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## June 25, 2021

- I. State Issues
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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. Responsible Collective Negotiations Held in Both Houses

Many thanks to all of you who reached out to your Legislators and raised objections to the "Responsible Collective Negotiations" bill ([S-3810/A-5862](#)). We are pleased to advise that the legislation was held in both houses.

The League is joined by the New Jersey Association of Counties, New Jersey Conference of Mayors, New Jersey Municipal Managers Association, Government Finance Officers Association of New Jersey, New Jersey Association of County Finance Officers, and New Jersey Association of County Administrators in strongly opposing this legislation as it would clearly open the door for public-sector unions to negotiate previously non-negotiable items.

Your calls, emails, and outreach were critical in convincing the Senate and Assembly to

hold the legislation. However, the legislation remains at 2<sup>nd</sup> reading in both houses and we encourage your continued outreach as the bills could be scheduled again at a future voting session.

For more on this legislation, please see our [Legislative Alert from Thursday, June 23](#).

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## **b. State FY 2022 Budget Introduced**

On Thursday both the Assembly and Senate passed [A-5870/S-2022](#), which appropriates \$46.3 billion in state funds and \$6 billion in federal funds for New Jersey's FY22 state budget. The budget will now be sent to Governor Murphy desk for his signature. The [Governor's original proposed budget](#) allocated \$44.8 billion in state and federal funds. A-5870/S-2022 provides for an increase of \$3.7 billion. Below is an overview of the budget, for a [full breakdown please see the FY 2022 Budget Scoresheet](#).

Since Governor Murphy released his proposed budget, there have been a number of changes to FY 2022 budget. The changes include: reversed the plan to use the state's Affordable Housing Trust fund to fund Affordable Housing Program but instead will use the general fund; changing the base year for property tax amounts in the Homestead Benefit program from 2006 to 2017; authorizing the New Jersey Department of Transportation and NJ Transit to restore obsolete facilities into open spaces and parkland; language that would require the New Jersey Department of Health to develop best practices for local boards of health. These changes come also with a number of grants in aid; allocates Local Transportation Projects funds to be used to provide grants to local units for transportation and pedestrian safety projects; and provides reappropriation and supplemental appropriation for Early Voting Implementation. In addition, the budget language includes the Best Practices Checklist.

While there has been an increase in allocated funds, the Consolidated Municipal Property Tax Relief Aid (CMPTRA) and Energy Tax Receipts is proposed to remain flat at \$1.4 billion. Transitional Aid to Localities will receive \$122.8 million. Trenton Capital City Aid will receive \$10 million. Open Space Payments In Lieu of Taxes (PILOT) will be allocated \$6.5 million. The Highlands Protection Fund Aid will receive \$4.4 million.

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## **c. Assembly Approves Bill Preempting Local Control Over Small Cell/5G Deployment in Municipal ROW**

The Assembly voted yesterday to approve A-1116(R3), legislation which seeks to preempt and supersede local regulation of small cell (5G) deployment within the municipal rights-of-way. The League **opposes** A-1116 because it provides broadband telecommunications providers with favorable and discounted access to public rights-of-way without requiring these cost savings be passed on to customers, or requiring broadband infrastructure buildout necessary to help bridge the digital divide. Further, recent amendments to A-1116/S-2674 expand the scope of the legislation beyond the bill's original intention, further

limiting safeguards for local communities.

The Senate companion bill, S-2674, had also been scheduled for a vote yesterday, but was ultimately removed from the board list thanks in part to outreach from our members. There remains a possibility that the Senate will consider this bill next week, so we are urging our members to [contact your legislators](#) and urge them not to advance this legislation.

For more information please see the League's [blog post](#) on the topic, and [the recent op-ed](#) written by Mayors Ras Baraka of Newark and Adrian Mapp of Plainfield.

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

#### **d. Bill Preempting Local Say Over Offshore Wind Projects Heads to Governor**

Yesterday, [S-3926/A-5894](#), fast-tracked legislation preempting local say over offshore wind projects, passed in both houses. This legislation would give the Board of Public Utilities (BPU) authority to preempt and supersede all necessary local approval of projects necessary to construct offshore wind projects. S-3926/A-5894 would also provide the BPU with authority to effectuate the transfer of municipal land to the offshore wind project if such land is deemed necessary to complete the project, and if the municipality and the project have not come to an agreement on the land within 180 days of the projects approval.

Because of the preemptive nature of this bill and for other reasons, the League **opposes** this legislation. With yesterday's vote, the legislation now goes to Governor Murphy for his action. The League is urging our members to reach out to the Governor's office to ask him to send these bills back to the legislature to remove preemption provisions so that they can be properly considered by all stakeholders.

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

#### **e. Legislators Approve Conditional Veto Recommendations of Bill Exempting Certain Housing from Zoning**

In March, legislators passed [S-1676/A-3326](#), which 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 legislation 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 measure was [conditionally vetoed](#) by Governor Murphy, where he recommended changes that would provide clarifying language related to affordable housing credits and identifies eligibility standards to qualify for the housing. These changes were welcomed but did not address the League's concerns dealing with zoning.

This week, both houses approved the recommendations in the Governor's conditional

veto, sending the amended bill back to him, where he will have 10 days to take action. It is anticipated that Governor Murphy will sign these bills into law. You should review [S-1676/A-3326](#) with your land use officials and municipal attorney for more information on its potential impact.

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

### **f. A-2401 Responsible Dog Ownership Act**

On Tuesday, The Assembly Agriculture Committee favorably reported a [committee substitute for A-2401](#), the Responsible Dog Ownership Act. The League commends the sponsors for taking municipal concerns both in the committee substitute and subsequent technical amendments into account and believe the committee substitute greatly improves the legislation. The League testified and moved previous opposition to a neutral position.

A-2401 was removed from the board list for Thursday's Assembly session. The Senate companion was removed from committee consideration last week and was not posted on the Senate board list this week.

**Contact:** Paul Penna, Legislative Analyst, [ppenna@njlm.org](mailto:ppenna@njlm.org), 609 695-3481, x110.

## **II. Federal Issues**

### **a. Federal Infrastructure Update**

A bipartisan group of Senators, equally divided among Democrats and Republicans, have come to a framework agreement on a [\\$953 billion infrastructure package](#) with \$579 billion in new spending and focuses on traditional infrastructure of roads, bridges, sewer, and broadband. The group met with President Joe Biden on Thursday and the [President declared that he and Vice President Kamala Harris has agreed to the deal](#).

This agreement is paid for in a variety of ways, including reducing the IRS tax gap, unemployment insurance program integrity, redirecting unused unemployment insurance relief funds, and an extension of expiring fees. The agreement does not alter the 2017 tax changes or raise taxes on those earning less than \$400,000 annually. Also, the League is concerned about the repurposing of unused 2020 COVID local aid

House and Senate leadership have a strong desire to have this package run on a parallel track with a budget reconciliation process that focuses on human infrastructure including child care, tax credits for working families, college costs and equity.

While this is a largely positive development, this situation is fluid and there are many more decisions that need to be made.

**Contact:** Paul Penna, Legislative Analyst, [ppenna@njlm.org](mailto:ppenna@njlm.org), 609 695-3481, x110.

### **b. Juneteenth Guidance for Federal Agencies**

Late last week, the United States Office of Personnel Management provided [guidance to federal agencies](#) regarding the designation of Juneteenth as a federal holiday and [in-lieu](#)

[information](#) regarding federal holidays that may be helpful for municipalities.

**Contact:** Paul Penna, Legislative Analyst, [ppenna@njlm.org](mailto:ppenna@njlm.org), 609 695-3481, x110.

### **c. ACTION NEEDED: Send Your Support for EECBG Program by June 29**

The League is asking that you add your [name to the letter](#) from the US Conference of Mayors to House Energy and Commerce Committee Chairman Frank Pallone and Ranking Member Cathy McMorris Rodgers and the leaders of the House and Senate in support of reauthorizing and funding the [Energy Efficiency and Conservation Block Grant \(EECBG\)](#) program.

The EECBG program, was created to assist local government's climate efforts by initiating and leveraging investments to modernize local infrastructure through increased energy efficiency and reduced greenhouse gas emissions. Eligible areas of funding include: transportation, lighting, buildings, solid waste, and public works operations. EECBG also is a means of creating and retaining green jobs.

Please indicate support by emailing [ppenna@njlm.org](mailto:ppenna@njlm.org) by close of business on June 29 and the League will include your name and municipality to the letter the League is sending in support.

**Contact:** Paul Penna, Legislative Analyst, [ppenna@njlm.org](mailto:ppenna@njlm.org), 609 695-3481, x110.

### **d. Highlight Municipal Infrastructure Needs and Successes with #LeadWithInfrastructure**

As Congress debates the details of an infrastructure package with the Biden Administration, including how it is paid for, it is critical that New Jersey municipalities highlight infrastructure needs and successes on social media and tag federal members.

Using the hashtags #RebuildWithUs and #LeadWithInfrastructure, please share pictures, graphics and descriptions of local infrastructure needs and success stories on your social media accounts. Examples of tweets can be viewed on the [League's Social Media Sample Page](#).

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## **III. COVID-19 Weekly Update**

Governor Murphy continues to urge New Jersey resident to get vaccinated. As part of the State's Operation Jersey Summer the Covid-19 Community Corps are working door to door to provide residents with the facts about the vaccines and where to get vaccinated. In addition the Department of Health will be sending vaccine ambassadors to high-risk counties to work with elected officials, community leaders, school districts, and faith leaders to bring vaccines closer to where the people are, neighborhood pharmacies, doctors' offices, and popup clinics as well as barbershops and churches.

COVID Data for June 24, 2021:

- 210 new positive cases for a total of 892,027 confirmed cases
- 6 new confirmed deaths for a total of 23,718 confirmed deaths
- The rate of transmission is at 0.97
- 9,535,641 vaccine doses have been administered, including 5,281,476 who have received at least one dose and 4,611,190 who are fully vaccinated. 55% are Pfizer, 41% Moderna, and 4% J&J.

### Vaccine Information

As a reminder, the vaccination incentive Vax Pass under the new "[Vax and Visit NJ](#)" continues. 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](http://www.covid19.nj.gov/homeboundvax) or contact the call center at 855-568-0545.

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