

NOTICE OF ADOPTION OF FINAL RULE

NEW YORK CITY DEPARTMENT OF ENVIRONMENTAL PROTECTION

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN THE COMMISSIONER OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION by Section 1403(c) of the New York City Charter and Section 24-809 of the New York City Administrative Code, that the Department of Environmental Protection (“Department” or “DEP”) is adopting an interim flood risk area map. This rule was proposed and published in the City Record on June 25, 2025 and a public hearing was held on July 30, 2025. Several comments were received.

Given the inherent uncertainty in projections used to estimate flood risk and the potential danger of flooding events, the map includes a 50-foot-wide area around the perimeter of the projected 10-year rainfall flood risk area to account for such uncertainty. Several of the commenters referred to the 50-foot area, some saying that it is too restrictive and excessively precautionary, others that it is too narrow and not sufficiently protective.

DEP used the best available projections to estimate the area needed to best address flood risk and allow for a safe, successful ADU program. DEP has not identified any necessary revisions to the proposed rule.

Statement of Basis and Purpose

The New York City Department of Environmental Protection (DEP or Department) is amending its rules to add a new chapter (Chapter 65 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 65, to read as follows:

Chapter 65. Interim Flood Risk Area Map

§65-01 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.

§65-02 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.

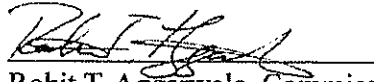
APPENDIX

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>.

Statement of Substantial Need for Earlier Implementation

I hereby find, pursuant to Section 1043(f)(1)(c) of the New York City Charter, that there is a substantial need for the implementation of the Interim Flood Risk Area Map Rule, immediately upon publication of the promulgated rule in the City Record.

Local Law 124/2024, which was enacted on December 18, 2024, requires the NYC Department of Environmental Protection 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. The Interim Flood Risk Area Map Rule was published in the City Record on June 25, 2025, and a public hearing was held on July 30, 2025. This Rule, including the interim flood risk area map, will combine and coordinate with the New York City Building Code and the Zoning Resolution, which delineate flood hazard areas where basement and backyard ancillary dwelling units (ADUs) are prohibited. Local Law 124/2024 requires publication of the map, which had to be made interactive so that members of the public can determine whether a particular property is included or excluded from the interim flood risk area, by June 18, 2025. Accordingly, the 30-day period normally provided between a rule's promulgation and the time it goes into effect is hereby waived.


Rohit T. Aggarwala, Commissioner
NYC Department of Environmental
Protection

Date: 09/11/2025

Approved: 
Eric Adams, Mayor

Date: 9/12/25