

The Honorable Nicholas Scutari President, New Jersey State Senate

Dear Senate President Scutari,

I write in support of your push for a more workable approach to the NJDEP's proposed Resilient Environments and Landscapes (REAL) rules.

Here in Jersey City, we fully appreciate the threat posed by climate change to our community, and are committed to taking every reasonable measure to promote climate mitigation and resilience. When Superstorm Sandy hit, the impact on Jersey City was devastating, with widespread urban flooding. In response, our MUA is investing in extensive capital investments under its Long Term Control Plan to address resiliency needs, and Jersey City has adopted a stringent local stormwater ordinance that already meets the stormwater standards these regulations propose. And we are actively working on further measures to strengthen green buildings requirements and improve neighborhood-level resiliency. We also strongly support numerous other measures pertaining to climate resilience, including the proposed Polluters Pay Act to hold fossil fuel companies accountable.

We are not asking the state to abandon climate preparedness, instead we are asking for rules to be reasonably tailored to the needs of cities like Jersey City. Our top planning and infrastructure officials have reviewed the REAL regulations, and based on their analysis we believe that the rules—in their current form—would impose serious, unworkable burdens on development, rehabilitation, and renovation in Jersey City, critically including our efforts to build substantially more affordable housing. We do not think that the rules need to be discarded wholesale, but do strongly believe that they need to be modified to equitably achieve their desired impacts.

The requirement to elevate all new and substantially improved construction four feet above current FEMA flood standards for a 100-year storm would dramatically increase the cost of building and rehabilitation across the city. These are costs that will ultimately fall on tenants, small businesses, and families. The proposed Inundation Risk Zones extend deep into historic residential neighborhoods like Van Vorst, Paulus Hook, Hamilton Park, and Communipaw, where compliance would be extremely costly or even physically impossible, and would in many cases significantly conflict with Historic Preservation requirements in these neighborhoods. The definition of "substantial improvement" conflicts with the Uniform Construction Code--creating vague and inconsistent standards--and this regulatory uncertainty would be heightened by the requirement for automatic adjustments every five years. And the underlying climate map does not account for major infrastructure already in place, such as the infill of the Long Slip Canal.

We are particularly concerned about the impact these regulations will have on affordable housing. Jersey City has been the foremost driver of housing production for the entire state, and is pioneering projects like Bayfront that will include significant new affordable and workforce housing units. While the NJDEP has included a theoretical exemption for affordable housing projects, it is already apparent that the process to get such exemptions will be murky and onerous on top of a process that already includes numerous regulatory hurdles that increase costs. In practice, the increased costs of construction and rehabilitation driven by these rules will make affordable housing development significantly harder to finance and build. We cannot accept a

framework that treats affordable housing exemptions as a last resort rather than a genuine priority.

I appreciate your efforts to move forward a more balanced approach that recognizes the climate emergency, without suffocating the kind of development that is sorely needed to make Jersey City and New Jersey more affordable. Again, here in Jersey City, we welcome strong and aggressive climate resiliency regulation, so long as it is reasonably tailored to account for the needs of our community.

I welcome the opportunity to discuss this further with you, other members of the Legislature, the Department of Environmental Protection, and all other key stakeholders.

Respectfully,

James Solomon

Mayor, City of Jersey City