

# STATE OF NEW YORK

10201--A

Cal. No. 822

## IN ASSEMBLY

March 22, 2018

Introduced by M. of A. SKOUFIS, WEPRIN, STERN, SIMON -- read once and referred to the Committee on Governmental Operations -- reported and referred to the Committee on Codes -- advanced to a third reading, passed by Assembly and delivered to the Senate, recalled from the Senate, vote reconsidered, bill amended, ordered reprinted, retaining its place on the order of third reading

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 § 378-a. Standards for emergency planning and preparedness. 1. (a)  
4 The 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  
12 independent agency as described in subdivision (b) of section five  
13 hundred fifty-eight of this chapter.

14 (b) Provided however, any tenant or resident of a building who is not  
15 an employee of such building shall not be required to evacuate persons  
16 with disabilities or assist with such evacuation and shall be exempt  
17 from personal liability for the failure to evacuate a disabled individ-  
18 ual if he or she acted in good faith.

19 2. The state fire prevention and building code council shall promul-  
20 gate regulations to require the following elements to be included in  
21 each emergency evacuation plan:

22 (a) procedures for evacuating individuals with disabilities. Muni-  
23 icipalities with a population of one million or more are exempt from the  
24 procedures promulgated pursuant to this paragraph if such municipalities

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

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1 have ordinances, rules, codes or regulations that establish substantial-  
2 ly equivalent procedures for evacuating individuals with disabilities;

3 (b) a list of individuals with disabilities who have notified the  
4 owner or managing agent that they are disabled and would require assist-  
5 ance in the event of an emergency. The list shall include the floor and  
6 room number that the individual with a disability occupies within the  
7 building. Such list shall only be maintained for the purpose of an emer-  
8 gency evacuation, and shall not be disseminated for any other purpose;

9 (c) a notification mechanism to the occupants that a list of persons  
10 with disabilities in need of assistance in case of an emergency exists  
11 and is maintained by the owner or managing agent and the method by which  
12 occupants can place their name on such list;

13 (d) the location and type of evacuation assistance devices or assis-  
14 tive technologies that are available within the building; and

15 (e) areas of rescue. These areas shall be identified by signs that  
16 state "Area of Rescue Assistance" and display the international symbol  
17 of accessibility. Lettering must be permanent and comply with federal  
18 Americans with Disabilities Act guidelines.

19 3. The creation, possession or maintenance of a list of disabled indi-  
20 viduals by a building owner or managing agent as required by paragraphs  
21 (b) and (c) of subdivision two of this section shall not be considered  
22 prima facie evidence of an unlawful discriminatory practice prohibited  
23 under section two hundred ninety-six of this chapter.

24 § 378-b. Emergency evacuation plan. 1. Notwithstanding any provision  
25 of law to the contrary, it shall be the duty of every owner of a high-  
26 rise building, as defined in section four hundred three of the building  
27 code of New York state, to establish and maintain an emergency evacu-  
28 ation plan as provided for in regulations issued pursuant to section  
29 three hundred seventy-eight-a of this article.

30 2. Such owner shall make the plan available in a large-print document  
31 (18-point font size or larger) and Braille (Grade II) upon request to:

32 (a) local law enforcement and fire safety personnel; and

33 (b) employees, tenants, or guests located in the high-rise building.

34 3. A copy of such plan shall be maintained at all times in a place  
35 easily accessible by law enforcement and/or fire safety personnel,  
36 including but not limited to the management office, the security desk,  
37 in the vicinity of the firefighter's elevator recall key, the life safe-  
38 ty panel, or the fire pump room. In the absence of any of the locations  
39 listed in this subdivision, a copy of such plan shall be posted in the  
40 front entry of the building.

41 4. On an annual basis, every high-rise building owner shall update  
42 such emergency evacuation plan and provide occupants with a notice  
43 detailing the provisions of the emergency evacuation plan.

44 5. A copy of such plan shall be filed with the department of state  
45 within one year of the effective date of this section, and an updated  
46 emergency evacuation plan shall be filed with the department of state  
47 annually thereafter.

48 6. Owners located in municipalities with a population of over one  
49 million are exempt from the provisions of this section if such muni-  
50 cipalities have ordinances, rules, codes or regulations that establish  
51 emergency evacuation procedures specifically for people with disabili-  
52 ties in high-rise buildings.

53 7. Knowing failure to comply with any provision within this section  
54 shall be punishable by a civil penalty of up to five hundred dollars.

55 § 2. Section 296 of the executive law is amended by adding a new  
56 subdivision 22 to read as follows:

1 22. Nothing in this section shall prohibit the owner or managing agent  
2 of a building from creating, possessing or maintaining the list of indi-  
3 viduals with disabilities required pursuant to paragraphs (b) and (c) of  
4 subdivision two of section three hundred seventy-eight-a of this chap-  
5 ter.

6 § 3. This act shall take effect on the ninetieth day after it shall  
7 have become a law; provided, however, that high-rise building owners  
8 shall have one year from the effective date of this act to establish an  
9 emergency evacuation plan.