit an application for a State
incentive grant prior to July 1, 2019. For a redevelopment project
located within a Garden State Growth Zone that is an aviation
district, the developer shall submit an application for a State
incentive grant prior to July 1, 2022. A developer that submits an
application for a State incentive grant shall indicate on the
application whether it is also applying for a local incentive grant.

(2) When an applicant indicates it is also applying for a local
incentive grant, the authority shall forward a copy of the application
to the municipality wherein the redevelopment project is to be
located for approval by municipal ordinance.

c. An application for a State incentive grant shall be reviewed
and approved by the authority. The authority shall not approve an
application for a State incentive grant unless the application was
submitted prior to July 1, 2019. The authority shall not approve
an application for a State incentive grant for a redevelopment
project located within a Garden State Growth Zone that is an
aviation district unless the application was submitted prior to July 1,
2022.

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

7. Section 23 of P.L.2013, c.161 (C.52:27D-489r) is amended
to read as follows:

23. As used in section 24 of P.L.2013, c.161 (C.52:27D-489s):
"Aviation district" means all areas within the boundaries of the
"Atlantic City International Airport," established pursuant to section
24 of P.L.1991, c.252 (C.27:25A-24), and the Federal Aviation
Administration William J. Hughes Technical Center and the area
within a one-mile radius of the outermost boundary of the "Atlantic
City International Airport" and the Federal Aviation Administration
William J. Hughes Technical Center.

"Director" means the Director of the Division of Taxation.
"Division of Codes and Standards" means the Division of Codes
and Standards located in the Department of Community Affairs.
"Eligible person" means any individual purchasing or renting an
eligible residential residence within a growth zone after the
enactment of P.L.2013, c.161 (C.52:27D-489p et al.). For the
purpose of this definition, an eligible person is limited to those who
establish a permanent residency at the eligible residential residence,
are subject to the "New Jersey Gross Income Tax Act,"
"Eligible property" means any residential, commercial, industrial, or other business property, located in a Garden State Growth Zone, that receives a Certificate of Occupancy or is transferred in a legal sale on or after July 1, 2013. Purchasers of newly constructed homes are not the applicant.

"Exemption" means that portion of the assessor's full and true value of any improvement, conversion, alteration, redevelopment, rehabilitation, or construction not regarded as increasing the taxable value of a property pursuant to P.L.2013, c.161 (C.52:27D-489p et al.) for the purposes of encouraging the construction, conversion, improvement, and redevelopment of real property conducted by eligible businesses or residents within a growth zone pursuant to P.L.2013, c.161 (C.52:27D-489p et al.).

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

"Garden State Growth Zone Development Entity" means a private corporation incorporated pursuant to Title 14A of the New Jersey Statutes, or established pursuant to Title 42 of the Revised Statutes, for which the profits of the entity are limited as follows. The allowable net profits of the entity shall be determined by applying the allowable profit rate to the total project cost, and all capital costs, determined in accordance with generally accepted accounting principles, of any other entity whose revenue is included in the computation of excess profits, for the period commencing on the date on which the construction of the project is completed, and terminating at the close of the fiscal year of the entity preceding the date on which the computation is made, where:

"Allowable profit rate" means the greater of 12 percent or the percentage per annum arrived at by adding one and 1/4 percent to the annual interest percentage rate payable on the entity's initial permanent mortgage financing. If the initial permanent mortgage is insured or guaranteed by a governmental agency, the mortgage insurance premium or similar charge, if payable on a per annum basis, shall be considered as interest for this purpose. If there is no permanent mortgage financing the allowable profit rate shall be the greater of 12 percent or the percentage per annum arrived at by adding one and 1/4 percent per annum to the interest rate per annum which the municipality determines to be the prevailing rate on mortgage financing on comparable improvements in the county.
"Improvements" means any repair, construction, or reconstruction, including alterations and additions, having the effect of rehabilitating a deteriorated property so that it becomes habitable or attains higher standards of safety, health, economic use or amenity, or is brought into compliance with laws, ordinances or regulations governing such standards. Ordinary upkeep and maintenance shall not be deemed an improvement. (cf: P.L.2013, c.161, s.23)

8. Section 24 of P.L.2013, c.161 (C. 52:27D-489s) is amended to read as follows:

24. a. A Garden State Growth Zone Development Entity is authorized to undertake clearance, re-planning, development, or redevelopment of property within a Garden State Growth Zone.

b. Notwithstanding any other law to the contrary, every Garden State Growth Zone Development Entity that owns real property, or leases real property for a period of not less than 30 years, within a Garden State Growth Zone and that undertakes the clearance, re-planning, development, or redevelopment of such property is hereby granted an exemption on improvements to such eligible property for any new construction, improvements, or substantial rehabilitation of structures on real property for a period of 20 years from receiving a final Certificate of Occupancy, provided however, that a municipality located within the Garden State Growth Zone shall, by ordinance, opt-in to such program within 90 calendar days of the enactment of P.L.2013, c.161 (C.52:27D-489p et al.). The exemption allowed by this subsection shall be dependent upon: (1) the owner, or lessee, of the real property making improvements to the real property after the enactment of P.L.2013, c.161 (C.52:27D-489p et al.); and (2) the Division of Codes and Standards, in consultation with the eligible municipality, issuing a final Certificate of Occupancy within 10 years of the date of enactment of P.L.2013, c.161 (C.52:27D-489p et al.). For purposes of this section, a lessee of real property shall include a Garden State Growth Zone Development Entity that is a lessee that is subject to a statutory obligation to make a payment in lieu of taxes on the improvements equal to the taxes on real and personal property.

c. The exemption granted by subsection b. of this section shall be for a period of 20 years. For the first 10 years immediately subsequent to the issuance of a Certificate of Occupancy, the Garden State Growth Zone Development Entity shall be exempt from the payment of taxes on the improvements to the eligible property. Thereafter, the Garden State Growth Zone Development Entity shall pay to the municipality in lieu of full property tax payments an amount equal to a percentage of taxes otherwise due, according to the following schedule:

(1) In the eleventh year after completion, 10 percent of taxes otherwise due;
(2) In the twelfth year after completion, 20 percent of taxes otherwise due;
(3) In the thirteenth year after completion, 30 percent of taxes otherwise due;
(4) In the fourteenth year after completion, 40 percent of taxes otherwise due;
(5) In the fifteenth year after completion, 50 percent of taxes otherwise due;
(6) In the sixteenth year after completion, 60 percent of taxes otherwise due;
(7) In the seventeenth year after completion, 70 percent of taxes otherwise due;
(8) In the eighteenth year after completion, 80 percent of taxes otherwise due;
(9) In the nineteenth full year after completion, 90 percent of taxes otherwise due;
(10) In the twentieth year after completion, and each year thereafter, 100 percent of taxes.

An amount not less than five percent of all payments pursuant to this subsection shall be paid to the county in which the municipality is located.

d. Upon the termination of the exemption granted pursuant to subsection c. of this section, the project, all affected parcels, land, and all improvements made thereto shall be assessed and subject to taxation as are other taxable properties in the municipality. After the date of termination, all restrictions and limitations upon the Garden State Growth Zone Development Entity shall terminate and be at an end upon the entity's rendering its final accounting to and with the municipality.

e. Notwithstanding subsection b. of this section, the owner of any property located within a Garden State Growth Zone, that does not qualify as a Garden State Growth Zone Development Entity, that performs any new construction, improvements, or substantial rehabilitation improvements to property, shall be entitled to an exemption from taxation regarding such improvements as provided herein. For purposes of such exemption, the municipality shall consider the assessor's full and true value of the improvements as not increasing the value of the property for a period of five years, notwithstanding that the value of the property to which the improvements are made is increased thereby.

f. Any exemption obtained under this section shall be fully transferable upon the sale of real property, as long as the new owner meets all requirements for exemption set forth pursuant to this section, or, for the sale of a residential unit, as long as the new owner occupies the unit as a primary residence.

g. A Garden State Growth Zone Development Entity shall not be required to purchase pinelands development credits under the “Pinelands Protection Act,” P.L.1979, c.111 (C.13:18A-1 et seq.).
the Pinelands Comprehensive Management Plan, or any other rule or regulation adopted pursuant to that act, in connection with any approval or relief obtained related to property located in an aviation district on or after the effective date of P.L. , c. (C.) (pending before the Legislature as this bill), except if seeking to develop in permanently protected open space pursuant to the Pinelands Protection Act. The provisions of this subsection shall not apply to an eligible property that is residential property. (cf: P.L.2014, c.63, s.9)

9. This act shall take effect immediately and shall only apply to new Grow New Jersey Assistance Program and Economic Redevelopment and Growth Grant Program applications submitted to the Economic Development Authority on or after the date of enactment.