

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2021**

No. 43

Introduced by Council Members Matteo, Rosenthal, Rose, Rivera and Gennaro.

A LOCAL LAW

To amend the New York city building code, in relation to additional freeboard for structures in the floodplain

Be it enacted by the Council as follows:

Section 1. The New York city amendments to section 2.3 of ASCE 24-05 as set forth in section G501.1 of chapter G5 of appendix G of the New York city building code, as amended by local law number 141 for the year 2013, is amended to read as follows:

Section 2.3. Table 2-1 of Section 2.3 (Elevation Requirements) is amended to read as follows:

**TABLE 2-1
MINIMUM ELEVATION OF THE TOP OF LOWEST FLOOR
RELATIVE TO DESIGN FLOOD ELEVATION (DFE)—A-ZONES^a**

Structural Occupancy Category^b	Minimum Elevation of Lowest Floor
I	DFE = BFE + 2 ft
[II (1-and 2- family dwellings)]	[DFE = BFE + 2 ft]
II ^{c, d} [(all others)]	DFE = BFE + [1] 2 ft
III ^{c, d}	DFE = BFE + [1] 2 ft
IV ^c	DFE = BFE + 2 ft <i>or</i> 500-year flood elevation, whichever is higher

^a. Minimum elevations shown in Table 2-1 do not apply to V Zones (see Table 4-1). Minimum elevations shown in Table 2-1 apply to A-Zones unless specific elevation requirements are given in Section 3 of this Standard.

^b. See Table 1-1, or Table 1604.5 of the *New York City Building Code*, for structural occupancy category descriptions.

^c. For nonresidential buildings and nonresidential portions of mixed-use buildings, the lowest floor shall be allowed below the minimum elevation if the structure meets the floodproofing requirements of Section 6.

^d. Buildings that include I-2 occupancies that are hospitals shall use the greater of (i) the DFE for the applicable structural occupancy category as indicated in this table or (ii) the 500-year flood elevation.

§ 2. The New York city amendments to section 4.4 of ASCE 24-05 as set forth in section G501.1 of chapter G5 of appendix G of the New York city building code, as amended by local law number 141 for the year 2013, is amended to read as follows:

Section 4.4. Table 4-1 of Section 4.4 (Elevation Requirements) is amended to read as follows:

**TABLE 4-1
MINIMUM ELEVATION OF BOTTOM OF LOWEST SUPPORTING
HORIZONTAL STRUCTURAL MEMBER OF LOWEST FLOOR
RELATIVE TO DESIGN FLOOD ELEVATION (DFE)—V-ZONES AND COASTAL
A-ZONES**

STRUCTURAL OCCUPANCY CATEGORY^a	MEMBER ORIENTATION RELATIVE TO THE DIRECTION OF WAVE APPROACH	
	Parallel^b	Perpendicular^b
I	$DFE=BFE + 2\ ft$	$DFE=BFE + 2\ ft$
[II (1-and 2- family dwellings)]	[$DFE=BFE + 2\ ft$]	[$DFE=BFE + 2\ ft$]
II ^c [(all others)]	$DFE=BFE + 2\ ft$	$DFE=BFE + [1]\ 2\ ft$
III ^c	$DFE=BFE + [1]\ 2\ ft$	$DFE=BFE + 2\ ft$
IV ^c	$DFE=BFE + [1]\ 2\ ft$	$DFE=BFE + 2\ ft\ or$ <i>500-year flood elevation, whichever is higher</i>

^a. See Table 1-1, or Table 1604.5 of the *New York City Building Code*, for structural occupancy category descriptions.

^b. Orientation of lowest horizontal structural member relative to the general direction of wave approach; parallel shall mean less than or equal to 20 degrees from the direction of approach; perpendicular shall mean greater than 20 degrees from the direction of approach.

^c. Buildings that include I-2 occupancies that are hospitals shall use the greater of (i) the DFE for the applicable structural occupancy category as indicated in this table or (ii) the 500-year flood elevation.

§ 3. The New York city amendments to section 5.1 of ASCE 24-05 as set forth in section G501.1 of chapter G5 of appendix G of the New York city building code, as amended by local law number 141 for the year 2013, is amended to read as follows:

Section 5.1. Table 5-1 of Section 5.1 (Materials, General) is amended to read as follows:

**TABLE 5-1
MINIMUM ELEVATION, RELATIVE TO DESIGN FLOOD
ELEVATION (DFE), BELOW WHICH DAMAGE-RESISTANT
MATERIALS SHALL BE USED**

STRUCTURAL OCCUPANCY CATEGORY ^a	A-ZONE	Coastal High Hazard Areas and Coastal A-Zones	
		Orientation Parallel ^b	Orientation Perpendicular ^b
I	DFE=BFE + 2 ft	DFE=BFE + 2 ft	DFE=BFE + 2 ft
[II (1-and 2-family dwellings)]	[DFE=BFE + 2 ft]	[DFE=BFE + 2 ft]	[DFE=BFE + 2 ft]
II ^c [(all others)]	DFE=BFE + [1] 2 ft	DFE=BFE + [1] 2 ft	DFE=BFE + 2 ft
III ^c	DFE=BFE + [1] 2 ft	DFE=BFE + 2 ft	DFE=BFE + 3 ft
IV ^c	DFE=BFE + 2 ft <i>or</i> 500-year flood elevation, <i>whichever is higher</i>	DFE=BFE + 2 ft <i>or</i> 500-year flood elevation, <i>whichever is higher</i>	DFE=BFE + 3 ft <i>or</i> 500-year flood elevation, <i>whichever is higher</i>

^a. See Table 1-1, or Table 1604.5 of the *New York City Building Code*, for structural occupancy category descriptions.

^b. Wet or dry floodproofing shall extend to the same level.

^c. Dry floodproofing of residential buildings and residential portions of mixed use buildings shall not be permitted.

^d. Buildings that include I-2 occupancies that are hospitals shall use the greater of (i) the DFE for the applicable structural occupancy category as indicated in this table or (ii) the 500-year flood elevation.

§ 4. The New York city amendments to section 6.2 of ASCE 24-05 as set forth in section G501.1 of chapter G5 of appendix G of the New York city building code, as amended by local law number 141 for the year 2013, is amended to read as follows:

Section 6.2. Table 6-1 of Section 6.2 (Dry Floodproofing) is amended to read as follows:

**TABLE 6-1
MINIMUM ELEVATION OF FLOODPROOFING, RELATIVE TO
DESIGN FLOOD ELEVATION (DFE)—A-ZONES**

STRUCTURAL OCCUPANCY CATEGORY^a	MINIMUM ELEVATION OF FLOODPROOFING^b
I	DFE=BFE+ [1] 2 ft
II ^{c,d}	DFE=BFE+ [1] 2 ft
III ^d	DFE=BFE+ [1] 2 ft
IV ^d	DFE=BFE+ 2 ft <i>or</i> 500-year flood elevation, whichever is higher

§ 5. The New York city amendments to section 7.1 of ASCE 24-05 as set forth in section G501.1 of chapter G5 of appendix G of the New York city building code, as amended by local law number 141 for the year 2013, is amended to read as follows:

Section 7.1. Table 7-1 of Section 7.1 (General) is amended to read as follows (see Table 7-1 below):

**TABLE 7-1
MINIMUM ELEVATION OF UTILITIES AND ATTENDANT EQUIPMENT RELATIVE
TO DESIGN FLOOD ELEVATION (DFE)**

STRUCTURAL OCCUPANCY CATEGORY^a	LOCATE UTILITIES AND ATTENDANT EQUIPMENT ABOVE^b		
	A-Zones	Coastal High Hazard Area and Coastal A-Zones	
		Orientation Parallel^c	Orientation Perpendicular^c
I	DFE=BFE + 2 ft	DFE=BFE + 2 ft	DFE=BFE + 2 ft
[II (1-and 2-family dwellings)]	[DFE=BFE + 2 ft]	[DFE=BFE + 2 ft]	[DFE=BFE + 2 ft]
II ^c [(all others)]	DFE=BFE + [1] 2 ft	DFE=BFE + [1] 2 ft	DFE=BFE + 2 ft
III ^c	DFE=BFE + [1] 2 ft	DFE=BFE + 2 ft	DFE=BFE + 3 ft
IV ^c	DFE=BFE + 2 ft <i>or</i> 500-year flood elevation, whichever is higher	DFE=BFE + 2 ft <i>or</i> 500-year flood elevation, whichever is higher	DFE=BFE + 3 ft <i>or</i> 500-year flood elevation, whichever is higher

^a. See Table 1-1, or Table 1604.5 of the *New York City Building Code*, for structural occupancy category descriptions.

- b. Locate utilities and attendant equipment above elevations shown unless otherwise provided in the text.
- c. Orientation of lowest horizontal structural member relative to the general direction of wave approach; parallel shall mean less than or equal to +20 degrees from the direction of approach; perpendicular shall mean greater than +20 degrees from the direction of approach.
- d. Buildings that include I-2 occupancies that are hospitals shall use the greater of (i) the DFE for the applicable structural occupancy category as indicated in this table or (ii) the 500-year flood elevation.

§ 6. This local law takes effect 1 year after it becomes law, except that this local law shall not apply to construction work related to applications for construction document approval filed prior to such effective date.

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 March 18, 2021 and returned unsigned by the Mayor on April 19, 2021.

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. 43 of 2021, Council Int. No. 2198-A of 2021) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council, presented to the Mayor and neither approved nor disapproved within thirty days thereafter.

STEPHEN LOUIS, Acting Corporation Counsel.