



STATE OF NEW JERSEY

Date of Verification: Spring 2024

The Community Rating System (CRS) provides credit to communities for certain state laws, regulations, and standards that support floodplain management within a state and have proven effective in reducing flood damage. This Verification Report is provided to explain the recommendations of Insurance Services Office, Inc. (ISO) to DHS/FEMA concerning state-based credits under the CRS within the above state.

There are two sections to this report: State-based credit, and Other potential credit.

State-based credit is awarded to communities for activities that are implemented and enforced by the state. The credit is provided to each community in the state and documentation is not needed from the community.

Other potential credit lists the CRS activities for which communities may receive CRS credit based on, or due to, state or regional programs or regulations that are implemented within the community. There is also information regarding use of a state-based model ordinance, if present in the state. The potential credits must be verified by the ISO/CRS Specialists within each community, since enforcement is done at the community (or regional) level.

The following is a summary of state-based credit and other potential credit based on the *2017 CRS Coordinator's Manual* and *2021 Addendum*:

State-Based Credit

ACTIVITY	ELEMENT	POINTS
340 (Hazard Disclosure)	ODR—other disclosure requirements	20
430 (Higher Regulatory Standards)	BC1—building codes	45
	LDP3—local drainage protection	10

Activity 340 (Hazard Disclosure) Element ODR, Other Disclosure Requirements

Credit is provided for the state's flood hazard disclosure requirements. Beginning March 20, 2024: every seller of real property in NJ must disclose specific flood risk information via a property condition disclosure statement before the purchaser becomes obligated under any property purchase contract, including: whether the property is located in the SFHA or Moderate Flood Hazard Area and actual knowledge concerning flood risks of the property. Likewise, every landlord must provide notice to prospective renters, including: whether the rental property is located in the SFHA or Moderate Flood Hazard Area and actual

knowledge that the rental premises or any portion of the rental premises, such as tenant parking spaces, have been subjected to flooding.

- New Jersey Sellers Property Disclosure Statement Form: <https://www.njconsumeraffairs.gov/Documents/Sellers-Property-Condition-Disclosure-Statement.pdf>
- Landlord's Disclosure Notice Form: https://nj.gov/dca/codes/offices/pdf/Flood_Risk_Notice.pdf

Source: <https://dep.nj.gov/flooddisclosure/>

Citation: Senate/Assembly Bill # [S3110/A4783](#), passed in March 2023.

Section 1 of P.L.2001, c.313 (C.46:8-50) is amended to read as follows:

1. (a) Every landlord shall notify each of the landlord's tenants ... prior to lease signing or renewal, whether a property is located in the FEMA Special Flood Hazard Area ("100-year floodplain") or Moderate Risk Flood Hazard Area ("500-year floodplain") and if the landlord has actual knowledge that the rental premises or any portion of the parking areas of the real property containing the rental premises has been subjected to flooding.

b. The Department of Community Affairs, in consultation with the Department of Environmental Protection, shall develop a model notice to be used by landlords pursuant to this section...

- Is the property located in a FEMA designated floodplain and/or SFHA?
- Has the premises ever experienced any flood damage, water seepage, or pooled water due to a natural flood event?

...

2. **(New section)** a. A seller of real property located in this State shall disclose, on the property condition disclosure statement whether the property is located in the FEMA Special or Moderate Risk Flood Hazard Area and any actual knowledge of the seller concerning flood risks of the property...

b. The Division of Consumer Affairs, in consultation with the Department of Environmental Protection, Department of Community Affairs and New Jersey Real Estate Commission, in addition to any other question as the director deems necessary, **shall add the following specific questions and information** to the property condition disclosure statement concerning certain flood risks to a property being sold.

...The disclosure statement shall contain the following questions and explanatory language:

- Is the property located in a FEMA designated floodplain and/or SFHA?
- Is the property subject to any requirement under federal law to obtain and maintain flood insurance on the property?

- Have you ever received assistance, or are you aware of any previous owners receiving assistance, from FEMA, the U.S. Small Business Administration, or any other federal disaster flood assistance for flood damage to the property?
- Is there flood insurance on the property?
- Is there a FEMA elevation certificate available for the property? If so, the elevation certificate must be shared with the buyer
- Have you ever filed a claim for flood damage to the property with any insurance provider, including the National Flood Insurance Program? If the claim was approved, what was the amount received?
- Is any or all of the property located in a designated wetland?
- Has the property experienced any flood damage, water seepage, or pooled water due to a natural flood event, such as heavy rainfall, coastal storm surge, tidal inundation, or river overflow? If so, how many times?"

2.(c) ... The Department of Environmental Protection’s website shall at a minimum include information that helps property owners provide the disclosures enumerated in this statute. The website shall include access to a user-friendly look-up tool searchable by mailing address that identifies if a property is in the FEMA Special or Moderate Risk Flood Hazard Area.

The requirement to disclose if the property is in the FEMA Special or Moderate Risk Flood Hazard Area, beyond actual knowledge, shall take effect after the website look-up tool is in place.

Activity 430 (Higher Regulatory Standards), Element BC1, Building Codes

Effective September 2022, New Jersey’s Uniform Construction Code (NJUCC) is based on the 2021 International Building Code and International Residential Code. The state has also incorporated the 2021 International Mechanical Code and 2021 International Fuel Gas Code.

https://www.nj.gov/dca/divisions/codes/codreg/pdf_regs/njac_5_23_3.pdf

- Chapter 1 of the I-codes is replaced with administrative provisions of NJAC 5:23. (valid through 31 Dec 2025), Appendix G of the IBC is not adopted.

The building codes are *uniform* statewide; local jurisdictions are *not permitted* to make amendments. *Source: NJAC 5:23-3.14 (for IBC) and 5:23-3.21 (for IRC)*

NJ Dept. of Community Affairs <https://www.nj.gov/dca/codes/codreg/index.shtml>

The National Standard Plumbing Code in NJ is at: <https://epubs.iapmo.org/NSPC/NJ2021/>

Activity 430 (Higher Regulatory Standards) Element LDP3, Local Drainage Protection

The state’s building code includes the IBC requirement for fill/grading to be compacted and to slope away from buildings to provide positive drainage and minimize erosion. Provided the community can document enforcement of the positive drainage provisions, 10 points is available. *Relevant IBC section: 1804.4.*

[N.J.A.C. 7:13-11.4](#) – The state regulates the placement of fill where the displacement is greater than 5 cubic yards. Table 11.4 of the Flood Hazard Area Control Act Rules identifies the storage volume displacement allowed for specific areas of the state.

Other Potential Credit

ISO/CRS Specialists and the community need to determine which credits may apply to an individual community. The following is a summary of activities that are potential credits:

ACTIVITY	ELEMENT
410 (Floodplain Mapping)	SR–state review FWS–floodway standard
430 (Higher Regulatory Standards)	FRB–freeboard DL–development limitations CAZ–Coastal A Zones
450 (Stormwater Management)	SMR–stormwater management regulations ESC–erosion & sedimentation control WQ–water quality
630 (Dams)	SDS–state dam safety

Activity 410 (Floodplain Mapping) Element SR, State Review

NJ is one of the states with review procedures eligible for SR credit as listed in the 2017 CRS Coordinators Manual (page 410-16) – “full credit for riverine studies, partial for coastal.”

The New Jersey Department of Environmental Protection (Bureau of Flood Engineering) has a lead role in flood hazard area map development and review:

<https://www.nj.gov/dep/floodcontrol/about.htm>

Source: N.J.A.C. 7:13-3 https://www.nj.gov/dep/rules/rules/njac7_13.pdf

Activity 410 (Floodplain Mapping) Element FWS, Floodway Standard

For those areas where floodways are delineated, NJ has a higher standard for floodway encroachment delineation – limiting the increase in flood heights to 0.2’ instead of 1.0’.

[N.J.A.C. 7:13-3.4](#) The NJ Administrative Code (NJAC) lists several methods for determining the floodway based on the existing data and type of development. The floodway limit is to be determined “using the 100-year flow rate reported by FEMA flood mapping for the regulated water, assuming a maximum rise of 0.2 feet in the 100-year flood elevation...”.

floodway and a floodway fringe. The floodway is the channel of a stream, plus any adjacent floodplain areas, that must be kept free of encroachment so that the 1-percent annual chance flood can be carried without substantial increases in flood heights. Minimum federal standards limit such increases to 1.0 foot, provided that hazardous velocities are not produced. However, the State of New Jersey has established criteria limiting the increase in flood heights to 0.2 foot. Thus, floodways having no more than a 0.2-foot surcharge have been delineated for this countywide FIS. The floodways in this FIS are presented to local agencies as minimum standards that can be adopted directly or that can be used as a basis for additional floodway studies.

A NJ FIS excerpt:

Activity 430 & Potential Higher Regulatory Standards in the State’s Model Ordinance

State Model Flood Damage Prevention Ordinance

The NJDEP Bureau of Flood Engineering is the State NFIP Coordinating Agency.

<https://www.nj.gov/dep/floodcontrol/modelord.htm>

Two state models are available – one [coastal](#) and one [riverine](#) (updated 2/2/2023).

Model Required. Model Code Coordinated Ordinance required to be adopted by all 553 participating New Jersey communities after January 2021.

- Statewide Minimum standards in the FHACA are included.
- [Optional suggested language](#) for higher standards is provided in blue highlighted text.
- Other Best Available Data (Model Section 102.2.3).

The NJ Floodplain Administrator’s Guidebook has additional general information about regulations in the state <https://www.nj.gov/dep/floodcontrol/docs/fpa-guidebook.pdf>

Activity 430 (Higher Regulatory Standards) Element FRB, Freeboard

In addition to the state building code (UCC), the NJ Flood Hazard Area Control Act (NJFHACA) requires 1 foot of freeboard be added to the Flood Hazard Design Flood Elevation (FHDFE) and sets minimum as no lower than that required by the UCC. Does not appear to also require utilities to be elevated to same. *Specialists will verify with each community whether machinery/utilities and ductwork are required to be elevated and/or protected, to determine credit (CRS Manual page 430-13).*

- Note the CRS Class 8 prerequisite: The community must adopt and enforce at least a 1-foot freeboard requirement (including machinery or equipment) for all new and SI/SD residential buildings in areas where BFEs have been determined. This includes the replacement of manufactured homes in pre-FIRM manufactured home parks.

Sources: NHFHACA ([N.J.A.C. 7:13-3](#)) and NJ Uniform Construction Code ([NJAC 5:23](#)). State's Design Flood Elevation worksheets at: <https://www.nj.gov/dep/floodcontrol/links.htm>

Activity 430 (Higher Regulatory Standards), Development Limitations

Specialists will verify documentation individually with communities to determine credits.

The state requires that fill cannot impede stormwaters and floodwaters. Hazardous materials must be stored outside a floodway, as far as practicable from any regulated water, within flood-resistant containment areas, and (in some cases) above the 10-year flood elevation. [N.J.A.C. 7:13-3-12.3 & 12.17](#)

NJ does not allow new building construction in floodways, regardless of whether the construction might meet NFIP no-rise requirements. Water control structures are allowed, however. (For a complete list of allowable floodway activities see N.J.A.C. 7:13-11.3.)

Activity 430 (Higher Regulatory Standards) Element CAZ, Coastal A Zones

If all new buildings in the community's coastal A Zone must meet the requirements for buildings in V Zones and for openings in A Zones (44 CFR §60.3(e) and §60.3(c)(5)), then CAZ = 500. If only some of the V-Zone regulations are enforced in the coastal A Zone, the points are prorated. Check that the Coastal A Zone has developable land area; Credit is only available in areas with buildable lots. If the CAZ is too narrow to be developed, this section of the coast must be removed from the credited area.

Activity 450 (Stormwater Management)

SMR–STORMWATER MANAGEMENT REGULATIONS

2 sets of rules: <https://dep.nj.gov/stormwater/>

- [NJ Stormwater Management](#) rules at N.J.A.C. 7:8 and the New Jersey Pollutant Discharge Elimination System (NJPDES) permits, specifically the Municipal Separate Storm Sewer (MS4) permits and the Combined Sewer Outfall (CSO) permits.
- Phase II (NJPDES) Rules (N.J.A.C. 7:14A) <https://www.nj.gov/dep/dwq/714a.htm> establishes statewide basic requirements.

[NJDEP| Stormwater | FAQs](#): The Stormwater Management rules (Stormwater rules or rules) are also implemented by local authorities through the Municipal Land Use Law (MLUL) and the Residential Site Improvement Standards (RSIS). The Stormwater Management rules are also implemented by local authorities through the Municipal Land Use Law (MLUL) and the Residential Site Improvement Standards (RSIS).

General guidance and resources regarding stormwater runoff are also available at www.cleanwaternj.org.

ESC–EROSION AND SEDIMENTATION CONTROL

Soil erosion and sediment control plan is required for any single-family dwelling unit which disturbs greater than 5,000 ft.

<https://www.nj.gov/agriculture/divisions/anr/agriassist/chapter251.html>

Citation: Soil Erosion and Sediment Control Act of 1975, Chapter 251, P.L. 1975, section 4:24-39 et seq. and N.J.A.C. 2:90-1.5

WQ–WATER QUALITY

N.J.A.C. 7:8 - NJ Stormwater BMP manual https://nj.gov/dep/stormwater/bmp_manual2.htm includes design standards that are required for new major developments (greater than 1 acre disturbance).

Water Quality Management Rule, N.J.A.C. 7:15 [NJDEP | Water Quality Management Planning](#) and <https://www.nj.gov/dep/dwq/>

Activity 630 (Dams) Element SDS, State Dam Safety

Credit available for activities of the state's dam safety program is based on the Dam Safety Program Management Tool. Credit for element SDS is limited to communities that would be affected by a flood from the failure of a high-hazard-potential dam. This must be documented with a description and a map.

- New Jersey has a dam safety program (<https://dep.nj.gov/wlm/drec/dam-safety>) and permitting process to assess and inventory dams. [NJAC 7:20 - Dam Safety Standards](#).

The U.S. Army Corps of Engineers National Inventory of Dams webpage at <https://nid.sec.usace.army.mil/#/> documents the dams and flood inundation maps information. [FEMA's Dam Safety](#) Office annually verifies element SDS credit.