STATE OF NEW YORK

768--A

2017-2018 Regular Sessions

IN SENATE

January 4, 2017

Introduced by Sen. STEWART-COUSINS -- 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 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:

Section 1. The executive law is amended by adding two new sections 378-a and 378-b to read as follows:

§ 378-a. Standards for emergency planning and preparedness. 1. (a) The state fire prevention and building code council shall update chapter four of the New York state fire code, titled "Emergency planning and preparedness", to ensure emergency evacuation drills, fire safety and emergency evacuation plans, employee training and response procedures, hazard communication, and use and occupancy-related standards address the needs of individuals with disabilities. The process of updating chapter four of the New York state fire code as it pertains to the needs of persons with disabilities shall be done in consultation with the independent agency as described in subdivision (b) of section five hundred fifty-eight of this chapter.

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

2. The state fire prevention and building code council shall promulgate regulations to require the following elements to be included in each emergency evacuation plan:

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

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(a) procedures for evacuating individuals with disabilities. Municipalities with a population of one million or more are exempt from the procedures promulgated pursuant to this paragraph if such municipalities have ordinances, rules, codes or regulations that establish substantially equivalent procedures for evacuating individuals with disabilities;

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

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

(d) the location and type of evacuation assistance devices or assistive technologies that are available within the building; and

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

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

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

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

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

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

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

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

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

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

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

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

22. Nothing in this section shall prohibit the owner or managing agent of a building from creating, possessing or maintaining the list of individuals with disabilities required pursuant to paragraphs (b) and (c) of subdivision two of section three hundred seventy-eight-a of this chapter.

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