

**NEW JERSEY STIMULUS ACT OF 2009
HIGHER EDUCATION PUBLIC PRIVATE PARTNERSHIPS
P. L. 2009, c. 90, section 43 (N.J.S.A. 18A:64-85)**

FREQUENTLY ASKED QUESTIONS

What is the application due date?

A complete application is due on or before February 1, 2011.

What is the application fee?

The application fee is the greater of .125% of the project's total development cost or \$15,000.

Does the program change the process or governing laws (e.g., statutory, regulatory, executive orders) of how the state or county college would solicit or procure a private partner?

The program does not change the governing laws that a state or county college uses to solicit or procure a private partner. State and county colleges are responsible for complying with all required laws governing the solicitation and procurement of a private partner. *An approval of an application by the Authority should not be viewed as confirmation that the Applicant has complied with laws governing the state or county college's procurement requirements.*

Is any property owned by state college owned eligible under the program?

Property owned by a state college is eligible under the program. State House Commission approval is not needed for entering into the ground lease that is required for the public-private partnership.

Is any property owned by a county college eligible under the program?

Property owned by a county college is eligible under the program. County colleges should follow the normal process for authorization to enter into the ground lease that is needed for the public-private partnership.

Is property owned by the Education Finance Agency (EFA) eligible under the program?

EFA-owned property is not eligible under the program.

Is property owned by the State and used by the state or county college eligible under the program?

State-owned property is eligible under the program. However, in order to enter into the ground lease with the private developer for a State-owned site, the state or county college will need to obtain State House Commission approval. Additional actions may be required if the State-owned project site is expected to be valued at more than \$500,000, or if a State-owned project site was acquired with State general obligation bonds that are still outstanding.

Is property owned by the County and used by the state or county college eligible under the program?

Property owned by the County is not eligible under the program.

Is property owned by a municipality and used by the state or county college eligible under the program?

Property owned by a municipality is not eligible under the program.

In approving the project's financial feasibility, what is the Authority's position regarding real estate taxes?

The Authority will presume that a project under the program is not exempt from real estate taxes taxable, and that the tax levy should be included in the operating proforma. If an Applicant believes that its project will be exempt from real estate taxes, it needs to provide in the application, for review by the Authority, legally valid substantiation for an exemption from the real estate tax.

Who is the appropriate entity to issue permits and conduct inspections of the projects approved under this program?

The New Jersey Department of Community Affairs has jurisdiction and will issue the permits and conduct the inspections.

Are the projects exempt from the Municipal Land Use Law (MLUL)?

The projects must comply with the "courtesy review" requirements of the MLUL with the local municipality.