

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON FIRE AND CRIMINAL JUSTICE SERVICES

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December 18, 2012  
Start: 9:45 a.m.  
Recess: 10:42 a.m.

HELD AT: Council Chambers  
City Hall

B E F O R E:  
ELIZABETH S. CROWLEY  
Chairperson

COUNCIL MEMBERS:  
Mathieu Eugene  
Vincent J. Gentile  
Peter F. Vallone, Jr.  
Ydanis A. Rodriguez  
Daniel J. Halloran III  
Rosie Mendez

2 CHAIRPERSON CROWLEY: Good morning.

3 My name is Elizabeth Crowley, and I am the chair  
4 of the Fire and Criminal Justice Services  
5 Committee here at the City Council. Today we are  
6 voting on proposed Intro 943-A, which amends  
7 various code provisions regarding the place of  
8 assembly certificate of operation, which I will  
9 refer to as the certificate and introduces a place  
10 of assembly permit, which I will refer to as the  
11 FDNY permit. This bill is sponsored by Council  
12 Member Inez Dickens and several of my colleagues  
13 in conjunction with the mayor. In 2009, the New  
14 York City Regulatory Review Panel was created by a  
15 local law to review the structure and function of  
16 city regulations and their impact on small  
17 businesses. After garnering input from small  
18 business owners, industry representatives and  
19 members of the public, the review panel issued a  
20 report which detailed the panel's findings and  
21 recommendations on fostering small business growth  
22 by eliminating or streamlining regulatory fees.  
23 Simplifying the place of assembly permitting  
24 process was one of the panel's suggestions.  
25 Proposed intro 943-A would amend several

1 provisions of the administrative, building and  
2 fire codes relating to the place of assembly in  
3 order to coordinate and streamline the regulation  
4 of those places by the DOB and the FDNY.  
5 Currently a certificate is required for premises  
6 where 75 or more members of the public gather  
7 indoors or 200 or more gather outdoors for  
8 recreational, educational or social purposes or to  
9 consume food. The current application for a  
10 certificate is filed with the DOB, which reviews  
11 the application and performs an inspection prior  
12 to the issuance of the certificate. The DOB  
13 issues certificates for one year and they must be  
14 renewed on an annual basis. The renewal is based  
15 on an inspection by the FDNY prior to the  
16 expiration of the certificate. Although FDNY  
17 inspects places of assembly, FDNY does not renew  
18 these certificates, but rather forwards the  
19 inspection results to the DOB and provided it is  
20 appropriate, the DOB will issue a renewal. The  
21 involvement of two agencies in the renewal process  
22 for these certificates has been criticized as  
23 being duplicative and often causes delays in  
24 businesses receiving timely renewal of the needed  
25

1  
2 DOB certificate. This bill would address these  
3 concerns by streamlining the process. This bill  
4 would allow the DOB to issue the initial  
5 certificate, but only the FDNY would be involved  
6 in the renewal of these certificates. The bill  
7 would authorize the FDNY to issue after an annual  
8 compliance inspection an FDNY permit that together  
9 with the DOB issued certificate would authorize  
10 the continued operation of the business. The FDNY  
11 permit would last for a year subject to renewal.  
12 The DOB certificate would not expire, but would be  
13 inoperative without the accompany FDNY permit.  
14 Additionally, the bill specifies that if places of  
15 assembly make certain changes, a new or amended  
16 certificate from the DOB would be required. Small  
17 businesses are the backbone of our local economy.  
18 This bill would reduce regulatory fees and  
19 eliminate unnecessary steps by saving money and  
20 time in the renewal process. With the passing of  
21 the bill, the city will have a better way to  
22 monitor whether small businesses are in compliance  
23 with buyer and building code regulations, which  
24 improves public safety and ensures that all  
25 businesses play by the same set of rules. Now I

1 will vote aye on this bill, and I'll ask the  
2 members of the Committee—there is a fiscal impact.  
3 Currently, the fiscal impact states that it is  
4 350,000 to the city of a net revenue loss, but the  
5 fiscal impact statement is still being amended.  
6

7 [pause]

8 CHAIRPERSON CROWLEY: There is a  
9 typographical error on the impact statement, which  
10 is currently being changed, but I vote aye and  
11 I'll ask for a—

12 COMMITTEE CLERK: [interposing]  
13 William Martin, committee clerk. Roll call vote,  
14 Committee on Fire and Criminal Justice Services.  
15 Council Member Crowley?

16 CHAIRPERSON CROWLEY: I vote aye.

17 COMMITTEE CLERK: Mendez?

18 COUNCIL MEMBER MENDEZ: Aye.

19 COMMITTEE CLERK: Eugene?

20 COUNCIL MEMBER EUGENE: Aye.

21 COMMITTEE CLERK: Rodriguez?

22 COUNCIL MEMBER RODRIGUEZ: Aye.

23 COMMITTEE CLERK: Halloran?

24 COUNCIL MEMBER HALLORAN:

25 Permission to explain my vote? Madam Chair, I

1  
2 just want to preface my aye vote with the  
3 following: while I don't mind the city losing  
4 \$350,000 of revenue in cutting down on bureaucracy  
5 two important pieces of information I think were  
6 gleaned from the hearing yesterday. Number one is  
7 we have an inordinate number of not for profits,  
8 which are still subject to these fees that the  
9 fire department requires for our inspections and  
10 one of those groups is our veterans associations,  
11 which include Veterans of Foreign Wars, the  
12 American Legion, Jewish War Veterans, Catholic War  
13 Veterans, and those locations are continuing to  
14 accrue charges from the city. I don't think that  
15 this is appropriate and is something that we  
16 should probably recommend gets looked at. The  
17 second thing is that the building information  
18 system operated by the Department of Buildings has  
19 some cross platform abilities that seems to  
20 contradict some of the other information we got  
21 during the storm as to whether or not information  
22 in their computers was accessible by other  
23 agencies, and I think that something is very  
24 important for us to look at particularly as the  
25 Buildings Department claimed that the only way for

1  
2 them to notice problems with streets that had  
3 trees down on them was to issue violations to our  
4 homeowners through the buildings information  
5 system, so I think it's interesting that they are  
6 able to cross platform with FDNY, but not able to  
7 independently of a violation note defective  
8 sidewalk situations involving city trees. I think  
9 in the future we need to look at those things in  
10 particular, but for now, I will vote aye, and  
11 thank you, Chair, for the indulgence.

12 COMMITTEE CLERK: By a vote of five  
13 in the affirmative, zero in the negative and no  
14 abstentions, item is adopted. Members, please  
15 sign the committee report.

16 CHAIRPERSON CROWLEY: I'll ask the  
17 clerk to hold the vote.

18 [background conversation]

19 CHAIRPERSON CROWLEY: We now have  
20 the corrected fiscal impact statement, which says  
21 that the revenues will be \$350,000 in a net loss  
22 to the city.

23 [pause]

24 COMMITTEE CLERK: Council Member  
25 Gentile?

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COUNCIL MEMBER GENTILE: Aye.

COMMITTEE CLERK: The vote now  
stands at six.

[long pause]

CHAIRPERSON CROWLEY: We are now  
going to close the vote on Intro 943-A. The Fire  
and Criminal Justice Committee hearing December  
18<sup>th</sup>, 2012.

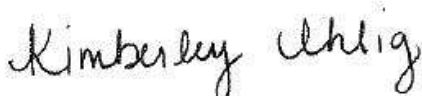
[gavel]



C E R T I F I C A T E

I, Kimberley Uhlig certify that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

Signature \_\_\_\_\_

Date 1/1/12