

MEMORANDUM

July 16, 2025

TO: New Jersey State Association of Fire Districts

FROM: Lynn Nowak
Porzio Governmental Affairs

RE: NEW LAW GOVERNING PUBLICATION OF LEGAL NOTICES

In late June, the Senate and Assembly quickly introduced and moved legislation that revises how public entities and others must comply with publicizing required legal notices and advertisements, including notices related to the Open Public Meetings Act (OPMA). S4654, sponsored by Senate President Scutari (D-Union) and A4654, sponsored by Assemblyman Schnall (D-Ocean) passed both houses by almost unanimous margins on June 30 and was immediately signed into law by Governor Murphy, P.L. 2025, c. 72.

https://pub.njleg.state.nj.us/Bills/2024/AL25/72_.PDF

The impetus for the legislation is the demise of print newspapers which has made compliance with the requirement that legal notices be published in these entities virtually impossible.

The new law applies to "Local Government Units" which includes Fire Districts.

"Legal notice" means any resolution, official proclamation, notice or advertisement of any sort, kind, or character, including proposals for bids on public work and otherwise, required by law or by the order or rule of any court to be published by a public entity, corporation, an individual, or any other entity.

The effective date of the new law is March 1, 2026.

Key Provisions of the New Law

- Whenever a public entity is required by law to publish or advertise a legal notice, the public entity SHALL (that means it is mandatory) publish the notice on the entity's official Internet website. A direct hyperlink to the notice on the website shall be conspicuously displayed on the website's home page.
- A public entity shall maintain the public notice for at least the period of one week, or as long as required by law before being archived (see below).
- A public entity shall maintain an archive of legal notices that are no longer displayed and this must be maintained for one year. This does not go into effect until July 1, 2026. *It is probably wise to check with your website vendor now to find out what this involves.*

- A local government unit MAY publish legal notices or advertisements separately on an eligible online news publication. Note that this is IN ADDITION to publishing the notice on its own website.
- The definition of eligibility for an online new publication includes numerous criteria including that it must follow the same requirements as if the notice was published in a print newspaper. There are also mandated minimum “unique monthly visits,” based on if the publication is providing municipal-wide, county wide or statewide service.
- The New Jersey Secretary of State is required to establish an Internet website which includes the hyperlinks to the notices on each public entity’s website. Note that each public entity is required to submit these hyperlinks to the Secretary of State and provide updates. However, per Section 5. (2) b., a public entity that complies with other sections of the law shall be deemed in compliance with the full law until the Secretary of State establishes legal notices hyperlink webpage.

Rich Braslow has spoken with Jason Martucci in the Department of Community Affairs, Division of Local Government Services. He said that they will be issuing a Local Finance Notice shortly to provide further guidance on this new law.

Rich and I will keep an eye out for that and will monitor other developments as implementation of this law unfolds. No doubt, special circumstances involving fire districts are likely to arise and we will work to address these.