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Senator Burzichelli Working with Legislative Leadership to Roll Back Overreaching DEP Regulations

(TRENTON) – Senator John Burzichelli (D-Gloucester, Salem, Cumberland) has joined Senate President Nicholas Scutari (D-Union/Somerset) in a legislative effort to roll back sweeping environmental regulations adopted by the Phil Murphy administration’s Department of Environmental Protection, arguing that the rule goes beyond legislative intent and would make housing less affordable while creating barriers for homeowners, redevelopment, and economic growth across South Jersey.

Burzichelli is a prime sponsor of [SCR106](#), introduced by Senate President Nicholas Scutari, which begins the constitutional process for the Legislature to review and potentially invalidate the DEP’s “Protecting Against Climate Threats – Resilient Environments and Landscapes” (REAL) [rule](#) adopted on January 20, 2026.

Among other changes, the rule would significantly raise building elevation requirements in certain flood areas, moving the standard from roughly one foot above FEMA flood levels to about five feet. They also expand the state’s flood hazard areas and apply requirements to home renovations. In practice, that means homeowners looking to renovate or improve their homes suddenly face costly elevation requirements, additional permitting, and expensive engineering work. For many families, projects that were once manageable could become financially out of reach.

Senator Burzichelli said the rule has serious consequences for communities throughout Gloucester, Salem, and Cumberland counties. Towns along the Delaware River and other waterways, including Paulsboro, Pennsville, Lower Alloways Creek, and Carneys Point, could see redevelopment slowed, housing costs rise, and property improvements become significantly more expensive.

Many other South Jersey communities and municipalities across the state would face similar challenges under the rule, which Burzichelli said is why legislative action became necessary.

“These rules were adopted using statutes that are more than 40 years old and stretch far beyond what the Legislature ever intended,” said Senator Burzichelli. “The Legislature is elected to write the laws that govern our state. When regulations go beyond that authority, it’s our responsibility to step in.”

Under the New Jersey Constitution, the Legislature may determine that a rule adopted by a state agency is inconsistent with legislative intent. If that finding is adopted, the agency is given an opportunity to amend or withdraw the rule before the Legislature can move to invalidate it.

“When regulations change what homeowners can do with their property or drive up the cost of development, families and local businesses are the ones who feel it,” Burzichelli said. In a recent [interview with KYW Newsradio](#), Burzichelli also noted that policies should be developed through the legislative process, not pushed through at the end of a previous administration.

“We can address environmental challenges while still supporting the people who live and work in these communities,” Burzichelli said. “That’s the balance we should be working toward.”

Burzichelli looks forward to continuing his work with colleagues on both sides of the aisle, the Sherrill administration, and DEP Commissioner Ed Potosnak to review the REAL rule and move toward a more practical approach that protects residents while preserving housing affordability and economic opportunity in South Jersey.