STATE OF NEW YORK

6116--A

2023-2024 Regular Sessions

IN ASSEMBLY

April 3, 2023

Introduced by M. of A. BURDICK, EPSTEIN, RIVERA, DICKENS, LUNSFORD, LEVENBERG, SIMON -- read once and referred to the Committee on Governmental Operations -- recommitted to the Committee on Governmental Operations in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the civil rights law, in relation to requiring agencies to develop a five-year accessibility plan providing full and equal access to the physical facilities, services, programs, and activities of any state agency or department for persons with disabilities

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The civil rights law is amended by adding a new section 40-h to read as follows:

§ 40-h. Right of equal access; five-year accessibility plan. All persons within the jurisdiction of this state shall be entitled to the full and equal access to the physical facilities, services, programs, and activities of any state agency or department, subject only to the conditions and limitations established by law and applicable alike to all persons.

1. As used in this section:

(a) "five-year accessibility plan" means an accessibility plan required by subdivision two of this section, utilizing a template to be created by the chief disability officer; and

(b) "officer" means the chief disability officer described in section four-b of the executive law.

2. Requirements of five-year accessibility plan. Each state agency, in consultation with the officer, shall develop and implement a five-year accessibility plan ensuring that the agency's physical facilities, services, programs, and activities are accessible to and accommodating

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

LBD10303-03-4

and inclusive of persons with disabilities. Such plan shall include, at a minimum:

(a) the steps the agency is currently taking and will be taking over the next five years to ensure that the agency's facilities, services, programs, and activities are accessible to and accommodating and inclusive of persons with disabilities; and

(b) information regarding ongoing projects and projects planned over the next five years that are related to improving physical, digital, and programmatic access, and effective communications for persons with disabilities, including, but not limited to: any alterations or structural changes to facilities or premises that are owned and operated by the agency or contracted for use by the agency or otherwise under the agency's jurisdiction; any planned upgrades or investments in technology or tools that will improve accessibility within the agency or access to such agency's services and programs; and any other steps the agency is taking or plans to take to make its programs and services more accessible to and inclusive of persons with disabilities. Budgetary information and timelines relating to such projects shall be included where practicable.

3. (a) No later than December thirty-first, two thousand twenty-five, each agency shall post a proposed five-year accessibility plan on its website and circulate such proposed plan for public comment. In circulating the proposed plan for public comment, each agency, in consultation with the officer, shall ensure that stakeholders, community-based organizations, providers, and all other appropriate individuals or entities have an adequate opportunity to provide input on the content of the plan.

(b) No later than March fifteenth, two thousand twenty-six, each agency shall post its five-year accessibility plan on its website and provide a copy of such plan to the officer.

(c) No later than March thirtieth, two thousand twenty-six, the officer shall post online and submit all received five-year accessibility plans to the governor, the temporary president of the senate and the speaker of the assembly.

4. (a) No later than March fifteenth, two thousand twenty-five, each agency shall post on its website a statement regarding web accessibility and a mechanism for receiving complaints about web accessibility.

(b) No later than May first, two thousand twenty-five, each agency shall submit to the officer the name of the office within each agency that shall be responsible for ensuring that the agency's five-year accessibility plan is completed by the deadline, and such office name shall also appear on each agency's respective website.

5. Outreach to the metropolitan transportation authority. The office shall invite the metropolitan transportation authority to develop and submit a five-year accessibility plan.

6. Agency non-completion of five-year accessibility plans. (a) If any agency or entity, including, but not limited to the metropolitan transportation authority does not develop a five-year accessibility plan, the officer shall conduct outreach with such agency or entity to share best practices and recommendations regarding accessibility with such agency or entity.

(b) No later than ninety days after the outreach required by paragraph (a) of this subdivision, if an agency or entity does not develop a five-year accessibility plan, the officer shall post on the officer's website a statement that such agency or entity did not develop such plan and a summary of the best practices and recommendations that the officer

shared with such agency or entity pursuant to paragraph (a) of this subdivision.

7. Annual reporting. Beginning May first, two thousand twenty-six, and annually thereafter, each agency shall post on its website a report of the progress such agency has made in the previous fiscal year towards achieving the goals of the agency's five-year accessibility plan. Such reports shall also be submitted to the officer, who shall submit such reports to the governor, the temporary president of the senate and the speaker of the assembly on or before June thirtieth, two thousand twenty-six and annually thereafter.

8. Triennial reporting. Beginning May first, two thousand twenty-eight, and triennially thereafter, each agency shall post on its website an updated five-year accessibility plan. Such updated plans shall also be submitted to the officer, who shall submit such updates to the governor, the temporary president of the senate and the speaker of the assembly on or before May fifteenth, two thousand twenty-eight and triennially thereafter.

§ 2. This act shall take effect immediately.