

6658

2011-2012 Regular Sessions

I N A S S E M B L Y

March 24, 2011

Introduced by M. of A. CUSICK, BING, TITUS, PAULIN, PHEFFER, MILLMAN, ORTIZ, WEISENBERG, SCHROEDER, SPANO, ROSENTHAL, KELLNER, ROBINSON, CASTRO, MAISEL, WEPRIN, KAVANAGH -- Multi-Sponsored by -- M. of A. ABBATE, BARRON, COOK, GABRYSZAK, GIBSON, GLICK, GOTTFRIED, HIKIND, HOOPER, JEFFRIES, MAGEE, MCENENY, MENG, REILLY -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law, in relation to establishing and maintaining an emergency evacuation plan for individuals with disabilities

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

1 Section 1. The executive law is amended by adding two new sections
2 378-a and 378-b to read as follows:
3 S 378-A. STANDARDS FOR EMERGENCY PLANNING AND PREPAREDNESS. 1. THE
4 STATE FIRE PREVENTION AND BUILDING CODE COUNCIL SHALL UPDATE CHAPTER
5 FOUR OF THE NEW YORK STATE FIRE CODE, TITLED "EMERGENCY PLANNING AND
6 PREPAREDNESS", TO ENSURE EMERGENCY EVACUATION DRILLS, FIRE SAFETY AND
7 EMERGENCY EVACUATION PLANS, EMPLOYEE TRAINING AND RESPONSE PROCEDURES,
8 HAZARD COMMUNICATION, AND USE AND OCCUPANCY-RELATED STANDARDS ADDRESS
9 THE NEEDS OF INDIVIDUALS WITH DISABILITIES. THE PROCESS OF UPDATING
10 CHAPTER FOUR OF THE NEW YORK STATE FIRE CODE AS IT PERTAINS TO THE NEEDS
11 OF PERSONS WITH DISABILITIES SHALL BE DONE IN CONSULTATION WITH THE NEW
12 YORK STATE COMMISSION ON QUALITY OF CARE AND ADVOCACY FOR PERSONS WITH
13 DISABILITIES.
14 2. THE STATE FIRE PREVENTION AND BUILDING CODE COUNCIL SHALL PROMUL-
15 GATE REGULATIONS TO REQUIRE THE FOLLOWING ELEMENTS TO BE INCLUDED IN
16 EACH EMERGENCY EVACUATION PLAN:
17 (A) PROCEDURES FOR EVACUATING INDIVIDUALS WITH DISABILITIES;
18 (B) A LIST OF INDIVIDUALS WITH DISABILITIES WHO HAVE NOTIFIED THE
19 OWNER THAT THEY ARE DISABLED AND WOULD REQUIRE ASSISTANCE IN THE EVENT
20 OF AN EMERGENCY. THE LIST SHALL INCLUDE THE FLOOR AND ROOM NUMBER THAT
21 THE INDIVIDUAL WITH A DISABILITY OCCUPIES WITHIN THE BUILDING. SUCH LIST

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

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1 SHALL ONLY BE MAINTAINED FOR THE PURPOSE OF AN EMERGENCY EVACUATION, AND
2 SHALL NOT BE DISSEMINATED FOR ANY OTHER PURPOSE;

3 (C) A NOTIFICATION MECHANISM TO THE OCCUPANTS THAT A LIST OF PERSONS
4 WITH DISABILITIES IN NEED OF ASSISTANCE IN CASE OF AN EMERGENCY EXISTS
5 AND IS MAINTAINED BY THE OWNER AND THE METHOD BY WHICH OCCUPANTS CAN
6 PLACE THEIR NAME ON SUCH LIST;

7 (D) THE LOCATION AND TYPE OF EVACUATION ASSISTANCE DEVICES OR ASSIS-
8 TIVE TECHNOLOGIES THAT ARE AVAILABLE WITHIN THE BUILDING; AND

9 (E) AREAS OF RESCUE. THESE AREAS SHALL BE IDENTIFIED BY SIGNS THAT
10 STATE "AREA OF RESCUE ASSISTANCE" AND DISPLAY THE INTERNATIONAL SYMBOL
11 OF ACCESSIBILITY. LETTERING MUST BE PERMANENT AND COMPLY WITH FEDERAL
12 AMERICANS WITH DISABILITIES ACT GUIDELINES.

13 S 378-B. EMERGENCY EVACUATION PLAN. 1. NOTWITHSTANDING ANY PROVISION
14 OF LAW TO THE CONTRARY, IT SHALL BE THE DUTY OF EVERY OWNER OF A
15 HIGH-RISE BUILDING, AS DEFINED IN SECTION FOUR HUNDRED THREE OF THE
16 BUILDING CODE OF NEW YORK STATE, TO ESTABLISH AND MAINTAIN AN EMERGENCY
17 EVACUATION PLAN AS PROVIDED FOR IN REGULATIONS ISSUED PURSUANT TO
18 SECTION THREE HUNDRED SEVENTY-EIGHT-A OF THIS ARTICLE.

19 2. SUCH OWNER SHALL MAKE THE PLAN AVAILABLE IN A LARGE-PRINT DOCUMENT
20 (18-POINT FONT SIZE OR LARGER) AND BRAILLE (GRADE II) UPON REQUEST TO:

21 (A) LOCAL LAW ENFORCEMENT AND FIRE SAFETY PERSONNEL; AND

22 (B) EMPLOYEES, TENANTS, OR GUESTS LOCATED IN THE HIGH-RISE BUILDING.

23 3. A COPY OF SUCH PLAN SHALL BE MAINTAINED AT ALL TIMES IN A PLACE
24 EASILY ACCESSIBLE BY LAW ENFORCEMENT AND/OR FIRE SAFETY PERSONNEL,
25 INCLUDING BUT NOT LIMITED TO THE MANAGEMENT OFFICE, THE SECURITY DESK,
26 IN THE VICINITY OF THE FIREFIGHTER'S ELEVATOR RECALL KEY, THE LIFE SAFE-
27 TY PANEL, OR THE FIRE PUMP ROOM. IN THE ABSENCE OF ANY OF THE LOCATIONS
28 LISTED IN THIS SUBDIVISION, A COPY OF SUCH PLAN SHALL BE POSTED IN THE
29 FRONT ENTRY OF THE BUILDING.

30 4. ON AN ANNUAL BASIS, EVERY HIGH-RISE BUILDING OWNER SHALL UPDATE
31 SUCH EMERGENCY EVACUATION PLAN AND PROVIDE OCCUPANTS WITH A NOTICE
32 DETAILING THE PROVISIONS OF THE EMERGENCY EVACUATION PLAN.

33 5. A COPY OF SUCH PLAN SHALL BE FILED WITH THE DEPARTMENT OF STATE
34 WITHIN ONE YEAR OF THE EFFECTIVE DATE OF THIS SECTION, AND AN UPDATED
35 EMERGENCY EVACUATION PLAN SHALL BE FILED WITH THE DEPARTMENT OF STATE
36 ANNUALLY THEREAFTER.

37 6. OWNERS LOCATED IN MUNICIPALITIES WITH A POPULATION OF OVER ONE
38 MILLION ARE EXEMPT FROM DEVELOPING SUCH PLAN IF SUCH MUNICIPALITIES HAVE
39 ORDINANCES, RULES, CODES OR REGULATIONS THAT ESTABLISH EMERGENCY EVACU-
40 ATION PROCEDURES SPECIFICALLY FOR PEOPLE WITH DISABILITIES IN HIGH-RISE
41 BUILDINGS.

42 7. KNOWING FAILURE TO COMPLY WITH ANY PROVISION WITHIN THIS SECTION
43 SHALL BE PUNISHABLE BY A CIVIL PENALTY OF UP TO FIVE HUNDRED DOLLARS.

44 S 2. This act shall take effect on the ninetieth day after it shall
45 have become a law; provided, however, that high-rise building owners
46 shall have one year from the effective date of this act to establish an
47 emergency evacuation plan.