

# 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:

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

4 403.4.8.4.2 Emergency power loads in Group R-2 occupancies. Group R-2  
5 occupancies in buildings greater than 125 feet (38 100 mm) in height  
6 shall be required to provide an emergency power system to support the  
7 following loads:

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

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

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

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

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

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

19 403.4.9 Emergency medical supplies and safe spaces for occupants. All  
20 residential occupancies in buildings greater than 125 feet (38 100 mm)  
21 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;

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

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

8 2. In each covered municipality, in order to meet the special needs of  
9 persons who would need assistance during evacuations or other emergency  
10 situations and sheltering because of physical or mental handicaps, or  
11 whose ability to care for themselves during an emergency situation is  
12 adversely affected by advanced age, or permanent or temporary medical  
13 condition of the use of a medical device that requires electricity to  
14 operate, each chief executive of such covered municipality shall main-  
15 tain a registry of elderly or disabled persons located within a  
16 naturally occurring retirement community who voluntarily submit his or  
17 her information for inclusion in the registry. The registry shall iden-  
18 tify those persons in need of assistance and plan for resource allo-  
19 cation, including but not limited to medical devices and supplies to  
20 meet those identified needs. To assist the chief executive in identify-  
21 ing such persons, the covered municipality's department of health, or  
22 such other department or agency as designated by the chief executive,  
23 shall provide voluntary registration information to all residents of  
24 areas determined to be naturally occurring retirement communities. The  
25 registry shall be updated at least every six months. The registration  
26 program shall give elderly or disabled persons the option of pre-author-  
27 izing emergency response personnel to enter their homes during search  
28 and rescue operations if necessary to ensure their safety and welfare  
29 during disasters.

30 3. Upon the establishment of a registry as provided under subdivision  
31 two of this section, the chief executive shall make such registry avail-  
32 able to the appropriate city, county, state and federal agencies for  
33 their use in delivering services in the event of a local or state disas-  
34 ter. The chief executive shall at least every six months provide such  
35 registry information to the New York state office of emergency manage-  
36 ment, including all updates to such registry information, for placement  
37 in the NORCD as established under subdivision eight of this section. The  
38 chief executive may, at his or her discretion, use the registry informa-  
39 tion for local disaster preparedness only in coordination with other  
40 political subdivisions of the state.

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

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

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

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

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

18 (b) The NORCD shall be made accessible to all such appropriate state,  
19 county and city emergency response personnel and organizations as may be  
20 deemed appropriate by the commission in order to properly plan for  
21 securing the needs, safety, and well-being of the registrants. This  
22 shall include, but not be limited to, planning for evacuations, assess-  
23 ing the need for individual evacuations during emergency situations that  
24 may not require the evacuation of the general public, pre-positioning  
25 equipment and supplies including alternatives to medical devices that  
26 require electricity to operate, or such other measures as the commission  
27 deems necessary to accomplish the objectives of this article. In addi-  
28 tion, the NORCD shall be made accessible to all appropriate federal  
29 emergency response organizations and personnel and shall be made avail-  
30 able to such other voluntary relief organizations as the commission  
31 deems necessary.

32 (c) All records, data, information, correspondence and communications  
33 relating to the NORCD shall be confidential, except that such informa-  
34 tion may be made available at the discretion of the commission in furth-  
35 erance of the objectives of this article. The individual file of a  
36 person having information in the NORCD shall be made available to that  
37 person upon request.

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

42 § 5. This act shall take effect on the one hundred twentieth day after  
43 it shall have become a law. Effective immediately, the addition, amend-  
44 ment and/or repeal of any rule or regulation necessary for the implemen-  
45 tation of this act on its effective date are authorized to be made and  
46 completed on or before such effective date.