

STATE OF NEW YORK

9216

IN ASSEMBLY

February 9, 2022

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

AN ACT to amend the executive law, in relation to requiring the examination of current and the recommendation of future standardized building code requirements for flood mitigation

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

1 Section 1. Subdivision 1 of section 374 of the executive law, as added
2 by chapter 707 of the laws of 1981, the opening paragraph as amended by
3 chapter 309 of the laws of 1996, paragraph a as amended by section 96 of
4 subpart B of part C and as further amended by section 104 of part A of
5 chapter 62 of the laws of 2011, and paragraph c as amended by chapter
6 920 of the laws of 1985, is amended to read as follows:

7 1. There is hereby created and established in the department of state
8 a council, to be known as the state fire prevention and building code
9 council. Such council shall consist of the secretary of state, as chair-
10 man, the state fire administrator, the director of the office of emer-
11 gency management and [~~fifteen~~ sixteen other members to be appointed as
12 follows:

13 a. Two members, to be appointed by the governor, from among the
14 commissioners of the departments of economic development, corrections
15 and community supervision, education, health, labor, mental health and
16 social services, office of general services, division of housing and
17 community renewal, and the superintendent of financial services.

18 b. Six members, to be appointed by the governor, one of whom shall be
19 an elected official of a city with a population over one million, one of
20 whom shall be an elected official of another city with a population over
21 one hundred thousand, one of whom shall be an elected official of any
22 other city, one of whom shall be an elected county official, one of whom
23 shall be an elected town official, and one of whom shall be an elected
24 village official.

25 c. [~~Seven~~ Eight members, to be appointed by the governor with the
26 advice and consent of the senate, one of whom shall be a fire service
27 official, one of whom shall be a registered architect, one of whom shall

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

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1 be a professional engineer, one of whom shall be an individual with
2 significant professional technical experience in flood mitigation in the
3 built environment, one of whom shall be a code enforcement official, one
4 of whom shall represent builders, one of whom shall represent trade
5 unions, and one of whom shall be a person with a disability as defined
6 in section two hundred ninety-two of this chapter who would directly
7 benefit from the provisions of article thirteen of the state uniform
8 fire prevention and building code. The registered architect and profes-
9 sional engineer shall be duly licensed to practice their respective
10 professions in the state of New York. After the certification of code
11 enforcement personnel pursuant to this chapter shall have begun said
12 code enforcement official shall be so certified.

13 § 2. Section 375 of the executive law is amended by adding a new
14 subdivision 9 to read as follows:

15 9. To examine, evaluate, and make recommendations concerning the
16 standardization of the uniform code and local building codes and permit
17 processes for the purpose of protection against the effects of sea level
18 rise, flooding, saltwater corrosion, coastal or riparian erosion,
19 storms, and other degradation that may arise out of characteristics of
20 the coastal environment or structures located wholly or partially in a
21 Federal Emergency Management Agency ("FEMA") designated (i) Special
22 Flood Hazard Area according to FEMA's current flood insurance rate maps,
23 or (ii) a Moderate Risk Flood Hazard Area according to FEMA's current
24 flood insurance rate maps. For this purpose, the council is authorized
25 to hold public hearings and consult with relevant stakeholders through-
26 out the state. Any recommendations formulated pursuant to this subdivi-
27 sion shall be submitted to the governor, the secretary of state, the
28 temporary president of the senate and the speaker of the assembly along
29 with such legislative proposals as the council deems necessary to imple-
30 ment its recommendations.

31 § 3. Section 378 of the executive law is amended by adding a new
32 subdivision 2-a to read as follows:

33 2-a. a. Standards for the construction of all buildings and for the
34 condition, occupancy, maintenance, conservation, rehabilitation and
35 renewal of certain existing buildings, structures and premises located
36 on or near coastlines for the purposes of safeguarding life and property
37 therein and thereabout from the hazards of sea level rise, flooding,
38 saltwater corrosion, coastal or riparian erosion, storms, and other
39 degradation that may arise out of characteristics of the coastal envi-
40 ronment or structures located wholly or partially in a Federal Emergency
41 Management Agency ("FEMA") designated (i) Special Flood Hazard Area
42 according to FEMA's current flood insurance rate maps, or (ii) a Moder-
43 ate Risk Flood Hazard Area according to FEMA's current flood insurance
44 rate maps.

45 b. The standards in paragraph a of this subdivision shall (i) be
46 developed to address future physical climate risk due to sea level
47 rise, and/or storm surges and/or flooding, based on available data
48 predicting the likelihood of extreme weather events, including hazard
49 risk analysis data if applicable, and (ii) if appropriate, provide for
50 regular inspection, and repair, as necessary, of the interior structural
51 elements of buildings.

52 § 4. This act shall take effect immediately.