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## May 8, 2020

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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

#### a. COVID-19 Update

Yesterday, the Governor announced an additional 1,827 confirmed positive test results for COVID-19, bringing the statewide total to 133,635. He also announced another 254 deaths, bringing the statewide total to 8,801.

There were 325 new hospitalizations and 460 hospital discharges. The state hit a milestone yesterday with less than 5,000 people hospitalized with COVID-19. The numbers continue to trend down.

The State Department of Labor reported an additional 88,326 unemployment claims in the last week. To date, over 1 million (1,018,785) claims have been filed since the declaration of the public health emergency.

The U.S. Treasury updated its [Frequently Asked Questions](#) CARES Act guidance. This revision will provide CARES Act recipient States (including New Jersey), and recipient units of local government (including New Jersey's nine most populous counties) with greater flexibility in the use of those funds. In addition to giving State government greater flexibility for its own purposes, [all New Jersey municipalities should be aware of this advice regarding fund usage.](#)

Your NJ League has joined with its national affiliate, the National League of Cities (NLC) in its "Cities are Essential" campaign for direct aid to municipalities. [See our May 6 Town Crier post for more.](#)

#### **In case you missed it:**

In the past week, the Governor signed the following Executive Orders as a result of the pandemic:

[Executive Order 135](#), suspending in-person requirements for receipt of a marriage license and marriage ceremonies, and for the receipt of working papers for minors.

[Executive Order 136](#), extending Statutory Deadlines for Various Environmental Laws.

[Executive Order 137](#), Executive Order to Recognize New Fiscal Realities Due to COVID-19 Pandemic

[Executive Order 138](#) continuing the public health emergency. Public health emergencies are for 30 days increments, so EO 138 was necessary to continue the current public health emergency.

- [U.S. Treasury Guidance Allows CARES Flexibility](#)
- [NLC "Cities are Essential" Campaign Calls for Direct Municipal Aid](#)

See the League [COVID-19 page](#) for all our resources and communications.

In light of the current pandemic, we remind you of NJ Mental Health Cares; the state's behavioral health information and referral service offers assistance to people dealing with anxiety and stress related to the COVID-19 outbreak. Residents can call 1-866-202-HELP (4357) for free, confidential support. NJ Mental Health Cares will be answered from 8 a.m. to 8 p.m. seven days a week by live trained specialists.

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#### **b. Urging Support for Permissive COVID-19 Relief Afforded in A-3971/S-2475**

Yesterday the Assembly Commerce and Economic Development Committee released [A-3971](#) which authorizes the issuance of "coronavirus relief bonds" by municipalities and counties. Specifically, A-3971 permits municipalities to issue bonds for the loss of revenue and/or unanticipated expenses directly attributable to the COVID-19 pandemic with appropriate safeguards and Local Finance Board oversight. This legislation is sponsored by Assemblyman Dan Benson and Assembly Speaker Craig Coughlin. Senators Troy

Singleton and Vin Gopal introduced the Senate companion, S-2475, yesterday.

The League strongly supports the swift passage of the bill. We are currently living in unprecedented times of a global pandemic. Since mid-March more than 1 million New Jersey residents have filed unemployment claims. The current public health emergency led to shuttering of businesses, construction, courts, and schools. As a result, local governments have experienced a record decline in revenue from permitting fees, licensing fees, parking revenue, and court fines. At the same time local governments also face income losses due to declining returns on investments. Further, there is uncertainty of property tax collection and state aid revenues. Unlike previous emergencies COVID-19 is a major revenue loss event, in addition to being an expense related event.

A one size fits all solution is not the best approach toward addressing revenue shortfalls and increased expenses. Municipal budgets continue to be lean and the current options available to municipalities may work for some municipalities but for most the pandemic will create long term financial problems. Without this legislation, to address the revenue shortfall some municipalities would be required to take extreme measures that would gut local government eliminating critical public service. Local governments need the flexibility that A-3971 provides to limit the impact on property taxpayers.

Time is of the essence and we would like to see further action next week. Please contact your State Senator and Assembly representatives urging them to support this much needed tool for local governments in an unprecedented time and a loss of revenue that will not be recaptured not for several years, if ever.

**Contacts:**

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- Lori Buckelew, Senior Legislative Analyst, [lbuckelew@njlm.org](mailto:lbuckelew@njlm.org), 609-695-3481 x112.

**c. Senate Budget Committee Releases S-2387**

Yesterday the Senate Budget Committee released [S-2387](#), which extends the statutory deadline to file a property tax appeal from May 1, 2020 to July 1, 2020 and provides the County Board of Taxation until September 30, 2020 to render a decision on a tax appeal. The deadline extension does not apply to tax appeals in counties operating under the Gloucester County Pilot program or the Monmouth County Demonstration Program.

In response to COVID-19, NJ Supreme Court Chief Justice Rabner issued an [order on March 19, 2020](#) extending property tax appeals to the later of May 1, 2020 or 30 days following the Governor's determination that the state of emergency under [Executive Order 103](#) has ended. Chief Justice Rabner issued two more orders on [March 27, 2020](#) and [April 6, 2020](#) maintaining that the statutory deadline to file a property tax appeal extends to the later of May 1, 2020 or the expiration of Executive Order 103.

The League supports S-2387 as it provides a firm date for tax appeals that are currently uncertain due to the Chief Justice's order. Having uncertainty on when appeals will be heard just adds another layer of fiscal uncertainty municipalities are facing in response to the loss of revenue and increased expenses as a result of COVID-19.

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x112.

## **d. NJ Supreme Court Issues Ruling Examining MLUL**

Earlier this week, the New Jersey Supreme Court issued its opinion in [Shipyard Associates, LP v. City of Hoboken](#), a case the League participated in as *amicus curiae*. This case deals principally with two issues related to the Municipal Land Use Law (MLUL). The first issue addressed by the Court—when does a general municipal ordinance work as a change in zoning requirements, so as to implicate the two-year protection against zoning requirement changes afforded to final approvals under N.J.S.A. 40:55D-22(a). The second issue addressed is whether or not the MLUL exempts ordinances affecting public health and safety from its bar against retroactive application of changes in zoning requirements.

The Court sided against the municipality on both issues. While the Court's decision may not have an impact on the day-to-day operation of municipal land use functions, it could curtail the ability of municipal officials to adapt to unforeseen circumstances and adopt regulations aimed at protecting the health and safety of their residents.

For more information on this case please see the League's recent [blog post](#). You should review this ruling with your municipal attorney, land use attorney, and zoning and land use boards.

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## **II. Federal**

### **a. Federal OSHA COVID Resources and Information**

Federal OSHA has asked us to share [their resource page](#) with you. It includes links to posters, flyers, and information about business reopening, general workplace Covid-19 safety, and industry-specific safety, such as transportation, healthcare, and construction.

## **III. Also of Interest**

### **a. The Online Mini Conference**

**June 10, 11, 12, 2020**  
Location: Your Computer

The NJLM Online Mini Conference is now open for registration. The Conference will take place over June 10, 11, and 12, 2020 and offer 12 different webinars for attendees to join for one low price.

CEUs are available for Finance Officers, Tax Collectors, Public Works, Municipal Clerks, Accountants, Recycling Professionals, and New Jersey Attorneys. Some attendees can earn up to **16.5 CEUs in three days!**

Cost is for members \$115 per person and \$130 per person for nonmembers.

For a schedule of webinars and the registration form, please visit the [Mini Conference website](#).

If you have any questions please contact Danielle Holland-Htut at 609-695-3481 ext 118 or [dholland@njlm.org](mailto:dholland@njlm.org).

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