

# NEW JERSEY STATUTES ANNOTATED

## TITLE 18A: EDUCATION

### CHAPTER 74. STATE LIBRARY AID LAW

#### NEW JERSEY LIBRARY CONSTRUCTION INCENTIVE ACT

**N.J.S.A.**

**18A:74-14. Short title**

This act shall be known as the "New Jersey Library Construction Incentive Act."

L.1973, c. 381, § 1.

**N.J.S.A.**

**18A:74-15. Public policy**

It is hereby declared to be the public policy of the State of New Jersey to encourage, promote and support the extension of public library services by aiding in the construction and expansion of public library buildings.

L.1973, c. 381, § 2.

**N.J.S.A.**

**18A:74-16. Definitions relative to library construction**

For the purposes of this act unless the context clearly indicates otherwise:

- (a) "Act" means the "New Jersey Library Construction Incentive Act."
- (b) "Area" means all or part of one or more political subdivisions of the State of New Jersey.
- (c) "Project," "construction project," "rehabilitation project," "expansion" or "acquisition," means a project which is eligible for a grant under regulations and standards promulgated under this act. When used alone, "project" means any construction, expansion, or rehabilitation project or acquisition.
- (d) "Public library" means a library that serves free of charges all residents of an area without discrimination and receives its financial support, in whole or in part, from public funds. "Public library" does not include any special-purpose library, such as a law, medical, school or academic library, which are organized to serve a special clientele or purpose.
- (e) "Authorized applicant" means a public library as defined in paragraph d. hereof.
- (f) "Eligible project costs" means costs incurred in a project approved by the President of Thomas Edison State College, a portion of which may be reimbursed.
- (g) "President" means the President of Thomas Edison State College.

(h) "Fiscal year" means the period between July 1 of any calendar year and June 30 of the next succeeding calendar year.

L.1973, c. 381, § 3. Amended by L.2001, c. 137, § 37.

**N.J.S.A.**

**18A:74-17. Administration of act**

The administration of this act shall be governed by rules and regulations, recommended by the Advisory Council of the State Library, and promulgated by the State Librarian with the approval of the President of Thomas Edison State College.

L.1973, c. 381, § 4. Amended by L.2001, c.137, § 38.

**N.J.S.A.**

**18A:74-18. Participation in grants**

In order to participate in any grant made according to the provisions of this act, the applicant shall comply with the rules and regulations adopted as provided in section 4 of this act. Application for grants under this act shall be made to the President on forms specified in said rules and regulations. Applications shall be approved by the President in accordance with said rules and regulations. The President is hereby empowered to withhold any grants from any public library which does not comply with said rules and regulations.

L.1973, c. 381, § 5. Amended by L.2001, c.137, § 39.

**N.J.S.A.**

**18A:74-19. Reimbursement for project costs**

The President shall reimburse each authorized applicant whose application has been approved for a portion of its eligible project costs, determined in accordance with the rules and regulations promulgated pursuant to this act.

L.1973, c. 381, § 6. Amended by L.2001, c.137, § 40.

**N.J.S.A.**

**18A:74-20. Project costs eligible for grants**

The following project costs shall be eligible for grants, at the discretion of the President, when incurred after the date of project approval, or after such date as is indicated in paragraphs 3 and 5 of this section:

- a. Construction of new buildings to be used for public library purposes.
- b. Expansion, rehabilitation or acquisition of existing buildings to be used for public library purposes.
- c. Expenses (other than interest and the carrying charge on bonds) related to the acquisition of land on which there is to be construction of new buildings or expansion of existing buildings to be used for public library purposes which are incurred within the three fiscal

years preceding the fiscal year in which the project is approved by the President, provided such expenses constitute an actual cost or a transfer of public funds in accordance with the usual procedures generally applicable to all State and local agencies and institutions.

d. Site grading and improvement of land on which buildings used for public library purposes are located or are to be located.

e. Architectural, engineering, consulting and inspection services related to the specific project for which application for financial assistance is made, provided the costs of such services are incurred within three fiscal years preceding the year in which the project is approved by the President.

f. Expenses (other than interest and the carrying charges on bonds) related to the acquisition of existing buildings to be used for public library purposes, provided such expenses constitute an actual cost or a transfer of public funds in accordance with the usual procedures generally applicable to all State and local agencies and institutions.

g. Expenses relating to the acquisition and installation of initial equipment to be located in public library facilities, provided by a construction project, including all necessary building fixtures and utilities, office furniture and public library equipment, such as library shelving and filing equipment, card catalogs, cabinets, circulation desks, reading tables, study carrels, booklifts, elevators and information retrieval devices (but not books or other library materials).

L.1973, c. 381, § 7. Amended by L.2001, c.137, § 41.

#### **N.J.S.A.**

#### **18A:74-21. Projects to be accessible, usable by handicapped persons**

The President shall require that projects constructed with the use of State funds under this act shall, to the extent appropriate be accessible to and usable by handicapped persons.

L.1973, c. 381, § 8. Amended by L.2001, c.137, § 42.

#### **N.J.S.A.**

#### **18A:74-22. Credit to State for unused facilities, equipment, land**

Whenever public library facilities, items of equipment or land to which the State has contributed funds under this act are not used for the purposes authorized by the act, the President may require that the State be credited with its proportionate share of the fair market value of such facilities, equipment, or land. All moneys so credited shall be remitted to the Treasurer of the State of New Jersey. In no event, however, may the President require that the State be so credited when such facilities, equipment or land have been used in excess of 20 years for the purposes authorized by this act.

L.1973, c. 381, § 9. Amended by L.2001, c.137, § 43.

#### **N.J.S.A.**

#### **18A:74-23. Costs of administration and supervision of act; limitation**

All costs attributable to the administration and supervision of this act and the rules and regulations promulgated thereunder shall not exceed 8% of the total amount appropriated annually for the purposes of this act.

L.1973, c. 381, § 10.

**N.J.S.A.**

**18A:74-24 Definitions relative to public library project grant program**

For the purposes of this act:

"Area" means all or part of one or more political subdivisions of the State of New Jersey;

"Authority" means the "New Jersey Educational Facilities Authority" established pursuant to N.J.S.18A:72A-1 et seq.;

"Board" means the Public Library Construction Advisory Board established pursuant to section 3 of P.L.1999, c.184 (C.18A:74-26);

"Eligible project costs" means costs incurred in a project approved by the board;

"Fund" means the "Public Library Project Fund" established pursuant to section 2 of P.L.1999, c.184 (C.18A:74-25);

"Project" means any construction, expansion, rehabilitation or acquisition project eligible for a grant under regulations promulgated under section 3 of P.L.1999, c.184 (C.18A:74-26);

"Public library" means a library that serves free of charge all residents of an area as established pursuant to chapter 33 or chapter 54 of Title 40 of the New Jersey Statutes;

"Secretary" means the Secretary of State of the State of New Jersey or the Secretary's designated representative.

L.1999, c.184, § 1.

**N.J.S.A.**

**18A:74-25 "Public Library Project Fund"**

The "Public Library Project Fund" is established as a separate account in the New Jersey Educational Facilities Authority to carry out the purposes of P.L.1999, c.184 (C.18A:74-24 et al.). The fund shall be administered by the authority and shall be credited with:

- a. moneys received from the issuance of bonds, notes or other obligations issued pursuant to section 5 of P.L.1999, c.184 (C.18A:74-28);
- b. moneys appropriated by the State for the purposes of the fund; and
- c. all interest and investment earnings received on moneys in the fund.

L.1999, c.184, § 2.

**N.J.S.A.**

**18A:74-26 Public Library Construction Advisory Board**

There is created a Public Library Construction Advisory Board to be comprised of seven members as follows: the Secretary of State or the secretary's designee who shall serve as the chair; the State Librarian or the librarian's designee; a member of the State Library Advisory Council established pursuant to section 13 of P.L.1969, c.158 (C.18A:73-28), or the council's designee, who shall be chosen by the council and shall serve at the pleasure of the council and until a successor is chosen; and four persons with library, construction, or finance experience who shall be appointed by the Governor with the advice and consent of the Senate and who shall serve at the pleasure of the Governor and until their successors are appointed and shall have qualified.

Moneys in the fund shall be distributed as grants to public libraries for part of eligible project costs as enumerated in section 4 of P.L.1999, c.184 (C.18A:74-27), based on criteria and a competitive selection process established by the board. The board shall promulgate regulations prescribing procedures for applying for a grant and the terms and conditions for receiving a grant. A grant application shall include a complete description of the project to be financed and an identification of additional sources of revenue to be used. An application shall be reviewed, and approved or denied by the board in accordance with uniform procedures by resolution of the board. When a grant is approved by the board, the board shall establish the recommended grant amount and shall submit to the Joint Budget Oversight Committee, or its successor, the board's approved amount of the grant and a brief description of the project for approval by the committee. Any grant not disapproved by the Joint Budget Oversight Committee within 30 days of such submission shall be deemed approved by the committee.

After a grant application is approved by the committee, the board shall forward a copy of the application and certify the approved amount of the grant to the authority.

L.1999, c.184, § 3.

**N.J.S.A.**

**18A:74-27 Project costs eligible for grants.**

The following project costs shall be eligible for grants, at the discretion of the board:

- a. Construction of new buildings to be used for public library purposes;
- b. Expansion, rehabilitation or acquisition of existing buildings to be used for public library purposes;
- c. Expenses, other than interest and the carrying charge on bonds, incurred after the effective date of P.L.1999, c.184 (C.18A:74-24 et al.), related to the acquisition of land on which there is to be construction of new buildings or expansion of existing buildings to be used for public library purposes, provided the expenses constitute an actual cost or a transfer of public funds in accordance with the usual procedures generally applicable to all State and local agencies and institutions;
- d. Site grading and improvement of land on which buildings used for public library purposes are located or are to be located;
- e. Architectural, engineering, consulting and inspection services related to the specific project for which application for financial assistance is made;

f. Expenses, other than interest and the carrying charges on bonds, related to the acquisition of existing buildings to be used for public library purposes, provided the expenses constitute an actual cost or a transfer of public funds in accordance with the usual procedures generally applicable to all State and local agencies and institutions; and

g. Expenses relating to the acquisition and installation of equipment to be located in public library facilities, including all necessary building fixtures and utilities, office furniture and public library equipment, such as library shelving and filing equipment, catalogs, cabinets, circulation desks, reading tables, study carrels, and information retrieval devices including video, voice, and data telecommunications equipment and linkages with a useful life of 10 years or more necessary for Internet access, but not including books or other library materials.

L.1999, c.184, § 4.

**N.J.S.A.**

**18A:74-28 Issuance of bonds, notes, other obligations; cap.**

a. The authority shall from time to time issue bonds, notes or other obligations in an amount sufficient to finance the grants provided under P.L.1999, c.184 (C.18A:74-24 et al.) and to finance the administrative costs associated with the approval process and the issuance of the bonds, notes, or other obligations, provided however that the aggregate principal amount of the bonds, notes or other obligations shall not exceed \$45,000,000 and the term of any bond, note, or other obligation issued shall not exceed 30 years. In computing the foregoing limitation as to amount, there shall be excluded all bonds, notes or other obligations which have been retired or which shall be issued for refunding purposes, provided that the refunding is determined by the authority to result in a debt service savings. The authority shall issue the bonds, notes or other obligations in such manner as it shall determine in accordance with the provisions of P.L.1999, c.184 (C.18A:74-24 et al.) and the "New Jersey educational facilities authority law," N.J.S.18A:72A-1 et seq., provided that no bonds, notes or other obligations shall be issued pursuant to this section without the prior written consent of the State Treasurer.

b. The State Treasurer is hereby authorized to enter into a contract with the authority pursuant to which the State Treasurer, subject to available appropriations, shall pay the amount necessary to pay the principal and interest on bonds, notes and other obligations of the authority issued pursuant to P.L.1999, c.184 (C.18A:74-24 et al.) plus any amounts payable in connection with an agreement authorized under subsection f. of this section.

c. The authority shall enter into a contractual agreement with the appropriate local governing entity in the area served by the public library, and the agreement shall be approved by a resolution of the authority. Each agreement with an appropriate entity shall include provisions as may be necessary to ensure that the entity shall provide an amount equal to 300% of the grant amount.

The authority may enter into a loan agreement with the appropriate local governing entity in the area served by the public library to finance the entity's matching amounts for the project

including, but not limited to, the payment of principal and interest on the bonds, notes and other obligations of the authority issued pursuant to this section or its share of any amount payable in connection with an agreement authorized pursuant to this section or the entity's share of any amount payable in connection with an agreement authorized under subsection f. of this section. The loan may be secured by the entity's guarantee or the issuance of county or municipal bonds to the authority in a private sale.

d. Bonds, notes or other obligations issued pursuant to P.L.1999, c.184 (C.18A:74-24 et al.) shall not be in any way a debt or liability of the State or of any political subdivision thereof other than the authority and shall not create or constitute any indebtedness, liability or obligation of the State or of any political subdivision thereof, or be or constitute a pledge of the faith and credit of the State or of any political subdivision thereof, but all bonds, notes or other obligations, unless funded or refunded by the bonds, notes or other obligations of the authority, shall be payable solely from revenues of funds pledged or available for their payment as authorized by P.L.1999, c.184 (C.18A:74-24 et al.). Each bond, note or other obligation shall contain on its face a statement to the effect that the authority is obligated to pay the principal thereof, redemption premium, if any, or the interest thereon only from revenue or funds of the authority, and that neither the State nor any political subdivision thereof is obligated to pay the principal thereof, redemption premium, if any, or interest thereon, and that neither the faith and credit nor the taxing power of the State or of any political subdivision thereof is pledged to the payment of the principal of, redemption premium, if any, or the interest on the bonds, notes or other obligations.

e. The State of New Jersey does hereby pledge to and covenant and agree with the holders of any bonds, notes or other obligations issued pursuant to the authorization of P.L.1999, c.184 (C.18A:74-24 et al.) that the State shall not limit or alter the rights or powers hereby vested in the authority to perform and fulfill the terms of any agreement made with the holders of the bonds, notes or other obligations, or to fix, establish, charge and collect such rents, fees, rates, payments, or other charges as may be convenient or necessary to produce sufficient revenues to meet all expenses of the authority and to fulfill the terms of any agreement made with the holders of the bonds, notes and other obligations together with interest thereon, with interest on any unpaid installments of interest, and all costs and expenses in connection with any action or proceedings by or on behalf of the holders, until the bonds, notes and other obligations, together with interest thereon, are fully met and discharged or provided for.

f. In connection with any bonds or refunding of bonds issued pursuant to this section, the authority may also enter into any revolving credit agreement; agreement establishing a line of credit or letter of credit; reimbursement agreement; interest rate exchange agreement; currency exchange agreement; interest rate floor cap, option, put or call to hedge payment, currency, rate, spread or similar exposure, or similar agreement; float agreement; forward agreement; insurance contract; surety bond; commitment to purchase or sell bonds; purchase or sale agreement; or commitment or other contract or agreement or other security agreement approved by the authority.

L.1999, c.184, § 5.

# NEW JERSEY ADMINISTRATIVE CODE

## TITLE 15. STATE

### CHAPTER 21. STATE LIBRARY AID AND GRANTS

#### SUBCHAPTER 5. LIBRARY CONSTRUCTION INCENTIVE PROGRAM

##### **Authority**

N.J.S.A. 18A:2-2, 18A:4-15, 18A:74-3.3, 18A:74-6, 18A:74-10 and 18A:74-14.

##### **Source and Effective Date**

R.2000 d.145, effective March 10, 2000, reoption; April 3, 2000, Amendments  
See: 32 N.J.R. 244

##### **Chapter Expiration Date**

Chapter 21, State Library Aid and Grants, expires on March 10, 2005

##### **Authority**

N.J.S.A. 18A:2-2, 18A:4-15, 18A:74-3.3, 18A:74-6, 18A:74-10 and 18A:74-14.

##### **N.J.A.C.**

##### **15:21-5.1 Purpose**

Under the provisions of the New Jersey Library Construction Incentive Act, N.J.S.A. 18A:74-14, the State Librarian, as the designated representative of the Commissioner of Education of the State of New Jersey, is authorized to supervise and administer State funds to assist in the construction, expansion, renovation or acquisition of a public library building. The following are minimum requirements for participation in the grant program.

##### **N.J.A.C.**

##### **15:21-5.2 Eligible projects**

(a) The following projects are eligible for a grant:

1. Construction of a new building;
2. Acquisition of an existing building adaptable for use as a public library;
3. Addition to an existing building; or
4. Renovation of an existing building.

(b) All projects shall meet the minimum size criteria in N.J.A.C. 6:68-5.4(f).

(c) The acquisition or substantial renovation of an existing structure may be an eligible project. If eligible, the acquisition or the renovation must be extensive and clearly not routine maintenance and repair. In no case may costs for furnishings and equipment in excess of 30 percent of the total renovation costs of the project be considered eligible for matching.

(d) An application(s) may be submitted combining renovation and construction of an addition. An acquisition or renovation application must result in total floor space which, when added to the floor space of the existing structure, shall meet the minimum size criteria in N.J.A.C. 6:68-5.4(f).

(e) A renovation analysis and program must be prepared by a registered architect and shall be part of the application. The architect shall also certify that the proposed renovated structure and all its component parts shall have a life expectancy of 20 years or more. Studies made by the architect regarding the following shall be submitted in substantiation of the suitability and practicality of the acquisition or renovation:

1. The building shall be examined to determine that it is structurally sound;
2. The building shall be examined to determine if it is suitable for acquisition or renovation and upon completion will require no more than normal, annual maintenance;
3. Careful analysis of the space requirements and allocation of space shall be made to determine if the structure, as acquired or renovated, will meet modern concepts of library services to the community it serves;
4. All mechanical aspects of construction shall be carefully analyzed to determine the need for replacement or improvement.

(f) Minimum size for any new construction project shall be 3,500 square feet of floor space.

(g) Preliminary applications may be accepted for review which, while being innovative or providing a unique service fail to meet the criteria outlined in this section. Exceptions may be considered where the public library building program demonstrates initiative and seeks to solve local problems in an original or cost-effective manner.

(h) The signing of construction contracts before full approval by the State Librarian shall make the project ineligible.

(i) A school-public library combination is ineligible for grant funding.

## **N.J.A.C.**

### **15:21-5.3 Eligible project costs**

(a) Eligible project costs are enumerated under Section 7 of N.J.S.A. 18A:74-14.

(b) In order to promote the construction of projects in an economical manner, a ceiling periodically shall be set by the State Librarian on maximum per square foot project cost beyond which project costs will not be eligible in the computation of the State share of funding.

(c) Should some portion of the proposed construction be intended for use for other than library purposes, such as municipal offices or a general municipal meeting room, this space may not be included in the computation of available square feet of space. Construction costs relating to these nonpublic-library-use areas are not eligible to be used for matching purposes. The application must clearly designate the nonpublic-library-use areas and their related costs. Reimbursable costs must be reduced by the amount of those related costs.

The cost of any shared-space submitted for reimbursable purposes must be prorated on the basis of the percentage of library use, for example a meeting room that will be used 50 percent of the time by the public library is eligible to be reimbursed only 50 percent of those costs.

(d) Costs for renovation of an existing structure to be included together with costs of an addition will be computed separately and not averaged to determine amount of grant.

## **N.J.A.C.**

### **15:21-5.4 Project criteria**

(a) All applications must meet the requirements and criteria of this subchapter. Requests for exception to the requirements and criteria must be made in writing to the State Librarian. Exception requests shall be evaluated based on the applicant's demonstration of hardship in meeting the criteria and on the applicant's effort to correct any difficulty in meeting the criteria.

(b) During the calendar year prior to submission of application, a municipal, joint or association library shall have received tax support at the level equal to at least one-third of a mill on every dollar of assessable property within such municipality based on the equalized valuation of such property as certified by the Director of Taxation in the Department of the Treasury. A county or regional library, during the calendar year prior to submission of application, shall have received tax support at the level equal to at least 1/15 of a mill on every dollar of the apportionment valuation.

(c) During the calendar year prior to submission of application, the library shall have met all criteria for receipt of State Library Aid (N.J.A.C. 6:68-2) or submit a plan detailing steps to meet all the criteria which is acceptable to the State Librarian.

(d) The applicant must be in possession of a fee simple title or such other estate or interest in the site, including access thereto, as is sufficient to assure undisturbed use and possession of the facilities for not less than 20 years. Ownership of site by the applicant includes ownership of the land by the municipality(ies) of the applicant or the county(ies) in the case of a county or regional library application, provided that such land has been formally dedicated to library use. In the case of an association library, title to the land and building shall be in the name of the municipality in which the library is located.

(e) The applicant must have local matching funds for the project (the difference between project costs and the potential grant award) before final approval can be given. Within three months following notification of eligibility for a grant award, evidence must be submitted that funds have been appropriated for financing of the project. Such evidence shall include copies of the ordinance of appropriation passed on final reading and approved.

(f) Floor space is meant to include total square footage of space available for public library purposes including outer walls, areas provided for mechanical equipment and maintenance requirements and storage. These areas must have heat, light and ventilation and square footage commensurate with their purposes.

1. The estimated population 10 years after the year in which application is made shall be used to determine the population base of the area served by the applicant library. For areas experiencing a population decline, the population estimate of the New Jersey Department of Labor for one year prior to the fiscal year in which the grant application is made shall be used as the population base.
2. For new construction, the population base as determined above shall be used to compute the minimum project size required to qualify as an applicant for a grant as specified in Table A.

**Table A**

<b>Population to be Served by the Project</b>	<b>Minimum Square Feet of Floor Space</b>
Under 10,000	3,500 sq. ft. + .7 sq. ft. per capita over 5,000 pop.
10,000- 25,000	7,000 sq. ft. + .6 sq. ft. per capita over 10,000 pop.
25,000- 50,000	16,000 sq. ft. + .45 sq. ft. per capita over 25,000 pop.
50,000-100,000	27,250 sq. ft. + .35 sq. ft. per capita over 50,000 pop.
100,000-200,000	44,750 sq. ft. + .25 sq. ft. per capita over 100,000 pop.
200,000-500,000	69,750 sq. ft. + .2 sq. ft. per capita over 200,000 pop.
500,000+	129,750 sq. ft. + .15 sq. ft. per capita over 500,000 pop.

3. If the project is an addition to an existing building, the new construction for the addition must result in total floor space, which when added to the floor space of the existing structure, shall meet the minimum size criteria as shown in Table A.
4. The percentages in Table B below may be used to reduce the floor space requirements in Table A above for the construction, acquisition or renovation of a central library.

**Table B**

<b>Population Served by Central Library</b>	<b>Percent of Allowable Reduction</b>
Under 39,999	25

40,000-49,000	26
50,000-59,999	27
60,000-69,999	28
70,000-79,999	29
80,000-89,999	30
90,000, 99,999	31
100,000-109,999	32
110,000-119,999	34
120,000-129,999	36
130,000-139,999	38
140,000-149,999	40
150,000-159,999	42
160,000-169,999	44
170,000-179,999	46
180,000-189,999	48
190,000-199,999	50
200,000-209,999	52
210,000-219,999	54
over 219,999	55

(g) Library buildings and facilities shall be designed in accordance with State and Federal minimum standards for providing barrier-free access for physically handicapped people.

1. The applicant shall also comply with N.J.A.C. 5:23-7, Barrier-Free Subcode, pursuant to N.J.S.A. 52:32-4 through 12.
2. This document may be purchased from the American National Standards Institute, Inc., 11 West 42nd Street, New York, New York 10036.

(h) All New Jersey labor laws and regulations must be adhered to when applicable.

(i) All contracts shall be awarded in compliance with the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.

(j) In developing plans for public library facilities, the local and State codes with regard to fire and safety will be observed. In situations where local fire and safety codes do not apply, recognized State codes shall be observed.

**N.J.A.C.**

**15:21-5.5 Priorities for the receipt of construction grants**

(a) General provisions for priorities for the receipt of construction grants shall include the following:

1. Those applications properly submitted and found to be in an approvable form shall first be assigned to one of two priority groupings as described in this section. All applications of the first priority fulfilling the criteria of these rules shall be awarded grants before applications of the second priority are funded. Availability of funds and number of applications within each priority grouping shall, within any one fiscal year, determine the projects to be funded.
2. Within each of the two priority groupings, all applications shall be ranked in terms of ability to pay by the municipalities and counties. The ratio of the average equalized valuation\* of the three years preceding the date of the application to the population estimate of the municipality(ies) or county(ies) by the New Jersey Department of Labor for the year preceding the date of application shall be used as the criterion determining this financial ability. The first grant within each priority grouping shall be awarded that applicant demonstrating the least financial resources through the lowest ratio of equalized valuation to population. Each succeeding grant shall be awarded to the remaining applicant whose ability to pay is lowest.
  - i. First priority in award of grant shall be given to applications by municipal, joint or county libraries.
  - ii. Second priority in award of grant shall be given to applications by association libraries.

(b) Any previous recipient of a construction grant shall be placed automatically in the second priority and be ranked last in the priority for two fiscal years succeeding the fiscal year in which the grant was awarded, after which time it shall resume its normal status.

(c) There shall be no grant for a specific building within five fiscal years from the fiscal year in which a library construction grant previously was awarded.

\*Equalized Valuation as listed in the "Certification of Table of Equalized Valuations" promulgated annually on October 1, by the Division of Taxation, New Jersey Department of Treasury.

## **N.J.A.C.**

### **15:21-5.6 Amount of grant and method of allocation**

(a) Generally, the minimum State share of eligible project costs of any project eligible for a grant shall be no less than 25 percent.

(b) Should funds be insufficient to allow all projects eligible for a grant to receive at least 25 percent of eligible project costs, funds shall be distributed according to priority ranking (see N.J.A.C. 6:68-5.5) until the funds are depleted.

(c) Should funds be sufficient to allow all approved projects to receive more than 25 percent of eligible project costs, the 25 percent grants shall be considered as base grants and remaining funds shall be distributed to approved applicants on the basis of the ratio of each

project's square footage to the total square footage of all approved projects. The maximum grant will not exceed 50 percent of eligible project costs or \$1,000,000, whichever is less.

(d) Final grants shall be based on actual contract costs. When original estimated costs exceed contract costs on which basis the grant award was made, a grant may be reduced proportionately.

## **N.J.A.C.**

### **15:21-5.7 Review and approval procedures**

(a) Application must be in a completed official form New Jersey Library Construction Incentive Grant Program, 15215 supplied by the New Jersey State Library.

(b) The application shall be made by the body charged with the responsibility for the establishment and maintenance of the library (board of trustees or county library commission, or county board of chosen freeholders as appropriate). The governing body of the municipality in which the library is located, or of the county(ies) in the case of a county library, shall be cosignator of the application.

(c) If a library facility is to be constructed by a municipality with the provision that it be equipped or stocked or staffed or supported by a library not an agency of that municipality (for example, a municipally constructed building which will be operated by a county library as a branch library), the application shall be in the names of both or all parties concerned.

(d) The person authorized to submit the application shall be an officer of the body named as applicant, preferably, the president or chairperson of this body. A statement to be signed and completed by the responsible officer of the applicant, for example, secretary of a board of trustees, shall certify this authorization. If the application is jointly submitted, an individual from each body shall be authorized and certified. The signature of each authorized person is required on the application.

(e) Building plans shall be prepared by an architect licensed by the State of New Jersey.

(f) Any changes or revisions affecting the application, including any structural changes in the building plans made after an application is submitted, shall be submitted on appropriate forms for approval. The State Librarian shall have the power to revoke approval of any application or grant for failure to submit and receive approval of substantial changes in the application.

(g) Full approval of the proposed construction project must be given by the State Librarian before construction contracts are signed.

(h) Architectural or engineering supervision and inspection will be provided by the applicant at the construction site to ensure that the completed work conforms to the approved plans and specifications. For the purpose of inspection, representatives of the State Librarian will have access at all reasonable times to all construction work being done under the New Jersey Library Construction Incentive Act, N.J.S.A. 18A:74-14 et seq. The owner and contractor will be required to facilitate such access and inspection.

(i) Construction must be initiated and completed in a reasonable period of time. Time limit for completion shall be measured from the date of application approval. In general, construction must be completed according to the following schedule:

Total Eligible Project Cost	Maximum Construction Period
Under \$1,000,000	One Year
Over \$1,000,000	Two Years

(j) In general, the grant shall be paid to the applicant in three installments as shown below, but only upon receipt of satisfactory evidence of completion of each phase. Architect's certification and/or on-site inspection shall be considered satisfactory evidence.

1. Forty percent upon approval of the award of construction contract(s);
2. Fifty percent when construction is 50 per cent complete; and
3. Ten percent upon submission and acceptance of final expenditure report, subject to adjustment to reflect the actual cost.

(k) Accounts and supporting documents of the local agency shall be adequate to permit an accurate and expeditious audit. All expenditures claimed for State financial participation shall be audited either by an independent certified public accountant or an independent registered municipal accountant licensed by the State of New Jersey. Such audits shall be in accordance with generally accepted auditing standards and shall comply with guidelines established by the Department of Community Affairs for local government audits.

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Last updated: November 10, 2001.