STATE OF NEW YORK

1371

2021-2022 Regular Sessions

IN SENATE

January 11, 2021

Introduced by Sen. BROOKS -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

AN ACT to provide notice of base flood elevation requirements to certain owners of property, buildings or other structures

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

Section 1. 1. Each local building department shall provide written notice to all owners or occupants of real property, buildings or other structures in such department's respective county which are situated in a special flood hazard area, who: (a) on or after October 22nd, 2012, file an application for a building permit to construct a new building or structure or to substantially repair or improve an existing building or structure on such property; or (b) prior to October 22nd, 2012, was issued a building permit to: (i) construct a new building or structure which has not undergone substantial commencement of construction as of such date, or (ii) substantially repair or improve an existing building or structure on such property and the cost of such repair or improvement exceeds fifty percent of the value of such building or structure, or (iii) sustained substantial damage as a result of super storm Sandy. The notice shall state that such construction, or substantial repair or improvement shall comply with applicable base flood elevation requirements as delineated on the currently effective flood insurance rate map (FIRM) or flood hazard boundary map issued by the federal emergency management agency. Such notice shall be delivered no later than September 1, 2021.

2. For purposes of this act, the following terms shall have the following meanings:

(a) "Special flood hazard area" shall mean any area subject to a one percent or greater chance of flooding in any given year as determined by the currently effective flood insurance rate map (FIRM) or flood hazard boundary map issued by the federal emergency management agency.

(b) "Substantial commencement of construction" shall mean a foundation has been completed for the construction of a new building or structure.

§ 2. This act shall take effect immediately.

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

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