

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.

Due to the current health emergency, the public hearing for this rule is being scheduled as a virtual hearing, which may be accessed according to the information given below in this Notice.

When and where is the hearing? DOB will hold a public hearing on the proposed rule online. The public hearing will take place 11am – 12pm on 4/19/21.

- Join through Internet:

To join the hearing via your browser either click on the following URL link or copy and paste it into your browser's address bar. Then follow the prompts.

<https://buildings.webex.com/buildings/j.php?MTID=m2d15734caa18698558db74ee30d228c4>

When prompted, enter the following meeting password: 10007

When joining the meeting choose either **“Use computer for audio”** or **“Call in”** for the audio portion of the public hearing. If you choose the “Call in” option, the information needed to connect (**phone number, Access Code and Attendee ID**) will automatically be presented to you immediately **after** you join the Webex meeting.

If you have low bandwidth or inconsistent Internet connection, we suggest you use the “Call-in” option for the hearing. This will reduce the possibility of dropped audio and stutters.

- Join via phone only:

To join the meeting only by phone, use the following information to connect:

Phone: 1-646-992-2010

Access code: 157 458 7042

Password (if requested): 10007

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.
- **Comments cannot be submitted by mail or fax at this time because the DOB office is temporarily closed.**
- **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 by emailing dobrules@buildings.nyc.gov by 4/12/21 and including your name and affiliation. While you will be given the opportunity during the hearing to indicate that you would like to provide comments, we prefer that you sign up in advance. You can speak for up to three minutes.

Is there a deadline to submit comments? Yes, you must submit comments by 4/19/21.

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 can tell us by email at dobrules@buildings.nyc.gov. Advance notice is requested to allow sufficient time to arrange the accommodation. You must tell us by 4/12/21.

This location has the following accessibility option(s) available: Simultaneous transcription and an ASL interpreter for people who are hearing impaired, and audio only access for those who are visually impaired.

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/>.

What authorizes DOB to make this rule? Sections 643 and 1043(a) of the City Charter and section 28-103.19 of the New York 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 rules 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 Letters of Map Revision approved by FEMA for Whitestone, Queens and Raritan Bay, Staten Island. 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 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 Letters of Map Revision:</i> <i>Letter of Map Revision effective September 29, 2008, FEMA case # 08-02-0948P, revising FIRM panel 0111 [and].</i> <i>Letter of Map Revision effective April 18, 2018, FEMA case # 17-02-1503P, revising FIRM panels 0092F, 0094F, 0111F, and 0113F.</i> <i>Letter of Map Revision effective June 2, 2021, FEMA case # 20-02-1119P, revising FIRM panel 0116F, and</i> <i>Letter of Map Revision effective June 16, 2021, FEMA case # 20-02-1564P, revising FIRM panel 0314F.</i></p>	<p>G102.2, G102.3, G102.3.1, G102.3.2, G103.3, G201.2</p>
----------------------------------	--	---

**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 FEMA Flood Plain Map

REFERENCE NUMBER: DOB-138

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 the violations pose significant risks to public health and safety.

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

March 8, 2021
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 FEMA Flood Plain Map

REFERENCE NUMBER: 2021 RG 013

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: March 4, 2021