

Recently Enacted Resiliency Legislation

This guide will explain recently enacted resiliency-related local laws that modify the New York City construction codes and that are already effective or soon to be effective. These laws were the result of tremendous effort by many organizations, including the [Department of Buildings](#), the [City Council](#), Urban Green Council's [Building Resiliency Task Force](#) (BRTF), and the Mayor's Office of Long-Term Planning and Sustainability (OLTPS)'s [Special Initiative for Rebuilding and Resiliency](#) (SIRR).

Each local law has a specific effective date. Please note that within flood zones, if work is not commenced within 180 days after a permit is issued, or if an existing permit lapses for 180 days or more, then the permit will expire and any new permit must comply with the new laws.

[Local Law 29/13](#) – Building Raising and Moving

Modifies:

§20-402, §28-104, §28-116, *Building Code (BC) Chapter 17*

Applies to:

All initial work permits issued on or after Tuesday, April 2, 2013 (even if plan approval is obtained prior to this date).

Highlights:

- Raising or moving the lowest above-grade floor or the lowest subgrade floor of a building is now subject to special inspection, as outlined in [Buildings Bulletin 2013-013](#).
- The [Department of Consumer Affairs](#) must conduct semiannual educational outreach to contractors, homeowners, and the public regarding various types of home improvement work, including the raising or moving of a building.

[Local Law 51/13](#) – Fee Waivers

Modifies:

§28-112

Applies to:

Fees levied on or after Tuesday, April 30, 2013, where the job application was submitted between October 30, 2012 and December 31, 2013.

Highlights:

- LL 4/13's fee waiver for Hurricane Sandy-damaged buildings deemed as "eligible" by this department through inspection is extended to damaged "non-eligible" buildings, for work related to electrical and plumbing systems only.

Local Law 82/13 – Flood Manual

Modifies:

§28-103

Applies to:

The Department of Buildings

Highlights:

- The Department will create and make publicly available a continuously updated, multilingual manual describing flood construction and protection standards applicable in New York City, including: material and structural requirements, equipment modification techniques, and strategies for existing structures.

Local Law 83/13 – Backflow Prevention

Modifies:

Plumbing Code (PC) Chapters 7 and 11, BC Appendix G

Applies to:

All initial work permits issued on or after Tuesday, December 31, 2013 (even if plan approval is obtained prior to this date).

Highlights:

- Sewer and storm drainage backwater valves must be installed in all buildings in the 100-year flood plain.
- Sanitary system tanks located below the design flood elevation (DFE) must be anchored against buoyancy and oversized in certain cases.

Local Law 95/13 – Patient Care Areas

Modifies:

BC Appendix G

Applies to:

All initial work permits issued on or after Tuesday, November 19, 2013 (even if plan approval is obtained prior to this date).

Highlights:

- “Patient care areas” and patient sleeping spaces are no longer allowed below the design flood elevation (even if dry-floodproofed).

Local Law 96/13 – Survey Data and Flood Maps

Modifies:

§28-104, BC Appendix G

PFIRM requirements apply to:

All initial work permits issued on or after Monday, January 6, 2014 (even if plan approval is obtained prior to this date).

NAVD requirements apply to:

Initial construction documents for new projects submitted on or after Monday, January 6, 2014. Projects submitted prior to January 6, 2014 using an elevation datum other than NAVD should submit subsequent documents (amended construction documents, final surveys, etc.) in the same datum that was previously accepted.

Highlights:

- All projects must comply with the more stringent of either the 2007 FEMA FIRMs or the 2013 FEMA PFIRMs.
- All construction documents submitted to the department (including surveys and plot plans) must indicate elevations above sea level based using NAVD as a primary datum. Placing a secondary datum in parentheses, adjacent to the NAVD elevations, is acceptable provided that a legend is presented clearly explaining the conversion convention used.

Local Law 99/13 – Cable Length and Fuel Oil Storage

Modifies:

§27-3003, *Electrical Code (EC) Chapters 7 and 8, BC Appendix G, Mechanical Code (MC) Chapter 13*

Applies to:

All initial work permits issued on or after Tuesday, November 19, 2013 (even if plan approval is obtained prior to this date).

Highlights:

- Electrical work performed in the 100-year floodplain and, where applicable, in the 500-year floodplain, must comply with BC Appendix G.
- Unlisted conductive and nonconductive outside plant optical fiber cables entering buildings may exceed 15m (50 ft) length in the 100-year and 500-year flood plains, for the purpose of locating equipment above potential flood waters.
- In the 100-year and 500-year flood plains, the maximum fuel oil storage capacity may be increased from 330 to 3,000 gallons on the lowest story having its floor above the applicable design flood elevation, provided that each storage tank is limited to the quantity specified in the law and enclosed in a separate 3-hour fire-resistance-rated vault.

Local Law 109/13 – Temporary Flood Shields

Modifies:

§18-109, §18-113, BC Chapter 32, BC Appendix G

Applies to:

All initial work permits issued on or after Monday, December 2, 2013 (even if plan approval is obtained prior to this date).

Highlights:

- Removable temporary flood shields, stairs, and ramps that comply with *BC Appendix G* shall be allowed as part of a building flood emergency plan.
- Buildings in the 100-year floodplain and 500-year floodplain shall be allowed to install footings and supports for temporary flood shields, stairs, and ramps a limited distance beyond the street line.
- Buildings along boardwalks, public beaches, or Ocean Parkway in Brooklyn shall be allowed to install footings for temporary flood shields, stairs, and ramps within the mandatory setback zone.
- Certain ingress and egress must be maintained above the applicable DFE. When flood shields would obstruct such ingress and egress, alternate means are required.
- Ingress and egress above the flood elevation must have permanently installed stairs and ramps. However, in pre-FIRM buildings and buildings intended to be evacuated during floods, temporary (rather than permanent) stairs and ramps may be employed.

Local Law 111/13 – Emergency and Standby Power

Modifies:

EC Chapter 7, BC Chapters 4, 9, 10, 17, 27, 30, and 31, MC Chapter 5

Applies to:

All initial work permits issued on or after Monday, December 2, 2013 (even if plan approval is obtained prior to this date).

Highlights:

- Required standby power systems are introduced as a separate category from emergency power systems and optional standby power systems, in accordance with the NEC and IBC. Each of the three categories services a specific set of equipment. Some building types require both emergency and standby power systems, some require one or the other, and some require neither – in which case an optional standby power system may be installed.
- Standby power systems are allowed to take up to 60 seconds to activate.
- In emergency systems serving R-2 occupancies and in standby systems in all buildings, public utility natural gas is permitted to be the sole fuel source, with no on-site supply required.
- Fuel cells are permitted in emergency systems serving R-2 occupancies and in standby systems in all buildings.
- Optional standby power systems are required to service: emergency lighting; fire alarm systems; elevators in buildings higher than 75 feet or, in R-2 occupancies, 125 feet.