

New Jersey Authorizes Director of Emergency Management to Commandeer Personal Services, Real Property

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New Jersey Governor Phil Murphy, in his 12th Executive Order ([EO 113](#)) since the onset of the COVID-19 crisis, has authorized the state Director of Emergency Management (OEM), the Superintendent of the New Jersey State Police, to commandeer “personal services and/or personal property, including medical resources, for the purposes of protecting or promoting the public health, safety, or welfare.”

Previously, the state directed businesses to submit inventories on personal protective equipment (PPE), ventilators, respirators, and anesthesia machines and healthcare facilities to [report daily](#) on capacity supplies in an effort to coordinate and allocate resources to meet the mounting pressures COVID-19 poses on the healthcare system in New Jersey. EO 113 follows suit and authorizes OEM to reallocate resources to meet the state’s needs.

The directive comes as the state establishes four Federal Medical Stations that will result in approximately 1,000 new hospital beds to service individuals suffering COVID-19 infection.

EO 113 mentions the hardest hit counties in the northern part of New Jersey where hospitals are running critically short on necessary supplies. The directive provides New Jersey with a means to address the shortages through the commandeering of services and property.

The Governor issued EO 113 pursuant to his authority to confront “extraordinary emergencies” through such measures. Any individual or business subject to such action will receive compensation “at the prevailing established rate for services of a like or similar nature.”

Businesses in possession of PPE or other property or equipment critical to the COVID-19 response, therefore, may be subject to OEM commandeering actions. While the details remain unclear, the state will compensate businesses for any such action.

Jackson Lewis attorneys are available to answer your questions as matters continue to develop during the COVID-19 crisis.

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