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## May 15, 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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### a. COVID-19 Update

Today the Governor announced that an additional 1,297 confirmed positive test results for COVID-19, bringing the statewide total to 143,905. He also announced another 201 deaths, bringing the statewide total to 10,138.

New hospitalizations continue a downward trend down 66% since the peak in mid-April and 37% in the last two weeks. The total number of those hospitalized are down 49% since peak and 34% in the last two weeks. Patients in ICU units are down 39% since peak and 31% in the last two weeks. And patients on ventilators are down 44% since peak and 27% in the last two weeks.

68,685 state residents filed for unemployment last week, the lowest total since the start of the state of emergency in March. In total, 1.1 million residents have filed claims.

State revenue is down 8% since this time last year. April revenue collections were down

60%, not an unexpected drop since the tax filing deadline was pushed back to July.

**In case you missed it:**

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

[Executive Order 140](#), which creates and names the Restart and Recovery Advisory Committee. Please note that the Government subcommittee includes, in addition to League Assistant Executive Director Mike Cerra, the following Mayors, including representatives of the League (NJLM), the Urban Mayors Association (NJUMA) and the Conference of Mayors (NJCM):

- Ras Baraka, Newark, NJLM Executive Board, VP, NJUMA;
- Bill Chegwidan, Wharton, 2<sup>nd</sup> VP, NJLM, President, NJCM;
- Al Kelly, Bridgeton, Past President, NJLM, President, NJUMA;
- Janice Kovach, Clinton, 1<sup>st</sup> VP, NJLM;
- John McCormac, Woodbridge; Former State Treasurer;
- Janice Mironov, East Windsor, Past President, NJLM, 1<sup>st</sup> VP, NJCM;
- Frank Moran, Camden;
- Susan Shin Angulo, Cherry Hill;
- Jaclyn Veasey, Evesham

[Executive Order 141](#), mandating that all local, county, and regional health departments use the CommCare platform to support their contact tracing efforts.

[Executive Order 142](#), Permitting Resumption of Non-Essential Construction, Curbside Pickup at Non-Essential Retail Businesses, and Gatherings in Cars. On Wednesday, Governor Murphy issued Executive Order 142, which pulls back some of the restrictions previously placed on nonessential retail businesses, construction projects, and social events. EO 142 permits the resumption of nonessential construction, curbside pickup at nonessential retail businesses, and car gatherings for the purpose of drive-through and drive-in events. The construction and nonessential retail provisions will take effect at 6:00 a.m. on Monday, May 18, 2020, while the car gathering provisions took effect immediately. While business and construction projects previously shutter can resume, they are subject to strict social distancing and mitigations guidelines and requirements. For more information on Executive Order 142 please see the League recent [blog post](#).

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[Executive Order 143](#) permitting the reopening of all public and private beaches, boardwalks, lakes and lakeshores effective 6:00 a.m. on May 22, 2020 with certain parameters. While bathrooms, showering and changing areas can be open certain facilities and equipment, such as water fountains, picnic areas, playgrounds, amusement parks and arcades, pavilions, and water/splash parks will remain closed until further notice. For more information on Executive Order 143 please see the League recent blog post (insert link)

The Governor also announced [expanded testing and contact tracing](#). The state will be

able to administer 20,000 tests per day by the end of the month with the goal of 25,000 tests per day by the end of June. Currently there are 135 public and private testing sites operating in the State. The state is using mobile testing units. In addition to Rite Aid offering testing at 11 locations the Governor will announce CVS have swab and send testing at 50 locations by the end of month.

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.

According to the New Jersey Department of Labor, that have been over 930,000 new unemployment claims filed since the start of the state of emergency. There are now almost 622,000 collecting unemployment.

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## **b. Your Action is Need: Assembly Passes A-3971**

Yesterday the Assembly passed by a vote of 57-20 [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. The Senate companion, S-2475 awaits consideration by a Senate committee.

As we have previously [noted](#), the League **strongly supports** the swift passage and signing of the bill. 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 and S-2475 provide to limit the impact on property taxpayers.

We request that you to contact your State Senator 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 for several years, if ever. Further, we request that you consider sending a [letter](#) or adopting the [sample resolution](#) expressing your support of A-3971/S-2475.

### **Contacts:**

- Michael F. Cerra, Assistant Executive Director, [mcerra@njlm.org](mailto:mcerra@njlm.org), 609-695-3481 x120
- Lori Buckelew, Senior Legislative Analyst, [lbuckelew@njlm.org](mailto:lbuckelew@njlm.org), 609-695-3481

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## **c. Legislature Takes Action**

### **i. Permit Extension Legislation Approved and Sent to Governor For Action**

Yesterday, the State Senate and the Assembly approved [A-3919/S-2346](#). This legislation extends certain permits, approvals, and deadlines during the COVID-19 emergency, including timeframes for action required under the municipal land use law (MLUL).

Specifically, under this legislation, the 45-day period for an application for development to a municipal agency to certify an application as complete would be extended to either 90 days after March 9, 2020, or 60 days after the date the application for development is submitted, whichever date is later. In addition, timeframes as provided for in the MLUL, for a municipal agency to either grant or deny an application for development, would be extended by 60 days.

The measure is now before Governor Murphy for his action. We would like to thank the sponsors of this bill for recognizing municipal concerns and for their willingness to work with the League to ensure that our concerns are addressed.

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### **ii. Legislation Establishing Firm Tax Appeal Date for 2020 on Governor's Desk**

Yesterday both the Assembly and Senate unanimously approved [A-4157/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 only applies for this year's tax appeals and 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** this legislation as it provides a firm date for tax appeals in 2020 and alleviates the uncertainty created by the Chief Justice's order and the Governor's executive order. Having uncertainty on when appeals will be heard just adds another layer of fiscal uncertainty for municipalities facing the loss of revenue and increased expenses as a result of COVID-19.

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### **iii. Senate Approves Legislation to Permit Civil Service Transfers During States of Emergency**

Yesterday the Senate unanimously approved [S-2477](#), which would permit State and local government employees in civil service to be transferred under certain circumstances. The legislation, which the League **supports**, awaits consideration by the Assembly.

S-2477 would permit a Civil Service classified or unclassified employee to be transferred or reassigned by the appointing authority to another job assignment that is within or outside of the employee's job title and that is within the employee's organizational unit or department or that is in another organizational unit or department during the period of a state of emergency or public health emergency declared by the Governor.

If the appointing authority decides to transfer or reassign an employee, the appointing authority may order the transfer or reassignment only when the workforce needs of the organizational unit or department within which or to which the employee is transferred or reassigned have been adversely impacted by the events that caused the state of emergency or public health emergency to be declared by the Governor. The transfer or reassignment has to be for the sole purpose of responding to, mitigating, or recovering from the adverse impact, including but not limited to the processing of applications for benefits from members of the public, who have been adversely impacted. The transfer or reassignment shall be for a temporary period of no more than 30 consecutive or intermittent days, but must commence within the period of the state of emergency. However, the transfer or reassignment may extend beyond the termination of the state of emergency.

The bill would further require that the seniority rights, the accumulated leave balances, salary steps, promotional rights, and other substantive rights, within the job title, job classification, and job assignment from which the employee was transferred or reassignment will not be adversely affected by the transfer or reassignment. The employee must accrue seniority rights for the job title, job classification, and for the job assignment from which the employee was transferred or reassigned for the period of the transfer or reassignment.

S-2477 would not require the consent of the employee for the transfer or reassignment to occur but would not apply to an employee holding a public safety title and job assignment.

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### **iv. Legislation Addressing Various Timeframes and Deadlines During States of Emergency on Governor's Desk**

Yesterday both the Assembly, by a vote of 70-6, and the Senate, by a vote of 37-1,

passed [A-3969/S-2392](#) , which provides for local government flexibility with regard to various timeframes, deadlines, and other statutory requirements in order to help them continue to function and meet their obligations during times of emergencies.

This legislation will address various deadlines impacted by the COVID-19 pandemic, such as professional certification renewals and temporary appointments, as well clarifying that local government may accept in-person fund transfers and on-line electronic payment. In addition, the Director of Local Government Services is given limited authority to extend deadlines under the Local Budget Law, Local Fiscal Affairs Law and Municipal Land Use Law.

The legislation also provides both the Director of Local Government Services and governing bodies the authority to extend property tax payments grace periods as well as clarifies the notice requirements when a governing body changes the property tax delinquent interest rate.

Finally the legislation permits the use of remote meetings during times of state of emergencies or public health emergency.

While the League supports the initiatives in A-3969/S-2392, we are concerned that the provision that permits a local public body to remotely conduct a public meeting by electronic means during a state of emergency or public health emergency, provided that there is reasonable public provisions for public input, would limit the municipality's authority to have remote meeting at other times. Remote meetings through electronic means have been done prior to the COVID-19 pandemic and are expected to become more popular in the future. Rather than preclude municipalities from hosting such meetings except in times of emergency we respectfully request that legislation require the Department of Community Affairs to adopt rules regarding notice and hosting of such meetings in a more general sense. The League will pursue a legislative remedy to this oversight in the near future.

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## **II. Federal**

### **a. HEROES Act Includes Hometown Help**

On Wednesday, Jerome Powell, Chairman of the Federal Reserve Board, raised the specter of a devastating multiyear recession if Congress and the White House do not authorize more aid to address the COVID pandemic's economic fallout. "Additional fiscal support could be costly but worth it if it helps avoid long-term economic damage and leaves us with a stronger recovery," said Chairman Powell.

Also on Wednesday, the Murphy Administration began to reveal the impact of the virus on the State's budget. Currently, the Administration admits that State revenues will fall by \$10 Billion through this, and New Jersey's next, Fiscal Year. That gap makes dim the prospects for municipal relief from the State.

Last week in Washington, legislation was introduced in the House that would, in

addition to several other items, provide substantial, flexible, and assured funding to every municipality and county in our State, both this year and next.

The 'Health and Economic Recovery Omnibus Emergency Solutions Act' or 'The HEROES Act' ([H.R. 6800](#)) would create a \$375 Billion 'Coronavirus Local Fiscal Relief Fund.' Two-thirds of the funding would be appropriated within 30 days of the bill's enactment. The final third would need to be delivered during the Federal government's next Fiscal Year, between April 15 and May 3, 2021.

According to the bill, municipalities and counties could use Local Relief Funding '... to respond to, mitigate, cover costs or replace foregone revenues not projected on January 1, 2020, stemming from the public health emergency, or its negative economic impact ...'

With this funding, New Jersey municipalities, the level of government closest to the people and closest to their problems, will be able to continue to deliver quality services to local citizens and our Main Street businesses. Without those services, Hometown New Jersey will not be able to rebound from the crisis, and our economy, and our business community will continue to suffer.

For more analysis of the bill, see the League's [HEROES Act Town Crier blogpost](#).

And please contact your Member of the House of Representatives and Senators Menendez and Booker. Urge them to support H.R. 6800.

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### **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 for Members is \$115 per person and \$130 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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