

NEW YORK CITY DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notice of Public Hearing and Opportunity to Comment on Proposed Rules

What are we proposing? The Department of Environmental Protection (“Department” or “DEP”) is proposing to promulgate a rule adopting an interim flood risk area map.

When and where is the hearing? The Department will hold a public hearing on the proposed rule amendments. The public hearing will take place at 11 am on July 30, 2025. To participate in the public hearing, please follow these instructions:

Microsoft Teams

Join the meeting now

Meeting ID: 287 786 328 440 8

Passcode: ow7PS2Vc

Dial in by phone

+1 347-921-5612,,513639697#

Find a local number

Phone conference ID: 513 639 697#

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

- **Website.** You can submit comments to the Department through the NYC rules web site at <http://rules.cityofnewyork.us>.
- **Email.** You can email written comments to nycrules@dep.nyc.gov.
- **Mail.** You can mail written comments to the Department, Bureau of Legal Affairs, 59-17 Junction Boulevard, 19th Floor, Flushing, NY 11373.
- **Fax.** You can fax written comments to the Department, Bureau of Legal Affairs, at 718-595-6543.
- **By 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 before the hearing by calling 718-595-6531. You can speak for up to three minutes. Please note that the hearing is for accepting oral testimony only and is not held in a “Question and Answer” format.

Is there a deadline to submit written comments? Yes, you must submit written comments by July 30, 2025.

What if I need assistance to participate in the hearing? You must tell the Department's Bureau of Legal Affairs 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 postal mail or email to the addresses given above. You may also tell us by telephone at 718-595-6531. You must tell us by July 23, 2025.

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, a transcript of the hearing and copies of the written comments will be available to the public at the Bureau of Legal Affairs.

What authorizes the Department to make these rules? Section 1043(a) of the New York City Charter ("City Charter") and section 24-809 of the Administrative Code of the City of New York authorize the Department to promulgate these proposed rules. This rule was not included in the Department's regulatory agenda for this fiscal year, as its need was not contemplated when the agenda was published.

Where can I find the Department's rules? The Department's rules are in Title 15 of the Rules of the City of New York.

What laws govern the rulemaking process? The Department 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

The New York City Department of Environmental Protection (DEP or Department) proposes to amend its rules to add a new chapter (Chapter 66 of Title 15 of the Rules of the City of New York (RCNY)) to include an interim flood risk area map, showing the 10-year rainfall flood risk area and the coastal flood risk area.

Section 1403(b-1) of the Charter of the City of New York provides that the Commissioner of Environmental Protection has "the power to administer and enforce provisions of law, rules and regulations relating to the management and control of discharges and runoff from public and private property, including but not limited to stormwater discharges, which may convey pollutants and other materials that may enter and have an adverse impact on the waters of the state."

Pursuant to Local Law 124/2024 (amending Chapter 8 of Title 24 of the Administrative Code of the City of New York), which was enacted on December 18, 2024, § 24-809 of the Administrative Code requires DEP to adopt an interim flood risk area map designating areas in the city where there are specifically defined chances of rainfall-induced flooding and coastal flooding risk. Given the inherent uncertainty in the projections used to estimate flood risk and the potential danger of flooding events, the map adds a 50-foot-wide area around the perimeter of the projected 10-year rainfall flood risk area to account for such uncertainty.

These regulations, including the interim flood risk area map, combine with and coordinate with the New York City Building Code Appendix U Section BC U202 and amendments made to the Zoning Resolution in application number N 240290 ZRY (approved by the City Council on December 5, 2024), which delineate flood hazard areas where ancillary dwelling units (ADUs) are prohibited.

Added material is underlined.

“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.

Title 15 of the Rules of the City of New York is amended by addition of a new Chapter 66, to read as follows:

§66-01 Definitions

10-year rainfall flood risk area. The term “10-year rainfall flood risk area” means an area designated on a map promulgated by the department of environmental protection that represents locations in the city where there is a 10 percent chance or greater of rainfall-induced flooding in any year, incorporating the impacts of the projected 2050 sea level rise on sewer outfalls and storm drains as projected by the New York city panel on climate change, with the addition of a 50-foot wide area around the perimeter to account for the margin of uncertainty inherent in such projections.

Coastal flood risk area. The term “coastal flood risk area” means an area designated on a map promulgated by the department of environmental protection that represents locations in the city where there is a 1 percent chance or greater of flooding in any year, incorporating the impacts of sea level rise as projected for the year 2080 by the New York City panel on climate change, provided that if such panel provides projections for baseline years later in time to 2080 then such baseline years may be adopted by rule for the purposes of this definition. In initially determining such area, the department, in consultation with other relevant agencies as described in Administrative Code section 24-809(b), shall consider the federal emergency management agency coastal flood mapping data that defines the current 100-year floodplain, and the best available data, as determined by the department and such agencies, including 90th percentile projections from the New York city panel on climate change and any other data determined to be reasonable, that reflects the 1 percent chance or greater of flooding in any year.

§66-02 Purpose and Applicability

DEP adopts as an appendix to this chapter an interim flood risk area map showing the 10-year rainfall flood risk area and the coastal flood risk area. This interim map is also posted on the department’s website.

The 10-year rainfall flood risk area and the coastal flood risk area, as delineated on the interim map will serve as a reference for the New York City Department of Buildings to determine allowable locations of ancillary dwelling units (ADUs), including backyard ancillary dwelling units, in accordance with the New York City Building Code Appendix U Section BC U202 and Zoning Resolution § 12-10. A property lot is within the 10-year rainfall flood risk area or coastal flood risk area when all or any portion of the lot is within such mapped area.

APPENDIX

The Interim Flood Risk Area Map included in this Appendix is adopted as a reference standard, and is available at <https://nyc.gov/dep/floodriskmap>.