[First Reprint]

SENATE, No. 248

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:
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SYNOPSIS

Requires NJHMFA to allocate certain portion of federal low-income housing tax credits to certain high-opportunity areas.

CURRENT VERSION OF TEXT

As reported by the Senate Community and Urban Affairs Committee on February 13, 2020, with amendments.

(Sponsorship Updated As Of: 3/5/2020)

AN ACT concerning the low-income housing tax credit program and supplementing P.L.1983, c.530 (C.55:14K-1 et seq.).

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

1. a. Provided that the agency receives a sufficient number of eligible applications, the agency shall reserve not less than 30 percent of the annual allocation of low-income housing tax credits [1]through the family cycle and the senior cycle[1] for qualified projects [1]that meet a court-settled fair share plan or are subject to a requirement to begin construction under a specific performance clause, and which are[1] located within:

(1) a high-performing school district [1]if the tax credit is awarded through the family cycle[1];

(2) a census tract with a poverty rate below the State average;

(3) one-half mile of public transportation [1], or alternatively, if the tax credit is awarded through the senior cycle, the project could instead commit to providing transportation for residents no fewer than two days per week[1]; and

(4) [1]**[**one-half mile of not less than three of the following facilities, or within**]**[1] three miles of not less than [1]**[**six**]** half[1] of the following [1]applicable[1] facilities:

(a) a full-service grocery store or supermarket;

(b) a hospital or medical clinic;

(c) a public school [1]if the tax credit is awarded through the family cycle[1];

(d) a licensed day care service provider [1]if the tax credit is awarded through the family cycle[1];

(e) a Family Success Center operated by the Division of Family and Community Partnerships in the Department of Children and Families [1]if the tax credit is awarded through the family cycle[1];

(f) a One Stop Career Center;

(g) a pharmacy;

(h) a department or retail merchandise store;

(i) a bank or credit union;

(j) a restaurant, not including a fast-food restaurant;

(k) an indoor public recreation facility, including, but not limited to, a civic center, community center, or library;

(l) an outdoor public recreation facility, including, but not limited to, a park or swimming pool;

(m) a medical office, including, but not limited to, the office of a licensed physician, dentist, or optometrist;

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:
[1]Senate SCU committee amendments adopted February 13, 2020.

(n) a religious institution;

(o) a post office, city hall, or county courthouse; or

(p) a fire or police station.

b. [1](1) If a low-income housing tax credit is awarded through the senior cycle pursuant to subsection a. of this section, and the qualified project has committed to providing transportation for residents no fewer than two days per week, then following the completion of the project, the owner or operator of the project shall annually certify with the agency that such transportation is provided. If the agency determines that the qualified project fails to provide such transportation, then the owner or operator of the project shall be liable for payment of a penalty in an amount determined by the executive director of the agency.

(2) Any penalty imposed pursuant to this subsection shall be collected in a summary proceeding pursuant to the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.). The Superior Court shall have jurisdiction to enforce the provisions of the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.) in connection with this subsection.

c.[1] As used in this section:

"High-performing school district" means a public school district in which not less than 40 percent of the students meet or exceed expectations in math and language arts based on the Grade 4 Partnership for Assessment of Readiness for College and Careers assessment, or any successor assessment method established by the Department of Education.

"Hospital" means a general acute care hospital licensed pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.).

"Low-income housing tax credit" means the tax credits allocated to the State pursuant to section 42 of the federal Internal Revenue Code (26 U.S.C. s.42).

"One Stop Career Center" means any of the facilities established, sponsored or designated by the State, a political subdivision of the State and a Workforce Investment Board in a local area to coordinate or make available State and local programs providing employment and training services or other employment-directed and workforce development programs and activities, including job placement services, and any other similar facility as may be established, sponsored or designated at any later time to coordinate or make available any of those programs, services or activities.

"Poverty rate" means the percentage of households having income, adjusted for household size, below the federal poverty line established and adjusted pursuant to section 2 of the "Community Services Block Grant Act," (42 U.S.C. s.9902).

"Public transportation" means any mode of transit available to the general public with fixed fares and daily scheduled service, without seasonal interruption, which shall at minimum operate Monday through Friday and provide regularly scheduled service

during the period between 6:30 A.M. and 9:30 A.M. and the period between 3:00 P.M. and 6:00 P.M.

2. This act shall take effect immediately but shall remain inoperative until the next allocation of low-income housing tax credits immediately following the date of enactment.