



Updated Summary of COVID-19 Executive Orders

In an effort to blunt the health and economic impact of the COVID-19 virus, Governor Murphy has issued several executive orders. Each of these orders will impact business as usual in the State of New Jersey.

E.O. 103

E.O. 103 declared a State of Emergency pursuant to N.J.S.A. App.A.:9-33 et seq. and a Public Health Emergency pursuant to N.J.S.A. 26:13-1 et seq. This declaration empowers the Governor, the Commissioner of the Department of Homeland Security and the State Director of Emergency Management (currently the Superintendent of the State Police) to exercise emergency powers and coordinate relief efforts. The declaration also opens up funding for these purposes.

E.O. 104 and 107

The principle purpose of E.O.'s 104 and 107 is social distancing. E.O. 104 restricted the operation of several customer-interfacing businesses including bars, restaurants, athletic clubs and personal services enterprises like salons and beauty parlors. E.O. 107 subsumed and expanded E.O. 104 to cover all non-essential retail businesses. At this immediate juncture, most office-based businesses are permitted to continue to operate so long as office staff is limited to those absolutely necessary to continue integral operations.

The State Attorney General advised on March 23, 2020 that an active enforcement campaign was beginning at the State and local level. Persons and businesses acting in violation of E.O. 104 and E.O. 107 may be subject to enforcement by State and local police agencies as well as prosecution. In order to avoid exposure to these mechanisms, businesses should strictly adhere to the provisions to E.O. 104 and E.O. 107:

- All non-essential retail businesses must cease being open to the public immediately. If your business is not among the enumerated essential businesses in E.O. 107, but you still believe your business meets the definition of an essential business, you should consult with an attorney or reach out to the State Office of

Emergency Management.

- All non-retail businesses should reduce on-site staff to levels that are essential to operations and switch to tele-work arrangements where possible.
- While there are no travel restrictions currently in place, businesses should be prepared to credential essential employees who will be required to travel during the pandemic. Circumstances are changing on a daily basis and travel restrictions may go into place in the future.

E.O. 105

E.O. 105 relaxed certain election law requirements to allow for the seamless (and in some instances electronic) submission of necessary papers. E.O. 105 also mandated vote-by-mail for all elections between March 19, 2020 and May 12, 2020.

E.O. 106

E.O. 106 prohibits evictions of residential tenants and evictions by residential foreclosure. The E.O. does not apply to commercial evictions, but local government entities appear to be applying the E.O. to all evictions and foreclosures regardless of whether they are residential or commercial.

E.O. 108

E.O. 108 invalidates all local (municipal and county) mandates, orders, etc. that conflict with any State E.O., law or regulation related to the State's COVID-19 response. This order was necessitated by piece-meal emergency orders that were being issued by towns and counties throughout the state.

E.O. 109

E.O. 109 bars all medical providers in the state from performing elective surgeries. In addition, E.O. 109 requires non-medical businesses to immediately inventory medical supplies that may be necessary to the COVID-19 response and to submit an inventory report to the State by no later than March 27, 2020. Presumably, the State is attempting to measure the availability of supplies and may then take action to requisition these supplies under the State's emergency powers.

Any questions regarding these E.O.'s should be directed to Stuart M. Lederman at slederman@riker.com or James Lott at jlott@riker.com. Requests may also be texted to 732-429-2980 24 Hours / 7 days a week.

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