



New Jersey Adopts Statewide Post-Storm Rebuilding Standards

Client Advisories

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Gov. Chris Christie announced today that New Jersey will adopt federal advisory flood elevation maps as the official statewide standard for rebuilding, so residents and businesses can move forward with reconstruction of properties and structures damaged or destroyed by Super Storm Sandy.

The Governor signed emergency regulations to adopt the Federal Emergency Management Agency's (FEMA) updated Advisory Base Flood Elevation (ABFEs) maps as the rebuilding standard for the entire state. The regulations were proposed by the Department of Environmental Protection (DEP) and will be administered by the DEP.

The new ABFE maps reflect the most accurate and up-to-date information, convey the risks involved, and, over the long run, reduce flood insurance rates, the Governor said. By adopting the ABFEs as the state standard immediately, the state will ensure that coastal communities are reconstructed using the best available elevation guidance, Christie said. The emergency rules also bolster DEP construction requirements to make structures more storm-resilient, to prevent the level of destruction caused by Sandy.

Without base elevation, set back and flood map requirements, property owners have been reluctant to rebuild. The Christie administration decided to move forward with the adoption rather than waiting for FEMA to formally adopt the maps in 18 to 24 months. By rebuilding properties in conformance with updated base flood elevations, owners will avoid significant flood insurance premium increases, the Governor said.

Even before Hurricane Sandy, FEMA, as administrator of the National Flood Insurance Program (NFIP), was studying coastal areas of New Jersey and New York to update Flood Insurance Rate Maps (FIRMs). The updated maps were set to be delivered to state and local officials in mid-2013. But in the wake of the storm, FEMA issued ABFEs in December for the New Jersey counties of Atlantic, Bergen, Burlington, Cape May, Essex, Hudson, Middlesex, Monmouth, Ocean, and Union. ABFEs were also issued for the following New York counties: Bronx, Kings, New York, Richmond, Queens, and Westchester.

The emergency rules also allow property owners who rebuild at sufficient elevation to avoid needing to apply for a DEP Flood Hazard Area permit, saving them time and money. Other rule changes allow for modified rebuilding standards for non-residential structures to enable reconstruction in urban areas in a safe and less costly manner, and Eliminates requirements that now allow certain building foundations to have only three walls - a potentially unsafe construction method.

[Read the emergency rules.](#)

If you have questions or would like to discuss this advisory or a related matter, please contact a member of Archer's Land Use, Environmental Permitting and Compliance Group at any of our offices.

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