

## PROPOSALS

## OTHER AGENCIES

binding contract to purchase the property. Prospective Buyer acknowledges that he or she understands that the visual inspection performed by the Seller's real estate broker/broker-salesperson/salesperson does not constitute a professional home inspection as performed by a licensed home inspector.

PROSPECTIVE BUYER: \_\_\_\_\_

DATE: \_\_\_\_\_

PROSPECTIVE BUYER: \_\_\_\_\_

DATE: \_\_\_\_\_

### ACKNOWLEDGMENT OF REAL ESTATE BROKER/ BROKER-SALESPERSON/SALESPERSON

The undersigned Seller's real estate broker/broker-salesperson/salesperson acknowledges receipt of the Property Disclosure Statement form and that the information contained in the form was provided by the Seller.

The Seller's real estate broker/broker-salesperson/salesperson also confirms that he or she visually inspected the property with reasonable diligence to ascertain the accuracy of the information disclosed by the seller, prior to providing a copy of the property disclosure statement to the buyer.

The Prospective Buyer's real estate broker/broker-salesperson/salesperson also acknowledges receipt of the Property Disclosure Statement form for the purpose of providing it to the Prospective Buyer.

SELLER'S REAL ESTATE BROKER/BROKER-  
SALESPERSON/SALESPERSON: \_\_\_\_\_

DATE: \_\_\_\_\_

PROSPECTIVE BUYER'S REAL ESTATE BROKER/  
BROKER-SALESPERSON/SALESPERSON: \_\_\_\_\_

DATE: \_\_\_\_\_

## OTHER AGENCIES

### (a)

### NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY

#### Authority Administrative Rules

#### Fees

#### Proposed Amendments: N.J.A.C. 19:30-6.1, 6.2, 6.3, 6.4, and 6.7

#### Proposed New Rule: N.J.A.C. 19:30-6.1A

Authorized By: New Jersey Economic Development Authority, Tim Sullivan, Chief Executive Officer.

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

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2023-021.

Submit written comments by June 2, 2023, to:

Alyson Jones, Director of Legislative and Regulatory Affairs  
New Jersey Economic Development Authority  
PO Box 990  
Trenton, NJ 08625-0990  
[ajones@njeda.com](mailto:ajones@njeda.com)

The agency proposal follows:

#### Summary

The New Jersey Economic Development Authority ("NJEDA" or "Authority") is proposing amendments to the existing fee rules at N.J.A.C. 19:30-6, and a new fee rule, N.J.A.C. 19:30-6.1A, General fee applicability.

Proposed new N.J.A.C. 19:30-6.1A(a) provides that all applicants will be subject to fees that are either: (1) included in a specific rulemaking; or (2) are generally applicable fees as provided in the fee rules themselves. Proposed new subsection (b) establishes that the Authority's Board may

approve, as determined to be reasonable and in the best interest of the Authority, separate program or initiative specific fees, if: (1) it is an emergency assistance program established in connection with a declared state of emergency; (2) it is a pilot program in effect for no more than three years; or (3) other sources of funding are available for the Authority's administrative costs. Proposed new subsection (b) also includes a list of non-exhaustive factors that may be considered when setting these fees.

N.J.A.C. 19:30-6.1, Application fee, is amended to provide that an application fee may be refunded, in whole or in part, where an application is not processed or approved because the application is incomplete or the funding for the program or initiative is exhausted. In addition, paragraphs (a)2 and 5 and subsections (c) and (d) are proposed for deletion.

N.J.A.C. 19:30-6.2, Commitment fees, is amended to clarify the extension fee process and to correct a cross-reference.

N.J.A.C. 19:30-6.3, Closing fees, is amended to add "bond" to the heading of the section for clarity. The amendments also delete subsection (f), containing the lease origination fee for structured finance lease transactions, as it is not used.

N.J.A.C. 19:30-6.4, Post-closing fees, is amended to add "bond" to the section heading and to subsection (b) for clarity. The subsection regarding participation in auto-debit transaction payments is removed because it is not used.

N.J.A.C. 19:30-6.7, Fee waiver, is amended to provide that the Authority's Board may adopt objective criteria for waiving fees and delegate the authority to approve fee waivers based on that criteria to the Chief Executive Officer. The criteria may include, but are not limited to, the nature of the applicant and whether the fee presents an undue financial hardship for the applicant. The language regarding delegations is clarified. The language regarding fee waivers for municipal governmental agencies, State agency projects, and transactions that support multi-jurisdictional, interstate projects is clarified such that it applies to all fees, rather than just certain fees.

As the Authority has provided a 60-day comment period on this notice of proposal, this notice is excepted from the rulemaking calendar requirement pursuant to N.J.A.C. 1:30-3.3(a)5.

#### Social Impact

The Authority's authorizing statute empowers it "... to require and collect such fees and charges as the authority shall determine to be reasonable ..." N.J.S.A. 34:1B-5(k). The Authority anticipates that the proposed fee amendments and new fee rule will have a positive social impact by allowing the Authority to appropriately, responsibly, and transparently standardize its fee setting, waiving, and refunding process.

#### Economic Impact

The Authority anticipates that the proposed amendments to the existing fee rules and the new fee rule will help strengthen the State's economy by allowing the Authority to impose right-sized fees on applicants, thus supporting the Authority's mission to implement programs and initiatives that improve quality of life, enhance economic vitality, and strengthen New Jersey's long-term economic competitiveness.

#### Federal Standards Statement

A Federal standards analysis is not required because the proposed fee amendments and new fee rule are not subject to any Federal laws, requirements, or standards.

#### Jobs Impact

The proposed fee rule amendments and new fee rule are not expected to have a direct impact on the creation or loss of jobs.

#### Agriculture Industry Impact

The proposed fee amendments and new fee rule will not have any impact on the agriculture industry of the State of New Jersey.

#### Regulatory Flexibility Analysis

The proposed amendments and new rule are not expected to impose any reporting, recordkeeping, or compliance requirements on small businesses, as defined in the New Jersey Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq.

**Housing Affordability Impact Analysis**

The proposed amendments and new rule are not likely to have a direct effect on the average costs associated with housing, nor will it affect the affordability of housing in the State, as the rules apply to Authority program fees.

**Smart Growth Development Impact Analysis**

The proposed fee amendments and new rule will have an insignificant impact on smart growth and there is an extreme unlikelihood that the proposed amendments and new rule would evoke a change in housing production in Planning Areas 1 or 2, or in designated centers, under the State Development and Redevelopment Plan, as the rules apply to Authority program fees.

**Racial and Ethnic Community Criminal Justice and Public Safety Impact**

The proposed fee amendments and new fee rule will not have an impact on pretrial detention, sentencing, probation, or parole policies concerning juveniles and adults in the State. Accordingly, no further analysis is required.

**Full text** of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

## SUBCHAPTER 6. FEES

## 19:30-6.1 Application fees

(a) [Except as set forth in (c) and (d) below,] **Unless otherwise established in accordance with N.J.A.C. 19:30-6.1A**, a non-refundable fee of \$1,000 shall accompany every application for Authority assistance, except for:

1. (No change.)

[2. An application submitted by a higher education institution pursuant to P.L. 2009, c. 90 for which the fee is .125 percent of the total project cost or \$15,000, whichever is greater;]

[3.] **2. An application for assistance under the Small Business Fund and the New Jersey Local Development Financing Fund Act, N.J.S.A. 34:1B-47 et seq., for which the fee is \$300.00; and**

[4.] **3. An application for assistance under the Real Estate Impact Fund, for which the fee is \$2,500; and].**

[5. An application for assistance under the Brownfields Loan Program, for which the fee is \$2,500;]

(b) (No change.)

[(c) For applicants filing concurrent applications for Authority assistance for multiple products of equivalent type, for example all loans, the application fee for the subsequent application shall be reduced by 50 percent.

(d) For applicants filing application(s) for Authority assistance within 12 months of closing a previous financing, a non-refundable application fee in an amount equaling 50 percent of the regular application fee shall be paid.]

[(e)] (c) (No change in text.)

**(d) An application fee may be refunded, in whole or in part, where an application is not processed or approved because the application is incomplete or the funding for the program or initiative is exhausted.**

**19:30-6.1A General fee applicability**

(a) Except as otherwise provided at (b) below, applicants for Authority assistance shall be subject to a fee in accordance with:

1. The applicable fees specifically adopted through a rulemaking for the administration of a program or initiative; or

2. The generally applicable fee established in accordance with this subchapter, unless otherwise established by law.

(b) The members of the Board may set separate program or initiative specific fees or establish that fees will not be charged, as determined to be reasonable and in the best interest of the Authority, under the following circumstances:

1. Any emergency assistance program or initiative established in connection with a declared state of emergency, for which the Authority's Board has set different fees in an open public meeting,

which fees shall be based on factors that may include, but are not limited to:

i. The nature of the state of emergency;

ii. The amount of funding available;

iii. The hardship to the prospective applicants as a result of the emergency;

iv. The anticipated demand for assistance;

v. The need to provide assistance under exigent circumstances;

vi. The administrative costs to the Authority; and/or

vii. The availability of other sources of funding for the Authority's administrative costs;

**2. Any pilot program or initiative that will be in effect for three or fewer years, for which the members of the Board have set different fees in an open public meeting, which fees shall be based on factors that may include, but are not limited to:**

i. The nature of the pilot program or initiative;

ii. The amount of funding available;

iii. The mission of the prospective applicant pool;

iv. The anticipated demand for the assistance;

v. The administrative costs to the Authority; and/or

vi. The availability of other sources of funding for the Authority's administrative costs; or

**3. Any program or initiative where there is availability of other sources of funding for the Authority's administrative costs.**

## 19:30-6.2 Commitment fees

(a)-(d) (No change.)

(e) 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] at (a), (b), (c), or (d) [or (e)] above.

(f) A non-refundable extension fee of \$750.00, per extension requested by the borrower **or applicant**, shall be charged for the granting of an extension of the commitment letter **or of conditions required in an approval letter** beyond the original expiration date.

19:30-6.3 [Closing] **Bond closing fees**

(a)-(e) (No change.)

[(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.]

19:30-6.4 [Post-closing] **Bond post-closing fees**

(a) (No change.)

(b) When a **bond** 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)] (c) (No change in text.)

## 19:30-6.7 Fee waiver

(a) The Chief Executive Officer may, with the approval of the members of the Board, waive certain fees upon demonstration by [the] **an** applicant that the imposition of the fee(s) would impose an undue financial hardship.

(b) The members may adopt criteria for the waiving of fees in an open public meeting and delegate authority to the Chief Executive Officer for approving fee waivers under those criteria. The criteria may include, but are not limited to, the nature of the applicant or whether the fee presents an undue financial hardship for the applicant.

(c) The members may delegate to [a Director, with the concurrence of] the Chief Executive Officer, [Chief Operating Officer, or Senior Vice President,] **who may further delegate** authority to waive a loan commitment extension fee; [and] or [may delegate to a Director,] authority to waive late fees when the cause for the late fee is beyond the control of the borrower.

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(d) 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), State agency projects, or [conduit bond] transactions that support multi-jurisdictional, interstate 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.

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