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Testimony on Proposal to Extend the Resilient Environment and Landscapes (REAL) Rules Legacy Period

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Good evening. My name is Molly Riley, and I am the Climate Adaptation Project Manager at New Jersey Future, a nonprofit, nonpartisan organization that promotes sensible growth, redevelopment, and infrastructure investments. Thank you for the opportunity to testify today on the proposed extension of the NJPACT Resilient Environments and Landscapes (REAL) rules' legacy period until July 20, 2027.

My testimony this evening offers a high-level perspective on New Jersey Future's hopes for, and concerns about, the proposed extension.

We appreciate the Department's continued engagement with stakeholders as it evaluates the REAL rules in light of Governor Sherrill's Executive Order No. 5. We recognize that permitting modernization is long overdue and support the Administration's efforts to reduce permitting costs and delays while improving transparency throughout the regulatory process. We also acknowledge that some stakeholders have raised legitimate concerns about clarity and feasibility in certain scenarios. At this stage, however, we believe the best way to address the remaining implementation questions is to move from rule development to implementation.

After multiple years of rulemaking, public hearings, stakeholder engagement, and written comments, we believe that the Department has built a strong foundation for learning from real-world implementation. Climate impacts are accelerating faster than our policy responses, and implementation will provide the practical experience needed to ground-truth and develop evidence-based improvements as needed.

If the State is taking this additional year, it should use it as strategically as possible. We encourage the Department to define how it will assess whether proposed amendments improve permitting efficiency while maintaining the resilience outcomes the REAL rules are designed to achieve. Establishing clear evaluation criteria will increase transparency and accountability by helping stakeholders understand what

each proposed amendment is intended to accomplish, how success will be measured, and how the Department will determine whether additional changes are needed after implementation.

We should also collectively manage expectations about what this one-year extension can accomplish. Its purpose should be to prepare New Jersey for successful implementation of the REAL rules, not become a substitute for it. Every year implementation is delayed, postpones both the lessons that come from practice and the resilience benefits the rules are intended to deliver. As New Jersey has repeatedly experienced, failing to account for future flood risk does not preserve affordability or support economic growth. It simply shifts costs into the future through higher insurance premiums, repeated property damage, and increased public spending on disaster recovery.

Recognizing that rulemaking is inherently time-intensive, we strongly encourage the Department to complete a draft of any proposed amendments before the end of 2026. Doing so will provide sufficient time for publication, public comment, and any necessary revisions while keeping the updated rules on track for implementation by July 2027.

Beyond the rulemaking process, it is important to recognize that the REAL rules are only one component of New Jersey's broader resilience needs and do not operate in a vacuum. Their overall effectiveness depends not only on complementary investments in resilience planning, local technical assistance, project financing, and data analysis tools, but also on consistent interagency coordination and policy alignment.

Moreover, many of the longstanding barriers to affordable housing production extend beyond NJDEP's regulatory authority and cannot, and should not, be addressed by weakening resilience standards. Instead, implementation of the REAL rules should be coordinated with the State's broader housing agenda, including zoning reform, implementation of Fair Share Housing obligations and the State Development and Redevelopment Plan, and continued investment in the Affordable Housing Trust Fund.

Climate change is a global challenge, but adaptation is local. As we move forward, we should be careful not to repeat the lessons of delayed climate mitigation. Delaying emissions reductions has made addressing the impacts of climate change more difficult and more expensive over time. We should not make the same mistake with adaptation.

While New Jersey cannot determine the trajectory of global greenhouse gas emissions on its own, we can ensure that the homes, businesses, and infrastructure we approve today are designed to withstand the conditions communities are already experiencing and prepared for the even greater risks they will face in the future. These are decisions squarely within State and local control, and their benefits can be measured in reduced flood damage, lower public costs, greater economic resilience, and safer

communities.

We have an opportunity to make permitting more efficient while strengthening State and local resilience. This is complex, iterative work, but the question before us is not whether resilience, housing, and economic growth can advance together. It is whether we have the political will to pursue them as mutually reinforcing priorities.

Thank you for your time and consideration. We look forward to continuing to work with the NJDEP, the Governor's Office, and stakeholders across New Jersey throughout this process.