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Building at the Jersey Shore where it's bound to flood more may get harder

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7–8 minutes

Many of the conversations surrounding New Jersey and climate change have come down to real estate.

People in our densely-populated state have continued to build in places prone to be overtaken by rising seas and bound to be pounded by nor'easters — as evidenced [post-Hurricane Sandy](#).

Mindful of that, regulators have begun the process of adding new requirements for construction in particular flood-prone areas across our roughly 130 miles of coast at the Jersey Shore and along Delaware Bay.

The regulations would require new structures to be built five feet higher than existing flood elevations established by the Federal Emergency Management Agency. That amount is based on sea level rise projections for 2100.

The new [Resilient Environments And Landscapes \(REAL\)](#) proposal is not a law and thus can be reversed or tweaked by a future administration after it's adopted.

The latest coastal development rule — part of a larger set of reforms that also [includes parameters for how to build inland](#) — is

slated to be formally announced in July ahead of being adopted next summer.

“This rule-making will not stop the sea from being the sea. It will not stop the sea levels from rising,” New Jersey Department of Environmental Protection Commissioner Shawn LaTourette told reporters while discussing the proposal.

Instead, the commissioner said the regulations are expected to enable any new development, redevelopment and substantial building improvements “to be more resilient through its elevations through our climate risk assessment.”

“About 16% of the state lies within a FEMA floodplain. The REAL proposal would increase the floodplain regulated by NJDEP to roughly 17.5% of the state’s land area,” Larry Hajna, a spokesman for the NJDEP, told NJ Advance Media on Tuesday noting that an estimated number of properties affected was not immediately available.

The new rule would not create “no build zones,” affect existing development or “require roads and buildings to be elevated when doing so is impracticable,” NJDEP officials said.

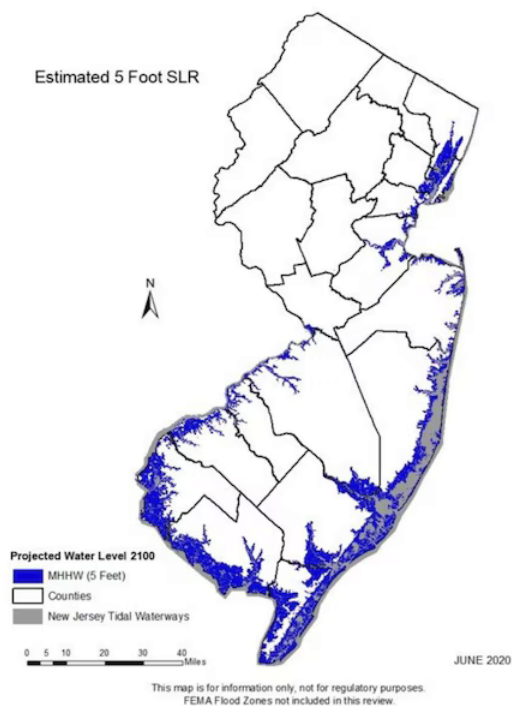
Instead, the flood reforms would:

- Seek to better inform construction through the lens of climate change
- Expand the use of nature-based solutions for issues like coastal erosion
- Move the state closer to compliance with FEMA flood-prevention regulations
- Better the state’s permitting process, improve stormwater

management and protect water and land resources

Currently, anyone on the New Jersey coast must meet certain elevation requirements if they fall within [an area substantially damaged by Sandy or in a flood zone](#).

You can read a 1,057-page draft package for the REAL proposal and learn how you can comment and attend an upcoming webinar by visiting dep.nj.gov/njreal/.



A new coastal development rule is currently being considered in New Jersey. A NJDEP map shows areas that would be impacted by an estimated 5 feet of sea level rise by the end of the century based on a projection outlined by the state. "The blue area depicts land that will likely be under water all the time due to sea level rise (inundation risk zone)," an NJDEP spokesman said. Image by NJDEP

Just how groundbreaking?

New Jersey officials called the latest package of flood reforms [“the first in the nation.”](#)

“While some communities, like Charlotte, North Carolina, and Austin, Texas, have progressive floodplain management ordinances in place, there is no other statewide floodplain management program in the country that parallels New Jersey,” Hajna said Tuesday.

He said the NJDEP was also “not aware” of any other state pursuing regulatory reform to address sea level rise.

The new regulations in the Garden State didn’t come without delay.

About a month ago, a coalition of environmental groups — including NJ Sierra Club, Association of NJ Environmental Commissions, The Nature Conservancy, and New Jersey League of Conservation Voters — renewed [their push for the rule.](#)

Environmentalists worried the series of reforms would not advance within Murphy’s tenure, which ends in 2026. The Democratic governor has shown support for climate change policy tied to offshore wind and solar energy. No movement on the REAL proposal soon, they argued, could have lessened the chances it was adopted.

That coalition cited a [report](#) from independent researcher Rhodium that said in 2019 there were more than \$15 billion worth of homes and buildings in New Jersey that were likely to flood at least once a year.

“Too much talk and too little action,” David Pringle of Empower New Jersey said Friday of REAL moving ahead. “The governor

ordered this (via [Executive Order 100](#)) four and a half years ago, to be proposed three and a half years ago and to be adopted and implemented two and a half years ago. All he did today is announce it'll be proposed in about a month.”

Besides the delay, Pringle said he was wary the restrictions could be weakened later.

An NJDEP spokesman noted that the rule draft would be open to feedback, subject to public hearings and has not been finalized.

Anjuli Ramos-Busot, the state director of the Sierra Club, emphasized the need for the flood reform while pointing to the upcoming hurricane season [which forecasters predict could be the most active on record](#).

Warmer temperatures from human-caused climate change have been shown to fuel stronger storms.

“Without the implementation of these rules, which just really incorporate the science of climate change, we’re just putting people in danger,” Ramos-Busot said on the phone.

Ray Cantor, New Jersey Business & Industry Association deputy chief of government affairs, said the group was still reviewing the rule draft.

Nonetheless, Cantor said Monday he worried the REAL proposal would increase costs and burdens on developers.

“DEP and the state should be focused on how to best protect our coast from the inevitable natural disasters and continuing sea level rise, not on how to drive people away from the shore,” he said.

Cantor also questioned how New Jersey arrived at its sea level rise projections.

In response to some of the criticism, Hajna at the NJDEP said: “The science that the rule relies on was developed by a technical panel of 19 experts and represents the most up-to-date, New Jersey-specific science on sea-level rise ... The costs of climate change are already being borne by our local communities and inaction or inadequate action will inevitably cost communities dearly.”

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