

RESOLUTION 2016- 167

**RESOLUTION OF THE TOWNSHIP OF OCEAN, COUNTY OF OCEAN,
STATE OF NEW JERSEY, REQUESTING THAT GRANDFATHERING
PROVISIONS BE INCLUDED IN NATIONAL FLOOD INSURANCE LAWS
TO PROTECT HOMEOWNERS WHOSE HOMES ARE BUILT TO ELEVATIONS
ACCEPTABLE AT THE TIME OF CONSTRUCTION OR RECONSTRUCTION**

WHEREAS, Super Storm Sandy struck the State of New Jersey, inflicting unprecedented damage throughout the State and causing catastrophic flooding and damage to communities across the State, including the Township of Ocean; and

WHEREAS, as a result of the disaster, many homes were substantially damaged, requiring them to be rebuilt; and

WHEREAS, as a result of the disaster, the Federal Emergency Management Agency ("FEMA") released Base Flood Elevations (BFE) to aid communities in rebuilding; and

WHEREAS, these BFEs have dictated how substantially damaged homes were rebuilt, requiring not only certain building materials and designs, but structural elevations as well through National Flood Insurance Laws; and

WHEREAS, Super Storm Sandy also impacted homes not substantially damaged, placing them in new zones following the adoption of FEMA's maps, which now require them to be at higher elevations and built to a different code; and

WHEREAS, these homeowners, because their homes were not substantially damaged, do not qualify for State and Federal programs to raise their homes to the levels consistent with the BFEs or rebuild to current building standards; and

WHEREAS, by not including a grandfathering provision in the National Flood Insurance Laws, these homeowners are either forced to elevate and remodel, or pay increased flood insurance premiums or will lose value in their homes upon resale as their homes will be valued less by potential buyers who will be forced to elevate them; and

WHEREAS, this results in a reality that is unfair given the inability for these homeowners to qualify for programs to assist them in bringing their home into compliance; and

WHEREAS, the only way to ameliorate this injustice is to insert a grandfathering provision into National flood insurance laws to permit those homes not substantially damaged to be deemed compliant, provided they were appropriately constructed or reconstructed to standards at that time; and

WHEREAS, due to the projected thousands of individuals who will be affected unfairly by these provisions in flood insurance laws, the Mayor and the Township Committee of the Township of Ocean requests that grandfathering provision be included in applicable flood insurance laws to protect homeowners whose homes were not substantially impacted by Super Storm Sandy but will be substantially impacted by the requirements of these laws.

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Township of Ocean, County of Ocean, State of New Jersey, as follows:

1. That the Mayor and Township Committee requests that a grandfathering provision be included in flood insurance laws to protect homes that were not substantially damaged from the building and elevation requirements of these laws.
2. That upon the adoption of this resolution, the Township Clerk is authorized and directed to forward a certified copy of said resolution to the Governor of the State of New Jersey, New Jersey Senate President, New Jersey Assembly Speaker, Commissioner of Department of Community Affairs, Ocean County Freeholdes, New Jersey mayors of coastal communities, and the 3rd, 9th, and 10th Legislative Districts.

CERTIFICATION

I, Diane Ambrosio, Clerk of the Township of Ocean, in the County of Ocean and the State of New Jersey, do hereby certify that the foregoing resolution was duly adopted by the Township Committee at its Regular Business Meeting held on the 10th day of March 2016.

Diane B. Ambrosio, RMC
Municipal Clerk