

SENATE, No. 3978

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED JUNE 21, 2021

Sponsored by:

Senator LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

SYNOPSIS

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

CURRENT VERSION OF TEXT

As introduced.



1 **AN ACT** concerning the inclusion, in State and county hazard
2 mitigation plans, of climate change-related threat assessments
3 and hazard prevention and mitigation strategies, and
4 supplementing chapter 9 of 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, “hazard mitigation plan” means a
10 plan adopted at the State or local level, which identifies the natural
11 disaster risks and vulnerabilities in the State or locality, describes
12 the hazard mitigation strategies to be used by the State or locality in
13 addressing such risks and vulnerabilities, is approved by the Federal
14 Emergency Management Agency, and is required in order for the
15 State or local government to apply for and obtain certain types of
16 emergency disaster assistance under the federal “Robert T. Stafford
17 Disaster Relief and Emergency Assistance Act,” Pub.L.100-707 (42
18 U.S.C. s.5121 et seq.).

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

27 (1) identify and analyze the existing and future threats to, and
28 vulnerabilities of, system assets, which threats and vulnerabilities
29 are resulting, or are likely to result, from increasing temperatures,
30 droughts, flooding, hurricanes, sea-level rise, and other natural
31 hazards either caused or worsened by climate change;

32 (2) include an analysis of any ongoing or future asset
33 development and acquisition activities, which analysis shall: (a)
34 identify any planned or anticipated major acquisitions or
35 developments and any potential increases or changes in asset
36 development or acquisitions that may occur as a result of local
37 zoning ordinances and regulations; and (b) provide an assessment as
38 to whether, how, and to what extent the future development,
39 particularly in riparian or coastal flood zones and other low-lying
40 areas, will be negatively impacted by the threats and vulnerabilities
41 identified pursuant to paragraph (1) of this subsection;

42 (3) identify the critical facilities, utilities, roadways, and other
43 types of infrastructure in the State or county, as the case may be,
44 that are necessary for evacuation purposes or for sustaining quality
45 of life during a natural disaster; describe the specific climate
46 change-related threats and vulnerabilities, identified pursuant to
47 paragraph (1) of this subsection, that are likely to affect each type
48 of infrastructure, particularly when located in a riparian or coastal

1 flood zone or other low-lying area; and include a plan to ensure that
2 the identified infrastructure is maintained, at all times, in an
3 operational state;

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

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

23 (6) describe the proactive and preventive means, methods,
24 strategies, procedures, protocols, and design and building standards
25 that will be used by the State or county, as the case may be, to: (a)
26 eliminate or reduce the threats and vulnerabilities identified
27 pursuant to paragraph (1) of this subsection; (b) avoid the hazardous
28 impacts of climate change on system assets and critical
29 infrastructure, particularly in riparian or coastal flood zones and
30 other low-lying areas; and (c) prevent and remediate the potential
31 and actual disparate impacts of climate change on minority, low-
32 income, and other historically disadvantaged or marginalized
33 communities; and

34 (7) describe the means, methods, strategies, procedures,
35 protocols, and design and building standards that will be used by
36 the State or county, as the case may be, to promptly and effectively
37 respond to and mitigate, remediate, or off-set the hazardous effects
38 of climate change occurring in the State or county, as appropriate,
39 particularly in riparian or coastal flood zones and other low-lying
40 areas.

41 c. The climate change-related assessments and strategies that
42 are incorporated into a hazard mitigation plan, pursuant to this
43 section, shall be based on the most recent natural hazard projections
44 and best available science from the Department of Environmental
45 Protection.

46 d. The provisions of a floodplain management plan, emergency
47 response plan, post-disaster recovery plan, capital improvement
48 plan, or other similar plan that is adopted or revised by the State or

1 county, as the case may be, on or after the effective date of this act,
2 shall be consistent with, and shall reflect, the climate change-related
3 components of the applicable State or county hazard mitigation
4 plan, which have been incorporated therein pursuant to this section.

5 e. The Director of the Office of Emergency Management in the
6 Division of State Police in the Department of Law and Public
7 Safety may adopt rules and regulations, pursuant to the
8 “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-
9 1 et seq.), as necessary to implement the provisions of this section.

10
11 2. This act shall take effect immediately.

12 13 14 STATEMENT

15
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 or by a county
19 office of emergency management, to address the current and future
20 impacts of, identify the specific hazards and risks associated with,
21 and include strategies to prevent and mitigate the hazardous impacts
22 of, climate change. The bill would require each HMP, in particular,
23 to:

24 1) identify and analyze the existing and future threats and
25 vulnerabilities to the State or county, as the case may be, that are
26 resulting, or are likely to result, from increasing temperatures,
27 droughts, flooding, hurricanes, sea-level rise, and other natural
28 hazards that are either caused or worsened by climate change;

29 2) include an analysis of any ongoing or future asset
30 development and acquisition activities, which analysis is to: a)
31 identify any planned or anticipated major acquisitions or
32 developments and any potential increases or changes in asset
33 development or acquisitions that may occur as a result of local
34 zoning ordinances and regulations; and b) provide an assessment as
35 to whether, how, and to what extent any major future asset
36 developments or acquisitions, particularly in riparian or coastal
37 flood zones and other low-lying areas, will be impacted by the
38 climate change-related threats and vulnerabilities identified in the
39 HMP;

40 3) include a list of critical facilities, utilities, roadways, and
41 other types of infrastructure that are necessary for evacuation
42 purposes or for sustaining quality of life during a natural disaster;
43 identify the specific climate change-related threats and
44 vulnerabilities that are likely to affect each type of infrastructure,
45 particularly when located in a riparian or coastal flood zone or other
46 low-lying area; and include a plan to ensure that such infrastructure
47 is maintained, at all times, in an operational state;

1 4) include an environmental justice assessment that evaluates
2 whether, how, and to what extent, the existing and future climate
3 change-related threats, vulnerabilities, and hazards and the current
4 and future effects of climate change on system assets and critical
5 infrastructure, as identified pursuant to the bill, will be likely to
6 have, or have already had, a disparate impact on minority, low-
7 income, or other historically disadvantaged or marginalized
8 communities within the State or county, particularly with respect to
9 flooding and the development of heat islands;

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

14 6) describe the proactive and preventive means, methods,
15 strategies, procedures, protocols, and design and building standards
16 that will be used by the State or county, as the case may be, to
17 eliminate or reduce climate change-related threats and
18 vulnerabilities, to avoid the hazardous impacts of climate change,
19 particularly in riparian or coastal flood zones and other low-lying
20 areas, and to prevent and remediate the potential and actual
21 disparate impacts of climate change on minority, low-income, and
22 other historically disadvantaged or marginalized communities; and

23 7) describe the means, methods, strategies, procedures,
24 protocols, and design and building standards that will be used by
25 the State or county, as the case may be, to promptly and effectively
26 respond to and mitigate, remediate, or off-set the hazardous effects
27 of climate change occurring in the State or county, as appropriate,
28 particularly in riparian or coastal flood zones and other low-lying
29 areas.

30 The bill requires the climate change-related components of a
31 State or county HMP to be based on the most recent natural hazard
32 projections and best available science from the State Department of
33 Environmental Protection.

34 The bill further requires the provisions of a floodplain
35 management plan, emergency response plan, post-disaster recovery
36 plan, capital improvement plan, or similar plan, which is adopted or
37 revised by the State or a county on or after the date the bill is
38 enacted into law, to be consistent with, and to reflect, the climate
39 change-related components of the applicable State or county HMP.