



**JEFFREY D. FRIEDLANDER**  
*First Assistant Corporation Counsel*

**THE CITY OF NEW YORK  
LAW DEPARTMENT**  
100 CHURCH STREET  
NEW YORK, N.Y. 10007-2601

(212) 788-0700  
FAX: (212) 227-5641  
jfriedla@law.nyc.gov

**CERTIFICATION OF  
CORPORATION COUNSEL**

I hereby certify that the form of the enclosed local law (Local Law No. 108 of 2013, Council Int No. 1092-A of 2013) 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

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(Please Use This Form for Filing your Local Law with the Secretary of State)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County of New York  
City of New York

Local Law No. 108 of the year 2013

By Council Members Lappin, Chin, Comrie, James, Koo, Lander, Mendez, Richards, Rose, Gentile, Van Bramer, Rodriguez, Barron, Dickens and Williams.

A Local Law to amend the administrative code of the city of New York and the New York city building code, in relation to secondary electrical power, heating and cooling systems for I-1 and I-2 occupancies and for adult homes, enriched housing, community residences and intermediate care facilities, where such occupancies are located in flood-prone areas.

Be it enacted by the Council as follows:

Section 1. Article 104 of chapter 1 of title 28 of the administrative code of the city of New York is amended by adding new sections 28-104.7.14 and 28-104.7.15 to read as follows:

**§ 28-104.7.14 Identification of certain I-1 and I-2 occupancies and of certain adult homes, enriched housing, community residences and intermediate care facilities as exempt from temporary external generator connection requirements.** The title sheet of construction documents for the following buildings shall list whether the building is exempt from the requirement to provide connections for temporary external generators pursuant to any exception contained in sections G304.5.1 or G304.5.2 of appendix G of the New York city building code, as applicable:

1. A new or substantially improved building, as such term is defined in appendix G of the New York city building code, that contains space classified in occupancy group I-1 or I-2 or space that is an adult home, enriched housing, community residence or intermediate care facility classified as occupancy group R pursuant to an exception to section 308.2.1 or 308.2.2 of the New York city building code, and that is located in an area of special flood hazard, as such term is defined in appendix G of the New York city building code; and

2. A new or substantially improved building that contains space classified as an occupancy group I-2 hospital and that is located in a shaded X-Zone, as such terms are defined in appendix G of the New York city building code.

**§ 28-104.7.15 Identification of certain hospitals as exempt from temporary external boiler or chiller connection requirements.** The title sheet of construction documents for a new or substantially improved building, as such term is defined in appendix G of the New York city

building code, that contains space classified as an occupancy group I-2 hospital and that is located in an area of special flood hazard or shaded X-Zone, as such terms are defined in appendix G of the New York city building code, shall list whether the requirement to provide connections for temporary external boilers and chillers pursuant to Item 2 of section G304.5.2 is inapplicable as a result of such building having its boiler and chiller plants located at or above the applicable design flood elevation.

§2. Chapter 3 of title 28 of the administrative code of the city of New York, as amended by a local law of the city of New York for the year 2013 amending the administrative code of the city of New York, the New York city plumbing code, the New York city building code, the New York city mechanical code and the New York city fuel gas code, relating to bringing such codes up to date with the 2009 editions of the international building, mechanical, fuel gas and plumbing codes, as proposed in introduction number 1056, is amended by adding new sections 28-315.8.2 and 28-315.8.3 to read as follows:

**§28-315.8.2 Connections for temporary external generators.** For the following buildings, the provision of connections for temporary external generators in accordance with the retroactive requirements of section G311.2 of appendix G of the New York city building code shall be completed by January 1, 2033, and a report detailing compliance with such requirements shall be filed with the department in accordance with section G311.2.2 by such date:

1. Buildings whose main use or dominant occupancy is group I-1 and that are located in an area of special flood hazard, as such term is defined in appendix G of the New York city building code;

2. Buildings whose main use or dominant occupancy is an adult home, enriched housing, community residence or intermediate care facility classified as occupancy group R pursuant to an exception to section 308.2.1 or 308.2.2 of the New York city building code and that are located in an area of special flood hazard, as such term is defined in appendix G of the New York city building code;

3. Buildings whose main use or dominant occupancy is group I-2 hospital and that are located in an area of special flood hazard or shaded X-Zone, as such terms are defined in appendix G of the New York city building code;

4. Buildings whose main use or dominant occupancy is group I-2 nursing home and that are located in an area of special flood hazard, as such term is defined in appendix G of the New York city building code; and

5. Buildings whose main use or dominant occupancy is group I-2, other than hospitals and nursing homes, and that are located in an area of special flood hazard, as such term is defined in appendix G of the New York city building code.

**§ 28-315.8.2.1 Modification to the area of special flood hazard or shaded X-Zone.**

Where the area of special flood hazard or shaded X-Zone, as established in appendix G of the New York city building code, is modified on or after the effective date of this section, any building identified in section 28-315.8.2 and newly identified as being within such modified area of special flood hazard or shaded X-Zone shall, no later than 20 years following the adoption of such modification, comply with the retroactive requirements of section G311.2 of appendix G of the New York city building code. The owner of such building shall, no later than 20 years following the adoption of such modification, file with the department a report detailing compliance with such requirements in accordance with section G311.2.2.

**§ 28-315.8.3 Connections for temporary external boilers and chillers.** For buildings whose main use or dominant occupancy is group I-2 hospital and that are located in an area of special flood hazard or shaded X-Zone, as such terms are defined in appendix G of the New York city building code, the provision of connections for temporary external boilers and chillers in accordance with the retroactive requirements of section G311.3 of appendix G of the New York city building code shall be completed by January 1, 2033, and a report detailing compliance with such requirements shall be filed with the department in accordance with section G311.3.2 by such date.

**§ 28-315.8.3.1 Modification to the area of special flood hazard or shaded X-Zone.**

Where the area of special flood hazard or shaded X-Zone, as established in appendix G of the New York city building code, is modified on or after the effective date of this section, any building whose main use or dominant occupancy is group I-2 hospital and that is newly identified as being within such modified area of special flood hazard or shaded X-Zone shall, no later than 20 years following the adoption of such modification, comply with the retroactive requirements of section G311.3 of appendix G of the New York city building code. The owner of such building shall, no later than 20 years following the adoption of such modification, file with the department a report detailing compliance with such requirements in accordance with section G311.3.2.

§3. Section G102.1 of appendix G of the New York city building code, as amended by a local law of the city of New York for the year 2013 amending the administrative code of the city of New York, the New York city plumbing code, the New York city building code, the New York city mechanical code and the New York city fuel gas code, relating to bringing such codes up to date with the 2009 editions of the international building, mechanical, fuel gas and plumbing codes, as proposed in introduction number 1056, is amended by adding a new item 11 to read as follows:

11. Retroactive requirements. This appendix shall apply to retroactive requirements as provided for in Section G311.

§4. Appendix G of the New York city building code is amended by adding a new section G304.5 to read as follows:

**G304.5 Additional construction standards with respect to connections for temporary external generators, boilers and chillers.** In addition to the other requirements of this chapter, connections for temporary external generators, boilers and chillers shall be provided in accordance with Sections G304.5.1 through G304.5.4.

**G304.5.1 Group I-1 and adult homes, enriched housing, community residences and intermediate care facilities.** An occupancy that is classified as Group I-1, or that is an adult home, enriched housing, community residence or intermediate care facility and classified as Group R pursuant to an exception to Section 308.2.1 or 308.2.2, shall comply with the following requirements:

1. Connections for temporary external generators. Electrical connections shall be provided allowing for the connection of temporary external generators capable of providing power for at least 72 hours for, at a minimum, the following systems:

1.1. Exit signs and means of egress illumination required by Chapter 10 and serving such occupancy;

1.2. Fire alarm systems serving such occupancy;

1.3. For buildings having occupied floors located more than 75 feet (22 860 mm) above the lowest level of fire department vehicle access, at least one elevator that serves all floors; and

1.4. Lighting in such occupancy, sufficient to maintain illumination in accordance with Section 1205.3, for (i) spaces primarily used for the provision of medical services to persons, including, but not limited to, consultation, evaluation, monitoring and treatment services and (ii) spaces intended to be used by persons for sleeping purposes.

**Exception:** Connections for temporary external generators shall not be required for buildings with emergency or standby power systems that are permanently installed above the design flood elevation specified in Table 7-1 of ASCE 24 and capable of providing power for at least 72 hours to the systems identified in Item 1 of Section G304.5.1. Natural gas shall be a permitted fuel supply.

2. Flood protection for temporary external generator connections. Electrical connections installed in accordance with Item 1 of Section G304.5.1 shall be located at or above the design flood elevation specified in Table 7-1 of ASCE 24.

3. **Emergency connection plan.** Prior to sign-off of work by the department, a plan shall be submitted to the department that identifies how the temporary external generators will be connected and capable of providing power for the occupancy in accordance with Item 1 of Section G304.5.1 within 72 hours after failure of the normal power supply.

**G304.5.2 Group I-2 hospitals.** An occupancy that is a Group I-2 hospital shall comply with the following requirements:

1. **Connections for temporary external generators.** Electrical connections shall be provided allowing for the connection of temporary external generators capable of providing power for at least 72 hours for, at a minimum, the following systems:

1.1. All electrical services serving such occupancy for which emergency or standby power must be provided in accordance with any other applicable local, state or federal law or rule; and

1.2. Air conditioning and cooling systems serving such occupancy, sufficient to maintain temperature and humidity in accordance with Section 1204, for (i) spaces primarily used for the provision of medical services to persons, including, but not limited to, consultation, evaluation, monitoring and treatment services and (ii) spaces intended to be used by persons for sleeping purposes.

**Exception:** Connections for temporary external generators shall not be required for buildings that have emergency or standby power systems that are permanently installed above the design flood elevation specified in Table 7-1 of ASCE 24 and capable of providing power for at least 72 hours to the systems identified in Item 1 of Section G304.5.2. Natural gas shall be a permitted fuel supply.

2. **Connections for temporary external boilers and chillers.** Where boiler and chiller plants are located below the design flood elevation specified in Table 7-1 of ASCE 24 and serve (i) spaces primarily used for the provision of medical services to persons, including, but not limited to, consultation, evaluation, monitoring and treatment services or (ii) spaces intended to be used by persons for sleeping purposes, connections shall be provided to allow for the connection of temporary external boilers and chillers capable of maintaining temperature and humidity for such spaces in accordance with Section 1204 for at least 72 hours.

3. **Flood protection for temporary external generator, boiler and chiller connections.** Electrical connections installed in accordance with Item 1 of Section G304.5.2 and connections installed in accordance with Item 2 of Section G304.5.2 shall be located at or above the design flood elevation specified in Table 7-1 of ASCE 24.

4. **Emergency connection plan.** Prior to sign-off of work by the department, the following shall be submitted to the department:

4.1. For an occupancy required to comply with Item 1 of Section G304.5.2, a plan that

identifies how the temporary external generators will be connected and capable of providing power for the occupancy in accordance with such item within 72 hours after failure of the normal power supply; and

4.2. For an occupancy required to comply with Item 2 of Section G304.5.2, a plan that identifies how the temporary external boilers and chillers will be connected and capable of maintaining temperature and humidity for specified spaces in accordance with Section 1204 within 72 hours after failure of the primary boiler and chiller plants.

**G304.5.3 Group I-2 nursing homes.** An occupancy that is a Group I-2 nursing home shall comply with Section G304.5.2.

**Exception:** Such occupancy is not required to comply with Items 1.2, 2 and 4.2 of Section G304.5.2.

**G304.5.4 Group I-2 occupancies, other than hospitals and nursing homes.** A Group I-2 occupancy, other than a hospital or a nursing home, shall comply with Section G304.5.1.

§5. Chapter G3 of appendix G of the New York city building code, as amended by a local law of the city of New York for the year 2013 amending the administrative code of the city of New York, the New York city plumbing code, the New York city building code, the New York city mechanical code and the New York city fuel gas code, relating to bringing such codes up to date with the 2009 editions of the international building, mechanical, fuel gas and plumbing codes, as proposed in introduction number 1056, is amended by adding a new section BC G311 to read as follows:

### **SECTION BC G311**

#### **RETROACTIVE REQUIREMENTS**

**G311.1 General.** Notwithstanding any other provision of the *New York City Construction Codes*, the provisions of this section shall apply retroactively to all buildings and structures specified herein.

**G311.2 Connections for temporary external generators.** The following buildings shall be provided with connections for temporary external generators in accordance with Sections G304.5.1 through G304.5.4, as applicable, by January 1, 2033, and a report detailing compliance with such requirements shall be filed with the department in accordance with Section G311.2.2 by such date:

1. Buildings whose main use or dominant occupancy is Group I-1 and that are located in an area of special flood hazard;

2. Buildings whose main use or dominant occupancy is an adult home, enriched housing, community residence or intermediate care facility that is classified as occupancy Group R pursuant to an exception to Section 308.2.1 or 308.2.2 and that are located in an area of special flood hazard;

3. Buildings whose main use or dominant occupancy is Group I-2 hospital and that are located in an area of special flood hazard or shaded X-Zone;

4. Buildings whose main use or dominant occupancy is Group I-2 nursing home and that are located in an area of special flood hazard; and

5. Buildings whose main use or dominant occupancy is Group I-2, other than hospitals and nursing homes, and that are located in an area of special flood hazard.

**G311.2.1 Modification to the area of special flood hazard or shaded X-Zone.** Where the area of special flood hazard or shaded X-Zone is modified on or after the effective date of this section, any building identified in section G311.2 and newly identified as being within such modified area of special flood hazard or shaded X-Zone shall, no later than 20 years following the adoption of such modification, comply with the retroactive requirements of Section G311.2. The owner of such building shall, no later than 20 years following the adoption of such modification, file with the department a report detailing compliance with such requirements in accordance with section G311.2.2.

**G311.2.2 Report of compliance.** The owner of a building required to comply with the provisions of Section G311.2 shall file with the department, by January 1, 2033, a report prepared by a registered design professional or licensed master electrician (i) certifying that the requirements of Section G311.2 have been satisfied and detailing how such requirements were satisfied or (ii) certifying that the building met or was altered to meet the provisions of any applicable exception in Sections G304.5.1 or G304.5.2.

**G311.2.3 Filing.** The department may promulgate rules establishing filing fees for the review and examination of such reports.

**G311.3 Connections for temporary external boilers and chillers.** Buildings whose main use or dominant occupancy is Group I-2 hospital and that are located in an area of special flood hazard or shaded X-Zone shall be provided with connections for temporary external boilers and chillers in accordance with Section G304.5.2 by January 1, 2033, and a report detailing compliance with such requirements shall be filed with the department in accordance with Section G311.3.2 by such date.

**G311.3.1 Modification to the area of special flood hazard or shaded X-Zone.** Where the area of special flood hazard or shaded X-Zone is modified on or after the effective date of this section, any building whose main use or dominant occupancy is Group I-2 hospital and that is newly identified as being within such modified area of special flood hazard or shaded X-Zone

shall comply with the retroactive requirements of Section G311.3 no later than 20 years following the adoption of such modification. The owner of such building shall file with the department a report detailing compliance with such requirements in accordance with section G311.3.2 no later than 20 years following the adoption of such modification.

**G 311.3.2 Report of compliance.** The owner of a building required to comply with the provisions of Section G311.3 shall file with the department, by January 1, 2033, a report prepared by a registered design professional (i) certifying that the requirements of Section G311.3 have been satisfied and detailing how such requirements were satisfied or (ii) certifying that any boiler and chiller plants that serve the spaces specified in Item 2 of Section G304.5.2 are located at or above the design flood elevation specified in Table 7-1 of ASCE 24.

**G311.3.3 Filing.** The department may promulgate rules establishing filing fees for the review and examination of such reports.

§6. This local law shall take effect on the same date that a local law of the city of New York for the year 2013 amending the administrative code of the city of New York, the New York City plumbing code, the New York city building code, the New York city mechanical code and the New York city fuel gas code, relating to bringing such codes up to date with the 2009 editions of the international building, mechanical, fuel gas and plumbing codes, as proposed in introduction number 1056, takes effect.

**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 November 14, 2013 and approved by the Mayor on December 2, 2013.**



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