Committee on Housing and Buildings

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Audrey Son, Counsel

Genan Zilkha, Counsel

 Jose Conde, Senior Legislative Policy Analyst

Charles Kim, Legislative Policy Analyst

Sarah Gastelum, Principal Financial Analyst

Luke Zangerle, Financial Analyst

Resiliency & Waterfronts Committee

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 Patrick Mulvihill, Senior Policy Analyst

Jonathan Seltzer, Senior Finance Analyst



**The New York City Council**

Jeffrey Baker, Legislative Director

**COMMITTEE REPORT OF THE INFRASTRUCTURE DIVISION**

Terzah Nasser, Deputy Director

**COMMITTEE ON HOUSING AND BUILDINGS**

Hon. Robert E. Cornegy, Jr., Chair

**Committee on Resiliency and waterfronts**

Hon. Justin Brannan, Chair

February 8, 2021

**OVERSIGHT: NEIGHBORHOOD RESILIENCY**

**Int. No.** **566:** By Council Member Treyger

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to the creation of a free elevation certificate program

**ADMINISTRATIVE CODE:** Adds a new section 28-103.32

**Proposed Int. No.** **962-A:** By Council Member Constantinides

**TITLE:** A Local Law to amend the New York city building code, in relation to allowed amount of impermeable area at zoning lots

**BUILDING CODE:** Amends Appendix A

1. **Introduction**

On February 8, 2021, the Committee on Housing and Buildings, chaired by Council Member Robert Cornegy, together with the Committee on Resiliency and Waterfronts, chaired by Council Member Justin Brannan, will hold a hearing entitled “Oversight–Neighborhood Resiliency.” The Committees will also hear the following legislation: Int. No. 566, sponsored by Council Member Treyger, A Local Law to amend the administrative code of the city of New York, in relation to the creation of a free elevation certificate program; and Proposed Int. No. 962-A, sponsored by Council Member Constantinides, A Local Law to amend the New York city building code, in relation to allowed amount of impermeable area at zoning lots. The Committees expect to receive testimony from the New York City Department of Buildings (DOB); the Mayor's Office of Resiliency (MOR); the New York City Department of Environmental Protection, members of the real estate and construction industries, environmental advocates, and other key stakeholders.

1. **General Climate Concerns**

In 2018, the United Nations Intergovernmental Panel on Climate Change (IPCC) identified an increase of 1.5 degrees Celsius above pre-industrial levels as the point over which irreversible environmental changes and potential loss of ecosystems become increasingly likely.[[1]](#footnote-1) According to the United States (U.S.) Global Change Research Program’s Fourth National Climate Assessment, failure to significantly mitigate global man made carbon emissions will lead to increasing rates of sea level rise, increased frequency of extreme weather events, and rising temperatures, which are expected to cause ongoing damage to critical infrastructure, property, and economic productivity.[[2]](#footnote-2)

The Global Climate Observing System (GCOS), an international organization established in 1992 for the purpose of compiling international climate related data into an accessible repository for all interested users,[[3]](#footnote-3) defines climate indicators as a set of parameters that describe the changing climate without reducing the understanding of climate change to strictly temperature.[[4]](#footnote-4) The seven main indicators tracked by the GCOS are surface temperature, ocean heat, atmospheric carbon dioxide (CO2), ocean acidification, sea level rise, glaciers, and polar sea ice, with further subsidiary indicators under each main category.[[5]](#footnote-5) Overall, the use of climate indicators enable a better understanding of the real world effects of climate change on both the global and regional scale.[[6]](#footnote-6)

According to the U.S. Global Change Research Program’s Fourth National Climate Assessment, median sea level rise along the U.S. coastline has already increased by an average of nine inches since the early 20th century and temperatures have increased by an average of 1.8 degrees Fahrenheit in the same period.[[7]](#footnote-7) A report by the National Oceanic and Atmospheric Administration (NOAA) finds that by 2100, "high tide flooding will occur 'every other day' (182 days/year) or more often under the Intermediate Low Scenario within the Northeast and Southeast Atlantic…."[[8]](#footnote-8) The report also projects that the low and high end estimates of high tide flood frequency along the coast of the Northeast Atlantic “will reach on average about 235 and 365 days/year (with 95 and 100% from tides)” respectively.[[9]](#footnote-9)

1. **New York City Environmental Hazards**

New York City’s waterfront communities face significant threats from extreme weather events and high tides, and projections show that these communities will experience greater and more frequent damage because of climate-related weather events and sea level rise. Neighborhoods such as Broad Channel, Howard Beach, Hamilton Beach,[[10]](#footnote-10) Rosedale, Far Rockaway, Coney Island, Stapleton, Arrochar, and Midland Beach,[[11]](#footnote-11) where eight New Yorkers drowned in Superstorm Sandy’s floodwaters,[[12]](#footnote-12) regularly experience tidal inundation, a trend that will only be exacerbated by continued sea level rise.

New York City (NYC or the City), which is surrounded by 520 miles of waterfront, “has more residents living in high-risk flood zones than any other city in the United States.”[[13]](#footnote-13) The City’s floodplain covers more than 48 square miles, and the area is expected to grow to 72 square miles by 2050.[[14]](#footnote-14) Today, more than 70,000 structures are located within the floodplain.[[15]](#footnote-15) As climate change worsens and the floodplain expands landward, even more structures, property and infrastructure will be at risk. Due to its coastal exposure, the City is particularly vulnerable to the impacts of sea level rise, storm surge, and high-tide or sunny-day flooding.[[16]](#footnote-16) According to a Union of Concerned Scientists study published in 2018, New York State ranks third in the nation for most homes at risk of coastal inundation by the end of the century.[[17]](#footnote-17) The East and Gulf Coasts of the U.S. are undergoing some of the fastest rates of sea level rise.[[18]](#footnote-18) Scientists for the National Center for Atmospheric Research modeled sea level rise for 20 cities around the world and found that New York City will likely experience an increase in sea level rise twice the global average.[[19]](#footnote-19) Nationally, more than 300,000 homes with a collective value of $117.5 billion, and 14,000 commercial properties valued at $18.5 billion, are at risk of chronic flooding within the next 30 years.[[20]](#footnote-20)

In the state of New York, 15,500 homes representing a population of approximately 42,000 people and valued at approximately $8.5 billion, mostly clustered in Long Island (Hempstead, Babylon), and Queens, risk chronic inundation by 2045.[[21]](#footnote-21) By 2100, 143,000 properties in the same geographic area housing approximately 366,000 people, and valued at approximately $98 billion, risk the same fate.[[22]](#footnote-22) The homes at risk by 2045 would have contributed about $170 million in property tax revenue by 2018 figures, and those at risk by 2100 would have provided $2 billion of annual property tax revenue.[[23]](#footnote-23) The 2,700 homes at risk in Queens by 2045 are largely concentrated in environmental justice communities.[[24]](#footnote-24)

A recent study on the impacts of climate change on affordable housing units in coastal communities found that the “number of units exposed to frequent flooding from 2000 to 2050 will triple” and that by 2050, the U.S. “will lose 24,519 units due to repeated flooding, most concentrated in northeastern and mid-Atlantic states.”[[25]](#footnote-25) NYC will lose the most units by 2050, 4,774, which represents 2% of the City’s affordable housing stock.[[26]](#footnote-26)

The most vulnerable residents, those who live in flood-prone areas with little green space to absorb the floodwaters, are often poor and members of minority groups.[[27]](#footnote-27) According to another recent study, people who are Black, Hispanic, or of low-income are more likely to live in areas at high risk of flooding from natural disasters. Further, the study found that reforms to the National Flood Insurance Program (NFIP)[[28]](#footnote-28) could disproportionately burden these same groups of people.[[29]](#footnote-29) According to Sam Brody, a flood expert at Texas A&M University, “[u]rban flooding is a growing source of significant economic loss, social disruption and housing inequality.”[[30]](#footnote-30) Storms indiscriminately affect all residents – rich and poor. However, “the capacity to respond to and recover from flooding is much lower in socially vulnerable populations that even in the best of times are struggling to function.”[[31]](#footnote-31) Additionally, the cost of flood insurance is rising, and the increase in rates will “affect low-income people particularly hard.”[[32]](#footnote-32)

On April 1, 2020, NFIP released an average country-wide rate increase of 9.9%, with the average flood insurance premium increasing from $993 to $1,092.[[33]](#footnote-33) FEMA is developing a new flood insurance rating system, entitled “Risk Rating 2.0,” to more accurately reflect flood risk by considering a broader range of variables.[[34]](#footnote-34) In determining flood insurance premiums, FEMA’s current methodology only looks at the property’s Flood Insurance Rate Map (FIRM) zone, its base flood elevation, the foundation type, and structural elevation if the property is located within the SFHA.[[35]](#footnote-35) Additionally, FEMA currently only uses FEMA-sourced data and the frequency of the 1% annual chance of flooding.[[36]](#footnote-36) Under Risk Rating 2.0, FEMA will also use other federal government data sources as well as commercially-available third party data sources.[[37]](#footnote-37) FEMA will also consider the cost to rebuild the property, different types of flood risk and the distance to the coast or another flooding source, and will “incorporate a broader range of flood frequencies.”[[38]](#footnote-38) These new rates were set to take effect for all single-family homes on October 1, 2020, however, because FEMA needed additional time to broaden their analysis and include communities located behind levees, Risk Rating 2.0 will instead be implemented on October 1, 2021.[[39]](#footnote-39)

In November 2020, FEMA released its National Risk Index, a new online data portal that illustrates the communities throughout the U.S. that are most at risk from 18 natural hazards,[[40]](#footnote-40) including coastal flooding, drought, heat wave, and hurricane.[[41]](#footnote-41) Bronx, Manhattan, and Brooklyn are listed in second, third, and fourth place as communities most at risk in the nation from natural hazards.[[42]](#footnote-42)Heat waves, and severe rain storms, are becoming more intense and occurring more frequently. Heat waves kill more people than any other weather disaster, and because of the urban heat island effect[[43]](#footnote-43) cities are uniquely vulnerable to extreme heat.[[44]](#footnote-44) Researchers assert that “the urban heat island effect is largely driven by the basic physical fabric of a city, modifying that fabric is [a] vital way to reduce the human cost of extreme heat.”[[45]](#footnote-45) Additionally, a recent study by researchers at Stanford University revealed that nearly $75 billion in financial damage over the past three decades is caused by flooding from more frequent and intense precipitation as a result of climate change.[[46]](#footnote-46)

As sea level continues to rise, causing heavier floods in certain areas, policymakers are beginning to explore the benefits of relocating entire communities rather than reconstructing these areas after severe weather and flooding.[[47]](#footnote-47) In August 2020, FEMA detailed a $500 million program to pay for large-scale relocation nationwide due to the United States Army Corps of Engineers (USACE) warning elected officials that they need to agree to force residents out of their homes or face forfeiting federal money for flood-protection projects.[[48]](#footnote-48) The U.S. Department of Housing and Urban Development (HUD) has also begun a similar $16 billion program.[[49]](#footnote-49) In a 2018 National Climate Assessment, thirteen federal science agencies stated that the need for retreat or relocation from parts of the coast is “unavoidable in all but the very lowest sea level rise projections.”[[50]](#footnote-50) In addition, federal spending due to severe weather has totaled approximately half a trillion dollars since 2005 which has led to the fact that some areas cannot be protected.[[51]](#footnote-51)

1. **Previous Environmental Disasters**
2. Superstorm Sandy

On October 29, 2012, Superstorm Sandy approached New York City from the southeast, causing high winds and a 14-foot storm surge.[[52]](#footnote-52) Sections of Lower Manhattan, Staten Island, Brooklyn, and Queens were inundated with seawater. The Superstorm flooded approximately 17% of the City’s total land mass, or 51 square miles.[[53]](#footnote-53) By the end of 2012, the Department of Buildings (DOB) identified approximately 800 buildings as damaged or destroyed and thousands of housing units were found to have suffered some amount of damage.[[54]](#footnote-54)

 New York State suffered unprecedented levels of storm surge during Superstorm Sandy.[[55]](#footnote-55) At The Battery, a NOAA tide gauge on the southern tip of Manhattan, where tidal records go back to 1920, the storm tide reached 14.06 feet above Mean Lower Low Water (MLLW), 4.36 feet higher than the previous record set in December 1992.[[56]](#footnote-56) Parts of Staten Island and Manhattan experienced above ground inundation levels of four to nine feet due to storm surge, Brooklyn and Queens saw inundation levels ranging from three to six feet, and the Bronx saw inundation levels of two to four feet.[[57]](#footnote-57) Storm surge related flooding was reported as far up the Hudson River as Albany, with many cities along the banks experiencing four to five feet of inundation above ground level.[[58]](#footnote-58) Across the affected area, storm surge was responsible for 57% of the reported fatalities linked to Superstorm Sandy.[[59]](#footnote-59)

Superstorm Sandy caused an estimated $19 billion in losses in New York City.[[60]](#footnote-60) Along with damage to residential and commercial property, the storm damaged critical city infrastructure and services. Close to two million people lost power at some point during the storm.[[61]](#footnote-61) Con Edison’s steam system was unable to service one-third of its customers for nearly two weeks.[[62]](#footnote-62) Flood damage at critical facilities in Southern Manhattan, Red Hook, and the Rockaways disrupted landline and Internet service for up to eleven days.[[63]](#footnote-63) Six hospitals and 500 buildings with doctors’ offices, clinics, and other outpatient facilities were forced to close due to flooding.[[64]](#footnote-64)

Climate change is expected to continue exacerbating extreme weather events, leading to stronger and more frequent storms like Superstorm Sandy.[[65]](#footnote-65) At a City Council hearing in April 2018, the Director of the Mayor’s Office for Recovery and Resiliency testified that by 2050, New York City’s annual precipitation is “projected to increase between 4 and 11 percent” and that sea levels are “projected to rise between 11 inches and 21 inches, on top of a foot of sea level rise that we have already witnessed since 1900.”[[66]](#footnote-66) For New York City’s waterfront communities, this is a life- and property-threatening reality. Future extreme weather events could cost $90 billion in damages in 2050, compared to the $19 billion caused by Superstorm Sandy.[[67]](#footnote-67)

1. 2020 Hurricane Season

 In May, just weeks before the official June 1 start to the 2020 hurricane season, the NOAA Climate Prediction Center, a division of the National Weather Service, predicted a 60% chance of an above-normal hurricane season. They predicted 13 to 19 named storms (winds of 35 mph or higher), with six to ten becoming hurricanes (winds of 74 mph or higher) and three to six becoming major hurricanes (with winds of 111 mph or higher).[[68]](#footnote-68) Two months after the season’s official start, Colorado State University released updated storm predictions and called for an “extremely active” 2020 hurricane season, with 24 named storms and 12 hurricanes.[[69]](#footnote-69)

The 2020 Atlantic hurricane season was record breaking and one of the most active hurricane seasons recorded.[[70]](#footnote-70) The season, which officially runs from June 1 to November 30, generated 30 named storms, the most ever recorded, 13 hurricanes, the second highest recorded, and six major hurricanes, tied for second highest recorded.[[71]](#footnote-71) The Greek Alphabet was used to name storms, only the second time in history other than 2005.[[72]](#footnote-72) On September 18, 2020, three named storms, Tropical Storm (TS) Wilfred, TS Beta and Subtropical Storm Alpha, formed within 24 hours, marking the second such occurrence on record.[[73]](#footnote-73)

TS Isaias was a Category 1 hurricane when it made landfall in North Carolina on August 3, 2020, and caused approximately $4 billion in damages along the east coast of the United States.[[74]](#footnote-74) Within a day of landfall, the storm was downgraded to a tropical storm and proceeded up the east coast of the United States. TS Isaias still delivered heavy rain and strong winds upon reaching New York City, New Jersey and Connecticut.[[75]](#footnote-75) Strong winds were measured around New York City with gusts reaching up to 78 mph in Battery Park in Manhattan, 70 mph at John F. Kennedy Airport in Queens and 69 mph at LaGuardia Airport in Queens.[[76]](#footnote-76)

TS Isaias destroyed some outdoor dining areas throughout the City, suspended railroad services and downed many trees and power lines.[[77]](#footnote-77) The severe weather left nearly 267,000 New York City and Westchester County Con Edison customers without power, which surpassed the 204,000 outages caused by Hurricane Irene in 2011.[[78]](#footnote-78) In fact, TS Isaias caused the second biggest power outage for customers in Con Edison’s history behind Superstorm Sandy in 2012, which caused approximately 1.1 million[[79]](#footnote-79) outages.[[80]](#footnote-80) Con Edison stated that the storm brought down more than 7,000 wires throughout the City.[[81]](#footnote-81) The storm also caused a vacant three-story building in Brooklyn to partially collapse.[[82]](#footnote-82)

1. **Future Storm Projections**

 Global warming is expected to cause sea level rise and storms to intensify in New York City.[[83]](#footnote-83) A study by climate experts estimates that over the next 300 years, there will be higher seas, large storm surge and more frequent, intense hurricanes.[[84]](#footnote-84) In today’s warmer climate, 7.5 foot floods are projected to happen every 25 years as opposed to 7.5 foot floods occurring only a few times per millennium in the past.[[85]](#footnote-85) Predictions state that by 2030, these floods will occur every five years.[[86]](#footnote-86)

 The New York City Panel on Climate Change (NPCC), an advisory body formed by Local Law 42 of 2012[[87]](#footnote-87) to regularly review and report on scientific climate data, has suggested that if climate change begins to follow the Antarctic Rapid Ice Melt (ARIM) projections,[[88]](#footnote-88) portions of Coney Island, Red Hook, Howard Beach, the Rockaway Peninsula, the east and west coasts of Staten Island, the Lower Manhattan waterfront and areas around the Gowanus Canal, Newtown Creek and Pelham Bay may be permanently inundated with water by 2080 if coastal protections are not put in place.[[89]](#footnote-89) In the NPCC’s 2019 report, it reviewed existing climate science data and used new methods to determine whether, and in what ways, the City would experience extreme temperatures, heavy downpours, drought, sea level rise, and coastal flooding.[[90]](#footnote-90) The NPCC projects that the City will be subjected to increasing multi-hazard risks, including sea level rise, precipitation and extreme temperature, “some of which may exacerbate the impacts or severity of others.” [[91]](#footnote-91)

The impacts of sea level rise on the City’s built environment would most directly appear through coastal storm flooding, regular tidal flooding, or land inundation.[[92]](#footnote-92) Under the ARIM scenario, which projects 114 inches (9.5 feet) of sea level rise by 2100, the permanent loss of land to inundation would occur by 2100 in some low-lying areas. However, the more likely scenarios are the middle range projections (25 to 75 percentile) that, while projecting significantly less sea level rise than the ARIM scenario, still means that the City could face monthly tidal flooding of some areas by the 2050’s.[[93]](#footnote-93) NOAA projects that in the 2030’s there will be 20-40 flood days annually, and by the 2050’s there will be 50-135 flood days annually for The Battery.[[94]](#footnote-94) This means that, in the future, for over a third of the year Lower Manhattan might suffer tidal flooding.[[95]](#footnote-95)

1. **City Resiliency Projects**

 In May 2014, Mayor Bill de Blasio announced that the New York City Mayor's Office of Resiliency (MOR), formerly known as the Mayor’s Office of Recovery and Resiliency, would

lead the City’s efforts “to build a stronger, more resilient New York,” though it is at least in part a renamed continuation of the Office of Long Term Planning and Sustainability, as codified by Local Law 17 of 2008.[[96]](#footnote-96) MOR describes itself as being guided by scientific data and the analysis of the NPCC, to ensure that NYC’s communities, economy and public services can withstand and combat the impacts of 21st century threats such as climate change.[[97]](#footnote-97) This work includes spearheading a resiliency program with a $20 billion budget ($5.5 billion from city capital, the rest from various federal agencies[[98]](#footnote-98)). Residents can visit the OneNYC Recovery & Resiliency Map to see how this budget is being spent on recovery and resiliency projects in their communities.[[99]](#footnote-99)

MOR, along with the Mayor’s Office of Sustainability (MOS), is guided by and oversees several City initiatives, including *OneNYC: The Plan for a Strong and Just City* (OneNYC), which was previously known as “PlaNYC” and is required pursuant to Local Law 84 of 2013,[[100]](#footnote-100) and its related greenhouse gas reduction and climate resiliency goals, along with efforts to recover and rebuild from Superstorm Sandy. OneNYC’s “Vision 4: Our Resilient City” is in part an update of the Bloomberg administration’s 2013 report, *A Stronger, More Resilient New York,* in which an initial plan for the City’s post-Sandy recovery was laid out.[[101]](#footnote-101)

 In September 2020, the MOR released Version 4.0 of the Climate Resiliency Design Guidelines (CRDG),[[102]](#footnote-102) which provides non-binding, discretionary guidelines for planners to consider heat, precipitation and sea level rise in the design of buildings and infrastructure.[[103]](#footnote-103) The CRDG is supplemented by NYC Department of City Planning (DCP) Resilient Neighborhood studies, which identify neighborhood-specific strategies, including zoning and land use changes, to support the vitality and resiliency of communities in the floodplain and prepare them for future storms.[[104]](#footnote-104) DCP launched the Resilient Neighborhoods Initiative in 2013 to work directly with floodplain communities to look at questions of land use, zoning and development in light of coastal flood risks.[[105]](#footnote-105) DCP published summary reports for the neighborhoods studied in 2016 and 2017.[[106]](#footnote-106) The City has also secured a commitment from FEMA to redraw the City’s flood maps so that they better account for flood risk.[[107]](#footnote-107)

Progress on projects that are part of the $20 billion resiliency program continue to advance, including interim flood protection measures.[[108]](#footnote-108) A $106 million heat mitigation and adaptation program was also launched, to help keep residents safe during extreme heat.[[109]](#footnote-109)

As part of OneNYC, the City announced Raised Shorelines projects, a part of the $100 million component of the City’s coastal defense program.[[110]](#footnote-110) This project sought to prepare the City to better withstand climate change,[[111]](#footnote-111) and to mitigate flood risks in coastal neighborhoods in Queens, Brooklyn, and Manhattan.[[112]](#footnote-112) This $90 million project started in August of 2017 and is projected to be completed on December 31, 2022.[[113]](#footnote-113) This project covered several coastal areas including Old Howard Beach, Mott and Norton Basin, Coney Island Creek, Gowanus Canal, Canarsie, and the FDR Drive and East River Esplanade.[[114]](#footnote-114) As part of this project, the City will design and install new infrastructure and upgrades in select low-lying neighborhoods, to protect against projected 2050 sea levels.[[115]](#footnote-115) Projects include bulkheads, sea walls, living shorelines, and berms.[[116]](#footnote-116)

The East Side Coastal Resiliency (ESCR) project is a project that seeks to reduce risks of flood resulting from coastal storms and sea level rise on the East Side of Manhattan.[[117]](#footnote-117) It is funded by both the City and HUD.[[118]](#footnote-118) The ESCR project is a $1.45 billion project that would involve building a system of barriers on the waterfront from Montgomery Street up to East 25 Street.[[119]](#footnote-119) The project was approved by the NYC Council in November of 2019[[120]](#footnote-120) Work on the project started in December of 2020[[121]](#footnote-121) and is projected to be complete by 2025.[[122]](#footnote-122)

The Brooklyn Bridge-Montgomery Coastal Resilience project, is another project funded by both HUD and the City.[[123]](#footnote-123) It is a $203 million flood defense system that will be installed in Lower Manhattan on a 0.82 mile stretch from the Brooklyn Bridge to Montgomery Street.[[124]](#footnote-124) As part of this project, flip-up barriers and roller gates will be installed to protect from storm water runoff from coastal flooding.[[125]](#footnote-125) Construction on this project is projected to start in late 2021.[[126]](#footnote-126)

In the Battery, the NYC Economic Development Corporation **in partnership with the NYC Department of Parks & Recreation, the Battery Park City Authority – a New York State public benefit corporation tasked with the maintenance and development of Battery Park City,**[[127]](#footnote-127) **and the Battery Conservancy – an educational not-for-profit corporation funded to maintain and support the Battery**,[[128]](#footnote-128) are funding several coastal resilience projects.[[129]](#footnote-129) These projects include the South Battery Park City Resiliency Project, the Battery Park City Ball Fields & Community Center Resiliency Project, the **North Battery Park City Resiliency Project, and the Battery Park City Western Perimeter Resiliency Project.**[[130]](#footnote-130)These projects will install flood barrier systems around Battery Park City to protect from a 100-year storm surge in the 2050s.[[131]](#footnote-131)

In the Rockaways, the Rockaway Initiative for Sustainability and Equity (RISE), together with the New York State Department of Environmental Conservation (DEC) and the USACE[[132]](#footnote-132) proposed a plan, funded by the federal government, to create a reinforced seawall dune, and extend five groins and construct 13 new groins, to prevent destruction from future storms and provide additional protections to residents of the Rockaways.[[133]](#footnote-133)

The South Shore of Staten Island Coastal Storm Risk Management Project is a $600 million project funded by USACE, DEC and the City[[134]](#footnote-134) that would require the creation of levees, berms, and seawalls covering 5.3 miles of State Island’s shoreline.[[135]](#footnote-135) The project is designed to withstand a storm producing water levels of a 300 year flood event.[[136]](#footnote-136) When complete, the project is estimated to reduce damages annually by $30 million.[[137]](#footnote-137)

1. **Legislation**

Below is a brief summary of the legislation being heard by the Committees at this hearing. This summary is intended for informational purposes only and does not substitute for legal counsel. For more detailed information, you should review the full text of the bill, which is attached below

**Int. No. 566, A Local Law to amend the administrative code of the city of New York, in relation to the creation of a free elevation certificate program**

This bill would require the creation of a flood insurance relief program that, at a minimum, provides a free elevation certificate that would help low and moderate income households purchase flood insurance.

This local law would take effect 120 days after becoming law.

**Proposed Int. No. 962-A A Local Law to amend the New York city building code, in relation to allowed amount of impermeable area at zoning lots**

This bill would amend Appendix A of the Building code to limit the allowed amount of impermeable area of zoning lots.

This local law would take effect 120 days after becoming law.

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Int. No. 566

By Council Member Treyger

A Local Law to amend the administrative code of the city of New York, in relation to the creation of a free elevation certificate program

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 28 of the administrative code of the city of New York is amended by adding a new section 28-103.32 to read as follows:

**§ 28-103.32 Free elevation certificate program.** The department, or an agency designated by the mayor, shall create and maintain a free elevation certificate program for low-to-moderate income owners of buildings located in an area of special flood hazard. For the purposes of this section, the term “low-to-moderate income owner” means an owner whose annual income does not exceed 115 percent of the median income for households in the city, or in the metropolitan area that includes the city, as determined by the United States department of housing and urban development or a successor agency thereto.

§ 2. This local law takes effect 120 days after it becomes law, except that the head of the department or an agency designated by the mayor pursuant to this local law may take such actions as are necessary for its implementation, including the promulgation of rules, before such effective date.

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Proposed Int. No. 962-A

By Council Member Constantinides

A Local Law to amend the New York city building code, in relation to allowed amount of impermeable area at zoning lots

Be it enacted by the Council as follows:

                     Section 1. Appendix A of the New York city building code is amended to read as follows:

**APPENDIX A**

**[RESERVED] PERMEABILITY OF LOTS**

**SECTION BC A101**

**PERMEABILITY OF LOTS**

**A101.1 Definitions.**As used in this appendix, the following terms have the following meanings:

**IMPERMEABILITY FACTOR.** For an open area either required or provided on a zoning lot, the percentage obtained by dividing the (i) the area of such open area that is covered with asphalt, concrete, or other impervious materials designated by the commissioner by (ii) the total area of open area.

**MAXIMUM IMPERMEABILITY FACTOR.** For a zoning lot, the greater of:

1. 50 percent; or

2. The impermeability factor of such lot on the effective date of the local law that added this section or, if such lot did not exist on such effective date, the date that such lot was created.

 **A101.2 Impermeable surfaces at zoning lots.** Zoning lots shall comply with the following requirements:

1. No permit may be issued for new construction or major alterations at a zoning lot unless the applicant demonstrates to the satisfaction of the commissioner that such work will not increase the impermeability factor of such lot to greater than the maximum impermeability factor for such lot.

2. If the impermeability factor of a zoning lot exceeds 50 percent, no permit may be issued for new construction or major alterations at such lot unless the applicant demonstrates to the satisfaction of the commissioner that such work will not increase the impermeability factor of such lot.

**Exceptions:**

1. A zoning lot that contains, or will upon the completion of such work contain, a Group F or H occupancy, a Group M motor fuel-dispensing facility, or another type of building specified by rule of the commissioner after consulting with the department of environmental protection.

2. A zoning lot for which the permit applicant demonstrates, in a manner established by

the commissioner, that at least 75 percent of such lot will be shaded.

3. The commissioner may, in consultation with the department of environmental

protection, by rule establish a procedure for varying the application of this section where

the commissioner determines that compliance with this section is reasonably likely to result

in flooding or other damage to property.

§ 2. This local law takes effect 120 days after it becomes law, except that the commissioner of buildings and the commissioner of environmental protection may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such effective date.

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