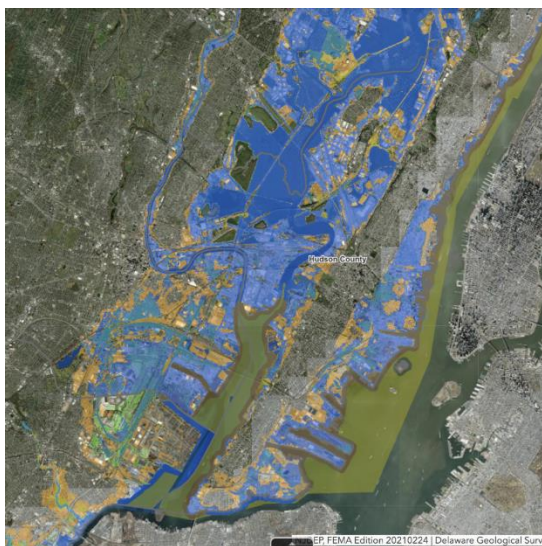


**Take Action**  
**Oppose the PACT REAL Rule**  
**We Need Your Help**

**Extent of NJDEP's New Flood Hazard Areas**



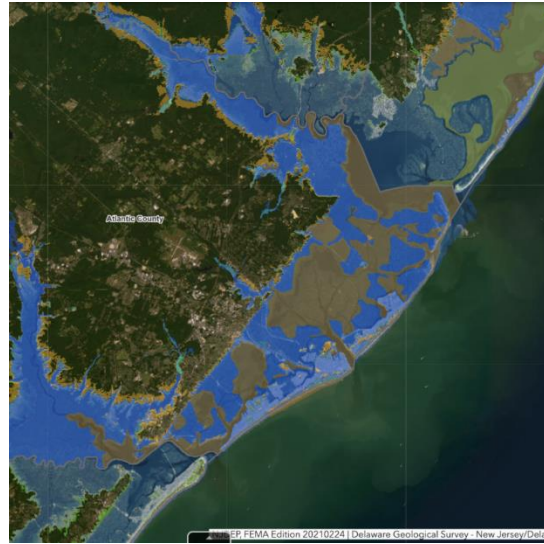
*NJ's "Gold Coast" with the new flood elevations*



*Raritan Bay area*



*Camden*



*Atlantic City*

The New Jersey Department of Environmental Protection Protecting Against Climate Threats (PACT) Resilient Environments And Landscapes Rule (REAL), if adopted, would have a wide ranging and hugely detrimental impact to the home building industry. Impacts of the rule proposal are not just limited to the coast, as increases to buffer zones and stormwater changes will be statewide. *You can find a copy of the rule proposal [here](#).*

**We are urging all members to comment on the rule to contact local elected officials and policymakers to raise awareness of this vast over-reach by DEP.**

**The REAL Rule will make countless development and redevelopment projects financially infeasible while severely impacting affordable housing calculations.**

### **Ways You Can Help**

1. Submit comments to DEP opposing the rule [here](#). You can utilize this [sample letter](#).
2. Contact your local officials with the letter asking they oppose this rule.

3. [Sign up to testify](#) at one of DEP's [upcoming virtual public hearings](#): September 12, 2024, at 2:00 P.M.; or September 19, 2024, at 10:00 A.M.
4. Spread the word about the real impacts of this rule with anyone and everyone. You can share the following website <https://realimpactnj.com/> or [NJBA's summary](#) of the rule.
5. NJBA will be posting on social media about the rule, help amplify our message when we do. Find us on [LinkedIn](#) and [Facebook](#).

### Reasons to Oppose the REAL Rule

- **Extreme Projections** - DEP's projections show there is a 17% chance of sea level rise reaching 5.1 feet by 2100. It is 83% more likely, according to DEP, that sea level rise is less than 5.1ft by 2100. Projections from other agencies such as the National Oceanic and Atmospheric Administration, the U.S. Army Corps of Engineers, and the UN Intergovernmental Panel on Climate Change, point to a lower median forecast. DEP then applies this 17% chance of 5 ft sea level rise in 2100 to the 1% storm, resulting in the regulation of land that has a 0.17% chance of flooding in 2100.
- **Dry Access Means More Than Homes Need to be Raised** - DEP's requirement to provide "dry access" to a structure in the flood hazard area includes little information about what constitutes "access." DEP could require you to raise a roadway several miles from your home to comply with this ambiguous requirement, a practical impossibility in all but the rarest of cases. DEP is requiring individual landowners who wants to develop on a particular parcel to address remote, off-site roadway network infrastructure and emergency management issues that are municipal and regional concerns well beyond the scope of whether a development on a parcel is designed to meet regulatory requirements. DEP is effectively creating no-build zones and usurping municipal land use planning by precluding residential development where dry access is not achievable.
- **Removing Redevelopment Incentives** - Existing impervious coverage will no longer be exempt from the Stormwater Rules, removing a long-standing redevelopment incentive.
- **Application to Existing Development** - The REAL rules apply to "substantial improvements" to existing structures. This means redevelopment projects or home renovations can trigger these rules. This devalues land while making building costs more expensive.

- **Minor Projects Can Trigger REAL Stormwater Rules**  
- Installing a paved driveway or redeveloping a structure of more than just .25 acres of impervious coverage trigger the new stormwater requirements.
- **Inadequate/No Grandfathering** - There are no grandfathering protections for Wetlands Applications and the Flood Rules will require work to commence within 180 days of adoption or re-certify that the floodplain is unchanged. The requirement to commence work must include elements of the permanent structure not just grading.
- **Affordable Housing Implications** - The REAL proposal places vast portions of the state in environmentally constrained zones which can be used to lower affordable housing calculations when performing vacant land analysis.
- **Ending of "By-Right" Wetlands Permits** - Applicants will have to prove the permit is "necessary for the conduct of the proposed project."




### Visualize the REAL Rule Impact on Your Site or Home

Instructions for mapping the new Flood Zones:

1. Go to <https://dep.nj.gov/gis/nj-geoweb/> and click on "Launch NJ-GeoWeb"
2. Click on Layer List icon and select "water."
3. Select the box next to "Tidal Climate Adjusted Flood Elevation (CAFE)" and "Sea Level Rise: 5 Foot"

*Notes: the three dots next the "Climate Adjusted Flood Elevation" and Sea Level Rise buttons allow you to adjust the transparency.*

*The box with four squares at the top left allows you to change the base layer to imagery or streets, etc.*



**Contact Us**

Questions about the rule or how to help? Contact Grant Lucking at [grant@njba.org](mailto:grant@njba.org).