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December 23, 2021

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Trenton/Lame Duck Update

On Monday, both houses of the State Legislature met for the final time in calendar year 2021. The Legislature now breaks for the holidays. Committee hearings are scheduled to resume again on Monday, January 3, with the final voting session of this 2-year term scheduled for January 10. The "2020-2021 Legislative term" ends at 12 noon on January 11 with the Governor scheduled to deliver the State of the State address later that day.

The Legislature took action on several items of particular interest to municipalities.

- Last year Governor Murphy signed P.L. 2020, c. 125, which prohibits disclosure of active, formerly active, and retired judicial officers, prosecutors, and law enforcement officers' home addresses, both primary and secondary addresses. The well-intended law is fraught with implementation challenges. To address those challenges, legislation ([A-6171/S-4219](#)), which would create an Office of Information Privacy to streamline the process, was unanimously passed by the Assembly on Monday and the Senate companion is awaiting consideration by the Senate Judiciary Committee. Please see our [recent blog post](#) for more information on this legislation, which the League supports.
- Both houses approved and the Governor signed into law [A-6115/S-4081](#), which prohibits certain sewer and water utility service discontinuances; establishes the Winter Sewer and Water Termination Program; and requires the BPU to include electric, gas, sewer, and water public utilities in the Winter Termination Program. The new law continues the grace period provided for under Executive Order 246 for residential customers of electric, gas, sewer, and water utilities through March 15, 2022, as well as nullifies any disconnection and requires disconnections to be

restored immediately. Further, the new law prohibits the placing or selling of liens on the unpaid balances until after March 15, 2022. In addition the legislation requires the utilities to establish a 12-month payment plan and cannot require payment of a down payment, deposit, reconnection cost, interest, or penalties.

- [A-862/S-926](#), which the League supports, permits municipalities to refund excess property taxes paid by a taxpayer who wins an assessment appeal as property tax credit was passed in the State Senate on December 20. It previously passed the Assembly and now heads to Governor Murphy's desk.
- We're pleased to advise that fast-tracked legislation that would allow lawmakers in Trenton to adopt a broad category of laws, rules, and regulations as unfunded mandates on local governments was HELD from a scheduled Assembly vote. The League joins the New Jersey School Boards Association and New Jersey Association of Counties in strongly opposing [A-6217/S-4284](#). Despite being scheduled for a vote in the Assembly, the bill was held. We anticipate that an amended version may be considered in the New Year.
- [S-4067](#), a bill the League opposes, was scheduled for a vote before the Senate. S-4067 would exclude any farmland assessed land from being designated as a redevelopment area or rehabilitation area under the Local Redevelopment and Housing Law. Rather than vote on the bill it was amended on the Senate floor to exclude additional property from being designated as a redevelopment area or rehabilitation area. [S-4067 \(Second Reprint\)](#) would now exclude from being designated as an are in need or rehabilitation or redevelopment, property not classified as Class 2 "residential property," Class 4A "commercial property," Class 4B "industrial property," or Class 4C "apartments" for tax purposes.

These floor amendments greatly expand the number of properties excluded from designation under the Local Redevelopment and Housing law, further weakening the effectiveness of a critical tool used by municipalities to combat blight.

Because of the floor amendments, S-4067 (Second Reprint) could not be voted on and will need to be presented to the full Senate at another voting session before it can be considered, which is likely to happen during the first week of 2022. A-5793, the Assembly companion for S-4067, has not yet been scheduled for a committee hearing.

- [A-5862/S-3810](#), known as the "Responsible Collective Negotiations Act," continue to make their way through both the Assembly and Senate. On Monday, identical floor amendments were made to each bill that requires them to be presented to the full Senate and Assembly at another voting session. Voting sessions for both houses are anticipated for the first week in January 2022 and this legislation may be considered at that time.

The League has opposed this legislation because it would substantially expand the power and influence of public sector labor unions to negotiate previously non-negotiable items. We are currently reviewing [the floor amendments made this week](#) and will provide you our analysis shortly. For more information on this bill and the League's opposition, please see our recent [Legislative Alert](#).

Please note that there will be no Friday Weekly Round-Up either tomorrow, December 24, or December 31. If there are any emergent issues we need to bring to your attention, we will advise through a Daily Update.

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