



Frequently Asked Questions About NJREAL

*Prepared by members of the JCTA
(Joint Council of Taxpayers Associations of Long Beach Island)*

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What is REAL?

REAL, also referred to as NJREAL, is the acronym for a suite of rule amendments (**R**esilient **E**nvironments **A**nd **L**andscapes) proposed by the New Jersey Department of Environmental Protection ("NJDEP") to existing land use and building regulations.

Why does the NJDEP think these amendments are necessary?

To better protect people, property and natural resources from climate change impacts, especially flooding, sea level rise and storms.

Specifically, these proposed changes would provide ways to lower the increasing, on-going risk of flood damage and create more weather resistant infrastructures and communities, which in turn would ensure safer homes & neighborhoods.

Why does REAL matter to me as a property owner on LBI?

REAL impacts future actions of any property owner who lives in or near flood zones, coastal areas or wetlands – and property owners on LBI fit in all those categories.

Additionally, anyone who plans build, rebuild or expand a structure on their property may be subject to new elevation, drainage and design requirements created to reduce flood risk and future damage. Most existing buildings, however, would not be affected.

What new rules are proposed in REAL?

The proposal would amend NJDEP's rules in many areas including flood hazard area control, coastal zone management, stormwater management, freshwater wetlands and well construction/maintenance & safe drinking water.

- *Elevation*: Adjusts or increases required flood elevation for new or substantially improved structures. New buildings would need to be elevated 4' above FEMA's base flood elevation level ("BFE"). The original proposal set the elevation at 5' above the BFE, but it was reduced to 4' after public feedback and correction in the predicted temperature rise by the year 2100 (decrease from 3.3 degrees Celsius to 2.7 degrees Celsius or from 5.9 degrees Fahrenheit to 4.9 degrees Fahrenheit).
- *Coastal Zone Management*: Creates an Inundation Risk Zone (IRZ) for areas expected to experience daily or permanent flooding. Projects in these zones, e.g., new buildings & critical infrastructure, would face enhanced risk assessment, design and routing requirements.
- *Stormwater run-off*: New development projects would require more complex stormwater systems.
- *Permit & engineering approvals*: Longer review times may be required.
- *Floodproofing*: Would be required for certain commercial and critical infrastructure projects.

On what does NJDEP base its conclusions?

Typically, in the past, these types of projections have been based on historical data collected, maintained and analyzed by the Federal Emergency Management Agency (“FEMA”).

The NJDEP’s position is that existing land resource protection rules are out of date with respect to current climate science.

REAL was predominantly based on the sea-level projections and recommendations from “New Jersey’s Rising Seas and Changing Coastal Storms: Report of the 2019 Science and Technical Advisory Panel (STAP)”. This report presents specific observations and projections regarding NJ sea-level rise and changing coastal stores and resulting flood risk. The STAP report projected warming of 3.3 degrees Celsius (equivalent to 5.9 degrees Fahrenheit) resulting in 5.1’ of sea level rise by 2100.

Subsequently, NJDEP reported that growing scientific consensus after the release of REAL’s initial rules proposal now agrees with projected warming of 2.7 degrees Celsius (equivalent to 4.9 degrees Fahrenheit) resulting in ~ 4.4’ of sea level rise by 2100.

Do these proposed changes only affect property owners on LBI?

No. These changes would be applied statewide. Because insurance companies spread risk statewide, it is logical to assume, based on experience, that all New Jersey homeowners and renters would face higher premiums, not just those in flood zones.

At the same time, when faced with new construction or major renovations, schools, hospitals, roads and emergency facilities would face costly compliance with new elevation and storm water standards, funded by state and local taxes. Businesses, developers, and nonprofit organizations would see higher construction and permitting costs, which ultimately would drive up rents and cost of supplies & resources as well as limit affordable housing.

REAL terms defined

- *Base Flood Elevation Level (“BFE”)*: A base flood elevation is the height that floodwaters are estimated to rise in any given year. This standard is set by FEMA; flood insurance rates and building regulations across the country are based on FEMA maps.

Base flood elevation level is also known as the 100-year flood level, meaning there is a 1% chance during each year over a 100-year period that flooding will reach that level.

- *Inundation Risk Zone (“IRZ”)*: Newly defined to identify an area where regular tidal flooding is expected in the coming decades due to sea level rise. With REAL, new construction would be required to meet stricter design standards in these zones. Existing homes would not be affected, however, only new development.

- *Legacy Provision:* This provision allows projects in the planning stages or with submitted permits to possibly qualify for construction under the current rules instead of the new REAL rules if the projects or permits are in play by July 2026.

What are the arguments raised against the proposal?

- The NJDEP is using a sea level rise metric that only has a 17% chance of occurring 76 years from now, per a 2019 study produced by Rutgers University (*New Jersey's Rising Seas And Changing Coast Storms: Report of the 2019 Science and Technical Advisory Panel*, November 2019, page 27). Analyzing and increasing required base elevations at smaller intervals throughout the next decades seems more reasonable.
- Potentially large costs to property owners because of new elevation/floodproofing requirements and compliance with stricter standards. Homeowners may be forced to spend thousands of dollars to comply or risk the ability to insure their homes.
- Increased permitting timelines or burdens for developers and municipalities. Heavy penalties might deter builders from operating in certain neighborhoods. Smaller municipalities might lose revenue or lose flexibility to levy fees locally.
- Impacts on property taxes or housing affordability, especially in coastal or flood-prone areas. Shifting tax or fee burdens may unfairly affect some buyers or sellers.
- Concerns from some legislators that the rules might exceed legislative intent or impose regulatory overreach.
- Higher insurance premiums for everyone in NJ, not just those who live in flood zones.

What are the expected benefits?

- Better protection of lives, property and infrastructure from future climate impacts, e.g., sea level rise, more intense storms, flooding
- Enhancement of water quality by better managing stormwater and reducing runoff
- Support for resilient infrastructure and nature-based solutions, which may reduce long-term costs from damage
- Improved alignment with federal programs such as FEMA's National Flood Insurance Program
- Re-evaluation is scheduled every five years, which provides opportunities at regular intervals to adjust

Am I going to be required to make changes in my home to comply with the new rules if NJREAL is passed?

No, these rules only apply to new construction projects or renovation projects that are going to cost more than 50% of the value of the home or commercial property.

BTW, one town on Long Beach Island – Long Beach Township – already had the foresight to adjust its building regulations years ago in anticipation of increase flood risk. Federal law allows for states as well as local jurisdictions to increase the requirement for base level elevation set by the federal government as those local governments see fit based on local conditions and experience with storms and flooding.

Most street levels on LBI lie in the AE-5 zone. That means that the lowest floor level must be placed at 5' over the base level elevation in these zones.

After Superstorm Sandy, Long Beach Township passed an ordinance requiring all A zones to have a minimum base flood elevation of 8 feet. The governor of New Jersey at the time added a statewide increase of one foot. The result was a required flood elevation of 9' in Long Beach Township. This post-Sandy regulation was embraced without rancor.

As currently proposed, NJREAL would require an increase of 4' above the current federal requirement, already 5' in AE-5 zones, which would result in the same elevation currently required by Long Beach Township of 9'.

How often would REAL be updated in the future?

Under the proposed changes, NJDEP would revisit the sea-level rise and precipitation data incorporated in the rules every five years. If appropriate, the regulations would be amended to reflect updated science.

Will REAL affect my insurance rates?

Quite possibly, yes, because the proposed NJ REAL rules will significantly expand flood zones, placing inland towns, river communities, and suburban neighborhoods into flood risk categories.

This shift could be reasonably expected to raise insurance premiums, lower property values and reduce municipal revenues, forcing towns to increase property taxes to maintain essential services like schools, police, and fire departments.

Because insurance companies spread risk statewide, all New Jersey homeowners and renters would face higher premiums, not just those in flood zones. At the same time, schools, hospitals, roads, and emergency facilities would face costly compliance with new elevation and storm water standards, funded by state and local taxes

I want to express my opinion about REAL to whomever is in charge. How do I do that?

At this point, your best bet is to contact your state senator and assembly members and let them know what you think. The NJDEP public comment period ended September 19, 2025, however, state legislators are in the process of reviewing the proposed changes.

Note that the NJDEP has the authority to create rules and adopt them after considering input from the public.

The members of the NJ legislature do not directly approve or reject proposed NJDEP rule changes. They can, however, object to rules that go beyond the intent of the law and recommend changes or delay, invalidate the rule changes by passing a concurrent resolution or passing a new statute that requires the NJDEP to repeal a rule.

In LBI, our state senator and assembly members are as follows:

Carmen Armato, Senator
(609) 693-6700
senamato@njleg.org

Gregory Myhre, Assembly Member
(609) 693-6700
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BOTTOM LINE:

Is NJREAL good for New Jersey?

YES

Climate change is real, and we are already seeing and feeling the negative effects throughout our region, state, country and beyond.

NJREAL is an opportunity to proactively get ahead of the transformations climate change is already responsible for and will continue to produce.

Science has shown us that these negative changes are happening at an accelerating pace. Focusing on the difference between 4' and 5' is immaterial based on that future.

Allowing construction to continue without fully addressing these changes now will unnecessarily result in future rebuilding and increased insurance costs -- an avoidable financial burden.

We need to take the long view and implement steps now to protect our homes – a significant investment for all of us – against destruction and worse in the future. NJREAL addresses many areas that will make a difference.

NO

While no one would disagree that on-going climate change is a cause of major concern and needs to be proactively addressed, NJREAL is too aggressive in its recommendations.

Consider the same flood elevation standard already in place in New York: A standard base flood elevation (BFE) plus two feet of freeboard. Freeboard is the additional height of a building's lowest floor above the base flood elevation.

This approach would be more practical and economically sensible than the stricter regulations proposed by the NJREAL rule proposals. The BFE standard would then be re-evaluated every five years and changed as needed.

The fact that the recommendation was reduced from five to four feet based on public feedback and a changing consensus undercuts the analytical basis of its predicted sea level rise which, in turn, argues to go more slowly.

SOURCES

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NJREAL website <https://dep.nj.gov/njreal/nosc/>