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## February 26, 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.

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## I. State Issues

### a. COVID-19 Weekly Update

This week in Trenton on the COVID-19 front: Governor Phil Murphy issued an Executive Order increasing capacities for religious services, as well as sporting and entertainment events and announced New Jersey should anticipate approximately 70,000 of the Johnson & Johnson vaccine upon FDA approval. The Economic Development [announced](#) grants through its Sustain & Serve NJ Program resulting in 1.5 million meals from at least 160 New Jersey restaurants in 69 municipalities.

#### For February 26, 2021:

- 3,149 new positive cases for a total of 696,000 confirmed cases
- 46 new confirmed deaths for a total of 20,861 confirmed deaths
- The rate of transmission is at 0.89
- 737 cases linked to 152 school outbreaks since August
- 1,899,671 vaccine doses have been administered, including 1,262,124 first doses

and 636,947 second doses. 54% have been Moderna and 46% Pfizer.

### **Vaccine Information**

Today, the Governor announced that New Jersey has been notified that we should anticipate an initial shipment of roughly 70,000 Johnson & Johnson vaccine doses to be delivered next week, based upon the US FDA's Emergency Use Authorization.

The State hotline, 855-568-0545, continues to assist residents, with live agents from 8:00 a.m. to 8:00 p.m., in getting information on how to register, as well as how to schedule vaccine appointments as people become eligible. The agents remind residents that there is no out-of-pocket expense to get vaccinated and that the two vaccines are not interchangeable.

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 Orders**

[Executive Order 225](#): Increasing capacity limits for religious services to 50% of room capacity with no cap, effective immediately. Large sports and entertainment venues with fixed seating capacity of 5,000 or more will be permitted to have 10% of capacity for indoors and 15% of capacity for outdoors effective 6:00 a.m. on March 1. Collegiate sporting events, effective immediately, may allow up to two parents or guardians per participating athlete at practices and competitions; however, indoor space cannot exceed 35% capacity.

### **Unemployment Information**

The Department of Labor [announced](#) for the week ending February 19 the initial weekly unemployment claims total is 10,776, a 7% decline week over week.

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### **b. Governor Murphy Announces Proposed FY 2022 Budget**

On Tuesday, February 23, Governor Murphy delivered the [annual budget address](#). The Governor's proposed \$44.8 billion budget will guide the State's spending through the next fiscal year (FY 2022). While the full details of the Governor's budget will be released in the coming weeks, the League is analyzing the proposed [FY 2022 NJ Budget Brief](#). For a deeper dive, please visit our [blog post](#).

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### **c. Cannabis Update**

On Monday Governor Murphy signed into law legislation legalizing and regulating cannabis use and possession for adults 21 years and older ([A-21](#) – The New Jersey

Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act) and decriminalizing marijuana and hashish possession ([A-1897](#)). The Governor also signed [S-3454](#), clarifying marijuana and cannabis use and possession penalties for individuals younger than 21 years old. The League will be offering a free briefing session on the new laws on Wednesday, March 3, 2021 at 12 noon. Due to capacity limits, please register by sending an email to [legislation@njlm.org](mailto:legislation@njlm.org) subject line "A-21" to receive the link to the briefing.

In the meantime, we want to bring to your attention the following:

- Any existing municipal ordinance regulating or prohibiting cannabis is null and void. They must be readopted to be effective.
- Municipalities have 180 days (until August 21, 2021) to take action to either prohibit or limit the number of cannabis establishments, distributors or delivery services; the location, manner, and times of operation, and establishing civil penalties for violation of ordinances.
- If municipalities do not take action within 180 days, any class of cannabis establishment or distributor will be permitted to operate in the municipality, and depending on the type of establishment, be considered a permitted use in certain zones.
- Once a municipality permits cannabis establishment or distributor operations in their community that action remains valid for 5 years. After this 5-year period, a municipality has another 180-day window to prohibit or limit cannabis operations, but this action only applies prospectively. Those who initially opt-out can opt-in at any time.
- A municipality cannot prohibit the delivery of cannabis items and related supplies by a delivery service within their jurisdiction.
- When responding to a call related to underage consumption or possession of cannabis or alcohol can be guilty of a crime of official deprivation of civil rights if knowingly violating the provisions of the new law regarding interactions with underage persons.

In addition, Attorney General Gurbir Grewal announced the launch of a [Marijuana Decriminalization & Cannabis Legalization Resource Page](#). The webpage is intended to provide resources and information for police and prosecutors to help them navigate the new laws and policy. The Resource Page provides access to newly issued AG Directive 2021-1, governing the dismissals of certain pending marijuana charges, and access to interim guidance for law enforcement officers regarding marijuana decriminalization.

Early next week we will be issuing additional guidance, including sample ordinance language, to assist municipalities in navigating these new laws.

**Contacts:**

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- Frank Marshall, Esq., Associate General Counsel, [fmarshall@njlm.org](mailto:fmarshall@njlm.org), 609-695-3481 x137.

**d. Governor Murphy Takes Action on Hospital Subsidy Bill**

This week, Governor Murphy signed into law, [A-1135/S-357](#) (now, P.L.2021, c.17). The League strongly opposed this legislation and is disappointed it has now been signed into

law.

The new law attempts to overturn a well-reasoned court decision which helped shed light on the modern practices of New Jersey's nonprofit hospitals and exposed how their for-profit activities disqualify them from property tax exemption. The new law reinforces the "legal fiction" identified in that ruling, which is today's nonprofit hospital, and allows them to pay a reduced community service contribution rather than their equitable share of property taxes.

For more on this bill, please see the League's recent [blog post](#).

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### **e. Your Action Needed: Full Assembly to Consider PFRS 20 and Out Legislation**

On Monday, the full Assembly will consider A-2562/[S-1017](#), which permits a PFRS employee who is enrolled before or after the bill's effective date to retire, regardless of age, upon attaining 20 or more years of service credit, and would allow that employee to receive a retirement allowance equal to 50% of the member's final compensation. This benefit will expire two years after enactment.

As we previously [reported](#), public safety unions are pushing this legislation in response to what they believe is a misinterpretation of the [1999 law](#). The public safety unions have argued that the costs of this enhanced benefit will be offset by potential healthcare savings.

The League, along with the New Jersey Association of Counties (NJAC), view this legislation as an enhancement of benefits at a time when local governments can least afford it. The benefit provided in A-2562/S-1017 will impact the pension fund liability leading to increased cost for taxpayers. Before enhanced benefits are even considered, we all have the responsibility to ensure that the pension fund is stable. While a 71.7% funding ratio for the local Police and Fire System (PFRS) is on the right track, the fund is not yet stable enough to consider enhanced benefits. The legislation also does not account for the impact of the recent market downturn or the reduction of the assumed rate of return on the pension fund. In addition, we question how healthcare benefit savings will offset the increased pension liability cost, as not all municipalities and counties provide healthcare benefits in retirement.

The non-partisan Office of Legislative Services (OLS) [fiscal impact analysis](#) anticipates the bill will result in an increase in the annual contributions required to be paid by local governments to the PFRS. Furthermore, in their fiscal impact analysis, OLS notes that if "all currently eligible members with 20 to 24 years of service opt for the new benefit, this bill would reduce the current funded ratio of the PFRS-Local from 71.7% to 65.6% and of the PFRS-State from 38.9% to 35.7% in the first year."

Funded by property taxpayer dollars, county and municipal governments across the State will contribute \$1,145 billion in 2021, for Police and Fire pension. An increase of \$106.9 million from last year, while PFRS members contribution remains flat at 10% of their salary. Since these additional costs will be borne by taxpayers, the League opposes this legislation.

Please [contact your Assembly Representative](#) and urge them to vote no on A-2562/S-1017.

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#### **f. Third-Party Inspection Bill Scheduled for Vote in Assembly**

[A-4850](#), a bill the League opposes, is scheduled for an Assembly vote on Monday, March 1. The legislation would establish an alternate inspection process for property owners willing to pay a premium fee to expedite inspections performed by municipal code officials or, if a municipality is unable to participate in such a program, by third-party entities.

While A-4850 ostensibly provides a mechanism for expedited inspections, the more likely unintended consequence would be a complete shift from inspections being performed by municipal officials, to third-party entities.

We urge our members to reach out to their representatives, asking them to vote no on A-4850.

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#### **g. Early Voting Legislation**

On Monday, the full Assembly will be considering [A-4830/S-3203](#), which would require the addition of in-person early voting for certain elections. In-person early voting for the May non-partisan election is permitted upon adoption of an ordinance. The County Boards of Elections will be required to designate public locations for early voting with the number of locations based on population

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#### **h. Legislation to Permit Nonresident Municipal Emergency Management Coordinators Advances**

The League supports [A-1057/S-551](#) which permits the appointment of nonresident municipal emergency management coordinators in municipalities with populations under 5,000 people.

Municipalities with a population under 5,000 would be permitted to appoint a nonresident, who must reside in the same county as its municipal emergency management coordinator if a qualified resident cannot be recruited. Current law requires these coordinators to be municipal residents unless there is a shared service agreement.

This legislation is on the Assembly board list for this Monday, and we urge its passage. The Senate companion passed the Senate Law and Public Safety Committee this past Wednesday and we hope it is posted for a vote in the full Senate shortly.

**Contact:** Paul Penna, Legislative Analyst, [ppenna@njlm.org](mailto:ppenna@njlm.org), 609 695-3481, x110.

### **i. Bill to Require Notification of Ownership Changes on Foreclosed Properties Now Law**

Governor Murphy, this week, signed [A-2964/S-1034](#) (now, P.L.2021, c.20) into law. The League supported this legislation as it should make it easier for municipal officials to track ownership of abandoned and foreclosed properties.

The new law eliminates an exemption to notice requirements that allowed certain creditors that had already provided notice of foreclosure proceedings to avoid providing additional notice once they obtained ownership. P.L. 2021, c. 20, which took effect on February 22, 2021, ensures that municipalities and common interest communities are made aware of all ownership changes following foreclosure, in a timely manner.

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### **j. Effective Date of Daniel's Law Changed**

Earlier this week [S-3453](#), (now, P.L.2021, c.24) was signed into law, changing the effective date of certain provision Daniel's Law ([P.L.2020, c.125](#)), applicable to any active formerly active, or retired judicial officer or prosecutor to December 10, 2021. The portions of Daniel's Law applicable to law enforcement officers take effect 18 months after December 10, 2021.

The effective date remains the same for portions of Danielle's Laws permitting any active, formerly active, or retired judicial officer or prosecutor, law enforcement officer, or their immediate family member, to request removal or redaction of their home addresses or unpublished telephone numbers. These requests must be honored within 72 hours.

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### **k. Deer Overpopulation Crisis**

On Monday, February 23, the Assembly Agriculture Committee met to discuss the overpopulation crisis of white-tailed deer in New Jersey. The committee had several experts speak on the topics and bring forth a plethora of solutions to address the problem. Please see our [blog post](#) for a deeper dive into the committee hearing.

**Contact:** Andrew LaFevre, Legislative Analyst, [alafevre@njlm.org](mailto:alafevre@njlm.org), 609-695-3481 x116.

### **l. Department of Homeland Security Announces Funding Opportunity**

The US Department of Homeland Security, consistent with the [National Preparedness Goal](#), announced \$1.87 Billion in Preparedness Grants.

The State Department of Homeland Security is the State Administrative Agency (SAA) authorized to apply for grants. The grant programs provide funding to state, local, tribal and territorial governments, as well as transportation authorities, nonprofit organizations

and the private sector, to improve the nation's readiness in preventing, protecting against, responding to, recovering from and mitigating terrorist attacks, major disasters and other emergencies.

The Fiscal Year 2021 grant guidance will continue to focus on the nation's highest risk areas, including urban areas that face the most significant threats, and national priorities.

We will send an update as more information becomes available.

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## II. Federal Issues

### a. American Rescue Plan Update

On Monday, the House Budget Committee favorably reported the American Rescue Plan to the full House. A vote is expected today and then it is sent to the Senate for consideration.

\$350 billion for state and local aid is still in the package, but will likely be subjected to amendments to remove it in the Senate. Senators Menendez and Booker are on record supporting the package.

Negotiations are ongoing for all facets of the package. If you have been made aware of a potential amount that your municipality may receive, please be advised that the details of this package continue to change and nothing is final until identical legislation passes both the House and the Senate and is signed by the President. We will keep you apprised as changes are made.

The League's partners at the National League of Cities has created a [form](#) where you can register your support for the American Rescue Plan.

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## 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 105<sup>th</sup> 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. Women at Work Virtual Conference**

On Thursday, March 25, [GFOA of NJ](#) is holding its [Women at Work Virtual Conference](#) from 9:00 a.m. to 12:30 p.m. It is an interactive workshop designed to inspire and empower women with actionable strategies to: Communicate with Confidence, Build A Network of Allies and Advocates, and Evict Their "Imposter" and Realize Their Potential. CEUs have been approved. Businesses can showcase their goods and services in between sessions.

[Details can be found on the registration page.](#) This event is hosted by Jennifer Willey, CEO, of Wet Cement and sponsored by Primepoint HRMS & Payroll.

### **b. Briefing for Stakeholders Involved in Emergency Management**

**Tuesday, March 2 from 2:00PM – 3:00PM ET**

The FirstNet Authority in cooperation with AT&T are offering insight into the nationwide public safety broadband network, which is the only nationwide network purpose built for first responders – and those who support their vital efforts.

See and hear some of the latest developments regarding **broadband communications for Emergency Management.**

You can [register](#) for the March 2 live session.


### **c. Sustainable Jersey Virtual Awards Luncheon**

Sustainable Jersey is celebrating sustainability excellence, innovation and leadership at the Sustainable Jersey Virtual Awards Luncheon honoring the December 2019 and 2020 Sustainable Jersey certified municipalities and the special award recipients.

Although this event normally takes place during the New Jersey League of Municipalities Conference, this year it will be streamed live on the Sustainable Jersey Facebook page (@SustainableJersey) on Thursday, March 11, from 12:00 p.m. – 1:15 p.m. The municipal






awards to be distributed are the Sustainability Champion Awards, the Mayor Art Ondish Leadership Award, the Creativity and Innovation Award, the Rookie of the Year Award, the Collaboration Award and the Sustainable Business Leadership Award. A video of the Virtual Awards Luncheon will be made available after the event.




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