

SENATE, No. 2199

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED MARCH 16, 2020

Sponsored by:
Senator RONALD L. RICE
District 28 (Essex)

SYNOPSIS

Qualifies certain assisted living facilities for certain EDA incentives.

CURRENT VERSION OF TEXT

As introduced.



1 **AN ACT** qualifying certain assisted living residences for certain
2 economic incentives and amending P.L.2011, c.149.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. Section 2 of P.L.2011, c.149 (C.34:1B-243) is amended to
8 read as follows:

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

10 "Affiliate" means an entity that directly or indirectly controls, is
11 under common control with, or is controlled by the business.
12 Control exists in all cases in which the entity is a member of a
13 controlled group of corporations as defined pursuant to section 1563
14 of the Internal Revenue Code of 1986 (26 U.S.C. s.1563) or the
15 entity is an organization in a group of organizations under common
16 control as defined pursuant to subsection (b) or (c) of section 414 of
17 the Internal Revenue Code of 1986 (26 U.S.C. s.414). A taxpayer
18 may establish by clear and convincing evidence, as determined by
19 the Director of the Division of Taxation in the Department of the
20 Treasury, that control exists in situations involving lesser
21 percentages of ownership than required by those statutes. An
22 affiliate of a business may contribute to meeting either the qualified
23 investment or full-time employee requirements of a business that
24 applies for a credit under section 3 of P.L.2007, c.346 (C.34:1B-
25 209).

26 "Assisted living residence" means a facility licensed by the
27 Department of Health to provide apartment-style housing and
28 congregate dining and to assure that assisted living services are
29 available when needed, for four or more adult persons unrelated to
30 the proprietor. Apartment units shall offer, at a minimum, one
31 unfurnished room, a private bathroom, a kitchenette, and a lockable
32 door on the unit entrance.

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

35 "Aviation district" means all areas within the boundaries of the
36 "Atlantic City International Airport," established pursuant to section
37 24 of P.L.1991, c.252 (C.27:25A-24), and the Federal Aviation
38 Administration William J. Hughes Technical Center and the area
39 within a one-mile radius of the outermost boundary of the "Atlantic
40 City International Airport" and the Federal Aviation Administration
41 William J. Hughes Technical Center.

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

44 a corporation that is subject to the tax imposed pursuant to
45 section 5 of P.L.1945, c.162 (C.54:10A-5);

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

Matter underlined thus is new matter.

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

4 a partnership;

5 an S corporation;

6 a limited liability company; or

7 a non-profit corporation.

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

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

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

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

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

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

33 d. any of the foregoing.

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

43 In addition to the foregoing, if a business acquires or leases a
44 qualified business facility, the capital investment made or acquired
45 by the seller or owner, as the case may be, if pertaining primarily to
46 the premises of the qualified business facility, shall be considered a
47 capital investment by the business and, if pertaining generally to the
48 qualified business facility being acquired or leased, shall be

1 allocated to the premises of the qualified business facility on the
2 basis of the gross leasable area of the premises in relation to the
3 total gross leasable area in the qualified business facility. The
4 capital investment described herein may include any capital
5 investment made or acquired within 24 months prior to the date of
6 application so long as the amount of capital investment made or
7 acquired by the business, any affiliate of the business, or any owner
8 after the date of application equals at least 50 percent of the amount
9 of capital investment, allocated to the premises of the qualified
10 business facility being acquired or leased on the basis of the gross
11 leasable area of the premises in relation to the total gross leasable
12 area in the qualified business facility made or acquired prior to the
13 date of application.

14 "College or university" means a county college, an independent
15 institution of higher education, a public research university, or a
16 State college.

17 "Commitment period" means the period of time that is 1.5 times
18 the eligibility period.

19 "County college" means an educational institution established by
20 one or more counties, pursuant to chapter 64A of Title 18A of the
21 New Jersey Statutes.

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

27 "Disaster recovery project" means a project located on property
28 that has been wholly or substantially damaged or destroyed as a
29 result of a federally-declared disaster which, after utilizing all
30 disaster funds available from federal, State, county, and local
31 funding sources, demonstrates to the satisfaction of the authority
32 that access to additional funding authorized pursuant to the "New
33 Jersey Economic Opportunity Act of 2013," P.L.2013, c.161
34 (C.52:27D-489p et al.), is necessary to complete the redevelopment
35 project, and which is located within the qualified incentive area and
36 has been determined by the authority to be in an area appropriate
37 for development and in need of economic development incentive
38 assistance.

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

1 "Doctoral university" means a university located within New
2 Jersey that is classified as a doctoral university under the Carnegie
3 Classification of Institutions of Higher Education's Basic
4 Classification methodology on the effective date of P.L.2017, c.221.

5 "Eligibility period" means the period in which a business may
6 claim a tax credit under the Grow New Jersey Assistance Program,
7 beginning with the tax period in which the authority accepts
8 certification of the business that it has met the capital investment
9 and employment requirements of the Grow New Jersey Assistance
10 Program and extending thereafter for a term of not more than 10
11 years, with the term to be determined solely at the discretion of the
12 applicant.

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

16 "Full-time employee" means a person:

17 a. who is employed by a business for consideration for at least
18 35 hours a week, or who renders any other standard of service
19 generally accepted by custom or practice as full-time employment;
20 or

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

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

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

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

46 the requirement that employee health benefits are to be provided
47 shall be deemed to be satisfied if the benefits are provided in

1 accordance with industry practice by a third party obligated to
2 provide such benefits pursuant to a collective bargaining agreement;

3 full-time employment shall include, but not be limited to,
4 employees that have been hired by way of a labor union hiring hall
5 or its equivalent;

6 35 hours of employment per week at a qualified business facility
7 shall constitute one "full-time employee," regardless of whether or
8 not the hours of work were performed by one or more persons.

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

23 "Full-time employee" shall not include any person who works as
24 an independent contractor or on a consulting basis for the business.

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

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

37 "Garden State Growth Zone" or "growth zone" means the four
38 New Jersey cities with the lowest median family income based on
39 the 2009 American Community Survey from the US Census, (Table
40 708. Household, Family, and Per Capita Income and Individuals,
41 and Families Below Poverty Level by City: 2009); a municipality
42 which contains a Tourism District as established pursuant to section
43 5 of P.L.2011, c.18 (C.5:12-219) and regulated by the Casino
44 Reinvestment Development Authority; or an aviation district.

45 "Highlands development credit receiving area or redevelopment
46 area" means an area located within a qualified incentive area and
47 designated by the Highlands Water Protection and Planning Council
48 for the receipt of Highlands Development Credits under the

1 Highlands Transfer Development Rights Program authorized
2 pursuant to section 13 of P.L.2004, c.120 (C.13:20-13).

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

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

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

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

28 "Mega project" means:

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

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

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

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

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

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

47 c. a qualified business facility located in an urban transit hub
48 housing a business of any kind, having a capital investment in

1 excess of \$50,000,000, and at which more than 250 full-time
2 employees of the business are created or retained;

3 d. a project located in an area designated in need of
4 redevelopment, pursuant to P.L.1992, c.79 (C.40A:12A-1 et al.)
5 prior to the enactment of P.L.2014, c.63 (C.34:1B-251 et al.) within
6 Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester,
7 Ocean, or Salem counties having a capital investment in excess of
8 \$20,000,000, and at which more than 150 full-time employees of
9 the business are created or retained; or

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

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

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

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

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

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

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

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

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

1 "Port district" means the portions of a qualified incentive area
2 that are located within:

3 a. the "Port of New York District" of the Port Authority of
4 New York and New Jersey, as defined in Article II of the Compact
5 Between the States of New York and New Jersey of 1921; or

6 b. a 15-mile radius of the outermost boundary of each marine
7 terminal facility established, acquired, constructed, rehabilitated, or
8 improved by the South Jersey Port District established pursuant to
9 "The South Jersey Port Corporation Act," P.L.1968, c.60
10 (C.12:11A-1 et seq.).

11 "Priority area" means the portions of the qualified incentive area
12 that are not located within a distressed municipality and which:

13 a. are designated pursuant to the "State Planning Act,"
14 P.L.1985, c.398 (C.52:18A-196 et seq.), as Planning Area 1
15 (Metropolitan), Planning Area 2 (Suburban), a designated center
16 under the State Development and Redevelopment Plan, or a
17 designated growth center in an endorsed plan until June 30, 2013, or
18 until the State Planning Commission revises and readopts New
19 Jersey's State Strategic Plan and adopts regulations to revise this
20 definition;

21 b. intersect with portions of: a deep poverty pocket, a port
22 district, or federally-owned land approved for closure under a
23 federal Commission on Base Realignment and Closure action;

24 c. are the proposed site of a disaster recovery project, a
25 qualified incubator facility, a highlands development credit
26 receiving area or redevelopment area, a tourism destination project,
27 or transit oriented development; or

28 d. contain: a vacant commercial building having over 400,000
29 square feet of office, laboratory, or industrial space available for
30 occupancy for a period of over one year; or a site that has been
31 negatively impacted by the approval of a "qualified business
32 facility," as defined pursuant to section 2 of P.L.2007, c.346
33 (C.34:1B-208).

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

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

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

41 "Qualified business facility" means any building, complex of
42 buildings or structural components of buildings, and all machinery
43 and equipment located within a qualified incentive area, used in
44 connection with the operation of a business that is not engaged in
45 final point of sale retail business at that location unless the building,
46 complex of buildings or structural components of buildings, and all
47 machinery and equipment located within a qualified incentive area,
48 are used in connection with the operation of:

- 1 a. a final point of sale retail business located in a Garden State
- 2 Growth Zone that will include a retail facility of at least 150,000
- 3 square feet, of which at least 50 percent is occupied by either a full-
- 4 service supermarket or grocery store; **【or】**
- 5 b. a tourism destination project located in the Atlantic City
- 6 Tourism District as established pursuant to section 5 of P.L.2011,
- 7 c.18 (C.5:12-219); or
- 8 c. an assisted living residence in which 75% or more of the
- 9 units are financed with federal Low-Income Housing Tax Credits.
- 10 "Qualified incentive area" means:
- 11 a. an aviation district;
- 12 b. a port district;
- 13 c. a distressed municipality or urban transit hub municipality;
- 14 d. an area (1) designated pursuant to the "State Planning Act,"
- 15 P.L.1985, c.398 (C.52:18A-196 et seq.), as:
- 16 (a) Planning Area 1 (Metropolitan);
- 17 (b) Planning Area 2 (Suburban); or
- 18 (c) Planning Area 3 (Fringe Planning Area);
- 19 (2) located within a smart growth area and planning area
- 20 designated in a master plan adopted by the New Jersey
- 21 Meadowlands Commission pursuant to subsection (i) of section 6 of
- 22 P.L.1968, c.404 (C.13:17-6) or subject to a redevelopment plan
- 23 adopted by the New Jersey Meadowlands Commission pursuant to
- 24 section 20 of P.L.1968, c.404 (C.13:17-21);
- 25 (3) located within any land owned by the New Jersey Sports and
- 26 Exposition Authority, established pursuant to P.L.1971, c.137
- 27 (C.5:10-1 et seq.), within the boundaries of the Hackensack
- 28 Meadowlands District as delineated in section 4 of P.L.1968, c.404
- 29 (C.13:17-4);
- 30 (4) located within a regional growth area, rural development
- 31 area zoned for industrial use as of the effective date of P.L.2016,
- 32 c.75, town, village, or a military and federal installation area
- 33 designated in the comprehensive management plan prepared and
- 34 adopted by the Pinelands Commission pursuant to the "Pinelands
- 35 Protection Act," P.L.1979, c.111 (C.13:18A-1 et seq.);
- 36 (5) located within the planning area of the Highlands Region as
- 37 defined in section 3 of P.L.2004, c.120 (C.13:20-3) or a highlands
- 38 development credit receiving area or redevelopment area;
- 39 (6) located within a Garden State Growth Zone;
- 40 (7) located within land approved for closure under any federal
- 41 Commission on Base Realignment and Closure action; or
- 42 (8) located only within the following portions of the areas
- 43 designated pursuant to the "State Planning Act," P.L.1985, c.398
- 44 (C.52:18A-196 et seq.), as Planning Area 4A (Rural Planning
- 45 Area), Planning Area 4B (Rural/Environmentally Sensitive) or
- 46 Planning Area 5 (Environmentally Sensitive) if Planning Area 4A
- 47 (Rural Planning Area), Planning Area 4B (Rural/Environmentally

1 Sensitive) or Planning Area 5 (Environmentally Sensitive) is
2 located within:

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

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

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

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

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

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

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

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

34 "Retained full-time job" means an eligible position that currently
35 exists in New Jersey and is filled by a full-time employee but
36 which, because of a potential relocation by the business, is at risk of
37 being lost to another state or country, or eliminated. For the
38 purposes of determining a number of retained full-time jobs, the
39 eligible positions of an affiliate shall be considered eligible
40 positions of the business. For the purposes of the certifications and
41 annual reports required in the incentive agreement pursuant to
42 subsection e. of section 4 of P.L.2011, c.149 (C.34:1B-245), to the
43 extent an eligible position that was the basis of the award no longer
44 exists, a business shall include as a retained full-time job a new
45 eligible position that is filled by a full-time employee provided that
46 the position is included in the order of date of hire and is not the
47 basis for any other incentive award. For a project located in a
48 Garden State Growth Zone which qualified for the "Municipal

1 Rehabilitation and Economic Recovery Act," P.L.2002, c.43
2 (C.52:27BBB-1 et al.), retained full-time job shall include any
3 employee previously employed in New Jersey and transferred to the
4 new location in the Garden State Growth Zone which qualified for
5 the "Municipal Rehabilitation and Economic Recovery Act,"
6 P.L.2002, c.43 (C.52:27BBB-1 et al.).

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

9 "SDA municipality" means a municipality in which an SDA
10 district is situate.

11 "State college" means a State college or university established
12 pursuant to chapter 64 of Title 18A of the New Jersey Statutes.

13 "Targeted industry" means any industry identified from time to
14 time by the authority including initially, a transportation,
15 manufacturing, defense, energy, logistics, life sciences, technology,
16 health, and finance business, but excluding a primarily warehouse
17 or distribution business.

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

23 "Tourism destination project" means a qualified non-gaming
24 business facility that will be among the most visited privately
25 owned or operated tourism or recreation sites in the State, and
26 which is located within the qualified incentive area and has been
27 determined by the authority to be in an area appropriate for
28 development and in need of economic development incentive
29 assistance, including a non-gaming business within an established
30 Tourism District with a significant impact on the economic viability
31 of that District.

32 "Transit oriented development" means a qualified business
33 facility located within a 1/2-mile radius, or one-mile radius for
34 projects located in a Garden State Growth Zone, surrounding the
35 mid-point of a New Jersey Transit Corporation, Port Authority
36 Transit Corporation, or Port Authority Trans-Hudson Corporation
37 rail, bus, or ferry station platform area, including all light rail
38 stations.

39 "Urban transit hub" means an urban transit hub, as defined in
40 section 2 of P.L.2007, c.346 (C.34:1B-208), that is located within
41 an eligible municipality, as defined in section 2 of P.L.2007, c.346
42 (C.34:1B-208) and also located within a qualified incentive area.

43 "Urban transit hub municipality" means a municipality: a. which
44 qualifies for State aid pursuant to P.L.1978, c.14 (C.52:27D-178 et
45 seq.), or which has continued to be a qualified municipality
46 thereunder pursuant to P.L.2007, c.111; and b. in which 30 percent
47 or more of the value of real property was exempt from local
48 property taxation during tax year 2006. The percentage of exempt

1 property shall be calculated by dividing the total exempt value by
2 the sum of the net valuation which is taxable and that which is tax
3 exempt.
4 (cf: P.L.2018, c.120, s.1)

5
6 2. This act shall take effect immediately.
7

8

9

STATEMENT

10

11 This bill would amend the "Grow New Jersey Assistance Act"
12 ("GROWNJ") to qualify certain assisted living facilities for
13 GROWNJ program tax credits. Generally, the GROWNJ program
14 does not provide economic incentives to a business at a location
15 used for final point of sale retail business. Current law contains
16 exceptions to this general provision to further other public policy
17 objectives.

18 Assisted living facilities commonly include retail shops on-site
19 to provide their residents with ready access to goods and services.
20 Because of this feature, the GROWNJ program "final point of sale
21 retail" exclusion makes the GROWNJ program tax credits
22 unavailable to encourage the creation or retention of jobs at assisted
23 living facilities.

24 The bill would address this problem by amending the GROWNJ
25 program statute to exclude an assisted living facility from the law's
26 "final point of sale retail" restriction if 75% or more of the assisted
27 living facility's units are financed with federal Low-Income
28 Housing Tax Credits. Imposition of this requirement will limit
29 applicability of the bill's exclusion from the GROWNJ "final point
30 of sale retail" restriction to assisted living facilities that have set
31 aside a high percentage of assisted living apartment units for low-
32 and moderate-income, Medicaid-eligible senior citizens, who are in
33 need of long-term supportive care.