

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

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**No. 96**

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Introduced by Council Members Ulrich, Oddo, Arroyo, Cabrera, Comrie, Gentile, González, James, Nelson, Vallone, Wills, Rodriguez, Lappin, Gennaro, Van Bramer, Recchia, Chin, Barron, Jackson, Williams and Halloran.

**A LOCAL LAW**

**To amend the administrative code of the city of New York and the New York city building code, in relation to the adoption of best available flood maps.**

*Be it enacted by the Council as follows:*

Section 1. Section 28-104.7.6 of the administrative code of the city of New York, as added by local law number 33 for the year 2007, is amended to read as follows:

**§28-104.7.6 City datum.** All elevations noted in the construction documents shall be referred to and clearly identified as the [United States coast and geodetic survey mean sea level datum of 1929 (national geodetic vertical datum, “NGVD”)] *North American vertical datum of 1988 (“NAVD”) as established and maintained by National Geodetic Survey of the National Ocean Service, National Oceanic and Atmospheric Administration or successor agency, which is hereby established as the city datum. Neither the United States coast and geodetic survey mean sea level datum of 1929 (national geodetic vertical datum, “NGVD”) nor any of the five borough data as established by the former Board of Estimate and Apportionment shall be referred to in construction documents except as may be required for the purpose of demonstrating conversion to the NAVD. Conversions to NAVD shall be performed by registered design professionals or surveyors. [By way of examples,] Conversion to and from borough data and NGVD shall be performed using tables 104.7.6.1 through 104.7.6.5 [shall be used to convert borough elevations to their corresponding equivalent NGVD elevations].*

§2. Section BC 202 of the New York city building code is amended by adding a new definition of “NORTH AMERICAN VERTICAL DATUM (NAVD)” in appropriate alphabetical order to read as follows:

***NORTH AMERICAN VERTICAL DATUM (NAVD).*** *See Section G201.2.*

§3. Appendix G of the New York city building code is amended by adding new sections

G102.2.1, G102.2.2, G102.3.1.1 and G102.3.2.1 to read as follows:

***G102.2.1 Preliminary flood insurance study and rate maps.*** *Until such time that the department by rule adopts revised FEMA FIS 360497 and FEMA FIRMs 360497 with a final effective date later than May 1, 2014, the following flood hazard maps and supporting data are also adopted as a referenced standard and declared a part of this appendix.*

*1. FEMA PFIS 360497.*

*2. FEMA PFIRMs 360497.*

***G102.2.2 Effect of preliminary flood insurance study and rate maps.*** *Notwithstanding any other provision in this appendix to the contrary:*

*1. All references in this appendix to elevations in FEMA FIS 360497 and FEMA FIRMs 360497 shall be deemed to refer to the greater of (i) the elevations identified in the FEMA FIS 360497/FEMA FIRMs 360497 or (ii) the elevations identified in the FEMA PFIS 360497/FEMA PFIRMs 360497. In comparing elevations, the elevations identified in FEMA FIS 360497 and FEMA FIRMs 360497 that are expressed in relation to the National Geodetic Vertical Datum (NGVD) shall be converted to the North American Vertical Datum (NAVD).*

*2. All references in this appendix to areas of special flood hazard as delineated on FEMA FIRMs 360497 shall be deemed to refer to the area of special flood hazard as delineated on FEMA PFIRMs 360497 except that, where a structure is located in an area of special flood hazard as delineated on FEMA PFIRMs 360497 and in a more restrictive area of special flood hazard as delineated on FEMA FIRMs 360497, such structure shall be deemed to be located in the more restrictive area of special flood hazard as delineated on FEMA FIRMs 360497.*

***G102.3.1.1 Letters of map amendment (LOMAs) during pendency of PFIRMs.*** *Until such time that the department by rule adopts revised FEMA FIS 360497 and FEMA FIRMs 360497 with a final effective date later than May 1, 2014, the commissioner shall not deem issuance of a LOMA by FEMA as removing such structure or tax lot from the area of special flood hazard unless the elevations specified in the LOMA equal or exceed the applicable corresponding elevations on the FEMA PFIS 360497/FEMA PFIRMs 360497.*

***G102.3.2.1 Letters of map revision based on fill (LOMR-Fs) during pendency of PFIRMs.*** *Until such time that the department by rule adopts revised FEMA FIS 360497 and FEMA FIRMs 360497 with a final effective date later than May 1, 2014, the commissioner shall not deem issuance of a LOMR-F as removing such structure or tax lot from the area of special flood hazard unless the elevations specified in the LOMR-F equal or exceed the applicable corresponding elevations on the FEMA PFIS 360497/FEMA PFIRMs 360497.*

§4. Section G201.2 of the New York city building code is amended by amending the

definitions of “BASE FLOOD ELEVATION” and “Flood Insurance Rate Map (FIRM),” as added by local law number 33 for the year 2007, and by adding a new definition for “NORTH AMERICAN VERTICAL DATUM (NAVD)” in appropriate alphabetical order, to read as follows:

**BASE FLOOD ELEVATION.** The elevation of the base flood, including wave height, as specified on FEMA FIRMs 360497 or as determined in accordance with Section G103.3[, relative to the National Geodetic Vertical Datum (NGVD)]. *In areas designated as Zone AO, the base flood elevation shall be the elevation of the highest existing grade of the building’s perimeter plus the depth number (in feet) specified on the flood hazard map.*

**FLOOD INSURANCE RATE MAP (FIRM).** The official *flood* map on which the Federal Emergency Management Agency (FEMA) has delineated areas of special flood hazard, base flood elevations, and the flood boundary and floodways.

**NORTH AMERICAN VERTICAL DATUM (NAVD).** *The national vertical datum standard established in 1988, used as a reference for establishing elevations within a flood plain.*

§5. Section BC G402 of the New York city building code, as amended by local law 8 for the year 2008, is amended to read as follows:

**SECTION BC G402 STANDARDS**

ASCE 7-02	Minimum Design Loads for Buildings and Other Structures	G104.5.2, G201.2, G304.2
ASCE 24-05*	Flood Resistant Design and Construction	G103.1, G104.3, G104.5.1, G104.5.2, G105.2, G105.3.1, G201.2, G301.1, G303.2, G303.3, G303.4, G303.7, G304.1.1, G304.1.2, G304.2, G305.1, G307.1, G307.2, G307.3, G308.1, G308.3
FEMA FIS 360497	Flood Insurance Study, Community Number 360497, Revised September 5, 2007; Federal Emergency Management Agency	G102.2
FEMA PFIS 360497	<i>Preliminary Flood Insurance Study, Community Number 360497, Federal Emergency Management Agency</i>	<i>G102.2.1, G102.2.2, G102.3.1.1, G102.3.2.2</i>

FEMA FIRMS 360497	Flood Insurance Rate Map, Community Number 360497, Panel Numbers 1 through 0457, Revised September 5, 2007; Federal Emergency Management Agency	G102.2, G102.3, G102.3.1, G102.3.2, G103.3, G201.2
FEMA PFIRMS 360497	<i>Preliminary Flood Insurance Rate Map, Community Number 360497, Federal Emergency Management Agency</i>	<i>G102.2.1, G102.2.2, G102.3.1.1, G102.3.2.1</i>
FEMA FORM 81-31	Elevation Certificate; Federal Emergency Management Agency	G105.3
FEMA FORM 81-65	Floodproofing Certification; Federal Emergency Management Agency	G105.3
HUD 24 CFR Part 3280-94	Manufactured Home Construction Safety Standards, 1994	G201.2

\* As modified in Chapter G5.

§6. This local law shall take effect thirty days after the Federal Emergency Management Agency issues the next Preliminary Flood Insurance Study, Community Number 360497, and Preliminary Flood Insurance Rate Map, Community Number 360497, following enactment of this local law.

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. 96 of 2013, Council Int. No. 990-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.