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NEW JERSEY STATE DEPARTMENT OF ENVIRONMENTAL PROTECTION

NEW JERSEY ADMINISTRATIVE CODE

TITLE 7

CHAPTER 27

SUBCHAPTER 29A

ADVANCED CLEAN CARS II PROGRAM

Statutory Authority: N.J.S.A. 13:1B-3.e, 13:1D-9, 26:2C-1 et seq., particularly 26:2C-37 et
seq., and 48:25-1 et seq.

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Contents

SUBCHAPTER 29A. NEW JERSEY ADVANCED CLEAN CARS II PROGRAM	2
7:27-29A.1 Definitions.....	2
7:27-29A.2 Purpose and applicability.....	4
7:27-29A.3 Requirements for vehicle transactions.....	5
7:27-29A.4 Fees.....	6
7:27-29A.5 Warranty	7
7:27-29A.6 Enforcement	7
7:27-29A.7 Incorporation by reference	9

SUBCHAPTER 29A. NEW JERSEY ADVANCED CLEAN CARS II PROGRAM

7:27-29A.1 Definitions

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

“Business” means an occupation, profession, or trade; a person or partnership or corporation engaged in commerce, manufacturing, or a service; or a profit-seeking enterprise or concern.

“California Air Resources Board” or “CARB” means the agency, or its successor, established and empowered to regulate sources of air pollution in the state of California, including motor vehicles, pursuant to Section 39003, California Health and Safety Code, as amended or supplemented.

“CCR” means the California Code of Regulations.

“Certification” or “certified” means a finding by CARB or the EPA that a motor vehicle has satisfied the criteria for the control of specified air contaminants from motor vehicles, adopted by CARB or the EPA, respectively, as set forth in their respective regulations.

“Commissioner” shall have the same meaning as the term “Commissioner” as defined at N.J.A.C. 7:27-1.4.

“Dealer” means any person actively engaged in the business of offering to sell, soliciting, or advertising the sale, buying, transferring, leasing, selling, or exchanging of new motor vehicles and who has an established place of business.

“Delivered for sale” means vehicles that have received a bill of lading for sale in New Jersey and are shipped, or are in the process of being shipped, to a dealer in New Jersey.

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“Department” shall have the same meaning as the term “Department” as defined at N.J.A.C. 7:27-1.4.

“EPA” shall have the same meaning as the term “EPA” as defined at N.J.A.C. 7:27-1.4.

“Intermediate volume manufacturer” means a manufacturer that has been designated by CARB as an intermediate volume manufacturer as defined at 13 CCR 1900.

“Large volume manufacturer” means a manufacturer that has been designated by CARB as a large volume manufacturer as defined at 13 CCR 1900.

“Lease” means any commercial transaction recognized pursuant to the laws of this State as a means of creating a right to use a good and includes renting. It also includes offering to rent or lease.

“Light-duty truck” shall have the same meaning as “light-duty truck” as defined at 13 CCR 1900.

“Manufacturer” means any small, intermediate, or large volume vehicle manufacturer as defined at 13 CCR 1900.

“Medium-duty vehicle” shall have the same meaning as “medium-duty vehicle” as defined at 13 CCR 1900.

“Model year” means model year as defined at 40 CFR 85.2302 and determined in accordance with the provisions at 40 CFR 85.2301 through 85.2304, which are incorporated herein by reference.

“Motor vehicle” or “vehicle” means every device in, upon, or by which a person or property is or may be transported otherwise than by muscular power, excepting such devices as run only upon rails or tracks and motorized bicycles.

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“New motor vehicle” means a motor vehicle, the equitable or legal title to which has never been transferred to an ultimate purchaser.

“Passenger car” shall have the same meaning as “passenger car” as defined at 13 CCR 1900.

“Person” shall have the same meaning as the term “person” as defined at N.J.A.C. 7:27-1.4.

“PHEV” means a plug-in hybrid electric vehicle.

“Sale” or “sell” means the transfer of equitable or legal title to a motor vehicle to the ultimate or subsequent purchaser.

“State” shall have the same meaning as the term “State” as defined at N.J.A.C. 7:27-1.4.

“Ultimate purchaser” means, with respect to any new motor vehicle, the first person who in good faith purchases a new motor vehicle for purposes other than resale.

“ZEV” means a zero-emission vehicle.

7:27-29A.2 Purpose and applicability

(a) This subchapter establishes, in the State, an Advanced Clean Cars II program, which incorporates the requirements of the California Advanced Clean Cars II program.

(b) The New Jersey Advanced Clean Cars II program shall apply to all model year 2027 or later motor vehicles that are passenger cars, light-duty trucks, and medium-duty vehicles subject to the California Advanced Clean Cars II program and delivered for sale in New Jersey on or after January 1, 2027.

(c) The specified engine and vehicle standards and requirements set forth in the provisions of the CCR, as identified at N.J.A.C. 7:27-29A.7, shall not be operative in New Jersey unless or until

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such time as California receives a waiver from the EPA pursuant to 42 U.S.C. § 7543, as published in the Federal Register, for the applicable engine standard, vehicle standard, or other emission requirement.

(d) The New Jersey Advanced Clean Cars II program shall not apply to:

1. Emergency vehicles, pursuant to California's Vehicle Code Sec. 27156.2 and 27156.3, as incorporated by reference at N.J.A.C. 7:27-29A.7; or
2. Military tactical vehicles, pursuant to 13 CCR 1905, as incorporated by reference at N.J.A.C. 7:27-29A.7.

7:27-29A.3 Requirements for vehicle transactions

(a) Except as set forth at (b) and (c) below, on or after January 1, 2027, no person who is a resident of this State, or who operates an established place of business within this State, shall sell, lease, import, deliver, purchase, acquire, register, receive, or otherwise transfer in this State, or offer for sale, lease, or rental in this State, a new 2027 or subsequent model-year passenger car, light-duty truck, or medium-duty vehicle, unless the vehicle has been certified by CARB.

(b) New model year 2026 passenger cars, light-duty trucks, and medium-duty vehicles that were produced and delivered for sale in New Jersey after December 31, 2025, and before January 1, 2027, are not required to be certified by CARB in order to be sold, offered for sale, purchased, acquired, or received in New Jersey.

(c) The prohibitions at (a) above do not apply to:

1. A vehicle held for daily lease or rental to the general public or engaged in interstate commerce, that is registered and principally operated outside of New Jersey;

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2. A vehicle acquired by a resident of this State for the purposes of replacing a vehicle registered to such resident, which vehicle was damaged, or became inoperative beyond reasonable repair, or was stolen while out of this State; provided that such replacement vehicle is acquired out-of-State at the time the previously registered vehicle was either damaged or became inoperative beyond reasonable repair or was stolen;

3. A vehicle transferred by inheritance;

4. A vehicle transferred by court decree;

5. A vehicle certified by CARB or the EPA and originally registered in another state by a resident of that state who subsequently establishes residence in this State;

6. A vehicle transferred directly from one dealer to another dealer;

7. A vehicle sold for the purpose of being wrecked or dismantled; or

8. A vehicle sold exclusively for off-highway use.

(d) For the purposes of this subchapter, it is presumed that the equitable or legal title to any motor vehicle with an odometer reading of 7,500 miles or more has been transferred to an ultimate purchaser and that the equitable or legal title to any motor vehicle with an odometer reading of fewer than 7,500 miles has not been transferred to an ultimate purchaser.

7:27-29A.4 Fees

(a) For vehicles delivered for sale in calendar year 2026 and thereafter, each intermediate volume and large volume manufacturer shall report its New Jersey production volume to the Department by March 1 of the succeeding calendar year.

(b) Each intermediate volume and large volume vehicle manufacturer shall pay to the Department an annual fee of \$0.50 per vehicle for each passenger car, light-duty truck, and

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medium-duty vehicle, including both Federally certified and California-certified vehicles, delivered for sale in New Jersey on or after January 1, 2026.

(c) The Department shall notify each manufacturer of the total fee due. The manufacturer shall remit the fee to the Department within 30 days after receipt of the Department's notice.

(d) An intermediate volume or large volume manufacturer that does not pay the fee shall not be permitted to earn, deposit, use, or acquire vehicle equivalent credits or values until such time as its fee and any unpaid balance are paid.

7:27-29A.5 Warranty

(a) Each manufacturer of a vehicle subject to N.J.A.C. 7:27-29A.3(a) shall warrant to the ultimate purchaser and each subsequent purchaser that the vehicle will comply during its period of warranty coverage with all applicable requirements set forth in the sections of the CCR, as identified at N.J.A.C. 7:27-29A.7.

(b) Each manufacturer of a vehicle subject to N.J.A.C. 7:27-29A.3(a) shall submit to the Department, upon request, an Emission Warranty Information Report as defined at 13 CCR 2144 and a Zero-Emission Vehicle Warranty Information Report as defined at 13 CCR 1962.8.

(c) For purposes of compliance with (b) above, a manufacturer may submit copies of the Emission Warranty Information Reports and the Zero-Emission Vehicle Warranty Information Reports that are submitted to CARB.

7:27-29A.6 Enforcement

(a) The Department, or its representative, shall have the right to enter and inspect any site, building, equipment, or vehicle, or any portion thereof, at any time, in order to ascertain

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compliance or non-compliance with the Air Pollution Control Act, N.J.S.A. 26:2C-1 et seq., this subchapter, any exemption, or any order, consent order, agreement, or remedial action plan issued, approved, or entered into pursuant thereto. Such right shall include, but not be limited to, the right to test or sample any material, motor vehicle, or any emissions therefrom, at the facility; to sketch or photograph any portion of the site, building, or vehicles; to copy or photograph any document or record necessary to determine such compliance or non-compliance; and to interview any employees or representatives of the owner, operator, or registrant. Such right shall be absolute and shall not be conditioned upon any action by the Department, except the presentation of appropriate credentials, as requested, and in compliance with appropriate standard safety procedures.

(b) Records to support any application, notice, report, or amendment submitted to the Department pursuant to this subchapter shall be maintained for a period of no less than five years after submitting the information to the Department, and shall be made readily available to the Department, upon request.

(c) Failure to comply with any of the obligations or requirements of this subchapter shall subject the violator to an enforcement action pursuant to the provisions at N.J.S.A. 26:2C-19 and N.J.A.C. 7:27A-3.

(d) Any order or enforcement action taken by CARB to correct noncompliance with any section of Title 13 of the California Code of Regulations, which action results in the recall of any vehicle pursuant to any provision of the CCR identified at N.J.A.C. 7:27-29A.7, shall be applicable in New Jersey, except where the manufacturer demonstrates to the Department's satisfaction within 30 days of issuance of the CARB action that the action is not applicable to vehicles subject to N.J.A.C. 7:27-29A.3(a).

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(e) Any emission-related recall campaign, voluntary or otherwise, initiated by any manufacturer that results in the recall of any vehicle pursuant to any provision of the California Code of Regulations identified at N.J.A.C. 7:27-29A.7, shall be applicable in New Jersey, except where the manufacturer demonstrates to the Department's satisfaction within 30 days of the CARB approval of the campaign that the campaign is not applicable to vehicles subject to N.J.A.C. 7:27-29A.3(a).

7:27-29A.7 Incorporation by reference

(a) Unless specifically excluded by this subchapter, when a provision of the CCR or the California Vehicle Code is incorporated by reference, all notes, comments, appendices, diagrams, tables, forms, figures, publications, and cross-references are also incorporated by reference, as supplemented or amended.

(b) Supplements, amendments, and any other changes including, without limitation, repeals, or stays that affect the meaning or operational status of a California rule or legislation incorporated by reference, brought about by either judicial, administrative, or legislative action, and adopted or otherwise noticed by the State of California, shall be immediately effective and applicable to this subchapter on the date such change is effective in California, so that the New Jersey rule will have the same meaning and status as its California counterpart.

(c) In the event that there are inconsistencies or duplications in the requirements of the provisions incorporated by reference from the CCR or the California Vehicle Code and this subchapter, the provisions incorporated by reference from the CCR or the California Vehicle Code shall prevail.

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(d) Nothing in the provisions incorporated by reference from the CCR or the California Vehicle Code shall affect the Department's authority to enforce statutes, rules, permits, or orders administered or issued by the Commissioner.

(e) The following provisions of the CCR and the California Vehicle Code are incorporated by reference within this subchapter, as supplemented or amended, except as provided at (f) and (g) below:

Table 1	
California Code of Regulations (CCR)	
Title 13	
Chapter 1	
Motor Vehicle Pollution Control Devices	
Article 1	
General Provisions	
Section 1900	Definitions
Section 1905	Exclusion and Exemption of Military Tactical Vehicles and Equipment
Article 2	
Approval of Motor Vehicle Pollution Control Devices (New Vehicles)	
Section 1956.8(g) and (h)	Exhaust Emission Standards and Test Procedures — 1985 and Subsequent Model Heavy Duty Engines and Vehicles

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Section 1960.1	Exhaust Emission Standards and Test Procedures — 1981 through 2006 Model Passenger Cars, Light-Duty and Medium-Duty Vehicles
Section 1961	Exhaust Emission Standards and Test Procedures — 2004 through 2019 Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles
Section 1961.1	Greenhouse Gas Exhaust Emission Standards and Test Procedures — 2009 through 2016 Model Passenger Cars, Light- Duty Trucks, and Medium-Duty Vehicles
Section 1961.2	Exhaust Emission Standards and Test Procedures —2015 through 2025 Model Year Passenger Cars and Light-Duty Trucks, and 2015 through 2028 Model Year Medium-Duty Vehicles
Section 1961.3	Greenhouse Gas Exhaust Emission Standards and Test Procedures — 2017 and Subsequent Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Passenger Vehicles
Section 1961.4	Exhaust Emission Standards and Test Procedures —2026 and Subsequent Model Year Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles
Section 1962.2	Zero-Emission Vehicle Standards for 2018 through 2025 Model Year Passenger Cars, Light-Duty Trucks, and Medium- Duty Vehicles
Section 1962.3	Electric Vehicle Charging Requirements

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Section 1962.4	Zero-Emission Vehicle Requirements for 2026 and Subsequent Model Year Passenger Cars and Light-Duty Trucks
Section 1962.5	Data Standardization Requirements for 2026 and Subsequent Model Year Light-Duty Zero Emission Vehicles and Plug-in Hybrid Electric Vehicles
Section 1962.6	Battery Labeling Requirements
Section 1962.7	In-Use Compliance, Corrective Action, and Recall Protocols for 2026 and Subsequent Model Year Zero-Emission and Plug-in Hybrid Electric Passenger Cars and Light-Duty Trucks
Section 1962.8	Warranty Requirements for Zero-Emission and Batteries in Plug-in Hybrid Electric 2026 and Subsequent Model Year Passenger Cars and Light-Duty Trucks
Section 1965	Emission Control and Smog Index Labels — 1979 and Subsequent Model Year Vehicles
Section 1968.1	Malfunction and Diagnostic System Requirements — 1994 and Subsequent Model-Year Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles and Engines
Section 1968.2	Malfunction and Diagnostic System Requirements — 2004 and Subsequent Model Year Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles and Engines
Section 1968.5	Enforcement of Malfunction and Diagnostic System Requirements for 2004 and Subsequent Model Year Passenger

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	Cars, Light-Duty Trucks, and Medium-Duty Vehicles and Engines
Section 1969	Motor Vehicle Service Information — 1994 and Subsequent Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Engines and Vehicles, and 2007 and Subsequent Model Heavy-Duty Engines
Section 1976	Standards and Test Procedures for Motor Vehicle Fuel Evaporative Emissions
Section 1978	Standards and Test Procedures for Vehicle Refueling Emissions
Article 6	
Emission Control System Warranty	
Section 2035	Purpose, Applicability and Definitions
Section 2036	Defects Warranty Requirements for 1979 Through 1989 Model Passenger Cars, Light -Duty Trucks, and Medium -Duty Vehicles; 1979 and Subsequent Model Motorcycles and Heavy -Duty Vehicles; and Motor Vehicle Engines Used in Such Vehicles; and 2020 and Subsequent Model Year Trailers
Section 2037	Defects Warranty Requirements for 1990 and Subsequent Model Year Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles and Motor Vehicle Engines Used in Such Vehicles

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Section 2038	Performance Warranty Requirements for 1990 and Subsequent Model Year Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles and Motor Vehicle Engines Used in Such Vehicles
Section 2039	Emission Control System Warranty Statement
Section 2040	Vehicle Owner Obligations
Section 2041	Mediation; Finding of Warrantable Condition
Section 2046	Defective Catalyst
Chapter 2	
Enforcement of Vehicle Emission Standards and Enforcement Testing	
Article 1	
Assembly Line Testing	
Section 2062	Assembly-line Test Procedures 1998 and Subsequent Model Years
Article 2	
Enforcement of New and In-use Vehicle Standards	
Section 2101	Compliance Testing and Inspection – New Vehicle Selection, Evaluation and Enforcement Action
Section 2109	New Vehicle Recall Provisions
Section 2110	Remedial Action for Assembly-Line Quality Audit Testing of Less than a Full Calendar Quarter of Production Prior to the 2001 Model-Year

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Article 2.1	
Procedures for In-Use Vehicle Voluntary and Influenced Recalls	
Section 2111	Applicability
Section 2112	Definitions
Section 2113	Initiation and Approval of Voluntary and Influenced Recalls
Section 2114	Voluntary and Influenced Recall Plans
Section 2115	Eligibility for Repair
Section 2116	Repair Label
Section 2117	Proof of Correction Certificate
Section 2118	Notification
Section 2119	Record keeping and Reporting Requirements
Section 2120	Other Requirements Not Waived
Section 2121	Penalties
Article 2.2	
Procedures for In-Use Vehicle Ordered Recalls	
Section 2122	General Provisions
Section 2123	Initiation and Notification of Ordered Emission-Related Recalls
Section 2124	Availability of Public Hearing
Section 2125	Ordered Recall Plan
Section 2126	Approval and Implementation of Recall Plan

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Section 2127	Notification of Owners
Section 2128	Repair Label
Section 2129	Proof of Correction Certificate
Section 2130	Capture Rates and Alternative Measures
Section 2131	Preliminary Tests
Section 2132	Communication with Repair Personnel
Section 2133	Record keeping and Reporting Requirements
Section 2135	Extension of Time
Article 2.3	
In-Use Vehicle Enforcement Test Procedures	
Section 2136	General Provisions
Section 2137	Vehicle, Engine, and Trailer Selection
Section 2138	Restorative Maintenance
Section 2139	Testing
Section 2140	Notification and Use of Test Results
Article 2.4	
Procedures for Reporting Failure of Emission-Related Components	
Section 2141	General Provisions
Section 2142	Alternative Procedures
Section 2143	Failure Levels Triggering Recall and Corrective Action
Section 2144	Emission Warranty Information Report
Section 2145	Field Information Report

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Section 2146	Emissions Information Report
Section 2147	Demonstration of Compliance with Emission Standards
Section 2148	Evaluation of Need for Recall
Section 2149	Notification and Subsequent Action
Article 3	
Surveillance Testing	
Section 2150	Assembly-Line Surveillance
Section 2151	New Motor Vehicle Dealer Surveillance
Chapter 4	
Criteria for the Evaluation of Motor Vehicle Pollution Control Devices and Fuel Additives	
Article 2	
Aftermarket Parts	
Section 2221	Replacement Parts
Section 2222	Add-On Parts and Modified Parts
Chapter 4.4	
Specifications for Fill Pipes and Openings of Motor Vehicle Fuel Tanks	
Section 2235	Requirements
California Vehicle Code	
Division 12	
Equipment of Vehicles	
Chapter 5	

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Other Equipment
Article 2
Exhaust Systems
Section 27156.2
Section 27156.3

(f) For purposes of applying the incorporated sections of the CCR and California Vehicle Code, unless otherwise specified in this subchapter or the application is clearly inappropriate, “California” means “New Jersey,” “Air Resources Board (ARB)” or “California Air Resources Board (CARB)” means “Department of Environmental Protection,” and “Executive Officer” means the “Commissioner of the Department” or the Commissioner’s designee. For example, “delivered for sale in California” and “placed in service in California” shall mean vehicles “delivered for sale in New Jersey” or “placed in service in New Jersey.”

(g) At 13 CCR 1962.4(l), Definitions, in the definition of “community-based clean mobility program,” replace “serves a community in which at least 75 percent of the census tracts in the project area (where community residents live and services operate) are: a disadvantaged community, as defined in California by Health and Safety Code section 39711, a low-income community as defined in California by Health and Safety Code section 39713, or a tribal community regardless of federal recognition” with “serves a community in which at least 75 percent of the census tracts in the project area (where community residents live and services operate) are: an overburdened community subject to adverse cumulative stressors, as determined by the Department pursuant to N.J.A.C. 7:1C, a low-income community where at least 35

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percent of the households qualify as low-income households as determined by the Department
pursuant to N.J.A.C. 7:1C, or a tribal community regardless of Federal recognition.”