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February 5, 2021

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Municipal Clerks: Please forward to your Mayor, Governing Body and Department Heads.

To assist in providing guidance and information we have created a [Covid-19 resource page](#). We will continue to update the page as we get pertinent information and include announcements in our Daily Updates.

I. State Issues

a. COVID-19 Weekly Update

COVID-19 Weekly Update

This week Governor Phil Murphy issued an Executive Order expanding indoor dining and limiting the 10 p.m. curfew on closings of restaurants. The Governor announced that Johnson and Johnson has submitted an application for emergency use authorization from the federal government of the single dose vaccine.

COVID Data

For February 5, 2021:

- 3,723 new positive cases for a total of 637,357 confirmed cases
- 93 new confirmed deaths for a total of 19,699 confirmed deaths
- The rate of transmission is at 0.92
- 655 cases linked to 137 school outbreaks since August
- 925,579 vaccine doses have been administered, including 745,552 first doses and 179,956 second doses. 55% have been Moderna and 45% Pfizer.

Vaccine Information

Governor Murphy noted in one day the six mega sites were able to administer 10,000 vaccines. The number of initial doses administered over the past week has increased by 22% and the second dose increased by 63%.

The hotline 855-568-0545 to assist residents in getting information on the COVID-19 vaccine is live. The phone line is staffed with 250 live agents from 8 a.m. to 8 p.m.

The state continues to encourage the general public to [pre-register for eligibility for the vaccine online](#). Individuals will be permitted to input their personal, contact, health insurance, and demographic information. Those who are immediately eligible based on screening questions will be able to schedule an appointment.

Executive Order

Since our last update, Governor Murphy has issued the following COVID-19 related Executive Order:

[Executive Order 219](#) increasing the indoor capacity limits from 25% to 35% for several businesses, including food and beverage establishments, entertainment and recreational businesses and personal care services. Please see item below for more information.

Unemployment Information

The Department of Labor [announced](#) for the week ending January 30 the initial weekly unemployment claims total 14,606, a 12% decrease from the prior week. This is the third straight week with fewer than 2,000 new claims. In addition, the Department noted that they have issued four weeks of \$300 supplemental payments from the Continued Assistance for Unemployed Workers Act to current claimants collecting unemployment benefits.

Contact: Lori Buckelew, Assistant Executive Director, lbuckelew@njlm.org, 609-695-3481 x112.

b. Legislation Advancing That Could Have Chilling Effect on Redevelopment & Affordable Housing

[ACS A1571 & A-1576](#) would make any public work done on a property or premises for which a public body provides, approves, or authorizes a tax abatement or tax exemption for the property or premises subject the Prevailing Wage Act.

The League testified in opposition to the bill before the Assembly Labor Committee joining a coalition of business organizations and building and housing associations. We are

combating a false narrative that municipalities will still offer tax abatements, and developers will still be willing to develop a project regardless of the prevailing wage requirement. We are concerned that this new requirement will cost a project out of existence, particularly affordable housing projects.

The Senate companion, S-1956, is referenced to the Senate Labor Committee.

Please join us on Monday, February 8 at 12 noon for a free legislative briefing on the legislation. To register for this free briefing, please send an email to legislation@njlm.org with the subject line "A1571 Briefing" to receive a zoom link.

We urge you to reach out to your [Legislators](#) expressing concern with the bill advancing and the impact this new requirement will have on your redevelopment and affordable housing projects.

Contact: Lori Buckelew, Assistant Executive Director, lbuckelew@njlm.org, 609-695-3481 x112.

c. NJBPU Seeking Public Input on Utility Shutoff Moratorium and Responses to COVID-19

This week the New Jersey Board of Public Utilities (NJBPU) announced two upcoming public input processes related to Governor Murphy's Executive Order No. 190 (EO 190), which prevents shutoff of residential electric, gas, and water utility service in New Jersey through March 15, 2021.

First, NJBPU [announced](#) it will hold a virtual public stakeholder meeting on February 8 at 2 p.m. to allow for informal discussion with stakeholders regarding the growing size and number of arrearages and the potential rate impacts of the extended moratorium. Written comments may also be submitted electronically by 5:00 p.m. on March 1, 2021 by following the instructions in the [Public Notice](#).

NJBPU also announced two formal public hearings to take place on February 25, 2021 at 4:30 p.m. and 5:30 p.m. to solicit comments to determine the appropriateness of any additional Board action to protect New Jersey ratepayers, relative to EO 190 and the Board's [October 28, 2020 Order](#). The purpose of the public hearings is to give the Board an opportunity to hear directly from interested parties and the public on the impact of the pandemic on customers' ability to pay bills, the sufficiency of existing assistance programs, and any further action that may be necessary.

[Registration](#) is required for the February 25 virtual public hearings, and public comments must be submitted by 5:00 p.m. on March 1, 2021 by following the instructions in the [Public Notice](#).

Contact: Frank Marshall, Esq., Associate General Counsel, fmarshall@njlm.org, 609-695-3481 x137.

d. Governor Murphy Signs Executive Order No. 219: Expands Indoor Capacity to 35%

On Wednesday, February 3, Governor Murphy signed [Executive Order No. 219](#) (EO 219),

expanding indoor premises capacity from 25% to 35% of the maximum occupancy level, and lifting limitations on the operation of indoor food and beverage establishments between 10 p.m. and 5 a.m. EO 219 includes all food and beverage establishments including restaurants, cafeterias, non-profit clubs, food courts, entertainment and recreational businesses, casinos, gyms, personal care services, barber shops and nail salons.

While EO 219 lifts the State's limitations, the Order explicitly authorizes a municipality with legitimate concerns about congregation in and around business at particular hours to impose hours of operation restrictions. Lastly, the order allows for increased maximum capacity at indoor gatherings for religious ceremonies, political activities, wedding ceremonies and funerals to 35% of the room but in no event larger than 150 person or smaller than 10 persons. Executive Order No. 219 takes effect on Friday, February 5, at 8:00 a.m.

Contact: Andrew LaFevre, Legislative Analyst, alafevre@njlm.org, 609-695-3481 x116.

e. Governor Murphy Expands Outdoor Dining

Today, Governor Murphy signed [Senate Bill 3340](#) into law. This legislation allows for all restaurants, bars, distilleries, and breweries to use outdoor spaces or public sidewalks as extensions of their places of operation. Municipalities have the right to regulate how these establishments use public sidewalks and roads to expand their operations, including holders of certain types of liquor licenses to serve alcoholic beverages on the areas of expanded operation, following the regulations and guidelines of the Division of Alcoholic Beverage Control (ABC) for on-premises consumption of alcoholic beverages. The legislation expands on the Governor's [Executive Order No. 150](#), that also allowed for the expansion of outdoor dining.

This Legislation also allows for the ABC to create and regulate a seasonal farm market permit that allows the holder of a limited brewery license, restricted brewery license, craft distillery license, plenary winery license, farm winery license or cidery license to sell any of the licensee's products in its original containers at a seasonal farmer market for off premises consumption.

Contact: Andrew LaFevre, Legislative Analyst, alafevre@njlm.org, 609-695-3481 x116.

f. Bill Mandating New Requirement for Land Use Plans Signed Into Law

Governor Murphy, yesterday, signed into law S-2607/[A-2785](#), (now, P.L. 2021, c.6), which requires the land use plan element of a municipal master plan to include a climate change-related hazard vulnerability assessment. This new law took effect immediately and will apply to any future land use plan.

The assessment would be required to analyze current and future threats to, and vulnerabilities of, the municipality associated with climate-change related hazards such as more frequent and substantial flooding events. The assessment must include a build-out analysis of future residential, commercial, industrial and all other development within the municipality, and identify critical facilities, utilities, roadways, and other infrastructure necessary for evacuation purposes and sustaining quality of life during a natural disaster. The new law also requires the NJ Department of Environmental Protection to provide technical assistance to a municipality in preparing the assessment, as practical.

While we are keenly aware of the effects climate change will have on municipal planning, and the need to take action to ensure the health, safety and welfare of our residents, however during the legislative process the League opposed the blanket requirement for all municipalities to undertake this new assessment, noting that the piecemeal approach to this kind of planning produces does not create the comprehensive solution that is needed to properly address the impacts of climate change.

We also expressed concerns with the costs associated with a municipality undertaking the required assessment. As noted in the [Fiscal Estimate](#) prepared by the Office of Legislative Services, the new requirements in this legislation would result in additional municipal expenditures due to the potential need to hire outside consultants with specialized expertise to complete the assessment. The League noted that this additional mandate provides no offsetting appropriation and may meet the definition of an unfunded state mandate.

We suggest you review this new law with your land use and planning boards, and attorney for more information on its implementation and impact on your master plan.

Contact: Frank Marshall, Esq., Associate General Counsel, fmarshall@njlm.org, 609-695-3481 x137.

g. State Increases Funding for Small Business Lease Assistance Grant Program

This week, Governor Phil Murphy announced an additional \$5 million has been allocated to the Small Business Lease - Emergency Assistance Grant Program (SBL-EAGP), which allows businesses in 64 legislatively designated [municipalities](#) to apply for grants of up to \$10,000 for lease costs and includes tenants leasing commercial space in mixed-use buildings, tenants leasing space in commercial buildings, and tenants leasing space to operate a storefront business.

This program already has allocated \$10 million to roughly 1,000 businesses, assisting small business owners impacted by the COVID-19 pandemic.

The program is targeted to businesses with 5,000 square feet of leased space or less. Funds are distributed on a first-come, first-served basis. The [application opens](#) on Monday, February 22nd at 9:00 a.m. and will remain open until the funds are exhausted.

Contact: Paul Penna, Legislative Analyst, ppenna@njlm.org, 609 695-3481, x110.

II. Federal Issues

a. American Rescue Plan

Early on Friday morning after an all-night voting session, the Senate passed a [budget resolution](#) to begin the process to pass President Joe Biden's American Rescue Plan proposal. The House is scheduled to vote to concur with the resolution on Friday. The package includes \$350 billion in aid for state and local governments. For more information about what else is in the package, read the League's recent [blog post](#).

Contact: Paul Penna, Legislative Analyst, ppenna@njlm.org, 609 695-3481, x110.

b. COVID-19 FEMA Cost Share Increase

During his first week in office, President Biden issued a memorandum that increased FEMA's cost share to 100 percent federal. On Tuesday, the Biden Administration clarified that FEMA will be "retroactively reimbursing states fully for the FEMA-eligible services – including masks, gloves, emergency feeding actions, sheltering at risk populations and mobilization of the National Guard - back dated to the beginning of the pandemic in January 2020."

The revised [memorandum](#) states that FEMA shall provide a 100 percent Federal cost share for all work eligible for assistance under [Public Assistance](#) Category B, pursuant to sections 403 (42 U.S.C. 5170b), 502 (42 U.S.C. 5192), and 503 (42 U.S.C. 5193) of the Stafford Act performed from January 20, 2020, through January 20, 2021.

You should review this information and contact the state Office of Emergency Management and the Regional FEMA offices to ensure the full reimbursement is received for the cost share adjustment.

Contact: Paul Penna, Legislative Analyst, ppenna@njlm.org, 609 695-3481, x110.

III. 2020 Annual League Conference

a. Print Your CEU Certificates from the 2020 NJLM Virtual Conference

The tracking system from the 2020 NJLM Virtual Conference is now open. To print your certificates visit the [Tracking System webpage](#).

The system will be available until **May 1, 2021**.

b. It's Not Too Late!

We hope that the NJLM Virtual Conference allowed you to look back and forward on the challenges of the day, be it the COVID-19 pandemic, social and restorative justice or how to balance the competing interests in preparing for your 2021 budget. While we hope to be back in-person in Atlantic City in 2021, the virtual conference offers a unique benefit. The content of the approximately 80 programs and 145 virtual exhibitor booths will be available on-demand through October 31, 2021.

Anyone who is registered can simply log in to [the Conference website](#) to view any of the programs or visit any of the exhibitor booths. And for those who did not attend, it's not too late. We will continue to [accept registrations](#) for access to the Conference site. Those who register now will not be able to apply for CEUs but will have full access to all programs and exhibit booths. And please continue to visit the exhibitors who chose to support the 105th Annual Conference by stopping by their booths. You can contact exhibitors directly with any questions or comments by simply using the "Request Information" button on each booth. This will generate an automatic email to the exhibitor and they will contact you with a reply.

IV. Also of Interest

a. New Jersey and The Golden Globes

This year for the Golden Globes there are several interesting nominations, including many with a New Jersey connection. We have Al Pacino nominated for his series Hunters as best drama and up for best motion picture is the film The Trial of the Chicago 7. Also, there is Ramy Youssef, who was born in Rutherford, for best performance by an actor in a television series.

And following the Super Bowl on Sunday, look for the premiere of The Equalizer, with Queen Latifah. The series is being filmed in Newark.

If you have any interest in how the [New Jersey Motion Picture and Television Commission](#) can help your municipality, more information is available on [their website](#).

Contact: Janice Kovach, NJLM President, Member NJ Motion Picture and Television Commission, President@njlm.org

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