

§§1,2
C.34:1B-268.1
and
34:1B-268.2

P.L. 2021, CHAPTER 424, *approved January 18, 2022*
Senate, No. 4210 (*First Reprint*)

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 ¹~~[\$100,000]~~ \$1,000,000¹
28 from all business activities or operations conducted within and
29 outside of this State during the taxable year in which the business
30 applies for a loan under loan program established pursuant to
31 section 2 of this 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

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:

¹Senate SEG committee amendments adopted December 9, 2021.

1 workplace accommodation” shall not create an undue hardship to
2 the qualified business.

3

4 2. a. The New Jersey Economic Development Authority shall
5 establish and administer a loan program to assist qualified small to
6 medium-sized businesses in funding the costs of providing
7 reasonable workplace accommodations for employees with
8 disabilities.

9 b. (1) A small to medium-sized business seeking a loan
10 pursuant to this section shall apply to the authority, in a form and
11 manner as determined by the authority, and shall include
12 information concerning the proposed accessibility improvements
13 that the loan funds will be used to make, along with any additional
14 information that the authority determines is necessary for
15 participation in the loan program established pursuant to the
16 provisions of this act.

17 (2) The authority shall review completed applications and
18 approve those applications that meet the requirements of this act. In
19 order to receive a loan from the authority pursuant to this act, the
20 small to medium-sized business shall be deemed by the authority to
21 meet the criteria of a qualified small to medium-sized business and
22 any other criteria established by the authority for that purpose
23 pursuant to rules and regulations adopted by the authority pursuant
24 to section 3 of this act.

25 (3) A qualified small to medium-sized business that applies for a
26 loan under the loan program established pursuant to this act shall
27 not be disqualified from qualifying for any other business assistance
28 program administered by the authority or any other State agency by
29 virtue of receiving a loan under the loan program established
30 pursuant to this act.

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

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

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

37 (3) contain other terms and conditions considered appropriate by
38 the authority that are consistent with the purposes of this act and
39 with rules and regulations adopted by the authority pursuant to
40 section 3 of this act.

41 d. The authority shall require a qualified small to medium-
42 sized business that receives a loan pursuant to this act to submit an
43 annual audited financial statement to the authority in order to ensure
44 the continued viability of the qualified business. The financial
45 statement shall be accompanied by a disclosure statement from the
46 qualified business, on a form and in a manner determined by the
47 authority under rules and regulations adopted pursuant to section 3
48 of this act, showing evidence that:

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

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

7 e. The authority may, either through the adoption of rules and
8 regulations, or through the terms of the loan agreement made
9 pursuant to subsection c. of this section, establish terms governing
10 the incidence of default by a qualified small to medium-sized
11 business that receives a loan under the loan program established
12 pursuant to this act.

13 f. The authority may participate in, cooperate with, and utilize
14 any programs of any agency or instrumentality of the federal
15 government, or of any loan or other program of the authority or any
16 other State agency in the administration of the loan program
17 established pursuant to this act.

18 g. The authority shall advertise to the public of the availability
19 of the provision of loans to qualified small to medium-sized
20 businesses and other provisions of the loan program established
21 pursuant to this act in a manner determined by the authority¹,¹.

22
23 3. The authority shall adopt, pursuant to the “Administrative
24 Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), rules and
25 regulations necessary to effectuate the purposes of this act.

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27 4. This act shall take effect immediately.
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32 Requires EDA to establish loan program to assist certain
33 businesses with funding to provide reasonable accommodations for
34 employees with disabilities.