

# ASSEMBLY, No. 6062

## STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED NOVEMBER 15, 2021

**Sponsored by:**

**Assemblyman LOUIS D. GREENWALD**

**District 6 (Burlington and Camden)**

**Assemblywoman ANGELA V. MCKNIGHT**

**District 31 (Hudson)**

**Assemblyman RAJ MUKHERJI**

**District 33 (Hudson)**

**Co-Sponsored by:**

**Assemblyman Benson and Assemblywoman Vainieri Huttie**

**SYNOPSIS**

Requires EDA to establish loan program to assist certain businesses with funding to provide reasonable accommodations for employees with disabilities.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 12/9/2021)**

1 AN ACT establishing a loan program for small to medium-sized  
2 businesses to fund the costs of providing reasonable workplace  
3 accommodations for employees with disabilities and  
4 supplementing P.L.1974, c.180 (C.34:1B-1 et seq.).  
5

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

9 1. As used in this act:

10 “Authority” means the New Jersey Economic Development  
11 Authority established pursuant to section 4 of P.L.1974, c.80  
12 (C.34:1B-4).

13 “Employee with disabilities” means an individual with  
14 disabilities, as determined pursuant to State or federal law, who is  
15 employed by a qualified small to medium-sized business and who  
16 requires reasonable accommodation from the qualified business to  
17 perform the essential functions of a job at the qualified business.

18 “Qualified small to medium-sized business” or “qualified  
19 business” means a business that:

20 a. is registered to do business in this State;

21 b. maintains a business location or otherwise derives a majority  
22 of its income from business activities or operations conducted  
23 within this State;

24 c. has no more than 100 employees in any calendar month  
25 during the taxable year in which the business is conducted or  
26 operated for a profit; and

27 d. has a net income of not more than \$100,000 from all  
28 business activities or operations conducted within and outside of  
29 this State during the taxable year in which the business applies for a  
30 loan under loan program established pursuant to section 2 of this  
31 act.

32 “Reasonable workplace accommodation” means any change to  
33 the application or hiring process for a job with a qualified small to  
34 medium-sized business, to the way in which the job is performed, or  
35 to the work environment that allows an employee with disabilities  
36 who is qualified for the job to perform the essential functions of  
37 that job and enjoy equal employment opportunities. “Reasonable  
38 workplace accommodation” shall not create an undue hardship to  
39 the qualified business.  
40

41 2. a. The New Jersey Economic Development Authority shall  
42 establish and administer a loan program to assist qualified small to  
43 medium-sized businesses in funding the costs of providing  
44 reasonable workplace accommodations for employees with  
45 disabilities.

46 b. (1) A small to medium-sized business seeking a loan  
47 pursuant to this section shall apply to the authority, in a form and  
48 manner as determined by the authority, and shall include

1 information concerning the proposed accessibility improvements  
2 that the loan funds will be used to make, along with any additional  
3 information that the authority determines is necessary for  
4 participation in the loan program established pursuant to the  
5 provisions of this act.

6 (2) The authority shall review completed applications and  
7 approve those applications that meet the requirements of this act. In  
8 order to receive a loan from the authority pursuant to this act, the  
9 small to medium-sized business shall be deemed by the authority to  
10 meet the criteria of a qualified small to medium-sized business and  
11 any other criteria established by the authority for that purpose  
12 pursuant to rules and regulations adopted by the authority pursuant  
13 to section 3 of this act.

14 (3) A qualified small to medium-sized business that applies for a  
15 loan under the loan program established pursuant to this act shall  
16 not be disqualified from qualifying for any other business assistance  
17 program administered by the authority or any other State agency by  
18 virtue of receiving a loan under the loan program established  
19 pursuant to this act.

20 c. A loan to a qualified small to medium-sized business shall:

21 (1) be made pursuant to a loan agreement with the authority;

22 (2) bear interest at lower rates and with more flexible repayment  
23 terms than are available to businesses from private lenders through  
24 conventional business loans, as deemed appropriate by the  
25 authority; and

26 (3) contain other terms and conditions considered appropriate by  
27 the authority that are consistent with the purposes of this act and  
28 with rules and regulations adopted by the authority pursuant to  
29 section 3 of this act.

30 d. The authority shall require a qualified small to medium-  
31 sized business that receives a loan pursuant to this act to submit an  
32 annual audited financial statement to the authority in order to ensure  
33 the continued viability of the qualified business. The financial  
34 statement shall be accompanied by a disclosure statement from the  
35 qualified business, on a form and in a manner determined by the  
36 authority under rules and regulations adopted pursuant to section 3  
37 of this act, showing evidence that:

38 (1) the qualified business purchased and installed equipment  
39 that is used to provide a reasonable workplace accommodation to an  
40 employee with disabilities; and

41 (2) an employee with disabilities provided with an  
42 accommodation is employed by the qualified business on the date of  
43 submission of the disclosure statement to the authority.

44 e. The authority may, either through the adoption of rules and  
45 regulations, or through the terms of the loan agreement made  
46 pursuant to subsection c. of this section, establish terms governing  
47 the incidence of default by a qualified small to medium-sized

1 business that receives a loan under the loan program established  
2 pursuant to this act.

3 f. The authority may participate in, cooperate with, and utilize  
4 any programs of any agency or instrumentality of the federal  
5 government, or of any loan or other program of the authority or any  
6 other State agency in the administration of the loan program  
7 established pursuant to this act.

8 g. The authority shall advertise to the public of the availability  
9 of the provision of loans to qualified small to medium-sized  
10 businesses and other provisions of the loan program established  
11 pursuant to this act in a manner determined by the authority,.

12

13 3. The authority shall adopt, pursuant to the “Administrative  
14 Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), rules and  
15 regulations necessary to effectuate the purposes of this act.

16

17 4. This act shall take effect immediately.

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#### STATEMENT

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22 This bill requires the New Jersey Economic Development  
23 Authority (authority) to establish and administer a low-interest loan  
24 program (loan program) to provide loans to qualified small to  
25 medium-sized businesses, with the loan funds being used to pay for  
26 the cost of reasonable workplace accommodations for their  
27 employees with disabilities.

28 Under the bill, a qualified small to medium-sized business  
29 (qualified business) seeking a loan is to apply to the authority, in a  
30 form and manner as determined by the authority, and is to include  
31 information concerning the proposed accessibility improvements  
32 that the loan funds will be used to make, along with any additional  
33 information as the authority determines is necessary for  
34 participation in the loan program. The authority is to review  
35 completed applications and approve those applications that meet the  
36 requirements provided in the bill. In order to receive a loan from the  
37 authority, a business is to be deemed by the authority to meet the  
38 criteria of a qualified business and meet any other criteria  
39 established by the authority for that purpose pursuant to rules and  
40 regulations adopted by the authority. A qualified business that  
41 applies for a loan under the loan program is not to be disqualified  
42 from qualifying for any other business assistance program  
43 administered by the authority or any other State agency by virtue of  
44 receiving a loan under the loan program.

45 The bill requires that a loan to a qualified business is to:

- 46 1) be made pursuant to a loan agreement with the authority;  
47 2) bear interest at lower rates and with more flexible repayment  
48 terms than are available to businesses from private lenders through

1 conventional business loans, as deemed appropriate by the  
2 authority; and

3 3) contain other terms and conditions considered appropriate by  
4 the authority that are consistent with the purposes of the bill and  
5 with rules and regulations adopted by the authority.

6 The authority is to require a qualified business that receives a  
7 loan to submit an annual audited financial statement to the authority  
8 in order to ensure the continued viability of the qualified business.  
9 The financial statement is to be accompanied by a disclosure  
10 statement from a qualified business, on a form and in a manner  
11 determined by the authority, showing evidence that:

12 1) the qualified business purchased and installed equipment  
13 that is used to provide a reasonable workplace accommodation to an  
14 employee with disabilities; and

15 2) an employee with disabilities that is being provided with an  
16 accommodation is employed by the qualified business on the date of  
17 submission of the disclosure statement to the authority.

18 The authority may, either through the adoption of rules and  
19 regulations, or through the terms of the loan agreement, establish  
20 terms governing the incidence of default by a qualified business that  
21 receives a loan under the loan program.

22 The authority may participate in, cooperate with, and utilize any  
23 program of any agency or instrumentality of the federal  
24 government, or of any loan or other program of the authority or any  
25 other State agency in the administration of the loan program.

26 The authority is to advertise to the public of the availability of  
27 the provision of loans to qualified businesses and other provisions  
28 of the loan program in a manner determined by the authority.