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Governor Christie Outlines Regulations to Allow Residents and Businesses to Rebuild Faster, Stronger and Safer from Hurricane Sandy

Standards Will Ensure Lower Premiums In The Long Term, Protecting Residents From Out Of Control Costs

(13/P6) TRENTON – Taking action to give New Jersey families, businesses and local governments the best available guidance to quickly and more durably rebuild from Hurricane Sandy, Governor Chris Christie today 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. These regulations establish requirements and more efficient procedures for residents and businesses to construct, reconstruct, relocate and elevate buildings and other structures in flood hazard areas.

Using the best available science and data as reflected in these advisory maps will give families, businesses, and communities the best assessment of their risk – allowing them to better mitigate damage from future flood events, avoid higher flood insurance costs, and begin the rebuilding process immediately. Because of federal reforms to the National Flood Insurance Program to move towards increased flood insurance rates that reflect actual risk, families who rebuild their properties in a manner that does not conform to updated base flood elevations will see significant premium increases.

By acting today to use the latest available information and data from FEMA to set rebuilding standards for New Jersey, Governor Christie is helping homeowners and small businesses rebuild properties that are less at-risk, while also helping them avoid potentially massive, out-of-control flood insurance costs over the long-run.

While each property and rebuilding situation is unique, an example provided by FEMA illustrates the dramatic impact new standards can have on flood insurance rates, in addition to the issues of increasing the risk to the safety of the property and its inhabitants. If a property owner is currently in an "A zone" at 4 feet below the BFE elevation and are reclassified as a higher threat "V zone" and take no action, that property will be rated at a higher risk and be subject to an approximate annual premium (phased in) of up to \$31,000. In addition to the threat posed by being 4 feet below the BFE in elevation, the property owner will be non-compliant with V zone construction standards.

In contrast, if the owner were to rebuild to the suggested BFE and appropriate construction standards, the annual premium (phased in) would be approximately \$7,000. If the resident rebuilds 2 feet above the BFE with the construction standards for their new zone, the annual premium would be approximately \$3,500. A savings of up to \$27,500 annually.

"It is absolutely critical that we take this opportunity to rebuild New Jersey smarter and stronger in the aftermath of Sandy. That's why today I am approving emergency regulations being proposed by the

Department of Environmental Protection (DEP) to help fast track the rebuilding process," said Governor Christie. "By doing so, we're helping residents and businesses who have endured so much, to get back on their feet while at the same time ensuring that rebuilding occurs as quickly as possible, without costly red tape slowing this process down for our families and small businesses. As New Jersey recovers from Sandy, utilizing the best available data provided in these FEMA maps will give our communities the ability to rebuild with the least possible risk from future storms moving forward."

With over 8.4 million residents in its 8,721 square mile area and approximately 3.8 million residents in flood hazard areas, without swift and immediate action, the state is presented with a risk of continued severe impacts during the next flood event.

The DEP is adopting an emergency rule with common sense provisions for rebuilding stronger structures, more quickly:

1. Adopts the height and construction requirements in FEMA's Advisory Base Flood Elevation (ABFE) maps as a state standard for reconstruction. The ABFEs reflect the best available, most current scientific data about 100 year floods.
2. Allows property owners who rebuild to the ABFEs (plus one additional foot, as has been required by the New Jersey Flood Hazard Area Control Act since 2007) to do so via Permit By Rule (PBR). This eliminates the need for thousands of property owners to apply for DEP's Flood Hazard Area permits, saving them at least \$500 in permit fees plus the design and engineering costs associated with an application, and allowing them to begin reconstruction without waiting for department review as part of the rebuilding process.
3. Allows "wet floodproofing" for non-residential buildings. Wet floodproofing means that a building may flood but will structurally withstand the water, and enables reconstruction in urban areas in a safe and less costly manner than requiring elevations or dry floodproofing. This is especially important in highly developed areas like Hoboken or Jersey City. Without this change, residents and small businesses would have to comply with the existing rules, which could significantly drive up costs and make some redevelopment impossible.
4. Eliminates requirements that now allow certain building foundations to have only three walls – a potentially unsafe construction method.

By adopting the ABFEs as the state standard immediately, the state will ensure that coastal communities are reconstructed using the best elevation guidance that is available, preventing the level of damage experienced in Sandy. The emergency rules also bolster DEP construction requirements to make structures more storm-resilient, to prevent the level of destruction caused by Sandy.

"Unfortunately many of the structures that were hardest hit by Sandy were built decades ago, prior to the establishment of much more protective state and federal building elevation requirements," said DEP Commissioner Bob Martin. "If homes had been built to these standards prior to Sandy, it is fair to say that property damage would have been significantly less. It is critical that we have the statewide elevation standard and a permit by rule process in place before large numbers of permit applications for rebuilding start coming in and reconstruction of our state begins in full force."

In many cases, FEMA flood maps for coastal areas of New Jersey were more than two decades old and did not reflect real hazards. FEMA was in the process of updating the flood insurance maps, upon which the ABFEs are based, when Sandy struck. The agency released the ABFEs December 15, 2012 for some 200 communities affected by tidal waters.

The maps use modern technology, modeling and updated topographical maps to better define storm risks. They are designed to help state and local governments employ mitigation actions that ensure structures

are rebuilt stronger, safer, and less vulnerable to future flooding events.

Adoption of the emergency Flood Hazard Area Act rule using the ABFEs as the base elevation standard will ensure that every development in every municipality will apply the appropriate elevation standards across the board.

Otherwise municipalities might adopt a patchwork of local standards that might be implemented while FFMA works to finalize the flood maps based on the new ABFEs. This process could take many months and cause significant delays as New Jersey recovers from its worst-ever natural disaster.

The rule will become effective immediately upon filing with the Office of Administrative Law.

Copies of the emergency rules and the DEP statement of imminent peril are attached to the release.

For more on ABFEs, visit: <http://www.region2coastal.com/sandy/abfe>

Attachments:

- [DEP Flood Hazard Emergency Rule \(pdf\)](#)
- [DEP Statement of Imminent Peril Mandating Flood Hazard Amendments \(pdf\)](#)

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