



## Legislation Details (With Text)

**File #:** Int 2198-2021 **Version:** A **Name:** Additional freeboard for structures in the floodplain.  
**Type:** Introduction **Status:** Enacted  
**In control:** Committee on Resiliency and Waterfronts

**On agenda:** 1/6/2021

**Enactment date:** 4/18/2021 **Enactment #:** 2021/043

**Title:** A Local Law to amend the New York city building code, in relation to additional freeboard for structures in the floodplain

**Sponsors:** Steven Matteo, Helen K. Rosenthal, Deborah L. Rose, Carlina Rivera, James F. Gennaro

**Indexes:**

**Attachments:** 1. Summary of Int. No. 2198-A, 2. Summary of Int. No. 2198, 3. Int. No. 2198, 4. January 6, 2021 - Charter Meeting Agenda with Links to Files, 5. Hearing Transcript - Charter Meeting 1-6-21, 6. Minutes of the Charter Meeting - January 6, 2021, 7. Committee Report 1/25/21, 8. Hearing Testimony 1/25/21, 9. Hearing Testimony 1/25/21 (Con't), 10. Hearing Transcript 1/25/21, 11. Proposed Int. No. 2198-A - 3/11/21, 12. Committee Report 3/18/21, 13. Hearing Transcript 3/18/21, 14. Committee Report - Stated Meeting, 15. March 18, 2021 - Stated Meeting Agenda with Links to Files, 16. Hearing Transcript - Stated Meeting 3-18-21, 17. Minutes of the Stated Meeting - March 18, 2021, 18. Int. No. 2198-A (FINAL), 19. Fiscal Impact Statement, 20. Legislative Documents - Letter to the Mayor, 21. Local Law 43

Date	Ver.	Action By	Action	Result
1/6/2021	*	City Council	Referred to Comm by Council	
1/6/2021	*	City Council	Introduced by Council	
1/25/2021	*	Committee on Resiliency and Waterfronts	Hearing Held by Committee	
1/25/2021	*	Committee on Resiliency and Waterfronts	Laid Over by Committee	
3/18/2021	*	Committee on Resiliency and Waterfronts	Hearing Held by Committee	
3/18/2021	*	Committee on Resiliency and Waterfronts	Amendment Proposed by Comm	
3/18/2021	*	Committee on Resiliency and Waterfronts	Amended by Committee	
3/18/2021	A	Committee on Resiliency and Waterfronts	Approved by Committee	Pass
3/18/2021	A	City Council	Approved by Council	Pass
3/18/2021	A	City Council	Sent to Mayor by Council	
4/7/2021	A	Mayor	Hearing Scheduled by Mayor	
4/7/2021	A	Mayor	Hearing Scheduled by Mayor Cancelled	
4/18/2021	A	Administration	City Charter Rule Adopted	
4/19/2021	A	City Council	Returned Unsigned by Mayor	

Int. No. 2198-A

By Council Members Matteo, Rosenthal, Rose, Rivera and Gennaro

A Local Law to amend the New York city building code, in relation to additional freeboard for structures in the floodplain

Be it enacted by the Council as follows:

Section 1. The New York city amendments to section 2.3 of ASCE 24-05 as set forth in section G501.1 of chapter G5 of appendix G of the New York city building code, as amended by local law number 141 for the year 2013, is amended to read as follows:

**Section 2.3.** Table 2-1 of Section 2.3 (Elevation Requirements) is amended to read as follows:

**TABLE 2-1  
MINIMUM ELEVATION OF THE TOP OF LOWEST FLOOR  
RELATIVE TO DESIGN FLOOD ELEVATION (DFE)-A-ZONES<sup>a</sup>**

<b>Structural Occupancy Category<sup>b</sup></b>	<b>Minimum Elevation of Lowest Floor</b>
I	DFE = BFE + 2 ft
[II (1-and 2- family dwellings)]	[DFE = BFE + 2 ft]
II <sup>c, d</sup> [(all others)]	DFE = BFE + [1] ≥ ft
III <sup>c, d</sup>	DFE = BFE + [1] ≥ ft
IV <sup>c</sup>	DFE = BFE + 2 ft <u>or 500-year flood elevation, whichever is higher</u>

<sup>a</sup>. Minimum elevations shown in Table 2-1 do not apply to V Zones (see Table 4-1). Minimum elevations shown in Table 2-1 apply to A-Zones unless specific elevation requirements are given in Section 3 of this Standard.

<sup>b</sup>. See Table 1-1, or Table 1604.5 of the *New York City Building Code*, for structural occupancy category descriptions.

<sup>c</sup>. For nonresidential buildings and nonresidential portions of mixed-use buildings, the lowest floor shall be allowed below the minimum elevation if the structure meets the floodproofing requirements of Section 6.

<sup>d</sup>. Buildings that include I-2 occupancies that are hospitals shall use the greater of (i) the DFE for the applicable structural occupancy category as indicated in this table or (ii) the 500-year flood elevation.

§ 2. The New York city amendments to section 4.4 of ASCE 24-05 as set forth in section G501.1 of chapter G5 of appendix G of the New York city building code, as amended by local law number 141 for the year 2013, is amended to read as follows:

**Section 4.4.** Table 4-1 of Section 4.4 (Elevation Requirements) is amended to read as follows:

**TABLE 4-1  
MINIMUM ELEVATION OF BOTTOM OF LOWEST SUPPORTING  
HORIZONTAL STRUCTURAL MEMBER OF LOWEST FLOOR  
RELATIVE TO DESIGN FLOOD ELEVATION (DFE)-V-ZONES AND COASTAL A-ZONES**

<b>STRUCTURAL OCCUPANCY CATEGORY<sup>a</sup></b>	<b>MEMBER ORIENTATION RELATIVE TO DIRECTION OF WAVE APPROACH</b>
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	Parallel <sup>b</sup>	Perpendicular <sup>b</sup>
I	DFE=BFE + 2 ft	DFE=BFE + 2 ft
[II (1-and 2- family dwellings)]	[DFE=BFE + 2 ft]	[DFE=BFE + 2 ft]
II <sup>c</sup> [(all others)]	DFE=BFE + 2 ft	DFE=BFE + [1] 2 ft
III <sup>c</sup>	DFE=BFE + [1] 2 ft	DFE=BFE + 2 ft
IV <sup>c</sup>	DFE=BFE + [1] 2 ft	DFE=BFE + 2 ft or 500 flood elevation, whichever higher

<sup>a</sup>. See Table 1-1, or Table 1604.5 of the *New York City Building Code*, for structural occupancy category descriptions.

<sup>b</sup>. Orientation of lowest horizontal structural member relative to the general direction of wave approach; parallel shall mean less than or equal to 20 degrees from the direction of approach; perpendicular shall mean greater than 20 degrees from the direction of approach.

<sup>c</sup>. Buildings that include I-2 occupancies that are hospitals shall use the greater of (i) the DFE for the applicable structural occupancy category as indicated in this table or (ii) the 500-year flood elevation.

§ 3. The New York city amendments to section 5.1 of ASCE 24-05 as set forth in section G501.1 of chapter G5 of appendix G of the New York city building code, as amended by local law number 141 for the year 2013, is amended to read as follows:

**Section 5.1.** Table 5-1 of Section 5.1 (Materials, General) is amended to read as follows:

**TABLE 5-1  
MINIMUM ELEVATION, RELATIVE TO DESIGN FLOOD  
ELEVATION (DFE), BELOW WHICH DAMAGE-RESISTANT  
MATERIALS SHALL BE USED**

STRUCTURAL OCCUPANCY CATEGORY <sup>a</sup>	A-ZONE	Coastal High Hazard Areas and Coastal	
		Orientation Parallel	Orientation Perpen
I	DFE=BFE + 2 ft	DFE=BFE + 2 ft	DFE=BFE + 2 ft
[II (1-and 2- family dwellings)]	[DFE=BFE + 2 ft]	[DFE=BFE + 2 ft]	[DFE=BFE + 2 ft]
II <sup>c</sup> [(all others)]	DFE=BFE + [1] 2 ft	DFE=BFE + [1] 2 ft	DFE=BFE + 2 ft
III <sup>c</sup>	DFE=BFE + [1] 2 ft	DFE=BFE + 2 ft	DFE=BFE + 3 ft
IV <sup>c</sup>	DFE=BFE + 2 ft or 500-year flood elevation, whichever is higher	DFE=BFE + 2 ft or 5 year flood elevation, whichever is higher	DFE=BFE + 3 ft or 5 flood elevation, whic higher

<sup>a</sup>. See Table 1-1, or Table 1604.5 of the *New York City Building Code*, for structural occupancy category descriptions.

<sup>b</sup>. Wet or dry floodproofing shall extend to the same level.

<sup>c</sup>. Dry floodproofing of residential buildings and residential portions of mixed use buildings shall not be permitted.

<sup>d</sup>. Buildings that include I-2 occupancies that are hospitals shall use the greater of (i) the DFE for the applicable structural occupancy category as indicated in this table or (ii) the 500-year flood elevation.

§ 4. The New York city amendments to section 6.2 of ASCE 24-05 as set forth in section G501.1 of chapter G5 of appendix G of the New York city building code, as amended by local law number 141 for the year 2013, is amended to read as follows:

**Section 6.2.** Table 6-1 of Section 6.2 (Dry Floodproofing) is amended to read as follows:

**TABLE 6-1  
MINIMUM ELEVATION OF FLOODPROOFING, RELATIVE TO  
DESIGN FLOOD ELEVATION (DFE)-A-ZONES**

<b>STRUCTURAL OCCUPANCY CATEGORY<sup>a</sup></b>	<b>MINIMUM ELEVATION OF FLOODPROOFING<sup>b</sup></b>
I	$DFE = BFE + [1] \geq 2 \text{ ft}$
II <sup>c,d</sup>	$DFE = BFE + [1] \geq 2 \text{ ft}$
III <sup>d</sup>	$DFE = BFE + [1] \geq 2 \text{ ft}$
IV <sup>d</sup>	$DFE = BFE + 2 \text{ ft}$ or 500-year flood elevation, whichever is higher

§ 5. The New York city amendments to section 7.1 of ASCE 24-05 as set forth in section G501.1 of chapter G5 of appendix G of the New York city building code, as amended by local law number 141 for the year 2013, is amended to read as follows:

**Section 7.1.** Table 7-1 of Section 7.1 (General) is amended to read as follows (see Table 7-1 below):

**TABLE 7-1  
MINIMUM ELEVATION OF UTILITIES AND ATTENDANT EQUIPMENT RELATIVE TO DESIGN  
FLOOD ELEVATION (DFE)**

<b>STRUCTURAL OCCUPANCY CATEGORY<sup>a</sup></b>	<b>LOCATE UTILITIES AND ATTENDANT EQUIPMENT ABOVE<sup>b</sup></b>		
	<b>A-Zones</b>	<b>Coastal High Hazard Area and Coastal A</b>	
		<b>Orientation Parallel</b>	<b>Orientation Perpend</b>
I	$DFE = BFE + 2 \text{ ft}$	$DFE = BFE + 2 \text{ ft}$	$DFE = BFE + 2 \text{ ft}$
[II (1-and 2- family dwellings)]	$[DFE = BFE + 2 \text{ ft}]$	$[DFE = BFE + 2 \text{ ft}]$	$[DFE = BFE + 2 \text{ ft}]$
II <sup>c</sup> [(all others)]	$DFE = BFE + [1] \geq 2 \text{ ft}$	$DFE = BFE + [1] \geq 2 \text{ ft}$	$DFE = BFE + 2 \text{ ft}$
III <sup>c</sup>	$DFE = BFE + [1] \geq 2 \text{ ft}$	$DFE = BFE + 2 \text{ ft}$	$DFE = BFE + 3 \text{ ft}$
IV <sup>c</sup>	$DFE = BFE + 2 \text{ ft}$ or 500-year flood elevation, whichever is higher	$DFE = BFE + 2 \text{ ft}$ or 500- year flood elevation, whichever is higher	$DFE = BFE + 3 \text{ ft}$ or 500- year flood elevation, which is higher

<sup>a</sup>. See Table 1-1, or Table 1604.5 of the *New York City Building Code*, for structural occupancy category descriptions.

- <sup>b</sup>. Locate utilities and attendant equipment above elevations shown unless otherwise provided in the text.
- <sup>c</sup>. Orientation of lowest horizontal structural member relative to the general direction of wave approach; parallel shall mean less than or equal to +20 degrees from the direction of approach; perpendicular shall mean greater than +20 degrees from the direction of approach.
- <sup>d</sup>. Buildings that include I-2 occupancies that are hospitals shall use the greater of (i) the DFE for the applicable structural occupancy category as indicated in this table or (ii) the 500-year flood elevation.

§ 6. This local law takes effect 1 year after it becomes law, except that this local law shall not apply to construction work related to applications for construction document approval filed prior to such effective date.

JSA  
LS #13023  
3/10/21 9:10p.m.