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MEMORANDUM

TO: All Cooperatives, Condominiums and Managing Agents

FROM: Schechter & Brucker, P.C.

DATE: August 15, 2014

RE: Emergency Preparedness Recommendations for Residential Buildings

In recent years, the New York City area has been increasingly affected by severe storms. The multi-day loss of power and extreme flooding from Superstorm Sandy exceeded most emergency scenarios and as a result, few buildings or residents had plans for managing the emergency conditions before, during or after the storm. Many buildings suffered damage that could have been prevented, or from which they could have recovered more quickly, with the benefit of advance planning. In response, amendments to the Administrative Code of the City of New York were enacted to help the City better prepare for future storms. This memorandum highlights the important aspects of the new laws and suggests ways your building can prepare for upcoming storms.

The new laws became effective on May 18, 2014. They amend the Administrative Code of the City of New York to add Sections §30-113 and §27-2051.1 creating a two-pronged approach to emergency planning by requiring: (1) the creation of emergency preparedness recommendations for residential and commercial building owners, and (2) the posting of emergency information in certain residential buildings.

The first amendment (§30-113), requires the Office of Emergency Management to coordinate with other agencies including the Department of Buildings, the Department of Housing Preservation and Development and the Fire Department, to create recommended guidelines for how residential and commercial buildings should prepare for weather emergencies and sustained utility outages.

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ADVANCE PREPARATION RECOMMENDATIONS

According to The Office of Emergency Management, the best way to be prepared for the possibility of a hurricane evacuation is to know your evacuation zone. Hurricane evacuation zones are areas of the City that may be inundated by storm surge or isolated by storm surge waters. New York City's hurricane contingency plans are based on six evacuation zones, ranked by the risk of storm surge impact, with zone 1 being the most likely to flood. In the event of a hurricane or tropical storm, residents in some or all of these zones may be ordered to evacuate. Boards should determine whether their building falls within the boundaries of a city evacuation zone. This information can be obtained from the Hurricane Evacuation Zone Finder at <http://maps.nyc.gov/hurricane/> or by calling 311.

If your building is in a hurricane evacuation zone or an area that is susceptible to flooding, you should consider getting flood insurance, since flood damage is not covered by basic property insurance. Certain co-operative buildings may already have flood insurance since they are required by federal law to have it if they are located in high-risk flood areas and have mortgages from federally regulated or insured lenders. If you are not sure whether your building has flood insurance or whether you should obtain it, you should contact your insurance broker.

Among the other recommended guidelines are protective measures which can reduce a building's risk for flooding. Since trees, plants and grass can help absorb rain water, the Office of Emergency Management recommends planting vegetation and avoiding paving over green space on your property. If a portion of your property is below street level, Boards should also consider strategies to keep storm water from flowing into your building, such as modifying slopes or installing physical barriers. Also, valuable items and documents should be removed from basements or placed in waterproof containers to prevent them from being destroyed if water infiltrates the lower floors of your building.

Although the New York City Building Code requires that many buildings in New York City install valves to help prevent sewage from flowing back into the building during heavy rain, not all buildings are required to have such devices. Boards should consider installing a backflow prevention device if your building does not already have one and should remember to inspect it periodically to make sure that it works when you need it. Boards should also keep materials such as sandbags, plywood and plastic sheeting on hand to protect your building, especially if it is located in a flood-susceptible area. The Office of Emergency Management also recommends installing ground fault interrupt (GFI) circuits

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which connect to electrical receptacles to prevent shock or electrocution during flooding.

RECOMMENDATIONS FOR ACTIONS TO BE TAKEN BEFORE AND AFTER A STORM

The Office of Emergency Management recommends that before a storm, building owners bring inside loose, lightweight objects and anchor objects that will be unsafe or too large to bring inside. Accordingly, all planters, flower boxes, window air conditioning units, outdoor furniture and similar items should be brought inside or secured before an impending storm to prevent property damage to your building or the neighboring buildings.

Before a storm, building owners should also make sure to close windows and outside doors securely, and even board windows if necessary to protect the building from damage during a storm with strong winds. Additionally, before or during heavy rain, it is important to remove debris from catch basins and drains in your area to allow the water to enter.

After a storm, building owners are advised to take pictures of all damage and flood impacts and keep receipts for all repairs if they intend to apply for disaster assistance or to make an insurance claim.

POSTING EMERGENCY INFORMATION

The other portion of the law (§27-2051.1), deals with the posting of emergency information. It requires residential building owners to post temporary signs in the common areas of their buildings prior to the expected arrival of a weather emergency, after a natural disaster or after being informed that a utility outage is expected to last for more than twenty four hours. These signs must include emergency preparedness information such as whether the building is located in a hurricane evacuation zone, the address of the nearest evacuation center, and when a person should contact 911 and/or 311 during a weather emergency.

According to the new law, the sign needs to be in at least 11 point type and should follow the template that the city has published, which is attached hereto as Exhibit A. All contact information must be completed properly. The board or managing agent must also complete each section appropriately, indicating whether the sign is being posted for a

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building utility outage, emergency evacuation event or high wind event and further indicating the details related to the event. Such sign should be updated by the board or managing agent as needed, and removed after the weather emergency, natural disaster, or utility outage has ended.

FURTHER RECOMMENDATIONS

One of the biggest challenges during recent storms involved communication. Many residents in multi-family buildings received citywide information from media sources, but not building or neighborhood-specific information. As a result, many people were not aware of available resources within their own buildings or communities. To improve communication and minimize panic and confusion, boards should consider creating an internal building policy outlining how information will be shared in the event of an emergency. Communication policies can make use of resources such as BuildingLink or be as simple as a bulletin board posting and should establish who will send out the communications and how and when they will be distributed or where they can be posted. All communication policies should include multiple forms of communication because access to power or cell phone towers will vary during emergencies.

Building staff should also be educated regarding the use of applicable building systems during utility failures. Building staff should be trained to operate any backup systems in the building, including generators and lighting in the stairwells. These systems should be clearly labeled as to their operation and residents should be made aware of their potential use during an emergency period. Both residents and building staff should also be educated about remediation that should be performed during the recovery period following an emergency. For example, residents and building staff should be educated about the hazards of leaving mold in place following flooding, where it is most likely to occur and how it might be safely removed.

It is recommended that individualized building emergency preparedness and response plans be created so that your building is better prepared for the next weather emergency. It is also recommended that each management company, cooperative and condominium board review the guidelines which were created as a result of these laws and which are available on the Office of Emergency Management's website, <http://www.nyc.gov/html/oem/html/home/home.shtml>.

EMERGENCY NOTIFICATION: PLEASE READ

ALL EMERGENCIES:

Building Personnel Contacts Name: _____

Email: _____ Phone: _____

Address: _____

In An Emergency

911: Emergences Call 911 when you are in immediate danger, there is a fire on the premises, you witness a crime in progress, or if you have a serious injury or life-threatening medical condition.

Contacting the City

311: City Information Call 311 (TTY: 212-504-4115) or visit www.NYC.gov when you need access to non-emergency services or information about City government programs. Do not call 311 for emergencies.

If you have special needs and need assistance to evacuate, contact the City at 311. Persons with special needs may also find information on line at the Office of Emergency Management's website: www.nyc.gov/oem.

To Report a Utility Outage

Con Edison 24-hour hotline: 800-752-6633 (TTY: 800-642-2308)

LIPA 24-hour hotline: 800-490-0075 (TTY: 631-755-6660)

National Grid 24-hour hotline: 718-643-4050 (TTY: 718-237-2857)

BUILDING UTILITY OUTAGE

- Not applicable, OR
- During the current utility outage, the following services will be provided to building occupants:
- drinking water
- this building utilizes a water pump—please conserve water by: _____

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- corridor, egress and common area lighting
 - fire safety and protection
 - elevator service
 - cell phone chargers are located at: _____
 - hot water
 - heat
 - air conditioning

EMERGENCY EVACUATION EVENT

- Not applicable, OR
- This building IS NOT located in an emergency evacuation zone; or
- This building IS located in emergency evacuation zone number _____.

The nearest designated evacuation center is located at: _____

HIGH WIND EVENT

- Not applicable, OR
- All non-permanent objects such as furniture and flower pots must be removed from the roof, balconies, and any other outside platform or window.

ADDITIONAL INFORMATION (Owners may add any additional information here)