



Legislation Text

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A Local Law to amend the administrative code of the city of New York, in relation to climate resiliency design guidelines and resiliency scoring

Be it enacted by the Council as follows:

Section 1. Subchapter 2 of chapter 1 of title 3 of the administrative code of the city of New York is amended by adding a new section 3-131, to read as follows:

§ 3-131 Climate resiliency design guidelines. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Critical facility. The term “critical facility” means a:

1. Hospital or healthcare facility;
2. Fire, rescue, ambulance, police station or emergency vehicle facility;
3. Jail, correctional facility or detention facility;
4. Facility used in emergency response;
5. Critical aviation facility;
6. Food distribution center with an annual expected volume of greater than 170,000,000 pounds;
7. Building or structure that manufactures, processes, handles, stores, disposes or uses toxic or explosive substances;
8. Component of infrastructure in transportation, telecommunications or power networks;
9. Ventilation building or fan plant;

- 10. Operations center;
- 11. Sanitary pumping station;
- 12. Stormwater pumping station;
- 13. Train and transit maintenance yard or shop;
- 14. Wastewater treatment plant;
- 15. Component of the water supply infrastructure;
- 16. Combined sewer overflow retention tank;
- 17. Fueling station;
- 18. Waste transfer station; and
- 19. Facility where residents have limited mobility or ability.

Resiliency. The term “resiliency” means the capacity of a covered project, as defined in section 3-132, to absorb disruption and manage stresses while maintaining the same basic structure and function.

Useful life. The term “useful life” means the period over which a building, structure or system is expected to be available for use by an entity and may exceed the design life of such building, structure or system.

b. The office of long-term planning and sustainability shall establish a pilot program for developing the climate resiliency design guidelines. Each agency and office of the mayor shall identify projects that comprise no less than five percent of their respective capital construction budgets for fiscal years 2021 through 2024. The office of long-term planning and sustainability shall select no less than 35 such capital projects, as such term is defined in section 210 of the charter, to include in the pilot program. The pilot program shall be in effect for not more than five years. Projects selected for the pilot program shall include, but not be limited to, the following:

- 1. A combination of the most common facilities;
- 2. New construction and substantial improvements, as both terms are defined in section G201.2 of

chapter G2 of appendix G of the New York city building code;

3. No less than 30 percent of all projects shall be located in an environmental justice area, as such term is defined in section 3-1001;

4. No less than four projects shall be located in each borough;

5. Projects with a useful life: (a) less than 10 years; (b) 10 to 50 years; and (c) over 50 years;

6. Projects with capital costs: (a) under \$10 million; (b) \$10-49 million; (c) \$50-100 million; and (d) over \$100 million; and

7. Critical and non-critical facilities.

c. No later than December 31, 2025, the office of long-term planning and sustainability shall submit to the speaker of the council and publish on its website the climate resiliency design guidelines, developed pursuant to the pilot program described in subdivision b. Such guidelines shall provide instruction on incorporating forward-looking climate change data into the design of city facilities, as such term is defined in section 203 of the charter, as well as into the design of covered projects, pursuant to section 3-132, and on determining the appropriate resilient design strategies, including consideration of the useful life and criticality of facilities. Such guidelines shall be updated no less than once every eight years.

§ 2. Subchapter 2 of chapter 1 of title 3 of the administrative code of the city of New York is amended by adding a new section 3-132, to read as follows:

§ 3-132 Resiliency score. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Covered project. The term “covered project” means construction, installation, retrofit, improvement or alteration, with an estimated construction cost of no less than \$10,000,000 of a city facility, as such term is defined in section 203 of the charter, or a capital project, as such term is defined in section 210 of the charter, that is funded in whole or in part from the city treasury or through debt issued or secured by the city, provided that it shall not include a public betterment consisting solely of a street project that does not involve subsurface

utility work, drainage or roadway grading, fencing, or combination thereof. Any city facility with an estimated construction cost of less than \$10,000,000 shall be considered a covered project upon registration of a change order, or change orders, with a value that exceeds 30 percent of the original registered construction contract value of such project, and after which the estimated construction cost exceeds \$10,000,000.

Office. The term “office” means the office of long-term planning and sustainability.

b. The director of long-term planning and sustainability, in consultation with the New York city panel on climate change, the commissioner of design and construction, the commissioner of environmental protection, the commissioner of citywide administrative services, the commissioner of transportation, the commissioner of emergency management, the commissioner of buildings, the commissioner of parks and recreation, the commissioner of housing preservation and development, the director of management and budget, the director of city planning, the president of the New York city economic development corporation, and members of the public with expertise in climate resiliency, climate design, and the built environment, shall develop a resiliency score metric. For the purposes of calculating such resiliency score, the office shall by rule assign a number of points to each potential resilient feature of a project, to be informed by and include features detailed in the climate resiliency design guidelines pursuant to section 3-131, and which may also include but need not be limited to features such as:

1. Elevation to reduce the risk of flooding over the anticipated useful life;

2. Flood-proofing of structures or equipment;

3. Heat mitigation;

4. Energy resilience, including energy storage with or without use of on-site renewable energy generation;

5. On-site storm water capture and management;

6. Integration with naturally resilient shoreline features;

7. Salt or flood tolerant landscaping;

8. Green infrastructure;

9. Pervious pavement;

10. Resilient building materials;

11. Living walls or structures; and

12. Integration with and preservation of naturally occurring vegetation and habitat.

c. No later than December 31, 2025, the office shall establish by rule a minimum resiliency score that could be met or exceeded by most covered projects, provided that separate minimum resiliency scores may be established for i) new construction; and ii) a retrofit, improvement or alteration.

d. The office shall publish on its website the minimum resiliency score and the number of points that resilient features are assigned for the purpose of calculating the resiliency score.

e. Each covered project that is a new construction shall be required to meet or exceed the minimum resiliency score. The project design shall be submitted to the office for calculation of a resiliency score and scored by such office prior to being made available for review by the respective council committee, borough president and the community board pursuant to section 223 of the charter.

f. Each covered project that is a retrofit, improvement or alteration of an existing facility or infrastructure shall be required to either:

1. Meet or exceed the minimum resiliency score; or

2. Receive approval from the office, after submission of the project design with a written statement explaining how resilient features have been incorporated into the design to the extent practicable.

§ 3. Section 2 of this local law shall not apply to any projects for which the design has been made available for review by the respective council committee, borough president and the community board pursuant to section 223 of the charter prior to the effective date of this local law, except section 2 of this local law shall apply to such projects if registration of a capital project change order occurs after the effective date of this local law and such change order has a value that exceeds 60 percent of the original registered construction contract

value of such project.

§ 4. This local law takes effect 120 days after it becomes law, provided that the director of long-term planning and sustainability may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

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