

# RESCINDED BY BUILDINGS BULLETIN 2024-003

THE CITY OF NEW YORK  
HOUSING AND DEVELOPMENT ADMINISTRATION  
DEPARTMENT OF BUILDINGS

DEPARTMENTAL MEMORANDUM

DATE: January 11, 1978

TO: Borough Superintendents

FROM: Jeremiah T. Walsh, P.E., Commissioner

SUBJECT: Multi-Family Residential Structures within "Special Flood Hazard Areas"

Section C20-409.2 of the Administrative Code, as added by Local Law No. 13/75, prohibits the construction of any building of occupancy group classifications H1, H2, J-1, J-2 or J-3 so as to have lowest floor (including basement or cellar) below regulating flood datum + 8.6 ft. above mean sea level at Sandy Hook, estimated to be the local level of the 100 year flood elevation referred to in the Federal Insurance Administration's regulations.

However, in response to an inquiry from the Deputy Mayor, the F.I.A. Administrator has recently advised us that non-habitable portions of basements or cellars in multi-family (2 or more families) residential structures may be located below the level of the 100 year flood elevation, provided that the basement or cellar is completely floodproofed in accordance with our Reference Standard RS 4-5, and said portions of the structures are non-residential.

In view of the above; and, based on Section 643-1.0 of the Administrative Code, multi-family structures may be constructed in special flood hazard areas with non-habitable portions of basements or cellars below elevation +8.6 above mean sea level at Sandy Hook, provided all of the following conditions are met:

1. The building is constructed so as to provide entrance access to the residential portion of the structure at or above elevation +8.6.
2. The portion of the structure and all service equipment below elevation +8.6 are floodproofed in accordance with reference standard RS 4-5.

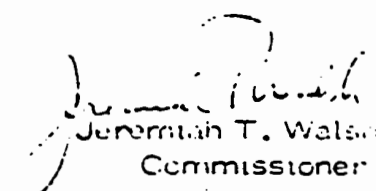
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3. No habitable rooms may be located in such cellar or basement.
4. A water closet and/or a wash basin may be located in an enclosed space not to exceed 4'-0" x 4'-6" in such cellar or basement, and no roughing therein shall be allowed to accommodate any additional fixtures.
5. No accessory kitchens shall be allowed in such basement or cellar; however, one 2 compartment laundry tray, or the like may be authorized outside of the water closet compartment.
6. The specification sheet shall note the following:
  - (a) Premises is located within the special flood hazard area.
  - (b) The basement or cellar (as appropriate) is located below the level of the 100 year flood elevation.
  - (c) No portion of the cellar or basement may be used for residential purposes.
7. A deed restriction noting all of the above is to be recorded in the county clerk's office, and the page and liber number indicated on the specification sheet and certificate of occupancy.

  
Jeremiah T. Walsh, P.E.  
Commissioner

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