

NEW YORK CITY COUNCIL
Committee on Fire and Criminal Justice Services

Intro 943-A
Testimony of Chief Richard Tobin
New York City Fire Department, Bureau of Fire Prevention

December 17, 2012

Good afternoon Chairwoman Crowley and Committee members. My name is Richard Tobin, and I am the Assistant Chief of Fire Prevention for the New York City Fire Department (FDNY). Thank you for the opportunity to speak with you today about Intro 943-A.

As you may know, the Mayor's Business Customer Service initiative was undertaken in collaboration with Speaker Quinn and others at the Council to make it easier and faster for businesses in New York City to comply with government regulations. As part of that effort, the Mayor's Office has been working with the Department of Buildings (DOB) and the FDNY to streamline and improve the coordination of the Building and Fire Code provisions relating to places of assembly in New York City. Intro 943-A will codify the proposed changes to improve that process.

Specifically, this bill would amend certain provisions of the City's Administrative Code relating to places of assembly, which are defined as gathering places of 75 or more people indoors, and 200 or more people outdoors, for civic, recreational, religious, eating and drinking, social or other purposes. With the enactment of this legislation, we will eliminate the current two-agency renewal process that has resulted in delays, confusion and frustration on the part of the public.

Currently, the process for obtaining approval of a place of assembly space in New York City requires, first, DOB's approval of an application that includes, among other things, a seating plan. If DOB approves the application and the space passes a DOB inspection, DOB issues a "certificate of operation" for the place of assembly that is valid for one year. Each year, prior to the expiration of the DOB certificate of operation, the FDNY inspects the place of assembly spaces. The purpose of the FDNY inspection is to confirm that the premises remain in compliance with Code requirements and the approved seating plan. If the FDNY Inspectors do observe any violations, they take the appropriate enforcement action. The FDNY then advises DOB of the places of assembly that have passed inspection, and DOB issues the certificate of operation renewal to the establishment. Unless changes are made to the premises requiring a new certificate of operation, DOB's renewal of the certificate of operation has been solely an administrative function.

The 2008 Fire Code began the process of streamlining these inspections and permit renewals by authorizing the FDNY, consistent with its inspection role, to issue an annual place of assembly permit. However, the Building Code was not amended at that

time to eliminate the requirement that the DOB annually renew the certificate of operation.

If enacted, Intro 943-A would not change DOB's role in authorizing the certificates of operation or approving the seating arrangement. DOB would continue to be involved at the initial approval stage, but would be involved thereafter *only* if an applicant needed a *new or amended certificate of operation* because the assembly space was being changed in some way. This is analogous to the process governing certificates of occupancy: if no change is made to the premises, no further DOB approval is required.

Under this proposal, FDNY would issue the annual permits, indicating that the premises have passed an inspection and are in compliance with Code requirements. This eliminates the need for two agencies to be involved in the *renewal* of the authorization to operate a place of assembly. The proposed local law would therefore eliminate unnecessary delays and make the process more transparent to the regulated community, which includes business owners, nonprofits, religious institutions and members of the general public.

Thank you for the opportunity to speak in support of Intro 943-A today. We appreciate the efforts of the City Council in helping us pass this important legislation.

We would be happy to answer your questions at this time.

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Appearance Card

I intend to appear and speak on Int. No. 943 A Res. No. _____

in favor in opposition

Date: 12/17/12

Name: Robert Bookman, Esq (PLEASE PRINT)

Address: 325 Broadway, NY NY 10007

I represent: NYC Hospitality Alliance

Address: 630 9th Ave, suite 311, NYC 10036

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Name: Kanda Gordon (PLEASE PRINT)

Address: Assistant Commissioner

I represent: Dept of Buildings

Address: 280 Broadway

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Name: RICHARD TOBIN ASST. CHIEF
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I represent: FDNY

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Name: Julian Bazel Counsel
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I represent: 9 Metropolitan Ctr

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