

STATE OF NEW YORK

7582--B

Cal. No. 623

2021-2022 Regular Sessions

IN SENATE

December 8, 2021

Introduced by Sens. MAYER, ADDABBO, BIAGGI, HOYLMAN, MYRIE, RAMOS, REICHLIN-MELNICK, SANDERS, SKOUFIS -- read twice and ordered printed, and when printed to be committed to the Committee on Rules -- recommended to the Committee on Housing, Construction and Community Development in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading -- passed by Senate and delivered to the Assembly, recalled, vote reconsidered, restored to third reading, amended and ordered reprinted, retaining its place in the order of third reading

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

3 9. To examine, evaluate, and make recommendations concerning the
4 standardization of the uniform code and local building codes and permit
5 processes for the purpose of protection against the effects of sea level
6 rise, flooding, saltwater corrosion, coastal or riparian erosion,
7 storms, and other degradation that may arise out of characteristics of
8 the coastal environment or structures located wholly or partially in a
9 Federal Emergency Management Agency ("FEMA") designated (i) Special
10 Flood Hazard Area according to FEMA's current flood insurance rate maps,
11 or (ii) a Moderate Risk Flood Hazard Area according to FEMA's current
12 flood insurance rate maps. For this purpose, the council is authorized
13 to hold public hearings and consult with relevant stakeholders through-
14 out the state. Any recommendations formulated pursuant to this subdivi-
15 sion shall be submitted to the governor, the secretary of state, the

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

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1 temporary president of the senate and the speaker of the assembly along
2 with such legislative proposals as the council deems necessary to imple-
3 ment its recommendations.

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

6 2-a. a. Standards for the construction of all buildings and for the
7 condition, occupancy, maintenance, conservation, rehabilitation and
8 renewal of certain existing buildings, structures and premises located
9 on or near coastlines for the purposes of safeguarding life and property
10 therein and thereabout from the hazards of sea level rise, flooding,
11 saltwater corrosion, coastal or riparian erosion, storms, and other
12 degradation that may arise out of characteristics of the coastal envi-
13 ronment or structures located wholly or partially in a Federal Emergency
14 Management Agency ("FEMA") designated (i) Special Flood Hazard Area
15 according to FEMA's current flood insurance rate maps, or (ii) a Moder-
16 ate Risk Flood Hazard Area according to FEMA's current flood insurance
17 rate maps.

18 b. The standards in paragraph a of this subdivision shall (i) be
19 developed to address future physical climate risk due to sea level
20 rise, and/or storm surges and/or flooding, based on available data
21 predicting the likelihood of extreme weather events, including hazard
22 risk analysis data if applicable, and after consultation with the
23 department of environmental conservation, and (ii) if appropriate,
24 provide for regular inspection, and repair, as necessary, of the interi-
25 or structural elements of buildings.

26 § 3. This act shall take effect immediately.