



BUILDINGS BULLETIN 2016-004

Technical

Supersedes: None

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Purpose: This document clarifies the definition of historic structure for flood zone purposes.

Related Code/Zoning Section(s):	BC G201.2	ASCE 24-05
	BC G301.1	44 CFR part 59.1
	AC 28-102.1	
	AC 28-102.2	

Subject(s): Flood-resistant construction, historic structures; Flood-resistant construction, historic districts; Area of special flood hazard, historic structures; Area of special flood hazard, historic districts

Background: Historic structures for flood zone purposes are defined in Appendix G of the 2014 Building Code, referenced standard American Society of Civil Engineers 24-05, Flood Resistant Design and Construction “ASCE 24-05” and 44 CFR part 59.1. However, the definitions in these documents contain some inconsistencies.

Specifics: In Appendix G of the building code, the term “historic structure” is defined as a “pre-FIRM building or structure:

1. Designated as a landmark or located within an historic district designated by the New York City Landmarks Preservation Commission;
2. Listed or preliminarily determined to be eligible for listing in the National or State Register of Historic Places; or
3. Determined by the Secretary of the U.S. Department of the Interior or the New York State Department of Parks and Recreation as contributing to the historical significance of a registered historic district or a district preliminarily determined to qualify as an historic district.”

Section G301.1 of the 2014 Building Code requires that all development within the area of special flood hazard comply with ASCE 24-05. “Historic structure” is defined in reference standard ASCE 24-05 as “any structure that meets one of the following criteria:

- (1) listed individually in the National Register of Historic Places;

- (2) certified by the Secretary of the Interior as meeting the requirements for individual listing in the National Register;
- (3) certified or preliminary determination by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (4) individually listed on a state inventory of historic places, in states with historic preservation programs that have been approved by the Secretary of the Interior; or
- (5) individually listed on a local inventory of historic places in communities with historic programs certified by an approved state program or by the Secretary of the Interior.”

Additionally, New York City participates in the National Flood Insurance Program, and federal regulations, specifically Title 44 CFR part 59.2(b), require a participating community to adopt and enforce floodplain management regulations that meet or exceed the minimum criteria set forth in 44 CFR part 60 as a condition of participation in the program. This minimum criteria includes the definitions outlined in 44 CFR part 59.1. Similar to ASCE 24-05, an “historic structure” is defined in Title 44 CFR part 59.1 as “any structure that is:

- (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (1) By an approved state program as determined by the Secretary of the Interior or (2) Directly by the Secretary of the Interior in states without approved programs.”

With regard to structures in historic districts, ASCE 24-05 and 44 CFR part 59.1 limit the term historic structure to buildings that are certified or have preliminary determination by the Secretary of the Interior as contributing to a registered or preliminarily determined historic district. This definition does not include a provision for buildings that are only located within an historic district nor does it include districts that are only designated by a local community.

Because Administrative Code section AC 28-102.1 states that most restrictive requirement shall govern, the definition for “historic structure” in ASCE 24-05 shall be used for flood zone purposes. In addition, section AC 28-101.2.2 requires conflicts or inconsistencies between the code and other applicable laws and rules to be resolved in favor of the more restrictive requirements. ASCE 24-05 is more restrictive than Appendix G and therefore, a building located within an historic district must also be certified or have preliminary determination by the Secretary of the Interior as contributing to the historical significance in order to be considered an “historic structure” for flood zone purposes.