# STATE OF NEW YORK

7582

2021-2022 Regular Sessions

# IN SENATE

December 8, 2021

Introduced by Sen. MAYER -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

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:**

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

1. There is hereby created and established in the department of state a council, to be known as the state fire prevention and building code council. Such council shall consist of the secretary of state, as chairman, the state fire administrator**, the director of the office of emergency management** and [~~fifteen~~] **sixteen** other members to be appointed as follows:

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

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

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

LBD13445-03-1

c. [~~Seven~~] **Eight** members, to be appointed by the governor with the advice and consent of the senate, one of whom shall be a fire service official, one of whom shall be a registered architect, one of whom shall be a professional engineer, **one of whom shall be an individual with significant professional technical experience in flood mitigation in the built environment,** one of whom shall be a code enforcement official, one of whom shall represent builders, one of whom shall represent trade unions, and one of whom shall be a person with a disability as defined in section two hundred ninety-two of this chapter who would directly benefit from the provisions of article thirteen of the state uniform fire prevention and building code. The registered architect and professional engineer shall be duly licensed to practice their respective professions in the state of New York. After the certification of code enforcement personnel pursuant to this chapter shall have begun said code enforcement official shall be so certified.

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

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

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

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

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

§ 4. This act shall take effect immediately.