

PUBLIC NOTICE
NON-RESIDENTIAL DEVELOPMENT FEE ACT AMENDMENTS

On July 27, 2009 Governor Jon S. Corzine signed into law the New Jersey Economic Stimulus Act of 2009. Sections 37 through 39 of the New Jersey Economic Stimulus Act of 2009 suspend the Non-Residential Development Fee Act which was signed into law on July 17, 2008. As a result, proof of payment of a non-residential development fee or proof of an exemption is no longer required for a final certificate of occupancy to be issued.

All developers involved in the construction of non-residential development which is subject to the Non-Residential Development Fee Act must still complete Form NRDF. The Form will be modified to reflect the amendments to the Non-Residential Development Fee Act by the Economic Stimulus Act of 2009 and the additional exempt status of certain projects which receive preliminary or final site plan approval prior to July 1, 2010.

In addition, developers that have paid a non-residential development fee since July 17, 2008, may claim a refund of “the difference between the moneys committed prior to July 17, 2008 and the monies paid.” The New Jersey Economic Stimulus Act provides that a developer can submit a claim for reimbursement of non-residential development if:

- the developer paid a non-residential development fee and the non-residential development received preliminary or final site plan approval prior to July 17, 2008; or
- the developer paid a non-residential development fee and the non-residential project was referred to a planning board by the state, a governing body, or other public agency for review prior to July 17, 2008; or
- the developer paid a non-residential development fee and the non-residential development is not subject to a fee pursuant to N.J.S.A. 40:55D-8.6.

A developer seeking a refund shall submit the claim in writing to the same entity to which the fee was paid. **Claims must be received by the local entity or the State by close of business on November 30, 2009. Any claims received after close of business November 30, 2009 will be denied.**

Claims shall be made in writing and include a copy of the Certificate of Payment or Payment Receipt. If payment was made to the state either via check or via online payment, claims shall be submitted to:

If using the United States Postal Service mail to

Department of Community Affairs
Division Of Codes and Standards
PO BOX 802
Trenton NJ 08625-0802

Attn: Non-Residential Development Fee Coordinator

If hand delivering or using an over night delivery service use

Department of Community Affairs
Division Of Codes and Standards
101 South Broad Street
6th Floor
Trenton NJ 08608
Attn: Non-Residential Development Fee Coordinator

If payment of the non-residential development fee was made to the municipality, the developer should contact the municipality's tax assessor and/or construction official in order to determine where to submit a claim.

A municipality that has returned all or a portion of non-residential fees in accordance with the Act shall be reimbursed from the funds available through the \$15 million appropriation made into the New Jersey Affordable Housing Trust Fund. The reimbursement shall be made within 30 days of the municipality providing written notice to the Council on Affordable Housing at:

NJ Council on Affordable Housing
PO Box 813
Trenton, NJ 08625-0813
Attn: Larissa DeGraw
OR:
COAHmail@dca.state.nj.us

A municipality that seeks reimbursement from the New Jersey Affordable Housing Trust Fund should submit its request by close of business on Tuesday March 30th, 2010. Proof of request for reimbursement is necessary for municipalities that seek to have their affordable housing obligations reduced or eliminated pursuant to Section 40 of the Act.

Any questions concerning the Non-Residential Development Fee should be directed to Department of Community Affairs, Division of Housing at 609-292-3732. Any questions concerning municipal development fee ordinances should be directed to the Council on Affordable Housing at 609-292-3000.