EXECUTIVE ORDER NO. 127

WHEREAS, in light of the dangers posed by Coronavirus disease 2019 ("COVID-19"), I issued Executive Order No. 103 (2020) on March 9, 2020, the facts and circumstances of which are adopted by reference herein, which declared both a Public Health Emergency and State of Emergency; and

WHEREAS, to further protect the health, safety, and welfare of New Jersey residents by, among other things, reducing the rate of community spread of COVID-19, I issued Executive Order No. 104 (2020) on March 16, 2020, the facts and circumstances of which are also adopted by reference herein, which established statewide social mitigation strategies for combatting COVID-19; and

WHEREAS, on March 19, 2020, I instructed all Executive Branch departments and agencies to utilize work-from-home arrangements for both essential and non-essential employees wherever feasible; and

WHEREAS, on March 21, 2020, I issued Executive Order No. 107 (2020), the facts and circumstances of which are adopted by reference herein, which superseded Executive Order No. 104 (2020) and recognized that social mitigation strategies for combatting COVID-19 require every effort to reduce the rate of community spread through person-to-person contact, and ordered greater social distancing throughout New Jersey by limiting the unnecessary movement of individuals in and around their communities, reducing person-to-person interactions in accordance with Centers for Disease Control (CDC) and Department of Health (DOH) guidance, and requiring all businesses or non-profits, wherever practicable, to accommodate telework or work-from-home arrangements and reduce staff on site to the minimal number necessary to continue essential operations; and

WHEREAS, on April 7, 2020, I issued Executive Order No. 119 (2020), the facts and circumstances of which are adopted by reference herein, recognizing that the public health hazard presented by the COVID-19 outbreak had continued to grow in scope in New Jersey, in the region, and across the United States, and I thus declared that the Public Health Emergency continues to exist in the State; and

WHEREAS, restricting the physical presence of individuals in office environments and work sites is critical to preventing future community spread of COVID-19; and

WHEREAS, not all State residents have equal access to or experience with technology needed to remotely conduct business operations, including the filing of documents, and other online interactions with business professionals or State government from home; and

WHEREAS, all State offices and Executive Branch departments and agencies have been directed to prioritize addressing immediate public needs and safety, while still trying as much as is practicable to maintain the basic functions of State government, and its many duties, missions, and initiatives; and

WHEREAS, many processes within government require due process in the form of one or more of the following – public notice, opportunity to be heard, and public hearing – which may require extra time due to the interruptions related to the COVID-19 pandemic and the restrictions on movement imposed because of it; and

WHEREAS, in paragraph 6 of Executive Order No. 103 (2020), I authorized and empowered the executive head of any agency or instrumentality of the State government with authority to

promulgate rules to waive, suspend, or modify any existing rule in accordance with the terms set forth therein; and

WHEREAS, certain Executive Branch departments and agencies remain subject to statutory deadlines imposed by the Administrative Procedure Act that require issuance, rejection, approval or modification of initial decisions, and action taken on rule-making during established statutory deadlines that the Executive Branch departments and agencies may be unable to meet due to workforce changes necessitated by the COVID-19 pandemic; and

WHEREAS, due to the emergency conditions presented by the COVID-19 pandemic, and especially given my direction to strictly observe social distancing practices, including avoiding all non-essential travel and directing most public and private employees to work remotely, Executive Branch departments and agencies may be unable to comply with deadlines under the Administrative Procedure Act for rendering, rejecting, approving or modifying initial decisions or taking rule-making actions; and

WHEREAS, Executive Branch departments and agencies' strict adherence to the Administrative Procedure Act's timelines would result in actions by Executive Branch departments and agencies that require responses by members of the public, including by triggering deadlines and by requiring compliance with newly adopted rules; and

WHEREAS, the strict enforcement of above-referenced timeframes could deprive Executive Branch departments and agencies of adequate time to ensure that its findings of fact, conclusions of law and decisions are based upon sufficient, competent and credible evidence, and comply with statutory requirements, which

would be detrimental to the public welfare during the period in which a Public Health Emergency exists; and

WHEREAS, pursuant to N.J.S.A. App. A:9-47, the Governor is authorized to, among other things, suspend any regulatory provision of law when its enforcement is detrimental to the public welfare during an emergency; and

WHEREAS, the Constitution and statutes of the State of New Jersey, particularly the provisions of N.J.S.A. 26:13-1 et seq., N.J.S.A. App. A: 9-33 et seq., N.J.S.A. 38A:3-6.1, and N.J.S.A. 38A:2-4 and all amendments and supplements thereto, confer upon the Governor of the State of New Jersey certain emergency powers, which I have invoked;

NOW, THEREFORE, I, PHILIP D. MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. In any contested case, any pending deadline for production and certification of a permitting record pursuant to N.J.S.A. 52:14B-10(a)(2); any pending deadline for filing of a recommended report and decision pursuant to N.J.S.A. 52:14B-10(c); and any pending deadline for adopting, rejecting or modifying a recommended report and decision, shall be extended by the number of days of the Public Health Emergency declared in Executive Order No. 103 (2020) plus an additional 90 days. For purposes of this Executive Order, "pending deadline" refers to any deadline falling during the Public Health Emergency declared in Executive Order No. 103 (2020) or within 30 days after the last day of the Public Health Emergency declared in Executive Order No. 103 (2020). This extension shall not apply to cases proceeding as emergent under applicable rules. This Paragraph does not apply to appeals to the

Civil Service Commission from adverse actions specified in N.J.S.A. 11A:2-13 or N.J.S.A. 11A:2-6(a)(4), which are governed by N.J.S.A. 11A:2-15.

2. The one-year expiration date set forth in N.J.A.C. 1:30-6.2(c) for notices of rule proposal shall be extended until 90 days after the last day of the Public Health Emergency declared in Executive Order No. 103 (2020), if the notice of proposal was published in the New Jersey Register on or after April 15, 2019, and the notice of rule proposal would otherwise expire without the benefit of such an extension.

3. The 18-month expiration date set forth in N.J.S.A. 52:14B-4.10(e), N.J.A.C. 1:30-6.2(c) and N.J.A.C. 1:30-6.3(e) for notices of rule proposal shall be extended until 90 days after the last day of the Public Health Emergency declared in Executive Order No. 103 (2020) if the notice of proposal was published in the New Jersey Register before April 15, 2019, and shall be extended until 270 days after the last day of the Public Health Emergency declared in Executive Order No. 103 (2020) if the notice of proposal was published in the New Jersey Register on or after April 15, 2019, and the notice of rule proposal would otherwise expire without the benefit of such an extension.

4. The deadlines pursuant to N.J.S.A. 52:14B-4(f), N.J.A.C. 1:30-4.1 to -4.3 for any Executive Branch department or agency to act on any currently pending petition for rulemaking or on any petition for rulemaking filed during the Public Health Emergency declared in Executive Order No. 103 (2020), or any Executive Branch department or agency rule prescribing procedures for the consideration and disposition of petitions for rulemaking, is hereby extended until 90 days after the last day of the Public

Health Emergency declared in Executive Order No. 103 (2020), if the deadline would otherwise occur sooner.

5. The expiration date pursuant to N.J.S.A. 52:14B-5.1 and N.J.A.C. 1:30-6.4, of any rule scheduled to expire during the Public Health Emergency declared in Executive Order No. 103 (2020) or within 90 days thereafter, is hereby extended until 90 days after the last day of the Public Health Emergency declared in Executive Order No. 103 (2020), if the deadline would otherwise occur sooner.

6. The expiration date pursuant to N.J.S.A. 52:14B-4(c) and N.J.A.C. 1:30-6.5, of any emergency rule scheduled to expire during the Public Health Emergency declared in Executive Order No. 103 (2020) or within 90 days thereafter, is hereby extended until 90 days after the last day of the Public Health Emergency declared in Executive Order No. 103 (2020), if the deadline would otherwise occur sooner.

7. Any deadline or expiration date extended by Paragraph 2, 3, 4, 5, or 6 of this Order may be extended by an additional 30 days with the written approval of the Governor upon the request of the Executive Branch department or agency.

8. The deadline by which any State officer or employee is required to file a Financial Disclosure Statement pursuant to Executive Order No. 2 (2018) (Murphy) or a conflict of interest form pursuant to Executive Order No. 14 (2006) (Corzine) is hereby extended to July 31, 2020.

9. For purposes of this Order, "Executive Branch departments and agencies" shall mean any of the principal departments in the Executive Branch of State government and any agency, authority, board, bureau, commission, division, institution, office, or other instrumentality within or created by

any such department, and any independent State authority, commission, instrumentality, or agency over which the Governor exercises executive authority, as determined by the Attorney General.

10. This Order shall take effect immediately and shall remain in effect until revoked or modified by the Governor.

GIVEN, under my hand and seal this 14th day of April, Two Thousand and Twenty, and of the Independence of the United States, the Two Hundred and Forty-Fourth.

[seal]

/s/ Philip D. Murphy

Governor

Attest:

/s/ Matthew J. Platkin

Chief Counsel to the Governor