



TESTIMONY

Testimony in Support of the REAL Rules

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**Attn: Senate Environment and Energy Committee &
Assembly Environment and Solid Waste Committee**

**Submitted via email to Celia Smits, New Jersey Senate
Environment and Energy Committee Aide. CSmits@njleg.org**

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New Jersey Future submits this written testimony to members of Senate Environment and Energy Committee & Assembly Environment and Solid Waste Committee in support of the Department of Environmental Protection's Resilient Environments and Landscapes (REAL) Rules.

Finalized in January 2026, the REAL Rules update flood standards to reflect growing risk. They are not perfect, but they are a necessary and long-overdue step toward managing costs and impacts New Jersey can no longer afford to ignore.

It's important to note that these rules were not adopted unilaterally. They are the result of a multi-year NJ PACT process, beginning with a 2024 proposal, followed by extensive public engagement and a 2025 Notice of Substantial Change before finalization. NJF participated throughout and appreciated the opportunity to share concerns via written comments and testimony during both the initial 2024 public comment period and the 2025 Notice.

Outdated Standards Are Driving Real Costs

Across New Jersey, flooding is becoming more frequent and more severe. Heavy rainfall is increasing, high tides are pushing further inland, and sea-level rise is raising the baseline for future storm surge. Research from Rutgers University projects significant sea-level rise along the New Jersey coast this century.[1]

Communities across the state are already feeling the consequences. Homes are damaged, stormwater systems are overwhelmed, and infrastructure built for past conditions is being pushed beyond its limits. Insurance costs are rising as risk becomes more apparent.

These climate stressors are further exacerbating long-standing infrastructure challenges. Many of New Jersey's stormwater and drainage systems were not designed for current conditions, creating compounding risk as heavier rainfall interacts with aging systems.

Flood risk is also being intensified by land subsidence. Portions of the Jersey Shore are physically sinking due to sediment compaction and groundwater withdrawal, increasing relative sea-level rise and contributing to more frequent nuisance flooding.[2] In northern New Jersey, legacy mining activity creates additional localized subsidence risks.

Importantly, these impacts are no longer limited to major storms. In 2025, New Jersey residents lost their lives in flash flooding events outside of named storms, underscoring how more frequent and intense rainfall is making everyday conditions more dangerous.

Against this backdrop, maintaining outdated flood standards is neither neutral nor responsible. It only shifts growing costs onto homeowners, municipalities, and taxpayers.

REAL Updates Existing Practice; It Does Not Break from It

SCR 106 suggests that the REAL Rules represent a departure from legislative intent. In our opinion, they are a continuation of long-standing policy.

For decades, New Jersey as well as the federal government has required homes in flood-prone areas to be elevated and commercial buildings to be flood-proofed. Programs like Blue Acres, administered by the New Jersey Department of Environmental Protection, have helped families move out of repeatedly flooded areas while restoring natural floodplains. As flood maps and risk projections evolve, updating these standards is both expected and necessary.

FEMA Maps Alone Are Not Enough

SCR 106 implicitly relies on existing federal flood maps. Flood Insurance Rate Maps (FIRMs) developed by the Federal Emergency Management Agency (FEMA) present flood risk in broad categories, indicating whether a property falls within the 100-year floodplain, the 500-year floodplain, or outside both. This can create the impression that flood risk changes abruptly at these boundaries, when in reality risk varies continuously and can differ significantly within each zone.

In addition, these maps are often outdated. Under federal law, FEMA is required to assess the need to revise and update flood maps every five years, but chronic underfunding from Congress has limited the agency's ability to do so. As a result, roughly 75% of FIRMs are considered out of date, with about 11% dating back to the 1970s and 1980s.[3]

In New Jersey, this challenge is particularly evident. Many inland areas have not been comprehensively remapped in decades. Even in coastal regions that were updated following Superstorm Sandy, maps are now more than a decade old and are often based on outdated rainfall data or limited assumptions about future conditions. As a result, FEMA maps often do not reflect current precipitation patterns, sea-level rise, or evolving flood risks.

The REAL rules close these gaps by using current, New Jersey–specific climate data and forward-looking conditions to guide proactive, rather than reactive, planning. Rather than relying solely on backward-looking FEMA maps, REAL incorporates updated rainfall data, sea level rise projections, and other climate-informed inputs to better reflect how flood risk is changing over time. This approach moves beyond binary floodplain boundaries and toward a more accurate understanding of risk, helping communities make better-informed decisions about where and how to build.

This Is Not a Choice Between Resilience and Growth

SCR 106 echoes concerns about housing costs, property values, and economic impacts. We agree with the sentiment that advancing the REAL Rules must not inadvertently suppress housing production. These concerns should not be dismissed, but they should be understood in context.

Failing to account for flood risk does not preserve affordability or economic growth. It defers costs and amplifies them over time. Rising insurance premiums, repeated property damage, and increased public spending on disaster recovery are already reflecting this reality.

Additional concerns raised by municipalities, builders, and property owners regarding implementation timelines, administrative complexity, and feasibility in certain contexts also require workable solutions, and it is our position that New Jersey’s resilience and housing goals must move forward together.

It’s no secret that a longstanding barrier to housing production in New Jersey is exclusionary zoning practices. Fortunately, there are several bills aimed at zoning reform that the Legislature is already considering, such as permitting accessory dwelling units (A2792/S2347), supporting stranded asset redevelopment (A2757/S1408), revising parking reform minimums (A3043/S2974), and encouraging more transit-oriented development (A1210/S4037).

Allowing REAL to move forward alongside these zoning reforms creates an opportunity to address New Jersey’s housing shortage in a more holistic way. Aligning housing policy with REAL standards would help direct growth toward safer, less flood-prone areas while ensuring that new housing is built to withstand current and future flood conditions.

This approach also requires alignment with Fair Share Housing obligations and the State Development and Redevelopment Plan, along with clear guidance to municipalities on how to plan for growth in climate-resilient locations.

Focus on Implementation, Not Delay

The REAL rules are the product of extensive technical analysis, scientific research, and sustained stakeholder engagement. We now face the prospect of repeal or delay without a viable alternative, which risks undermining that work and leaving the state without an adequate framework to manage growing flood risk.

Delaying implementation will not resolve these issues. It will defer necessary decisions, increase exposure to risk, and shift higher costs onto taxpayers. The path forward is clear: New Jersey must advance forward-looking flood standards under the REAL rules while ensuring practical, well-supported implementation for communities.

Addressing implementation challenges requires moving forward with an iterative approach, informed by experience and further stakeholder engagement as part of the process. This means developing clear municipal guidance, ensuring predictable permitting pathways, streamlining compliance for risk-reducing and redevelopment projects, and offering targeted technical and financial support. This “soft launch” approach will allow projects to move through the process with intentional flexibility while pinpointing areas in the rules that may be troublesome or require future modifications.

Conclusion

SCR 106 frames this issue as one of regulatory overreach. In our opinion, the more relevant question is: *if flooding risks and impacts are growing, shouldn't we start planning and building differently?*

It is our position that the REAL Rules are a rational response to this question and within the Department's scope of authority. The task now is to ensure that implementation supports communities, markets, and local governments through the transition.

While the Rules are not the final word on flood resilience policy, they are an essential step toward aligning how we build with the risks we face and will continue to face. At a time when federal disaster support is increasingly uncertain, the state must take responsibility for managing its own risk. New Jersey has a long history of successfully implementing pragmatic, forward-looking policy, and the Legislature should honor that tradition by allowing the REAL Rules to move forward and focus on troubleshooting the implementation process.

Endnotes

[1] Rutgers University Climate Change Resource Center. *Sea-Level Rise Projections for New Jersey*.

[2] Rutgers University & U.S. Geological Survey. *Research on land subsidence and relative sea-level rise along the Mid-Atlantic coast*.

[3] Understand the differences between FEMA flood zones – First Street™