

5986

2009-2010 Regular Sessions

I N A S S E M B L Y

February 23, 2009

Introduced by M. of A. MILLER -- read once and referred to the Committee  
on Governmental Operations

AN ACT to amend the executive law, in relation to sanitary facilities in  
certain buildings for public assembly

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-  
BLY, DO ENACT AS FOLLOWS:

1 Section 1. Paragraph e of subdivision 4 of section 378 of the execu-  
2 tive law, as added by chapter 270 of the laws of 1989, is amended to  
3 read as follows:

4 e. (I) for buildings included in group C5 of paragraph (f) of section  
5 900.2 of title nine of the official compilation of codes, rules and  
6 regulations of the state of New York, that water closets and urinals  
7 provided for occupants, based upon capacity, shall be deemed sanitary  
8 fixtures and shall be distributed on a basis such that the number of  
9 such sanitary fixtures provided in rest facilities for men shall be  
10 equal to the number of water closets provided in rest facilities  
11 provided for women in buildings with an occupancy of four hundred or  
12 less. For buildings consisting of more than four hundred occupants, an  
13 additional water closet shall be added to a rest facility provided for  
14 women for each sanitary fixture added to a similarly situated rest  
15 facility provided for men.

16 (II) ON AND AFTER THE EFFECTIVE DATE OF THIS SUBPARAGRAPH, WITH  
17 RESPECT TO ALL BUILDINGS SUBJECT TO THE PROVISIONS OF SUBPARAGRAPH (I)  
18 OF THIS PARAGRAPH AND FURTHER SUBCLASSIFIED BY SUCH OFFICIAL COMPILATION  
19 AS C5.2 OR C5.3 AND ANY APPURTENANCES THERETO:

20 (A) FOR ANY BUILDING NEWLY CONSTRUCTED, SEVENTY PERCENT OF THE TOTAL  
21 NUMBER OF SANITARY FIXTURES PROVIDED SHALL BE PROVIDED IN REST FACILI-  
22 TIES FOR WOMEN;

23 (B) WITH RESPECT TO ANY BUILDING NOT IN COMPLIANCE WITH THE SEVENTY  
24 PERCENT REQUIREMENT PURSUANT TO CLAUSE (A) OF THIS SUBPARAGRAPH, THE  
25 OWNER OR OPERATOR OF SUCH BUILDING SHALL, AT ANY TIME DURING THE PUBLIC

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

LBD09522-01-9

1 OCCUPANCY OF SUCH BUILDING WHEN AN INTERMISSION IS IN PROGRESS, REDESIG-  
2 NATE REST FACILITY ROOMS PROVIDED FOR MEN AS REST FACILITY ROOMS FOR  
3 WOMEN TO SUCH EXTENT AS WILL ALLOCATE APPROXIMATELY SEVENTY PERCENT OF  
4 THE SANITARY FIXTURES FOR WOMEN. THE ADMINISTRATOR MAY GRANT A WAIVER  
5 FROM THE APPLICATION OF THIS CLAUSE, PROVIDED THAT PRIOR TO THE GRANTING  
6 OF ANY SUCH WAIVER THE APPLICANT FOR A WAIVER SHALL ESTABLISH THAT: (1)  
7 COMPLIANCE WITH THE PROVISIONS OF THIS CLAUSE WOULD CAUSE UNDUE FINAN-  
8 CIAL HARDSHIP; OR (2) OTHER FACTORS, INCLUDING BUT NOT LIMITED TO THE  
9 PHYSICAL LAYOUT, EXIST WHICH WOULD RENDER STRICT COMPLIANCE UNREASON-  
10 ABLE.

11 S 2. This act shall take effect on the first of June next succeeding  
12 the date on which it shall have become a law.