

CHAPTER 30  
ADMINISTRATIVE RULES

Authority

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

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 30, Administrative Rules, expires on July 22, 2010. Pursuant to 28 C.F.R. Part 35, Subchapter 7, Disability Discrimination Complaint Procedure, is exempt from the provisions of Executive Order No. 66(1978).

Chapter Historical Note

Chapter 30, Administrative Rules, was adopted as R.1974 d.332, effective December 3, 1974. See: 6 N.J.R. 455(b), 7 N.J.R. 34(c).

Subchapter 3, Payment of Prevailing Wages in Authority Projects, was adopted as R.1979 d.337, effective August 24, 1979. See: 11 N.J.R. 152(b), 11 N.J.R. 530(b).

Subchapter 4, Targeting of Authority Assistance, was adopted as R.1979 d.338, effective August 24, 1979. See: 11 N.J.R. 264(c), 11 N.J.R. 530(c).

Subchapter 5, Debarment of Applicants and Contractors, was adopted as R.1981 d.167, effective June 4, 1981. See: 12 N.J.R. 356(a), 13 N.J.R. 378(d).

Subchapter 2, Fees and Charges of Authority, was repealed and Subchapter 2, Fees and Charges, was adopted as new rules by R.1981 d.245, effective July 9, 1981. See: 13 N.J.R. 248(c), 13 N.J.R. 465(e).

Subchapter 6, Affirmative Action in Authority-Financed Construction Projects, was adopted as R.1984 d.263, effective July 2, 1984. See: 16 N.J.R. 704(a), 16 N.J.R. 1808(b).

Pursuant to Executive Order No. 66(1978), Subchapter 3, Payment of Prevailing Wages in Authority Projects, was readopted as R.1984 d.320, effective July 16, 1984. See: 16 N.J.R. 1344(a), 16 N.J.R. 2168(a).

Subchapter 7, Private Activity Bonds Reallocation and Carryforward, was adopted as R.1985 d.500, effective October 7, 1985. See: 17 N.J.R. 1750(a), 17 N.J.R. 2454(b).

Subchapter 2, Fees and Charges, was repealed and Subchapter 2, Fees, was adopted as new rules by R.1986 d.311, effective August 4, 1986. See: 18 N.J.R. 1094(b), 18 N.J.R. 1614(a).

Pursuant to Executive Order No. 66(1978), Chapter 30, Administrative Rules, was readopted as R.1990 d.411, effective July 23, 1990. As a part of R.1990 d.411, effective August 20, 1990, Subchapter 2, Fees, was recodified as Subchapter 6; Subchapter 4, Targeting of Authority Assistance, was repealed and Subchapter 3, Payment of Prevailing Wages in Authority Projects, was recodified as Subchapter 4; Subchapter 5, Disqualification of Applicants and Debarment of Contractors, was recodified as Subchapter 2, Disqualification/Debarment/Conflict of Interest; Subchapter 5, Targeting of Authority Assistance, was adopted as new rules; Subchapter 6, Affirmative Action in Authority-Financed Construction Projects, was recodified as Subchapter 3; and Subchapter 7, Private Activity Bonds Reallocation and Carryforward, was repealed. See: 22 N.J.R. 1537(a), 22 N.J.R. 2532(a).

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, Administrative Rules, 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 8, Professional Services Contracts, was adopted as R.2000 d.5, effective January 3, 2000. See: 31 N.J.R. 3244(a), 32 N.J.R. 70(a).

Pursuant to Executive Order No. 66(1978), Chapter 30, Administrative Rules, 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 30, Administrative Rules, was readopted by R.2005 d.274, effective July 22, 2005. See: Source and Effective Date. See, also, section annotations.

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## 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.

"Chief Executive Officer" means the Chief Executive Officer 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.  
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".

### 19:30-1.3 Organization

(a) The governing body of the New Jersey Economic Development Authority, in but not of the Department of Treasury, consists of the Chief Executive Officer of the New Jersey Commerce, Economic Growth and Tourism Commission, the Commissioner of Banking and Insurance, the Commissioner of Labor and Workforce Development, the State Treasurer, the Commissioner of Education and eight public members and three alternate members appointed by the Governor (collectively referred to as Members). Two public members and one alternate member are appointed by the Governor upon the advice and recommendation of the Senate President, and two public members and one alternate member are appointed by the Governor upon the recommendation of the Speaker of the General Assembly. A representative of the Economic Recovery Board shall serve as a non-voting member. The Authority is chaired by a public member appointed by the Governor.

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

1. The Program Services Division administers the issuance of 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 Program Services Division also administers the issuance of taxable bonds for projects not eligible for tax-exempt bonds,
3. The Credit Underwriting Division administers guarantees and direct loans for fixed asset financing and for working capital; and

"Prevailing wage rate" means the prevailing wage rate established by the Commissioner of New Jersey Department of Labor and Workforce Development from time to time in accordance with the provisions of N.J.S.A. 34:11-56:30 for the locality in which the project is located.

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

Definitions of Authority and Executive Director deleted; construction contract includes installation of equipment and any agreement, whether oral or written. Section recodified from 3.1.

Amended by R.2000 d.482, effective December 4, 2000.

See: 32 N.J.R. 3555(a), 32 N.J.R. 4275(b).

In "Construction contract", substituted "receiving" for "that has received final approval for".

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

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

Added "and Workforce Development" following "Department of Labor" to "Prevailing wage rate" definition.

#### 19:30-4.2 Payments of prevailing wages in projects receiving assistance

Recipients of assistance from the Authority for Projects, as defined in N.J.S.A. 34:1B-3, as a condition for receipt of such assistance, shall in all construction contracts in the amount of \$2,000 or more, require that wages paid to workers employed in the performance of the construction contracts be not less than the prevailing wage rate for such work.

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

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

Stylistic changes. Section recodified from 3.2.

#### 19:30-4.3 Assurances required

(a) Recipients of assistance for construction contracts shall deliver a certificate to the Authority (or designated agent for the Authority), upon completion of the project, signed by an authorized representative of the recipient, representing and confirming that:

1. It has complied and has caused its contractors and subcontractors to comply with the requirements of N.J.A.C. 19:30-4.2 and attaching true copies of all such construction contracts with contractors and subcontractors; or

2. It has not entered into any construction contracts subject to the provisions of N.J.A.C. 19:30-4.2.

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

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

Correction of citation. Section recodified from 3.3.

#### 19:30-4.4 Contract provisions required

(a) Each recipient of assistance from the Authority shall in all construction contracts in the amount of \$2,000 or more require that:

1. Contractors and subcontractors permit the Authority, or its designated agent, complete access to payroll records and other records for purposes of determining compliance with the provisions of this subchapter.

2. Contractors and subcontractors keep accurate records showing the name, craft or trade, and actual hourly rate of wages paid to each worker employed in connection with the performance of the contract and to preserve such records for two years from the completion date of the project.

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

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

Stylistic change. Section recodified from 3.4.

#### 19:30-4.5 Violation

A violation of the provisions of this subchapter shall be deemed a violation of N.J.S.A. 34:11-56.25 et seq.

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

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

Section 3.5, Executive Director to enforce compliance, was repealed and recodified from 4.5.

#### 19:30-4.6 (Reserved)

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

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

Section was 3.6, Effective date.

### SUBCHAPTER 5. TARGETING OF AUTHORITY ASSISTANCE

#### 19:30-5.1 Priority consideration of projects in economically distressed localities

(a) Subject to Federal tax law compliance and certain other legal restraints, any project located anywhere in the State of New Jersey may qualify for assistance from the Authority if it meets certain economic needs. Nevertheless, the Authority recognizes the special needs of certain municipalities and, accordingly, affords them priority consideration in offering its assistance. Such municipalities are eligible locations for a period of one year or longer.

(b) Qualification under this subchapter is not tantamount to project approval; it merely identifies certain municipalities for priority consideration. Projects must meet eligibility standards set forth in N.J.A.C. 19:31.

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

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

#### 19:30-5.2 Municipalities eligible for priority consideration

(a) Municipalities meeting either of the following criteria are considered eligible locations:

1. Constituting a "qualifying municipality" as defined in N.J.S.A. 52:27D-178, which designates certain municipalities as "New Jersey Urban Aid Municipalities" based on a formula including, but not limited to:

i. At least one publicly financed dwelling unit for low income families in municipalities with populations in excess of 15,000;

ii. The number of children receiving "Aid to Dependent Children" exceeds 250;

iii. The municipality's equalized tax rate exceeds the State equalized tax rate; and

iv. The municipality's equalized valuation per capita is less than the State equalized valuation per capita.

2. Eligibility under the Authority's formula requires that a municipality meet three of the four following standards:

i. Unemployment rate above the State average;

ii. Per capita income lower than the State average;

iii. Ratables per capita less than the State average;

iv. A total number of unemployed persons of 1,000 or more.

(b) A municipality shall remain on the list of eligible locations for a period of one year after the municipality ceases to meet the criteria in (a)1 and 2 above.

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

### 19:30-5.3 Special eligibility list

The Chief Executive Officer shall, from time to time, establish a list of municipalities and activities by Standard Industrial Classification Number, eligible for Authority assistance, notwithstanding the requirements of N.J.A.C. 19:30-5.2 and 19:31, based on the Authority's objectives as indicated in N.J.A.C. 19:30-1.1.

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".

## SUBCHAPTER 6. FEES

### 19:30-6.1 Application fee

A non-refundable fee of \$500.00 shall accompany every application for Authority assistance, except for an application under the Downtown Beautification Program for which the fee is \$250.00. The non-refundable application fee of \$500.00 for a guarantee of a bond issued by the Authority is in addition to the bond application fee.

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

Changed non-refundable fee of \$250.00 to \$500.00. Added text "except for an ..."

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

Exception for Trade Adjustment Assistance Center added. Section recodified from 2.1.

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

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

Rewrote the section.

### 19:30-6.2 Commitment fees

(a) A non-refundable commitment fee of \$750.00 is charged with the acceptance by an applicant of a guarantee or direct participation commitment from the Authority.

(b) A non-refundable commitment fee of \$300.00 is charged with the acceptance by an applicant of a direct loan commitment under the Downtown Beautification Program,

(c) A non-refundable commitment fee of \$500.00, or one-half of one percent of the loan amount, whichever is greater, is charged with the acceptance by an applicant of any direct loan commitment other than as described in (b) above.

(d) 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".

### 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 guaranteed conventional financing other than Authority issued bonds, the guarantee fee, to be paid at closing, is one-half of one percent of the initial amount of the guaranteed portion of the financing multiplied by the number of years the guarantee is to be in effect. 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, other than loans under the Urban Centers Small Loan Program, the fee, to be paid at closing, is \$500.00, or one-half of one percent of the loan amount whichever is greater.

(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 guarantees under the Angel Investor Program, there shall be an annual fee equal to two percent of the Authority's guarantee exposure.

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 (c); 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).

### 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.

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.

(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.

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.

### 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 Guarantee incentive fees

On a case by case basis, where the Authority's financial assistance consists of a guarantee under the Angel Investor Program, the Authority may charge an annual incentive fee for the term of the guarantee not to exceed, in the aggregate, 50 percent of the original guarantee amount. The annual incentive fee will be predetermined at approval based upon an analysis of the Authority's risk exposure and the financial benefit expected to be derived by the applicant resulting from the Authority's participation.

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".

#### Historical Note

A former N.J.A.C. 19:30-6.6 was recodified as N.J.A.C. 19:30-2.6, effective August 20, 1990.

### 19:30-6.7 Fee waiver

The Chief Executive Officer may, with the approval of the members, waive certain fees as described in this subchapter, 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 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.

## 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 Executive Director 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).

### 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.