

## MEMORANDUM

### A.6291 (Burdick)/S.264 (Stewart-Cousins)

#### *AN ACT to amend the Executive Law, in relation to establishing and maintaining an emergency evacuation plan for individuals with disabilities.*

LeadingAge New York opposes this legislation which would interfere with the ability of high-rise property owners and local law enforcement and fire safety personnel to continue to create and safely implement individualized evacuation plans for senior housing communities and other properties primarily serving residents with disabilities which affect their mobility.

The bill would require every high-rise property owner in the State to develop an emergency evacuation plan for residents with disabilities, and for the plan to include not only procedures for evacuating individuals with disabilities but also a list of those individuals, including the floor and room number of their unit, as well as the creation of accessible and clearly identifiable “areas of rescue” throughout the building.

While the legislation excludes high-rise properties in New York City if similar guidelines are already in place at the local level, there is no such exception for providers throughout the rest of the State who are already working closely with their local fire safety personnel during regular inspections and beyond to develop plans for safe evacuation of residents with disabilities.

Unfortunately, in some cases, the specific requirements of this bill would be in direct conflict with those existing plans. For example, where fire doors, sprinklers, and other emergency equipment is in place, residents with disabilities may currently be directed by local fire safety personnel to remain in their unit to await assistance in the event of an emergency. By contrast, the creation of accessible Areas of Rescue Assistance would imply that residents should potentially leave their rooms to gather in those designated spaces to await assistance. At a minimum, this could cause confusion among residents and would ultimately add to the number of areas rescue teams must explore to successfully locate all evacuees. LeadingAge New York therefore believes the Legislature must further consult with local fire safety and emergency evacuation personnel before advancing this bill, to clarify, revise, and ensure inclusion of only those standards that can be implemented safely by all high-rise owners.

The legislation would further require every high-rise owner to make the evacuation plan available upon request both to local law enforcement and fire safety personnel and to employees, tenants, or guests of the high-rise building. The owner would be required to post the plan in a place easily accessible by law enforcement or fire safety personnel, which may include the front entry of the building. However, given that the evacuation plan must include a list of disabled individuals as well as the location of their unit within the building, requiring that the plan be shared upon request and posted in a location as prominent and publicly accessible as the front entry of the building could pose a threat to the privacy and safety of listed residents that may even deter them from requesting much-needed assistance.

**For these reasons, LeadingAge New York opposes A.6291 (Burdick)/S.264 (Stewart-Cousins).**

*LeadingAge New York represents over 400 not-for-profit and public long term care providers, including nursing homes, home care agencies, senior housing, retirement communities, assisted living, adult care facilities, adult day health care and managed long-term care.*

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