

ASSEMBLY, No. 2324

STATE OF NEW JERSEY

221st LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2024 SESSION

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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:*

8
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