

CHAPTER 313

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

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

C.App.A:9-43.7a Hazard mitigation plan, address current, future impacts of, risks associated with climate change, strategies to prevent, mitigate impacts.

1. a. As used in this section:

“FEMA” means the Federal Emergency Management Agency.

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

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

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

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

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

(2) identify the critical facilities, utilities, roadways, and other types of infrastructure, including, but not limited to, elements identified and consistent with FEMA community guidance for fundamental essential community functions and services in the State or county, as the case may be, that are necessary for evacuation purposes, for sustaining assets and systems that protect life and property during a natural disaster, or for facilitating rapid recovery after a natural disaster; describe the specific climate change-related threats and vulnerabilities, identified pursuant to paragraph (1) of this subsection, that are likely to affect each type of infrastructure, particularly when located in a riparian or coastal flood zone or other low-lying area;

(3) include a social vulnerability assessment that evaluates whether, how, and to what extent socially vulnerable and underserved communities within the State or county, as the case may be, are or may be disproportionately impacted by the existing and future threats, vulnerabilities, and hazards identified pursuant to paragraph (1) of this subsection and the current and future effects of climate change on system assets and critical infrastructure, as identified pursuant to paragraphs (2) and (3) of this subsection. The social vulnerability assessment shall include, but shall not be limited to, an evaluation as to whether, how, and to what extent minority, low-income, and other historically disadvantaged, underserved, or

marginalized communities are or may be disproportionately impacted, in particular, by natural hazards such as increased flooding and the development of heat islands;

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

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

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

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

d. The provisions of a floodplain management plan, emergency operations plan, post-disaster recovery plan, capital improvement plan, or other similar plan that is adopted or revised by the State, county, or local government or other local jurisdiction as the case may be, on or after the effective date of this act, shall be consistent with, and shall reflect, the natural hazard risks of the applicable State or county hazard mitigation plan, which have been incorporated therein pursuant to this section.

e. The Director of the Office of Emergency Management in the Division of State Police in the Department of Law and Public Safety, in consultation with the Department of Environmental Protection, may adopt rules and regulations, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), as necessary to implement the provisions of this section.

2. This act shall take effect immediately, but shall not apply to planning applications submitted prior to the date of enactment.

Approved January 16, 2024.