# STATE OF NEW YORK

6291--A

2023-2024 Regular Sessions

# IN ASSEMBLY

April 3, 2023

Introduced by M. of A. BURDICK, EPSTEIN, RIVERA, DICKENS, LUNSFORD, LEVENBERG, DeSTEFANO -- read once and referred to the Committee on People with Disabilities -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the executive law, in relation to standards for 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. Subdivision 3 of section 378 of the executive law, as added by chapter 707 of the laws of 1981, is amended and a new subdivision 3-a is added to read as follows:

3. Standards for passenger elevators to promote uniformity and ease of use for [~~the handicapped~~] **individuals with disabilities** including, but not limited to:

a. placement and identification of operating controls,

b. door jamb markings,

c. operation and leveling features,

d. operation, width, and safety features for doors,

e. hall buttons, and

f. hall lanterns.

**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 address the needs of individuals with disabilities which shall be developed in consultation with the independent agency as described in subdivision (b) of section five hundred fifty-eight of this chapter.**

**b. The following elements shall be included in each emergency evacuation plan:**

**(i) procedures for evacuating individuals with disabilities;**

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

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(ii) a list of individuals with disabilities who have notified the owner or the owner's 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;

(iii) 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 the owner's agent and the method by which occupants can 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 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.

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 emergency evacuation plan as provided for in this subdivision;

(ii) the owner or owner's agent shall make the emergency evacuation plan available upon request to:

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

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

(iii) the 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.

d. A copy of the emergency evacuation 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.

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 emergency evacuation plan and provide occupants with a notice detailing the provisions of the 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. 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.**

§ 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.