CHAPTER 21
STATE LIBRARY AID AND GRANTS

Authority

Source and Effective Date
R.2018 d.175, effective October 1, 2018.
See: 49 N.J.R. 3808(a), 50 N.J.R. 2069(b).

Chapter Expiration Date
Chapter 21, State Library Aid and Grants, expires on October 1, 2025.

Chapter Historical Note
Chapter 21, State Library Aid and Grants, was originally codified in Title 6 as Chapter 68, State Library Assistance Programs. Chapter 68 was filed and became effective prior to September 1, 1969.


Subchapter 3 was adopted as R.1972 d.186, effective September 22, 1972. See: 4 N.J.R. 155(a), 4 N.J.R. 262(b).

Subchapter 4 was adopted as R.1974 d.175, effective July 1, 1974. See: 6 N.J.R. 223(a), 6 N.J.R. 302(a).

Pursuant to Executive Order No. 66(1978), Subchapter 2 was readopted as R.1985 d.207, effective April 12, 1985. See: 17 N.J.R. 346(a), 17 N.J.R. 1078(a).

Subchapter 5 was adopted as R.1986 d.278, effective July 21, 1986. See: 18 N.J.R. 595(b), 18 N.J.R. 1459(a).


Pursuant to Executive Order No. 66(1978), Chapter 68, State Library Assistance Programs, was readopted as Chapter 68, State Library Aid and Grants, by R.1990 d.179, effective February 26, 1990, and Subchapter 1, General Provisions, Subchapter 3, Incentive Grant Program, Subchapter 7, Institutional Library Services, and Subchapter 8, Municipal Branch Library Services, were adopted, former Subchapter 1 was recodified as Subchapter 2, State Library Aid, former Subchapter 3 was recodified as Subchapter 4, Emergency Aid, former Subchapter 4 was recodified as Subchapter 5, Library Construction Incentive Program, former Subchapter 5 was recodified as Subchapter 6, Audio-Visual Public Library Services, former Subchapter 8 was recodified as Subchapter 9, Collection Evaluation and Development, and former Subchapter 9 was recodified as Subchapter 10, Maintenance of Library Collections, and former Subchapters 2, 6 and 7 were repealed by R.1990 d.179, effective March 19, 1990. See: 21 N.J.R. 3822(a), 22 N.J.R. 921(c).

Pursuant to Executive Order No. 66(1978), Chapter 68, State Library Aid and Grants, was readopted as R.1995 d.290, effective May 12, 1995, and former Subchapter 3, Incentive Grant Program, was repealed and Subchapter 3, Incentive for Larger Service Units Grant Program, was adopted as new rules by R.1995 d.290, effective June 5, 1995. See: 27 N.J.R. 620(a), 27 N.J.R. 2202(a).


Chapter 21, State Library Aid and Grants, was readopted as R.2005 d.226, effective June 15, 2005. See: 37 N.J.R. 723(a), 37 N.J.R. 2697(b).


Chapter 21, State Library Aid and Grants, was readopted as R.2010 d.290, effective November 12, 2010. See: 42 N.J.R. 1492(b), 42 N.J.R. 3069(b).

In accordance with N.J.S.A. 52:14B-5.1h, Chapter 21, State Library Aid and Grants, was scheduled to expire on November 12, 2017. See: 43 N.J.R. 1203(a).

Chapter 21, State Library Aid and Grants, expired on May 11, 2018, and was adopted as new rules by R.2018 d.175, effective October 1, 2018. As a part of R.2018 d.175, Subchapter 3, Incentive for Larger Service Units Grant Program, Subchapter 6, Audio-Visual Public Library Services, Subchapter 7, Institutional Library Services, and Subchapter 8, Municipal Branch Library Services were repealed. See: Source and Effective Date. See also, section annotations.

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15:21-1.1 Purpose
The purpose of this chapter is to describe the library aid and grant programs available from State funds and to establish general rules for the application process. Amended by R.1995 d.290, effective June 5, 1995. See: 27 N.J.R. 620(a), 27 N.J.R. 2202(a). Amended by R.2018 d.175, effective October 1, 2018. See: 49 N.J.R. 3808(a), 50 N.J.R. 2069(b). Inserted "aid and".

15:21-1.2 Definitions
The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

"Academic library" means a library within a publicly or privately supported institution of higher education.

"Access" means accessibility of materials on site or online, interlibrary loan of materials, citation/location of materials on databases and cataloging of materials.

"Associate librarian" means a person who holds an associate educational media specialist certificate in accordance with N.J.A.C. 6A:9-13.15.

"Association library" means a library established pursuant to N.J.S.A. 15A:1-1 et seq. and receiving public funds pursuant to N.J.S.A. 40:54-35.

"Audio-visual" means communications resources which rely on a device for transmission, reproduction, or enlargement to be effectively utilized or understood. Also included are other non-print resources such as art works and objects.

"Branch library" means an auxiliary public library (county or municipal) which has all of the following, but which is administered from a central unit:

1. Separate quarters from the central unit;
2. A permanent basic collection of library materials;
3. A permanent paid staff; and
4. A regular schedule for opening to the public.

"Central library" means the main library building of a municipality, county or other type of public library or those facilities which house the administrative headquarters of a public library system, including system-wide services provided from a single location.

"Collection" means library materials in any format.

"Collection development" means activities relating to the development of a library collection, including but not limited to the determination and coordination of selection policies, assessment of needs of users and potential users, collection
use studies, collection evaluation, identification of collection needs, selection of materials, planning for resource sharing, collection maintenance and weeding, and purchase of library materials in any format.

"Collection evaluation" means the process of assessing a library collection in terms of specific objectives or in terms of the needs of the patrons of the particular collection.

"Collection maintenance" means activities to preserve the materials in a collection, including care and handling, binding, mending, repairing, marking and shelving.

"Collection of historical or special interest" means all or part of a group of materials with permanent significance to New Jersey's documentary heritage or with general research value and uniqueness.

"Coordinated collection development plan" means an agreement extended by a group of libraries to take responsibility for building and maintaining collections in specific subject areas to increase the resource sharing capabilities of the libraries.

"County library" means a public library established pursuant to N.J.S.A. 40:33-1 to 13 and 40:33-15 to 23.

"Evening hours" means any two hours the library is open after 6:00 P.M.

"Expanded programs of library services" means new services, changes in or expansion of services already offered.

"Extended long-term loan" means a loan of 12 months or more.

"In kind" means the current and recurring costs of the operation of the library and its programs/services that were present before the development and implementation of the grant program.

"Institution" means an adult or juvenile health, mental health, mental retardation, veterans, residential, correctional and other similar facility other than a public school, which is operated by or under contract to the State or to county or municipal governments to carry out health, welfare, educational and correctional programs. Excluded are general hospitals, nursing homes and boarding homes.

"Institutional library" means any library within an institution directly serving the institutional client group.

"Interlibrary loan" means a transaction between libraries, a form of resource sharing by which one library's collection is utilized by another library in response to a request for a specific item on behalf of its users. The original or a copy of the item may be provided.

"Joint library" means a library established pursuant to N.J.S.A. 40:54-29.3 to 29.26.

"Librarian" means a professional librarian, an educational media specialist or an associate educational media specialist who holds, or is eligible to hold, a certificate in accordance with N.J.A.C. 15:23 Professional librarian; N.J.A.C. 6A:9-13.14, Educational media specialist; or N.J.A.C. 6A:9-13.15, Associate educational media specialist.

"Library" means an organized collection of accessible print and/or non-print materials with appropriate staff to maintain such materials and to provide reference, research and other services to the public.

"Library assistant" means a person employed in a library who performs clerical or support functions.

"Library cooperative" means a membership organization of libraries and library-related agencies organized as a nonprofit corporation pursuant to N.J.S.A. 15A:1-1 et seq., that has agreed to provide and receive cooperative service and that has been designated a library cooperative by the State Librarian.

"Library materials" means print, non-print items and electronic resources.

"Library-related agency" means a county audio-visual aids commission established under N.J.S.A. 18A:51; a learning resource center; a regional curriculum services unit; or any other nonprofit organization meeting the criteria for membership in a regional library cooperative in accordance with N.J.A.C. 15:22-1.5(b).

"Library-related education" means a program or programs designed to educate participant(s) in the activities and knowledge necessary to provide, library service and to support management activities including governance and legal information.

"Library services" means all activities rendered by the library to its users.

"Municipal library" means a library established pursuant to N.J.S.A. 40:54-1 to 29.2.

"Non-print materials" means materials in audio and visual formats which convey information primarily by sound and image rather than by text and which rely on a device for transmission, reproduction or enlargement to be effectively utilized or understood. Excluded are print and print substitutes such as microform, but included are computer software, art works and objects and electronic resources.

"Non-print public library services" means provision of access to non-print materials to clientele of a public library.

"Overhead" means current or recurring expenses such as rent, insurance, lighting, heating, accounting or office expenses.

"Part-time employee" means an employee whose regular hours of duty are less than the normal work week for that
class or agency in accordance with Civil Service Rule N.J.A.C. 4A:1-1.3.

"Periodical" means a serial publication which is issued in a continuous series under the same title, usually published at regular intervals, more frequently than annually, over an indefinite period, individual issues in the series being numbered consecutively or each issue being dated.

"Periodical indexes" means subject indexes to a newspaper or to a group of periodicals which are provided for patron and staff use whether in print, microform or electronic format.

"Privately supported library" means a library whose parent agency receives less than 50 percent of its annual funding support from governmental sources.

"Public library" means a municipal, county, association or joint library, which receives public funding.

"Publicly supported library" means a library whose agency receives 50 percent or more of its regular annual funding support from governmental sources.

"School library" means a library/media center within any publicly or privately supported elementary or secondary school, or in any post-secondary vocational or technical school.

"Special census" means a census conducted by the United States Secretary of Commerce pursuant to 13 U.S.C. 196.

"Special library" means a library/information center of a business, a professional, scientific, or trade association, a government, hospital or other for-profit or nonprofit institution or organization which provides that organization with research services.

"User studies" means a method of determining the information needs of current library patrons or potential library patrons.

In "Access", substituted "of materials on site or online" for "on site" following "accessibility"; in "Audio-visual", inserted "other" following "included are" in the second sentence; deleted "Audio-visual materials", "Audio-visual public library services" and "Subject collection"; in "Library materials", substituted "resources" for "software" at the end; inserted "Non-print materials" and "Non-print public library services"; and in "Periodical indexes", substituted "microform" for "micro" following "print."
Amended by R.2005 d.226, effective July 18, 2005.
See: 37 N.J.R. 723(a), 37 N.J.R. 2697(b).
In (b), deleted "publication" preceding "Grant's Bulletin."

15:21-1.3 Grant application procedures
(a) The State Library requires the use of a standard application for the grant programs unless otherwise specified. Application forms, unless otherwise specified, may be obtained from:

New Jersey State Library
Grant Applications
185 West State Street
PO Box 520
Trenton, New Jersey 08625-0520.

(b) Applications must conform to the requirements for completion and the deadline dates as specified by the State Librarian in the "Grants Bulletin."

Named the publication as "Grants Bulletin."
Amended by R.2005 d.226, effective July 18, 2005.
See: 37 N.J.R. 723(a), 37 N.J.R. 2697(b).
In (b), deleted "publication" preceding "Grant's Bulletin."

15:21-1.4 Criteria for approval
(a) Evaluation of the applications may be based on the following criteria, with additional criteria provided depending on the individual grant:

1. A statement of the applicant's need as it relates to the stated purpose of the grant;
2. A rationale providing a description of the potential project and the basis for the selection of a particular solution or method for the project;
3. Goals and objectives describing the outcomes or results expected from the project;
4. An action plan describing the activities and resources needed to reach the stated objectives of the project;
5. An evaluation plan describing the applicant's proposed method to evaluate the progress and outcomes of the project; and
6. A budget listing how requested funds will be used to support the action plan. Appropriate budget forms are supplied with application forms.

(b) Each application will contain specific, expanded definitions of these criteria to assist applicants to develop appropriate information for the grant application.

In (a), rewrote the introductory paragraph and 1.
15:21-1.5 Reports and audits

Grant recipients shall be required to submit reports and financial audits as specified by the State Librarian in the grant announcement.

15:21-1.6 Notification of applicants

Applicants will be informed of the State Librarian's recommendations of approval or rejection within 90 days of application deadline.

15:21-1.7 Appeals procedure

Appeals from any action of the State Librarian regarding the rules in this chapter may be requested and opportunity given for an informal fair hearing before the State Librarian. In the event of an adverse decision after such informal hearing, applicants may request a formal hearing pursuant to N.J.S.A. 18A:6-9 et seq., 18A:6-24, and 18A:6-27 and Reorganization Plan 002-1996. Such hearing shall be governed by the provisions of the Administrative Procedure Act (see N.J.S.A. 52:14B-1 et seq., and 52:14F-1 et seq., as implemented by the Uniform Administrative Procedure Rules, N.J.A.C. 1:1).

Rewrote the section.
Amended by R.2018 d.175, effective October 1, 2018.
See: 49 N.J.R. 3808(a), 50 N.J.R. 2069(b).
Substituted "chapter" for "subchapter", deleted a comma following "requested", inserted "and" preceding "18A:6-27", and inserted a comma following the second occurrence of "et seq.".

15:21-2.1 Purpose

The purpose of this program is to provide per capita library aid to public libraries according to N.J.S.A. 18A:74-1 et seq.

See: 21 N.J.R. 3822(a), 22 N.J.R. 921(c).

15:21-2.2 Governance

(a) Any municipal library which has been established pursuant to N.J.S.A. 40:54-1 et seq. or pursuant to any special Act shall provide for a library board of trustees in the manner and with the duties and powers specified in N.J.S.A. 40:54-1, 40:54-3, 40:54-8.1, 40:54-9, 40:54-11, 40:54-12, 40:54-13, 40:54-14, 40:54-15, 40:54-16, 40:54-17, 40:54-18, 40:54-19, 40:54-20, 40:54-21, 40:54-22, 40:54-23, 40:54-24, and 40:54-25.

(b) Association libraries receiving local tax support under N.J.S.A. 40:54-35 shall be governed by a board of trustees and shall be incorporated as a non-profit corporation pursuant to N.J.S.A. 15A:1-1 et seq.

(c) Any joint library which has been established pursuant to N.J.S.A. 40:54-29.3 et seq. shall provide for a library board of trustees in the manner and with the duties and powers specified in N.J.S.A. 40:54-12, 40:54-29.10, 40:54-29.12 and 40:54-29.13.


See: 21 N.J.R. 3822(a), 22 N.J.R. 921(c).
Added statutory cites.
Amended by R.2005 d.226, effective July 18, 2005.
See: 37 N.J.R. 723(a), 37 N.J.R. 2697(b).
Added (d).

15:21-2.3 Certification

(a) In order to receive any State library aid, all public libraries must annually certify that:

1. Each municipality or county that supports, in whole or in part, library service from municipal or county tax sources pursuant to N.J.S.A. 40:33-1 et seq., or 40:54-1 et seq., complies fully with N.J.S.A. 40:33-1 et seq., or 40:54-1 et seq., except that municipal libraries currently funded below the minimum of ½ mill for operating expenditures as per N.J.S.A. 40:54-8 due to capital outlay expenditures, shall be exempt from meeting the ½ mill requirement for the purposes of State library aid until such time as the current debt is retired;

2. A member or members of the board or commission has or have received a minimum of seven total hours of library-related education annually; and

3. Libraries serving populations of 7,500 or above, the statute notwithstanding, will employ in all professional librarian positions counted for State Library Aid purposes librarians holding a New Jersey State Professional Librarian Certificate as required in N.J.S.A. 45:8A-1 et seq.

Substituted a reference to populations of 7,500 for a reference to populations of 10,000, and changed N.J.S.A. reference.
Amended by R.2005 d.226, effective July 18, 2005.
See: 37 N.J.R. 723(a), 37 N.J.R. 2697(b).
Rewrote the section.
Amended by R.2010 d.290, effective December 20, 2010.
See: 42 N.J.R. 1492(b), 42 N.J.R. 3069(b).
Rewrote the section.

15:21-2.4 Employees

(a) All public libraries (municipal, joint, association and county) shall meet the following minimum requirements based on the population of the area from which the library receives tax support:

1. Number of employees: All libraries shall employ a minimum of one full-time staff member as variously defined in this section. In addition, one full-time employee or
the equivalent thereof in part-time paid employment for the initial 4,000 population and each succeeding 4,000 population shall be employed as set forth in Chart A below. Security, janitorial and custodial employees may be counted not to exceed 10 percent of total staff.

Chart A
Minimum Number of Full Time Equivalent (FTE) Employees

<table>
<thead>
<tr>
<th>Population Category</th>
<th>Number of Professional FTE(a) Required (based on 35 hour work week)</th>
<th>Number of All Other Staff FTE(b) Required (based on 30 hour work week)</th>
<th>Total Number of Paid FTE(c)</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-3,999</td>
<td>0</td>
<td>(1^b)</td>
<td>1</td>
</tr>
<tr>
<td>4,000-4,999</td>
<td>1</td>
<td>(1^b)</td>
<td>2</td>
</tr>
<tr>
<td>5,000-7,499</td>
<td>2 (at least one person must work a minimum of 30 hours per week)</td>
<td>(2^b)</td>
<td>4</td>
</tr>
<tr>
<td>7,500-7,999</td>
<td>1</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>8,000-11,999</td>
<td>1</td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td>12,000-15,999</td>
<td>1</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td>16,000-19,999</td>
<td>1</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>20,000-23,999</td>
<td>2</td>
<td>4</td>
<td>6</td>
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<tr>
<td>24,000-27,999</td>
<td>2</td>
<td>5</td>
<td>7</td>
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<tr>
<td>28,000-29,999</td>
<td>2</td>
<td>6</td>
<td>8</td>
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<td>30,000-31,999</td>
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<td>5</td>
<td>8</td>
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<td>32,000-35,999</td>
<td>3</td>
<td>6</td>
<td>9</td>
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<td>36,000-39,999</td>
<td>3</td>
<td>7</td>
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<td>40,000-43,999</td>
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<td>44,000-47,999</td>
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<td>48,000-49,999</td>
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<td>9</td>
<td>13</td>
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<td>50,000-51,999</td>
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<td>8</td>
<td>13</td>
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<td>52,000-55,999</td>
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<td>9</td>
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<td>56,000-59,999</td>
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<td>60,000-63,999</td>
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<td>64,000-67,999</td>
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<td>68,000-69,999</td>
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<td>82,000-83,999</td>
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<td>22</td>
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<td>16</td>
<td>22</td>
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<td>86,000-89,999</td>
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<td>17</td>
<td>23</td>
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<td>90,000-93,999</td>
<td>7</td>
<td>17</td>
<td>24</td>
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<td>94,000-97,999</td>
<td>7</td>
<td>18</td>
<td>25</td>
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<tr>
<td>98,000-101,999</td>
<td>7</td>
<td>19</td>
<td>26</td>
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<tr>
<td>102,000-109,999</td>
<td>7(e)</td>
<td>20(f)</td>
<td>27</td>
</tr>
</tbody>
</table>

\(a\) For municipalities of 7,500 population or more, one FTE is the director and must work a minimum of 35 hours per week.

\(b\) For municipalities of under 5,000 population, one FTE must be filled by a person working at least 30 hours per week or two part time persons working a combined 30 hours per week with neither working less than 10 hours per week.

\(c\) Professional FTE at 35 hours/week and all other staff FTE at 30 hours/week (security, janitorial and custodial employees may be counted not to exceed 10 percent of total staff).

\(d\) Add one additional full time equivalent for each additional 4,000 population over 52,000.

\(e\) 110,000 requires eight professionals, 130,000 and over requires nine professionals plus one additional full time equivalent professional for each additional 20,000 population.

\(f\) To continue the increase of "number of all other staff FTE," subtract the "number of professional staff FTE" from the "total number of paid FTE."

i. Full-time means a minimum of 30 hours per week except that for municipalities of under 5,000 population, full-time may be defined as two part-time persons working a combined 30 hours per week. At no time shall either part-time employee work less than 10 hours per week.

2. Professional staff:

i. N.J.S.A. 45:8A-3 notwithstanding, all libraries serving populations of 7,500 or more must employ as library director a full-time professional librarian who holds a New Jersey State Professional Librarian Certificate. Libraries serving between 7,500 and 9,999 in population shall be exempt from meeting the requirement of a professional library director until such time as the incumbent director, employed at the time of the adoption of this revision, of said library is no longer employed by that library.

ii. The minimum full-time work week shall be 35 hours. The minimum work week shall apply to all libraries receiving aid under this section.

iii. Libraries serving 7,500 to 50,000 population must employ a minimum of one full-time professional librarian holding a New Jersey State Professional Librarian Certificate or the full-time equivalent for each 10,000 population up to 50,000 and one additional full-time professional librarian or the full-time equivalent for each 20,000 population over 50,000 as set forth in Chart A above.

iv. Libraries serving a population over 50,000 must employ a minimum of one full-time professional librarian holding a New Jersey State Professional Librarian Certificate or the full-time equivalent for each 20,000 population over 50,000 as set forth in Chart A above.


(a)2ii population changed from 10,000 to 20,000.


See: 21 N.J.R. 3822(a), 22 N.J.R. 921(e).

Recodified from 1.4 and added new (a)1i.

Administrative Correction to (a)2ii: changed 129,000 to 129,999.

See: 22 N.J.R. 2359(a).


Rewrote (a)2.

Amended by R.2005 d.226, effective July 18, 2005.

See: 37 N.J.R. 723(a), 37 N.J.R. 2697(b).

In (a), rewrote 1 and 2.
15:21-2.5 Library materials

(a) A minimum collection of 8,000 volumes or one volume per capita, whichever is greater, shall be available in all libraries established pursuant to the provisions of N.J.S.A. 40:54-1 et seq., N.J.S.A. 40:54-29.3 et seq. and N.J.S.A. 40:33-1 et seq.

(b) A minimum of 1/10 of volume per capita shall be purchased annually. Non-print materials, computer software and electronic reference services may be equated to volumes purchased. To equate non-print materials, computer software and electronic reference services with print purchases:

1. Divide total materials budget, excluding expenditure for periodicals, by the average price per volume as computed in New Jersey Library Statistics for the preceding calendar year; or

2. Divide total expenditure for non-print materials, computer software and electronic reference services by average price per volume as computed in New Jersey Library Statistics for the preceding calendar year. Add resulting figure to number of volumes purchased. The total of the two figures should be equal to or exceed the minimum requirement of 1/10 volume.

(c) Each library shall purchase or provide indexes and back issues as set forth in Chart B below.

<table>
<thead>
<tr>
<th>Population</th>
<th>Number Listed in Indexes Any Format (Include Online)</th>
<th>Number Retained for Three Years Any Format (Include Online)</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-5,000</td>
<td>15</td>
<td>8</td>
</tr>
<tr>
<td>5,000-9,999</td>
<td>30</td>
<td>17</td>
</tr>
<tr>
<td>10,000-24,999</td>
<td>45</td>
<td>25</td>
</tr>
<tr>
<td>25,000-49,999</td>
<td>60</td>
<td>33</td>
</tr>
<tr>
<td>50,000 and over</td>
<td>90</td>
<td>50</td>
</tr>
</tbody>
</table>

1. Each library shall provide the index or indexes that are necessary to provide access to information contained within the periodicals, or subscribe or have access to an online, full-text database. These indexes may be hard copy subscriptions, electronic services purchased or leased by the library or an online database that indexes periodicals.

(d) Each library shall provide the public free access to the Internet all hours the library is open.

(e) Those libraries which are in municipalities providing tax support for a county library may count the materials provided by the county library to the local library toward meeting the requirements of (a), (b) and (c) above. The materials provided can be used to satisfy the requirements for volumes purchased, minimum collection, and periodical subscriptions and holdings by the exact number provided by the county library in each category.


15:21-2.6 Service

(a) The following concerns hours of service:

1. The following minimum hours of service are required as set forth in Chart C below.

<table>
<thead>
<tr>
<th>Population Served</th>
<th>Hours Open Per Week</th>
<th>Minimum Hours Open Per Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-7,500</td>
<td>30</td>
<td>1,500</td>
</tr>
<tr>
<td>7,500-9,999</td>
<td>35</td>
<td>1,750</td>
</tr>
<tr>
<td>10,000-24,999</td>
<td>45</td>
<td>2,250</td>
</tr>
<tr>
<td>25,000-49,999</td>
<td>50</td>
<td>2,500</td>
</tr>
<tr>
<td>50,000 and over</td>
<td>60</td>
<td>3,000</td>
</tr>
</tbody>
</table>

2. Minimum hours open to the public must be scheduled to provide some service five days per week with a minimum of three evenings and some weekend hours every week. Variations are permitted as long as the minimum hours open per year standard is met as set forth in Chart C above, or as authorized by the State Librarian.

3. Libraries serving communities of under 7,500 population must meet the minimum requirement of 30 hours per week. However, the 30 hours may be scheduled to provide only two instead of three evenings per week.

(b) Libraries shall provide the minimum level of service set forth in this subsection. Libraries shall:

1. Offer interlibrary loan through current technology;
2. Provide children’s programming; and
3. Provide a library webpage with links to databases offered by the State or the library cooperative.

(c) Libraries shall provide knowledgeable service.

1. All public libraries must certify that a member or members of the staff who do not hold a New Jersey State Professional Librarian Certificate and are counted to meet the minimum requirements of N.J.A.C. 15:21-2.4 has or collectively have received annually a minimum of library-related education as set forth in Chart D below.
Chart D
Annual Minimum Hours of Library Related
Continuing Education

<table>
<thead>
<tr>
<th>Population Category</th>
<th>Training for Professionals</th>
<th>Training for All Other Staff</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-3,999</td>
<td>0</td>
<td>3</td>
</tr>
<tr>
<td>4,000-4,999</td>
<td>0</td>
<td>6</td>
</tr>
<tr>
<td>5,000-7,499</td>
<td>0</td>
<td>6</td>
</tr>
<tr>
<td>7,500-7,999</td>
<td>7</td>
<td>3</td>
</tr>
<tr>
<td>8,000-11,999</td>
<td>7</td>
<td>6</td>
</tr>
<tr>
<td>12,000-15,999</td>
<td>7</td>
<td>9</td>
</tr>
<tr>
<td>16,000-19,999</td>
<td>7</td>
<td>12</td>
</tr>
<tr>
<td>20,000-23,999</td>
<td>14</td>
<td>12</td>
</tr>
</tbody>
</table>

*To continue beyond the listed population of 23,999, multiply the number of professional FTE from Chart A (column 2) times seven hours.

**To continue beyond the listed population of 23,999, multiply the number of all other staff FTE from Chart A (column 3) times three hours.

2. All public libraries must certify that a member or members of the staff who hold a New Jersey State Professional Librarian Certificate and are counted to meet the minimum requirements of N.J.A.C. 15:21-2.4(a) has or collectively have received annually a minimum of library-related education as required in Chart D above.

3. All public libraries should be members of the library cooperative.

See: 21 N.J.R. 3822(a), 22 N.J.R. 921(c).
Added State Librarian Authorization to make local hour variations.
In (a), changed Population Served references; and in (c), substituted “7,500” for “10,000” following “under”.
Amended by R.2005 d.226, effective July 18, 2005.
See: 37 N.J.R. 723(a), 37 N.J.R. 2697(b).
Section was “Hours of service”. Rewrote the section.
Amended by R.2018 d.175, effective October 1, 2018.
See: 49 N.J.R. 3808(a), 50 N.J.R. 2069(b).
In (a)2, rewrote the last sentence; in (b)3, substituted “webpage” for “Webpage”, and “the” for “or regional”; and in (c)3, substituted “the” for “a regional”.

15:21-2.7 Reduction of aid for failure to meet minimum requirements

(a) Failure to meet the requirements of N.J.A.C. 15:21-2.2 and 2.3 will result in the loss of all per capita State Aid (PCSA).

(b) Failure to meet the requirements specified in N.J.A.C. 15:21-2.4 through 2.6 will result in the loss of PCSA by a percentage in proportion to the number of requirements not yet achieved, each requirement to have the following weights (not to exceed 100 percent):

1. N.J.A.C. 15:21-2.4:
   i. Employees: 50 percent.

2. N.J.A.C. 15:21-2.5:
   i. Basic book collection: 50 percent.
   ii. Annual purchases: 50 percent.
   iii. Periodicals: 50 percent.
   iv. Public Internet access: 50 percent.

3. N.J.A.C. 15:21-2.6:
   i. Hours of service: 50 percent.
   ii. Extended Service: 50 percent.
   iii. Knowledgeable Service: 50 percent.

Chart E

<table>
<thead>
<tr>
<th>N.J.A.C.</th>
<th>Covers</th>
<th>Percent Loss</th>
</tr>
</thead>
<tbody>
<tr>
<td>15:21-2.3</td>
<td>Library Director, Trustees, Compliance with applicable statutes</td>
<td>100</td>
</tr>
<tr>
<td>15:21-2.4</td>
<td>Employees</td>
<td>50</td>
</tr>
<tr>
<td>15:21-2.5</td>
<td>Materials—Basic book collection Employees</td>
<td>50</td>
</tr>
<tr>
<td></td>
<td>Materials—Annual purchases</td>
<td>50</td>
</tr>
<tr>
<td></td>
<td>Materials—Periodicals</td>
<td>50</td>
</tr>
<tr>
<td>15:21-2.6</td>
<td>Materials—Some free public Internet access</td>
<td>50</td>
</tr>
<tr>
<td></td>
<td>Service—Hours</td>
<td>50</td>
</tr>
<tr>
<td></td>
<td>Service—Extended service</td>
<td>50</td>
</tr>
<tr>
<td></td>
<td>Service—Knowledgeable service</td>
<td>50</td>
</tr>
</tbody>
</table>

See: 21 N.J.R. 3822(a), 22 N.J.R. 921(c).
Deleted (b).
Added (b).
In (b)2, substituted “20 percent” for “30 percent” in ii, and added iv.
Amended by R.2005 d.226, effective July 18, 2005.
See: 37 N.J.R. 723(a), 37 N.J.R. 2697(b).
Rewrote (b).
Amended by R.2018 d.175, effective October 1, 2018.
See: 49 N.J.R. 3808(a), 50 N.J.R. 2069(b).
In (a), inserted “(PCSA)”; and in the introductory paragraph of (b), substituted “PCSA” for “per capita State Aid (PCSA)”.

15:21-2.8 Use of per capita aid; decision by public library board of trustees or county library officials

(a) State Aid must be used for library purposes. Upon receipt of State Aid checks pursuant to N.J.S.A. 18A:74-3, municipal and county treasurers shall make these funds immediately available to public library trustees, county library commissioners or the board of chosen freeholders. Decisions on the use and expenditures of per capita State Aid rest with the board of trustees of municipal, joint, and association libraries and with the county library commission of the county libraries or the county board of chosen freeholders. The State Librarian may require a certified audit if he or she deems necessary.
(b) State Aid funds must be expended within two years of the date of receipt of the funds. If not expended, the board of trustees, the county library commission or the board of chosen freeholders must submit to the State Librarian a plan for the use of the unspent balances at least 60 days before the deadline for expenditure. Failure to submit such a plan, or disapproval of the plan by the State Librarian, shall result in the withholding of State Aid payments.

(c) In reviewing the plan, the State Librarian will give consideration to the following:

1. Priority for the use of balances for expenditures which enable the library to comply with the provisions of this chapter;
2. Demonstration that expenditures contribute to the provision of efficient and effective library services, including capital needs and facilities;
3. Inclusion of realistic, attainable, time-bounded objectives.

As amended, R.1978 d.121, effective April 7, 1978.
See: 10 N.J.R. 95(a), 10 N.J.R. 183(b).
See: 21 N.J.R. 382(a), 22 N.J.R. 921(c).
Boards of chosen freeholders added and 60 days before deadline for expenditure in (b) added.
Amended by R.2005 d.226, effective July 18, 2005.
See: 37 N.J.R. 723(a), 37 N.J.R. 2697(b).
In (a), added the first sentence.
Amended by R.2018 d.175, effective October 1, 2018.
See: 49 N.J.R. 3808(a), 50 N.J.R. 2069(b).
In (a), rewrote the second sentence; and inserted a comma following "joint".

15:21-2.9 Application of special census

An application for the use of a special census for the receipt of aid pursuant to N.J.S.A. 18A:74-3 shall be submitted in writing to the State Librarian for transmittal to the State Treasurer on or before October 15 of the year preceding that in which the special census would be used as a basis for the payment of per capita State Aid. The application must include the new census figure to be used and written verification from the United States Bureau of the Census.

See: 21 N.J.R. 382(a), 22 N.J.R. 921(c).
Deleted reference to area library grants.
Amended by R.2018 d.175, effective October 1, 2018.
See: 49 N.J.R. 3808(a), 50 N.J.R. 2069(b).
Substituted "State Aid" for "aid", and deleted a comma following the second occurrence of "used".

15:21-2.10 Library buildings; submission of program

Any library planning to use State Aid moneys for new construction, an addition or structural changes to the present building shall submit its building program and preliminary building plans to the State Librarian for review and approval.

See: 21 N.J.R. 382(a), 22 N.J.R. 921(c).
Deleted "extensive renovations"; added "structural changes".

15:21-2.11 Revision of criteria

The State Librarian shall review all State Library Aid rules every seven years and recommend appropriate revisions to the Secretary of State to ensure that libraries throughout the State move toward the achievement of national standards and the development of appropriate library service. The State Library Advisory Council may recommend appropriate revisions to the State Librarian.

See: 21 N.J.R. 382(a), 22 N.J.R. 921(c).
Deleted reference to Archives and History.
Rewrote the section.
Amended by R.2018 d.175, effective October 1, 2018.
See: 49 N.J.R. 3808(a), 50 N.J.R. 2069(b).
Substituted "seven" for "five".

15:21-2.12 State Library Aid application

(a) An application form is available at the following address:

New Jersey State Library
Per Capita State Aid
185 West State Street
PO Box 520
Trenton, New Jersey 08625-0520

See: 21 N.J.R. 382(a), 22 N.J.R. 921(c).
Corrected address.

15:21-2.13 (Reserved)

See: 21 N.J.R. 382(a), 22 N.J.R. 921(c).

SUBCHAPTER 3. (RESERVED)

SUBCHAPTER 4. EMERGENCY AID

15:21-4.1 Purpose

The purpose of this emergency aid grant program is to help alleviate unforeseeable, emergency conditions in any public library.

See: 21 N.J.R. 382(a), 22 N.J.R. 921(c).
Repealed by R.2018 d.175, effective October 1, 2018.
See: 49 N.J.R. 3808(a), 50 N.J.R. 2069(b).
Section was "Appeals procedure".
15:21-4.2 Definitions

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

"Adequate insurance" means insurance covering, at a minimum, losses of 80 percent of replacement value, resulting from fire, floods, lightning, aircraft, earthquake, vehicles, explosions, riots, civil commotion, vandalism or malicious mischief.

"Emergency" means any damage or loss suffered by a public library in excess of $50,000 or 10 percent of that library's current operating budget, whichever is less, and which directly affects the accessibility to the library and its collections to the public. Damages or losses caused by normal wear and tear, deterioration, defect, mechanical breakdown or neglect are not considered emergencies.

"Reimbursable loss" means such damage or loss which is not indemnified elsewhere such as through insurance or similar payments.


See: 21 N.J.R. 3822(a), 22 N.J.R. 921(e).

Recodified from 3.1 and added "adequate insurance".

15:21-4.3 Emergency aid grants

(a) Emergency aid grants up to 100 percent of reimbursable losses may be made as funds permit.

(b) In general, no more than 50 per cent of the sum allocated annually for emergency aid and incentive grants will be expended as emergency aid grants.

15:21-4.4 Method of application

(a) An intent to file a request for emergency aid must be received by the State Librarian within 90 days of damage or loss.

(b) An actual application for emergency aid must be received by the State Librarian within one year of damage or loss.

(c) A letter of application for emergency aid under N.J.S.A. 18A:74-6 must be submitted to the State Librarian. This letter of application, made by an officer of the library's board of trustees, shall include:

1. The amount of grant requested;
2. The date the emergency occurred;
3. The cause of damage or loss;
4. A detailed description of the damage or loss and the cost of replacement;
5. Sources and amounts of indemnification (such as insurance payments), if any;
6. An assurance that the library holds adequate insurance; and
7. Any additional reports or information the State Librarian may request.


See: 21 N.J.R. 3822(a), 22 N.J.R. 921(e).

At (a) "letter of application added; new 7. and 8. added and new (b) and (c) added.


Added new (a) and (b); relettered former (a) as (c); deleted former (b) and (c); and deleted (c)6 and (c)7.

15:21-4.5 Eligibility

(a) In order to be eligible for assistance, the library must demonstrate that:

1. Adequate insurance was in effect for 12 months prior to the emergency;
2. Preventive maintenance was budgeted for and performed during each of five years prior to the emergency; and
3. Reasonable effort has been made to correct the condition that caused the emergency. Written documentation, such as copies of bills, requests for quotations, work orders, must be submitted.


See: 21 N.J.R. 3822(a), 22 N.J.R. 921(e).

New (a)1.-3. added.

15:21-4.6 through 15:21-4.8 (Reserved)

15:21-4.9 (Reserved)

Amended by R.1983 d.198, effective June 6, 1983.

See: 15 N.J.R. 196(a), 15 N.J.R. 890(c).

Added last sentence.

SUBCHAPTER 5. LIBRARY CONSTRUCTION INCENTIVE PROGRAM

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 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.


See: 15 N.J.R. 196(a), 15 N.J.R. 890(c).

Section title changed from "Introduction" to "Scope and purpose". Also, added "rehabilitation or acquisition" of library buildings.


See: 21 N.J.R. 3822(a), 22 N.J.R. 921(e).


See: 22 N.J.R. 2359(a).
STATE LIBRARY AID AND GRANTS

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. 15:21-5.4(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. 15:21-5.4(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.

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 non-public-library-use areas are not eligible to be used for matching purposes. The application must clearly designate the non-public-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.

15:21-5.4 Project criteria

(a) All applications must meet the requirements and criteria of this subchapter. Requests for exception to the re-
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 1/3 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. 15:21-2) 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 the 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>
<thead>
<tr>
<th>Population to be Served by the Project</th>
<th>Minimum Square Feet of Floor Space</th>
</tr>
</thead>
<tbody>
<tr>
<td>Under 10,000</td>
<td>3,500 sq. ft. + .7 sq. ft. per capita over 5,000 pop.</td>
</tr>
<tr>
<td>10,000-25,000</td>
<td>7,000 sq. ft. + .6 sq. ft. per capita over 10,000 pop.</td>
</tr>
<tr>
<td>25,000-50,000</td>
<td>16,000 sq. ft. + .45 sq. ft. per capita over 25,000 pop.</td>
</tr>
<tr>
<td>50,000-100,000</td>
<td>27,250 sq. ft. + .35 sq. ft. per capita over 50,000 pop.</td>
</tr>
<tr>
<td>100,000-200,000</td>
<td>44,750 sq. ft. + .25 sq. ft. per capita over 100,000 pop.</td>
</tr>
<tr>
<td>200,000-500,000</td>
<td>69,750 sq. ft. + .2 sq. ft. per capita over 200,000 pop.</td>
</tr>
<tr>
<td>500,000+</td>
<td>129,750 sq. ft. + .15 sq. ft. per capita over 500,000 pop.</td>
</tr>
</tbody>
</table>

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>
<thead>
<tr>
<th>Population Served by Central Library</th>
<th>Percent of Allowable Reduction</th>
</tr>
</thead>
<tbody>
<tr>
<td>Under 39,999</td>
<td>25</td>
</tr>
<tr>
<td>40,000-49,999</td>
<td>26</td>
</tr>
<tr>
<td>50,000-59,999</td>
<td>27</td>
</tr>
<tr>
<td>60,000-69,999</td>
<td>28</td>
</tr>
<tr>
<td>70,000-79,999</td>
<td>29</td>
</tr>
<tr>
<td>80,000-89,999</td>
<td>30</td>
</tr>
<tr>
<td>90,000-99,999</td>
<td>31</td>
</tr>
<tr>
<td>100,000-109,999</td>
<td>32</td>
</tr>
<tr>
<td>110,000-119,999</td>
<td>34</td>
</tr>
<tr>
<td>120,000-129,999</td>
<td>36</td>
</tr>
<tr>
<td>130,000-139,999</td>
<td>38</td>
</tr>
<tr>
<td>140,000-149,999</td>
<td>40</td>
</tr>
<tr>
<td>150,000-159,999</td>
<td>42</td>
</tr>
<tr>
<td>160,000-169,999</td>
<td>44</td>
</tr>
<tr>
<td>170,000-179,999</td>
<td>46</td>
</tr>
<tr>
<td>180,000-189,999</td>
<td>48</td>
</tr>
<tr>
<td>190,000-199,999</td>
<td>50</td>
</tr>
<tr>
<td>200,000-209,999</td>
<td>52</td>
</tr>
<tr>
<td>210,000-219,999</td>
<td>54</td>
</tr>
<tr>
<td>Over 219,999</td>
<td>55</td>
</tr>
</tbody>
</table>

(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.
STATE LIBRARY AID AND GRANTS

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.

(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.


1 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.

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. 15:21-5.5 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.


15:21-5.6

Sec. 32 N.J.R. 174(a), 32 N.J.R. 1244(b).
In (c), substituted a reference to $1,000,000 for a reference to $500,000 in the last sentence.

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 proviso 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:

<table>
<thead>
<tr>
<th>Total Eligible Project Cost</th>
<th>Maximum Construction Period</th>
</tr>
</thead>
<tbody>
<tr>
<td>Under $1,000,000</td>
<td>One Year</td>
</tr>
<tr>
<td>Over $1,000,000</td>
<td>Two Years</td>
</tr>
</tbody>
</table>

(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 percent 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.

Sec. 15 N.J.R. 196(a), 15 N.J.R. 890(c).
In (d), “chairman” changed to “chairperson”.
Sec. 21 N.J.R. 3822(a), 22 N.J.R. 921(c).
Administrative Correction to (a) : Deleted text.
Sec. 22 N.J.R. 2359(a).
Sec. 27 N.J.R. 620(a), 27 N.J.R. 2202(a).
Sec. 32 N.J.R. 174(a), 32 N.J.R. 1244(b).
Rewrote (a); in (f), inserted “made after an application is submitted” following “plans” in the first sentence; in (i), rewrote the schedule; in (j), substituted “final expenditure report” for “audit of expenditure” following “acceptance of”; and in (k), substituted “Department of Community Affairs for local government audits” for “State Librarian” at the end.

15:21-5.8 (Reserved)
Sec. 27 N.J.R. 620(a), 27 N.J.R. 2202(a).

SUBCHAPTERS 6 THROUGH 8. (RESERVED)
STATE LIBRARY AID AND GRANTS

SUBCHAPTER 9. COLLECTION EVALUATION AND DEVELOPMENT

15:21-9.1 Purpose

The rules in this subchapter provide for assistance to any public library for the evaluation and development of collections, pursuant to the Library Development Aid Law, (Chapter 292, Laws of 1985), N.J.S.A. 18A:74-3.2.

15:21-9.2 Eligible projects

(a) Grants will be made to public libraries to support individual or coordinated collection evaluations and/or user studies.

(b) Grants will be made to public libraries to purchase library materials, either individually or as part of a group of libraries sharing a coordinated collection development plan.

In (b), substituted "purchase library materials" for "develop collection subject specialties" following "libraries to".

15:21-9.3 Funding allocation

The State Librarian shall determine annually percentages of the total funding to be assigned to each eligible project area.

SUBCHAPTER 10. MAINTENANCE OF LIBRARY COLLECTIONS

15:21-10.1 Purpose

The rules in this subchapter provide for assistance to libraries to be used for housing, protection, preservation, repair, restoration and maintenance of collections of historical or special interest, pursuant to the provisions of the Library Development Aid Law, (Chapter 297, Laws of 1985), N.J.S.A. 18A:74-3.2(c).

15:21-10.2 Definitions

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

"Accessibility" means availability of materials for borrowing, consultation, in-house use or reproduction, depending on the nature and condition of the materials and the collections.

"Comprehensive preservation program development" means the initial steps taken by a library in planning for the establishment of a comprehensive program for preservation of its materials, including consultant visits, reports, and self-studies.

"Condition survey" means a systematic study of a library collection to ascertain its physical state.

"Conservation treatment" means the direct use of chemical and physical procedures to ensure the preservation of library materials.

"Cooperative preservation planning and programs" means planning or programs carried out by a group of libraries concerned with the care, protection and salvage of their collections.

"Housing" means the provision of equipment, products, supplies and appropriate environmental conditions or their creation and maintenance for the long term storage and maintenance of a collection.

"Identification/inventory" means a descriptive list of items in a collection, giving as a minimum the title, dates, quantity, arrangement, description of significant subject content and estimate of uniqueness, in a format meeting appropriate bibliographic standards.

"Materials" means physical entities of any substance that serve as carriers of information.

"Materials conversion" means the process of converting library materials from one format to another for the purpose of preservation.

"Organization" means the systematic arrangement of the collection to facilitate access.

"Preservation" means the activities and organization associated with maintaining library and archival materials for use, either in their original physical form or in some other permanent and durable format.

"Protection" means any of the various activities, containers and materials which shield library materials from the harmful effects of storage, environmental conditions and use.

"Repair" means the partial rehabilitation of a worn item using high quality, long lasting materials and supplies and accepted, conservationally sound methods.

"Restoration" means any of various processes whereby a deteriorated book or paper document or other library material is returned as nearly as possible to its original condition.

See: 21 N.J.R. 3822(a), 22 N.J.R. 921(c).
Deleted definitions for "collection maintenance", "collection of historical or special interest", "library", "maintenance", "privately and publicly supported libraries."
Administrative Correction: Added "used" to introduction.
See: 22 N.J.R. 2359(a).
15:21-10.3 Eligible projects

(a) Grants will be made to libraries to increase accessibility to historical or special interest collections through projects including identification/inventory, organization and preservation, condition survey, comprehensive preservation program development, protection, housing, materials conversion, repair, conservation treatment and restoration.

(b) Grants will be available for cooperative preservation planning and programs.

(c) The State Librarian may establish annual priorities for the awarding of funds.

15:21-10.4 Funding allocation

(a) No less than 75 percent of program funding will be used for grant awards to publicly supported libraries.

(b) No more than 25 percent of program funding will be used for grant awards to privately supported libraries.

(c) When there are insufficient eligible applications from publicly supported libraries to account for 75 percent of program funding, remaining funds may be used for privately supported libraries.

15:21-11.2 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise:

“Applicant” means the library, municipality, or county providing the matching funds.


“Public library” means a municipal, county or joint library established pursuant to N.J.S.A. 40:33-1 et seq. or 40:54-1 et seq.

“Rehabilitation” means extensive renovation, alteration or reconstruction of existing buildings to be used for public library purposes.

“Substantial changes” means a 10 percent or more change in the eligible costs as submitted in the application to the Board.

15:21-11.3 Eligible applicants

(a) An eligible applicant is a municipal, county or joint library established pursuant to N.J.S.A. 40:33-1 et seq. or 40:54-1 et seq.

(b) 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. 15:21-2.7).

15:21-11.4 Eligible projects

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

1. Construction of a new building to be used for public library purposes;
2. Construction of an addition to an existing building to be used for public library purposes;
3. 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;
4. Acquisition of a building to be used for public library purposes;
5. Rehabilitation of existing buildings to be used for public library purposes, which may include, but is not limited to, energy conservation, providing access for the disabled, and bringing facilities into compliance with current health and safety standards. The rehabilitation must be extensive and clearly not routine maintenance and repair; and
6. Any combination of (a)2, 4 or 5 above. The acquisition of land can be added to the preceding combinations.
(b) All projects shall meet the minimum size criteria in N.J.A.C. 15:21-11.6(e)1 Table A.

1. If the application combines a rehabilitation project, and the construction of an addition, the total floor space of the addition, when added to the floor space of the existing structure, shall meet the minimum size criteria in N.J.A.C. 15:21-11.6(e)1 Table A.

(c) For each rehabilitation and/or acquisition project, a building analysis shall be prepared by a registered architect and shall be part of the application. The architect or a building consultant shall prepare a building program and such program shall be submitted as part of the application. The architect shall certify that the rehabilitated 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 rehabilitation:

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 rehabilitation and upon completion will require no more than normal, annual maintenance;
3. An analysis of the space requirements and allocation of space shall be made to determine if the structure, as acquired or rehabilitated, will meet modern concepts of library services to the community it serves; and
4. An analysis of all mechanical aspects of construction to determine the need for replacement or improvement.

(d) The following projects are ineligible for a grant:

1. A school-public library combination;
2. Any project for which construction has been completed prior to the enactment of P.L. 1999, c.184 (N.J.S.A. 18A:74-24 et seq.) on August 18, 1999;
3. Refurbishing of an existing building (carpeting, painting, etc.) when not part of a rehabilitation project; and

15:21-11.5 Eligible project costs

(a) In order to promote the construction of projects in an economical manner, the Board, upon recommendation of the State Librarian, shall periodically set a ceiling on maximum per square foot project cost beyond which project costs will not be eligible in the computation of the State share of funding. Maximum square feet costs of new construction and renovation have been set at:

1. $160.00 per square foot for new construction; and
2. $120.00 per square foot for renovation.

(b) 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 non-public library use areas are not eligible to be used for matching purposes. The application shall clearly designate the non-public library use areas and their related costs. Grant awards shall be reduced by the amount of those related costs.

(c) The cost of any shared space submitted for grant funding shall be prorated on the basis of the percentage of library use. For example, a meeting room that shall be used 50 percent of the time by the public library is eligible for funding at only 50 percent of the cost.

(d) The following project costs shall be eligible for grants, at the discretion of the Board:

1. Construction of new buildings and expansion, rehabilitation or acquisition of existing buildings to be used for public library purposes;
2. Expenses, other than interest and the carrying charge on bonds, incurred after August 18, 1999, related to the acquisition of land on which there is to be construction of new buildings or expansion of existing buildings or 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;
3. Site grading and improvement of land on which buildings used for public library purposes are located or are to be located;
4. Architectural, engineering, consulting and inspection services related to the specific project for which application for financial assistance is made; and
5. Expenses relating to the acquisition and installation of equipment to be located in public library facilities, including all necessary building fixtures and utilities, furniture and 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. Only equipment to be used in projects funded under this act is eligible. In no case shall costs for furnishings and equipment that are in excess of 30 percent of the total renovation costs of the project be considered eligible for matching.

15:21-11.6 Project criteria

(a) All applications shall meet the requirements and criteria of this subchapter. Exceptions may be allowed. Those interested in applying for possible exceptions must request an
interview and present a written rationale to the State Librarian. Exceptions will be considered if they fulfill the purposes of the proposed or awarded grant more reasonably or efficiently. The State Librarian will present the request to the Public Library Construction Advisory Board for final approval.

(b) The applicant shall 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 formerly dedicated to library use.

(c) The applicant shall have local matching funds for the project (the difference between project costs and the potential grant award) which equal 300 percent of the grant amount before final approval can be given. Within three months following notification of eligibility for a grant award, evidence shall be submitted by the applicant that funds have been appropriated or bonds or debt have been authorized for financing of the project. Such evidence shall include copies of the ordinance of appropriation passed on final reading and approved.

(d) 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 shall have heat, light and ventilation and square footage commensurate with their purposes.

(e) The estimated population for 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.

1. For new construction, the population base as determined above shall be used to compute the minimum project size, as specified in Table A below, required to qualify an applicant for a grant.

<table>
<thead>
<tr>
<th>Population to be Served by the Project</th>
<th>Minimum Square Feet of Floor Space</th>
</tr>
</thead>
<tbody>
<tr>
<td>Under 10,000</td>
<td>3,500 square feet +.7 square feet per capita over 5,000 pop.</td>
</tr>
<tr>
<td>10,000-24,999</td>
<td>7,000 square feet +.6 square feet per capita over 10,000 pop.</td>
</tr>
<tr>
<td>25,000-49,999</td>
<td>16,000 square feet +.45 square feet per capita over 25,000 pop.</td>
</tr>
<tr>
<td>50,000-99,999</td>
<td>27,250 square feet +.35 square feet per capita over 50,000 pop.</td>
</tr>
<tr>
<td>100,000-199,999</td>
<td>44,750 square feet +.25 square feet per capita over 100,000 pop.</td>
</tr>
<tr>
<td>200,000-499,999</td>
<td>69,750 square feet +.2 square feet per capita over 200,000 pop.</td>
</tr>
<tr>
<td>Over 499,999</td>
<td>129,750 square feet +.15 square feet per capita over 500,000 pop.</td>
</tr>
</tbody>
</table>

2. If the project is an addition to an existing building, the new construction shall 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 in (e) above.

3. 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 if branch libraries serve the same population.

<table>
<thead>
<tr>
<th>Population Served by Central Library</th>
<th>Percent of Allowable Reduction</th>
</tr>
</thead>
<tbody>
<tr>
<td>Under 39,999</td>
<td>25</td>
</tr>
<tr>
<td>40,000-49,999</td>
<td>26</td>
</tr>
<tr>
<td>50,000-59,999</td>
<td>27</td>
</tr>
<tr>
<td>60,000-69,999</td>
<td>28</td>
</tr>
<tr>
<td>70,000-79,999</td>
<td>29</td>
</tr>
<tr>
<td>80,000-89,999</td>
<td>30</td>
</tr>
<tr>
<td>90,000-99,999</td>
<td>31</td>
</tr>
<tr>
<td>100,000-109,999</td>
<td>32</td>
</tr>
<tr>
<td>110,000-119,999</td>
<td>34</td>
</tr>
<tr>
<td>120,000-129,999</td>
<td>36</td>
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<tr>
<td>130,000-139,999</td>
<td>38</td>
</tr>
<tr>
<td>140,000-149,999</td>
<td>40</td>
</tr>
<tr>
<td>150,000-159,999</td>
<td>42</td>
</tr>
<tr>
<td>160,000-169,999</td>
<td>44</td>
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<tr>
<td>170,000-179,999</td>
<td>46</td>
</tr>
<tr>
<td>180,000-189,999</td>
<td>48</td>
</tr>
<tr>
<td>190,000-199,999</td>
<td>50</td>
</tr>
<tr>
<td>200,000-209,999</td>
<td>52</td>
</tr>
<tr>
<td>210,000-219,999</td>
<td>54</td>
</tr>
<tr>
<td>Over 219,999</td>
<td>55</td>
</tr>
</tbody>
</table>

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

(g) All New Jersey labor laws and regulations shall be adhered to when applicable.

(h) All contracts shall be awarded to the lowest qualified bidder on the basis of open competitive bidding as specified in the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.

(i) Local and State codes with regard to fire and safety shall be observed. In situations where local fire and safety codes do not apply, recognized State codes shall be observed.
STATE LIBRARY AID AND GRANTS 15:21-11.10

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

15:21-11.7 Applicant priorities for the receipt of grants for single and multiple projects

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

1. Applicants submitting an application for only one project shall be considered first priority projects.

2. Applicants submitting an application for more than one project shall rank each project in order of priority.

3. Those applications properly submitted and found to be in an approvable form shall be assigned to first or second priority.
   i. First priority in award of grant shall be given to projects designated by the applicant as first priority projects, and
   ii. Second priority in award of grant shall be given to projects designated by the applicant as second priority.

4. All first priority applications fulfilling the criteria of this subchapter 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.

(b) Library building projects funded under this subchapter are ineligible to apply for additional funding from this grant program for five years after the initial award.

15:21-11.8 Amount of grant and method of allocation

(a) The State share of eligible project costs of any project eligible for a grant shall be no more than 25 percent.

(b) When actual costs are less than the amount approved, the grant award shall be reduced to reflect actual amounts.

(c) When actual costs exceed the amount approved, the grant award shall not exceed the original amount requested in the application.

15:21-11.9 Application procedures

(a) Application for a grant shall be in a completed official form available from the New Jersey State Library. The application will consist of a description of the project; general and specific project information; a cost estimate; a computation of project financing; and requirements for documents to be submitted as part of the application. Documents to be submitted shall be: an application and resolution(s) to apply; a written plan for service including a building program and community analysis; schematic plans which include a site plan, elevations, floor plans with furniture layouts; outline of specifications; cost estimates; legal description of the site and copy of deed; statement of compliance with minimum criteria for receipt of State Library Aid or a justification for not meeting the minimum criteria; a comprehensive plan for total system development for branch library projects; certification as to its suitability from an architect for the rehabilitation or purchase of a library building; bond ordinance or resolution of intent to provide funding; statement of pro-ration of eligible costs if applicable; statement of compliance with State and Federal regulations regarding State and Federal minimums for providing barrier-free access, applicable New Jersey labor laws, and the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.).

(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).

(c) If a library facility is to be constructed by a municipality with the provision that it be equipped, stocked, 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 name of the municipality. The application shall be signed by the mayor or chief financial officer and cosigned by an officer of the governing body of the library that is providing services.

(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 submitted under (c) above, an individual from each body shall be authorized and certified. The signature of each authorized person is required on the application.

(e) Any substantial changes or revisions affecting the application, after the application is submitted, including any structural changes in the building plans, shall be submitted on appropriate forms for approval. The Board 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.

(f) Full approval of the proposed construction project must be given by the Public Library Construction Advisory Board and the Joint Budget Oversight Committee or its successor before any funds are allocated.

15:21-11.10 Review of applications

(a) The application shall be reviewed by the program manager for completeness and compliance with law and regulations. The program manager may request additional information or clarification.
(b) After the preliminary review by the program manager, the application shall be reviewed by a committee established by the Board.

(c) The committee established in (b) above shall then make recommendations to the Board.

15:21-11.11 Grant administration

(a) Failure to comply with any of the rules set forth in this subchapter shall make an applicant ineligible for funding.

(b) Architectural or engineering supervision and inspection shall 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 shall have access at all reasonable times to all construction work being funded under the New Jersey Public Library Project Grant Program. The owner and contractor shall be required to facilitate such access and inspection.

(c) Construction shall be initiated and completed in a reasonable period of time. The time limit for completion shall be measured from the date of application approval. Construction shall be completed according to the following schedule:

<table>
<thead>
<tr>
<th>Total Eligible Project Cost</th>
<th>Maximum Construction Period</th>
</tr>
</thead>
<tbody>
<tr>
<td>Under $1,000,000</td>
<td>One Year</td>
</tr>
<tr>
<td>Over $1,000,000</td>
<td>Two Years</td>
</tr>
</tbody>
</table>

(d) In the event that construction is not completed according to the timeline in (c) above, the State Librarian with the approval of the Public Library Construction Advisory Board has the authority to rescind the balance of the approved grant.

(e) 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.

1. Forty percent upon approval of the construction contract(s); satisfactory evidence may be minutes of the body approving the award; copies of title pages of contracts with necessary signatures; letters of award; or other proofs of award of contract;

2. Fifty percent when construction is 50 percent complete and upon submission of architect’s certification; and

3. Ten percent upon receipt of a temporary certificate of occupancy and project expenditure report.

(f) Upon approval of the grant, applicants shall enter into a contractual agreement with the New Jersey Educational Facilities Authority. Each agreement shall include provisions as may be necessary to ensure that the applicant shall provide an amount equal to 300 percent of the grant amount.

15:21-11.12 Appeals procedures

Appeals from any action of the Board regarding the rules in this subchapter may be requested, and opportunity given for an informal fair hearing before the Board. In the event of an adverse decision after such informal hearing, applicants may request a formal hearing pursuant to N.J.S.A. 18A:6-9 et seq., 18A:6-24, 18A:6-27 and Reorganization Plan 002-1996. Such hearing shall be governed by the provisions of the Administrative Procedure Act (see N.J.S.A. 52:14B-1 et seq. and 52:14F-1 et seq., as implemented by the Uniform Administrative Procedure Rules, N.J.A.C. 1:1).

SUBCHAPTER 12. MUNICIPAL ANNUAL MANDATORY LIBRARY APPROPRIATION FOR THE MAINTENANCE OF A FREE PUBLIC LIBRARY

15:21-12.1 Purpose and applicability of rules

These rules are adopted by the State Librarian pursuant to N.J.S.A. 18A:74-1 et seq. In addition, these rules are adopted in order to clarify N.J.S.A. 40:54-8 and 40:54-29.4 as well as to consolidate and clarify by rule requirements related to municipal and joint free public libraries in this State. These rules supplement, in part, the rules adopted to clarify the funding formula regarding the financing of free public municipal libraries pursuant to N.J.S.A. 40:54-8 and 40:54-29.4 and Title 15 of the New Jersey Administrative Code. These rules are adopted in order to ensure that free public municipal libraries and joint free public libraries in this State are adequately funded, as required by law, to support the delivery of free public library services, as defined by N.J.S.A. 40:54-1 et seq.

15:21-12.2 Scope

These rules apply to all municipal and joint free public libraries. To the extent that these rules are inconsistent with any other rules in this chapter and N.J.A.C. 5:30-12, these rules shall take precedence.

15:21-12.3 Definitions

As used in this chapter, unless the context clearly indicates otherwise, the following words and terms shall have the following meanings:

"Annual mandatory library appropriation" means the annual appropriation of a municipal governing body for the eligible costs of the municipal or joint free public library pursuant to N.J.S.A. 40:54-8 and N.J.S.A. 40:54-29.4. The minimum annual appropriation must be a sum equal to one-third of a mill on every dollar of taxable value of each property within the municipality based on the equalized valuation of such property as certified by the Director of the Division of Taxation in the Department of the Treasury.

"Capital expense" means the funds appropriated to or required for furnishings, equipment (including computer hard-
ware and software) and initial collections (print, non-print, electronic) for new buildings, building additions or building renovations; periodic major projects such as the upgrade of computer hardware and software, and the replacement of roofs, and heating, ventilation and air conditioning systems; and site acquisition, new buildings, and additions to or renovations of library buildings.

"Debt" means an obligation to pay a fixed sum of money, in a definite time, with a stated interest rate.

"Debt service" means the cost of financing and includes periodic payments of principal and interest upon municipal debts issued to finance the acquisition of library sites and the purchase or construction of library facilities, additions to library facilities, or the reconstruction, remodeling, alteration, modernization, renovation or repair of library facilities, including furnishings, equipment, architect fees and the costs of issuance of such obligations and shall include payments of principal and interest upon municipal debt heretofore issued to fund or refund such obligations and upon municipal bonds and other obligations.

"District board of education" means the local board of education or State district superintendent in the case of a State-operated district. It includes a local or regional school district established pursuant to N.J.S.A. 18A:8-1 et seq. or 18A:13-1 et seq., a county special services school district established pursuant to N.J.S.A. 18A:46-1 et seq., a county vocational school district established pursuant to N.J.S.A. 18A:54-1 et seq., and a State-operated school district established pursuant to N.J.S.A. 18A:7A-34 et seq.

"Division of Local Government Services" means the Division of Local Government Services in the New Jersey Department of Community Affairs.

"Eligible costs" means actual or fair market value of reasonable and necessary costs incurred in connection with the direct operation of a free public library to provide library services. Costs may include, but are not limited to, salaries, wages and benefits for specially trained library personnel to facilitate the purchasing, circulation and access of materials and information, and appropriately trained and credentialed management as well as support staff to directly support library personnel and technology and communication expenses. Other eligible costs include library materials; required and routine maintenance for the library facility subject to these rules; equipment used for the provision of library services; equipment or software purchased with a lease purchase agreement of less than five years; personnel and equipment that provide security for the library facility subject to these rules; furniture; technology and communication expenses related to the provision of library services; technology or communication expenditures related to wiring, telephones, Internet access, servers, personal computers or software; capital expenses meeting the criteria as defined in N.J.A.C. 15:21-12.5(c), and other expenditures directly related to the provision of library services or in support of such services.

"Equalized valuation" means the true value of real property within a local taxing district as calculated by the Division of Taxation in the New Jersey Department of Treasury, and computed from the aggregate assessed valuation and actual sales of property, used to distribute equitably State school and library aid, and measure municipal debt limits.

"Equipment" means machines necessary to store, access, copy or circulate information or cultural material; machines necessary to administer library functions and data collection, including but not limited to, fiche and film readers, photocopiers, microfilm machines and electronic usage counters, electronic security and computers.

"Ineligible costs" means costs that are not considered as eligible costs, which shall include, but are not limited to, lease payments on equipment or software purchased with a lease purchase agreement of five years or more; costs that exceed the actual or fair market value of the goods or services provided; rent paid to the municipality for library use of municipal facilities or equipment; debt service; and those capital expenses not meeting the criteria as defined in N.J.A.C. 15:21-12.5(c).

"Joint free public library" means any library eligible for advisory services from the State Library as provided in N.J.S.A. 18A:73-33 and having been established by ordinance that owns or administers property (including land and buildings); or a private entity or district board of education that collects payments from renters or lessees for the use of the land or space in the buildings on a property.

"Lease purchase agreement" means any agreement pursuant to which the municipal or joint free public library, as lessee, leases equipment or software, and gives the library the option of purchasing the leased property during or upon termination of the lease, with credit toward the purchase price of all or part of rental payments which have been made by the library in accordance with the lease purchase agreement.

"Library materials" means publications and services incidental thereto, including, but not limited to, books, periodicals, newspapers, CDs, documents, DVDs, educational games, pamphlets, photographs, reproductions, microfilms, pictorial or graphic works, musical scores, maps, charts, globes, realia, sound recordings, audio books, slides, films, filmstrips, video, magnetic tapes, e-books, e-serials, databases, electronic files, software, other printed and published matter, and audiovisual and other materials of a similar nature and necessary binding or rebinding of library materials, and specialized computer software used as a supplement or in lieu of books or reference material.

"Maintenance of a free public library" means eligible costs of the municipal library and exclusive of ineligible costs in-
including those capital expenses not meeting the criteria of N.J.A.C. 15:21-12.5(c).

“Municipal or joint free public library” means any library eligible for advisory services from the State Library as provided in N.J.S.A. 18A:73-35 and having been established by referendum of a municipality pursuant to N.J.S.A. 40:54-1 et seq.

“Rent or lease payment” means the agreed upon amount that a renter or lessee pays periodically at fixed intervals to a landlord or owner for use or occupancy of the owner’s property or equipment.

“Required maintenance” means specific maintenance activities required for system warranty purposes which are approved for repairs and replacement parts for the purpose of keeping a library facility subject to these rules open and safe for use or in its original condition, including repairs to and replacement parts for a library facility’s heating, lighting, ventilation, security and other fixtures to keep the facility or fixtures in effective working condition, and which does not consist of replacement of the system.

“Routine maintenance” means contracted custodial or janitorial services, expenditures for the cleaning of a library facility subject to these rules or its fixtures, the care and upkeep of grounds or parking lots, and the cleaning of, or repairs and replacements to, movable furnishings and equipment.

“Security” means personnel specifically hired and to patrol the library facility subject to these rules and outside areas dedicated to library use as well as equipment and software used to provide safety and defense against theft or harm to persons or property.

“State support” means State library aid as described in N.J.S.A. 18A:74-1 et seq. and includes Per Capita, Audiovisual, Emergency and Incentive Aid.


15:21-12.4 Annual municipal or joint free public library funding

(a) Pursuant to N.J.S.A. 40:54-8 and 40:54-29.4, municipalities are required to provide an annual mandatory library appropriation.

(b) Municipalities that elect to appropriate additional funding for municipal or joint free public libraries more than 15 percent above the previous year’s total municipal expenditures for such library may do so upon application and approval from the State Librarian, as required by N.J.S.A. 40:54-8.1. Municipalities that chose to appropriate this additional amount are required to submit the following information to the State Librarian:

1. A prioritized itemized list that delineates the proposed use of the funds; and
2. Justification that supports the provision of efficient and effective library services.

(c) Municipalities may appropriate an additional sum greater than the annual mandatory library appropriation.

(d) Municipalities are required to expend money raised as per N.J.S.A. 40:54-8 and N.J.S.A. 40:54-29.4 in full to the treasurer of the board of trustees, or into a reserve account retained in the custody of the municipal treasurer to be disbursed by same after approval by the board of trustees of the free public library as provided by N.J.S.A. 40:54-13. Municipalities which structure the expenditure of the library appropriation into periodic payments, shall make such periodic payments to the treasurer in advance at a rate of no less than 25 percent of the total annual appropriation in quarterly installments.

(e) In those municipalities where the annual library appropriation pursuant to N.J.S.A. 40:54-8 and N.J.S.A. 40:54-29.4 is retained in the custody of the municipal treasurer and disbursed by him or her after approval by the board of trustees of the free public library, any prior year unexpended funds remaining from the annual mandatory library appropriation shall be retained in the library-controlled account dedicated for eligible purposes, as defined in N.J.A.C. 15:21-12.3 and 12.5, for the maintenance of such municipality’s public library.

15:21-12.5 Eligible municipal or joint free public library costs that may be supported with the annual mandatory library appropriation

(a) The annual mandatory library appropriation shall be expended by the library board of trustees for eligible costs as defined in this chapter.

(b) Rent may be considered an eligible cost from annual mandatory library appropriation if such rent is paid to a private entity or a school district and is comparable with the fair market value for rent in the municipality based on a cost per square footage.

(c) Capital expense paid for by the library board of trustees with funds from the annual mandatory library appropriation may be considered an eligible cost for the library board of trustees if:

1. All conditions of N.J.S.A. 40:54-1 et seq. and N.J.A.C. 15:21-2 are met;
2. There are sufficient funds remaining for the maintenance of the library for the balance of the year in which the funds are saved or the cost occurs; and
3. The library board of trustees has a written plan of at least three years that reflects that the long-term capital expense will contribute to the provision of efficient and effec-
tive library services, and that the plan will be made available to the State Librarian upon request.

15:21-12.6 Ineligible municipal or joint free public library costs that may not be supported with the annual mandatory library appropriation

(a) The annual mandatory library appropriation shall not be expended by the library board of trustees for ineligible costs as defined in this chapter and including:

1. Debt or lease payments made to a municipality;
2. Rent or lease payments made to a municipality;
3. Capital expenses not meeting the criteria of N.J.A.C. 15:21-12.5(c); and
4. Debt service costs.

Administrative correction.
Sec: 39 N.J.R. 498(b).
Amended by R.2018 d.175, effective October 1, 2018.
See: 39 N.J.R. 3808(a), 50 N.J.R. 2069(b).
Deleted (b).

15:21-12.7 Annual municipal and joint free public library reports and audit

(a) Pursuant to N.J.S.A. 18A:74-11, each library receiving State aid shall annually make and transmit a report to the State Librarian on or before a date designated by the State Librarian and based on a fiscal year, the statute not withstanding. Each library and municipality applying for per capita State aid will meet this requirement through the annual submission of the survey, application and certification. All libraries not applying for per capita State aid shall report those elements as required in (a)1 through 5 above, and shall annually submit to the State Librarian a certified audit of the prior year.

(b) Pursuant to N.J.S.A. 40:54-15, the board of trustees shall make an annual report to the chief financial officer of the municipality which shall include a statement setting forth in detail all public revenues received by the library, all State aid received by the library, all expenditures made by the library and the balance of funds available. The annual report shall also include an analysis of the state and condition of the library and shall be sent to the municipal governing body.

(c) Pursuant to N.J.S.A. 40:54-15, the board of trustees shall make an annual report to the chief financial officer of the municipality which shall include a statement setting forth in detail all public revenues received by the library, all State aid received by the library, all expenditures made by the library and the balance of funds available. This report shall also include an analysis of the state and condition of the library and shall be sent to the municipal governing body.

(d) A certified audit of the library board of trustees shall be performed annually as required by N.J.S.A. 40A:5-4 et seq. and described in N.J.A.C. 5:30-6.1. In some cases, all budget appropriations, fines, fees and all other income of the library are retained in the custody of the municipal treasurer in an account reserved for the library and disbursed by the municipal treasurer after approval by the board of trustees of the free public library. If the municipal audit includes a thorough audit of the library’s finances, including demonstration that the library board of trustees duly authorized all expenditures, then the municipal audit will meet this requirement.

15:21-12.8 Withholding of State support for non-compliance

(a) Pursuant to N.J.S.A. 18A:73-35(f) and 18A:74-12, the State Librarian may withhold State support and request that the State Department of Treasury withhold funds to any municipal or joint free public library or municipality that fails to comply with the rules and standards which are prescribed by law or by the State Librarian.

(b) Pursuant to N.J.S.A. 40A:4-77, the Division of Local Government Services shall not approve a municipal budget unless the budget has been adopted in accordance with all other provisions of law, including, but not limited to, this subchapter.

15:21-12.9 Appeals procedures

(a) Upon failure to comply with this subchapter, the library board of trustees may appeal to the State Librarian upon written request for a determination that expenditures are or were not in compliance with this subchapter during a specific fiscal year. Written notice of the library board of trustees’ appeal shall be provided to the municipality.
(b) Within 30 days of written notice, the library board of trustees may submit to the State Librarian a written response to the appeal, and either party may request an informal hearing before the State Librarian. The parties shall provide information concerning municipal and library expenditures during the fiscal year at issue upon request of the State Librarian.

(c) The State Librarian shall issue a written decision to the library board of trustees, with copies to the municipality and to the Division of Local Government Services. A determination by the State Librarian that expenditures during a fiscal year were not in compliance with this chapter may result in sanctions for non-compliance including the withholding of State Support for subsequent fiscal years as provided above in N.J.A.C. 15:21-12.8.