S T A T E O F N E W Y O R K

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 ASSEMBLY, DO ENACT AS FOLLOWS:

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

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

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

(A) FOR ANY BUILDING NEWLY CONSTRUCTED, SEVENTY PERCENT OF THE TOTAL NUMBER OF SANITARY FIXTURES PROVIDED SHALL BE PROVIDED IN REST FACILITIES FOR WOMEN;

(B) WITH RESPECT TO ANY BUILDING NOT IN COMPLIANCE WITH THE SEVENTY PERCENT REQUIREMENT PURSUANT TO CLAUSE (A) OF THIS SUBPARAGRAPH, THE 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

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

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