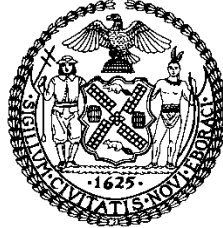


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THE COUNCIL

COMMITTEE REPORT OF THE HUMAN SERVICES DIVISIONS

Robert Newman, Legislative Director
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**COMMITTEE ON MENTAL HEALTH, MENTAL RETARDATION, ALCOHOLISM,
DRUG ABUSE AND DISABILITY SERVICES**

Hon. G. Oliver Koppell, Chair

September 24, 2012

PROPOSED INT. NO. 797-A:

By Council Members Rose, Eugene, James, Koo, Koppell, Koslowitz, Lander, Williams, Wills, Palma, Rodriguez, Nelson, Levin, Foster, Barron, Mark-Viverito, Gonzalez, Jackson, Van Bramer, Vacca, and Dromm.

TITLE:

To amend the administrative code of the city of New York, in relation to requiring a sign at inaccessible building entrances, public toilets, and elevators giving directions to the nearest available accessible entrance or facility for persons with disabilities when such entrance or facility exists.

ADMINISTRATIVE CODE:

Amends title 28 by adding new items 12 and 13 to section 28-101.4.3, adding a new section 28-201.2.3 and a new article 313. Amends item 5 of section BC 1110.1 and section 1110.2 of the New York city building code.

INTRODUCTION

On September 24, 2012, the Committee on Mental Health, Mental Retardation, Alcoholism, Drug Abuse and Disability Services, chaired by Council Member G. Oliver Koppell, will consider Proposed Int. No. 797-A, a Local Law to amend the Administrative Code of the City of New York, in relation to requiring a sign at inaccessible building entrances, public toilets, and elevators giving directions to the nearest available accessible entrance or facility for persons with disabilities when such entrance or facility exists. The Committee first heard testimony regarding the original bill on February 29, 2012.

BACKGROUND

In New York City, it is estimated that there are 889,219 individuals with disabilities, making up 11% of the population.¹ Regarding the type of disability, 183,651 individuals have a serious hearing difficulty, 210,903 have serious vision difficulties, and 535,840 individuals have difficulty walking or climbing stairs.² It estimated that 60,000 New Yorkers are wheelchair users. Although the ADA has improved access for people with disabilities, many barriers still exist. There are an estimated 23,499 restaurants,³ 5,111 grocery stores⁴ and endless department stores and hotels in New York City. However, people with disabilities may only be able to use a fraction of these facilities, unless business and building owners make efforts to accommodate people with disabilities.

In order to be able to utilize places of public accommodation, people with disabilities need to be able to enter them. This is often problematic due to stairs or other barriers such as

¹ Center for Independence of the Disabled, *Disability Matters, Unequal Treatment and the Status of People with Disabilities in New York City and New York State 7* (2011) (on file with committees) (last visited Oct. 26, 2011).

² *Id.* at 31-37.

³ NYCgo.com, NYC statistics, <http://www.nycgo.com/articles/nyc-statistics-page> (last visited Oct. 26, 2011).

⁴ Urban Research Labor Market Information Services, *Industry Group Profile: Employment in New York City Grocery Stores*, May 2009, http://www.urbanresearch.org/docs/lmis_pubs/NYCLMIS%204451%20Grocery%20Stores_final.pdf (last visited Oct. 26, 2011).

poles to prevent the theft of grocery store carts. These and other barriers may make it impossible for a wheelchair user to enter a business, yet many New York City businesses still have these conditions. Advocates have stated that buildings often have multiple entries but no indication which is accessible. This can lead individuals with disabilities to believe that there is no accessible entrance.

ANALYSIS

Section one of Proposed Int. No. 797-A would amend section 28-101.4.3 of the Administrative Code of the City of New York (the Administrative Code) by adding new items 12 and 13. Item 12 would require directional signage to be provided in accordance with section 1110.2 of the New York City Building Code (the Building Code) at or in close proximity to inaccessible building entrances, inaccessible public toilets and bathing facilities, and elevators not serving an accessible route indicating the route to the nearest like accessible element where such accessible element is provided, such that a person with disabilities will not be required to retrace the approach route from the inaccessible element. Item 13 would require signs identifying accessible entrances be provided in accordance with item 5 of section 1110.1 of the Building Code at accessible building entrances where not all entrances are accessible.

Section two of Proposed Int. No. 797-A would amend article 201 of chapter 2 of title 28 of the Administrative Code by adding a new section 28-201.2.3. Section 28-201.2.3 specifies certain violations as lesser violations. Subdivision one of new section 28-201.2.3 would classify a violation of item 5 of section 1110.1 or of section 1110.2 of the Building Code, or a violation of section 28-313.1 or 28-313.2 of the Administrative Code as a lesser violation.

Section three of Proposed Int. No. 797-A would amend chapter 3 of title 28 of the Administrative Code by adding a new article 313. New section 28-313.1 of new article 313

would require that the provisions of section 1110.2 of the Building Code requiring directional signage to be posted at inaccessible building entrances indicating the route to the nearest accessible entrance apply retroactively to all buildings that have such accessible entrances. Buildings in existence on the effective date of section 28-313.1 would be required to post such directional signage on or before August 1, 2013. Such directional signage would be required to be maintained in good condition. New section 28-313.1 would allow directional signage posted at building entrances in compliance with the Americans with Disabilities Act of 1990 to be deemed to be in compliance with section 1110.2 of the Building Code.

New section 28-313.2 of new article 313 would require that the provisions of item 5 of section 1110.1 of the Building Code requiring signage to be posted at accessible entrances where an inaccessible building entrance exists and shall apply retroactively to all buildings that have such accessible entrances. Buildings in existence on the effective day of section 28-313.2 would be required to post such signage on or before August 1, 2013. Such signage would be required to be maintained in good condition. Accessible entrance signs that are posted at building entrances in compliance with the Americans with Disabilities Act of 1990 would be deemed to be in compliance with section 1110.1 of the Building Code subject to the inclusion on or adjacent to such signage of a contact telephone number or instructions to gain access if an otherwise accessible building entrance is subject to locking.

Section four of Proposed Int. No. 797-A would amend item 5 of section BC 1110.1 of the Building Code to require that signs at accessible entrances where not all entrances are accessible include a contact telephone number or instructions to gain access if an otherwise accessible building entrance is locked at all times or locked when the building is otherwise open.

Section five of Proposed Int. No. 797-A would amend section BC 1110.2 of the Building Code to require that directional signage indicating the route to the nearest like accessible element

be provided at or in close proximity to the certain locations, such that a person with disabilities would not be required to retrace the approach route from the accessible element. Such signs would be required to comply with either section 703.2 or sections 703.3 and 703.4 of ICC A117.1. Item one of amended section BC 1110.2 would require that such directional signage be provided at inaccessible building entrances and item 2 would require that such directional signage be provided at inaccessible public toilets and bathing facilities.

Section six of this legislation would provide that this local law take effect immediately.

Proposed Int. No. 797-A

By Council Members Rose, Eugene, James, Koo, Koppell, Koslowitz, Lander, Williams, Wills, Palma, Rodriguez, Nelson, Levin, Foster, Barron, Mark-Viverito, Gonzalez, Jackson, Van Bramer, Vacca and Dromm

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to requiring a sign at inaccessible building entrances, public toilets, and elevators giving directions to the nearest available accessible entrance or facility for persons with disabilities when such entrance or facility exists.

Be it enacted by the Council as follows:

Section 1. Section 28-101.4.3 of the administrative code of the city of New York is amended by adding new items 12 and 13 to read as follows:

12. Directional signage shall be provided in accordance with section 1110.2 of the New York city building code at or in close proximity to inaccessible building entrances, inaccessible public toilets and bathing facilities, and elevators not serving an accessible route indicating the route to the nearest like accessible element where such accessible element is provided, such that a person with disabilities will not be required to retrace the approach route from the inaccessible element.

13. Signs identifying accessible entrances shall be provided in accordance with item 5 of section 1110.1 of the New York city building code at accessible building entrances where not all entrances are accessible.

§2. Article 201 of chapter 2 of title 28 of the administrative code of the city of New York is amended by adding a new section 28-201.2.3 to read as follows:

§ 28-201.2.3 Specified lesser violations. The commissioner shall classify the following violations as lesser violations:

1. A violation of item 5 of section 1110.1 or of section 1110.2 of the New York city building code, or a violation of section 28-313.1 or 28-313.2 of the administrative code of the city of New York.

§3. Chapter 3 of title 28 of the administrative code of the city of New York is amended by adding a new article 313 to read as follows:

Article 313

Accessibility

§ 28-313.1 Retroactive requirement for directional signage at building entrances. The provisions of section 1110.2 of the New York city building code requiring directional signage to be posted at inaccessible building entrances indicating the route to the nearest accessible entrance shall apply retroactively to all buildings that have such accessible entrances. Buildings in existence on the effective date of this section shall post such directional signage on or before August 1, 2013. Such directional signage shall be maintained in good condition.

Exception: Directional signage posted at building entrances in compliance with the americans with disabilities act of 1990 shall be deemed to be in compliance with section 1110.2 of the New York city building code.

§ 28-313.2 Retroactive requirement for accessible building entrances. The provisions of item 5 of section 1110.1 of the New York city building code requiring signage to be posted at accessible entrances where an inaccessible building entrance exists shall apply retroactively to all buildings that have such accessible entrances. Buildings in existence on the effective date of this section shall post such signage on or before August 1, 2013. Such signage shall be maintained in good condition.

Exception: Accessible entrance signs that are posted at building entrances in compliance with the americans with disabilities act of 1990 shall be deemed to be in compliance with section

1110.1 of the New York city building code subject to the inclusion on or adjacent to such signage of a contact telephone number or instructions to gain access if an otherwise accessible building entrance is subject to locking.

§4. Item 5 of section BC 1110.1 of the New York city building code is amended to read as follows:

5. Accessible entrances where not all entrances are accessible. The sign, where provided, shall include a contact telephone number or instructions to gain access if an otherwise accessible building entrance is locked at all times or locked when the building is otherwise open.

§5. Section BC 1110.2 of the New York city building code, as added by local law number 33 for the year 2007, is amended to read as follows:

1110.2 Directional signage. Directional signage indicating the route to the nearest like accessible element shall be provided at [the following locations] or in close proximity to the following locations, such that a person with disabilities will not be required to retrace the approach route from the inaccessible element. These directional signs shall include the International Symbol of Accessibility. Such signs shall comply with either section 703.2 or sections 703.3 and 703.4 of ICC A117.1:

1. [In accessible] Inaccessible building entrances.
2. [In accessible] Inaccessible public toilets and bathing facilities.
3. Elevators not serving an accessible route.
4. At each separate-sex toilet and bathing room indicating the location of the nearest accessible unisex toilet or bathing room where provided in accordance with Section 1109.2.1.

5. At exits and elevators serving an accessible space, but not providing an approved accessible means of egress, signage shall be provided in accordance with Section 1007.7.

§6. This local law shall take effect immediately.

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