

CHAPTER 31

AUTHORITY ASSISTANCE PROGRAMS

Authority

N.J.S.A. 34:1B-1 et seq.; and P.L. 2008, c. 112 and P.L. 2008, c. 117.

Source and Effective Date

R.2005 d.274, effective July 22, 2005.
See: 37 N.J.R. 1714(a), 37 N.J.R. 3058(a).

Chapter Expiration Date

Chapter 31, Authority Assistance Programs, expires on July 22, 2010.

Chapter Historical Note

Chapter 31, Authority Assistance Programs, was adopted as R.1990 d.410, effective August 20, 1990. See: 22 N.J.R. 1545(a), 22 N.J.R. 2536(a).

Subchapter 7, Local Development Financing Fund, was adopted as R.1992 d.421, effective October 19, 1992. See: 24 N.J.R. 2534(a), 24 N.J.R. 3735(a).

Subchapter 8, Hazardous Discharge Site Remediation Fund, was adopted as R.1994 d.192, effective April 18, 1994. See: 25 N.J.R. 4468(a), 26 N.J.R. 1706(c).

Subchapter 9, New Jersey Boat Industry Loan Guarantee Fund, was adopted as R.1994 d.376, effective July 18, 1994. See: 26 N.J.R. 1613(a), 26 N.J.R. 2919(a).

Pursuant to Executive Order No. 66(1978), Chapter 31, Authority Assistance Programs, was readopted as R.1995 d.435, effective July 20, 1995. See: 27 N.J.R. 2377(a), 27 N.J.R. 3216(a).

Subchapter 10, Business Employment Incentive Program, was adopted as R.1996 d.470, effective October 7, 1996. See: 28 N.J.R. 3058(a), 28 N.J.R. 4510(b).

Subchapter 11, Petroleum Underground Storage Tank Remediation, Upgrade and Closure Fund, was adopted as R.1998 d.151, effective March 16, 1998. See: 29 N.J.R. 5236(b), 30 N.J.R. 1054(a).

Subchapter 12, Technology Business Tax Certificate Transfer Program, was adopted as R.1999 d.381, effective November 1, 1999. See: 31 N.J.R. 2522(a), 31 N.J.R. 3525(a).

Pursuant to Executive Order No. 66(1978), Chapter 31, Authority Assistance Programs, was readopted as R.2000 d.297, effective June 16, 2000. See: 32 N.J.R. 1705(a), 32 N.J.R. 2602(c).

Chapter 31, Authority Assistance Programs, was readopted as R.2005 d.274, effective July 22, 2005. Subchapter 5, Export Revolving Line of Credit; Subchapter 6, New Jersey Trade Adjustment Assistance Center; Subchapter 9, New Jersey Boat Industry Loan Guarantee Fund and Subchapter 13, Rules for Implementation of an Act Concerning the Restructuring of Certain Solid Waste Facility Bonds, and Providing for the Financing Thereof through the New Jersey Economic Development Authority, P.L.2001, c.401 were repealed by R.2005 d.274, effective August 15, 2005. See: Source and Effective Date. See, also, section annotations.

Subchapter 4, Downtown Beautification Program, was repealed by R.2009 d.38, effective January 20, 2009. See: 40 N.J.R. 5954(a), 41 N.J.R. 638(a).

Subchapter 9, Urban Transit Hub Tax Credit Program, was adopted as new rules by R.2009 d.53, effective February 2, 2009. See: 40 N.J.R. 6426(a), 41 N.J.R. 807(a).

Pursuant to P.L. 2008, c. 27, §10 (N.J.S.A. 34:1B-219) and by notice of administrative change, Subchapter 3, Energy Sales Tax Exemption

Program, of Chapter 121 of Title 12A was recodified as Subchapter 13 of Chapter 31 of Title 19, effective January 29, 2009. See: 41 N.J.R. 1102(a).

Subchapter 5, InvestNJ Business Grant Program, and Subchapter 6, Main Street Business Assistance Program, were adopted as special new rules by R.2009 d.73, effective February 2, 2009. See: 41 N.J.R. 1103(a). Subchapter 5, InvestNJ Business Grant Program, and Subchapter 6, Main Street Business Assistance Program, were adopted as concurrent new rules by R.2009 d.181, effective May 4, 2009. See: 41 N.J.R. 2338(a).

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. BOND FINANCING PROGRAM

- 19:31-1.1 Program description
- 19:31-1.2 Bond purchaser
- 19:31-1.3 Bond financing
- 19:31-1.4 Eligibility standards
- 19:31-1.5 Application procedures
- 19:31-1.6 Bond counsel review and fees
- 19:31-1.7 Approval process
- 19:31-1.8 Attorney General review
- 19:31-1.9 Post-closing review

SUBCHAPTER 2. LOAN GUARANTEE PROGRAMS

- 19:31-2.1 Program description
- 19:31-2.2 Eligibility standards
- 19:31-2.3 Application procedures
- 19:31-2.4 Evaluation process
- 19:31-2.5 Approval process
- 19:31-2.6 Attorney General review

SUBCHAPTER 3. DIRECT LOAN PROGRAM

- 19:31-3.1 Program description
- 19:31-3.2 Eligibility standards
- 19:31-3.3 Application procedures
- 19:31-3.4 Evaluation process
- 19:31-3.5 Approval process
- 19:31-3.6 Attorney General review

SUBCHAPTER 4. (RESERVED)

SUBCHAPTER 5. INVESTNJ BUSINESS GRANT PROGRAM

- 19:31-5.1 Applicability and scope
- 19:31-5.2 Definitions
- 19:31-5.3 Grant components and amounts
- 19:31-5.4 Eligibility criteria
- 19:31-5.5 Application requirements
- 19:31-5.6 Application procedures and disbursement process
- 19:31-5.7 Restrictions
- 19:31-5.8 Affirmative action and prevailing wage
- 19:31-5.9 Forfeiture and repayment of grants

SUBCHAPTER 6. MAIN STREET BUSINESS ASSISTANCE PROGRAM

- 19:31-6.1 Applicability and scope
- 19:31-6.2 Terms of financial assistance
- 19:31-6.3 Eligibility criteria
- 19:31-6.4 Application requirements
- 19:31-6.5 Affirmative action and prevailing wage

SUBCHAPTER 7. LOCAL DEVELOPMENT FINANCING FUND

- 19:31-7.1 Applicability and scope
- 19:31-7.2 Definitions
- 19:31-7.3 Application for financial assistance

- 19:31-7.4 Financial assistance
- 19:31-7.5 Terms of financial assistance
- 19:31-7.6 Evaluation of applications
- 19:31-7.7 Minority and women business set-aside plans and requirements
- 19:31-7.8 Rescission of financial assistance from the Fund

SUBCHAPTER 8. HAZARDOUS DISCHARGE SITE REMEDATION FUND

- 19:31-8.1 Applicability and scope
- 19:31-8.2 Definitions
- 19:31-8.3 Eligibility
- 19:31-8.4 Lien provision
- 19:31-8.5 Financial assistance: term; interest rate; transfer of title
- 19:31-8.6 Amount of financial assistance and grants
- 19:31-8.7 Priority system for financial assistance and grants
- 19:31-8.8 Non-profit pilot program
- 19:31-8.9 Application for financial assistance and grants
- 19:31-8.10 Evaluation process for financial assistance and grants
- 19:31-8.11 Approval process for financial assistance and grants
- 19:31-8.12 Disbursement of financial assistance and grants
- 19:31-8.13 Attorney General review
- 19:31-8.14 Fees
- 19:31-8.15 Public record

SUBCHAPTER 9. URBAN TRANSIT HUB TAX CREDIT PROGRAM

- 19:31-9.1 Applicability and scope
- 19:31-9.2 Definitions
- 19:31-9.3 Eligibility criteria
- 19:31-9.4 Restrictions
- 19:31-9.5 Application submission requirements
- 19:31-9.6 Application and servicing fees
- 19:31-9.7 Review of application and certification of project completion
- 19:31-9.8 Tax credit certificate
- 19:31-9.9 Tax credit amount; application and allocation of the tax credit
- 19:31-9.10 Application for tax credit transfer certificate
- 19:31-9.11 Cap on total credits
- 19:31-9.12 Reduction and forfeiture of tax credits
- 19:31-9.13 Effect of sale or lease of qualified facilities
- 19:31-9.14 Reporting requirements; letter of compliance
- 19:31-9.15 Appeals
- 19:31-9.16 Severability

SUBCHAPTER 10. BUSINESS EMPLOYMENT INCENTIVE PROGRAM

- 19:31-10.1 Applicability and scope
- 19:31-10.2 Definitions
- 19:31-10.3 Eligibility
- 19:31-10.4 Amount/term of grant
- 19:31-10.5 Business expansion or relocation
- 19:31-10.6 Grant conditions
- 19:31-10.7 Application procedures
- 19:31-10.8 Evaluation process
- 19:31-10.9 Approval process
- 19:31-10.10 Rescission and withholding of grant payments
- 19:31-10.11 Prevailing wage and affirmative action
- 19:31-10.12 Fees
- 19:31-10.13 Attorney General review

SUBCHAPTER 11. PETROLEUM UNDERGROUND STORAGE TANK REMEDIATION, UPGRADE AND CLOSURE FUND

- 19:31-11.1 Applicability and scope
- 19:31-11.2 Definitions
- 19:31-11.3 Eligibility
- 19:31-11.4 Amount and terms of financial assistance and conditional hardship grants
- 19:31-11.5 Priority system for financial assistance

- 19:31-11.6 Application for financial assistance
- 19:31-11.7 Evaluation process for financial assistance
- 19:31-11.8 Approval process for financial assistance
- 19:31-11.9 Disbursement of financial assistance
- 19:31-11.10 Attorney General review
- 19:31-11.11 Fees
- 19:31-11.12 Public record

SUBCHAPTER 12. TECHNOLOGY BUSINESS TAX CERTIFICATE TRANSFER PROGRAM

- 19:31-12.1 Applicability and scope
- 19:31-12.2 Definitions
- 19:31-12.3 Eligibility
- 19:31-12.4 Application to the program
- 19:31-12.5 Evaluation process
- 19:31-12.6 Approval process
- 19:31-12.7 Allocation of tax benefits

SUBCHAPTER 13. ENERGY SALES TAX EXEMPTION PROGRAM

- 19:31-13.1 Applicability and scope
- 19:31-13.2 Definitions
- 19:31-13.3 Eligibility criteria
- 19:31-13.4 Requests for applications
- 19:31-13.5 Submission requirements
- 19:31-13.6 Application and review procedures
- 19:31-13.7 Monitoring, inspection, and reporting
- 19:31-13.8 Rescission
- 19:31-13.9 Appeals

SUBCHAPTER 1. BOND FINANCING PROGRAM

19:31-1.1 Program description

(a) The Authority is empowered to issue tax-exempt and taxable bonds, the proceeds of which can be used to provide low-interest loans to businesses, governmental entities and certain nonprofit organizations to finance projects which provide or maintain employment and/or tax ratables.

(b) Most bond financings are not guaranteed by the Authority or the State, and are payable solely from revenues generated by the project being financed.

(c) The general credit of neither the Authority nor the State is pledged to secure the bonds.

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

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

In (a), inserted a reference to governmental entities.

19:31-1.2 Bond purchaser

(a) The applicant shall secure a written commitment from a bond purchaser.

(b) A bond purchaser shall be:

1. A commercial bank or other institutional lender;
2. An underwriter or placement agent;
3. A privately owned entity; or
4. An individual.