

NEW YORK CITY DEPARTMENT OF BUILDINGS

Notice of Public Hearing and Opportunity to Comment on Proposed Rules

What are we proposing? The Department of Buildings (DOB) is proposing to amend the Reference Standard regarding the Flood Insurance Rate Maps published by FEMA.

When and where is the hearing? DOB will hold a public hearing on the proposed rule. The public hearing will take place at 2 p.m. on February 5, 2018. The hearing will be in the 4th floor conference room at 280 Broadway.

How do I comment on the proposed rules? Anyone can comment on the proposed rules by:

- **Website.** You can submit comments to the DOB through the NYC rules website at <http://rules.cityofnewyork.us>.
- **Email.** You can email comments to dobrules@buildings.nyc.gov.
- **Mail.** You can mail comments to the New York City Department of Buildings, Office of the General Counsel, 280 Broadway, 7th floor, New York, NY 10007.
- **Fax.** You can fax comments to the New York City Department of Buildings, Office of the General Counsel, at 212-566-3843.
- **Speaking at the hearing.** Anyone who wants to comment on the proposed rule at the public hearing must sign up to speak. You can sign up in the hearing room before the hearing begins on February 5, 2018. You can speak for up to three minutes.

Is there a deadline to submit comments? Yes, you must submit comments by February 5, 2018.

What if I need assistance to participate in the hearing? You must tell the Office of the General Counsel if you need a reasonable accommodation of a disability at the hearing. You must tell us if you need a sign language interpreter. You can tell us by mail or email at the addresses given above. You may also tell us by telephone at 212-393-2085. Advance notice is requested to allow sufficient time to arrange the accommodation. Please tell us by January 22, 2018.

This location has the following accessibility option(s) available: Wheelchair accessibility.

Can I review the comments made on the proposed rules? You can review the comments made online on the proposed rules by going to the website at <http://rules.cityofnewyork.us/>. A few days after the hearing, copies of all comments submitted online, copies of all written comments and a summary of oral comments concerning the proposed rule will be available to the public at the Office of the General Counsel.

What authorizes DOB to make this rule? Sections 643 and 1043(a) of the City Charter and section 28-103.19 of the City Administrative Code authorize DOB to make this proposed rule. This proposed rule was not included in DOB’s regulatory agenda for this Fiscal Year because it was not contemplated when DOB published the agenda.

Where can I find DOB’s rules? DOB’s rules are in Title 1 of the Rules of the City of New York.

What laws govern the rulemaking process? DOB must meet the requirements of Section 1043 of the City Charter when creating or changing rules. This notice is made according to the requirements of Section 1043(b) of the City Charter.

Statement of Basis and Purpose of Proposed Rule

This rule amends the Reference Standard FEMA FIRM 360497, as identified in Section BC G402 of the building code. The FEMA FIRMs are the Flood Insurance Rate Maps published by FEMA, and are referenced in the building code for the purpose of enforcement of the construction standards of the National Flood Insurance Program.

This rule updates the FEMA FIRMs to incorporate a Letter of Map Amendment approved by FEMA for La Guardia Airport in Queens. This amendment ensures New York City’s continued compliance with and eligibility to participate in the National Flood Insurance Program.

The Department of Buildings’ authority for these rules is found in sections 643 and 1043 of the New York City Charter and section 28-103.19 of the New York City Administrative Code.

New material is underlined.

[Deleted material is in brackets.]

“Shall” and “must” denote mandatory requirements and may be used interchangeably in the rules of this department, unless otherwise specified or unless the context clearly indicates otherwise.

Section 1. Section 3606-03 of Chapter 3600 of Title 1 of the Rules of the City of New York is amended to read as follows:

§3606-03 Federal Emergency Management Agency (“FEMA”) Letters of Map Revision.

Pursuant to Section 28-103.19 of the Administrative Code, the reference standard FEMA FIRMs 360497, as identified in Section BC G402 of the Building Code, is modified for New York City to read as follows:

<p>FEMA FIRMs 360497</p>	<p>Flood Insurance Rate Map, Community Number 360497, Panel Numbers 1 through 0457, Revised September 5, 2007; Federal Emergency Management Agency, <i>with the following [Letter] Letters of Map Revision: Letter of Map Revision effective September 29, 2008, FEMA case # 08-02-0948P, revising FIRM panel 0111 and Letter of Map Revision effective April 18, 2018, FEMA case # 17-02-1503P, revising FIRM panels 0092F, 0094F, 0111F, and 0113F.</i></p>	<p>G102.2, G102.3, G102.3.1, G102.3.2, G103.3, G201.2</p>
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§2. This rule takes effect on April 18, 2018.

**NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS
253 BROADWAY, 10th FLOOR
NEW YORK, NY 10007
212-788-1400**

**CERTIFICATION / ANALYSIS
PURSUANT TO CHARTER SECTION 1043(d)**

RULE TITLE: Amendment of Reference Standard for Flood Insurance Rate Maps

REFERENCE NUMBER: DOB-106

RULEMAKING AGENCY: Department of Buildings

I certify that this office has analyzed the proposed rule referenced above as required by Section 1043(d) of the New York City Charter, and that the proposed rule referenced above:

- (i) Is understandable and written in plain language for the discrete regulated community or communities;
- (ii) Minimizes compliance costs for the discrete regulated community or communities consistent with achieving the stated purpose of the rule; and
- (iii) Does not provide a cure period because it does not establish a violation, modification of a violation, or modification of the penalties associated with a violation.

/s/ Francisco X. Navarro
Mayor's Office of Operations

December 26, 2017
Date

**NEW YORK CITY LAW DEPARTMENT
DIVISION OF LEGAL COUNSEL
100 CHURCH STREET
NEW YORK, NY 10007
212-356-4028**

**CERTIFICATION PURSUANT TO
CHARTER §1043(d)**

RULE TITLE: Amendment of Reference Standard for Flood Insurance Rate Maps

REFERENCE NUMBER: 2017 RG 109

RULEMAKING AGENCY: Department of Buildings

I certify that this office has reviewed the above-referenced proposed rule as required by section 1043(d) of the New York City Charter, and that the above-referenced proposed rule:

- (i) is drafted so as to accomplish the purpose of the authorizing provisions of law;
- (ii) is not in conflict with other applicable rules;
- (iii) to the extent practicable and appropriate, is narrowly drawn to achieve its stated purpose; and
- (iv) to the extent practicable and appropriate, contains a statement of basis and purpose that provides a clear explanation of the rule and the requirements imposed by the rule.

/s/ STEVEN GOULDEN
Acting Corporation Counsel

Date: December 22, 2017