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May 14, 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

This week Governor Murphy issued [Executive Order 239](#) easing of certain COVID-19 restrictions effective May 19. He announced that adolescents between the age of 12 and 16 are now eligible for COVID-19 vaccinations based on CDC's emergency approval of Pfizer; that the COVID-19 dashboard has been updated to include a mapping tool showing the percentages of adults in each municipality who have received their first doses as well as percentages for those who are now fully vaccinated; and that the FEMA Community Vaccination Center in Newark will hold walk-in vaccinations daily from 10:00 a.m. to 5:00 p.m.

Yesterday the [Center for Disease Control \(CDC\) announced](#) that fully vaccinated individuals no longer need to wear a mask or physically distance in any setting, except

where required by federal, State, or local rules and regulations, including local business and workplace guidelines. Governor Murphy and the New Jersey Department of Health are reviewing the new CDC guidance on masking requirements. Masks are still required in New Jersey for indoor settings and outdoor settings when social distancing is not possible.

COVID Data for May 14, 2021:

- 766 new positive cases for a total of 882,199 confirmed cases
- 12 new confirmed deaths for a total of 23,284 confirmed deaths
- The rate of transmission is at 0.84
- 1,263 cases linked to 281 school outbreaks since August 2020
- 7,873,861 vaccine doses have been administered, including 4,539,066 who have received at least one dose and 3,619,714 who are fully vaccinated. 54% are Pfizer, 42% Moderna, and 4% J&J.

Vaccine Information

Since the [Center for Disease Control \(CDC\) approved Pfizer's](#) emergency use authorization application to vaccinate adolescents between the ages of 12 to 15, anyone over the age of 12 who lives, works, or studies in New Jersey is now eligible for a COVID-19 vaccine. The CDC has created [a webpage for parents on adolescent and teen vaccinations](#). Department of Health [Commissioner Judy Persichilli announced](#) that the State is notifying providers that they can immediately move forward with administering Pfizer to those between the age of 12 and 15. The Commissioner encouraged all parents and guardians to speak with their pediatricians or healthcare providers if they have questions regarding COVID-19 vaccination.

Governor Murphy noted that Walgreens, which has been working with multiple school districts across the state to vaccinate students ages 16 and over, will be ready to transition to vaccinating those from 12 to 16 upon CDC approval.

All six of New Jersey's COVID-19 vaccine mega-sites continue to offer walk-in vaccinations. No appointments are needed to get vaccinated and mega-sites vaccinations are not limited to the residents of host counties. The FEMA Vaccination Center in Newark will offer walk-in vaccinations every day from 10:00 a.m. to 5:00 p.m., while the remaining five mega-sites have set aside certain hours for walk-in vaccinations.

This week the State has begun its door-to-door canvassing campaign to encourage vaccinations. The Governor noted that "...we kicked off an \$8 million effort to put even more boots on the ground in the communities where we need more people to go out and get vaccinated. This is in addition to the hundreds of incredible local volunteers already working hard in their neighborhoods. We will leave no stone unturned to ensure as many New Jerseyans as possible are vaccinated as quickly as possible."

As a reminder, homebound residents who have not yet connected with their local health department or a home health agency and who need an in-home vaccination should visit www.covid19.nj.gov/homeboundvax or contact the call center. The Department of Health will follow up with them to assist in connecting them with a vaccine provider.

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 schedule vaccine appointments. 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.

Executive Orders

[Executive Order 239](#): Implementing the second phase of easing of restrictions. Effective May 19 outdoor gathering limits are removed; indoor gatherings limits in private residence raised to 50 people; commercial gatherings and gatherings operated by an overseeing entity in public space limit to 250 people; indoor and outdoor businesses capacity limits removed; capacity limits for houses of worship removed; large indoor venue capacity increases to 30% capacity limit; and prohibition on indoor interstate youth sports competitions are removed.

NJ Department of Health Guidance

Earlier this week the Department of Health issued the following guidance of interest:

[Guidance for Sports Activity](#)

[Health and Safety Standards for Indoor Dining](#)

[Health and Safety Standards for Outdoor Dining](#)

[Pool and Aquatic Recreation Facility Standards](#)

[Guidance for Health Clubs/Gyms/Fitness Centers](#)

[Health and Safety Standards for Indoor and Outdoor High-Touch Amusement & Recreation Activities](#)

Shot and a Beer Vaccine Incentive Program

In partnership with the Brewer's Guild of New Jersey, the State has launched the "[Shot and a Beer](#)" program to encourage eligible residents 21 and older to get vaccinated. Any resident who gets their first vaccine dose in the month of May and takes their vaccination card to a participating brewery as proof of vaccination will receive a free beer, courtesy of the participating brewery. This program will end on May 31, 2021.

Unemployment Information

The [Department of Labor announced](#) for the week ending May 7 the initial weekly unemployment claims were 13,389. This was a slight decrease from the previous week.

Contacts:

- Mike Cerra, Executive Director, mcerra@njlm.org, 609-695-3481, x120.
- Lori Buckelew, Assistant Executive Director, lbuckelew@njlm.org, 609-695-3481, x112.

b. Office of State Comptroller (OSC) Announces COVID-19 Compliance and Oversight Project

Pursuant to Governor Murphy's [Executive Order 166](#), which was signed last year, the Office of the State Comptroller announced a [COVID-19 Compliance and Oversight Project](#) to conduct reviews, audit state and local entities, review procurements, and investigate

fraud, waste, and abuse of public funding. The scope of the OSC's COVID-19 Compliance and Oversight Project is limited to matters of compliance, accountability, and oversight. It does not provide legal advice or make policy decisions.

In addition to the American Rescue Plan [guidance provided by the United States Treasury](#) in the [Interim Final Rule](#), as well as the [League's blog post](#) on this subject, the League expects guidance from the NJ Division of Local Government Services and the NJ Department of the Treasury and will share that information with municipalities when it becomes available.

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

c. Assembly Committee Again Reviews EV Charging Station Bills

On Wednesday, the Assembly Transportation and Independent Authorities Committee reported [Assembly Committee Substitute for A-2108 & A-5032](#) out of committee. The League opposes. The legislation would establish numerical requirements and zoning standards for installation of electric vehicle (EV) supply equipment and make-ready spaces.

Specifically, the bill would make an application for development submitted solely for the installation of electric vehicle supply equipment or make-ready spaces a permitted accessory use and permitted accessory structure in all zoning or use districts of a municipality. The bill would also require the Department of Community Affairs to adopt a "model ordinance" regarding EV charging structures using a process outside of the traditional rulemaking process, thereby removing any requirement for public input or comment. This model ordinance would become effective in all municipalities.

While the League is cognizant of the benefits promised by the electrification of the transportation system and the need for the requisite infrastructure to realize these benefits, we do not believe that this legislation provides an appropriately balanced means of achieving these ends.

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

d. Governor Takes Action

- **Governor Conditionally Vetoes Hospital Housing Bill**

Earlier this week Governor Murphy [conditionally vetoed](#) S-1676, a bill which the League opposed. [S-1676](#) would allow hospitals to construct housing and provide wrap-around services for individuals who are homeless or housing insecure. While we support efforts aimed at providing health care and housing to those in need, we oppose provisions of the bill which would deem such housing as a permitted use in all residential and nonresidential districts within a municipality, thereby completely exempting such housing from local zoning requirements.

The Governor's conditional veto does not address League concerns dealing with zoning; however, it does provide clarifying language related to affordable housing credits and identifies eligibility standards to qualify for the housing.

At this time it is unclear whether or not the legislature will adopt the changes recommended within the Governor's conditional veto. In any event, the League will continue to lobby for changes that would allow local regulation of the proposed housing.

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

- **Bond Down Payment No Longer Required for Certain NJ I-Bank Projects**

Earlier this week Governor Murphy signed into law [S-767](#), which eliminates the 5% bond down payment requirement for transportation projects funded by loans from the New Jersey Infrastructure Bank (I-Bank). In addition, for environmental infrastructure projects or transportation projects financed by the New Jersey I-Bank Local Finance Board approval for maturities or amounts of annual installments will no longer be required. P.L. 2021, c. 80 took effect May 11, 2021.

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

- **Bill Requiring Notice of Elevated Lead Levels in Drinking Water Signed Into Law**

This week, Governor Murphy signed into law [S-968](#), which requires public water systems to provide notice of elevated lead levels in drinking water to customers and local officials. The new law also requires landlords to notify tenants of elevated lead levels. P.L. 2021, c. 82 took effect on May 11, 2021.

The League supported this bill as it is good policy, ensuring the health and safety of our communities. We would like to thank the sponsors and the Governor for the action on this important issue.

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

- **NJ Buy American Act Conditionally Vetoes**

Earlier this week Governor Murphy conditionally vetoed [S-853](#), the "New Jersey Buy American Act," which would require that all surface highway or bridge contracts over \$1 million include a provision requiring the use of American made structural iron and steel. The [Governor's conditional veto](#) removes the \$1 million threshold and expands bridge to include miscellaneous components. At this time S-853 only applies to state contracting agencies. The bill heads back to the legislature for their consideration of the Governor's conditional veto.

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

- **Governor Murphy Conditionally Vetoes Assembly Bill 850**

On May 12, Governor Murphy conditionally vetoed [A-850](#). This legislation would establish a "Broadband Access Study Commission" to evaluate the effectiveness of various models

of organizing, financing, and setting up broadband access. The Governor's [conditional veto](#) places the Commission within the Board of Public Utilities and added membership to the Commission to include representatives from the Economic Development Authority, Department of Community Affairs, Department of Education, and three public members with expertise in community broadband networks and infrastructure.

The League fully supports A-850 and commends the speakers for identifying the need for low-cost broadband to ensure New Jersey's future. The legislation now heads back to the Assembly to consider the Governor's veto.

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

- **Governor Signs Legislation Authorizing Property Tax Rewards Programs**

Governor Murphy has signed into law [A-4806/S-3188](#), which permits municipalities to authorize by resolution programs encouraging local shopping through property taxes rewards programs. Any property tax reward programs properly authorized by a governing body prior to this new law remains valid. P.L. 2021, c. 99 took effect on May 12, 2021.

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

- **Governor Signs Law Requiring Notice of COVID-Related Utility Bill Relief Measures**

This week, Governor Murphy signed into law [A-4671](#), which requires public and local utilities to provide notice to residential customers of available relief measures during the coronavirus pandemic. P.L. 2021, c. 97, which took effect May 13, 2021, requires all utilities, regardless of frequency of billing, to provide monthly notice to residential customers, informing them of information concerning any (1) moratorium in effect on the disconnection, discontinuance, or termination of utility service, (2) deferred bill payment agreement program, (3) bill payment assistance program, (4) arrearage forgiveness program, (5) moratorium in effect on rate increases or on the imposition of late fees, interest, or liens for late payments.

Local utilities must provide notice in the form and manner to be determined by the Department of Community Affairs. Such notice must continue to be provided 18-months after the expiration of the public health emergency.

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

e. Alternatives for Local Government Payment Acceptance Guidance Issued

The Division of Local Government Services has issued [Local Finance Notice 2021-09](#) explaining recent updates made to the Government Electronic Payment Acceptance Act and reminding municipalities of the option to designate a local bank to accept current property taxes, and other current municipal payments. We suggest you review this Local Finance Notice with your administrator, chief financial officer, and tax collector.

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

II. Federal Issues

a. Senators Announce Congressionally Directed Spending

Senators Menendez and Booker announced that the application process for Congressionally Directed Spending (CDS) requests is open after the [Senate Appropriations Committee released guidelines for FY22](#).

Public entities, including local units of governments and not-for-profit organizations, are eligible to apply for CDS awards. Private for-profit entities are *not* eligible for CDS awards.

To make a CDS request, [Senator Menendez](#) and [Senator Booker](#) each have created online applications. The deadline to apply is May 28, 2021.

Senator Booker's office has created a [FAQ's page](#) to answer many questions municipal officials may have.

This is a competitive process and funding is not guaranteed.

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

b. U.S. Treasury Provides Guidance on Coronavirus State and Local Recovery Funds

On Monday, the U.S. Treasury adopted implementation rules for the Coronavirus State Fiscal Recovery Fund and the Coronavirus Local Fiscal Recovery Fund established under the American Rescue Plan Act (ARP).

Please see the [League's recent blog post](#) that goes into detail on allowable uses, prohibited uses, application process, definitions, deadlines, other specific formulas and questions.

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

c. FEMA Releases Updated COVID-19 Food and Nutrition Resource Roadmap

FEMA recently updated the [COVID-19 Food and Nutrition Resource Roadmap](#) to assist local and State partners with the challenges associated with food and nutrition support during the COVID-19 pandemic.

In addition to the CARES Act, this version includes resources that were identified in the Consolidated Appropriations Act and American Rescue Plan Act.

We encourage municipalities to review this information and share it with local entities that help with nutrition and hunger support.

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

III. 2020 Annual League Conference

a. 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 expect 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. Municipalities Encouraged to Pass Resolution to Help Educate Public About Pending Bag Ban

Late last year, Governor Murphy signed the most progressive disposable bag law in the country, with the goal of phasing out single-use plastic and paper bags. Though many provisions of [P.L.2020, c.117](#), including the ban on single-use plastic bags, do not become effective until next year, it is important that all stakeholders undertake efforts to educate the public about the law.

To that end, the New Jersey Clean Communities Council has drafted a [model resolution](#) for municipalities, designating the month of May as "Bag Up NJ" month. Municipalities are encouraged to adopt this resolution and look for ways to help get the message out about the upcoming changes. Those municipalities that adopt the resolution are asked to share a copy with the NJ Clean Communities Council by emailing njccc@njclean.org.

For more information concerning the rollout of the bag ban, including details about an upcoming webinar on May 27, 2021 about the subject, please see the [New Jersey Clean Communities Council's website](#).

b. 2021 Planning and Redevelopment Conference

New Jersey communities are struggling with a multitude of economic, social, and

environmental challenges. Join hundreds of New Jersey professionals, elected officials, and community activists at the [2021 Planning and Redevelopment Conference](#) on June 10-11 hosted by [New Jersey Future](#) and [APA New Jersey](#), as we restart, recover, and reimagine land use in a rapidly changing and post-pandemic environment.

c. National Brain Tumor Awareness Month

May is National Brain Tumor Awareness month. Currently there are an estimated 700,000 people in United States living with primary brain tumor and approximately 85,000 more will be diagnosed in 2021. Please consider adopting a [resolution proclaiming](#) May 2021 Brain Tumor Awareness Month in your municipality.

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