

# STATE OF NEW YORK

264--A

Cal. No. 197

2023-2024 Regular Sessions

## IN SENATE

(Prefiled)

January 4, 2023

Introduced by Sens. STEWART-COUSINS, ADDABBO -- read twice and ordered printed, and when printed to be committed to the Committee on Housing, Construction and Community Development -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, passed by Senate and delivered to the Assembly, recalled, vote reconsidered, restored to third reading, amended and ordered reprinted, retaining its place in the order of third reading

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:

- 1 Section 1. Subdivision 3 of section 378 of the executive law, as added  
2 by chapter 707 of the laws of 1981, is amended and a new subdivision 3-a  
3 is added to read as follows:  
4 3. Standards for passenger elevators to promote uniformity and ease of  
5 use for [~~the handicapped~~] individuals with disabilities including, but  
6 not limited to:  
7 a. placement and identification of operating controls,  
8 b. door jamb markings,  
9 c. operation and leveling features,  
10 d. operation, width, and safety features for doors,  
11 e. hall buttons, and  
12 f. hall lanterns.  
13 3-a. a. Standards for emergency planning and preparedness for high-  
14 rise buildings to ensure emergency evacuation drills, fire safety and  
15 emergency evacuation plans, employee training and response procedures,  
16 hazard communication, and use and occupancy-related standards address  
17 the needs of individuals with disabilities which shall be developed in

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

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1 consultation with the independent agency as described in subdivision (b)  
2 of section five hundred fifty-eight of this chapter.

3 b. The following elements shall be included in each emergency evacu-  
4 ation plan:

5 (i) procedures for evacuating individuals with disabilities;

6 (ii) a list of individuals with disabilities who have notified the  
7 owner or the owner's agent that they are disabled and would require  
8 assistance in the event of an emergency. The list shall include the  
9 floor and room number that the individual with a disability occupies  
10 within the building. Such list shall only be maintained for the purpose  
11 of an emergency evacuation, and shall not be disseminated for any other  
12 purpose;

13 (iii) a notification mechanism to the occupants that a list of persons  
14 with disabilities in need of assistance in case of an emergency exists  
15 and is maintained by the owner or the owner's agent and the method by  
16 which occupants can place their name on such list;

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

20 (v) the location and type of evacuation assistance devices or assis-  
21 tive technologies that are available within the building; and

22 (vi) areas of rescue which shall be identified by signs that state  
23 "Area of Rescue Assistance" and display the international symbol of  
24 accessibility. Lettering must be permanent and comply with federal Amer-  
25 icans with Disabilities Act guidelines.

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

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

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

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

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

36 (iii) the emergency evacuation plan shall be made available in a  
37 large-print document (18-point font size or larger); Braille (Grade II);  
38 and/or any other alternative formats upon request.

39 d. A copy of the emergency evacuation plan shall be maintained at all  
40 times in a place easily accessible by law enforcement and/or fire safety  
41 personnel, including but not limited to the management office, the secu-  
42 rity desk, in the vicinity of the firefighter's elevator recall key, the  
43 life safety panel, or the fire pump room. In the absence of any of the  
44 locations listed in this subdivision, a copy of such plan shall be post-  
45 ed in the front entry of the building.

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

51 f. On an annual basis, every high-rise building owner or the agent of  
52 such owner shall update the emergency evacuation plan and provide occu-  
53 pants with a notice detailing the provisions of the emergency evacuation  
54 plan.

55 g. A copy of the emergency evacuation plan shall be filed with the  
56 department of state within one year of the effective date of this subdi-

1 vision, and an updated emergency evacuation plan shall be filed with the  
2 department of state annually thereafter.

3 h. High-rise buildings located in municipalities with a population of  
4 over one million are exempt from developing such plan if such munici-  
5 palities have ordinances, rules, codes or regulations that establish  
6 emergency evacuation procedures specifically for people with disabili-  
7 ties in high-rise buildings.

8 i. A knowing failure to comply with any provision within this subdivi-  
9 sion shall be punishable by a civil penalty of up to five hundred  
10 dollars.

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

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