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**RULE ADOPTIONS**

**OTHER AGENCIES**

**NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY**

49 N.J.R. 776(b)

**Adopted Amendments: N.J.A.C. 19:31-18.3 and 18.10**

**Authority Assistance Programs**

**Grow New Jersey Assistance Program**

Proposed: January 17, 2017, at 49 N.J.R. 197(a).

Adopted: March 22, 2017, by the New Jersey Economic Development Authority, Melissa Orsen, Chief Executive Officer.

Filed: March 22, 2017, as R.2017 d.071, **without change**.

Authority: P.L. 2011, c. 149.

Effective Date: April 17, 2017.

Expiration Date: November 9, 2017.

**Summary of Public Comment and Agency Response:**

**No public comments were received.**

**Federal Standards Statement**

A Federal standards analysis is not required because the adopted amendments are not subject to any Federal requirements or standards.

**Full text** of the adoption follows:

**SUBCHAPTER 18. GROW NEW JERSEY ASSISTANCE PROGRAM**

**19:31-18.3 Eligibility criteria**

(a) In order to be considered for a Grow New Jersey tax credit, the chief executive officer of a business shall demonstrate at the time of application that the business, expressly including its landlord or seller, will make, acquire, or lease a

capital investment equal to or greater than, the applicable capital investment required in (a)1 below at which it will retain full-time jobs and/or create new full-time jobs in an amount equal to or greater than, the applicable number in (a)2 below.

1.-2. (No change.)

3. The business shall also demonstrate to the Authority that:

i. (No change.)

ii. The proposed capital investment and the resultant retention and creation of full-time jobs will yield a net positive economic benefit, equaling at least 110 percent of the requested tax credit allocation amount, to the State, as calculated pursuant to N.J.A.C. 19:31-18.7(c) prior to taking into account the value of the requested tax credit, and shall be based on the benefits generated during the first 20 years following the completion of the project, except that:

(1) For a mega project or a project located in a Garden State Growth Zone, the determination shall be based on the benefits generated during a period of up to 30 years following the completion of the project;

(2) For a project located in a Garden State Growth Zone that qualified for the Municipal Rehabilitation and Economic Recovery Act, P.L. 2002, c. 43 (N.J.S.A. 52:27BBB-1 et seq.), the net positive economic benefit determination shall be based on the benefits generated during a period of up to 35 years following completion of the project, and shall equal at least 100 percent of the requested tax credit allocation; and

(3) The net positive economic benefit shall be discounted to reflect the uncertainty of the business's location after the commitment period expires;

iii.-iv. (No change.)

(b)-(d) (No change.)

19:31-18.10 Incentive agreement

(a) (No change.)

(b) The incentive agreement shall include, but not be limited to, the following terms or conditions as determined by the Chief Executive Officer of the Authority:

1.-14. (No change.)

15. Default and remedies;

16. Reporting requirements; and

17. A provision to permit the Authority to recoup, during the period of the net positive economic benefit, all or a portion of the tax credits awarded based on the net positive economic benefit calculated for the years after the commitment period.

(c) (No change.)