

authorization to utilize an authorized private on-site inspection agency.

1. Within 15 business days of receiving a notification pursuant to this subsection, the Department shall determine whether the enforcing agency has demonstrated repeated inability, and, if the Department so determines, it shall authorize the owner, agent, or other responsible person in charge of work to utilize an authorized private on-site inspection agency for all or a portion of the necessary inspections for the remainder of the project.

2. Any party in interest aggrieved by the decision of the Department may make an appeal to the Hearing Coordinator, Division of Codes and Standards, Department of Community Affairs, PO Box 802, Trenton, NJ 08625, pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and 52:14F-1 et seq.

5:23-4.17 Municipal enforcing agency fees

(a) (No change.)

(b) On or before February 10 of each year, in a municipality that budgets according to the calendar year (January 1 to December 31), or on or before August 10 of each year, in a municipality that budgets according to the State fiscal year (July 1 to June 30), the construction official shall, with the advice of the subcode officials and in consultation with the municipal finance officer, prepare and submit to the governing body a report detailing the receipts and expenditures of the enforcing agency and indicating his or her recommendations for a fee schedule, based on the operating expense of the agency.

1.-3. (No change.)

4. The report shall also include the measures taken by the municipality pursuant to N.J.A.C. 5:23-4.4(e) to ensure inspections are performed in a timely manner. This report shall take into account projected work and agency resource needs for the next budget year.

(c)-(e) (No change.)

5:23-4.18 Standards for municipal fees

(a)-(i) (No change.)

(j) Fees to be charged by municipalities where private on-site inspection and plan review agencies or supplemental private on-site inspection agencies carry out subcode official responsibilities shall not exceed those amounts to be paid to those private agencies for those services, pursuant to the contract between the private agency and the municipality, plus such amount as may be sufficient to cover a proportionate share of administrative costs incurred by the local enforcing agency in connection with inspections performed by private agencies.

(k)-(l) (No change.)

(a)

NEW JERSEY HISTORIC TRUST

Garden State Historic Preservation Trust Fund Grants

Proposed Amendments: N.J.A.C. 5:101-1.3, 2.1 through 2.9, 3.1, 3.2, 3.4, 3.5, 3.6, 3.7, 3.8, 4.1, and 5.1

Proposed New Rules: N.J.A.C. 5:101-2.4, 2.5, 2.6, 2.7, 2.10, 2.11, 2.12, 2.13, 2.14, 2.17, 2.18, 2.19, 2.22, 2.23, 2.24, 3.6, 3.7, 3.10, 3.11, and 3.12

Authorized By: Peter Lindsay, Chair, New Jersey Historic Trust.

Authority: N.J.S.A. 13:1B-15.114.c and 13:8C-42.

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

Proposal Number: PRN 2023-078.

Submit written comments by October 6, 2023, to:

Geraldine Callahan
 Department of Community Affairs
 PO Box 800
 Trenton, New Jersey 08625

Fax No. (609) 984-6696

geraldine.callahan@dca.nj.gov

The agency proposal follows:

Summary

This rulemaking includes a series of proposed amendments to the Garden State Historic Preservation Trust Fund Grants rules, N.J.A.C. 5:101. Following the voter-approved ballot reference in 2014 to dedicate a portion of the corporate business tax, P.L. 2016, c. 12, and subsequently P.L. 2019, c. 136, were enacted to implement the funding for Open Space, Farmland, and Historic Preservation. In addition to its regular program, this implementing legislation enabled the New Jersey Historic Trust (“Historic Trust” or “Trust”) to use its funding to purchase historic preservation easements and to establish funding for emergency intervention. The proposed amendments implement these two changes. In addition, new sections have been added to aid applicants in submitting applications for heritage tourism and municipal, county, and regional (MCRP) planning activities. While the Historic Trust has funded both heritage and local planning grants as part of its regular planning grant offering, these new sections were added to clarify and address specific application and criteria requirements that differentiate them from the historic sites management grants. A new project category, special projects, was added to aid the Historic Trust’s ability to address larger, more regional preservation needs in the State. Throughout the chapter, “construction” and “project” are replaced with “capital” and “grant,” respectively.

1. At N.J.A.C. 5:101-1.3, “capital” was substituted for “construction” and “grant” was substituted for “project” to maintain consistency throughout the chapter. The following terms are added: “disaster preparedness plan,” “emergency intervention,” “historic preservation easement,” “multi-phased construction projects,” “Municipal, County, Regional Planning Grant,” “Special Project Grant,” “stabilization,” and “visitor amenity.” Additionally, “Fund” and “Secretary of the Interior’s Standards” are proposed for amendment to include the Preserve New Jersey Historic Preservation Trust Fund and to update the standards document from the 1995 to the 2017 version, respectively.

2. N.J.A.C. 5:101-2.1(b) is proposed for amendment to add “MCRP, heritage tourism, and emergency intervention grants.” New N.J.A.C. 5:101-2.1(c) is proposed to identify who was eligible to apply for an historic preservation easement.

3. New N.J.A.C. 5:101-2.2(a)3 is proposed to clarify lease requirements if the applicant does not own the property in fee simple, but it is owned by the government. If the lease is not the required length, the applicant may still be eligible if the government entity co-signs the grant agreement.

4. At N.J.A.C. 5:101-2.3, “planning grants” was replaced with “historic site management grants.”

5. Proposed new N.J.A.C. 5:101-2.4 clarifies eligible properties for municipal, county, and regional planning (MCRP) grants.

6. Proposed new N.J.A.C. 5:101-2.5 clarifies eligible properties for heritage tourism grants.

7. Proposed new N.J.A.C. 5:101-2.6 clarifies eligible properties for emergency intervention grants.

8. Proposed new N.J.A.C. 5:101-2.7 clarifies eligible properties for the acquisition of historic preservation easements.

9. Recodified N.J.A.C. 5:101-2.8 is proposed for amendment to include visitor amenity to the list of eligible activities for a capital grant at paragraph (a)4. “Archaeological investigations and report” is proposed for deletion from existing subparagraph (a)9v as it is now considered part of the construction activities and not limited to 20 percent of the total project. Proposed new subparagraph (a)10viii is added to include programs or workshops to aid maintenance and stewardship. Existing N.J.A.C. 5:101-2.8(a)10 and 11 that allowed for management fees to exceed the 20 percent cap for non-construction costs are proposed for deletion, as they are no longer relevant to the program.

10. Recodified N.J.A.C. 5:101-2.9 is proposed for amendment to delete design guidelines; heritage tourism, plans, and initiatives; and visitor assessments as eligible activities for historic site management grant, as they have been listed elsewhere in the chapter.

11. New N.J.A.C. 5:101-2.10 is proposed to set forth eligible activities for MCRP grants.

12. New N.J.A.C. 5:101-2.11 is proposed to set forth eligible activities for heritage tourism grants.

13. New N.J.A.C. 5:101-2.12 is proposed to set forth eligible activities for emergency intervention grants.

14. New N.J.A.C. 5:101-2.13 is proposed to set forth eligible activities for easement acquisition.

15. New N.J.A.C. 5:101-2.14 is proposed to set forth eligible activities for special project grants.

16. Recodified N.J.A.C. 5:101-2.15(a)1 is proposed for amendment to clarify that funding cannot be used to acquire property unless it is intended to purchase a historic preservation easement. Recodified N.J.A.C. 5:101-2.15(a)21 is proposed for amendment to clarify that funding can no longer be used to fund houses of worship.

17. Recodified N.J.A.C. 5:101-2.16 is proposed for amendment to change the heading to incorporate procedures for historic site management grants, MCRP, heritage tourism, and capital grants, as this section identifies the items needed for each type of application, and subparagraph (a)3xiii is proposed to include for heritage tourism projects.

18. New N.J.A.C. 5:101-2.17 is proposed to set forth procedures to apply for an emergency intervention grant.

19. New N.J.A.C. 5:101-2.18 is proposed to set forth procedures to apply for the acquisition of an historic preservation easement.

20. New N.J.A.C. 5:101-2.19 is proposed to set forth procedures to apply for special project grants.

21. Recodified N.J.A.C. 5:101-2.20 is proposed for amendment at subsection (c) to clarify what may or may not be used as a funding match.

22. Recodified N.J.A.C. 5:101-2.21 is proposed for amendment to update the heading of the section regarding matching funds to include MCRP and heritage tourism, as they all have the same requirement. Subsection (b) is proposed for amendment to indicate what may or may not be used as a funding match. Existing N.J.A.C. 5:101-2.9(c) is proposed for deletion to eliminate the match expended allowance for historic site management, MCRP, and heritage tourism grants. Recodified N.J.A.C. 5:101-2.21(c) is proposed for amendment to clarify what shall consist of a matching share.

23. New N.J.A.C. 5:101-2.22 is proposed to remove matching requirements for emergency intervention grants.

24. New N.J.A.C. 5:101-2.23 is proposed to specify that matching funds are not required for easement acquisition and also includes a requirement that the value of the easement be based on a professionally prepared real estate appraisal.

25. New N.J.A.C. 5:101-2.24 is proposed to waive matching requirements for a special project grant; however, requiring the applicant to demonstrate agency commitment either through in-kind service or actual cash contribution.

26. N.J.A.C. 5:101-3.1 is proposed for amendment to remove a requirement to allocate 10 percent of all funds to areas with specific initiative designation. The Historic Trust has found that, at any given time, those designated areas may or may not generate applications; thus, it has incorporated advantages for those special initiative areas into its scoring process.

27. New N.J.A.C. 5:101-3.2(a)10 is proposed to include the status of an applicant's existing open grant as a consideration in awarding a new grant — either capital or planning. New subsections (c) through (g) are proposed to address additional criteria for MCRP, heritage tourism, emergency intervention and easement acquisition, and special project grants.

28. New N.J.A.C. 5:101-3.4(g) is proposed to allow the Historic Trust to advance 100 percent of the grant award to a State agency to facilitate their ability to engage consultants and contractors and adhere to State bidding procedures.

29. N.J.A.C. 5:101-3.5 is proposed for amendment to add MCRP and heritage tourism to the commencement of project and payment for historic site management grants. New subsection (f) is proposed to allow the Historic Trust to advance 100 percent of the grant award to a State agency to facilitate their ability to engage consultants and contractors and adhere to State bidding procedures.

30. New N.J.A.C. 5:101-3.6 is proposed to set forth commencement and payment procedures for emergency intervention grants.

31. New N.J.A.C. 5:101-3.7 is proposed to set forth commencement and payment procedures for the acquisition of an historic preservation easement.

32. At recodified N.J.A.C. 5:101-3.8, subsection (b) is proposed to allow for a larger project that would have more than one phase of work. In this way, the applicant would receive a commitment for future funding and not need to pause their project as they applied for another phase of work. The commitment for funding assists applicants in securing better rates when bonding for their capital match and is a more economical way to program a construction project.

33. Recodified N.J.A.C. 5:101-3.9 is proposed for amendment to add MCRP and heritage tourism and to increase the maximum grant from \$50,000 to \$75,000. The 25 percent match remains the same. The increase was needed to accommodate a gradual increase in the cost of consultant fees over time while continuing to fund the same types of planning projects.

34. New N.J.A.C. 5:101-3.10 is proposed to govern emergency intervention grants. The maximum award is specified at \$150,000 and the minimum is \$5,000. This fund was established as a result of the type of need that historic sites experienced following several of our environmental disasters. The ability to quickly respond to emergency requests at a historic site can be critical to maintaining and preserving historic authenticity.

35. New N.J.A.C. 5:101-3.11 is proposed to govern easement acquisition. The grant award for the acquisition of a perpetual easement will be based, in part, on professional appraisals and the criteria specified at N.J.A.C. 5:101-2.13.

36. New N.J.A.C. 5:101-3.12 is proposed to govern special project grant awards. As defined in this chapter, a special project is one that has been determined to have regional and/or State importance that benefits the historic preservation community as a whole. There is no specific dollar match required, but applicants should demonstrate commitment through in-kind staffing or other means.

37. N.J.A.C. 5:101-4.1 has been restructured to distinguish between term easement and perpetual easement. While the Trust has historically required the granting of a term easement as a condition of a grant to a nonprofit organization, a new subsection was added to govern perpetual easements, which may either be donated to, or acquired by, the Historic Trust.

38. New N.J.A.C. 5:101-5.1(h) is added to include a requirement for signage for historic properties where the Historic Trust is holding a perpetual easement and requires the sign to be installed within 90 days from recordation.

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

Social Impact

The proposed amendments and new rules will have a positive social impact in that it will improve access to our historic preservation grants. There had been a perception that the types of grants the Historic Trust offered were limited given the application types. With these proposed amendments and new rules, separate applications and criteria will be used to engage new audiences and support local efforts to protect resources. Creating a new category for "special projects" enables the Historic Trust to support initiatives that have a regional or Statewide benefit, thus expanding the number of eligible resources and uncovering here-to-for under-represented history.

Economic Impact

The proposed amendments and new rules are likely to have a positive economic impact in that the maximum grant award for Historic Sites Management Grants (HSM) including Heritage Tourism and Municipal, County, and Regional Planning grants is increased from \$50,000 to \$75,000. The Historic Trust has not increased its maximum award for HSM grants in two decades and is being updated now to take into account the gradual rising cost of professional consultant fees over time. The proposed amendments and new rules also create separate chapters for Heritage Tourism to clarify and expand the criteria used in evaluating this

specific type of grant and should increase awareness of its availability. Heritage Tourism is an important component (eight percent) of the State’s tourism revenue, thus increased tourism activity will benefit the State’s economy. In addition, the ability to purchase and hold preservation easements on important historic resources will assist stewards in maintaining these properties and ensure protection in perpetuity. As these activities are voluntary on the part of the applicant, it is not anticipated that any negative impact will result from these proposed amendments and new rules.

Federal Standards Statement

No Federal standards analysis is required because the amendments and new rules are not being proposed pursuant to the authority of, or in order to implement, comply with, or participate in, any program established pursuant to Federal law or any State statute that incorporates or refers to any Federal law, standard, or requirements.

Jobs Impact

The proposed amendments and new rules are not expected to have any impact on the creation or loss of jobs; however, clarifying the types of grants offered would likely increase the number and type of applicants and the type of consultants that could benefit from this program.

Agriculture Industry Impact

The Historic Trust does not anticipate that the proposed amendments and new rules would impact the agriculture industry.

Regulatory Flexibility Statement

The proposed amendments and new rules will not negatively impact regulatory flexibility. The grant applicants are either nonprofit organizations or entities of government, therefore, they are not “small businesses” as defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq., and a regulatory flexibility analysis is not required. The majority of projects funded by grants from the Historic Trust have traditionally relied on smaller scale businesses to implement. While these proposed amendments and new rules will clarify and facilitate certain types of allowable activities, they will not increase burden on applicants or businesses.

Housing Affordability Impact Analysis

The proposed amendments and new rules are not expected to have an impact on the affordability of housing in New Jersey and would not evoke a change in the average costs associated with housing because the proposed amendments and new rules would only address grant funding from the Historic Trust and would not affect housing costs.

Smart Growth Development Impact Analysis

Historic Trust funding is a financial tool that can be used to foster Smart Growth. The State Plan (Chapter 9. Historic, Cultural and Scenic Resources) supports and endorses the preservation and renewal of historic and archaeological resources. These proposed amendments and new rules will facilitate funding to support planning efforts and encourage entities of governments to plan for the protection of resources on the local, county, and regional levels. Policy 14 Travel & Tourism from Chapter 5 (Economic Development and Private Sector) supports investment in facilities and marketing of cultural and history resources to enhance tourism revenue. In economic terms, heritage tourism is a contributing revenue generator for the State and thus making our grant program more accessible fosters visitor readiness, which results in increased visitation. Funding from the Historic Trust can be stacked with other programs, such as the new historic rehabilitation tax credit to support rehabilitation of income producing resources.

Racial and Ethnic Community Criminal Justice and Public Safety Impact Statement

The Historic Trust has evaluated this rulemaking and determined that it will not have an impact on pretrial detention, sentencing, probation, or parole policies concerning adults and juveniles 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 1. GENERAL PROVISIONS

5:101-1.3 Definitions

The following words and terms, as used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

“Applicant” means the State agency or entity, local government unit, or nonprofit organization that submits an application for a historic preservation grant.

“Approved project period” means the amount of time prescribed in the [project] **grant** agreement in which the grant recipient **must satisfactorily** complete the approved historic preservation project to be eligible for the full funding authorized for the project.

“[Construction] **Capital grant**” means the matching funds appropriated from the Garden State Historic Preservation Trust Fund for the purpose of planning and/or undertaking the preservation, restoration, or rehabilitation of a historic property.

“Deputy Historic Preservation Officer” means the person designated, in writing, by the Commissioner of the Department of Environmental Protection to administer the State Historic Preservation Program to identify and nominate eligible properties to the State and National Registers of Historic Places.

“Disaster preparedness plan” is a document that identifies risks to buildings, collections, and/or public places and creates procedures to follow if an event occurs.

“Emergency intervention” means any activity that provides assistance to, or any construction activity that restores the immediate stability of a historic property when a situation in which the condition of a property is so damaged by an event such as, but not limited to, a natural disaster, major fire, serious accident, structural collapse, or threat of demolition, that it constitutes an immediate, direct, demonstrable, and severe hazard to the public safety. Treatment may be temporary in nature to prevent worsening of a situation.

“Fund” means the Garden State Historic Preservation Trust Fund **and/or the Preserve New Jersey Historic Preservation Trust Fund.**

“Grant agreement” means a document executed by the New Jersey Historic Trust and a grant recipient which provides a specified amount of grant assistance for a historic preservation project approved by the Trust and subject to conditions to [assure] **ensure** benefit to the public, compliance with public laws, and continued preservation of the property, structure, or site.

“Grant recipient” means the applying State agency or entity, local government unit, or nonprofit organization named in a project agreement executed with the Trust that has been selected to receive grant funds for a historic preservation project.

“Heritage tourism project” means those activities or initiatives that plan, support, and enhance visitor experience to the places that authentically represent the stories and people of the past and can include linkages between historic, cultural, and natural resources.

“Historic” as applied to any property, structure, facility, or site means any area, site, district, structure, or object approved for inclusion, or which meets the criteria for inclusion, in the New Jersey Register of Historic Places pursuant to P.L. 1970, c. 268 (N.J.S.A. 13:1B-15.128 et seq.).

“Historic preservation easement” means an interest in land, less than fee simple title thereto, that is purchased from a private or governmental property owner to permanently protect a historic property, and that is granted by the property owner to the New Jersey Historic Trust, a local government unit, or a qualifying tax-exempt nonprofit organization.

“Historic preservation project” means work directly related to the restoration, preservation, or rehabilitation of a historic property, structure, facility, site, or district, and shall include: any work related to providing access thereto for handicapped or disabled persons in [accord] **accordance** with the Americans with Disabilities Act, 42 [U.S.C.A. §] **U.S.C. §§ 12101 [to §] through 12213**, and the State Barrier Free Subcode, N.J.A.C. 5:23-7; and work directly related to the planning for future preservation activities at a historic property, structure, facility, site,

or district; and site management activities at a historic property, structure, facility, site, or district.

...
 “Historic site management grant” means the matching funds appropriated from the Garden State Historic Preservation Trust Fund **and/or the Preserve New Jersey Historic Preservation Trust Fund** for the purpose of planning for the preservation, restoration, or rehabilitation of a historic property, determining the feasibility of proceeding with a capital historic preservation project, or activities that aid in strengthening the local government unit or nonprofit organization’s capabilities to operate and sustain a historic site and enhance their ability to serve the public and further their mission.

...
“Multi-phased construction projects” means a large-scale project of \$2,000,000, or more, where a commitment is made by the Trust to fund two or more phases, contingent on the availability of funds.

“Municipal, County, Regional Planning Grant” or “MCRP” means monies approved by the New Jersey Historic Trust to fund a planning initiative to further the goals of historic preservation, including identification, evaluation, and protection of resources.

“National Register of Historic Places” means the national list of districts, sites, buildings, structures, and objects significant in American history, architecture, archaeology, engineering, or culture maintained by the Secretary of the United States Department of the Interior [under] **pursuant to the** authority of the National Historic Preservation Act, as amended (16 U.S.C. §§ 470 et seq.)

...
 “New Jersey Register of Historic Places” consists of areas, sites, structures, and objects significant in American history, architecture, archaeology, and culture which the Commissioner of the Department of Environmental Protection is authorized to maintain and expand [under] **pursuant to** the New Jersey Register of Historic Places Act, N.J.S.A. 13:1B-15.128 et seq.

“Nonprofit organization” means a corporation organized [under] **pursuant to** the New Jersey Nonprofit Corporation Act, N.J.S.A. 15A:1-1 et seq., qualified for tax-exempt status [under] **pursuant to** the Internal Revenue Code of 1986 (26 U.S.C. § 501(c)), and meets State and Federal requirements.

“Planning” means the act or process of developing a procedure or design for the preservation, restoration, or rehabilitation of a historic property.

...
 “Property” means the historic site, district, structure, facility, or object that is the subject of the historic preservation project.

...
 “Secretary of the Interior’s Standards” means the Standards for the Treatment of Historic Properties (Revised [1995] **2017**) adopted by the Secretary of the United States Department of the Interior, as from time to time modified, changed, or amended, incorporated herein by reference.

...
“Special project grant” means monies approved by the New Jersey Historic Trust for the purpose of furthering the goals of historic preservation in a regional or Statewide capacity.

“Stabilization” means implementing corrective measures to slow down the deterioration of a structure and make the structure temporarily safe while longer term preservation strategies can be explored and planned.

“State Historic Preservation Officer” means the Commissioner of the Department of Environmental Protection designated by the Governor to administer the State Historic Preservation Program to identify or nominate eligible properties to the New Jersey and National Registers of Historic Places. The State Historic Preservation Officer establishes the procedures and criteria [under] **pursuant to** N.J.A.C. 7:4 for receiving and processing nominations and approving areas, sites, structures, and objects, both publicly and privately owned, for listing in the New Jersey Register of Historic Places.

“State Review Board” means the public body whose members represent the professional fields of American history, architectural history, prehistoric and historic archaeology, and other professional disciplines who are appointed by the State Historic Preservation Officer

to approve nominations to the New Jersey Register of Historic Places based on whether or not they meet the criteria for evaluation [in] **at** N.J.A.C. 7:4-2.3.

...
 “Trust” means the New Jersey Historic Trust, a body corporate and politic with corporate succession established, in but not of, the Department of Community Affairs [under] **pursuant to** N.J.S.A. 13:1B-15.111.

“Visitor amenity” is new construction and/or physical alteration that improves, enhances, or facilitates a visitor’s experience to a historic site. Examples may include, but are not limited to, rest rooms, accommodations for accessibility, and public assembly space.

SUBCHAPTER 2. APPLICATION PROCEDURE AND ELIGIBILITY FOR HISTORIC PRESERVATION GRANTS

5:101-2.1 Eligible applicants

(a) State agencies or entities, local government units, and nonprofit organizations that own or lease on a long-term basis a historic property, or intend to own or lease on a long-term basis a historic property, and have the property owner’s written consent to submit an application, are eligible to submit applications for historic preservation [construction] **capital** grants.

(b) State agencies or entities, local government units, and nonprofit organizations that are interested in the preservation, restoration, rehabilitation, or long-term viability of a historic property and have the property owner’s written consent to submit an application, are eligible to submit applications for historic site management [grants], **MCRP, heritage tourism, and emergency intervention grants**. For [historic site management] grants affecting a [district] **project area** for which there are multiple property owners, the signature of the chief elected local official of [the] **each** municipality in which the [district] **project area** is located will suffice as owner consent.

(c) Nonprofit organizations and private property owners that own historic property are eligible to submit applications for the acquisition of historic preservation easements.

5:101-2.2 Eligible properties: [construction] **capital** grants

(a) At the time of the Trust’s receipt of the application for a construction grant, the property for which the application is submitted must satisfy [(a)3] **(a)4** below and either (a)1, [or] 2, **or 3 below**:

1. (No change.)

2. If the property is not owned in fee simple by the applicant, the applicant must have an executed lease with the property owner. An acceptable lease shall abide by the following conditions:

i.-iii. (No change.)

iv. All leases will be referred to the Attorney General for review and approval before funds can be released for a historic preservation project awarded a grant; [and] **or**

3. If the property is not owned in fee simple by the applicant, and the remaining term of the lease is less than 15 years, and the owner is an entity of State, county, or local government, the owner must be a joint signatory to the grant agreement; and

[3.] **4.** (No change in text.)

(b) If the property is not listed in the National or New Jersey Register of Historic Places at the time of application, the property must be listed within 18 months from the time funding is appropriated or the grant award will lapse. Before any grant money is disbursed to a recipient, the property must meet the requirements [of (a)3i] **at (a)4i** or ii above.

(c) The Trust shall require as a condition of a [construction] **capital** grant awarded to a qualifying nonprofit organization that the historic property for which the [construction] **capital** grant is received shall not be sold, leased, or otherwise conveyed to an individual or to an organization that does not have tax exempt or governmental status, during the grant agreement period, without the consent of the Trust.

5:101-2.3 Eligible properties: [planning] **historic site management** grants

(a)-(b) (No change.)

5:101-2.4 Eligible properties: MCRP grants

(a) MCRP grants do not need to demonstrate ownership or lease requirements. The signature of the chief elected local official of each municipality in which the project area is located will be required if the applicant does not own, in fee simple, the resource(s) to be impacted. The applicant should demonstrate that the MCRP initiative will foster the identification, evaluation, and protection of historic resources that are:

1. Listed individually or as a district in the National or New Jersey Register of Historic Places as set forth at N.J.A.C. 7:4;
2. Located within a historic district listed in the National or New Jersey Register of Historic Places and identified in the nomination of the district as contributing to its significance; or
3. Certified by the State Historic Preservation Officer that the property, structure, facility, site, or district is approved for listing or meets the criteria for listing in the New Jersey Register of Historic Places as set forth at N.J.A.C. 7:4.

5:101-2.5 Eligible properties: heritage tourism grants

(a) Heritage tourism grants do not need to demonstrate ownership or lease requirements. Depending on the nature of the project, owner assurances may be required if the applicant does not own, in fee simple, the resource to be impacted. Applicants should demonstrate that the heritage tourism initiative will plan for, support, and/or enhance the visitor experience for resources that are:

1. Listed individually or as a district in the National or New Jersey Register of Historic Places as set forth at N.J.A.C. 7:4;
2. Located within a historic district listed in the National or New Jersey Register of Historic Places and identified in the nomination of the district as contributing to its significance; or
3. Certified by the State Historic Preservation Officer that the property, structure, facility, site, or district is approved for listing or meets the criteria for listing in the New Jersey Register of Historic Places as set forth at N.J.A.C. 7:4.

5:101-2.6 Eligible properties: emergency intervention grants

(a) At the time of the Trust's receipt of the application for funding, the property for which the application is submitted must be owned in fee simple by the applicant; if not owned in fee simple, the applicant shall submit proof of consent and signature of the property owner as part of the application. In addition, the property must be:

1. Listed individually in the National or New Jersey Register of Historic Places as set forth at N.J.A.C. 7:4;
2. Located within a historic district listed in the National or New Jersey Register of Historic Places and identified in the nomination of the district as contributing to its significance;
3. Certified by the State Historic Preservation Officer that the property, structure, facility, site, or district is approved for listing or meets the criteria for listing in the New Jersey Register of Historic Places as set forth at N.J.A.C. 7:4; or
4. Eligible for listing in the New Jersey Register of Historic Places by demonstrating that it meets the criteria for listing as set forth at N.J.A.C. 7:4.

5:101-2.7 Eligible properties: acquisition of historic preservation easements

(a) At the time of the Trust's receipt of the application for funding to purchase a historic preservation easement, the property for which the application is submitted must be owned in fee simple by the applicant; if not owned in fee simple, the applicant shall submit an agreement to purchase the property as part of the application. In addition, the property for which the easement is being purchased must be:

1. Listed individually or as a district in the National or New Jersey Register of Historic Places as set forth at N.J.A.C. 7:4;
2. Located within a historic district listed in the New Jersey and/or National Register of Historic Places and identified in the nomination of the district as contributing to its significance; or
3. Certified by the State Historic Preservation Officer that the property, structure, facility, site, or district is approved for listing or

meets the criteria for listing in the New Jersey Register of Historic Places as set forth at N.J.A.C. 7:4.

5:101-[2.4]2.8 Activities eligible for funding: [construction] capital grants

(a) The following activities are eligible for a [construction] capital grant by the program:

1.-3. (No change.)

4. Visitor amenity;

Recodify existing 4.-7. as 5.-8. (No change in text.)

[8.] **9. Archaeological investigation, [and] data recovery, and reports [as part of construction activity]; and**

[9.] **10. Non-construction activities related directly to the professional management, development, implementation, operation, and monitoring of historic preservation projects by outside consultants may be funded in an amount not to exceed 20 percent of the total project costs approved for a historic preservation grant. Non-construction activities eligible for reimbursement are:**

i.-iv. (No change.)

[v. Archaeological investigations and reports;]

[vi.] **v. (No change in text.)**

[vii.] **vi. Historic research reports, including preparation of a nomination for the site for which a construction grant is requested to the New Jersey or National Register of Historic Places; [and]**

[viii.] **vii. Programs to educate the public about the history of the site;**

and

viii. Programs or workshops to educate the organization about routine and cyclical maintenance and long-term stewardship planning.

[10. Non-construction activities for non-sectarian, non-profit organizations related directly to qualified, on-site project management of historic preservation projects. The management costs may be funded in an amount not to exceed 10 percent of the total project costs approved for a historic preservation grant; and

11. The consulting and on-site management costs together may not exceed 20 percent of the total project costs approved for a historic preservation grant.]

5:101-[2.5]2.9 Activities eligible for funding: historic site management grants

(a) The following activities are eligible for a historic site management grant by the program:

1.-4. (No change.)

5. Preparation of a nomination to the New Jersey or National Register of Historic Places for an individual property or site owned by a local government unit, nonprofit organization, or a State entity or authority. (The consent and signature of the property owner must be obtained. For nominations of historic districts with multiple property owners, the written consent of the local chief elected official shall suffice); **and**

[6. Design guidelines;

7. Heritage tourism assessments, plans and initiatives; and]

[8.] **6. Preparation of the following documents or reports for the purpose of developing a procedure or design for the long-term viability of a historic property or its organization, including the following:**

i.-ii. (No change.)

iii. Development of interpretive and/or curriculum materials, signage, or literature for visitors; **and**

iv. Development of endowment planning and proposals; and].

[v. Visitor assessments which are part of a strategic plan or interpretive/curriculum development proposal.]

5:101-2.10 Activities eligible for funding: MCRP grants

(a) The following activities are eligible for MCRP grants:

1. Design guidelines;

2. Cultural resource surveys;

3. Historic preservation element of municipal, county, or regional Master Plans; and

4. Local historic preservation ordinances.

5:101-2.11 Activities eligible for funding: heritage tourism grants

(a) The following activities are eligible for heritage tourism grants:

1. Visitor-readiness assessments;

2. Visitor evaluations and/or development of performance evaluation measures;

3. Interpretive planning for one or multiple sites and/or to develop and enhance linkages between sites;

4. Design and fabrication of interpretive signage or literature;

5. Marketing plans and studies;

6. Design and fabrication of marketing materials; and

7. Training and workshops, including speaker honoraria, that create, foster, or enhance linkages between sites.

5:101-2.12 Activities eligible for funding: emergency intervention grants

(a) The following planning activities are eligible for an emergency intervention grant:

1. Preparation of, but not limited to, the following documents, studies, or reports and/or assistance to prevent the worsening of a physical condition:

i. Condition assessment report;

ii. Existing conditions documentation to Federal or State recordation standards;

iii. Engineering reports;

iv. Feasibility/reuse studies;

v. Preparation of architectural plans, designs, specifications, cost estimates, and other contract documents; and

vi. Costs in support of acquisition.

(b) The following construction activities are eligible for an emergency intervention grant:

1. Preservation;

2. Stabilization; and

3. Archaeology.

5:101-2.13 Activities eligible for funding: easement acquisition

(a) The following activities are eligible costs for a grant to fund the acquisition of historic preservation easement:

1. Appraisal(s);

2. Survey;

3. Recordation of easement documents;

4. Endowment fees; and

5. Permanent sign or marker.

5:101-2.14 Activities eligible for special project grants

(a) The following activities are eligible for consideration for funding by a special project grant:

1. Context studies;

2. Regional and State plans that further the goals to identify, evaluate, and protect historic resources;

3. Economic impact studies; and

4. Re-grant programs.

5:101-[2.6]2.15 Ineligible costs

(a) Costs incurred in the following activities are not eligible for funding by the historic preservation grant program:

1. Acquisition of real or personal property[;], unless grant is for easement acquisition pursuant to N.J.A.C. 5:101-2.13;

2. (No change.)

3. Administrative or operational costs of the agency receiving funding, except as specified [in] at N.J.A.C. 5:101-[2.4(a)6]2.8(a)8;

4.-20. (No change.)

21. Costs related to [the interiors of] buildings that are used [for a religious workshop or a religious purpose] primarily as a house of worship;

22. (No change.)

23. Planning, refurbishing, or installing permanent or temporary museum exhibits, except as noted [in] at N.J.A.C. 5:101-[2.5(a)4]iii and (a)7iii]2.9(a)4iii and (a)6iii; and

24. (No change.)

5:101-[2.7]2.16 Procedures: historic sites management, MCRP, heritage tourism, and capital grants

(a) The following steps constitute the historic preservation grant application procedure.

1.-2. (No change.)

3. Each project application shall [contain] **include** sufficient information to ensure that the Trust is able to conduct an adequate and thorough review. Applications not complete at the time of submission will not be eligible for review. Applications shall be on forms provided by the Trust and must in all cases [contain] **include** at least:

i.-vi. (No change.)

vii. Evidence of matching funds commitment as specified at N.J.A.C. 5:101-[2.8]2.20;

viii.-ix. (No change.)

x. As applicable to a construction grant request, the names of lessors and lessees, and, if available, a copy of a long-term lease meeting the requirements [of] at N.J.A.C. 5:101-2.2(a)[3]2;

xi. If the property for which a grant is requested is not owned by the applicant, the application must [contain] **include** the property owner(s) written consent to the submission of an application by an eligible entity; [and]

xii. If the property for which a grant is requested is not listed in the New Jersey or National Register of Historic Places, a certification by the State Historic Preservation Officer that, as of the date of the Trust's receipt of the application, the historic property for which a grant is requested is approved for listing or meets the criteria for listing in the New Jersey Register of Historic Places as set forth [in] at N.J.A.C. 7:4[.]; and

xiii. For Heritage Tourism projects, a narrative illustrating the proposal's consistency with site specific or regional heritage tourism plan.

4.-5. (No change.)

6. If the application is approved and funds are appropriated by law, funds are to be distributed in [accord] **accordance** with an executed [project] grant agreement between the Trust and the applicant which specifies, among other things:

i.-iv. (No change.)

7. (No change.)

5:101-2.17 Procedures: emergency intervention grants

(a) The following steps constitute the application procedure for emergency intervention.

1. Availability of emergency intervention funds shall be posted on the Trust's official website, and published in the New Jersey Register, in accordance with N.J.S.A. 52:14-34.4 et seq., annually. Applications for emergency intervention will be accepted throughout the year, as needed.

2. The applicant must submit a separate written application for each site where emergency funds are requested.

3. Each project application shall include sufficient information to ensure that the Trust is able to conduct an adequate and thorough review. Applications shall be on forms provided by the Trust and must in all cases include at least:

i. Identification of historic resource(s) to be impacted;

ii. A description, justification, statement of need for the proposed project, and description of the emergency;

iii. Cost estimates for proposed work;

iv. Photographic and other documentation;

v. As applicable, proof of the applicant's nonprofit and charitable registration status;

vi. If the property, district, or region for which a grant is requested is not owned by the applicant in fee simple, the application must include the property owner(s) written consent to the submission of an application by an eligible entity; and

vii. If the property for which a grant is requested is not listed in the New Jersey or National Register of Historic Places, a certification by the State Historic Preservation Officer that, as of the date of the Trust's receipt of the application, the historic property for which a grant is requested is approved for listing or the applicant can demonstrate that it meets the criteria for listing in the New Jersey Register of Historic Places as set forth at N.J.A.C. 7:4.

4. A notice of receipt for each application shall be sent by the Trust to each applicant.

5. The Trust will review each application for possible funding within five days of receipt and notify the applicant if additional information is needed.

6. If the application is approved by the Trust and funds are appropriated by law, funds are to be distributed in accordance with an executed grant agreement between the Trust and the applicant which shall specify, among other things:

- i. The amount of the grant;
- ii. The project period;
- iii. The project scope; and
- iv. Special requirements.

7. Applications not processed as an emergency intervention request can be submitted in subsequent grant rounds.

8. At least annually, the Trust shall submit a list to the Legislature identifying sites that received emergency intervention funding.

5:101-2.18 Procedures: acquisition of easements

(a) The following steps constitute the application procedure for acquisition of easement funding.

1. Announcement of the availability of grant funds for the acquisition of easements will be posted on the Trust's official website, and published in the New Jersey Register, in accordance with N.J.S.A. 52:14-34.4 et seq. Applications for easement acquisition will be accepted, reviewed, and processed throughout the year, however, funds will be appropriated annually as part of the Trust's routine grant round.

2. The applicant must submit a separate written application for each property to be protected.

3. Each project application shall include sufficient information to ensure that the Trust is able to conduct an adequate and thorough review. Applications shall be on forms provided by the Trust and must, in all cases, include at least:

- i. A statement of the significance and condition of the property;
- ii. A full description of the property to be protected and list of features to be protected;
- iii. Photographic and other documentation;
- iv. As applicable, proof of the applicant's nonprofit and charitable registration status;
- v. As applicable, the names and addresses of all owners, all parties with an ownership interest, and evidence of ownership or an interest in ownership of the historic property for which the easement acquisition funding is requested;
- vi. As applicable, the names of lessors and lessees, and, if available, a copy of any lease agreement or other encumbrance on the property; and
- vii. If the property for which a grant is requested is not listed in the New Jersey or National Register of Historic Places, a certification by the State Historic Preservation Officer that, as of the date of the Trust's receipt of the application, the historic property for which a grant is requested is approved for listing or meets the criteria for listing in the New Jersey Register of Historic Places as set forth at N.J.A.C. 7:4.

4. A notice of receipt for each application shall be sent by the Trust to each applicant.

5. The Trust will review each application.
6. If the application is approved and funds are appropriated by law, funds will be disbursed following the legal recordation of the easement and placement of the plaque.

7. Applications not funded in a given fiscal year shall not receive further consideration for funding by the Trust in that fiscal year; however, revised, or new applications can be submitted in subsequent fiscal years.

7. Applications not funded in a given fiscal year shall not receive further consideration for funding by the Trust in that fiscal year; however, revised, or new applications can be submitted in subsequent fiscal years.

5:101-2.19 Procedures: special project grants

(a) The following steps constitute the application procedure for special project grants.

1. Applications may be submitted to the Trust for consideration at any time. The announcement of fund availability for special project grant applications shall be posted on the Trust's official website, and published in the New Jersey Register, in accordance with N.J.S.A. 52:14-34.4 et seq. Applications for special project grants will be accepted, reviewed, and processed throughout the year, however, funds will be appropriated annually as part of the Trust's routine grant round.

2. The applicant must submit a separate written application for each special project.

3. Each application shall include sufficient information to ensure that the Trust is able to conduct an adequate and thorough review. Applications may include, but not limited to:

- i. Identification of historic resource(s) to be impacted;
- ii. A description, justification, and statement of need of the proposed project;
- iii. Cost estimates for the proposed project;
- iv. Information on the applicant organization's programs, outreach activities, and finances;
- v. As applicable, proof of the applicant's nonprofit and charitable registration status;
- vi. Evidence of the applicant's commitment to the project, either cash match or in-kind; and
- vii. A narrative illustrating the proposal's consistency with the goals expressed in the State historic preservation plan or other regional plan.

4. A notice of receipt for each application shall be sent by the Trust to each applicant.

5. The Trust will review each application for possible funding.

6. If the application is approved and funds are appropriated by law, funds are to be distributed in accordance with an executed grant agreement between the Trust and the applicant which shall specify, among other things:

- i. The amount of the grant;
- ii. The project period;
- iii. The project scope; and
- iv. Special requirements.

7. Applications not funded in a given fiscal year shall not receive further consideration for funding by the Trust in that fiscal year; however, revised, or new applications can be re-submitted.

5:101-[2.8]2.20 Matching funds: [construction] capital grants

(a) To be eligible for a [construction] capital grant for a historic preservation project, the applying State agency or entity, local government unit, and nonprofit organization, except as provided [in] at (b) below, shall, as part of the application for [construction] capital grant, demonstrate the ability to match the grant requested by generating \$1.00 in funds for every \$1.00 of grant money requested in the application.

(b) (No change.)

(c) Funds derived from the sale of debt of the State of New Jersey or special appropriations by the State Legislature shall not be used as the matching share of project costs by nonprofit organizations or local government units. **Matching grants, contributions, donations, or reimbursements from Federal aid programs or from other public or private sources established for the same or similar purposes as the fund may be used as a match.**

(d) -(e) (No change.)

5:101-[2.9]2.21 Matching funds: historic site management, MCRP, and heritage tourism grants

(a) (No change.)

(b) Funds derived from the sale of debt of the State of New Jersey or special appropriations by the State Legislature shall not be used as the matching share of project costs by nonprofit organizations or local government units. **Matching grants, contributions, donations, or reimbursements from Federal aid programs or from other public or private sources established for the same or similar purposes as the fund may be used as a match.**

[(c) Funds expended by the applicant up to two years prior to the time of application for historic preservation projects, and of which the project described in the application is a significant and substantial part, may satisfy the matching funds requirement enumerated in (a) above if:

1. As part of the application, the applicant submits plans and specifications or other items documenting the expenditure of funds by the applicant and describing the work performed;
2. The Trust determines that the work performed is an integral part of the historic preservation project described in the application;
3. The work was performed in accord with the Secretary of the Interior's Standards; and

4. Funds spent for eligible project work prior to submission of an application shall not exceed 25 percent of the total project costs requested.]

[(d)] (c) An applicant's matching share shall consist only of eligible cash raised by the applicant, except as provided [in] at (b) above [or funds spent by applicant on an on-going historic preservation project as provided in (c) above].

5:101-2.22 Matching funds: emergency intervention

Matching funds shall not be required for emergency intervention grants. If the requested amount is less than the project cost, evidence of applicant's match must be presented at time of application.

5:101-2.23 Matching funds: easement acquisition

(a) Matching funds shall not be required for a grant to acquire an historic preservation easement.

1. The value of the easement shall be determined based on real estate appraisals performed to professional standards. The Trust shall determine the grant award for easement acquisition, based on activities set forth at N.J.A.C. 5:101-2.13(a).

5:101-2.24 Matching funds: special project grants

Matching funds shall not be required for special project grants; however, applicant shall demonstrate agency or organization commitment through in-kind service or actual cash contribution.

SUBCHAPTER 3. ALLOCATION OF HISTORIC PRESERVATION GRANT FUNDS

5:101-3.1 Allocation of historic preservation grant funds

(a) - (b) (No change.)

[(c) Of the sum of the monies deposited in the "Garden State Historic Preservation Trust Fund," up to 10 percent of monies awarded by the Trust may be utilized for historic preservation projects or programs that aid designated historic or cultural districts, municipalities, or geographic areas, including, but not limited to, Certified Local Governments, Main Street New Jersey, and Urban Coordinating Council communities.]

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

5:101-3.2 Criteria for review and ranking of applications for historic preservation grants

(a) To determine priority for [construction funding] **capital grants**, all applications for eligible historic preservation projects in a given grant round are to be ranked based on the following competitive criteria:

1.-6. (No change.)

7. If, at the time of application, the applicant has no legal control over the property, either in the form of a valid 15-year lease or fee simple ownership, the Trust shall evaluate the likelihood in which ownership, or the required lease will be obtained within the time set by N.J.A.C. 5:101-2.2[(a)3ii](a)2ii;

8. The degree to which the proposed project represents innovative design or programming for a historic site and the degree to which the project reaches new audiences; [and]

9. The distribution of funds to achieve a geographical balance as well as a balance between sizes and types of projects, diversity of audiences served by projects, and diversity of historical or cultural periods[.]; **and**

10. Status of applicant's open grants.

(b) To determine priority for historic site management grants, all applications for eligible historic preservation projects in a given grant round are to be ranked on the basis of the criteria [under] **pursuant to** (a)1, 2, 4, 8, [and] 9, **and 10** above, and the following competitive criteria:

1.-2. (No change.)

3. The impact of the project, based on the following:

i.-iii. (No change.)

iv. The relationship of the proposed project to other State, county, municipal, or organizational planning initiatives or programs which will aid community revitalization, protect and preserve the built or natural environment, or improve or promote heritage education, including the policies set forth in the New Jersey State Development and Redevelopment Plan, Statewide Policies No. 9 (Historic, Cultural and Scenic Resources), and the New Jersey State Historic Preservation Plan,

with which, the New Jersey State Development and Redevelopment Plan must be consistent.

(c) To determine priority for MCRP grants, all applications for eligible MCRP projects in a given grant round are to be ranked on the basis of the criteria pursuant to (a)1, 2, 3ii and iii, 4, 8, 9, and 10 above, and the following competitive criteria:

1. Degree to which the project promotes stewardship and maintenance of historic resources by private owners(s);

2. Degree to which the project fosters the goals and objectives of the New Jersey State Historic Preservation Plan; and

3. Organizational ability and the degree to which the applicant involves the community in the preservation planning process.

(d) To determine priority for heritage tourism grants, all applications for eligible heritage tourism projects in a given grant round are to be ranked on the basis of the criteria pursuant to (a)1, 3ii and iii, 4, 8, 9, and 10 above, and the following competitive criteria:

1. Degree to which the project enhances or benefits the visitor experience at the resource(s);

2. Degree to which the project fosters the goals and objectives of the New Jersey Heritage Tourism Plan;

3. Degree to which the project addresses the development of heritage tourism within an already existing plan or aims to create a broader regional tourism plan or initiative;

4. The quality and appropriateness of the project;

5. Organizational ability and the degree to which the applicant will build upon this program proposal and continue to foster heritage tourism, and the availability of matching funds; and

6. Public benefit, meaning the potential to reach new audiences, potential to promote other cultural and heritage tourism activities, ability to create links between multiple sites, demonstrated community support, distribution of funds throughout the State and to a variety of projects, and ability of this grant to make a difference in the quality of this project.

(e) To determine priority for emergency intervention grants, all applications for eligible emergency intervention projects are to be reviewed on the basis of the criteria pursuant to (a)1 and 2 above, and the following competitive criteria:

1. Nature and severity of the emergency or threat; and

2. Degree to which the Trust's intervention may positively impact the resource.

(f) To determine priority for the acquisition of historic preservation easements, all applications for eligible acquisitions in a given grant round are to be ranked on the basis of the criteria pursuant to (a)1 and 9 above, and the following competitive criteria:

1. If the applicant does not own the property in fee simple at the time of application, the Trust shall evaluate the likelihood in which ownership will be obtained within the time set forth at N.J.A.C. 5:101-2.2(a)3ii;

2. Designation as a National Historic Landmark;

3. Degree to which the site is an underrepresented resource type in the New Jersey Register of Historic Places; and/or

4. Degree to which the site is part of a larger open space or farmland preservation initiative.

(g) The Trust shall evaluate each application for a special project based on the following criteria:

1. Degree to which the initiative furthers the goals in the State historic preservation plan;

2. Degree to which the project fosters the identification, evaluation, and/or protection of underrepresented resource types;

3. The overall quality of the work proposed for funding based on the following:

i. The quality of preliminary planning or contract documents submitted;

ii. The credential and experience of project team or consultants; and

iii. A realistic and feasible budget and schedule for work proposed for funding;

4. The ability of the applicant to carry out the proposed work;

5. The impact of the project based on the relationship of the proposed project to other State, county, municipal, or organizational

planning initiatives or programs which will aid community revitalization, identify, protect, and preserve the built or natural environment, or improve or promote heritage education and tourism including the policies set forth in the New Jersey State Plan, or other regional plan;

6. Degree to which the proposed project is innovative or will reach new audiences; and

7. The need to undertake the special initiative.

5:101-3.4 Commencement of project and payment: [construction] capital grants

(a) For a [construction] capital grant, a [project] grant agreement for a historic preservation project shall be in effect within 18 months of the effective date of the appropriation by law of the funds for the [construction] capital grant, or the grant for that historic preservation project shall lapse into the Fund.

(b) As defined in the [project] grant agreement, work on a historic preservation project funded with a [construction] capital grant shall commence within two years of the effective date of the appropriation by law for the grant, or the grant for that historic preservation project shall lapse into the Fund.

(c) After funds for a [construction] capital grant have been appropriated by the Legislature, the [project] grant agreement has been fully executed, and all eligibility requirements have been met, the grant recipient will be reimbursed for expenditures incurred for historic preservation activities which are eligible [under] pursuant to N.J.A.C. 5:101-2.4; which are within the scope of the historic preservation project described in the [project] grant agreement subject to the Trust's approval of documents submitted [under] pursuant to (d) below. Total reimbursements cannot exceed the amount of the grant.

(d) Reimbursement is to be made [under] pursuant to (c) above and must be substantiated by itemized invoices, canceled checks approved by the Trust, and referenced to completed tasks within the scope of the historic preservation project described in the [project] grant agreement. Invoices must itemize cost of labor and materials and describe the work performed for which reimbursement is requested. Invoices are to be submitted for each reporting period set forth in the [project] grant agreement and shall be accompanied by other documentation defined in the [project] grant agreement.

(e) - (f) (No change.)

(g) For projects where the grantee is a State agency, at its discretion, the Trust may advance 100 percent of the funds.

5:101-3.5 Commencement of project and payment: historic site management, MCRP, and heritage tourism grants

(a) For [a] historic site management, MCRP, and heritage tourism grants, a [project] grant agreement must be in effect within 18 months of the effective date of the appropriation by law of the funds for the grant, or the grant for that historic preservation project shall lapse into the Fund.

(b) As defined in the [project] grant agreement, any work on a historic preservation project funded with a historic site management, MCRP, or heritage tourism grant awarded [under] pursuant to the Act shall commence within 18 months of the effective date of the appropriation by law of the funds for the grant, or the grant for that historic preservation project will lapse into the Fund.

(c) After funds for the grant have been appropriated by the Legislature, the [project] grant agreement has been fully executed, and all eligibility requirements have been met, the grant recipient will be reimbursed for expenditures incurred for historic preservation activities which are eligible for funding and which are within the scope of the historic preservation project described in the [project] grant agreement subject to the Trust's approval of documents submitted [under] pursuant to (d) below. Total reimbursements cannot exceed the amount of the grant.

(d) - (e) (No change.)

(f) For projects where the grantee is a State agency, at its discretion, the Trust may advance 100 percent of the grant.

5:101-3.6 Commencement of project and payment: emergency intervention

(a) A project agreement between the Trust and grant recipient must be fully executed, subject to the Trust's approval at (b) below.

(b) Disbursement of 90 percent of the grant is to be made once documentation of the following has been received by the Trust:

1. The project team or consultants have been retained; and
2. A contract has been signed by both the consultant and grantee.

(c) Ten percent of each grant is to be retained by the Trust until the project has been completed and met financial and project requirements, including submission of required reports.

5:101-3.7 Commencement of project and payment: acquisition of historic preservation easement

After funds for the acquisition grant have been appropriated by the Legislature, the purchaser's agreement has been fully executed, an easement has been recorded, and the Trust has approved the plaque installation pursuant to N.J.A.C. 5:101-5.1(h), the Trust will disburse the funds. Total disbursement cannot exceed the amount of the acquisition grant.

5:101-[3.6]3.8 Grant amount: [construction] capital grant

(a) The minimum [construction] capital grant awarded for a historic preservation project shall be \$5,000. The maximum [construction] capital grant that may be allocated to any historic property, structure, or site in a funding round of the Garden State Historic Preservation Trust Fund is \$750,000.

(b) For multi-phased construction projects, the minimum amount awarded shall be \$1,000,000, awarded in two tranches of \$500,000; at its discretion, the New Jersey Historic Trust may award two or more tranches of \$750,000.

5:101-[3.7]3.9 Grant amount: historic site management, MCRP, and heritage tourism grant

The minimum grant awarded for a historic site management or heritage tourism project shall be \$5,000. The maximum historic site management, MCRP, or heritage tourism grant that may be allocated to any one historic property, structure, site, or district in a funding round is [\$5,000] \$75,000.

5:101-3.10 Grant amount: emergency intervention

The minimum grant awarded for emergency intervention shall be \$5,000. The maximum emergency intervention grant that may be awarded is \$150,000. A grant award to address an emergent situation does not preclude the applicant from applying for a historic sites management and/or a construction grant in future competitive rounds.

5:101-3.11 Grant amount: easement acquisition

(a) The value of the easement shall be determined based on the Trust's acceptance of real estate appraisals performed to professional standards.

(b) The Trust shall determine the grant award for easement acquisition, based on criteria pursuant to N.J.A.C. 5:101-2.13.

5:101-3.12 Grant amount: special projects

At its discretion, the Trust may determine the amount of the grant award based on the criteria set forth at N.J.A.C. 5:101-2.14.

5:101-[3.8]3.13 Reallocation of lapsed grant funds

(a) At the discretion of the Trust, funds from lapsed or terminated projects may be:

1. (No change.)
2. Reallocated to unforeseen construction expenses or other historic preservation grant-aided projects. Reallocated funds are limited to those preservation costs outlined in the [project] grant agreement. Reallocated funds shall not exceed 20 percent of the historic preservation grant. The process for the reallocation of said funds shall be determined by the Trust.

SUBCHAPTER 4. EASEMENT (COVENANTS)

5:101-4.1 Easement on the historic property

(a) Term easements are as follows:

Recodify existing (a)-(b) as 1.-2. (No change in text.)

(b) Perpetual easements are as follows:

1. The Trust may accept through donation or acquisition an easement on a historic property to ensure its continued preservation.

The easement agreement shall be executed between the Historic Trust, the property owner, and all other parties having an ownership interest, and be duly recorded. The easement agreement shall include:

- i. Provisions for the continued preservation of the historic property;
 - ii. Limitations on the right to change the use, alter, demolish, or convey the property; and
 - iii. Provisions for public access to the historic property.
2. The period of the easement shall commence upon its recordation and run concurrently with the land.

SUBCHAPTER 5. ACKNOWLEDGMENT OF PUBLIC SUPPORT:
PROJECT SIGNS AND PUBLIC
INFORMATION MATERIALS

5:101-5.1 Project signs and public information materials

(a) Once funds for a historic preservation construction grant have been appropriated, a sign acknowledging that the project has received grant assistance from the [Garden State] **Preserve New Jersey** Historic Preservation Trust Fund Program administered by the New Jersey Historic Trust, in but not of, the New Jersey Department of Community Affairs must be located prominently and maintained on the project site.

(b) The project sign shall be fabricated and erected by the grant recipient in [accord] **accordance** with specifications [contained] **included** in the [project] **grant** agreement.

(c) The costs of making and erecting the project sign are eligible for funding [under] **pursuant to** N.J.A.C. 5:101-[2.4(a)4]**2.8(a)7**. The costs of replacing or maintaining the sign are not eligible for funding.

(d) - (e) (No change.)

(f) As applicable for New Jersey Historic Trust funding of construction and historic site management activities, the year preservation work was completed shall be acknowledged on the sign or plaque. The language used when crediting the New Jersey Historic Trust shall read as follows: "Funding has been made possible in part by the [Garden State] **Preserve New Jersey** Historic Preservation Trust Fund administered by the New Jersey Historic Trust/State of New Jersey." Credit shall be given to the Trust in all printed materials, releases, and announcements of the grantee regarding all activities to which the Trust funds contribute; this applies to all promotional appearances on television and radio by representatives of the grantee organization as well as newspaper interviews. In the case of electronic media, verbal credit shall be given at least once during a broadcast to acknowledge the support the grantee has received from the Trust to its overall operation.

(g) (No change.)

(h) **As applicable for New Jersey Historic Trust funding to permanently protect an historic site with a historic preservation easement, the historic preservation easement shall be acknowledged on a sign or plaque, to be installed within 90 days from recordation. The language used when crediting the New Jersey Historic Trust shall read as follows: "Preservation has been made possible in part by the Preserve New Jersey Historic Preservation Fund administered by the New Jersey Historic Trust/State of New Jersey."**

HEALTH

(a)

**HEALTH SYSTEMS BRANCH
DIVISION OF CERTIFICATE OF NEED AND
LICENSING
CERTIFICATE OF NEED AND HEALTHCARE
FACILITY LICENSURE PROGRAM
Drug Donation Programs**

Proposed New Rules: N.J.A.C. 8:32

Authorized By: Judith M. Persichilli, R.N., B.S.N., M.A.,
Commissioner, Department of Health (with the approval of the
New Jersey State Board of Pharmacy), in consultation with the
State Board of Pharmacy and the Division of Taxation.

Authority: N.J.S.A. 24:6M-7.

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

Proposal Number: PRN 2023-072.

Submit electronic comments to <http://www.nj.gov/health/legal/ecomments.shtml>, or written comments to the address below, by October 6, 2023, to:

Joy L. Lindo, Director
Office of Legal and Regulatory Compliance
Office of the Commissioner
New Jersey Department of Health
PO Box 360
Trenton, NJ 08625-0360

The agency proposal follows:

Summary

The Department of Health ("Department" or "DOH") proposes new rules regarding the process for authorizing drug donation program(s). On January 8, 2018, Governor Philip D. Murphy signed P.L. 2017, c. 254, into law which required the Commissioner of the Department (Commissioner), the State Board of Pharmacy (Board), and the Director of the Division of Taxation in the Department of the Treasury to take administrative action to authorize one or more private entities to establish and maintain a drug donation program that would permit donors to donate over-the-counter drugs, prescription drugs, and administration supplies, which would otherwise be destroyed; and the redistribution of such unused drugs and administration supplies to those persons who are most in need.

The proposed new rules would set forth standards that an applicant seeking to establish and maintain a drug donation program must meet. The applicant would be required to submit a drug donation program proposal that includes a description of the entity, including its history, mission, ownership structure, staffing, and any other characteristics or relevant facts that demonstrate the organization's ability to establish a drug donation program appropriately and safely. The applicant must also provide policies and procedures for accepting, transporting, safely storing, and dispensing donated drugs and administration supplies.

Donors would be allowed a credit against tax otherwise due pursuant to the New Jersey Gross Income Tax Act, N.J.S.A. 54A:1-1 et seq., or the New Jersey Corporation Business Tax, N.J.S.A. 54:10A-1 et seq.

A summary of the proposed new rules follows.

Proposed new Subchapter 1 addresses general provisions.

Proposed new N.J.A.C. 8:32-1.1 sets forth the scope and purpose of the rules, which establishes a new drug donation program in the Department of Health, in coordination with the Board of Pharmacy and the Department of the Treasury, Division of Taxation. Proposed new N.J.A.C. 8:32-1.2 provides the definitions of words and terms that are used throughout the chapter.

Proposed new Subchapter 2 addresses the application process to establish a drug donation program. Proposed new N.J.A.C. 8:32-2.1 outlines the process to apply to establish and maintain a drug donation program.