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NJF Comments on the EDA Aspire Program Draft Rules

Pertaining to N.J.A.C. 19:31-23.8(e)

We will be focusing our comments on the community benefits agreement component of the Aspire rules. Regarding the community benefits agreement requirement for certain redevelopment projects, we appreciate the community advisory committee requirement and its role in compliance and enforcement. In general, we commend the fact that community benefits agreements, which can be powerful tools for promoting equity in redevelopment, are being institutionalized in a way that few states have done before.

In the comments below, the acronym “CBA” is used in place of “community benefits agreement”.

The following list reflects our concerns regarding this subsection of the rules:

1. The “community” does not have an appropriate role in the negotiations of the agreement and is not a party to the agreement.
2. Items that the CBA “may” include are too narrow.
3. A minimum of one public hearing meeting prior to CBA finalization may not be enough.
4. There are no requirements for a minimum frequency of community advisory committee meetings or transparency, whether that be records of the meetings being made available or the meetings themselves being open to the public.
5. There is no explicit opportunity for public input throughout CBA execution.

The following list reflects suggestions based on our relevant concerns:

1. Establish a better mechanism for identifying who the “community” is and provide a meaningful role that gives the community an equal seat at the negotiating table.
2. Add to the list of items that the CBA “may” include:
 - Affordable housing
 - Environmental mitigation
 - Small business support
 - Community services such as: grocery stores, public art, open space, meeting spaces, health clinics, parking, supports for active transportation options
3. Change the initial public hearing requirement for the CBA to “at least *two*” to account for those who may not be able to make one of the meetings.
4. Establish a minimum frequency for community advisory committee meetings (e.g., quarterly) and mandate that either the meeting minutes be publicly available or that the meetings are open to the public.
5. If community advisory committee meetings are *not* open to the public, mandate a quarterly, or at least semi-annual, public hearing to inform the public of progress on the CBA and hear feedback.

Thank you very much for considering our comments.