

SUBTITLE I. NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY

**CHAPTER 30
ADMINISTRATIVE RULES**

Authority
N.J.S.A. 34:1B-1 et seq.

Source and Effective Date
R.1995 d.435, effective July 20, 1995.
See: 27 N.J.R. 2377(a), 27 N.J.R. 3216(a).

Executive Order No. 66(1978) Expiration Date
Chapter 30, Administrative Rules, expires on July 20, 2000.

Chapter Historical Note

Chapter 30, Administrative Rules, became effective December 3, 1974 as R.1974 d.332. See: 6 N.J.R. 455(b), 7 N.J.R. 34(c). Amendments became effective February 7, 1975 as R.1975 d.26. See: 7 N.J.R. 34(b), 7 N.J.R. 122(c). Subchapters 3 and 4 became effective August 24, 1979 as R.1979 d.337. See: 11 N.J.R. 152(b), 11 N.J.R. 530(b). Subchapter 5 became effective June 4, 1981 as R.1981 d.167. See: 12 N.J.R. 356(a), 13 N.J.R. 378(d). Subchapter 2 was readopted effective July 9, 1981 as R.1981 d.245. See: 13 N.J.R. 248(c), 13 N.J.R. 465(e). Further amendments became effective December 7, 1981 as R.1981 d.457. See: 13 N.J.R. 625(b), 13 N.J.R. 898(a). Further amendments became effective July 5, 1983 as R.1983 d.262. See: 15 N.J.R. 429(a), 15 N.J.R. 1105(d). Subchapter 6 became effective July 2, 1984 as R.1984 d.263. See: 16 N.J.R. 704(a), 16 N.J.R. 1808(b). Subchapters 3 and 4 were readopted effective July 16, 1984 as R.1984 d.320. See: 16 N.J.R. 1344(a), 16 N.J.R. 2168(a). Further amendments became effective August 6, 1984 as R.1984 d.321. See: 16 N.J.R. 1064(a), 16 N.J.R. 2169(a). Further amendments became effective October 7, 1985 as R.1985 d.499. See: 17 N.J.R. 1872(b), 17 N.J.R. 2454(a). Subchapter 7 became effective October 7, 1985 as R.1985 d.500. See: 17 N.J.R. 1750(a), 17 N.J.R. 2454(b). Subchapter 2 was repealed and new rules became effective August 4, 1986 as R.1986 d.311. See: 18 N.J.R. 1094(b), 18 N.J.R. 1614(a).

Pursuant to Executive Order No. 66 (1978), Chapter 30 was readopted as R.1990 d.411, effective July 23, 1990. See: 22 N.J.R. 1537(a), 22 N.J.R. 2532(a). As a part of R.1990 d.411, but effective August 20, 1990, Subchapter 4, Targeting of Authority Assistance, was repealed and new rules on the subject were adopted as Subchapter 5. Existing Subchapters 2, 3, 5 and 6 were recodified as Subchapters 6, 4, 2 and 3, respectively. Subchapter 7, Private Activity Bonds Real Location and Carry Forward, was repealed. See: 22 N.J.R. 1537(a), 22 N.J.R. 2532(a). A new Subchapter 7, Disability Discrimination Complaint Procedure, was adopted as R.1994 d.111, effective March 7, 1994. See: 25 N.J.R. 4864(b), 26 N.J.R. 1248(a).

Pursuant to Executive Order No. 66 (1978), Chapter 30 was readopted as R.1995 d.435. See: Source and Effective Date. See, also, section annotations.

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. GENERAL PROVISIONS

- 19:30-1.1 Purpose and objectives
- 19:30-1.2 Definitions
- 19:30-1.3 Organization
- 19:30-1.4 Public information
- 19:30-1.5 Nonpublic information
- 19:30-1.6 Petitions for rules
- 19:30-1.7 Procedure for petitioner
- 19:30-1.8 Procedure of the Authority

**SUBCHAPTER 2.
DISQUALIFICATION/DEBARMENT/CONFLICT OF
INTEREST**

- 19:30-2.1 Definitions
- 19:30-2.2 Causes for disqualification/debarment of persons
- 19:30-2.3 Conditions affecting the disqualification/debarment of a person(s)
- 19:30-2.4 Procedures; period of disqualification/debarment
- 19:30-2.5 Notice to Attorney General and Treasurer
- 19:30-2.6 Authority discretion
- 19:30-2.7 Executive Director to implement regulation

**SUBCHAPTER 3. AFFIRMATIVE ACTION IN
AUTHORITY-FINANCED CONSTRUCTION
PROJECTS**

- 19:30-3.1 Definitions
- 19:30-3.2 Application of affirmative action regulations
- 19:30-3.3 Compliance
- 19:30-3.4 Monitoring by the Authority
- 19:30-3.5 Contract provisions
- 19:30-3.6 Failure to comply
- 19:30-3.7 Executive Director to enforce regulation

**SUBCHAPTER 4. PAYMENT OF PREVAILING WAGES
IN AUTHORITY PROJECTS**

- 19:30-4.1 Definitions
- 19:30-4.2 Payments of prevailing wages in projects receiving assistance
- 19:30-4.3 Assurances required
- 19:30-4.4 Contract provisions required
- 19:30-4.5 Violation
- 19:30-4.6 (Reserved)

**SUBCHAPTER 5. TARGETING OF AUTHORITY
ASSISTANCE**

- 19:30-5.1 Priority consideration of projects in economically distressed localities
- 19:30-5.2 Municipalities eligible for priority consideration
- 19:30-5.3 Special eligibility list

SUBCHAPTER 6. FEES

- 19:30-6.1 Application fee
- 19:30-6.2 Commitment fees
- 19:30-6.3 Closing fees
- 19:30-6.4 Post-closing fees
- 19:30-6.5 Sign display
- 19:30-6.6 Guarantee incentive fees
- 19:30-6.7 Fee waiver

**SUBCHAPTER 7. DISABILITY DISCRIMINATION
COMPLAINT PROCEDURE**

- 19:30-7.1 Definitions
- 19:30-7.2 Purpose
- 19:30-7.3 Required ADA Notice
- 19:30-7.4 Designated ADA coordinator
- 19:30-7.5 Complaint procedure
- 19:30-7.6 Complaint contents
- 19:30-7.7 Complaint form
- 19:30-7.8 Investigation

SUBCHAPTER 1. GENERAL PROVISIONS

19:30-1.1 Purpose and objectives

(a) These rules are established to effectuate, and shall be applied so as to accomplish, the general purposes of "The New Jersey Economic Development Authority Act" (chapter 80, P.L. 1974; C.34:1B-1 et seq.), and the following specific objectives:

1. To foster and promote the economy of the State;
2. To increase opportunities for gainful employment and to improve living conditions;
3. To assist in the economic development or redevelopment of political subdivisions within the State;
4. To contribute to the prosperity, health and general welfare of the State and its inhabitants by making available financial and other assistance to induce manufacturing, industrial, commercial and other employment-promoting enterprises to locate, remain, or expand within the State; and
5. To protect and enhance the quality of the natural environment.

Amended by R.1990 d.411, effective August 20, 1990.
See: 22 N.J.R. 1537(a), 22 N.J.R. 2532(a).
Authority's general objectives clarified.

19:30-1.2 Definitions

The following words and terms, when used in this chapter and in N.J.A.C. 19:31, shall have the following meanings unless the context clearly indicates otherwise.

"Act" means the New Jersey Economic Development Authority Act (chapter 80, P.L. 1974), as amended and supplemented.

"Authority" means the staff of the New Jersey Economic Development Authority.

"Executive Director" means the Executive Director of the New Jersey Economic Development Authority.

Words or terms which are defined in the Act are used in this chapter and in N.J.A.C. 19:31 as defined in the Act.

Amended by R.1990 d.411, effective August 20, 1990.
See: 22 N.J.R. 1537(a), 22 N.J.R. 2532(a).

Definition of authority clarified; definitions apply also.

19:30-1.3 Organization

(a) The governing body of the New Jersey Economic Development Authority, in but not of the Department of Commerce and Economic Development, consists of the Commissioner of Commerce and Economic Development, the Commissioner of Labor, the State Treasurer, and six members and three alternate members appointed by the Governor with the advice and consent of the State Senate (collectively referred to as Members). The Authority is chaired by the Commissioner of Commerce and Economic Development or at the Commissioner's discretion, a chairperson may be appointed from one of the six public members.

(b) The Authority maintains the following functional divisions to administer its programs:

1. The Division of Investment Banking issues tax-exempt bonds:

- i. To manufacturing firms to meet capital financing needs;
- ii. For certain exempt activities as defined in the United States Internal Revenue Code;
- iii. To benefit certain nonprofit organizations;
- iv. To refund eligible projects; and
- v. To benefit certain local, county and State governmental units or agencies.

2. The Division of Investment Banking also issues taxable bonds for projects not eligible for tax-exempt bonds;

3. The Division of Commercial Lending guarantees loans and makes direct loans for fixed-asset financing and for working capital;

4. The Division of Real Estate Development develops modern business parks and commercial facilities to provide improved, affordable building space for businesses and other users in urban centers and other areas in need of economic expansion or diversity; and

5. The Trade Adjustment Assistance Center operates a Federally funded program of consulting services for manufacturers whose employment and either sales or production have declined due to foreign competition.

New Rule R.1990 d.411, effective August 20, 1990.

See: 22 N.J.R. 1537(a), 22 N.J.R. 2532(a).

Amended by R.1995 d.435, effective August 21, 1995.

See: 27 N.J.R. 2377(a), 27 N.J.R. 3216(a).

19:30-1.4 Public information

The public may obtain general information concerning Authority programs by contacting the Public Affairs Office, New Jersey Economic Development Authority, 200 S. Warren St., CN 990, Trenton, N.J. 08625.

New Rule R.1990 d.411, effective August 20, 1990.

See: 22 N.J.R. 1537(a), 22 N.J.R. 2532(a).

19:30-1.5 Nonpublic information

(a) The following shall not be deemed to be public records subject to inspection, examination and available for copying pursuant to N.J.S.A. 47:1A-1 et seq.:

1. All confidential reports, executive memoranda and evaluations submitted to the Authority, the members, or to any other state agency or instrumentality;
2. All personnel records except those deemed public as required by an Executive Order;

3. A description of manner in which the ADA has not been complied with or has been violated, including times and locations of events and names of witnesses if appropriate.

19:30-7.7 Complaint form

The following form may be utilized for the submission of a complaint pursuant to this subchapter:

Americans with Disabilities Act Complaint Form

Date: _____

Name of complainant: _____

Address of complainant: _____

Telephone number of complainant: _____

Disability of complainant: _____

Name, address and telephone number of alternate contact person (if applicable):

Incident or barrier:

Please describe the particular way in which you believe you have been denied the benefits of any service, program or activity or have otherwise been subject to discrimination. Please specify dates, times and places of incidents, and names and/or positions of Authority employees involved, if any, as well as names, addresses and telephone numbers of any witnesses to any such incident.

Proposed access or accommodation:

If you wish to describe the way in which you feel access may be had to the benefits described above, or what accommodation could be provided to allow access.

A copy of the above form may be obtained by contacting the designated ADA coordinator identified at N.J.A.C. 19:30-7.4(a).

19:30-7.8 Investigation

(a) Upon receipt of a complaint submitted pursuant to this subchapter, the designated ADA coordinator will notify the complainant of the receipt of the complaint and the initiation of an investigation into the matter. The designated ADA coordinator will also indicate a date by which it is expected that the investigation will be completed, which date shall not be later than 45 days from the date of receipt of the complaint, unless a later date is agreed to by the complainant.

(b) Upon completion of the investigation, the designated ADA coordinator shall prepare a report for review by the Designated Decision Maker for the Authority. The Designated Decision Maker shall render a written decision within 45 days of receipt of the complaint, unless a later date is agreed to by the complainant, which decision shall be transmitted to the complainant and/or the alternate contact person if so designated by the complainant.