STATE OF NEW YORK

8028

IN SENATE

January 5, 2024

Introduced by Sen. STEWART-COUSINS -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the executive law, in relation to establishing standards for the evacuation of individuals with disabilities from high-rise buildings during an emergency; and to amend a chapter of the laws of 2023 amending the executive law relating to standards for establishing and maintaining an emergency evacuation plan for individuals with disabilities, as proposed in legislative bills numbers S. 264-A and A. 6291-A, in relation to the effectiveness thereof

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

Section 1. Subdivision 3-a of section 378 of the executive law, as added by a chapter of the laws of 2023 amending the executive law relating to standards for establishing and maintaining an emergency evacuation plan for individuals with disabilities, as proposed in legislative bills numbers S. 264-A and A. 6291-A, is amended to read as follows:

3-a. a. Standards for emergency planning and preparedness for high-rise buildings [~~to ensure emergency evacuation drills, fire safety and emergency evacuation plans, employee training and response procedures, hazard communication, and use and occupancy-related standards~~] **that** address the needs of individuals with disabilities which shall be developed in consultation with **organizations that advocate on behalf of individuals with disabilities to be identified by** the [~~independent agency as described in subdivision (b) of section five hundred fifty-eight of this chapter~~] **department of state in consultation with the office of the chief disability officer**.

b. The [~~following elements~~] **standards to be developed** shall [~~be included in each emergency evacuation plan~~] **consider but not be limited to**:

(i) procedures for evacuating individuals with disabilities;

(ii) **if it is necessary for the fire safety and emergency evacuation plan that the owner or the owner's agent shall establish and maintain to include** a list of **names and room numbers for** individuals with disabilities who have **affirmatively** notified the owner or the owner's agent that

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

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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~~] and have requested that their names and room numbers be included in such list;

(iii) if it is necessary for the fire safety and emergency evacuation plan that the owner or the owner's agent shall establish and maintain to include a notification mechanism to the occupants that a list of [~~persons~~] individuals with disabilities [~~in~~] who would need [~~of~~] assistance in case of an emergency [~~exists~~] may exist and is maintained by the owner or the owner's agent, that such list would include only those individuals who have requested inclusion, that such list would be made available to building staff and management as well as local law enforcement and fire safety personnel, and the method by which occupants can affirmatively place their name on such list;

(iv) [~~a requirement that the building owner or the owner's agent shall publicly post the emergency contact information for the building on each floor, and make updates as necessary;~~

~~(v) the~~] if it is necessary for the fire safety and emergency evacuation plan that the owner or the owner's agent shall establish and maintain to include information on the location and type of evacuation assistance devices or assistive technologies that are available within the building; and

[~~(vi) areas of rescue which 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~~]

(v) if it is necessary for the fire safety and emergency evacuation plan that the owner or the owner's agent shall establish and maintain to contain floor plans identifying the locations of accessible egress routes, including areas of refuge and exterior areas for assisted care.

c. Notwithstanding any provision of law to the contrary, standards developed pursuant to this subdivision shall specify that:

(i) it shall be the duty of every owner of a high-rise building, or of the owner's agent, to establish and maintain [~~an~~] a fire safety and emergency evacuation plan as provided for in this subdivision;

(ii) the owner or owner's agent shall make the fire safety and emergency evacuation plan available [~~upon request to:~~

~~(A)~~] in the building for reference and review by building management and staff, subject to paragraph h of this subdivision, and by building occupants, provided that if any such plan is required to include a list of individuals with disabilities who have affirmatively notified the owner or the owner's agent that they are disabled, would need assistance in the case of an emergency, and have requested that their names and room numbers be included in such list, building occupants shall not be given access to any such list of individuals with disabilities and their room numbers;

(iii) copies of the fire safety and emergency evacuation plan shall be provided to local law enforcement and fire safety personnel upon request; and

[~~(B) employees, tenants, or guests located in the high-rise building; and~~

~~(iii)~~] (iv) the fire safety and emergency evacuation plan shall be made available in a large-print document (18-point font size or larger); Braille (Grade II); and/or any other alternative formats upon request,

subject to the limitations on dissemination to building occupants of any list of individuals with disabilities and their room numbers contained in subparagraph (ii) of this paragraph.

d. A copy of the fire safety and emergency evacuation plan shall be maintained at all times in a place easily accessible by law enforcement and/or fire safety personnel[~~, including~~]. Such a place may include but is 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.~~]

e. [~~Every high-rise building owner or the agent of such owner shall post emergency contact information for the building in a publicly conspicuous area on each floor of the building. If such emergency contact information changes, such owner or agent shall post a new notice as soon as practicable.~~

~~f.~~] On an annual basis, every high-rise building owner or the agent of such owner shall update the fire safety and emergency evacuation plan and provide occupants with a notice detailing the provisions of the fire safety and emergency evacuation plan.

[~~g. A copy of the emergency evacuation plan shall be filed with the department of state within one year of the effective date of this subdivision, and an updated emergency evacuation plan shall be filed with the department of state annually thereafter.~~

~~h. High-rise buildings located in municipalities with a population of over one million are exempt from developing such plan if such municipalities have ordinances, rules, codes or regulations that establish emergency evacuation procedures specifically for people with disabilities in high-rise buildings.~~

~~i. A knowing failure to comply with any provision within this subdivision shall be punishable by a civil penalty of up to five hundred dollars.~~

~~j.~~] f. As used in this subdivision, "high-rise building" means a building with an occupied floor located more than seventy-five feet above the lowest level of fire department vehicle access.

g. Notwithstanding any other provision of this subdivision, (i) this subdivision shall not apply to hospitals as defined in subdivision one of section twenty-eight hundred one of the public health law, assisted living residences licensed under article forty-six-B of the public health law, and adult care facilities licensed under article seven of the social services law; and (ii) residential high-rise buildings whose units are limited to households containing residents fifty years of age and older and that have implemented specialized evacuation plans in consultation with local first responders may use those plans to satisfy the requirements of this subdivision.

h. Any building management, building staff, local law enforcement and fire safety personnel who receive, as part of or in connection with a fire safety and emergency evacuation plan developed pursuant to this subdivision, a list of individuals with disabilities who require assistance in the event of an emergency shall maintain the confidentiality of the information in such list and shall use and disclose it only for purposes permitted pursuant to this subdivision or any standards developed pursuant to this subdivision.

§ 2. Section 2 of a chapter of the laws of 2023 amending the executive law relating to standards for establishing and maintaining an emergency evacuation plan for individuals with disabilities, as proposed in legis-

lative bills numbers S. 264-A and A. 6291-A, is amended to read as follows:

§ 2. This act shall take effect [~~on the ninetieth day after it shall have become a law; provided, however, that high-rise building owners or their agents shall have one year from the effective date of this act to establish an emergency evacuation plan~~] January 1, 2025. 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.

§ 3. This act shall take effect immediately; provided, however, that section one of this act shall take effect on the same date and in the same manner as a chapter of the laws of 2023 amending the executive law relating to standards for establishing and maintaining an emergency evacuation plan for individuals with disabilities, as proposed in legislative bills numbers S. 264-A and A. 6291-A, takes effect.