

EXECUTIVE ORDER NO. 275

WHEREAS, on March 9, 2020, I issued Executive Order No. 103, declaring the existence of a Public Health Emergency, pursuant to the Emergency Health Powers Act ("EHPA"), N.J.S.A. 26:13-1 et seq., and a State of Emergency, pursuant to the New Jersey Civilian Defense and Disaster Control Act ("Disaster Control Act"), N.J.S.A. App A:9-33 et seq., in the State of New Jersey for Coronavirus disease 2019 ("COVID-19"); and

WHEREAS, through Executive Order Nos. 119, 138, 151, 162, 171, 180, 186, 191, 200, 210, 215, 222, 231, 235, and 240, issued on April 7, 2020, May 6, 2020, June 4, 2020, July 2, 2020, August 1, 2020, August 27, 2020, September 25, 2020, October 24, 2020, November 22, 2020, December 21, 2020, January 19, 2021, February 17, 2021, March 17, 2021, April 15, 2021, and May 14, 2021, respectively, the facts and circumstances of which are adopted by reference herein, I declared that the COVID-19 Public Health Emergency continued to exist and declared that all Executive Orders and Administrative Orders adopted in whole or in part in response to the COVID-19 Public Health Emergency remained in full force and effect; and

WHEREAS, in accordance with N.J.S.A. App. A:9-34 and -51, I reserve the right to utilize and employ all available resources of State government to protect against the emergency created by COVID-19; and

WHEREAS, as COVID-19 continued to spread across New Jersey, I have issued a series of Executive Orders pursuant to my authority under the EHPA and the Disaster Control Act, to protect the public health, safety, and welfare against the emergency created by COVID-19, including Executive Order Nos. 104-133, Nos. 135-138, Nos. 140-166, Nos. 168-173, No. 175, Nos. 177-181, No. 183, Nos. 186-187, Nos. 189-198, No. 200, Nos. 203-204, No. 207, and

Nos. 210-211 (2020) and Nos. 214-216, Nos. 219-220, Nos. 222-223, No. 225, Nos. 228-235, Nos. 237-244, No. 246, No. 249, Nos. 251-253, Nos. 263-264, Nos. 266-267, and No. 271 (2021), the facts and circumstances of which are all adopted by reference herein; and

WHEREAS, in Executive Order Nos. 127, 159, 170, and 178 (2020), I extended certain statutory deadlines in recognition that strict enforcement of certain statutory timeframes during and shortly following the Public Health Emergency could unduly burden the Executive Branch, industry, and members of the public, including individuals, small businesses, and other entities, in ways that would be detrimental to the public welfare, or yield other unintended consequences that would frustrate the fair achievement of the statute's objectives in a manner that imperils the health, safety, and well-being of New Jersey residents, and be detrimental to the public welfare; and

WHEREAS, after determining that, because of the broad range of regulated activities, it would not be appropriate to allow a blanket extension of statutory deadlines which vary with the function or regulated activity at issue, I consulted with the Cabinet and other agency heads to identify deadlines that could be postponed without significant detriment to the well-being of the public for limited periods of time; and

WHEREAS, in Executive Order No. 127 (2020), I determined that strict enforcement of the timelines required by the Administrative Procedure Act would be detrimental to the public health and welfare because it would require responses from the public and could deprive Executive Branch departments and agencies, which faced unprecedented challenges in responding to the Public Health Emergency, of adequate time to ensure that their findings of fact, conclusions of law, and decisions and regulatory determinations

comply with statutory requirements and are based upon sufficient, competent, and credible evidence; and

WHEREAS, I extended the deadlines identified in the Appendices to Executive Order Nos. 159, 170, and 178 (2020) to address the economic impact of COVID-19 upon individuals, businesses, or other non-government entities; to protect public health and safety, including because social distancing policies adopted in response to COVID-19 will make it harder for individuals, businesses, or other non-government entities to meet the deadline; to protect the health and safety of agency personnel, including because social distancing policies adopted in response to COVID-19 will make it harder to meet the deadline; to address other circumstances related to COVID-19 that would make enforcement of the deadline unduly burdensome for individuals, businesses, or other non-government entities; and to address issues arising from the COVID-19 pandemic that would make it unduly burdensome for the agency to adhere strictly to the deadline; and

WHEREAS, various deadlines were extended for specific periods based on how much additional time likely would be needed to comply due to the emergency created by COVID-19, and in some instances, based on the relationship of those deadlines to other statutory deadlines or requirements; and

WHEREAS, on June 4, 2021, I signed Assembly Bill No. 5820 into law as P.L.2021, c.103 and issued Executive Order No. 244, which terminated the Public Health Emergency declared in Executive Order No. 103 (2020) but maintained the State of Emergency declared in that same Order; and

WHEREAS, P.L.2021, c.103 provided that, following the termination of the Public Health Emergency, certain listed Executive Orders, including Executive Order Nos. 127, 159, 170, and 178 (2020), shall remain in effect until January 1, 2022; and

WHEREAS, clarification is warranted as to the relationship between P.L.2021, c.103, the specific extensions authorized by Executive Order Nos. 127, 159, 170, 178 (2020), and Executive Order No. 244 (2021); and

WHEREAS, P.L.2021, c.103, and the Executive Orders are most appropriately understood together as treating January 1, 2022 as the last day of the Public Health Emergency for the sole purpose of determining the availability and length of extensions authorized by Executive Order Nos. 127, 159, 170, and 178 (2020); and

WHEREAS, I have consulted with the Cabinet and other agency heads and determined that certain extensions authorized by Executive Order Nos. 127, 159, 170, and 178 (2020) may be permitted to lapse before they naturally expire without having a detrimental impact on the public welfare; and

WHEREAS, on September 17, 2021, I issued Executive Order No. 263 to address certain environmental deadlines that had been tolled by Executive Order No. 136 (2020); 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;

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. Except as specified in Executive Order No. 263 (2021), the extensions granted by Paragraphs 1-6 of Executive Order No. 127 (2020) shall be terminated in the following manner:

- a. Any deadline, in any contested case, for (i) production and certification of a permitting record pursuant to N.J.S.A. 52:14B-10(a)(2), or (ii) filing of a recommended report and decision pursuant to N.J.S.A. 52:14B-10(c), if the original deadline would have fallen between the first day of the Public Health Emergency declared in Executive Order No. 103 (2020) and the effective date of this Order absent the extension granted by Paragraph 1 of Executive Order No. 127 (2020), shall terminate on the effective date of this Order;
- b. April 1, 2022 shall be the new deadline, in any contested case, for adopting, rejecting, or modifying a recommended report and decision pursuant to N.J.S.A. 52:14B-10(c), if the original deadline would have fallen between the first day of the Public Health Emergency declared in Executive Order No. 103 (2020) and April 1, 2022, absent the extension granted by Paragraph 1 of Executive Order No. 127 (2020);
- c. The expiration date for the following notices of rule proposal shall be January 1, 2022:
 - i. Notices of rule proposal that would have expired pursuant to the one-year expiration date set forth in N.J.A.C. 1:30-6.2(c) between April 14, 2020 and January 1, 2022, absent the extension granted by Paragraph 2 of Executive Order No. 127 (2020); and
 - ii. Notices of rule proposal that would have expired pursuant to 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) between April 14, 2020 and January 1, 2022, absent the extension granted by Paragraph 3 of Executive Order No. 127 (2020). Nothing herein shall be construed to mean that an agency which has issued such notice of substantial change on or after July 6, 2021, shall have fewer than 180 days to act upon the notice of substantial change.

- d. January 1, 2022 shall be the new deadline for an Executive Branch department or agency to act on any petition for rulemaking pursuant to N.J.S.A. 52:14B-4(f), N.J.A.C. 1:30-4.1 to -4.3, or any Executive Branch department or agency rule prescribing procedures for the consideration and disposition of petitions for rulemaking, if the original deadline would have fallen between the first day of the Public Health Emergency declared in Executive Order No. 103 (2020) and January 1, 2022, absent the extension granted by Paragraph 4 of Executive Order No. 127 (2020);
- e. January 1, 2022 shall be the expiration date of any rule that would have expired pursuant to N.J.S.A. 52:14B-5.1 and N.J.A.C. 1:30-6.4 between the first day of the Public Health Emergency declared in Executive Order No. 103 (2020) and January 1, 2022, absent the extension granted by Paragraph 5 of Executive Order No. 127 (2020); and
- f. January 1, 2022 shall be the expiration date of any emergency rule that would have expired pursuant to N.J.S.A. 52:14B-4(c) and N.J.A.C. 1:30-6.5 between

the first day of the Public Health Emergency declared in Executive Order No. 103 (2020) and January 1, 2022, absent the extension granted by Paragraph 6 of Executive Order No. 127 (2020).

2. Except as specified in the Appendix to this Order, for statutory deadlines, including statutory effective dates, extended by Paragraph 2 or 6 of Executive Order Nos. 159, 170, or 178 (2020) by a specific number of days from the original deadline, the extension shall be applicable to deadlines falling on or before January 31, 2022. The extended deadlines are identified in the Appendix.

3. Except as specified in the Appendix to this Order or Paragraph 5 of Executive Order Nos. 159, 170, or 178 (2020), for statutory deadlines, including statutory effective dates, extended by Paragraph 3 or 6 of Executive Order Nos. 159, 170, or 178 (2020) until a specific number of days or months after the last day of the Public Health Emergency, the extension shall run until the specific number of days or months after January 1, 2022, and shall be available to any person or entity that would have been required to meet such deadline between the beginning of the Public Health Emergency and the new deadline. The extended deadlines are identified in the Appendix.

4. Nothing in this Order is intended to deny or alter the authority of any agency or instrumentality of the State government, or any other person or entity, to request, grant, or consent to any extension that would otherwise be permissible under existing law.

5. This Order is not intended to, and does not, confer any legal rights upon businesses or others whose activities are regulated by New Jersey's agencies, boards, commissions, or departments and shall not be used as a basis for legal challenges

to regulations, rules, approvals, permits, licenses, or other actions, or to any inaction of the governmental entity subject to it.

6. This Order shall take effect immediately.

GIVEN, under my hand and seal this
23rd day of November,
Two Thousand and Twenty-one,
and of the Independence of
the United States, the Two
Hundred and Forty-Sixth.

[seal]

/s/ Philip D. Murphy

Governor

Attest:

/s/ Parimal Garg

Chief Counsel to the Governor