

New Jersey State's New Construction Code Provides for Stricter Building Requirements in Coastal Areas

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In September 2015, updates to the ***New Jersey Uniform Construction Code (“UCC”)***, N.J.A.C. 5:32, went into effect. Of particular note in the UCC provisions now in effect are changes to the requirements for one- and two-family homes in coastal areas. Specifically, homes in the “Limit of Moderate Wave Action” area (a/k/a “LiMWA” or, more commonly, “Coastal A Zone”) are subject to the same building standards as home in the so-called “Zone V.”

The Coastal A Zone and Zone V are commonly used terms in floodplain management used by the ***Federal Emergency Management Agency (“FEMA”)*** and other organizations to describe the flood risk in coastal areas. Areas in Zone V are defined as having a one-percent-annual chance of flooding and also being subject to hazards from storm-induced waves due to their proximity to tidal waters. Coastal A Zones, by contrast, are defined as the inland limit of the area expected to receive 1.5- to three-foot breaking waves during a one-percent-annual-chance flood even (Zone A areas, not to be confused with Coastal A Zones, have the same annual likelihood of flooding as Zone V areas but are further inland and not at risk of wave impact). Previously, only homes in Zone V areas were required to include certain features designed to mitigate storm-related damage due to the additional risks of impact from storm waves and flooding. Under the current UCC, however, homes in both Coastal A Zones and Zone V areas are now required to have these features, including construction on pilings and breakaway walls. As a result, a much larger portion of New Jersey’s coastal areas are subject to the more stringent building standards.

The new regulations have already drawn the ire of residents living in Coastal A Zones, citing the costs of the required improvements to their homes. Raising similar concerns, local officials in several

New Jersey shore towns have asked the State to pull back on the new UCC requirements affecting Coastal A Zone homeowners. The State's response is yet to be seen.

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