

## New Jersey Introduces Climate-Focused Changes to Environmental Permitting

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Over the past several years, New Jersey has been working to update portions of its environmental permitting framework to account for environmental conditions expected to evolve over time. As part of that effort, the New Jersey Department of Environmental Protection (“NJDEP”) has implemented a new regulatory program known as the **Resilient Environments and Landscapes (“REAL”) Rules**, which affect several land use and environmental permitting programs across the State.

An earlier version of this regulatory initiative was presented by NJDEP in 2024 and generated significant discussion among municipalities, members of the development community, housing advocates, and environmental organizations. That earlier framework sought to incorporate projections related to coastal conditions and flooding into existing regulatory programs. Following a public review period and further evaluation by the agency, NJDEP moved forward with the current version of the regulatory structure.

Among the key areas addressed by the REAL Rules are the following:

- Certain environmental approvals may now involve evaluation of projected coastal conditions, changing precipitation patterns, and other environmental factors that could influence how projects are designed.
- Development proposed near tidal waters or in areas with a history of flooding may require expanded analysis as part of the environmental review process.
- Engineering and planning strategies intended to improve the durability of buildings, infrastructure, and stormwater systems may become more common components of project approvals.

The regulatory changes may affect both commercial and residential properties. For example:

- Homeowners planning major renovations, rebuilding, or new construction in flood-prone or coastal areas may need to consider how permitting requirements could affect building elevation, foundations, access, and drainage.
- Residential developments, including multifamily and mixed-use projects, may require additional analysis in coastal or flood-exposed locations, particularly regarding building elevation, site grading, and stormwater management.
- Commercial and industrial projects may need to account for site layout adjustments, parking and loading areas, and upgraded stormwater or drainage systems during project planning and environmental review.

NJDEP has provided a transition period for projects already progressing through the permitting process. Applications that are submitted and determined to be complete within 180 days of the rules taking effect may continue to be evaluated under the regulatory framework that existed prior to the REAL Rules. This limited window may allow certain projects already in development to proceed without needing to comply with the new standards.

The REAL Rules revise several environmental permitting programs that may affect development in coastal areas, flood-prone locations, wetlands, and sites requiring stormwater management approvals. Property owners, developers, and municipalities planning projects in these areas may benefit from reviewing the updated requirements early in the planning process to better understand how the new standards could influence project design and environmental permitting timelines.

If you have any questions about the above alert, please contact Justin Calta or Geri Albin of Saiber LLC's Real Estate, Land Use, Zoning & Planning and Environmental practice groups.