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:

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

[~~2-a.~~] **1-a.** a. Standards for the construction of all **new** buildings and for the [~~condition, occupancy, maintenance, conservation, rehabilitation and renewal of certain existing buildings, structures and premises located on or near coastlines~~] **construction or renovation of existing buildings that undergo a substantial improvement, as defined by the council, located wholly or partially in an area designated on the applicable Federal Emergency Management Agency ("FEMA") flood insurance rate map, as amended from time to time, as a Special Flood Hazard Area or Moderate Risk Flood Hazard Area,** 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

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

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

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