

SENATE ENVIRONMENT AND ENERGY COMMITTEE

STATEMENT TO

SENATE, No. 1530

with committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 16, 2023

The Senate Environment and Energy Committee favorably reports Senate Bill No. 1530 with committee amendments.

This bill, as amended by the committee, would require any hazard mitigation plan (HMP) that is adopted or revised on or after the date the bill is enacted into law, either by the State Office of Emergency Management, by a county office of emergency management, or by a local government or other participating local jurisdiction, to 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.

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

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

2) identify the critical facilities, utilities, roadways, and other types of infrastructure that are necessary for evacuation, for sustaining life during a natural disaster, or facilitating rapid recovery after a natural disaster;

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

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

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

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

As used in the bill, "FEMA community lifelines" means the most fundamental services in a community that, when stabilized, enable all other aspects of society to function, and which enable the continuous operation of critical government and business functions and are essential to human health and safety or economic security. "FEMA" refers to the Federal Emergency Management Agency.

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

The committee amendments to the bill:

(1) add definitions for "FEMA," "FEMA community lifelines," "social vulnerability," and "system asset," and modify the definition of "hazard mitigation plan."

(2) provide that the bill's provisions would apply to HMPs developed by local governments and other participating local jurisdictions, in addition to the State and counties;

(3) clarify that an HMP is to include strategies to mitigate the impacts of climate change on identified natural hazards, rather than the impacts of climate change more broadly;

(4) remove a paragraph that would have required an HMP to include an analysis of any ongoing or future asset development and acquisition activities;

(5) provide that the critical infrastructure required to be identified by an HMP must include elements identified and consistent with FEMA community guidelines, and infrastructure necessary for facilitating rapid recovery after a natural disaster;

(6) remove a requirement that an HMP include a plan to ensure that the identified critical infrastructure is maintained, at all times, in an operational state;

(7) replace references to "environmental justice" with references to "social vulnerability";

(8) make other various changes to the bill's requirements, enumerated in subsection b. of section 1 of the bill, concerning what must be included in an HMP;

(9) require the climate change-related assessments and strategies that are incorporated in to an HMP be based on the best available science, rather than the best available science from the Department of Environmental Protection;

- (10) clarify that master plans are among the plans that the bill requires to be consistent with, and reflect, the natural hazard risks of an HMP; and
- (11) make other technical and clarifying changes.