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

2279--A

2009-2010 Regular Sessions

I N S E N A T E

February 17, 2009

Introduced by Sens. PARKER, ADAMS, DILAN, DUANE, HASSELL-THOMPSON, KRUEGER, ONORATO, OPPENHEIMER, PERKINS, SCHNEIDERMAN -- read twice and ordered printed, and when printed to be committed to the Committee on Housing, Construction and Community Development -- recommitted to the Committee on Housing, Construction and Community Development in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the executive law, in relation to standards for the number of water closets in certain places of public assembly and increases the number of water closets for women

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

Section 1. The executive law is amended by adding a new section 378-a to read as follows:

S 378-A. STANDARDS FOR WATER CLOSETS IN CERTAIN PLACES OF PUBLIC ASSEMBLY. 1. NOTWITHSTANDING ANY RULE, REGULATION OR LAW TO THE CONTRARY, STANDARDS FOR WATER CLOSETS IN THE BUILDINGS CONTAINING AREAS OF PUBLIC ASSEMBLY ENUMERATED IN THIS SECTION SHALL BE AS STATED IN THIS SECTION.

2. THE PROVISIONS OF THIS SECTION SHALL APPLY TO ANY ARENA, AUDITORIUM, BUILDING WHERE ALCOHOLIC BEVERAGES ARE SOLD AND CONSUMED, MEETING HALL, MOTION PICTURE THEATRE, PUBLIC DANCE HALL, STADIUM, OR THEATRE IN THE FOLLOWING BUILDINGS OR SPACES:

A. NEW BUILDINGS OR SPACES;

B. EXISTING BUILDINGS OR SPACES THAT ARE ALTERED WHERE THE COST OF MAKING ALTERATIONS IN ANY TWELVE-MONTH PERIOD SHALL EXCEED THIRTY PERCENT OF THE VALUE OF THE BUILDING OR SPACE; AND

C. EXISTING BUILDINGS OR SPACES THAT ARE ALTERED WHERE THE ALTERATION OF THE BUILDING OR SPACE RESULTS IN A CHANGE IN THE OCCUPANCY GROUP

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

LBD01281-02-0

CLASSIFICATION OF THE BUILDING OR SPACE UNDER THE PROVISIONS OF THE BUILDING CODES APPLICABLE IN THE STATE OF NEW YORK.

3. BY JANUARY FIRST, TWO THOUSAND ELEVEN, ANY ARENA, AUDITORIUM, BUILDING WHERE ALCOHOLIC BEVERAGES ARE SOLD AND CONSUMED, MEETING HALL, MOTION PICTURE THEATRE, PUBLIC DANCE HALL, STADIUM, OR THEATRE NOT SUBJECT TO SUBDIVISION TWO OF THIS SECTION SHALL RE-DESIGNATE EXISTING BATHROOMS FOR THE USE BY PERSONS OF ONE SEX TO THE OTHER, IF MORE THAN TWO BATHROOMS EXIST IN SUCH FACILITY, AND IF DOING SO WOULD PRODUCE A RATIO OF WATER CLOSETS DESIGNATED FOR THE USE OF WOMEN AND MEN THAT MORE CLOSELY APPROXIMATES THE RATIO OF WOMENS' TO MENS' WATER CLOSETS REQUIRED UNDER SUBDIVISION FOUR OF THIS SECTION.

4. A. THE MINIMUM REQUIREMENT FOR THE NUMBER OF WATER CLOSETS PURSUANT TO THIS SECTION FOR ANY ARENA, AUDITORIUM, BUILDING WHERE ALCOHOLIC BEVERAGES ARE SOLD AND CONSUMED, MEETING HALL, MOTION PICTURE THEATRE, PUBLIC DANCE HALL, STADIUM, OR THEATRE SHALL BE AS LISTED IN TABLE 1.

TABLE 1

NUMBER OF PERSONS	NUMBER OF WATER CLOSETS FOR MEN	NUMBER OF WATER CLOSETS FOR WOMEN
1-150	1	2
151-300	2	4
301-450	3	6

FOR OCCUPANCY BY MORE THAN FOUR HUNDRED FIFTY PERSONS, THERE SHALL BE ONE WATER CLOSET FOR MEN AND TWO WATER CLOSETS FOR WOMEN FOR EACH ADDITIONAL THREE HUNDRED PERSONS. THE POPULATION USED TO DETERMINE THE NUMBER OF WATER CLOSETS REQUIRED SHALL BE BASED ON THE NUMBER OF PEOPLE TO OCCUPY THE SPACE; PROVIDED, HOWEVER, THAT IN NO CASE SHALL THE POPULATION BE DEEMED LESS THAN THAT DETERMINED BY ALLOWING ONE HUNDRED TWENTY-FIVE SQUARE FEET OF FLOOR AREA PER PERSON.

B. URINALS MAY BE PROVIDED IN BATHROOMS IN LIEU OF WATER CLOSETS BUT THE NUMBER SHALL NOT EXCEED FIFTY PERCENT OF THE REQUIRED NUMBER OF SANITARY FIXTURES.

S 2. This act shall take effect on the ninetieth day after it shall have become a law; provided that the secretary of state is immediately authorized and directed to promulgate, amend and/or repeal any rules and regulations necessary to implement the provisions of this act on its effective date.