SYNOPSIS
Declares that deed restrictions or agreements that prevent raising or constructing of a structure to certain flood elevation standards are unenforceable.

CURRENT VERSION OF TEXT
As amended by the General Assembly on May 22, 2017.
**EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.**

*Matter underlined thus is new matter.*

*Matter enclosed in superscript numerals has been adopted as follows:*

such raising, provided, however, this exemption shall apply only to
the minimum extent or degree necessary to allow the structure to
meet the new and appropriate elevation with adequate means of
ingress and egress.

(2) The exemption established pursuant to paragraph (1) of this
subsection shall not be available to a person who has altered the
original dimensions of a structure if, had the alteration not been
made, the structure could have been raised to meet the new and
appropriate elevation either without the exemption or with an
exemption of lesser degree than is needed with the alteration.

c. (1) Notwithstanding the provisions of any other law to the
contrary, except as otherwise provided pursuant to paragraph (2) of
this subsection, a person shall be exempt from any development
regulation, including any requirement to apply for a variance
therefrom, that otherwise would be violated as a result of using a
new and appropriate elevation when lawfully repairing or
reconstructing a Sandy-damaged structure, or constructing a
staircase or other attendant structure necessitated by use of the new
and appropriate elevation, provided, however, this exemption shall
apply only to the minimum extent or degree necessary to allow the
Sandy-damaged structure to meet the new and appropriate elevation
with adequate means of ingress and egress.

(2) The exemption established pursuant to paragraph (1) of this
subsection shall not be available to a person whose repair or
reconstruction plan would alter the original dimensions of a
structure when, if not for the alteration, the structure could
otherwise be raised to meet the new and appropriate elevation either
without the exemption or with an exemption of lesser degree than is
needed with the alteration.

d. Notwithstanding the provisions of any other law to the
contrary, any deed restriction or agreement, no matter when entered
into or made, that prohibits or has the effect of prohibiting any
otherwise lawful raising or constructing of a structure to a new and
appropriate elevation is contrary to public policy and therefore shall
be unenforceable 1, except that all other covenants, easements, and
restrictions of a common interest community shall remain in force,
and costs associated with the construction, repair, or other related
improvements to neighboring properties and common elements
shall be borne solely by the owner of the structure which will be
raised or constructed to a new elevation 2.

(cf: P.L.2013, c.107, s.1)

2. This act shall take effect immediately.