Pew

May 7, 2026

The Honorable Bob Smith
Chair
New Jersey Senate Environment and Energy Committee
State House
125 West State St.
Trenton, NJ 08625

The Honorable James J. Kennedy
Chair
New Jersey Assembly Environment and Solid Waste Committee
State House
125 West State St.
Trenton, NJ 08625

Submitted via e-mail

Dear Chair Smith and Chair Kennedy:

The Pew Charitable Trusts (Pew) appreciates the opportunity to express its continued support for New Jersey's Resilient Environments and Landscapes (REAL) rules as implementation moves forward. Since the beginning of this process in 2020, Pew has supported the State's efforts to protect New Jersey communities by modernizing current land use and environmental rules to better account for future flood risk. Pew commends the New Jersey Department of Environmental Protection (NJDEP) for carrying this work through to adoption after several years of public engagement, scientific analysis, and iterative and thoughtful rule development.

As Pew has noted in prior comments on the New Jersey Protecting Against Climate Threats (NJ PACT) regulatory reform effort, the State faces current and future climate vulnerabilities that require a thoughtful and comprehensive response. The REAL rules, as part of NJ PACT, reflect such an approach. By integrating sea-level rise, chronic and nuisance flooding, and future inundation into regulatory and permitting programs while also supporting green infrastructure, the rules will help ensure that new and redeveloped buildings and infrastructure are safer, more durable, and better suited to the conditions New Jersey residents are increasingly facing. With over 600,000 residents already living in high flood risk areas and a clear and growing threat from sea-level rise and flooding, it is both prudent and necessary to update rules that guide how and where new homes, infrastructure, and public facilities are built.[1]

Outlined below are key aspects of the REAL rules that Pew supports as implementation continues.

[1] Rebuild By Design, https://rebuildbydesign.org/nj-flood-risk/

I. A Strong Basis in Applied Scientific Data

Pew commends the State for grounding the REAL rules in available scientific data drawing on a long record of sea-level data and localized modeling. New Jersey's sea-level rise guidance relies on tide-gauge records at Atlantic City, Cape May, and Sandy Hook that extend back to the beginning of the 20th century.[2] The New Jersey Climate Change Alliance's Science and Technical Advisory Panel was initially convened in 2012, releasing its first report in 2016, and later reengaged to develop a 2019 report incorporating more recent peer-reviewed science and New Jersey-specific projections for various time periods extending to 2150. That work is reinforced by the 2020 Scientific Report on Climate Change, the 2021 Sea-Level Rise Guidance, a series of New Jersey-specific rainfall studies, and most recently the 2025 New Jersey Scientific Report on Climate Change. The result is a framework built on decades of measured change, years of expert review, and planning horizons through 2100 and beyond that better match the useful life of buildings and infrastructure.

II. Preparing for the Realities of Future Precipitation and Inundation

Pew applauds the State's decision to prepare for future inundation, rather than relying solely on past flood patterns to guide future development. New Jersey residents know too well the devastation that flooding can cause, and that risk is increasing along the coast and inland. NJDEP has noted that 67% of New Jersey's coastline is already at high or very high risk of coastal erosion, and 98% of the coastline is projected to be at medium to very high risk to sea-level rise.[3]

The severe consequences of Superstorm Sandy were an important illustration of the need for caution and preparedness, and subsequent storms and recurrent flooding have further demonstrated that sea-level rise and increased precipitation events are not theoretical or distant. Tropical Storm Ida, that caused 30 deaths and pushed 12 rivers over 100-year flood levels, similarly underscored the need for the State's inland protections. NJDEP's analysis of Tropical Storm Ida case studies show flood elevations averaging 3.1 feet above FEMA's 100-year flood elevations. The new rules strengthened the flood protection standard to whichever is higher: NJDEP's mapped flood elevation plus 2 feet or FEMA's 100-year flood elevation plus 3 feet. This better aligns flood protection standards with the type of rainfall and riverine flooding the State has already experienced and that scientists in the field anticipate occurring more

[2] Sea-Level Rise Guidance in New Jersey, https://www.nj.gov/dep/bcrp/resilientnj/docs/dep-guidance-on-sea-level-rise-2021.pdf

[3] New Jersey Coastal Management Program Section 309 Assessment & Strategy 2016-2020, https://www.nj.gov/dep/cmp/docs/new-309-strategy-assessment-%202016-2020.pdf

frequently in the future.[4] Preparing for future inundation at the time projects are designed and permitted is a practical approach that avoids building risk-exposed homes, infrastructure, and public facilities.

III. Embedding Resilience Within Construction Standards Reduces Long-Term Costs

Pew supports the State's recognition that accounting for future risk can save money over time. While resilient design and siting decisions affect project planning in the near term, the long-term costs of failing to account for flood risk are often much greater. The State's *Economic Risks of Climate Change* report projects that, by 2050, approximately 67,000 homes and 75,000 people in New Jersey could be at risk from annual flooding due to intermediate sea-level rise, and that New Jersey will rank third nationally in population and number of homes at risk from a severe coastal flood. That analysis also notes that flood risk can weigh on property values and housing markets over time, even in areas that do not experience direct damage in a given year.[5]

Pew supports the use of 2100 as an appropriate planning horizon in REAL Rules and in the sea-level rise guidance. The guidance highlights that as of 2019, 25% of New Jersey's housing units were over 70 years old, and 7 of the 10 most heavily traveled New Jersey bridges were built prior to 1940.[6] Based on these past trends in project and building life, decisions about where and how New Jersey builds today will shape risk for generations.

When homes, businesses, roads, and utilities are built to standards that do not reflect foreseeable future flooding, the greater costs of lost operation, repairs, and replacement are borne by residents, local governments, businesses, insurers, and taxpayers. Incorporating resilience principles into construction standards can help avoid repeated losses, reduce disruption, help with the availability and affordability of insurance coverage, and support greater long-term stability for communities.

IV. Clear Standards and Practical Implementation Support Resilience

Effective resilience policy depends not only on strong standards, but also on continued implementation. Here, New Jersey has laid substantial groundwork over time. In 2019, Executive Order No. 89 established the State's Chief Resilience Officer and Climate and Flood Resilience Program and directed development of the Statewide Climate Change Resilience

[4] New Jersey Inland Flood Protection Rule, https://dep.nj.gov/inland-flood-protection-rule/lessons/
[5] Economic Risks of Climate Change in New Jersey, https://dep.nj.gov/wp-content/uploads/climatechange/economic-risks-of-climate-change.pdf
[6] Sea-Level Rise Guidance in New Jersey, https://www.nj.gov/dep/bcrp/resilientnj/docs/dep-guidance-on-sea-level-rise-2021.pdf

Strategy, which includes 127 recommended actions across six priority areas. REAL is one clear way the State has translated resilience planning into on-the-ground decision-making for how and where development proceeds. It is also consistent with the State's broader effort to incorporate flood risk into real-world decision-making, including New Jersey's 2023 flood disclosure law requiring landlords and sellers to disclose whether properties are located in FEMA Special or Moderate Risk Flood Hazard Areas.[7]

New Jersey has been a leader in resilience planning, coordinating across State agencies, collaborating with the scientific community, business leaders, and the general public. The years of carefully examining the data on disasters, losses, threats, and mitigation options, however, mean little until the plans and objectives are translated into appropriate permitting, siting, and design requirements to safeguard New Jersey's people and assets. Repealing or weakening resilience requirements at this implementation stage could diminish efforts to carry out the broader framework that the State has already developed.

V. New Jersey is a National Leader in Resilience

Finally, New Jersey's adoption of the REAL rules puts the State on the cutting edge of investing in long-term resilience. Nationally, a growing number of state resilience commitments and plans call for more risk-informed development and land use decisions. Pew has shared the REAL rules with members of the State Resilience Planning Group, a Pew-maintained peer network of state resilience leaders from across the country, citing New Jersey's approach as one of the most comprehensive and promising resilience actions to address risk in a coastal state. New Jersey has been at the forefront of emerging state government responses to growing risk, and Pew urges the State to continue that leadership. A forward-looking resilience framework and application of these carefully crafted REAL standards will enhance New Jersey's long-term prosperity by helping to protect residents, reduce avoidable losses, and provide clearer expectations for future growth and investment.

Conclusion

For these reasons, Pew supports New Jersey's implementation of the REAL rules and commends the State for taking a science-based, forward-looking approach to resilience. The rules reflect a thoughtful effort to integrate climate considerations into environmental land use policy in a way that better protects residents, infrastructure, and communities over the long term. We urge the legislature to reject any attempt to derail these critical standards.

[7] P.L. 2023, Chapter 93, https://pub.njleg.state.nj.us/Bills/2022/PL23/93_.PDF

Pew appreciates the years of work that have gone into this rulemaking and encourages continued implementation that is clear, practical, and grounded in the State's demonstrated need to prepare for rising sea levels, stronger storm impacts, and future flood risk.

Sincerely,

Kristiane Huber

Officer, U.S. Conservation

The Pew Charitable Trusts

CC:
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