

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2013**

No. 95

Introduced by Council Members Arroyo, Brewer, Cabrera, Chin, Comrie, Dickens, Eugene, Ferreras, Fidler, Gentile, González, Jackson, James, King, Koppell, Mark-Viverito, Mendez, Nelson, Palma, Reyna, Williams, Wills, Lappin, Rodriguez, Gennaro, Van Bramer and Barron.

A LOCAL LAW

To amend the New York city building code, in relation to flood-resistant construction requirements for health facilities.

Be it enacted by the Council as follows:

Section 1. Section BC 202 of the New York city building code is amended by adding a new definition of “PATIENT CARE AREA (FOR FLOOD ZONE PURPOSES)” in appropriate alphabetical order to read as follows:

PATIENT CARE AREA (FOR FLOOD ZONE PURPOSES). *See Section G201.2.*

§2. Section G106.4 of the New York city building code, as added by local law number 33 for the year 2007, is amended to read as follows:

G106.4 Dry floodproofed spaces. The certificate of occupancy shall describe any dry floodproofed spaces as [“dry floodproofed”.] “*dry floodproofed.*” For such buildings containing dwelling units, *patient care areas (for flood zone purposes) or spaces intended to be used by persons for sleeping purposes*, the certificate of occupancy shall also provide the notations required by Section G304.1.2, Item 2.2.5. Where flood shields or other flood control devices are installed, the certificate of occupancy shall also provide notations describing these features.

§3. Section G201.2 of the New York city building code is amended by adding a new definition of “PATIENT CARE AREA (FOR FLOOD ZONE PURPOSES)” in appropriate alphabetical order to read as follows:

PATIENT CARE AREA (FOR FLOOD ZONE PURPOSES). Any space meeting the following conditions:

1. The space is located within a building or structure, or portion thereof, that is classified in Group I-2; and
2. The space is primarily used for the provision of medical services to persons, including, but not limited to, consultation, evaluation, monitoring and treatment services.

Exceptions: The following spaces shall not be considered patient care areas (for flood zone purposes):

1. "Emergency rooms or departments" as defined in 10 NYCRR 700.2(a)(2) and
2. Spaces primarily used for the provision of medical services identified in 10 NYCRR 703.6(c)(2)(i).

§4. Item 2.2 of section G304.1.2 of the New York city building code, as added by local law number 33 for the year 2007, is amended to read as follows:

2.2 Dwelling units, patient care areas (for flood zone purposes) and sleeping spaces. Where dwelling units, *patient care areas (for flood zone purposes) or spaces intended to be used by persons for sleeping purposes* are located in a building utilizing the dry floodproofing option, the following additional requirements shall be met:

- 2.2.1. All rooms and spaces within dwelling units, *patient care areas (for flood zone purposes) and all spaces intended to be used by persons for sleeping purposes* shall be located at or above the design flood elevation;
- 2.2.2. [No] *For buildings containing dwelling units, no more than one toilet and one sink shall be located below the design flood elevation. Any such toilet room shall not be located within a dwelling unit and shall be no larger than required by Chapter 11; and no roughing therein shall be permitted to accommodate additional fixtures;*
- 2.2.3. [No] *For buildings containing dwelling units, no more than one two-compartment laundry tray shall be permitted below the design flood elevation;*
- 2.2.4. [No] *For buildings containing dwelling units, no kitchens or kitchenettes shall be permitted below the design flood elevation;*
- 2.2.5. A restrictive declaration noting the above restrictions shall be filed with the City Register or County Clerk, and the page number and liber number shall be identified in the permit application and on the certificate of occupancy.

§5. This local law shall take effect immediately.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on October 30, 2013 and approved by the Mayor on November 19, 2013.

MICHAEL M. McSWEENEY, City Clerk Clerk of the Council.

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 95 of 2013, Council Int. No. 983-A of 2012) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council and approved by the Mayor.

JEFFREY D. FRIEDLANDER, Acting Corporation Counsel.