

STATE OF NEW YORK

626

2023-2024 Regular Sessions

IN ASSEMBLY

January 10, 2023

Introduced by M. of A. OTIS -- read once and referred to the Committee on Governmental Operations

AN ACT to amend executive law, in relation to flood plain standards of construction

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision 2-a of section 378 of the executive law, as
2 added by a chapter of the laws of 2022 amending the executive law relat-
3 ing to requiring the examination of current and the recommendation of
4 future standardized building code requirements for flood mitigation, as
5 proposed in legislative bills numbers S. 7582-B and A. 9216-B, is
6 amended to read as follows:

7 [~~2-a.~~ 1-a. a. Standards for the construction of all new buildings and
8 for the [~~condition, occupancy, maintenance, conservation, rehabilitation~~
9 ~~and renewal of certain existing buildings, structures and premises~~
10 ~~located on or near coastlines~~] construction or renovation of existing
11 buildings that undergo a substantial improvement, as defined by the
12 council, located wholly or partially in an area designated on the appli-
13 cable Federal Emergency Management Agency ("FEMA") flood insurance rate
14 map, as amended from time to time, as a Special Flood Hazard Area or
15 Moderate Risk Flood Hazard Area, for the purposes of safeguarding life
16 and property therein and thereabout from the hazards of sea level rise,
17 flooding, saltwater corrosion, coastal or riparian erosion, storms, and
18 other degradation that may arise out of characteristics of the coastal
19 environment [~~or structures located wholly or partially in a Federal~~
20 ~~Emergency Management Agency ("FEMA") designated (i) Special Flood Hazard~~
21 ~~Area according to FEMA's current flood insurance rate maps, or (ii) a~~
22 ~~Moderate Risk Flood Hazard Area according to FEMA's current flood insur-~~
23 ~~ance rate maps~~].

24 b. The standards in paragraph a of this subdivision shall (i) be
25 developed to address future physical climate risk due to sea level

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 rise, and/or storm surges and/or flooding, based on available data from
2 nationally recognized sources or data produced by state agencies based
3 on nationally recognized procedures, analysis, and studies predicting
4 the likelihood of extreme weather events, including hazard risk analysis
5 data if applicable, and after consultation with the department of envi-
6 ronmental conservation, and (ii) if appropriate, provide for regular
7 inspection, and repair, as necessary, of the interior structural
8 elements of buildings.

9 § 2. This act shall take effect on the same date and in the same
10 manner as a chapter of the laws of 2022 amending the executive law
11 relating to requiring the examination of current and the recommendation
12 of future standardized building code requirements for flood mitigation,
13 as proposed in legislative bills numbers S. 7582-B and A. 9216-B, takes
14 effect.