

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

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

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

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

10 3. As used in this act:

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

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

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

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

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

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

Matter underlined **thus** is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly floor amendments adopted February 24, 2020.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

42

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 (cf: P.L.2019, c.267, s.3)]¹

26

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20

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

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

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

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

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

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

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

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

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

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

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

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

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

13

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 4 a. the total square footage of the entire mixed use parking
5 project;
- 6 b. the estimated revenues of the entire mixed use parking
7 project; or
- 8 c. the total construction cost of the entire mixed use parking
9 project.

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

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

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

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

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

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

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

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

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

25 "Project financing gap" means:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7

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

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

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

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

36

37 9. This act shall take effect immediately.

38

39

40

41

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