

[First Reprint]

**SENATE, No. 4210**

**STATE OF NEW JERSEY**  
**219th LEGISLATURE**

INTRODUCED DECEMBER 2, 2021

**Sponsored by:**

**Senator STEPHEN M. SWEENEY**

**District 3 (Cumberland, Gloucester and Salem)**

**Senator LINDA R. GREENSTEIN**

**District 14 (Mercer and Middlesex)**

**Assemblyman LOUIS D. GREENWALD**

**District 6 (Burlington and Camden)**

**Assemblywoman ANGELA V. MCKNIGHT**

**District 31 (Hudson)**

**Assemblyman RAJ MUKHERJI**

**District 33 (Hudson)**

**Co-Sponsored by:**

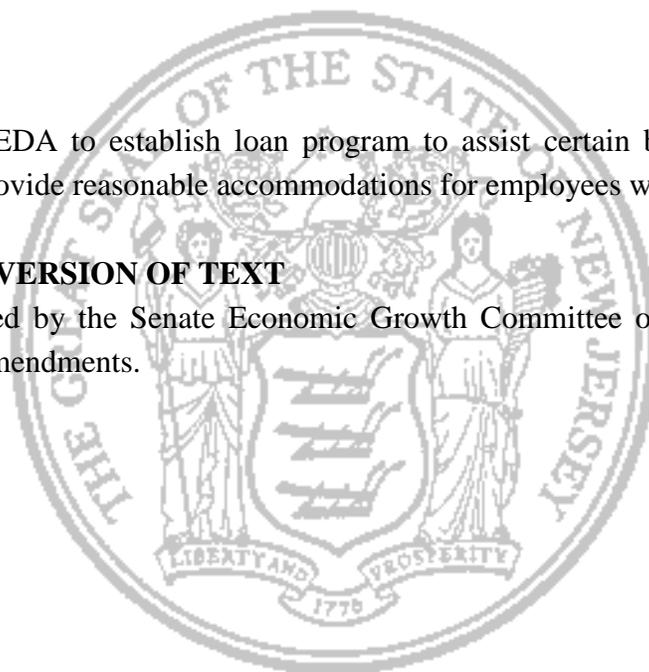
**Senators Diegnan, O'Scanlon, Assemblyman Benson, Assemblywomen Vainieri Huttle, Speight, Lampitt, Swain and Assemblyman Tully**

**SYNOPSIS**

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

**CURRENT VERSION OF TEXT**

As reported by the Senate Economic Growth Committee on December 9, 2021, with amendments.



**(Sponsorship Updated As Of: 1/10/2022)**

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 <sup>1</sup>~~[\$100,000]~~ \$1,000,000<sup>1</sup>  
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  
38 workplace accommodation” shall not create an undue hardship to  
39 the qualified business.  
40

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

**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:

<sup>1</sup>Senate SEG committee amendments adopted December 9, 2021.

1       b. (1) A small to medium-sized business seeking a loan  
2 pursuant to this section shall apply to the authority, in a form and  
3 manner as determined by the authority, and shall include  
4 information concerning the proposed accessibility improvements  
5 that the loan funds will be used to make, along with any additional  
6 information that the authority determines is necessary for  
7 participation in the loan program established pursuant to the  
8 provisions of this act.

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

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

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

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

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

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

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

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

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

47       e. The authority may, either through the adoption of rules and  
48 regulations, or through the terms of the loan agreement made

1 pursuant to subsection c. of this section, establish terms governing  
2 the incidence of default by a qualified small to medium-sized  
3 business that receives a loan under the loan program established  
4 pursuant to this act.

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

10 g. The authority shall advertise to the public of the availability  
11 of the provision of loans to qualified small to medium-sized  
12 businesses and other provisions of the loan program established  
13 pursuant to this act in a manner determined by the authority<sup>1</sup>,<sup>1</sup>.

14

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

18

19 4. This act shall take effect immediately.