



## Flood Hazard Areas

This edition of the Code Outreach Program discusses construction in flood hazard areas for buildings and structures regulated by the [2020 Residential Code of New York State](#) (2020 RCNYS).

Flood hazard areas are established by the authority having jurisdiction. According to footnote g of Table R301.2(1), each community that is regulated under Part 1203 of 19 NYCRR shall adopt a flood hazard map with supporting data for their community. Section R322 outlines the design and construction provisions for flood resistant construction of buildings and structures in flood hazard areas.

Section R322 includes specific requirements for construction located in different types of flood hazard areas. Alternative compliance provisions are contained in Section R322.1.1. When a building or structure “*is located in more than one flood hazard area the building shall comply with the provisions associated with the most restrictive flood hazard area,*” as indicated in Section R301.2(1). Be mindful to proceed with design and construction in a flood hazard area using the appropriate zone classification, as established in Table R301.2(1).

Compliance with Section R322 will depend on the type of work being performed:

For new construction regulated by the 2020 RCNYS, Section R301.1 requires that buildings and structures be constructed to safely support all loads, which includes flood loads, and Section R301.2 requires that buildings be constructed to meet climatic and geographic design criteria, including compliance with Table R301.2(1). Further, Section 301.2.4 requires buildings and structures constructed in whole or in part in flood hazard areas to comply with Section R322.

For existing buildings regulated by the 2020 RCNYS, Appendix J establishes the requirements for various types of work, including repairs, alterations, changes of occupancy, additions, and relocation of existing buildings (see Section AJ101). These requirements are specific to each type of work; however, compliance with Section R322 for existing buildings and work on existing buildings can be summarized as follows:

- When work that constitutes a *substantial improvement* is performed on an existing building, compliance with Section R322 is required (see Sections R301.2.4, AJ401.7, AJ501.3, AJ601.5, and AJ801.5). Whether the work includes an addition, an alteration level 1 and 2, and/or a repair, if it constitutes a *substantial improvement*, it will require the entirety of the existing building to comply with Section R322.
- An addition is required to comply with the requirements of Section R322 (see Section AJ801.2). If the addition is not part of a *substantial improvement*, only the addition must comply.

The term *substantial improvement* is a defined term found in Section AJ201. When determining if the work constitutes a *substantial improvement*, it is important to remember to consider the totality of all work performed, including any repairs, alterations, additions, and improvements. The following are not required to comply with Section R322, as they are excluded from the definition of *substantial improvement*:

- Improvements to a building or structure that are required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to ensure safe living conditions.
- Any alteration of a historic building or structure, provided that the alteration will not preclude the continued designation as a historic building or structure.

### Federal Emergency Management Agency (FEMA)

It is important to note that the FEMA guidelines for construction in flood hazard areas set the minimum requirements nationwide. It is the intent of the Uniform Code to meet or exceed the flood hazard provisions of FEMA. When the provisions of the Uniform Code are more restrictive than those provided by FEMA, the more restrictive provisions shall prevail, unless specifically exempted [see the exception to Section R408.7 (2) for example].

Please look for our next edition of the Code Outreach Program at the beginning of next month.