STATE OF NEW YORK

2746

2023-2024 Regular Sessions

IN SENATE

January 24, 2023

Introduced by Sen. BAILEY -- read twice and ordered printed, and when printed to be committed to the Committee on Cities 1

AN ACT to amend the administrative code of the city of New York and the executive law, in relation to providing emergency evacuation plans and safe spaces for vulnerable occupants, and providing for the establishment of a voluntary registry to meet the special needs of occupants who require assistance during evacuations or other emergency situations

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

Section 1. Section 403.4.8.4.2 of the New York city building code, as amended by section 5 of part C of local law number 126 of the city of New York for the year 2021, is amended to read as follows:

403.4.8.4.2 Emergency power loads in Group R-2 occupancies. Group R-2 occupancies in buildings greater than 125 feet (38 100 mm) in height shall be required to provide an emergency power system to support the following loads:

1. Exit signs and means of egress illumination required by Chapter 10;

2. Emergency voice communications systems, including Fire Department in-building Auxiliary Radio Communication systems (ARCs); [~~and~~]

3. Electrically powered fire pumps, unless electrical power to the motor is taken ahead of the main from the street side of the house service switch[~~.~~]*;*

4. At least one elevator serving all floors, or one elevator per bank where different banks serve different portions of the building; and

5. Electricity for dedicated safe spaces, pursuant to section 403.4.9.

§ 2. The New York city building code is amended by adding a new section 403.4.9 to read as follows:

403.4.9 Emergency medical supplies and safe spaces for occupants. All residential occupancies in buildings greater than 125 feet (38 100 mm) in height shall be required to designate safe spaces for vulnerable

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

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occupants, in the event of a power outage or emergency situation that does not necessitate evacuation. Vulnerable occupants shall include those occupants who are elderly, or chronically ill or disabled, including those suffering from mental illness and those persons specified in subdivision 2 of section 23-d of the executive law. Such safe spaces shall be equipped with a range of medical supplies with a particular focus on supplies used by occupants that require access to a power source and supplies used by persons included in the registry established pursuant to subdivision 2 of section 23-d of the executive law.

§ 3. The New York city building code is amended by adding 4 new sections 403.5.7, 403.5.7.1, 403.5.7.2, and 403.5.7.3 to read as follows:

403.5.7 Emergency evacuation plans for vulnerable occupants. An emergency evacuation plan for vulnerable occupants shall be prepared and maintained for all residential occupancies. The term "vulnerable occupants" shall include the following:

1. Occupants who are elderly, or chronically ill or disabled, including those suffering from mental illness.

2. Any occupant who voluntarily submits his or her personal information for inclusion in the registry established pursuant to subdivision 2 of section 23-d of the executive law.

The evacuation plan shall include special employee actions and procedures necessary for such vulnerable occupants, and shall be amended or revised upon the occupancy of an individual with unusual needs.

403.5.7.1 Evacuation plan posting sites. A copy of the evacuation plan and a diagram depicting evacuation routes shall be given to vulnerable occupants prior to initial occupancy. A diagram depicting evacuation routes shall also be posted on or immediately adjacent to every door opening into interior stair enclosures and immediately adjacent to occupant evacuation elevators.

403.5.7.2 Employee training. Employees shall be periodically trained in the actions and procedures to take in the event vulnerable occupants require evacuation and shall be kept informed of their duties and responsibilities under the plan.

403.5.7.3 Occupant training. Vulnerable occupants capable of assisting in their own evacuation shall be trained in the proper actions to take in the event of an evacuation. Vulnerable occupants shall also be trained to assist each other in case of evacuation to the extent their physical and mental abilities permit them to do so without additional personal risk. In buildings using occupant evacuation elevators in accordance with Section 3008, occupant training shall incorporate specific procedures for the occupants using such elevators.

§ 4. The executive law is amended by adding a new section 23-d to read as follows:

§ 23-d. Naturally occurring retirement community registry of elderly or disabled persons; notice. 1. For the purposes of this section:

(a) "covered municipality" shall mean a county or city with a comprehensive emergency management plan pursuant to section twenty-three of this article;

(b) "chief executive" shall mean the chief executive of a covered municipality;

(c) "naturally occurring retirement community" shall have the same meaning as in paragraph (e) of subdivision one of section two hundred nine of the elder law and shall include neighborhood naturally occurring retirement community as defined in paragraph (f) of subdivision one of section two hundred nine of the elder law;

(d) "registry" shall mean the list that is compiled by each covered municipality of elderly or disabled persons located within a naturally occurring retirement community as established under subdivision two of this section; and

(e) "Naturally Occurring Retirement Community Database" or "NORCD" shall mean the comprehensive list of every covered municipality registry as established under subdivision eight of this section.

2. In each covered municipality, in order to meet the special needs of persons who would need assistance during evacuations or other emergency situations and sheltering because of physical or mental handicaps, or whose ability to care for themselves during an emergency situation is adversely affected by advanced age, or permanent or temporary medical condition of the use of a medical device that requires electricity to operate, each chief executive of such covered municipality shall maintain a registry of elderly or disabled persons located within a naturally occurring retirement community who voluntarily submit his or her information for inclusion in the registry. The registry shall identify those persons in need of assistance and plan for resource allocation, including but not limited to medical devices and supplies to meet those identified needs. To assist the chief executive in identifying such persons, the covered municipality's department of health, or such other department or agency as designated by the chief executive, shall provide voluntary registration information to all residents of areas determined to be naturally occurring retirement communities. The registry shall be updated at least every six months. The registration program shall give elderly or disabled persons the option of pre-authorizing emergency response personnel to enter their homes during search and rescue operations if necessary to ensure their safety and welfare during disasters.

3. Upon the establishment of a registry as provided under subdivision two of this section, the chief executive shall make such registry available to the appropriate city, county, state and federal agencies for their use in delivering services in the event of a local or state disaster. The chief executive shall at least every six months provide such registry information to the New York state office of emergency management, including all updates to such registry information, for placement in the NORCD as established under subdivision eight of this section. The chief executive may, at his or her discretion, use the registry information for local disaster preparedness only in coordination with other political subdivisions of the state.

4. Upon the establishment of a registry as provided under subdivision two of this section, at least every six months, each chief executive shall cause to be published in a newspaper of general circulation within a covered municipality that contains a naturally occurring retirement community, a notice of the availability of the voluntary registration program.

5. All records, data, information, correspondence and communications relating to the registration of elderly or disabled persons as provided under subdivision two of this section are confidential, except that such information shall be available to the chief executives of other covered municipalities and the NORCD for local disaster preparedness only as the chief executive of the covered municipality maintaining such registry deems necessary. Provided, however, the individual file of a person having registered with the registry of elderly or disabled persons shall be made available to that person upon request.

6. All community-based services providers, including but not limited to home health care providers and the director of the naturally occurring retirement community supportive service program pursuant to section two hundred nine of the elder law, shall assist each chief executive by collecting registration information for elderly or disabled persons as part of program intake processes, establishing programs to increase the awareness of the registration process, and educating clients about the procedures that may be necessary for their safety during disasters.

7. A covered municipality shall not be liable for any claim based upon the good faith exercise or performance or the good faith failure to exercise or perform a function or duty on the part of any officer or employee in carrying out a local disaster preparedness plan.

8. (a) The commission shall establish the NORCD and the commission shall accept voluntary registrants directly as needed, at which time such registration information collected shall be forwarded to the appropriate covered municipality for inclusion in the covered municipality's registry.

(b) The NORCD shall be made accessible to all such appropriate state, county and city emergency response personnel and organizations as may be deemed appropriate by the commission in order to properly plan for securing the needs, safety, and well-being of the registrants. This shall include, but not be limited to, planning for evacuations, assessing the need for individual evacuations during emergency situations that may not require the evacuation of the general public, pre-positioning equipment and supplies including alternatives to medical devices that require electricity to operate, or such other measures as the commission deems necessary to accomplish the objectives of this article. In addition, the NORCD shall be made accessible to all appropriate federal emergency response organizations and personnel and shall be made available to such other voluntary relief organizations as the commission deems necessary.

(c) All records, data, information, correspondence and communications relating to the NORCD shall be confidential, except that such information may be made available at the discretion of the commission in furtherance of the objectives of this article. The individual file of a person having information in the NORCD shall be made available to that person upon request.

(d) The commission shall not be liable for any claim based upon the good faith exercise or performance or the good faith failure to exercise or perform a function or duty on the part of any officer or employee in the maintenance or usage of the NORCD.

§ 5. This act shall take effect on the one hundred twentieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.