

**ASSEMBLY, No. 2324**

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**STATE OF NEW JERSEY**

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**221st LEGISLATURE**

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PRE-FILED FOR INTRODUCTION IN THE 2024 SESSION

**Sponsored by:**

Assemblywoman **LISA SWAIN**  
District 38 (Bergen)  
Assemblyman **WAYNE P. DEANGELO**  
District 14 (Mercer and Middlesex)  
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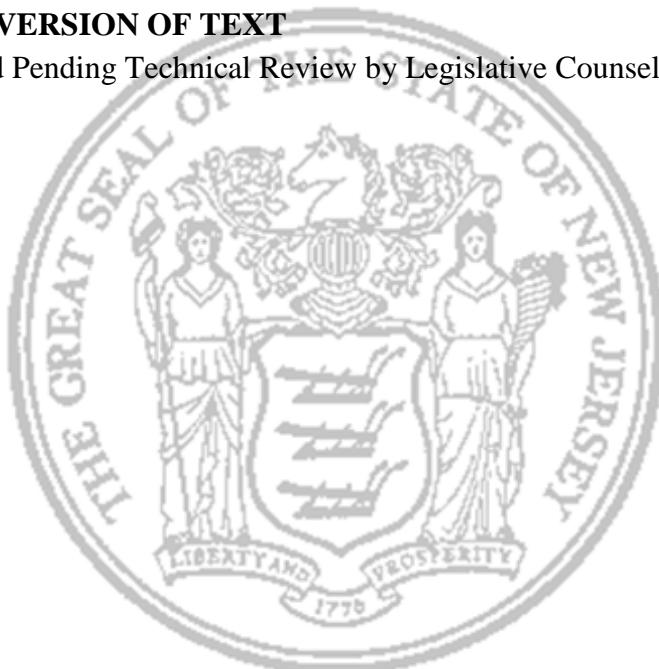
Assemblywomen Carter, Reynolds-Jackson, Assemblymen Conaway,  
Moen, Assemblywomen Murphy and Lopez

**SYNOPSIS**

Requires hazard mitigation plans to include climate change-related threat assessments and hazard prevention and mitigation strategies.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



1   **AN ACT** concerning the inclusion, in hazard mitigation plans, of  
2   climate change-related threat assessments and hazard prevention  
3   and mitigation strategies, and supplementing chapter 9 of  
4   Appendix A.

5

6   **BE IT ENACTED** by the Senate and General Assembly of the State  
7   of New Jersey:

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9       1. a. As used in this section,  
10      “FEMA” means the Federal Emergency Management Agency.

11     “Hazard mitigation plan” means a plan adopted at the State or  
12   county level which identifies the natural hazard risks and  
13   vulnerabilities in the State or locality, describes the hazard  
14   mitigation strategies to be used by the State or locality in addressing  
15   such risks and vulnerabilities, is approved by the Federal  
16   Emergency Management Agency, and is required in order for the  
17   State or local government to apply for and obtain certain types of  
18   emergency disaster assistance under the federal “Robert T. Stafford  
19   Disaster Relief and Emergency Assistance Act,” Pub.L.100-707 (42  
20   U.S.C. s.5121 et seq.).

21     “Social vulnerability” means the susceptibility of social groups  
22   to the adverse impacts of natural hazards, including  
23   disproportionate death, injury, loss, or disruption of livelihood.

24     “System asset” means a resource of value requiring protection,  
25   which resource can be tangible, such as a building, facility,  
26   equipment, activity, or operation, or intangible, such as processes or  
27   information.

28       b. A hazard mitigation plan that is adopted or revised by the  
29   State Office of Emergency Management in the Division of State  
30   Police in the Department of Law and Public Safety, or by a county  
31   office of emergency management, on or after the effective date of  
32   this act, shall address the current and future impacts of climate  
33   change, identify the specific hazards and risks associated with  
34   climate change, and include strategies to prevent and mitigate the  
35   impacts of climate change on the natural hazards identified through  
36   the planning process. Each hazard mitigation plan shall, at a  
37   minimum:

38           (1) identify and analyze the existing and future threats to, and  
39   vulnerabilities of, system assets, which threats and vulnerabilities  
40   are resulting, or are likely to result, from natural hazards either  
41   caused or worsened by climate change;

42           (2) identify the critical facilities, utilities, roadways, and other  
43   types of infrastructure, including, but not limited to, elements  
44   identified and consistent with FEMA community guidance for  
45   fundamental essential community functions and services in the State  
46   or county, as the case may be, that are necessary for evacuation  
47   purposes, for sustaining assets and systems that protect life and  
48   property during a natural disaster, or for facilitating rapid recovery

1 after a natural disaster; describe the specific climate change-related  
2 threats and vulnerabilities, identified pursuant to paragraph (1) of  
3 this subsection, that are likely to affect each type of infrastructure,  
4 particularly when located in a riparian or coastal flood zone or other  
5 low-lying area;

6 (3) include a social vulnerability assessment that evaluates  
7 whether, how, and to what extent, socially vulnerable and  
8 underserved communities within the State or county, as the case  
9 may be, are or may be disproportionately impacted by the existing  
10 and future threats, vulnerabilities, and hazards identified pursuant to  
11 paragraph (1) of this subsection and the current and future effects of  
12 climate change on system assets and critical infrastructure, as  
13 identified pursuant to paragraphs (2) and (3) of this subsection. The  
14 social vulnerability assessment shall include, but shall not be  
15 limited to, an evaluation as to whether, how, and to what extent  
16 minority, low-income, and other historically disadvantaged,  
17 underserved or marginalized communities are or may be  
18 disproportionately impacted, in particular, by natural hazards such  
19 as increased flooding and the development of heat islands;

20 (4) include an assessment as to whether, how, and to what  
21 extent, the threats and vulnerabilities identified pursuant to  
22 paragraph (1) of this subsection will impact the State's or county's  
23 ability, over time, to successfully implement other components of  
24 its hazard mitigation plan;

25 (5) describe the proactive and preventive means, methods,  
26 strategies, procedures, protocols, and design and building standards  
27 that will be used by the State or county, as the case may be, to: (a)  
28 eliminate or reduce the threats and vulnerabilities identified  
29 pursuant to paragraph (1) of this subsection; (b) mitigate the  
30 hazardous impacts of climate change, particularly in areas subject to  
31 flooding; and (c) mitigate the disproportionate impacts of natural  
32 hazards on socially vulnerable communities; and

33 (6) describe the means, methods, strategies, procedures,  
34 protocols, and design and building standards that will be used by  
35 the State or county, as the case may be, to promptly and effectively  
36 mitigate or offset the effects of natural hazards occurring in the  
37 State or county, as appropriate.

38 c. The climate change-related assessments and strategies that  
39 are incorporated into a hazard mitigation plan, pursuant to this  
40 section, shall be based on the most recent natural hazard projections  
41 and best available science.

42 d. The provisions of a floodplain management plan, emergency  
43 operations plan, post-disaster recovery plan, capital improvement  
44 plan, or other similar plan that is adopted or revised by the State,  
45 county, or local government or other local jurisdiction as the case  
46 may be, on or after the effective date of this act, shall be consistent  
47 with, and shall reflect, the natural hazard risks of the applicable

1 State or county hazard mitigation plan, which have been  
2 incorporated therein pursuant to this section.

3 e. The Director of the Office of Emergency Management in the  
4 Division of State Police in the Department of Law and Public  
5 Safety, in consultation with the Department of Environmental  
6 Protection, may adopt rules and regulations, pursuant to the  
7 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
8 seq.), as necessary to implement the provisions of this section.  
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10 2. This act shall take effect immediately, but shall not apply to  
11 planning applications submitted prior to the date of enactment.  
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14 STATEMENT  
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16 This bill would require any hazard mitigation plan (HMP) that is  
17 adopted or revised on or after the date the bill is enacted into law,  
18 either by the State Office of Emergency Management (OEM) or by a  
19 county office of emergency management, to address the current and  
20 future impacts of climate change, identify the specific hazards and  
21 risks associated with climate change, and include strategies to prevent  
22 and mitigate the impacts of climate change on the natural hazards  
23 identified through the planning process.

24 The bill would require each HMP, among other things, to:

25 (1) identify and analyze the existing and future threats to, and  
26 vulnerabilities of, resources of value including buildings, facilities, and  
27 equipment, which result from natural hazards that are caused or  
28 worsened by climate change;

29 (2) identify the critical facilities, utilities, roadways, and other  
30 types of infrastructure that are necessary for evacuation, for sustaining  
31 assets and systems that protect life and property during a natural  
32 disaster, or for facilitating rapid recovery after a natural disaster;

33 (3) include a social vulnerability assessment that evaluates how,  
34 and to what extent, socially vulnerable and underserved communities  
35 may be disproportionately impacted by climate change-related natural  
36 hazards;

37 (4) include an assessment as to whether, how, and to what extent,  
38 identified climate change-related threats and vulnerabilities will  
39 impact the State's or county's ability, over time, to successfully  
40 implement other components of its HMP;

41 (5) describe the proactive and preventive means, methods,  
42 strategies, procedures, protocols, and design and building standards  
43 that will be used under the HMP to eliminate or reduce climate  
44 change-related threats and vulnerabilities, to mitigate the hazardous  
45 impacts of climate change, and to mitigate the impacts of climate  
46 change on socially vulnerable communities; and

1       (6) describe the means, methods, strategies, procedures, protocols,  
2 and design and building standards that will be used under the HMP to  
3 remediate or off-set the effects of natural hazards.

4       The bill requires the climate change-related components of an  
5 HMP to be based on the most recent natural hazard projections and  
6 best available science. Finally, the bill further requires the provisions  
7 of a floodplain management plan, emergency response plan, post-  
8 disaster recovery plan, capital improvement plan, or similar plan,  
9 which is adopted or revised by the State, a county, or a local  
10 government or other local jurisdiction on or after the date the bill is  
11 enacted into law, to be consistent with, and to reflect, the natural  
12 hazard risks of the applicable HMP.

WITHDRAWN