

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON RESILIENCY
AND WATERFRONTS

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HELD AT: Remote Hearing

B E F O R E: Justin L. Brannan
Chairperson

COUNCIL MEMBERS: Justin L. Brannan
Costa G. Constantinides
Ruben Diaz, Sr.
Deborah L. Rose
Eric A. Ulrich

A P P E A R A N C E S (CONTINUED)

Jamie Bavishi
Director
Mayor's Office of Resiliency

Joseph Ackroyd
Assistant Commissioner
Technical Affairs and Code Development
New York City Department of Buildings

John Baker

Kate Boicourt

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SERGEANT AT ARMS BRADLEY: PC recording started.

SERGEANT AT ARMS JONES: Cloud started.

SERGEANT AT ARMS: Backup has started.

SERGEANT AT ARMS: OK, Sergeant Jones, we are ready with your opening.

SERGEANT AT ARMS JONES: Good morning, everyone, and welcome to today's remote New York City Council hearing on the Committee on Resiliency and Waterfronts. At this time would all panelists please turn on their videos. To minimize disruption, please place electronic devices to vibrate or silent. And if you wish to submit a testimony you may do so at testimony@council.nyc.gov. And again, that's testimony@council.nyc.gov. And thank you for your cooperation. And Chair we are ready to begin.

CHAIRPERSON BRANNAN: OK. I need something to bang with [gavel]. OK, good morning everyone. Ah, thank you for joining our virtual hearing on FEMA, flood insurance, and resiliency along the waterfront. My name is Justin Brannan. I'm the chair of the council's, ah, Committee on Resiliency and Waterfronts. Um, I want to

1
2 acknowledge my other colleagues that have joined us
3 so far today. Ah, I see Councilwoman Rose,
4 Councilman Diaz, Sr., and I think that's everyone for
5 now. I'll announce other folks as they, um, as they
6 join us. Ah, I'm gonna quickly turn it over to our
7 great, ah, committee counsel, the mighty Jessica
8 Steinberg-Alban to go over some procedural items
9 before we get started. Jessica.

10 COMMITTEE COUNSEL: Thank you, Chair. I
11 am Jessica Steinberg-Alban, counsel to the, to the
12 Resiliency and Waterfronts Committee of the New York
13 City Council. Before we begin I want to remind
14 everyone that you will be on mute until you are
15 called on to testify, when you will be unmuted by the
16 host. I will be calling on panelists to testify.
17 Please listen for your name to be called. I will be
18 periodically announcing who the next panelist will
19 be. The first panelist to give testimony will be
20 Jamie Bavishi. I will call you when it your turn to
21 speak. For the question and answer period only we
22 will be joined by New York City Department of
23 Buildings assistant commissioner for Technical
24 Affairs and Code Development, Joe Ackroyd. During
25 the hearing if council members would like to ask a

1 question of the administration or a specific
2 panelist, please use the Zoom raise hand function and
3 I will call on you in order. We will be limiting
4 council member questions to five minutes, which
5 includes the time it takes to answer your, your
6 questions. Thank you. I will now pass it to Chair
7 Brannan to give an opening statement.

9 CHAIRPERSON BRANNAN: Thank you, Jessica.
10 Ah, good morning again everyone. My name is Justin
11 Brannan. I'm the chair of the Committee on
12 Resiliency and Waterfronts. Um, I want to welcome
13 everyone to today's hearing, an important hearing on
14 FEMA, ah, flight of ideas, and resiliency along the
15 waterfront. Ah, as we heard during last month's
16 oversight hearing on the eighth anniversary of
17 Superstorm Sandy and the 2020 hurricane season, the
18 city's 520 miles of coastline are particularly
19 vulnerable to the impacts of sea level rise, storm
20 surge, and flooding. Floods are the most common and
21 the most damaging natural disasters in the country.
22 With the city's flood plain covering over 48 square
23 miles New York City has more residents living in the
24 high-risk flood zones than any other city in the
25 United States. I'm gonna say that again. With the

1 city's flood plain cover over 48 square miles, New
2 York City has more residents living in high-risk
3 flood zones than any other city in the United States
4 of America. And that number is expected to rise to
5 72 square miles by 2050, an area larger than the
6 borough of Brooklyn. As climate change worsens the
7 flood plain continues to expand landward. More
8 property will be at risk of regular inundation from
9 flooding. Damage caused by flood is not typically
10 covered by standard homeowner's, ah, insurance
11 policy. In 1968 Congress passed the National Flood
12 Insurance Act, which created the National Flood
13 Insurance Program, or NFIP. Now all properties
14 located in the 1% flood zone, also known as the
15 special flood zone hazard area, that have federally,
16 ah, a federally backed mortgage or have experienced a
17 flood disaster have flood insurance. For over 50
18 years the NFIP has been the main provider of flood
19 insurance and it's overseen by FEMA. FEMA creates
20 flood insurance rate maps, or FIRMs, to delineate
21 areas at high risk of flooding. The FIRMs are the
22 basis for building codes and for flood insurance
23 premiums in these flood-prone areas. But they're
24 woefully out of date. The FIRMs have not been
25

1 significantly updated since 1983 and flood insurance
2 rates are still based on the 2007 FIRMs. A lot has
3 happened in the past 13 years. In 2010, before
4 Superstorm Sandy hit the city, FEMA started updating
5 the FIRMs. They issued preliminary FIRMs in 2015,
6 but because FEMA overestimated the size of a 100-year
7 flood plain and the height of the base flood
8 elevations, an error that would have included 35,000
9 new homes and buildings into the special flood hazard
10 area the city went ahead and filed an appeal. FEMA
11 ultimately agreed with the city and now the city is
12 working with FEMA to update these FIRMs at last. New
13 preliminary FIRMs are not expected to be released
14 until 2023. Not only is this three years from now,
15 but they will not account for the projected sea level
16 rise or climate change. FIRMs help determine flood
17 insurance requirements, flood insurance premiums, and
18 building codes. But they're based on historical
19 storms and flood events, basically they're based on
20 things that have already happened. They are not
21 forward-thinking in any way. Because updated FIRMs
22 will only use past events to guide them, the city is
23 also working with FEMA to develop maps that will use
24 the best available data to map and model future flood
25

1 risk. Although these maps will not be used for
2 insurance purposes, they will help inform resilient
3 design methods, and we certainly look forward to
4 their development, which is much needed. The FIRMs
5 tell property owners whether they need flood
6 insurance or not. But the requirement to have flood
7 insurance is based on a line drawn on a map. Flood
8 waters do not recognize lines drawn on a map. One
9 major concern is that residents whose properties may
10 be susceptible to flooding will not purchase flood
11 insurance because, according to the FIRMs, their
12 property is outside the flood plain. Another major
13 concern is how struggling homeowners who currently do
14 not have to purchase flood insurance will be able to
15 afford it if FEMA's updated FIRMs now include their
16 properties. Flood Help New York, an online tool to
17 help residents understand flood risk and flood
18 insurance requirements, was created by the Center for
19 New York City Neighborhoods in partnership with the
20 Mayor's Office of Resiliency and the Governor's
21 Office of Storm Recovery. It offers resiliency
22 audits and counseling to residents, ah, residing in
23 flood-prone neighborhoods. The committee today looks
24 forward to hearing more about Flood Help New York and
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1
2 how it will help residents navigate the new flood
3 insurance requirements to come. With rising sea
4 levels, which will lead to more flooding events, more
5 property owners will see their properties inundated
6 with flood waters. Flood insurance is already costly
7 and overly burdensome for many. Property owners can
8 lower their annual insurance premium by elevating
9 their homes. However, that is not feasible in many
10 or most areas of the city, especially where
11 properties are located on narrow lots or have
12 attached or semi-attached buildings. We need to
13 protect people already living along the coastline,
14 but we cannot keep building in areas we know will
15 regularly flood five, 10, or 20 years from now. And
16 although storms affect all residents they
17 disproportionately impact minority and low-income
18 communities who live in flood-prone areas with little
19 green space to absorb the flood waters. What is the
20 city doing to address these disparate impacts? I
21 look forward to hearing from the Mayor's Office of
22 Resiliency during today's hearing. Before we begin I
23 want to thank my committee staff, committee counsel
24 Jessica Steinberg-Alban, senior policy analyst and
25 new dad Patrick Mulvihill, senior finance analyst

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2 Jonathan Seltzer, and of course my senior advisor,
3 John Yettin, for all their hard work in putting this
4 together, ah, behind the scenes and making me look
5 like a champ today. So I will now turn it back over
6 to committee counsel Jessica Steinberg-Alban to swear
7 in our panel.

8 COMMITTEE COUNSEL: Thank you, Chair
9 Brannan. We will now call on members of the
10 administration to testify. First, Jamie Bavishi,
11 director of the Mayor's Office of Resiliency. For
12 the question and answer period only we will also be
13 joined by Joe Ackroyd, assistant commissioner for
14 technical affairs and code development, from the New
15 York City Department of Buildings. Before we begin I
16 will administer the oath. Director Bavishi and
17 Assistant Commissioner Ackroyd, I will call on each
18 of you individually for a response. Please raise
19 your right hands. Do you affirm to tell the truth,
20 the whole truth, and nothing but the truth in your
21 testimony before these committees and to respond
22 honestly to council member questions? Director
23 Bavishi.

24 DIRECTOR BAVISHI: I do.
25

2 COMMITTEE COUNSEL: Assistant
3 Commissioner Ackroyd.

4 ASSISTANT COMMISSIONER ACKROYD: I do.

5 COMMITTEE COUNSEL: Thank you. Director
6 Bavishi, you may begin when ready.

7 DIRECTOR BAVISHI: Good morning. I'm
8 Jamie Bavishi, director of the Mayor's Office of
9 Resiliency. I would like to thank Chair Brannan and
10 Council Members Diaz, Constantinides, Ulrich, and
11 Rose for the opportunity to testify today. I would
12 also like to acknowledge my colleague, Assistant
13 Commissioner Ackroyd, from the New York City
14 Department of Buildings, who will join me today in
15 answering your question. I would like to begin by
16 providing a brief history of the National Flood
17 Insurance Program to provide context for the city's
18 role in supporting New Yorkers who live and work in
19 the flood plain. The National Flood Insurance
20 Program, or NFIP, is a federally legislated program
21 administered by the Federal Emergency Management
22 Agency, or FEMA, to underwrite and make flood
23 insurance available to the public. Private insurance
24 companies that participate in the NFIP sell flood
25 insurance policies and manage claims per FEMA's

1 guidance. The NFIP today not only provides flood
2 insurance, but also maps flood risk and provides
3 direction concerning flood plain management, such as
4 guidance regarding building codes to ensure flood-
5 resilient construction. Since its inception the NFIP
6 program has been subsidized to some extent by the
7 backing of the federal treasury. However, as
8 flooding has become a more expensive hazard the
9 program has been under pressure to cover its rapidly
10 increasing losses. The NFIP was generally
11 financially stable from its inception through 2005.
12 While there were annual flood events, the program was
13 able to sustain itself year over year by using the
14 revenue generated from the collection of premiums to
15 pay claims. Due to the unpredictable frequency of
16 flooding, the economic impact of flooding in any
17 given year could vary significantly. After many
18 years of relatively low damages the NFIP received
19 almost eight times the number of claims received in
20 any prior year after Hurricanes Katrina, Rita, and
21 Wilma struck in 2005. Given the highest numbers of
22 claims, given the high number of claims, including
23 Sandy, the NFIP is now approximately 20 billion
24 dollars in debt to the US Treasury. The enormous
25

1 debt for NFIP reflects the gap between the premiums
2 homeowners are paying and the actual cost of the risk
3 homeowners bear living in exposed flood plains. And
4 this risk is increasing due to climate change. Given
5 the mounting debt after 2005 the need to reform the
6 NFIP was acknowledged by both the US Senate and the
7 House. However, there was failure to advance a long-
8 term solution, in part due to the size of the debt.
9 As a result, the program lapsed four times during
10 2008 and 2012 and was extended 17 times. These
11 lapses cause uncertainty in real estate and insurance
12 markets. Consequently, Congress began efforts to
13 address reforms to the NFIP in 2012 by passing the
14 Bigger Waters Flood Insurance Reform Act of 2012.
15 Bigger Waters sought to address the financial
16 stability of the NFIP by phasing out long-standing
17 subsidized rates that did not reflect actual risk.
18 The prevailing argument for the increases was that
19 only about 20% of NFIP policies receive subsidies.
20 Therefore, not all policies would be impacted by the
21 increases. However, in older cities like New York
22 over 80% of our policies benefitted from the
23 subsidies which were based on the year the house was
24 built. With these subsidies being repealed
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1
2 homeowners could see rate increases as much as 18% a
3 year. New York City's efforts supported the passing
4 of the flood, sorry, the Homeowner Flood Insurance
5 Affordability Act in March of 2014, and, and this
6 passing was integral in slowing the pace of rate
7 increases. However, even with our efforts and this
8 critical legislation real increases to insurance
9 rates have amounted to 11% in the past year alone.
10 Since the passage of both Bigger Waters and the
11 Homeowner Flood Insurance Affordability Act several
12 other severe storms have placed an increased strain
13 on the NFIP. In 2017, for instance, Hurricanes
14 Harvey, Irma, and Maria resulted in the combined 294
15 billion dollars in damages. We can and should expect
16 future storms worsened by climate change to cause
17 even more extensive and more costly property damage.
18 As a result of Bigger Waters we know that flood
19 insurance today remains a cost burden for many New
20 Yorkers. In 2013 the Mayor's Office of Resiliency
21 commissioned a report to look at the impact of rising
22 flood insurance rates on property owners in New York
23 City. This report allowed researchers to see how
24 policy changes to the NFIP could affect the cost of
25 home ownership home ownership. The report identified

1 three major take-aways. First, grandfathering, which
2 means being allowed to keep your current zone with
3 new maps are issued, is one of the most effective
4 affordability tools available. Second, targeted
5 means tested vouchers or credits are the most cost-
6 effective tools for ensuring affordability. And
7 finally mitigation is expensive, but it is more cost
8 effective when it results in reduced premiums and
9 financial support made available through grants for
10 mitigation. This study focused on five New York City
11 communities in which higher, in which there is a
12 higher risk of flooding, and found that the cost of
13 flood insurance is burdensome for about one-quarter
14 of households in owner-occupied one- to four-family
15 residences, and it's much more burdensome for lower-
16 income residents. Within this affordability crisis
17 we also note that flood risk is increasing due to sea
18 level rise and increased intensity of coastal storms.
19 In 2025 the city anticipates that the MOOR will
20 release new flood maps that reflect this increased
21 risk. Separately, FEMA is also expected to
22 transition to a new methodology for insurance rates,
23 known as Risk Grading 2.0, next year. The city is
24 highly concerned about how Risk Grading 2.0 might
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1 further increase premiums for New York City
2 residents. And we're not the only ones. Several
3 members of New York's congressional delegation have
4 called for FEMA to provide more transparency, and in
5 September of this year Representative Max Rose
6 introduced HR-8311, which would require FEMA to
7 produce a report regarding the potential impacts of
8 any changes to the Risk Grading 2.0 methodology for
9 the NFIP before it is implemented. Given the
10 increased flood risk facing New York City and our
11 understanding of the affordability issues facing New
12 Yorkers living in the flood plain the city has been
13 in active conversation with congressional staff in
14 the House and Senate since early 2016, advocating for
15 a reformed city NFIP program. The NFIP program must
16 be reauthorized by Congress periodically. These
17 windows offer opportunities for broader reform.
18 However, since 2017 Congress has provided 17 short-
19 term extensions, much like they did in 2012. The
20 city's NFIP advocacy platform emphasizes several
21 reforms, including offering premium credits to
22 consumers who mitigate their properties against
23 climate risk through measures other than elevation,
24 increasing the availability of mitigation funding for
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1 all building types, improving FEMA's flood mapping
2 process, enhancing oversight and management of
3 private insurance companies that issue flood
4 insurance, and accelerating the acceptance of private
5 flood insurance alternatives. The centerpiece of the
6 city's platform is instituting means-tested vouchers
7 as an alternative to the current system, which is
8 based on the age of the building structure. A means-
9 tested voucher program which, with broader mitigation
10 credits, can allow for low-income homeowners to
11 afford NFIP coverage. Although some mitigation
12 credits are available already, because it is not
13 financially or physically feasible to elevate all
14 structures in New York City, vouchers and other
15 mitigation options outside of elevation are critical
16 solutions we also need to pursue. Any additional
17 support that council can provide in amplifying this
18 platform is absolutely welcome. Additionally, in
19 advance of new rate maps and guidance from FEMA
20 related to Risk Grading 2.0, our office is working
21 tirelessly to increase flood insurance enrollment,
22 encouraging New Yorkers to take advantage of
23 grandfathering into more affordable insurance rates.
24 We've had considerable success so far. Since
25

1 Hurricane Sandy, overall flood insurance enrollment
2 increased approximately 50% citywide. Even more
3 importantly, enrollments within the current lower-
4 risk X zone areas are up about 91%. As a reminder,
5 homeowners in the lower-risk X zones aren't currently
6 required to purchase flood insurance by law, but may
7 have this requirement imposed when FEMA's new maps
8 are adopted in 2025. Our success with flood
9 insurance enrollment is largely due to our
10 partnership with the Center for New York City
11 Neighborhoods, who manages the Flood Help NY project.
12 Flood Help NY provides an online tool to communicate
13 flood risk and insurance requirements and operates a
14 program that offers resiliency audits, backwater
15 valve installation, and counseling to eligible
16 residents in some flood-prone neighborhoods. Due to
17 the COVID-19 pandemic this summer, coinciding with
18 the hurricane season, the city along with Flood Help
19 NY increased our outreach to vulnerable New Yorkers,
20 and this included providing a briefing for many of
21 your office [inaudible] insurance enrollment for your
22 continues. Together we distributed critical
23 information reminding New Yorkers how to protect
24 their information and assets this hurricane season.
25

1 This helped ensure that New Yorkers already hit by
2 the pandemic and the corresponding economic crisis
3 would not be surprised and unprepared for an
4 additional destabilizing event. We hope that you
5 continue to send your constituents to floodhelpny.org
6 for more information about their risk. I also want
7 to raise your attention that because Flood Help NY is
8 funded by federal investments related to Hurricane
9 Sandy that are due to expire in 2022, future funding
10 is critically needed to continue this essential
11 program in the next fiscal year. In addition to our
12 federal advocacy and our work with Flood Help NY, our
13 office also partnered closely with advocacy groups
14 and legislators to advocate for improved disclosure
15 and transparency at the state level related to flood
16 risk. It's critical that prospective homeowners and
17 renters, and not just people already living in the
18 flood plain, have the information they need about the
19 risk they may face and the responsibilities related
20 to flood insurance. In the last legislative session
21 State Senator Brad Hoylman introduced Senate bill
22 8439 to improve flood risk disclosure during real
23 estate transactions, which would improve transparency
24 for both buyers and renters. Our office supports
25

1 this effort and looks forward to seeing it move
2 forward in the state legislative session in the year
3 to come. As we also discussed during the Hurricane
4 Sandy anniversary oversight hearing on October 27,
5 the Mayor's Office of Resiliency is advancing
6 extensive critical time and adaptation efforts and
7 policies throughout the city to reduce the risk and
8 impact of flooding in highly vulnerable areas. In
9 conclusion, I would like to thank the committee for
10 this opportunity to discuss the extensive work this
11 administration has done to advocate for affordable
12 flood insurance for all New Yorkers. We are
13 committed to continuing to work with you, as well as
14 our external and federal partners, to improve and
15 expand clarity, transparency, and access to critical
16 information and services, and to advance essential
17 affordability and mitigation advocacy at the federal
18 level to reform the National Flood Insurance Program.
19 I look forward to joining my colleague, Assistant
20 Commissioner Ackroyd, in answering any of your
21 questions.
22

23 COMMITTEE COUNSEL: Thank you, Director
24 Bavishi. I will now turn it over to questions from
25 Chair Brannan. For these questions, we will

1 additionally be joined by Assistant Commissioner for
2 technical affairs and code development, Joe Ackroyd,
3 from the New York City Department of Buildings.

4 Panelists, please stay unmuted if possible during
5 this question and answer period. As a reminder, if
6 council members other than Chair Brannan would like
7 to ask a question of the administration or a specific
8 panelist please use the Zoom raise hand function and
9 I will call on you in order. We will be limiting
10 council member questions to five minutes, which
11 includes the time it takes to answer your questions.
12 Thank you. Chair Brannan, please begin.

13 CHAIRPERSON BRANNAN: Thank you, Jessica.
14 Ah, thank you, Jamie, good to see you again. Um, I
15 appreciate some of that clarity. Ah, so the one
16 thing, I, I was reading last night, ah, FEMA
17 estimates that approximately 13 million people live
18 within the 100-year flood zone. Ah, but there was a
19 2018 report that was published, um, that argued that
20 the real number of people exposed to flood risk is
21 really closer to 40, over 40 million. Um, based on
22 your expertise, why do you think there's such a big
23 discrepancy in those numbers?
24
25

1 DIRECTOR BAVISHI: Ah, sure. Thanks,
2
3 Chair Brannan, for the question. I, I just want to
4 clarify that you're talking about numbers, um, across
5 the, the country.

6 CHAIRPERSON BRANNAN: Say that again?

7 DIRECTOR BAVISHI: It sounds to me like
8 those numbers are people living the flood plain
9 across the country.

10 CHAIRPERSON BRANNAN: Yes.

11 DIRECTOR BAVISHI: OK. Um, yeah, so...

12 COMMISSIONER BRANN: All right, yes
13 [laughs], yeah. Sorry.

14 DIRECTOR BAVISHI: So I, I think that,
15 um, the discrepancy in those numbers is probably
16 related to some of the things that you mentioned in
17 your testimony, right, the, the National Flood
18 Insurance Program, um, is responsible for mapping the
19 flood plain. Um, I, first of all, let me just, let
20 me just say up front that I'm not familiar with the,
21 the, um, article that you read or the study that
22 you're referencing, so I'm, I'm, ah, speculating a
23 bit here, um, because I don't know what the
24 methodology for that study was. Um, but, but, I, I
25 would imagine that some of the things that they may

1 attribute that, that discrepancy to are things like,
2 um, you know, these maps, um, ah, taking a long time
3 to produce, ah, by FEMA and, um, often they are quite
4 outdated, um, remapping, ah, doesn't take place at a
5 pace that we would all want, um, and expect given,
6 ah, the intensifying climate crisis, um, and so, you
7 know, often, um, many municipalities are relying on
8 old maps. Um, it's possible that, that at least one
9 big reason for the discrepancy that that article
10 references is that, um, the, they're probably
11 counting the number of people that are officially
12 mapped in the FEMA flood maps versus the number of
13 people that are exposed to, to flooding based on
14 current scientific information about flood risk.

16 CHAIRPERSON BRANNAN: OK. Yeah, I mean,
17 it's, it's, I'm pretty shocked. I don't, you, you
18 didn't write the report, it's just a pretty shocking
19 discrepancy. It's, it's, there was a report in 2018
20 published in the *Journal of Environmental Research*
21 *Letters*. I know we all love reading those [laughs]
22 journals. Um, but yeah, I mean, it, it, the
23 discrepancy is pretty wide. FEMA is saying 13
24 million, um, and this journal is saying, um, it's,
25 it's closer to 41 million. So it was startling. Um,

1 but, but along the same lines, I mean, FEMA, FEMA's
2 flood maps, um, have certainly been criticized, um,
3 for being outdated and, and, and underestimating
4 flood risk across the country. Um, I guess, would
5 you agree with those criticism and, and how are you,
6 how is the city working with FEMA to update these
7 maps for, for the city?

9 DIRECTOR BAVISHI: Ah, I mean, I would
10 agree that, that process takes far too long, right,
11 and we, we want to, um, ah, both make it expedient,
12 but also make it as accurate as possible. And I
13 think one of, um, challenges that we saw, um, back
14 in, ah, 2013, um, you know, as you mentioned in, in
15 your opening remarks, um, FEMA, ah, had started a, a
16 process, um, prior to Sandy to, ah, remap our flood
17 plain. Um, they, ah, in order to make the process,
18 ah, quick they, um, they, they took some measures to,
19 to speed it up and, um, that led to some
20 inaccuracies. So what we are trying to balance is
21 making this process as accurate as possible. We want
22 to make sure that we have scientifically accurate
23 information by which we are, um, ah, by which FEMA is
24 setting flood insurance rates, um, but, and also move
25 it along as, as quickly as possible. So those are

1 the things that we are trying to balance for New York
2 City.

3
4 CHAIRPERSON BRANNAN: Yeah. I mean, it
5 certainly feels like a race against time. Um, but
6 at, at some point, you know, we have, we have to
7 really do something. Um, the city's flood plain
8 covers more than 48 square miles. Um, the area is
9 expected to grow to 72 square miles by 2050. Um, has
10 the city identified what neighborhoods would be most
11 affected by the projected expansion and, and if so
12 what are we doing to, to help?

13 DIRECTOR BAVISHI: Sure. So, so I just
14 want to clarify that while we are working with FEMA
15 to, ah, development new flood insurance rate maps,
16 um, we are also separately working with the New York
17 City panel on climate change to understand how flood
18 risk will impact the city due to sea level rise. Um,
19 and, you know, I, ah, testified in great detail, um,
20 just a couple weeks ago at the Sandy anniversary
21 hearing about the, ah, very large portfolio that we
22 are advancing across the city to, ah, make sure that
23 we're building resilience to flood risk. Um, that
24 includes strengthening our coastline with, um,
25 coastal protection projects, um, major coastal

1 protection projects, ah, ah, um, advancing, um, ah,
2 in fact we just, ah, ah, right after the hearing
3 broke ground on the, um, Rockaways Atlantic Shoreline
4 Resiliency Project, which we're very excited about,
5 um, and much more is coming on that front. Um, we
6 are also strengthening buildings. Um, we are, ah,
7 ah, hardening our infrastructure and, ah, critical
8 services, and making investments in neighborhoods to
9 make sure that they are more financially resilient,
10 which includes flood insurance outreach, but, um,
11 also includes things like supporting small businesses
12 and improving social [inaudible]. Um, so we are, ah,
13 taking a multipronged approach and certainly not
14 waiting for FEMA's maps to build a more resilient
15 city and prepare for these impacts.

17 CHAIRPERSON BRANNAN: I mean, do you, do
18 you have a list or an idea of, of neighborhoods, I
19 guess my question is if, if the flood plain right now
20 covers 48 square miles and we're saying that by, ah,
21 in 30 years from now to expect it to grow to 72
22 square miles, is it just further, ah, landward in the
23 existing neighborhoods? Are there neighborhoods that
24 are being added? Are there neighborhoods that, um,
25 sort of are now, you know, on watch, on warning, or

1
2 is it just that it's, it's going to be further
3 landward in the existing neighborhoods?

4 DIRECTOR BAVISHI: Yeah, I mean, we'd,
5 we'd be happy to schedule a briefing with you on how
6 the flood plain is changing, um, over time. Um, I, I
7 would say that, you know, in large part the flood
8 plain is expanding inland. Um, it is, it's, it's
9 going to be deeper into, ah, coastal neighborhoods.
10 Um, but, ah, I, you know, again, we would be happy to
11 schedule, we'd be happy to schedule a briefing with
12 you and go over those maps. And all of this
13 information is publicly available, by the way, on,
14 um, our flood hazard mapper, which is hosted by the
15 Department of City Planning. You can, ah, see the
16 maps and, um, click layers on and off, um, between
17 the current flood plain and future flood plain so
18 that you can actually see exactly how the flood plain
19 is expanding.

20 CHAIRPERSON BRANNAN: What's that
21 website?

22 DIRECTOR BAVISHI: The Flood Hazard
23 Mapper, um, that's hosted by the Department of City
24 Planning.

1
2 CHAIRPERSON BRANNAN: Yeah, but I think
3 it's important as we do education around this and
4 outreach that people understand that just because
5 they, they can't see the water from their house
6 doesn't mean that they're not, you know, at risk.

7 DIRECTOR BAVISHI: Well, going back to
8 flood insurance, you know, we absolutely encourage
9 all New Yorkers to, ah, purchase flood insurance.
10 Um, if you're not in, um, ah, in, in one of the, the,
11 um, existing flood zones it's only about \$500 a year.
12 Um, and because there are New Yorkers that are
13 susceptible to flood risk even if they do not live on
14 the coast. Um, flooding can come in, flooding is
15 caused by multiple hazards, including, ah,
16 precipitation, um, and so, you know, just to be safe
17 we, we encourage all New Yorkers to, to purchase
18 flood insurance.

19 CHAIRPERSON BRANNAN: Um, so more than
20 70,000 structures are located within the current, ah,
21 flood plain in New York City. Um, obviously as
22 climate change worsens the flood plain expands, more
23 structures are gonna be at risk. Um, how seriously
24 is the city taking this and, and what are we doing to
25 prepare, ah, for these challenges and, and how is the

1
2 city incorporating, um, you know, the nature-based,
3 um, solutions in, in, ah, adjacent to the current
4 projected flood plains?

5 DIRECTOR BAVISHI: Um, so, ah, by, by my
6 data we currently have 36,000 buildings in the, the
7 current affected flood plain. And, um, we have, um,
8 you know, one of the strongest building codes in the
9 world, um, meaning that...

10 CHAIRPERSON BRANNAN: Wait, sorry, you're
11 saying there's, there are only 36,000 structures?

12 DIRECTOR BAVISHI: Ah, 36,000 buildings
13 in the current affected flood plain. That's right.

14 CHAIRPERSON BRANNAN: That seems very
15 low, no?

16 ASSISTANT COMMISSIONER ACKROYD: There,
17 there are 75, the number that you quoted is accurate
18 when you account for the, the structures mapped on
19 the preliminary flood insurance rate maps, so, so,
20 ah...

21 CHAIRPERSON BRANNAN: But, but it's
22 probably closer to that, I mean, 48 square miles, ah,
23 I think there's more than 36,000 structures in almost
24 50 square miles.

1
2 ASSISTANT COMMISSIONER ACKROYD: But we
3 can come back with, with specific numbers. Ah, but I
4 think as far as the effective flood insurance rate
5 maps, those maps that you talked about that, that
6 hadn't been updated since 1983, there's around 36,000
7 buildings mapped in the special flood hazard area on
8 those particular maps, and the preliminary flood
9 insurance rate maps I think, um, would be closer to
10 the number that you, you quoted.

11 CHAIRPERSON BRANNAN: Yeah 'cause I think
12 we got those numbers from one of your PowerPoint
13 slides.

14 ASSISTANT COMMISSIONER ACKROYD: Sure.
15 Um, well, I, I would just highlight the fact that,
16 ah, we are also enforcing for development by way of
17 adoption in the New York City building code the
18 preliminary flood insurance rate maps, um, so we've
19 adopted for development purposes the preliminary
20 flood insurance rate maps. So while for, for
21 insurance purposes, um, mandatory insurance purposes,
22 ah, the effective flood insurance rate maps that
23 32,000 buildings, um, have to, ah, procure insurance
24 when required. But as far, ah, development of the
25 special flood hazard area the construction codes

1
2 adopt the, ah, both maps, the effective flood
3 insurance rate maps and the preliminary flood
4 insurance rate maps, so, um, that's one way in which
5 we are, ah, accounting for future risks by enforcing
6 the more stringent, ah, of the two special flood
7 hazard areas as [inaudible] on both maps.

8 CHAIRPERSON BRANNAN: OK. So I guess my
9 concern is, if we know that this is growing, right, I
10 mean, no one, no one is in denial that this, that the
11 flood plain has grown. We're, I assume we're not
12 waiting to notify folks that you're probably gonna be
13 in the next set of maps, right? Are we doing any
14 proactive sort of education or outreach to folks that
15 are likely going to be, um, within the flood plains
16 as they expand, or as the maps expand?

17 DIRECTOR BAVISHI: Absolutely. As I
18 mentioned in my testimony, we have been, um, doing,
19 ah, outreach in, in, to people living in the X zone.
20 These are people who are currently not required to
21 buy flood insurance.

22 CHAIRPERSON BRANNAN: OK.

23 DIRECTOR BAVISHI: Um, we've actually
24 been able to through this outreach that we've done,
25 outreach and education, we've been able to increase

1 enrollment in the X zone by 91% since Hurricane
2 Sandy.

3
4 CHAIRPERSON BRANNAN: And it's fantastic.
5 Have, tell me, just, that's, that's amazing. How are
6 you, um, like how are we doing? So if I have a house
7 that is now in that zone, how am I being notified or
8 contacted?

9 DIRECTOR BAVISHI: Um, sure, let me walk
10 through all the ways that we are, um, doing the
11 outreach. So, um, so there are a number of things
12 that we're doing. Um, we are, ah, providing
13 trainings and information, um, ah, and, and, ah,
14 about NFIP, about the flood insurance program, and
15 flood insurance more generally, flood risk more
16 generally, um, to city agencies and nonprofits as
17 well as annual briefings for local, state, and
18 elected officials. Our goal here is to make sure
19 that we're, um, really sort of building the army of
20 people who can get this information out to New York
21 City residents. Um, so it's really important that
22 offices like yours help us get this information out.
23 Um, we in particular work with city agencies such as
24 HPD, DCP, and New York City Emergency Management to
25 provide flood insurance information to communities

1 through existing outreach and communication channels.
2 Um, we've, ah, since Hurricane Sandy participated in
3 hundreds of events, providing information about flood
4 risk and flood insurance, ah, for New Yorkers and
5 sharing numerous floodhelpny.org postcards and easy-
6 to-read pocket maps, um, of the New York City flood
7 plain. Um, we've also, ah, ah, taken on some
8 significant consumer education efforts since 2012.
9 So, um, you know, these are things like
10 advertisements in city bus shelters, local and multi-
11 lingual media ads in community papers, targeted
12 digital and social media outreach, and direct mail
13 efforts to home owners. Um, and more recently, um,
14 we, ah, took on a really visible campaign of about
15 preparing for this year's hurricane season that was,
16 um, ah, done in collaboration between MOR and Flood
17 Help NY. Um, the city actually worked with partners
18 to run ads on Link New York City kiosks in September
19 and at the Staten Island Ferry terminal that ran from
20 September until the end of last week. Um, Flood Help
21 NY also does targeted social media outreach. Um, and
22 then we're also partnering with community
23 organizations to target low-income New Yorkers and
24 vulnerable populations in particular. So those are
25

1
2 some of the ways that, that we are reaching, ah, New
3 Yorkers, um, and, and educating them about their
4 flood risk and talking to them about flood insurance,
5 um, so that they can take steps to stay safe.

6 CHAIRPERSON BRANNAN: Ah, that's great.
7 So you said, give me that stat again? You said 91%,
8 what's that?

9 DIRECTOR BAVISHI: [inaudible] 91% in the
10 X zone since 2012.

11 CHAIRPERSON BRANNAN: 91% of people in
12 that zone since 2012 have signed up?

13 DIRECTOR BAVISHI: I'm sorry, that we've,
14 we've increased enrollment, um, in flood insurance
15 policies by 91% in the X zone.

16 CHAIRPERSON BRANNAN: That's great.

17 DIRECTOR BAVISHI: And this is really
18 important because this also means, you know,
19 affordability is also the, a centerpiece of our, ah,
20 flood insurance outreach and advocacy work and, um,
21 this means that they can be grandfathered in as the
22 flood, flood plain expands. So when FEMA releases
23 new flood maps many of the people in the X zone, as
24 you're saying, you know, will be required to, to
25 purchase, ah, flood insurance. Um, and so we want to

1
2 make sure that they're locking in lower rates now,
3 um, and, so that their flood insurance can stay
4 affordable.

5 CHAIRPERSON BRANNAN: But so what, how
6 does that work, I mean, I'm not familiar, luckily I,
7 I live above the flood plain, so I, I don't have to
8 worry about it. But what does that, as far as, I
9 mean, I know you're not an insurance salesman, but
10 what does that look like as far as, um, in terms of
11 pricing? Is there support for folks that can't
12 afford it? How does that work?

13 DIRECTOR BAVISHI: Ah, so one of the,
14 the, um, most affordable, ah, most effective
15 affordability tools, as I mentioned in my testimony,
16 is grandfathering.

17 CHAIRPERSON BRANNAN: Right.

18 DIRECTOR BAVISHI: So what it means is
19 that you're allowed to keep your current zone when
20 new maps are issued. Um, and this is why we're so
21 focused on our outreach and education in the X zone.
22 If we can, ah, get people to enroll, um, when they
23 have lower rates, when new maps are released and the,
24 ah, zones expand, um, ah, and they're required, and
25 some of these residents are required to purchase

1 flood insurance, flood insurance, they will, ah, be
2 locked in at lower rates. Um, and this is an
3 incredibly effective affordability tool and one that
4 we're...

6 CHAIRPERSON BRANNAN: Right.

7 DIRECTOR BAVISHI: ...advocating to, um,
8 ensure that, ah, it continues to be a part of the
9 National Flood Insurance Program. But we are also
10 advocating for means-tested vouchers, or credits.
11 Ah, so, again, this is another cost-effective tool
12 for ensuring affordability, um, and essentially what
13 we're saying is that rates should, should in part, at
14 least, be, be, ah, based on, ah, a resident's
15 affordability to pay, ah, ah, ability to pay.

16 CHAIRPERSON BRANNAN: Ability to pay,
17 sure.

18 DIRECTOR BAVISHI: And, and so, ah, we're
19 also advocating for this as part of our, um, NFIP
20 reformed platform.

21 CHAIRPERSON BRANNAN: Um, so how, how
22 often does the city, um, I know the mayor, you know,
23 has an Office of Federal Affairs, or whatever it's
24 called, um, how often do, do you meet with, um, you
25 know, congressional representatives about, um, NFIP

1 and, and, and, you know, engaging on this stuff for
2 advocacy reasons?
3

4 DIRECTOR BAVISHI: Yeah, I mean, we are
5 continuing to keep the line of communication open
6 with, um, ah, congressional, ah, ah, leaders on both
7 sides of the aisle in both chambers. Um, in fact,
8 you know, the study that we released in 2016 ended up
9 being the basis of, um, ah, bills to reform the NFIP
10 program on, ah, in both chambers. Um, so, you know,
11 we're really a leader in, in thinking about how the
12 program should be reformed. But unfortunately we
13 just haven't seen Congress act beyond introducing
14 bills. They, those bills haven't move forward and it
15 hasn't led to real reform. Um, instead we've seen
16 them kick the can and extend the program, ah, through
17 short-term extensions, um, since 2017.

18 CHAIRPERSON BRANNAN: Um, could you talk
19 a little bit about, um, Flood Help NY? Um, has it
20 been helpful to residents? What, what resources, um,
21 are provided, and, and what sort of educational
22 programs are provided to communities through it?

23 DIRECTOR BAVISHI: Sure, absolutely. So,
24 so let me just start by saying that all of the, um,
25 you know, outreach that I was describing, um, it, it

1
2 is, ah, Flood Help NY is absolutely an integral
3 component of the outreach and education that we're
4 doing. It's the main way we are reaching out to New
5 Yorkers and educating them about flood risk. Um, so
6 just to take a step back, though, Flood Help NY is a
7 user-friendly web platform and it's a program that
8 provides residents with both information on flood
9 risk and flood insurance requirements. Um, there are
10 three components of Flood Help NY. One is a user-
11 friendly web platform that includes an address search
12 tool that returns free property-specific flood risk
13 information, so you can actually go to
14 floodhelpny.org, put in your address, and understand
15 information about your flood risk. Um, second, Flood
16 Help NY also provides home resiliency audits and
17 counseling. Um, so this includes a visit by a team
18 of professional engineers and surveys, ah, surveyors,
19 to assess, you know, property for flood risk. Um,
20 and in, in some cases homeowners may also be eligible
21 for a free backwater valve installation through this
22 process. Um, and then finally marketing and outreach
23 is the, the third component of Flood Help NY, which
24 includes printed materials and direct engagement of
25 property owners at community meetings and other

1 events. So, as I mentioned, since Hurricane Sandy
2 there have been hundreds of events where we've
3 disseminated Flood Help NY that are postcards and
4 easy-to-read pocket maps of the, of the flood plain.
5

6 CHAIRPERSON BRANNAN: What else can be
7 done? Um, if I, if I live in a, you know, an
8 attached house or if I'm in a spot where it's
9 impossible, I'm a homeowner and it's impossible for
10 me to elevate my house, um, what other options do
11 homeowners have to make their home safe from
12 flooding?

13 DIRECTOR BAVISHI: Um, so, so there are a
14 range of options that homeowners have to make their
15 home safe from flooding. The, the challenge is is
16 that, um, you know, these options can be expensive
17 and currently the National Flood Insurance Program
18 does not recognize, um, most other options as, um,
19 ah, ways to reduce your premium. Um, and so what
20 we've been advocating for at the federal level is to,
21 um, acknowledge that in a dense urban environment
22 like New York City where we have all these unique
23 circumstances and elevation is not always possible,
24 we need to have other mitigation, ah, other
25 mitigation options that are recognized and eligible

1
2 for a premium credit. That would incentivize those
3 kinds of retrofits to make homes safer. And then,
4 and then also we need to be able to access grants,
5 um, in order to, ah, help advance those mitigations.
6 Um, so we've been advocating for both of those things
7 at the federal level as part of our NFIP reform
8 platform.

9 CHAIRPERSON BRANNAN: But what are, what
10 are something, like if I can't elevate my house, what
11 else can I do?

12 DIRECTOR BAVISHI: So, so one, one, um,
13 ah, option is, is what I, ah, mentioned as part of
14 the Flood Help NY program, a backwater valve
15 installation. Um, this is something that, you know,
16 make sure, it, it helps to make sure that the, ah,
17 water in the, the sewer line is just flowing one way,
18 um, during a flooding event and you're not, ah, your
19 home is not, um, ah, ah, subject to, to flooding, um,
20 ah, or, ah, you know, the backwater, ah, ah, one of
21 my [inaudible], backwater, ah, flooding from, ah,
22 from, during a flooding event.

23 ASSISTANT COMMISSIONER ACKROYD: OK,
24 there are some, some extreme measures that, that, ah,
25 one can take as far as abandonment. Um, you could

1 perhaps fill, fill a basement, ah, abandon the, ah,
2 ground floor use and wet flood proof that space.

3
4 However, that would result in loss of, ah, of the use
5 of the space and if there's, ah, rental income coming
6 in from that space it, it may offset the insurance
7 saving. So there, there are hard decisions that
8 people have to make with regard to balancing those
9 two issues.

10 CHAIRPERSON BRANNAN: Yeah. I mean, if
11 you can't elevate your home, you can't elevate your
12 home. What do they, what do they expect you to do?
13 I mean, um, so what, what are the, so what is the
14 city's policy or, or, or, or your views on, on
15 constructing homes and businesses in areas that, ah,
16 regularly flood now? So what like, what are we
17 talking about five, 10, 20 years from now, um, how
18 does the city feel about building in these areas and,
19 and should we be, um, encouraging property owners or
20 builders, developers, whatever, to move away, um,
21 from these flood zones if we know five, 10 years from
22 now they're, you know, they're gonna be in, in the
23 zone?

24 DIRECTOR BAVISHI: Yeah, so, you know, in
25 terms of, um, um, ah, building in the flood zone

1 there are a couple of things I would mention. Um,
2 one is that we are focused on providing risk
3 awareness information. We want to, we want to make
4 sure New Yorkers can make informed decisions about,
5 um, you know, where they're purchasing their homes
6 and what the risk. That's why, you know, one of the
7 things I mentioned in my testimony is that we're
8 actually working, um, with, ah, with, with State
9 Senator Holman's office, um, to advance, ah, a piece
10 of legislation that would require more transparency
11 about flood risk at the point of sale. Currently New
12 York State has, um, very poor regulations. Ah,
13 there's a loophole in the system that allows, ah, a
14 seller to pay a fee and get out of disclosing flood
15 risk. Um, so we want to close...

17 CHAIRPERSON BRANNAN: [inaudible] that's
18 [inaudible] [laughs]. So if I [laughs], if I'm
19 selling someone a home I don't have, the same way I
20 have to disclose if I never got a Buildings
21 department permit, sorry Joe, for the new boiler I
22 installed. Um, nah, I didn't do that, but if I were
23 to, ah, I don't have to tell the, the, it's not on my
24 lease or it's not part of the closing that they say
25 hey, by the way, your house is in a flood zone?

1
2 That's, and that's, I'm not coming at you, that's a
3 state law?

4 DIRECTOR BAVISHI: Right. So there's
5 currently a loophole and we're, and you can pay us...

6 CHAIRPERSON BRANNAN: That's a hell of a
7 loophole [laughs].

8 DIRECTOR BAVISHI: ...a small fee and not
9 have to disclose flood risk. And so we're working to
10 close that loophole.

11 CHAIRPERSON BRANNAN: Oh my God, yeah, we
12 need to talk about that.

13 DIRECTOR BAVISHI: Happy to do that
14 [inaudible].

15 CHAIRPERSON BRANNAN: That's just insane.

16 DIRECTOR BAVISHI: [inaudible]

17 CHAIRPERSON BRANNAN: You could, so right
18 now the loophole is I pay a guy and they say, OK, we
19 won't say anything about it being in a flood zone?

20 DIRECTOR BAVISHI: Yeah, you pay \$500, a
21 \$500 loophole.

22 CHAIRPERSON BRANNAN: That is totally
23 insane. All right, we got to talk about that. That
24 needs to be fixed like immediately. All right.
25 Jesus. Um, that's crazy. Um, OK, so I think you,

1
2 Jamie, I think you mentioned earlier, ah, in your
3 testimony a little bit about the debt that, ah, I
4 think NFIP is like 25 billion dollars in debt after,
5 ah, some major hurricanes. Um, how successful was
6 the, um, the Flood Insurance Reform Act in, in making
7 NFIP financially stronger, or has that all gone out
8 the window because of COVID and everything else?

9 DIRECTOR BAVISHI: Well, the Flood
10 Insurance Reform Act was really focused, um, among
11 other things, on slowing the rate of increases, um,
12 that...

13 CHAIRPERSON BRANNAN: Correct.

14 DIRECTOR BAVISHI: ...that we were seeing.
15 So I, I think there is much more work to do in making
16 NFIP, ah, financially stronger, um, and, and, you
17 know, I think that will be part of the consideration
18 when Congress actually takes up NFIP reform.

19 CHAIRPERSON BRANNAN: I mean, are there
20 other, I'm sorry, are there other providers or better
21 providers that have been more successful at providing
22 flood insurance than NFIP?

23 DIRECTOR BAVISHI: Um, you know, I think
24 that part of what we are, um, working to do, ah, and,
25 and one of the other things that we're, um, ah, we

1
2 are advocating for in our reform is, is accelerating
3 the acceptance of private flood insurance
4 alternatives. Um, I think, you know, that's
5 something that is, ah, closely regulated by FEMA
6 right now. Um, and so that's, you know, that's
7 another topic that we hope will be taken um, um,
8 during...

9 CHAIRPERSON BRANNAN: Yeah.

10 DIRECTOR BAVISHI: ...a particularly
11 robust, ah, reform effort.

12 CHAIRPERSON BRANNAN: Yeah. All right, I
13 just, I have one more thing. Um, the, the, the state
14 department, um, of environmental conservation, ah,
15 released guidance documents for state-funded, ah, and
16 permanent projects to incorporate sea level rise and,
17 um, and flooding into a project's design, um, and
18 siting. I guess it was pursuant to the Coastal
19 Resiliency Act. Um, the city's coastal resiliency
20 and flood prevention projects generally require state
21 permits. Ah, has the city reviewed these guidance
22 documents and are we taking, or what is the city
23 doing to incorporate the, the mitigation measures
24 that were discussed in these guidance documents?

1
2 DIRECTOR BAVISHI: Yeah, I, I, I mean,
3 we, we comply with all state and federal regulations
4 in our, ah, buildings and infrastructure projects.
5 I'll also say that, you know, we, um, have, ah,
6 incorporated, first of all, again, you know, our
7 buildings, our building code is, um, one of the most
8 resilient building codes in the entire country and,
9 um, we also have released our own climate resiliency
10 design guidelines which, um, provide, ah,
11 projections, ah, and guidance, not only for sea level
12 rise and coastal storms, but also intense
13 precipitation and extreme heat and provide guidance
14 on how to incorporate those projections into, ah,
15 buildings and infrastructure projects. Um, there
16 are, you know, multiple paths that we're using to
17 ensure that we're taking future risk into account.

18 CHAIRPERSON BRANNAN: So, I guess, I
19 mean, if I'm reading between the lines, I mean, it's
20 sort of the idea that the city, um, wants to take it
21 a step further, I mean, because it's sort of, you
22 know, because we've got 520 miles of coastline. , I
23 mean, there are, are there additional, um, flood
24 prevention measures that the city will incorporate
25

1 into these design and siting, ah, projects in, in the
2 flood plain? Is that the plan?

3
4 DIRECTOR BAVISHI: Yeah, absolutely. I
5 mean, we, we are also, as you mention, working to
6 develop these future flood risk maps, um, that, ah,
7 was part of the appeals process, um, with, with FEMA
8 in 2016. Um, these maps are meant to be a tool that
9 will help, ah, future regulation going forward to
10 make sure that we're building as resiliently as
11 possible.

12 CHAIRPERSON BRANNAN: I know. Um, OK. I
13 appreciate it, guys. Jamie and Joe, thank you so
14 much. Ah, that's all I have. And I don't think I
15 have any questions from council members. I did want
16 to recognize, if I didn't already, that Councilman
17 Ulrich had joined us and, of course, Councilman Rose,
18 ah, Councilwoman Rose. Debbie, you had a question?
19 You're on mute.

20 COUNCIL MEMBER ROSE: OK.

21 CHAIRPERSON BRANNAN: A-OK [laughs].

22 COUNCIL MEMBER ROSE: Hi, hey.

23 CHAIRPERSON BRANNAN: How are you?
24
25

1
2 COUNCIL MEMBER ROSE: Um, Chair, I had,
3 um, I had questions that were very similar to yours
4 and due to your in-depth, you know...

5 CHAIRPERSON BRANNAN: [laughs]

6 COUNCIL MEMBER ROSE: ...questioning, um,
7 I got most of my answers. Um, so, I, I want to thank
8 you. Ah, I really want to thank you for, um, for
9 digging down and, and getting that information. Um,
10 so I just have, um, a, a couple of questions. In
11 terms of, um, the, um, Flood Help NY, um, you, you
12 said that you provide resources to, um, homeowners.
13 Um, is that, are those resources, um, ah, is there
14 any charge to them for those resources? Are they
15 free? You said you bring in engineers to, you know,
16 to, to assess their, their property and how they
17 might mitigate flood damage. Um, are there, um, are
18 these resources that you provide through flood, Flood
19 Help NY, um, free or are there, is there a cost, ah,
20 attached to them?

21 DIRECTOR BAVISHI: Ah, these, ah, thank
22 you for the, the question, Councilwoman Rose. These,
23 these resources are free. But I, I will, um, just,
24 ah, highlight that, you know, there, there's a
25 limited geographic scope, um, ah, for the resources

1 that are available because the program was launched
2 in 2016 with federal funding that, um, ah, ah, came
3 from, ah, came through the state. Um, and so
4 currently the program is available in Bensonhurst,
5 Bergen Beach, Brighton Beach, Canarsie, Coney Island,
6 and a number of other communities. I can, um, make
7 sure you've got the whole list. But our, our goal
8 is, is to expand the program citywide and, um, we to
9 need to avail, ah, identify available funds to do
10 that. Um, it's also critical to mention, as I
11 mentioned in my testimony, that the funding for this
12 program will expire in 2022. So we would really like
13 to, we would really like to partner with the council
14 to explore long-term funding solutions for the
15 program, because it is so critical that this program
16 continues.

18 COUNCIL MEMBER ROSE: Um, you talked
19 about marketing and, um, an outreach, um, and it
20 seemed like it was pretty extensive, um, and, and you
21 were utilizing, um, you know governmental offices and
22 sort of other agencies that interface with
23 homeowners. Um, I, I wasn't clear, though, whether
24 you actually reached out to each of the homeowners
25 that are in, in the flood plains, you know,

1 individually are, is it kind of up to them to, to
2 seek out this information?
3

4 DIRECTOR BAVISHI: Yeah, like I said,
5 we're using multiple methods, you know, multiple
6 channels to get to homeowners. We are, ah, we've,
7 we've held hundreds of events in the communities
8 that, um, ah, are most impacted, the most vulnerable
9 communities, to, to make sure that these, this
10 information is available. Um, we've posted ads on
11 the Link NYC kiosks and at the Staten Island Ferry
12 terminal. Um, we have been working with your offices
13 to get information out to constituents, um, and we've
14 been working with agencies to make sure that this
15 information is available through their, um, regular
16 channels, their outreach and communication channels.
17 Um, you know, the, the website, I should say, is
18 available to all New Yorkers. So, um, even though we
19 have, ah, ah, limited, um, we have some funding
20 constraints in terms of offering [inaudible] audit to
21 certain districts. The website is available to all
22 New Yorkers and they can go to the website, type in
23 their address, and understand, you know, get
24 information about, ah, their flood risk.
25

1
2 COUNCIL MEMBER ROSE: Um, and, and this
3 is, um, maybe kind of, um, maybe, I don't know, not
4 snide, but, um, are, um, I, this question is there's,
5 there's a 25 billion dollar, um, debt, you know, um,
6 and NFIP, you know, has, um, is over 25 billion
7 dollar debt, you know, after some of the major
8 hurricanes. Are they looking to recoup some of this
9 debt through the insurance rates that they're,
10 they're charging, um, our homeowners?

11 DIRECTOR BAVISHI: Um, yes, I mean, the
12 program is deeply in debt and, um, the Bigger Waters
13 act that I mentioned in my testimony actually
14 increased rates in order to be able to recoup some of
15 that, ah, debt and make the program more financially
16 stable. That's why New York City then, um, ah, after
17 the Bigger Waters act passed, um, pursued the
18 homeowner's flood insurance affordability act to
19 slower that pace of increases and that's why we're,
20 um, so, ah, ah, focused on affordability as part of
21 our advocacy platform, um, in any, you know, future
22 reforms to NFIP. Um, so it, it is, um, it is
23 certainly something that, ah, lawmakers are very
24 focused on and, ah, ah, we want to make sure that
25 affordability stays a part of the conversation.

1
2 COUNCIL MEMBER ROSE: And one, and my
3 last question, um, 'cause my time is running out.
4 Um, is grandfathering the only sort of recourse that
5 homeowners have, um, to, ah, sort of protect
6 themselves from these increased rates, um, that, you
7 know, we know are gonna inevitably come down the
8 line?

9 DIRECTOR BAVISHI: Well, there are three
10 things that we're really focused on. First is
11 grandfathering and making sure that that stays a part
12 of the, the program. The second is means-tested
13 vouchers, meaning, you know, vouchers that are, um,
14 based on people's ability...

15 SERGEANT AT ARMS: Time expired.

16 DIRECTOR BAVISHI: ...to pay. And then
17 the third is, um, mitigation credits that are not
18 only focused on elevation, because elevation, as
19 we've talked about earlier in this hearing, um, is,
20 is, ah, obviously quite hard in a dense urban
21 environmental like, like New York City and not always
22 feasible.

23 COUNCIL MEMBER ROSE: And, and the
24 homeowners are aware of these three, um, methods that
25 are available? I heard you say you're doing

1 aggressive, um, outreach. But, again, are you
2 actually touching each of the homeowners that, you
3 know, this is applicable, um, to?

4
5 DIRECTOR BAVISHI: So just to clarify,
6 these are the three methods that we are advocating
7 [inaudible] level to become part of the NFIP program.
8 They're not all available right now through the
9 program. Um, right now grandfathering is one of the,
10 the most important affordability tools that we have.
11 Um, and, and, um, you know, the, the Center for New
12 York City Neighborhoods, um, who we partner with on,
13 ah, floodhelpny.org actually did a direct [inaudible]
14 all the homeowners that, um, qualify for these
15 programs in 2015. So we're reaching [inaudible].

16 COUNCIL MEMBER ROSE: Is there any, I'm
17 sorry, Brandon, um, one more. Um, is there, is there
18 any, um, help for, um, for commercial businesses that
19 are located in, in these flood zones. Um, my, my
20 district was really inundated, um, during, ah, Sandy
21 and, um, it was very difficult to, you know, get them
22 some sort of help.

23 DIRECTOR BAVISHI: It, it's a great
24 question and I'm actually really happy to report that
25 we've just gotten some funding from SBS to be able

2 to, ah, expand Flood Help NY to include information
3 for small businesses. So we're going to be doing
4 that very soon.

5 CHAIRPERSON BRANNAN: OK. Thank you so
6 much. Thank you, Chair.

7 CHAIRPERSON BRANNAN: Thanks, Debbie.
8 OK, ah, Joe and Jamie, thank you guys so much.

9 ASSISTANT COMMISSIONER ACKROYD: You're
10 welcome.

11 DIRECTOR BAVISHI: Thank you.

12 CHAIRPERSON BRANNAN: Um, Jessica, can
13 you tell us who we're hearing from?

14 COMMITTEE COUNSEL: Yes. Thank you,
15 Chair. Um, I just wanted to ask because Council
16 Member Constantinides just joined...

17 CHAIRPERSON BRANNAN: Oh, OK.

18 COMMITTEE COUNSEL: ...whether he had any
19 additional questions for the administration before
20 they go.

21 COUNCIL MEMBER CONSTANTINIDES: Um, not
22 at this time, no, thank you.

23 CHAIRPERSON BRANNAN: Thanks, Cos.

24 COUNCIL MEMBER CONSTANTINIDES: Thank
25 you.

1 COMMITTEE ON RESILIENCY AND WATERFRONTS 55
2 COMMITTEE COUNSEL: All right, thank you.
3 Thank you, council members. Thank you, um, Director
4 Bavishi and Associate Commissioner Ackroyd. We will
5 now turn to public testimony. I'd like to remind
6 everyone that unlike our typical council hearings we
7 will be calling individuals one by one to testify.
8 Each panelist will be given three minutes to speak.
9 Please begin once the sergeant has started the timer.
10 Council members who have questions for a particular
11 panelist should use the raise hand function in Zoom
12 and I will call on you after the panelist has
13 completed their testimony. For panelists, once your
14 name is called a member of our staff will unmute you
15 and the Sergeant at Arms will give you the go ahead
16 to begin upon setting the timer. Please wait for the
17 sergeant to announce that you may begin before
18 delivering your testimony. I would like to now
19 welcome John Baker from the Center for New York City
20 Neighborhoods to testify. After John Baker I will be
21 calling on Kate Boicourt from the Waterfront Alliance
22 to testify. John Baker, you may begin when the
23 sergeant calls time.

24 SERGEANT AT ARMS: Time starts now.
25

1
2 JOHN BAKER: Good morning. So, I'm John
3 Baker. I'm a manager in the policy team at the
4 Center for New York City Neighborhoods. And, ah, I
5 wanted to thank committee Chair Brannan as well as
6 the other members of the Resiliency and Waterfronts
7 Committee for holding today's hearing. Um, most,
8 much of my testimony is about Flood Help New York
9 and, ah, I want to thank Director Bavishi for doing
10 such a great job describing the platform. Um, a, ah,
11 I just wanted to add that, you know, for us a primary
12 goal of the site is to connect in general low- and
13 middle-income homeowners, ah, with engineers in, in
14 coastal communities to provide audit, audits, and the
15 idea here is that we're very much trying to not only
16 show people their flood risk but show the, the cost
17 savings that they can receive on their insurance if
18 they're able to go through a resiliency audit, help
19 them lower their current flood insurance payment, and
20 then show them other ways to, to become more
21 resilient to flooding with the carrot of lowering
22 those flood insurance premiums. Ah, in the, ah,
23 elevation certificate itself, um, there's no way of
24 knowing exactly, ah, what the elevation of a
25 particular home without a resiliency audit. So we

1 find that, um, most homeowners that go through these
2 process save a pretty significant amount of money,
3 um, at, at minimum \$200 in most cases once going
4 through our program. Um, what I would like to speak
5 about is our vision for, for expanding flood help.
6 Um, as Director Bavishi said the, ah, ah, our
7 funding, ah, expires at the end of, ah, in 2022 and
8 that we would need to be funded, ah, in the next
9 fiscal year to continue providing this service and,
10 um, it's not just about providing this service, but
11 expanding it so that it's, we're not just providing
12 audits in a few neighborhoods, but providing a number
13 of other services as well, expanding what we have to
14 cover the whole city, ah, as well as, um, um,
15 including renters as well as homeowners. The site is
16 very homeowner-focused right now. Um, we're
17 expecting to launch a small business information, um,
18 module in the next few weeks and, ah, Council Member
19 Rose, I will be reaching out to your office to let
20 you know when that happens. Ah, um, we'll be, ah,
21 expanding, we would like to be able in the future to,
22 um, expand the resiliency audit program and the
23 counseling program so we can reach more homeowners
24 throughout the city, and we have some ideas for
25

1 expanding, um, ah, ah, what we call the resilience
2 retrofit pilot program, and the idea is once, ah,
3 engineers go into these homes and perform these
4 audits that we can find the, ah, low-cost flood
5 adaptations and, and install them for homeowners. So
6 right now what happens is, you know, you may get a
7 couple hundred bucks off your flood insurance payment
8 thanks to this elevation certificate. Ah, but, you,
9 ah, ah, you may, um, but, you know, after counseling
10 they say you're going to need a whole retrofit to
11 raise your house, and we like to find things like
12 that backwater valve where we can make you more
13 resilient and lower your costs.

14
15 SERGEANT AT ARMS: Time expired.

16 CHAIRPERSON BRANNAN: John, you can
17 finish if you have...

18 COMMITTEE COUNSEL: Thank you.

19 CHAIRPERSON BRANNAN: You want to finish
20 up? OK.

21 JOHN BAKER: Oh, there we go, I'm unmuted
22 again, apologies. Um, ah, the last thing I wanted to
23 mention about how we'd like to expand this is, is,
24 ah, we have a vision for integrating, ah, citizen
25 science data and photos about tidal flooding. Um,

1
2 tidal flooding being, ah, being not during a storm
3 but during the normal, you know, high tide areas and
4 trying to identify places where there's a higher risk
5 of that. Um, I just also briefly want to mention
6 that the State Senate, the Hoylman bill that we were
7 talking about to close that loophole we're very
8 interested [laughs] getting rid of that.

9 CHAIRPERSON BRANNAN: Yeah, that's
10 completely insane. Ah, we have to work on that, like
11 come January, like, you know, that's nuts. Awesome.
12 All right, brother, thank you.

13 COMMITTEE COUNSEL: Thank you. Um, I
14 will now be calling on Kate Boicourt from the
15 Waterfront Alliance to testify. After Ms. Boicourt
16 we will hear from Nicole Fernandez Femer from Uprose.
17 Kate Boicourt, you may begin when the sergeant calls
18 time.

19 SERGEANT AT ARMS: Time starts now.

20 KATE BOICOURT: Thank you, and thank you,
21 Chair Brannan and to the council members who have
22 joined us here today. My testimony is rather
23 consistent, I would say, with the Center for New York
24 City Neighborhoods and, and, ah, Director Bavishi's.
25 So I will actually skip over that portion of it. But

1
2 just here to say that, you know, we are a nonprofit
3 organization. Waterfront Alliance is more than 1100
4 community and recreational groups, educational
5 institutions, businesses, [inaudible] stakeholders
6 that work to enable and inspire resilient,
7 revitalized, and accessible coastlines for all, ah,
8 New Yorkers and New Jerseyans. We are spearheading a
9 campaign and coalition of which the Center for New
10 York City Neighborhoods is part and we are calling
11 for action on federal, state, and local levels to
12 increase climate resilience. Um, and as has been
13 mentioned, our federal platform for FEMA and the
14 National Flood Insurance Program is very consistent
15 with the city's. Um, we have been working with
16 Senator Hoylman to try to close that loophole and are
17 very ready to be advocating for that in January. So
18 we are very much aligned. Um, I'd like to focus a
19 little bit on a few things that the city can do today
20 or tomorrow or as soon as we have those advisory, ah,
21 flood maps, um, through FEMA that incorporate future
22 risk, because I think that there's a lot that needs
23 to change at the federal level and we're right there
24 with you. Um, but there are things that we can do
25 today, including expanding and supporting the

1 Campaign for New York Health programs to reach all
2 New Yorkers. I think we also need to focus on, as
3 the member Brannan and Chair Brannan focused on today
4 to make sure that those FEMA maps are really the
5 basis for regulation, zoning, planning, and
6 infrastructure development, really knitting together
7 a lot of the programs the city has today, but
8 incorporating future flood risk into informing where
9 density can be borne and where it's not. The second
10 thing that we really want to focus on is, is
11 increasing insurance coverage and access, um, and
12 we'd like to encourage the city and the state to
13 consider taking action absent federal leadership on
14 that means-tested voucher program and to support, um,
15 really trying to provide more access to more New
16 Yorkers and, and that really need the most support in
17 meeting those premiums, ah, until we get that, that
18 federal policy in place. Um, thirdly, we really need
19 to make sure that we're addressing and prioritizing
20 our risks that are rising, ah, and faced by public
21 and affordable housing. As you mentioned, um, we,
22 you know, we have a hundred thousand residents,
23 potential units, that are projected to be in the
24 flood plain by 2050 and that's an enormous amount.
25

1
2 We need a plan for that. And lastly, um, as I said,
3 you know, there's a lot of great programs that are
4 going on, um, and offered by Center for New York City
5 Neighborhoods and Flood Help New York. We would love
6 to see those expanding, that pilot program become a
7 more regular program. Ah, development of a voluntary
8 buy-out program, ah, expansion of technical
9 assistant, and really building from what we have
10 learned so far.

11 SERGEANT AT ARMS: Time expired.

12 KATE BOICOURT: Sorry, I, I will wrap up
13 there and just say we must act now. We're, we're
14 facing many intersectional crises and, ah, we really
15 can't wait any longer. Thank you.

16 CHAIRPERSON BRANNAN: Awesome. Thank
17 you, Kate. You guys are great. Thank you.

18 COMMITTEE COUNSEL: Thank you. If we
19 have inadvertently missed any that has registered to
20 testify today and has yet to have been called, please
21 use the Zoom hand function and you will be called in
22 the order that your hand has been raised. Seeing
23 none, I will now turn it over to Chair Brannan for
24 closing remarks. Chair Brannan.

1
2 CHAIRPERSON BRANNAN: Thank you. Um, who
3 knew you could have so much fun on a Tuesday morning
4 talking about flood insurance. Um, we learned a lot
5 today, I think. Um, certainly, you know, this, this,
6 um, you know, it goes back to really what this
7 committee has really zeroed in on, which is, um, the
8 communities, primarily low-income communities of
9 color in the so-called outer boroughs, um, who, ah,
10 live along the, the city's 520 miles of coastline,
11 um, who are still trying to rebuild and fortify their
12 neighborhoods, um, you know after Hurricane Sandy.
13 Um, and we're sort of in a race against time now as
14 the storms, ah, get worse and worse and as, as the
15 climate crisis gets more and more urgent and
16 situation gets more dire, we're, we're in a race
17 against time against these maps and, um, you know,
18 pushing to see that whether the maps comes out five,
19 10, 20 years from now we can tell you today, ah, that
20 the flood plain is, is greatly expanding and moving,
21 ah, further onto dry land, so to speak, and, um, you
22 know, and I think we need to be pushing at all levels
23 of government, um, to make sure that folks take this
24 seriously, and certainly closing all loopholes, like
25 the one we learned about today, um, that, ah, allow

1 folks to sort of, ah, get away with not being
2 prepared for their own good, or for whoever they sell
3 their home to. So, um, you know, I, I think, you
4 know, as America's, as one of America's three most,
5 um, hurricane-vulnerable urban centers, um, you know,
6 all of this stuff, ah, is, is part of a larger
7 ecosystem and, um, ah, none of this stuff happens in
8 a silo. So we need to be looking at this stuff
9 holistically, um, but also urgently. You know, we,
10 we have to sort of get away from the academic, um,
11 into the application of actually getting this stuff
12 done, ah, and making sure that folks have the tools
13 they need to be prepared, um, and also thinking a
14 little bit more responsibly about, um, what we're
15 building in areas that five or 10 years from now, or
16 by 2050, ah, are gonna be squarely within, um, the,
17 the flood plain of our city. So, um, I thank
18 everyone behind the scenes who helped work on our
19 hearing today and certainly all the panelists, um,
20 who, ah, for testifying. And with that I will
21 adjourn this hearing. [gavel]

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C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date November 29, 2020