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March 19, 2013

Via Email: Sandy.Recovery@dca.state.nj.us.

Richard Constable, Commissioner
Department of Community Affairs
State of New Jersey
PO Box 800
Trenton, NJ 08625-0800

Re: Comments on the CDBG-DR Action Plan

Dear Commissioner Constable:

Thank you for the opportunity to comment on the CDBG-DR Action Plan that the Department of Community Affairs will be submitting to HUD. You are to be congratulated on putting together such a large plan in such a short period of time.

We have contributed to other comment letters that you will receive, but will use this letter to focus more specifically on the issues of **planning, resiliency and sustainability**. The federal HUD Notice identified a number of places where the CDBG-DR plan should address these issues:

HUD Notice: *In addition, a needs assessment must take into account the costs of incorporating mitigation and resiliency measures to protect against future hazards.*

Comment: We could not identify any relevant cost assessments in the Action Plan for incorporating mitigation or resiliency. We would like to see a dollar or percentage commitment made in addition to other recovery spending items that would allow recovery projects to be made more resilient than what is being replaced. At the very least, there should be recognition of mitigation and resiliency in the process and an estimate of dollars that will be available to meet these goals.

HUD Notice: *A description of how the grantee will promote (a) sound, sustainable long-term recovery planning informed by a post-disaster evaluation of hazard risk, especially land-use decisions that reflect responsible flood plain management and take into account possible sea level rise (for example, by using the new FEMA floodplain maps and designs applying the new Advisory Based Flood Elevations (ABFE) or higher), and (b) how it will coordinate with other local and regional planning efforts to ensure consistency;*

Comment: The Action Plan does not discuss long-term recovery planning or set aside any funding that could be used for this purpose. We recommend that DCA set aside at least \$40 million for local and regional long-term recovery planning. This funding should go to local entities and nonprofit organizations and not be used to pay state employees and consultants.

As part of effective recovery planning, we recommend that at least \$3 million be set aside to support “local recovery managers” in highly affected and low-capacity communities. Along with FEMA and the private philanthropy community, New Jersey Future has begun to build a local recovery manager network, but additional funding is necessary to ensure that embedded managers can remain in affected communities for at least three years. These positions will ensure that recovery in these towns will account for post-disaster evaluation of hazard risk and plan for resilient and sustainable communities.

The Plan also ignores the importance of incorporating sea-level rise into decision-making about rebuilding. While the Plan recognizes the use of the new ABFEs, these ABFEs do not account for rising sea levels. The state and the public have access to an excellent online tool (FloodMapper <http://slviewer.rutgers.edu/>) that will allow projected sea-level rise to be accounted for in planning and spending decisions. The Plan should specifically state how sea-level rise and the data tools that exist will be used to inform planning and spending decisions.

The Action Plan does not identify local or regional planning efforts that will incorporate hazard mitigation planning and does not explain how any coordination will take place. Historically, hazard mitigation planning has been separate from land-use planning. The Action Plan should specifically break down this past practice and insist on planning efforts that combine the two. Funding should be allocated that will allow counties and many municipalities to update their land-use plans and incorporate hazard mitigation strategies into those plans. If adequate funding cannot be provided through CDBG, then other sources of funding provided by the supplemental appropriation should be identified and committed in a coordinated fashion.

HUD Notice: *A description of how the grantee’s programs or activities will attempt to protect people and property from harm, and how the grantee will encourage construction methods that emphasize high quality, durability, energy efficiency, a healthy indoor environment, sustainability, and water or mold resistance, including how it will support adoption and enforcement of modern building codes and mitigation of hazard risk, including possible sea level rise, storm surge, and flooding, where appropriate. All rehabilitation, reconstruction, and new construction should be designed to incorporate principles of sustainability, including water and energy efficiency, resilience and mitigating the impact of future disasters. Whenever feasible, grantees should follow best practices such as those provided by the U.S. Department of Energy Home Energy Professionals: Professional Certifications and Standard Work Specifications*

Comment: As stated previously, the Action Plan does not address sea-level rise.

Additionally, the principles of sustainability addressed in the Plan focus on green building measures and not broader land-use issues of sustainability, such as improving accessibility for pedestrians and bicyclists, creating mixed-use, walkable places, or mitigating the impact of future disasters. These elements should be mentioned specifically and included as eligible project

expenses and additional funding should be committed.

As another example, the public infrastructure improvements funded by the EDA Neighborhood and Community Revitalization program should be required to demonstrate how they are incorporating resiliency and hazard mitigation measures, and not simply replacing infrastructure that will continue to be at risk. To be eligible for funding, the community should demonstrate how the rebuilt infrastructure will improve the walkability and bikeability of the area for all potential users. The added transportation options are a measure of resiliency.

HUD Notice: *To foster the rebuilding of more resilient neighborhoods and communities, HUD strongly encourages grantees to consider sustainable rebuilding scenarios such as the use of different development patterns, infill development and its reuse, alternative neighborhood designs, and the use of green infrastructure. The Partnership for Sustainable Communities is an interagency partnership between HUD, the Department of Transportation, and the Environmental Protection Agency. The Partnership for Sustainable Communities' six Livability Principles should serve as a guide to grantees working in areas that were substantially destroyed. When grantees seek to rebuild such areas, grantees should describe how they will consider sustainable urban design and construction in their redevelopment planning process. The Livability Principles can be found at the Partnership for Sustainable Communities' Web site www.sustainablecommunities.gov.*

Comment: The entire concept of rebuilding more resilient neighborhoods and communities is missing from the Action Plan. There is virtually no mention of changing development or land-use patterns or alternative neighborhood design. There is no funding set aside for this work. The opportunities for incorporating green infrastructure are enormous and not even mentioned.

The Action Plan does not state that the six Livability Principles will be used to guide the plan or its implementation, nor does it offer any alternative principles. The state has a draft State Strategic Plan that includes a set of Garden State Values. Integrating these into the Action Plan would at least be a start. The state could also adopt the State Strategic Plan and use it to guide rebuilding efforts.

HUD Notice: *HUD encourages grantees to implement green infrastructure policies to the extent practicable. Additional tools for green infrastructure are available at the Environmental Protection Agency's water Web site; Indoor AirPlus Web site; Healthy Indoor Environment Protocols for Home Energy Upgrades. Web site; and ENERGY STAR Web site: www.epa.gov/greenbuilding.*

Comment: As stated earlier there is no mention or guidance provided in the Action Plan for how green infrastructure will be encouraged or incorporated into the CDBG spending.

HUD Notice: *Preparedness and Mitigation. The Appropriations Act states that funds shall be used for recovering from a Presidentially-declared major disaster. As such, all activities must respond to the impacts of the declared disaster. HUD strongly encourages grantees to incorporate preparedness and mitigation measures into all rebuilding activities, which helps to ensure that communities recover to be safer, stronger, and more resilient. Incorporation of these meas-*

ures also reduces costs in recovering from future disasters. Mitigation measures that are not incorporated into rebuilding activities must be a necessary expense related to disaster relief, long-term recovery, and restoration of infrastructure, housing, or economic revitalization. Furthermore, the costs associated with these measures may not prevent the grantee from meeting unmet needs.

Comment: As stated earlier, the Action Plan does not adequately incorporate mitigation measures.

In addition, the Action Plan contemplates spending \$25 million on tourism, which is considered an unmet need. We don't believe that the Action Plan makes a strong case for this being an unmet need. The tourism statistics presented are generally for the state's entire tourism industry and not isolated to the affected shore communities, yet the rationale given is that tourists believe that the shore will not be open for business. We would like to see a better analysis of the state's tourism revenue as it relates to specific geographies, especially the shore and those places that were most severely affected. We recommend that 5% of the funds being planned for tourism spending be used to fund a study that quantifies shore tourism revenue by location, preferably down to the municipal level.

The Action Plan contains many good and notable elements. Given the short amount of time to respond to the plan, we understandably focused on those elements that we felt were missing. New Jersey Future welcomes the opportunity to meet with you to discuss these issues and to work through concrete solutions that will foster more resilient and sustainable New Jersey communities. If you have any questions, please contact me at 609-393-0008 ext. 104 or pkasabach@njfuture.org.

Sincerely,



Peter Kasabach
Executive Director