

19:30-6.2 Commitment fees

(a) A non-refundable commitment fee of .875 percent of a direct loan amount is charged with the acceptance by an applicant of a direct loan commitment from the Authority, except for any other financing under the Premier Lenders Program, wherein a non-refundable commitment fee of \$750.00 shall be charged with the acceptance by an applicant.

(b) A non-refundable fee of .75 percent of the loan amount is charged with the acceptance by an applicant of a direct loan commitment under the Edison Innovation Angel Growth Fund, the Edison Innovation VC Growth Fund, and the Edison Innovation Growth Stars Fund.

(c) A non-refundable fee of .5 percent of the maximum aggregate amount of the incentive grant award not to exceed \$300,000 is charged upon approval by the Authority of a State incentive grant and upon approval of the Local Finance Board in the Division of Local Government Services in the Department of Community Affairs of a local incentive grant under the Economic Redevelopment and Growth (ERG) Grant Program.

(d) A non-refundable fee of .5 percent of the loan or guarantee amount is charged with the acceptance by an applicant of a direct loan or guarantee commitment under the Small Business Fund.

(e) A non-refundable fee of one-half of one percent of the total amount of a direct loan or \$100.00, whichever is greater, is charged upon the signing of a commitment letter for a direct loan through funding provided under N.J.S.A. 34:1B-47 et seq.

(f) A non-refundable commitment fee of .875 percent of the loan amount is charged with the acceptance by an applicant of any direct loan commitment other than as described in (a), (b), (c), (d) or (e) above.

(g) A non-refundable extension fee of \$750.00, per extension requested by the borrower, shall be charged for the granting of an extension of the commitment letter beyond the original expiration date.

Recodified by R.1990 d.411, effective August 20, 1990.

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

Section was 2.2.

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

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

Raised commitment fee and added direct participation commitment in (a); added (d) regarding extension fee.

Amended by R.2005 d.274, effective August 15, 2005.

See: 37 N.J.R. 1714(a), 37 N.J.R. 3058(a).

In (a), deleted "loan" preceding "guarantee"; in (b), substituted "Downtown Beautification" for "Urban Centers Small Loan".

Amended by R.2009 d.38, effective January 20, 2009.

See: 40 N.J.R. 5954(a), 41 N.J.R. 638(a).

Rewrote (a) and (b); and in (c), substituted ".875 percent" for "\$500.00, or one-half of one percent," deleted ", whichever is greater," following "amount", and inserted "(a) or".

Amended by R.2010 d.285, effective December 6, 2010.

See: 42 N.J.R. 2019(a), 42 N.J.R. 2969(a).

Added new (c) through (e); recodified former (c) and (d) as (f) and (g); and in (f), substituted ", (b), (c), (d) or (e)" for "or (b)".

Amended by R.2011 d.195, effective July 18, 2011.

See: 43 N.J.R. 955(a), 43 N.J.R. 1602(b).

In (b), substituted "Edison Innovation Angel Growth Fund, the Edison Innovation VC Growth Fund, and the Edison Innovation Growth Stars Fund" for "Edison Innovation Growth Fund", and deleted the last two sentences.

Amended by R.2012 d.101, effective May 21, 2012.

See: 44 N.J.R. 433(a), 44 N.J.R. 1644(a).

Rewrote (a).

19:30-6.3 Closing fees

(a) Except as set forth in (a)1 below, for Authority-issued bonds, the fee to be paid at closing is one-half of one percent of the amount of the bond issue up to and including \$15,000,000; three-eighths of one percent of the amount in excess of the next \$10,000,000; and one-half of one percent of the bond amount in excess of \$25,000,000.

1. The fee to be paid at closing for Authority-issued bonds which benefit not-for-profit corporations, as defined by the Internal Revenue Code, and governmental bodies shall be one-half of one percent of the amount of the bond issue, up to and including \$10,000,000 and one-quarter of one percent of the amount in excess of \$10,000,000.

2. The fee to be paid at closing for Authority-issued empowerment zone bonds which benefit a project located either in a Federal empowerment zone or enterprise zone community as those terms are defined by the Internal Revenue Code, shall be one-half of the standard bond closing fee as set forth in (a) above.

3. In all instances the fees due and payable for conduit bond transactions shall not exceed \$300,000.

(b) For guaranteed Authority-issued bonds or pari passu guaranteed financing under the Premier Lenders Program, the guarantee fee, to be paid at closing, shall not exceed 50 basis points as determined by the initial amount of the guaranteed portion of the financing in order that the fee percentage will correspond to the percentage guarantee required (for example, a 25 percent guarantee would incur a guarantee fee of 25 basis points, a 50 percent guarantee would incur a guarantee fee of 50 basis points) multiplied by the dollar amount of the guarantee and by the number of years the guarantee is to be in effect. For a guarantee where the Authority's interest is subordinated, the fee to be paid at closing shall be as set forth in this subsection plus 25 basis points. This fee is in addition to the fee described in (a) above if the Authority's guarantee relates to repayment of a bond issued by the Authority.

(c) For guarantees issued under N.J.A.C. 19:31-2.1(b)3, the residual risk guarantee fee to be paid at closing is one-quarter of one percent of the initial amount of the residual risk Authority's exposure in the financing multiplied by the number of years the guarantee is to be in effect.

(d) For direct loans from the Authority, the fee, to be paid at closing, is .875 percent of the loan amount. For direct loans under the Edison Innovation Angel Growth Fund, the Edison Innovation VC Growth Fund, and the Edison Innovation Growth Stars Fund, the fee to be paid at closing is .75 percent of the loan amount. For direct loans under the Small Business

Fund, the fee to be paid at closing is .5 percent of the loan amount. For direct loans under N.J.S.A. 34:1B-47 et seq., the fee to be paid at closing is one-half of one percent of the total amount of the direct loan.

(e) For Authority issued taxable bonds, the fee to be paid at closing is one-half of the closing fee set forth in (a) above.

(f) For structured finance lease transactions whether or not the Authority has exposure, the lease origination fee will be one tenth of the sales tax savings achieved at lease signing.

(g) For a State incentive grant under the Economic Redevelopment and Growth (ERG) Grant Program, the fee to be charged at closing is .5 percent of the maximum aggregate amount of the incentive grant award not to exceed \$300,000; the commitment and closing fees shall not exceed one percent of the maximum amount not to exceed \$600,000.

(h) For a local incentive grant under the Economic Redevelopment and Growth (ERG) Grant Program, the fee to be charged at closing is .5 percent of the maximum aggregate amount of the incentive grant award not to exceed \$300,000; the commitment and closing fees shall not exceed one percent of the maximum amount not to exceed \$600,000.

(i) For a combined State and local incentive grant under the Economic Redevelopment and Growth (ERG) Grant Program, the fee to be charged at closing is .5 percent of the maximum aggregate amount of the combined incentive grant awards not to exceed \$300,000; the commitment and closing fees shall not exceed one percent of the combined maximum amount not to exceed \$600,000.

Amended by R.1987 d.318, effective August 3, 1987.
See: 19 N.J.R. 922(a), 19 N.J.R. 1456(b).

Raised "one-tenth" to "one-quarter".

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

Section was 2.3.

Amended by R.1995 d.435, effective August 21, 1995.
See: 27 N.J.R. 2377(a), 27 N.J.R. 3216(a).

Amended fees.

Amended by R.1997 d.270, effective July 7, 1997.
See: 29 N.J.R. 1485(b), 29 N.J.R. 2844(b).

In (b), substituted "guaranteed conventional financing other than Authority issued bonds" for "conventional loans"; and added (d).

Amended by R.1999 d.77, effective March 1, 1999.
See: 31 N.J.R. 33(b), 31 N.J.R. 671(a).

In (a), inserted a reference to government bodies in 1, and added 2.
Amended by R.2000 d.297, effective July 17, 2000.

See: 32 N.J.R. 1705(a), 32 N.J.R. 2602(c).

Inserted a new (e); recodified former (c) and (d) as (d) and (e); and added a new (f).

Amended by R.2002 d.223, effective July 15, 2002.
See: 34 N.J.R. 1247(a), 34 N.J.R. 2469(a).

In (a), inserted a new 2 and recodified former 2 as 3.
Amended by R.2005 d.274, effective August 15, 2005.

See: 37 N.J.R. 1714(a), 37 N.J.R. 3058(a).

Added (g).

Amended by R.2009 d.38, effective January 20, 2009.
See: 40 N.J.R. 5954(a), 41 N.J.R. 638(a).

In (b), substituted ".875 percent" for "one-half of one percent"; rewrote (d); and deleted (g).

Amended by R.2010 d.285, effective December 6, 2010.

See: 42 N.J.R. 2019(a), 42 N.J.R. 2969(a).

In (d), inserted the last two sentences; and added (g) through (i).

Amended by R.2011 d.195, effective July 18, 2011.

See: 43 N.J.R. 955(a), 43 N.J.R. 1602(b).

In (d), substituted "Edison Innovation Angel Growth Fund, the Edison Innovation VC Growth Fund, and the Edison Innovation Growth Stars Fund" for "Edison Innovation Growth Fund", and deleted "; and, for the Edison Innovation Commercialization Fund, the fee to be paid at closing is .5 percent of the loan amount" following ".75 percent of the loan amount".

Amended by R.2012 d.101, effective May 21, 2012.

See: 44 N.J.R. 433(a), 44 N.J.R. 1644(a).

Rewrote (b); and in (d), deleted "other than loans under the Statewide Loan Pool, Preferred Lender Program and the New Jersey Business Growth Fund," preceding the first occurrence of "the fee".

Amended by R.2013 d.082, effective June 3, 2013.

See: 45 N.J.R. 457(a), 45 N.J.R. 1413(b).

In (b), inserted "pari passu", "dollar amount of the guarantee and by the", and the next-to-last sentence.

19:30-6.4 Post-closing fees

(a) The fees in this section are due and payable upon closing of the bond amendment, approval of change of ownership, or signing of modification consent, waiver, or similar documents.

1. For refunding bonds issued to refinance or change the terms of outstanding Authority bonds, an amount equal to one-half of the closing fee (see N.J.A.C. 19:30-6.3(a)) shall be charged. Notwithstanding the foregoing, a single modification that does not involve a new purchaser will be charged the fee required under (a)5 below.

2. For combination refunding and new money bonds, an amount equal to one-half of the closing fee (see N.J.A.C. 19:30-6.3(a)) shall be charged on the refunding portion and the closing fee (see N.J.A.C. 19:30-6.3(a)) shall be charged on the new money portion.

3. For change of ownership of 50 percent or more of the project property or ownership interest in the borrower to an unrelated entity, or to a related entity not previously approved by the Authority for the project, a \$1,500 fee shall be charged.

4. For change of ownership of the project property or ownership interest in the borrower to a previously Authority-approved related entity, or for the transfer of less than 50 percent of the project property or ownership interest in the borrower to an unrelated entity (excluding a limited partner, or a shareholder holding or about to hold an ownership interest in the borrower of 10 percent or less), a \$750.00 fee shall be charged.

5. For changing project location or description, or changing loan document provisions on bond-financed projects, a \$1,500 fee shall be charged.

6. For review and execution of a document or the preparation of documents, or granting a consent or waiver related to an Authority-assisted project, a fee of \$250.00 shall be charged. For direct loans, a standard documentation fee of \$500.00 shall be charged except for direct loans under the Small Business Fund or N.J.S.A. 34:1B-47 et seq., for which the fee shall be \$300.00; and for any negotiations pertaining to Authority documentation, legal costs of the Authority shall be borne by the borrower.

7. For executing (up to 10 bonds) or authorizing issuance of substitute bonds, a fee of \$100.00 per project, per occurrence shall be charged.

8. For modifying or restructuring payment terms for a direct loan or loan guarantee project a fee of \$1,000 shall be charged.

9. For approval to pledge and assign a State incentive grant amount pursuant to N.J.A.C. 19:31-4.11(a) under the Economic Redevelopment and Growth (ERG) Grant Program, a fee of \$2,500 shall be charged.

(b) When a transaction does not by its terms fall into one of the above categories, the Authority in its discretion shall determine the appropriate category based on the substance of the transaction. The categorization of the transaction on U.S. Department of the Treasury, Internal Revenue Service Form 8038 will be a significant factor in the determination of the fee.

(c) For those borrowers who choose not to participate in auto-debit transaction payments, a fee of .25 basis points will be added to the rate of interest charged on each applicable loan.

(d) Any payment made on a direct loan which is returned due to insufficient funds shall result in a charge of \$35.00.

Amended by R.1987 d.318, effective August 3, 1987.
See: 19 N.J.R. 922(a), 19 N.J.R. 1456(b).

Substantially amended.

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

Definitions for refunding bond, related and unrelated entities clarified; examples added at (a)5; scope broadened; limitation on execution of bonds. Section was recodified from 2.4.

Amended by R.1993 d.217, effective May 17, 1993.
See: 25 N.J.R. 916(a), 25 N.J.R. 1998(a).

Added new (a)8.

Amended by R.1995 d.435, effective August 21, 1995.
See: 27 N.J.R. 2377(a), 27 N.J.R. 3216(a).

Raised fees.

Amended by R.2003 d.453, effective November 17, 2003.
See: 35 N.J.R. 3746(a), 35 N.J.R. 5251(a).

In (a), added the second sentence in 1 and substituted "\$1,500" for "\$750.00" preceding "fee" in 5.

Amended by R.2010 d.178, effective August 16, 2010.
See: 42 N.J.R. 904(a), 42 N.J.R. 1900(b).

Added (c) and (d).

Amended by R.2010 d.285, effective December 6, 2010.
See: 42 N.J.R. 2019(a), 42 N.J.R. 2969(a).

In (a)6, inserted the last sentence; and added (a)9.

19:30-6.5 Sign display

Applicants requesting financial assistance from the Authority, where part of the project consists of construction or renovation will be provided a sign upon granting of approval by the Members, which is to be visibly erected at the project site indicating that the financing was made available through the Authority.

Amended by R.1990 d.411, effective August 20, 1990.

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

Fee for sign increased from \$50.00 to \$75.00. Section was 2.5.

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

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

Required project sign to be visibly erected at all construction or renovation sites.

19:30-6.6 (Reserved)

New Rule, R.1995 d.435, effective August 21, 1995.

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

Amended by R.2005 d.274, effective August 15, 2005.

See: 37 N.J.R. 1714(a), 37 N.J.R. 3058(a).

Deleted "loan" preceding "guarantee" and added "under the Angel Investor Program" following "guarantee".

Repealed by R.2009 d.38, effective January 20, 2009.

See: 40 N.J.R. 5954(a), 41 N.J.R. 638(a).

Section was "Guarantee incentive fees".

19:30-6.7 Fee waiver

The Chief Executive Officer may, with the approval of the members, waive certain fees upon demonstration by the applicant that the imposition of the fee would impose an undue financial hardship. The members may delegate to a Director, with the concurrence of the Chief Executive Officer, Chief Operating Officer or Senior Vice President, authority to waive a loan commitment extension fee; and may delegate to a Director, authority to waive late fees when the cause for the late fee is beyond the control of the borrower. The Chief Executive Officer, with the approval of the members, may waive, postpone or decrease bond application and closing fees for municipal governmental agency(s) or State agency projects. In the case of State agency projects, such waiver, postponement or decrease shall be in accordance with the directives of the State Treasurer regarding the specific State agency projects.

New Rule, R.1995 d.435, effective August 21, 1995.

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

Amended by R.1999 d.77, effective March 1, 1999.

See: 31 N.J.R. 33(b), 31 N.J.R. 671(a).

Added a third sentence.

Amended by R.2000 d.297, effective July 17, 2000.

See: 32 N.J.R. 1705(a), 32 N.J.R. 2602(c).

Rewrote section.

Amended by R.2005 d.274, effective August 15, 2005.

See: 37 N.J.R. 1714(a), 37 N.J.R. 3058(a).

Substituted "Chief Executive Officer" for "Executive Director" throughout.

Amended by R.2006 d.369, effective October 16, 2006.

See: 38 N.J.R. 3001(a), 38 N.J.R. 4503(a).

Rewrote the second sentence.

Amended by R.2010 d.178, effective August 16, 2010.

See: 42 N.J.R. 904(a), 42 N.J.R. 1900(b).

Deleted "as described in this subchapter," following "certain fees".

Amended by R.2010 d.285, effective December 6, 2010.

See: 42 N.J.R. 2019(a), 42 N.J.R. 2969(a).

Inserted "extension".

SUBCHAPTER 7. DISABILITY DISCRIMINATION COMPLAINT PROCEDURE

19:30-7.1 Definitions

The following words and terms, as used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

"ADA" means the Americans with Disabilities Act, 42 U.S.C. § 12101 et seq.

"Authority" means the New Jersey Economic Development Authority.

"Designated decision maker" means the Chief Executive Officer of the Authority or his or her designee.

"Disability" means, with respect to an individual, a physical or mental impairment that substantially limits one or more of the major life activities of such individual; a record of such impairment; or being regarded as having such impairment.

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

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

Amended by R.2010 d.285, effective December 6, 2010.

See: 42 N.J.R. 2019(a), 42 N.J.R. 2969(a).

In definition "Designated decision maker", substituted "Chief Executive Officer" for "Executive Director".

19:30-7.2 Purpose

(a) These rules are adopted by the Authority in satisfaction of the requirements of the ADA and regulations promulgated pursuant thereto, 28 C.F.R. 35.107.

(b) The purpose of these rules is to establish a designated coordinator whose duties shall include assuring that the Authority complies with and carries out its responsibilities under the ADA. Those duties shall also include the investigation of any complaint filed with the Authority pursuant to N.J.A.C. 19:30-7.

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

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

19:30-7.3 Required ADA Notice

In addition to any other advice, assistance or accommodation provided, a copy of the following notice shall be given to anyone who inquires regarding the Authority's compliance with the ADA or the availability of accommodation which would allow a qualified individual with a Disability to receive services or participate in a program or activity provided by the Authority.