

EXECUTIVE ORDER NO. 178

WHEREAS, in light of the dangers posed by Coronavirus disease 2019 ("COVID-19"), I issued Executive Order No. 103 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, through Executive Order Nos. 119, 138, 151, 162, and 171 issued on April 7, 2020, May 6, 2020, June 4, 2020, July 2, 2020, and August 1, 2020 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 and an increasing number of individuals required medical care or hospitalization, I issued a series of Executive Orders pursuant to my authority under the New Jersey Civilian Defense and Disaster Control Act and the Emergency Health Powers 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. 140-159, Nos. 161-166, Nos. 168-69, No. 171, and No. 175 (2020), the facts and circumstances of which are all adopted by reference herein; and

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

WHEREAS, in recognition that the Centers for Disease Control and Prevention had advised that social mitigation strategies for combatting COVID-19 require every effort to reduce the rate of community spread of the disease and that COVID-19 spreads most frequently through person-to-person contact when individuals are within six feet or less of one another, I issued Executive Order No. 107 (2020) to order steps to mitigate community spread of COVID-19; and

WHEREAS, to further limit community spread from person-to-person contact through use of social mitigation measures, Executive Order No. 107 (2020) required, with limited exceptions, New Jersey residents to remain in their place of residence, cancelled all gatherings, and closed all recreational and entertainment businesses; and

WHEREAS, Executive Order No. 107 (2020) also mandated that all businesses and non-profits in the State accommodate their workforce, wherever practicable, for telework or work-from-home arrangements, and reduce staff on site to the minimal number necessary to continue essential operations because restricting the physical presence of individuals in office environments and work sites is critical to preventing future spread of COVID-19; and

WHEREAS, all State offices and Executive Branch departments and agencies have been directed to prioritize addressing immediate public needs, including protecting public health, safety, and the environment, 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, notwithstanding the extraordinary circumstances of the COVID-19 pandemic, certain Executive Branch departments and agencies remain subject to statutory provisions that require agencies to review and act upon certain filings or other authorizations before a specified deadline lest the matter under review be deemed approved; and

WHEREAS, a public health emergency such as the COVID-19 pandemic, and especially my direction to strictly observe social distancing practices, including avoiding all non-essential travel, working remotely, and prioritizing addressing immediate public needs, including protecting public health, safety, and the environment, is an impediment to compliance with the statutory timeframes by Executive Branch agencies; and

WHEREAS, members of the public, including individuals, small businesses, and other entities, may similarly be limited in their ability to act within statutory timeframes and may require additional time due to the interruptions related to the Public Health Emergency and the social distancing and mitigation restrictions imposed; and

WHEREAS, strict enforcement of certain statutory timeframes during and shortly following the ongoing 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 will 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

WHEREAS, despite the encouraging decrease in the number of infections, the social distancing requirements that have been in place since March and related COVID-19 concerns have frustrated the ability of State agencies and members of the public to comply with certain statutory deadlines; and

WHEREAS, because of the broad range of regulated activities, it is not appropriate to allow a blanket extension of statutory deadlines which vary with the function or regulated activity at issue; 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, I have consulted with the Cabinet and other agency heads with regard to the prioritization of government activities and requirements that are most important to guarding the health, safety, and welfare of the residents of our State, and they have identified deadlines that can be postponed without significant detriment to the well-being of the public for limited periods of time; and

WHEREAS, I find that strict enforcement of certain statutory deadlines that fall within or shortly after the period of the Public Health Emergency would be detrimental to the public welfare; and

WHEREAS, I find that extensions of the deadlines identified in the Appendix to this Order are warranted 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, 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. The statutory deadlines, including statutory effective dates, identified in the Appendix to this Order are hereby extended by the amount of time identified in the Appendix.

2. Except as specified in Paragraph 5, for statutory deadlines extended by a specific number of days from the original deadline, the extension shall be available to any person or entity that would have been required to meet such deadline during the Public Health Emergency or within 30 days after the last day of the Public Health Emergency.

3. Except as specified in Paragraph 5, for statutory deadlines extended until a specific number of days or months after the last day of the Public Health Emergency, the extension shall be available to any person or entity that would have been required to meet such deadline during the Public Health Emergency or at any time between the last day of the Public Health Emergency and the new deadline established pursuant to this Order.

4. Except as specified in Paragraph 5, an extension available pursuant to Paragraph 2 or 3 of this Order shall be available regardless of whether the original deadline has already passed.

5. An extension of a statutory deadline after which a filing with any agency or instrumentality of the State government is deemed approved shall be available to the agency only if the original deadline is on or after the date of this Order and within 30 days after the last day of the Public Health Emergency.

6. In addition to extensions available pursuant to Paragraphs 2 and 3 of this Order, this Order also provides extensions to Executive Branch agencies of specific, non-recurring deadlines that occur in 2020 and are identified in the Appendix.

7. For purposes of this Order, the "Public Health Emergency" means the Public Health Emergency declared in Executive Order No. 103 (2020), as extended by Executive Order No. 119 (2020), Executive Order No. 138 (2020), Executive Order No. 151

(2020), Executive Order No. 162 (2020), Executive Order No. 171 (2020), and any subsequent Executive Order which may further extend such Public Health Emergency.

8. 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.

9. In administering the extensions set forth in this Order, each agency shall adopt the least disruptive means of addressing the health and safety concerns of this Order while faithfully enforcing the requirements of the affected statute to the fullest extent.

10. 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.

11. This Order shall take effect immediately.

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

[seal]

/s/ Philip D. Murphy

Governor

Attest:

/s/ Matthew J. Platkin

Chief Counsel to the Governor

APPENDIX TO EXECUTIVE ORDER NO. 178

AGENCY	STATUTORY PROVISION	DESCRIPTION	EXTENSION
Banking and Insurance, Division of Banking	N.J.S.A. 17:11C-12	The affected statutory provision states that any sale or transfer of a controlling interest in a consumer lender or sales finance company licensee's or applicant's business shall be deemed approved if the Commissioner does not deny a completed application within 90 days after its receipt. This extension will extend the time the Commissioner has to deny a completed application by 90 days.	Extend by 90 days
Banking and Insurance, Division of Banking	N.J.S.A. 17:11C-69	The affected statutory provision states that the sale or transfer of a controlling interest in a residential mortgage lender or residential mortgage broker applicant's or licensee's business shall be deemed approved if the Commissioner does not deny a completed application within 90 days after its receipt. This extension will extend the time the Commissioner has to approve or deny a completed application by 90 days.	Extend by 90 days
Banking and Insurance, Division of Banking	N.J.S.A. 17:12B-24(A)(1)	The affected statutory provision states that an application by a savings association to upgrade a previously operated branch office shall be deemed approved on the 30th day after receipt by the Commissioner, unless approved or denied earlier by the Commissioner in writing. This extension will extend the time by which the Commissioner has to approve or deny a completed application by 90 days.	Extend by 90 days
Banking and Insurance, Division of Banking	N.J.S.A. 17:12B-24(F)(2)	The affected statutory provision states that an application by a savings association which has been in business for at least three years, and which is well capitalized, adequately managed, and, if applicable, has received in its most recent examination under the Community Reinvestment Act of 1977 a rating of not less than "satisfactory record of meeting community credit needs," or its equivalent, may apply for expedited branch office approval, and such application shall be deemed approved on the 30th day after receipt by the Commissioner, unless approved or denied earlier by the Commissioner in writing. This extension will extend the time by which the Commissioner has to approve or deny a completed application by 90 days.	Extend by 90 days
Banking and Insurance, Division of Banking	N.J.S.A. 17:12B-250(c)	The affected statutory provision states that a filing by a capital stock association to amend its certificate of incorporation shall be deemed approved on the 30th day after receipt by the Commissioner, unless approved or disapproved earlier by the Commissioner in writing. This extension will extend the time by which the Commissioner may approve or disapprove a filing by 90 days.	Extend by 90 days
Banking and Insurance, Division of Banking	N.J.S.A. 17:12B-264(c)	The affected statutory provision states that a certificate of amendment filed with the Commissioner under this provision shall be deemed approved on the 30th day after receipt by the Commissioner, unless approved or disapproved earlier by the Commissioner in writing. This extension will extend by 90 days the time by which the Commissioner must act.	Extend by 90 days
Banking and Insurance, Division of Banking	N.J.S.A. 17:12B-312	The affected statutory provision states that a filing by a subsidiary capital stock state association to amend its certificate of incorporation shall be deemed approved on the 30th day after receipt by the Commissioner, unless approved or denied earlier by the Commissioner in writing. This extension will extend the time by which the Commissioner may approve or deny a filing by 90 days.	Extend by 90 days
Banking and Insurance, Division of Banking	N.J.S.A. 17:12B-39	The affected statutory provision states that no by-law nor any change in the by-laws of a savings association shall become effective until it shall have been submitted in writing to the Commissioner and the Commissioner shall either have approved it in writing, or have failed to take any action thereon for a period of 30 days after it shall have been submitted to him. This extension will extend the time for the Commissioner to approve or take action by 90 days.	Extend by 90 days
Banking and Insurance, Division of Banking	N.J.S.A. 17:16G-5(d)	The affected statutory provision requires that a debt adjuster licensee file a copy of its annual report with the Commissioner on or before April 1 of each year. This extension will extend the time for filing a copy of the annual report until August 1, 2020.	Extend until August 1, 2020
Banking and Insurance, Division of Banking	N.J.S.A. 17:9-43(a)	The affected statutory provision requires public depositories to file certain financial information on a quarterly basis. This extension will extend the filing deadline by 30 days.	Extend by 30 days

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Banking and Insurance, Division of Banking	N.J.S.A. 17:9A-117	The affected statutory provision states that amendments to certificates of incorporation filed with the Commissioner by capital stock savings banks shall be deemed approved on the 30th day after receipt by the Commissioner unless approved or denied earlier by the Commissioner in writing. This extension will extend by 90 days the time within which the Commissioner must approve or deny an amendment to a certificate of incorporation before it is deemed approved.	Extend by 90 days
Banking and Insurance, Division of Banking	N.J.S.A. 17:9A-198(A)	The affected statutory provision states that amendments to certificates of incorporation filed with the Commissioner by savings banks shall be deemed approved on the 30th day after receipt by the Commissioner unless approved or denied earlier by the Commissioner in writing. This extension will extend by 90 days the time within which the Commissioner must approve or deny an amendment to a certificate of incorporation before it is deemed approved.	Extend by 90 days
Banking and Insurance, Division of Banking	N.J.S.A. 17:9A-20	The affected statutory provision states that an application by a bank to establish a full branch shall be deemed approved on the 30th day after the receipt by the Commissioner, unless earlier approved or denied by the Commissioner in writing. This extension will extend by 90 days the time by which the Commissioner must act before an application is deemed approved.	Extend by 90 days
Banking and Insurance, Division of Banking	N.J.S.A. 17:9A-254(A)	The affected statutory provision requires that within 60 days after the completion of an examination of a bank by the Commissioner, a report thereof, in such form as the Commissioner may prescribe, certified by the person by whom or under whose supervision the examination was made, shall be presented to the directors at a meeting of the board. This extension will extend the deadline for such reports by 30 days.	Extend by 30 days
Banking and Insurance, Division of Banking	N.J.S.A. 17:9A-254(B)	The affected statutory provision requires directors to file in the Department, within a 60-day period after a bank examination, certified copies of the report of the examination and the prepared statement showing in detail such of the assets of the bank, other than loans, which, in the judgment of the board, have a value less than the value at which they are carried on the books of the bank, and stating the value, in its judgment, of such assets. This extension will extend the filing deadline for such certified copies by 30 days.	Extend by 30 days
Banking and Insurance, Division of Banking	N.J.S.A. 17:9A-402	The affected statutory provision states that amendments to certificates of incorporation filed with the Commissioner by subsidiary capital savings banks shall be deemed approved on the 30th day after receipt by the Commissioner unless approved or denied earlier by the Commissioner in writing. This extension will extend by 90 days the time within which the Commissioner must approve or deny an amendment to a certificate of incorporation before it is deemed approved.	Extend by 90 days
Banking and Insurance, Division of Banking	N.J.S.A. 17:9A-414(a)	The affected statutory provision requires the Commissioner to decide whether to approve an acquisition under sections 28 through 36 of P.L.1996, c.17 (C.17:9A-409 through C.17:9A-417) within 60 days after receipt of a completed application, provided, that if the Commissioner requests additional information from the applicant following receipt of a completed application, the time limit for decision by the Commissioner shall be the later of: (1) 60 days after receipt of a completed application, or (2) 30 days after the Commissioner's receipt of the requested additional information. This extension will extend the time by which the Commissioner must take action by 90 days.	Extend by 90 days
Banking and Insurance, Division of Banking	N.J.S.A. 17:9A-52(c)	The affected statutory provision states that a certificate filed in the Department for the approval of the Commissioner, concerning payment of certain dividends, shall be deemed approved on the 30th day after receipt by the Commissioner, unless approved or denied earlier by the Commissioner in writing. This extension will extend by 90 days the time by which the Commissioner must act before a certificate is deemed approved.	Extend by 90 days
Banking and Insurance, Division of Banking	N.J.S.A. 17:9A-6.2	The affected statutory provision states that a certificate of amendment filed with the Commissioner under this provision shall be deemed approved on the 30th day after receipt by the Commissioner, unless approved or disapproved earlier by the Commissioner in writing. This extension will extend by 90 days the time by which the Commissioner must act.	Extend by 90 days

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Banking and Insurance, Division of Banking	N.J.S.A. 17:9A-79(A)	The affected statutory provision requires the annual meeting of the stockholders of every bank to be held on such day in January, February, March or April in each year as the bylaws shall provide; or, if there be no governing bylaw, then on the fourth Tuesday in March; or, in the case of a savings bank operating on a fiscal-year basis, the annual meeting shall be held no later than 120 days after the closing of the fiscal year. This extension will extend the deadline for such annual meetings by 30 days.	Extend by 30 days
Banking and Insurance, Division of Banking	N.J.S.A. 17:9A-8.5(b)	The affected statutory provision states that a certificate of amendment filed with the Commissioner under this provision shall be deemed approved on the 30th day after receipt by the Commissioner, unless approved or disapproved earlier by the Commissioner in writing. This extension will extend by 90 days the time by which the Commissioner must act.	Extend by 90 days
Banking and Insurance, Real Estate Commission	N.J.S.A. 45:15-11.3	The affected statutory provision requires qualifying salespersons, in the event of the death or incapacity of the broker of record, to apply for a temporary broker license within 30 days from the death or incapacity of the broker of record. This extension will extend the time within which the qualifying salesperson must apply for a temporary broker license by 30 days.	Extend by 30 days
Banking and Insurance, Real Estate Commission	N.J.S.A. 45:15-16.30a(c)	The affected statutory provision requires the Commission to provide secondary registration subdividers with a notice of completion or notice of deficiency of applications within 30 days of receipt of a substantially completed application. This extension will extend by 6 months the time within which the Commission must issue notices of completion or deficiency before the application is deemed complete.	Extend by 6 months
Banking and Insurance, Real Estate Commission	N.J.S.A. 45:15-16.33	The affected statutory provision states that the Commission shall enter an order registering subdivisions or subdivided lands or rejecting the registration within 90 days from the date of the notice of filing, and that subdivisions or subdivided lands shall be deemed registered unless an order of rejection is entered within 90 days from the date of the notice of filing or the applicant has consented in writing to a delay. This extension will extend the time for the Commission to take action under this statute by six months.	Extend by 6 months
Banking and Insurance, Real Estate Commission	N.J.S.A. 45:15-16.62(a)	The affected statutory provision requires the Commission to issue an order of registration as to a comprehensive registration filed by a timeshare developer within 60 days after receipt and issuance of a notice of filing, or to provide a list of deficiencies in the application within 60 days of the issuance of the notice of filing, and provides that a timeshare plan shall be deemed registered unless a list of deficiencies is provided to the applicant within 60 days of the issuance of the notice of filing, unless the applicant has consented in writing to a delay. This extension will extend by 6 months the time within which the Commission must issue an order of registration or a list of deficiencies.	Extend by 6 months
Banking and Insurance, Real Estate Commission	N.J.S.A. 45:15-16.62(b)	The affected statutory provision requires the Commission to issue an order of registration as to an abbreviated registration filed by a timeshare developer within 30 days after receipt and issuance of a notice of filing, or to provide a list of deficiencies in the application within 30 days of the issuance of the notice of filing, and provides that a timeshare plan shall be deemed registered unless a list of deficiencies is provided to the applicant within 30 days of the issuance of the notice of filing, unless the applicant has consented in writing to a delay. This extension will extend by 6 months the time within which the Commission must issue an order of registration or a list of deficiencies.	Extend by 6 months
Banking and Insurance, Real Estate Commission	N.J.S.A. 45:15-16.62(c)	The affected statutory provision states that a preliminary registration filed by a timeshare developer shall be effective and deemed approved within 20 days of receipt, unless the Commission provides to the applicant a written list of deficiencies in the application within 20 days of receipt of the completed application and fee, or the applicant has consented in writing to a delay. This extension will extend by 6 months the time within which the Commission must issue a list of deficiencies.	Extend by 6 months
Law & Public Safety, Division of New Jersey Racing Commission	N.J.S.A. 5:5-22.2(c)	The affected statutory provision requires persons who possess unclaimed cash vouchers to redeem the voucher within three years after the date of purchase or the voucher shall expire and the voucher funds shall be paid to the permitholder and purse account. This extension will extend the time by which persons possessing unclaimed cash vouchers must redeem the vouchers until 90 days after the last day of the public health emergency.	Extend until 90 days after last day of PHE

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Law & Public Safety, Division of New Jersey Racing Commission	N.J.S.A. 5:5-64	The affected statutory provision requires persons holding winning parimutuel tickets to claim the funds within six months from the time such tickets are issued. This extension will extend the time by which persons holding winning tickets must claim the funds associated with the winning ticket until 90 days after the last day of the public health emergency.	Extend until 90 days after last day of PHE
Law & Public Safety, Division of New Jersey Racing Commission	N.J.S.A. 5:5-67	The affected statutory provision requires permit holders conducting horse race meetings to, within 60 days after the conclusion of every race meeting, file a complete audit of the total amount of money contributed to every parimutuel pool on each race; provided that no reports be filed later than December 1 of the year in which the race meeting is held, unless such meeting is held after November 1, in which case the report must be filed not later than December 15 of the same year. This extension will extend the time within which permit holders must submit audits of the monies contributed to every parimutuel pool on each race until 60 days after the last day of the public health emergency.	Extend until 60 days after last day of PHE
Law & Public Safety, Division of New Jersey Racing Commission	N.J.S.A. 5:5-68.1	The affected statutory provision states that amounts resulting from parimutuel tickets remaining unclaimed after six months which are paid to the Racing Commission for deposit in the general fund shall be appropriated each fiscal year to the Racing Commission to be used for the expenses of the Commission. This extension will extend the deadline for claiming parimutuel tickets before the funds are appropriated to the Commission.	Extend until 90 days after last day of PHE
Law & Public Safety, Division of State Police	N.J.S.A. 45:19-33	The affected statutory provision requires renewal of bounty hunter licenses every two years. This extension will extend the expiration dates of expiring bounty hunter licenses until 60 days after the last day of the public health emergency.	Extend until 60 days after last day of PHE
Law & Public Safety, Division of State Police	N.J.S.A. 45:19A-3(d)	The affected statutory provision requires that licenses for security officer companies be renewed every two years. This extension will extend expiring licenses for security officer companies until 60 days after the last day of the public health emergency.	Extend until 60 days after last day of PHE
Law & Public Safety, Division of State Police	N.J.S.A. 45:19A-4(f)	The affected statutory provision states that a certificate of registration as a security officer shall be renewed every two years by an applicant for an unarmed security officer position and each year by an applicant for an armed security officer position. This extension will extend the expiration date of registrations until 60 days after the last day of the public health emergency.	Extend until 60 days after last day of PHE
Law & Public Safety, Division of State Police	P.L. 2019, c.269, ss. 2, 3, 5, 7	The affected statutory provision, with an effective date of June 15, 2020, amends the State's laws concerning expungement eligibility and procedures. This extension will extend the effective date until February 15, 2021.	Extend by 9 months
Administrative Office of the Courts	P.L. 2019, c.269, s. 6	The affected statutory provision requires the Administrative Office of the Courts to develop and maintain a system for sealing records from the public, upon order of a court, pertaining to offenses or delinquent acts involving marijuana or hashish, by September 15, 2020. This extension will extend the deadline until February 15, 2021.	Extend by 5 months
Office of the Secretary of Higher Education	N.J.S.A. 18A:3B-82(a)	The affected statutory provision requires each institution of higher education to submit to the Office of the Secretary of Higher Education, by May 1, 2020, plans to expand the use of open textbooks and commercial digital learning materials. This extension will extend the submission deadline by 6 months.	Extend by 6 months