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## March 12, 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

March 10 was the one-year anniversary of New Jersey's first COVID-19 confirmed death. Governor Phil Murphy noted that "the toll of this virus has been staggering. It exceeds the numbers of New Jerseyans lost in any war. In one year, we have lost an average of 65 residents per day."

In addition, the Governor issued an Executive Order increasing indoor capacity limits to 50%. Vaccine eligibility will be expanding on March 15 to include transportation workers, public safety workers who are non-sworn law enforcement, such as fire safety inspectors and probation officers, migrant farm workers, members of tribal communities, individuals experiencing homelessness and those living in shelters, including domestic violence shelters. The Governor also reiterated that compassionate care, essential caregiver, outdoor, and end-of-life visitation by appointment should be permitted at Long-Term Care Facilities, even when indoor visitation is otherwise restricted because of the status of the Long-Term Care facility.

## Covid Data

For March 12, 2021:

- 3,544 new positive cases for a total of 736,065 confirmed cases
- 40 new confirmed deaths for a total of 21,380 confirmed deaths
- The rate of transmission is at 1.02
- 804 cases linked to 173 school outbreaks since August
- 2,823,731 vaccine doses have been administered, including 1,876,495 first doses and 947,094 second doses. 52% have been Moderna, 47% Pfizer, and 1% J&J.

## Vaccine Information

The Governor has noted that New Jersey is averaging 67,000 administered doses per day.

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 230](#): Increases indoor capacity limits to 50% of capacity for restaurants; indoor recreation, amusement, and entertainment businesses; and personal care services. General indoor gatherings increase from 10 to 25 people and outdoor gatherings from 25 to 50 people. The limits on general gatherings do not apply to the religious services or ceremonies, political events, weddings, funerals, memorial services or performances remain unchanged by this order. Executive Order 230 takes effect on March 19.

## Unemployment Information

The Department of Labor announced for the week ending March 6 the [initial weekly unemployment claims](#) total 9,840, a 5% decrease from last week. This is the first time since the start of the COVID-19 pandemic that new unemployment claims were below 10,000.

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## b. Cannabis Briefing

Please join us on Thursday, March 18 at 12 noon for our second free briefing on the new Cannabis law. Don't miss this opportunity if you missed our first briefing or if you simply

want to get an update. Please [register](#) to receive a link for the free briefing.

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

**c. Budget Hearings**

On March 10, The Assembly Budget Committee began taking testimony on the FY 2022 state budget proposed by Governor Murphy. Many different entities shared their concerns and priorities with the proposed budget. The main issues raised were unsustainable spending for New Jersey, and fears that spending would lead to large tax increases in the coming years. Many individuals echoed the need to help disadvantaged communities that have disproportionately been affected by the COVID-19 pandemic. The Senate Budget and Appropriations Committee is scheduled to hear more testimony on Tuesday, March 11.

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**d. Governor Signs Foreclosure Prevention Act**

This week Governor Murphy this week signed [A-5130](#) (now, P.L.2021, c.34) into law. Known as the Foreclosure Prevention Act, the legislation creates a foreclosure prevention program within the state Housing and Mortgage Finance Agency (HMFA). The goal of the program is to ensure that loss mitigation and foreclosure prevention measures are taken on eligible properties, allowing occupants to remain in their homes. The HMFA would administer a newly created Foreclosure Intervention Fund, which is to be funded through a \$350 fee to be collected at sheriff's sales. The HMFA is authorized to use the Foreclosure Intervention Fund to make grants available to eligible applicants including non-profits and municipalities.

The League supported this bill because it provides additional tools to prevent foreclosures, which can have a detrimental effect on our communities. We would like to thank the sponsors for efforts on this legislation, and Governor Murphy for his swift action on the bill.

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**e. NJ Supreme Court Decision Could Impact Municipal Employment Policies**

The New Jersey Supreme Court released a decision this week that could have an impact on municipalities as an employer. [Delanoy v. Twp. of Ocean](#) considered for the first time the New Jersey Pregnant Workers Fairness Act (PWFA). The PWFA amended existing portions of the NJ Law Against Discrimination (LAD) by including pregnancy or breastfeeding as a protected classification within the LAD prohibitions and protections.

The Court in the Delanoy case determined that the PWFA recognizes for pregnant and

breastfeeding employees three distinct causes of action: 1) unequal or unfavorable treatment; 2) failure to accommodate; and 3) unlawful penalizations. In the matter at hand the court determined that the differing standards the municipal police force applied to a pregnant officer, versus what is applied to an officer needing light duty for another reason, violated the PWFA because the policy for pregnant officers provided unfavorable treatment.

You should review this decision with your labor attorney and verify that your municipal employment policies align with the Court's ruling.

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## **f. Recap of This Week's Legislative Committees**

During the week various Assembly and Senate committees held hearings and considered numerous pieces of legislation. The following legislation of municipal impact was considered:

- [A-5231](#) permits a county of municipality to enter into a revenue sharing agreement with a concessionaire permit holder used in connecting with a premise located within the county or municipality was reported out of Assembly Oversight, Reform and Federal Relations Committee and is now awaiting consideration by the full assembly.
- [A-5310](#) changes the limit on the number of Social Affair permits for any premise owned by a municipality or the event is sponsored by the municipality was amended and reported out of Assembly Oversight, Reform and Federal Relations Committee. The amendment changed the limit from no limit to 52 in calendar year for events sponsored by a municipality or premise owned by a municipality. The bill now awaits consideration by the full assembly.
- [A-4297](#) permits bingo and raffle games to be conducted remotely was amended and reported out of Assembly Tourism, Gaming & the Arts Committee. The committee amended the bill to mirror the Senate floor amendments. The bill now awaits consideration by the full assembly.
- [A-5052](#) would permit emergency medical responders to dispense opioid antidotes passed the Assembly Health Committee and now awaits consideration by the full assembly.
- [A-1172](#) permits police departments to establish designated safe areas for internet purchase transactions was amended and reported out by Assembly Law and Public Safety Committee. The amendments clarified that the Attorney General is to notify chief law enforcement agencies that they are permitted to establish designated safe areas and to allow county and municipal police departments to establish a public awareness campaign. The bill now awaits consideration by the full assembly.
- [A-3804](#) designating 9-1-1 operators or dispatchers as 9-1-1 first responders' dispatchers was reported out of Assembly Law and Public Safety and now awaits consideration by the full assembly.
- [A-1925](#) requires certain motor vehicle surcharge revenues to be dedicated to the Special Needs Housing Trust Fund was amended and reported out of Assembly Housing Committee. The bill was amended to mirror the Senate companion S-1255 to provide the funding from certain realty transfer fee revenues in an amount equal to \$20 million annually. The bill now awaits consideration by the full

assembly.

- [S-3491](#) expands the ability of any person to acquire and administer opioid antidotes was amended and reported out of Senate Health, Human Services, and Senior Citizens Committee. The bill was amended to update the terminology used and to specify what specific actions are required and permitted for lay persons as opposed to professionals authorized to prescribe and dispense prescription drugs; update cross references to the “Overdose Prevention Act”; amended the effective date; and revise the title and synopsis of the bill to reflect these changes. The bill now awaits consideration by the full senate.
- [A-1653/S-2142](#) encourages development of zero emission vehicle fueling and charging infrastructure in redevelopment projects was amended and reported out of Senate Community and Urban Affairs. The bill now awaits consideration by the full senate.
- S-306 creates a streamlined and expanded landlord registration process, make changes to multiple dwelling inspections and maintenance, establishes protections for tenants and permit municipalities to satisfy up to 10% of their affordable housing obligations by establishing a program encouraging the rehabilitation of substandard dwelling units and the dedication of rehabilitated units for rental as low income housing was amended and reported out of Senate Community and Urban Affairs Committee. The bill now awaits consideration by the full senate.
- [S-466](#) requires development applicants owners or landlords to deliver notice of a hearing on the development application to each residential tenant at least 10 days prior to the hearing as well as outlining additional notice requirements was reported out of Senate Community and Urban Affairs Committee. The bill now awaits consideration by the full senate.
- [S-1787](#) establishing “Tiny Home Pilot Program” in three regions of the State was reported out of Senate Community and Urban Affairs Committee. The bill now awaits consideration by the full senate.
- S-3459 would amend various public finance laws to remove existing restrictions on the ability of local governments and authorities to finance the costs of lead service line replacements was amended and reported out of Senate Community and Urban Affairs Committee. The bill now awaits consideration by the full senate.

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## II. Federal Issues

### a. American Rescue Plan Signed Into Law

President Joe Biden signed the \$1.9 trillion American Rescue Plan [into law on Thursday](#), which includes \$350 billion funding for state and local governments.

New Jersey is expected to receive \$9.4 billion in federal aid. \$6.4 billion for the state and \$2.9 billion for counties and every municipality in the state. The funding for local governments will be distributed in two tranches, 50% now and 50% in 12 months.

The League’s recent [American Rescue Plan blog post](#) has more details on the package. The League held a free virtual briefing on new federal law earlier today. [The presentation is available online](#) and the video of the briefing will be posted online early

next week. The White House [created a webpage](#) to help people navigate the benefits of the law.

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### **b. USDA Announces Extension for Summer Meals Program**

The U.S. Department of Agriculture (USDA) has [announced the nationwide extension](#) of several waivers that allow children to continue to receive free nutritious meals this summer when schools are out of session. They are available now through September 30, 2021.

New Jersey [Department of Agriculture Douglas Fisher noted](#) that these meals are available to every child in New Jersey. Summer meal sites are places where children and youth, age 18 and under, can receive meals at no cost in a safe environment. The meals are also available to persons over age 18 with mental or physical disabilities. For locations, dates, and times the meals are provided by participating schools who operate open sites can be on the [USDA Food and Nutrition website](#).

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### **c. Environmental Protection Agency (EPA) Announces Extension of the Revised Lead and Copper Rule (LCR)**

The U.S. Environmental Protection Agency (EPA) is announcing that it is extending the effective date of the Revised Lead and Copper Rule (LCR) to seek further public input, particularly from communities that are most at-risk of exposure to lead in drinking water.

The EPA has posted two pre-publication notices on its website regarding the revised LCR.

The first action is a final rule that [announces an extension of the effective date](#) for the revised LCR from March 16, 2021 until June 17, 2021. The purpose of this additional time is to enable EPA to [take public comment on a second action](#) that would provide a longer extension of the effective date and for EPA to undertake its review of the rule in a deliberate and thorough manner consistent with the public health purposes of the Safe Drinking Water Act.

We encourage you to review the proposed rule with your professionals and make comments where appropriate.

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### **d. Cybersecurity and Infrastructure Security Agency (CISA) Issues Emergency Directive**

The Cybersecurity and Infrastructure Security Agency (CISA) partners have observed active exploitation of vulnerabilities in Microsoft Exchange on-premises products. Please review CISA issued [ED 21-02](#) for Microsoft Exchange on-premises products to update or disconnect the products from their networks until updated with the Microsoft patch.

The seriousness of this vulnerability cannot be overstated; the exploitation of it is

widespread and is indiscriminate. This vulnerability is already being actively exploited in many thousands of systems and could allow criminal actors to engage in acts threatening to continuity of operations, such as ransomware, even after patching Microsoft Exchange.

Everyone using Microsoft Exchange on premise products needs to immediately:

- Check for signs of compromise;
- If evidence of compromise is found, assume that your organization's network identity has been compromised and begin incident response procedures;
- Patch Microsoft Exchange with the vendor released patches;
- If unable to patch immediately or remove the Microsoft Exchange from the network immediately, CISA strongly recommends following alternative mitigations found in Microsoft's blog on Exchange Server Vulnerabilities Mitigations. This should not be taken as an adequate solution for patching.

Please immediately speak with your IT officials to determine what steps your organization has taken, and if your organization does not have the technical capability to verify network integrity, please consider bringing in a third party to assist you as soon as possible.

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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. Expanded Earned Income Tax Credit Program

On national Earned Income Tax Credit Awareness Day, the New Jersey Department of Treasury launched a statewide awareness campaign to encourage eligible taxpayers to take advantage of New Jersey's expanded program. Beginning with the 2020 tax filing New Jersey's Earned Income Tax Credit (NJEITC) is increasing to 40% of the federal credit an average of \$882 as well as lowering the minimum age eligibility for EITC from 25 to 21 years of age. Treasury has created a wide range of [promotional materials that can be found online](#) for any partners looking to help raise awareness about the NJEITC. More information on NJEITC including eligibility is available at the New Jersey Earned Income Tax Credit [website](#).

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### b. 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.



New Jersey State League of Municipalities

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