

## **MEMO**

**To:** Hoboken City Council

**From:** Hoboken Law Department

**Re:** AN ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF THE CITY OF HOBOKEN CHAPTER 104 "FLOOD DAMAGE PREVENTION" ARTICLE III "GENERAL PROVISIONS" AT §104-6 "LANDS TO WHICH THIS CHAPTER APPLIES"

**Date:** December 6, 2017

Please accept this memorandum as a status update regarding the above ordinance which is on tonight's City Council meeting agenda. This ordinance will remain on the agenda for tonight's meeting, however, it will not be voted on at this time because it has been sent to the New Jersey Department of Environmental Protection ("NJDEP") for review and approval. The City must get prior approval for any change to the current Flood Damage Prevention ordinance, because the City currently participates in the National Flood Insurance Program ("NFIP"). The NFIP is a voluntary federal program which provides benefits to participating entities, which include the opportunity for residents to purchase flood insurance and to be eligible for grants and disaster relief in certain situations, such as Hurricane Sandy. If a community that has been identified as flood-prone does not participate in the NFIP, certain sanctions may apply, including but not limited to the loss of the ability for residents to obtain or maintain NFIP flood insurance policies; ineligibility for disaster relief assistance or grants; and ineligibility for federal mortgage insurance or loan guarantees.

Pursuant to federal and state regulations, in order to participate in NFIP, the City must adopt floodplain management regulations with the same or more restrictive requirements as those required at the national and state level. The City has done that and the City's current ordinance has been approved by the NJDEP. However, the proposed ordinance amendment may be

considered less restrictive than the national and state standards since it would potentially exempt individuals in the flood zone from compliance with Hoboken's flood ordinance.

In order to prevent the risk of the NJDEP and FEMA rejecting the ordinance amendment after it is passed and therefore making the City ineligible for the NFIP, the ordinance will be reviewed and a determination will be made by the NJDEP prior to First Reading. Obviously, prior approval is required or the City would be at risk of residents losing the ability to obtain or maintain flood insurance through the NFIP, ineligibility for federal disaster relief or grants, and ineligibility for federal mortgage insurance or loan guarantees.