



## **A GUIDE TO UNDERSTANDING LOCAL**

### **LAW 41 OF 2009: FEE WAIVER ELIMINATION FOR NON PROFITS**

#### **I. OVERVIEW**

For each permit and/or inspection (referred to as an “account”) that the Fire Code requires for buildings owned or occupied by non-profit institutions, it is anticipated that the average annual cost would be \$294. However, non-profit institutions with multiple facilities or more than a single area to be inspected or permitted would face higher overall costs.

#### **II. LETTER TO ALL ACCOUNT HOLDERS**

The Department currently sends all non-profits the following letter as inspections come due during this fiscal year:

*Fire Department Account(s) Holders:*

*Recent legislation has amended the New York City Fire Code to limit the exemption from fees for Fire Department permits, inspections, and witnessing of required system performance tests.*

*Effective June 29, 2009, Fire Code Section FC117.2.1 exempts from such fees only premises predominantly used by a religious or educational institution for the following purposes:*

- (1) A house of worship, or dwelling units for members of the clergy which are situated on or adjacent to the same premises as the house of worship; or*
- (2) A school accredited by the State of New York providing kindergarten through twelfth grade education.*

*The terms “house of worship” and “member of the clergy” are defined in the law.*

*Please read the next page – Local Law No. 41 of 2009 (Intro 1010-A) - for additional information.*

*Accordingly, many property owners who were previously exempt from these Fire Department fees will now receive an invoice prior to issuance of a permit and after an inspection or witnessed test. A complete list of Fire Department fees is set forth in Fire Code Appendix A, as amended by Fire Department rule 3 RCNY §4601-01. The appendix and rule may be viewed on the Fire Department’s website, [www.nyc.gov/fdny](http://www.nyc.gov/fdny) (click on the “Fire Code” and “FDNY Rules” links).*

*The Fire Department has reviewed its records and identified account holders that appear to be eligible for exemption under the amended fee provision. All other account holders will be billed for permit, inspection and witnessed test fees. Account holders' eligibility will, in due course, be confirmed during future inspections.*

*If you receive an invoice for an account that you believe is eligible for exemption under the amended fee provision, you may request review of your account by submitting a sworn statement, with supporting documentation, setting forth the qualifying use of your premises, and any other uses of the premises. You must establish that the qualifying use is the "predominant" use of the premises. We will review your account and notify you of our determination.*

*All requests for review of your account status must be in writing. We cannot process telephone requests. Please forward all correspondence to:*

*New York City Fire Department  
Bureau of Revenue Management  
Accounting Unit, Room 5E-7  
9 MetroTech Center  
Brooklyn, NY 11201-3857*

*Thank you for your cooperation.*

### **III. LOCAL LAW 41 OF 2009**

*Int. No. 1010-A*

*A Local Law to amend the administrative code of the city of New York, in relation to exemptions from the payment of fees for fire department permits, inspections and performance tests.*

*Be it enacted by the Council as follows*

*Section 1. Section FC 117.2.1 of chapter 2 of title 29 of the administrative code of the city of New York, as added by local law number 26 for the year 2008, is amended to read as follows:  
117.2.1 Permit, inspection and performance test fee exemption. The provisions of this code as to the payment of fees for permits, inspections or witnessing of required system performance tests shall not apply to premises used and owned or operated by a [church]religious or educational institution, corporation or association organized and operated exclusively for religious[, charitable] or educational purposes that is qualified as an exempt organization pursuant to United States Internal Revenue Code Section 501(c)(3), provided that no part of the net earnings enures to the benefit of any private shareholder or individual; and provided further, that this exemption shall apply only to such portions of the premises used by such [church]religious or educational institution, corporation or association [for religious, charitable or educational purposes]predominantly as one of the following:*

*1. A house of worship, or dwelling units for members of the clergy of such religious institution, corporation or association situated on or adjacent to the same premises as such house of worship. For purposes of this section, "house of worship" shall mean that part of a premises*

*classified in Occupancy Group A-3 that is used by members of a religious institution, corporation or association principally as a meeting place for divine worship or other religious observances, and "member of the clergy" shall mean a clergyman or minister, as defined in the religious corporations law, who officiates at or presides over such religious observances for such religious institution, corporation or association, and who does not derive his or her principal income from any other occupation or profession.*

*2. A school accredited by the state of New York providing kindergarten through twelfth grade education.*

*Section 2. This local law shall take effect immediately.*

#### **IV. THE BUREAU OF FIRE PREVENTION AND ITS INSPECTION UNITS**

Fire Prevention is one of the four major missions of the New York City Fire Department. Through its Bureau of Fire Prevention and the recently revised New York City Fire Code, the FDNY has been able to reduce the incidence of fire and civilian fire fatalities to historic lows. We have experienced fewer than 100 civilian fire fatalities per year for three straight years – a feat that has been achieved only three times in modern history. When it last occurred in 1927, two million fewer people lived in the five boroughs.

Fire Prevention-related inspection fees are based on a fee schedule that provides for an average hourly inspection fee of \$210<sup>1</sup>, with fees ranging above and below that amount based on the average duration established for that inspection. These inspection fees are intended to recover the total costs of operating the Bureau.

Fire Prevention has approximately 500 uniformed and civilian employees. Many of these employees serve as inspectors who inspect premises throughout the five boroughs for purposes of ensuring the safe storage and use of hazardous materials; the safe operation of certain equipment; and the safe maintenance of certain occupancies. Fire Prevention inspectors conduct more than 200,000 inspections annually. Fire Prevention's ten District Offices conduct the bulk of these inspections. These District Office personnel conduct field inspections to detect violations of laws, rules and regulations that are intended to reduce or eliminate fire hazards.

Fire Prevention also has distinct units responsible for different kinds of inspections. The units that would typically, though not always, inspect facilities operated by non profit organizations and the typical, though not always, type of inspections they will conduct include:

- The District Offices, which conduct annual inspections citywide relating to the manufacture sale, storage and use of flammable/combustible liquids and compressed gases. Its inspections include the review of fuel oil storage systems, large-capacity refrigeration systems, and roof mounted air compressors and manual maintenance of cooking rangehoods.

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<sup>1</sup> \$210 represents the established hourly rate; \$294 is the average actual rate that non profit accounts would pay for each inspection

Inspection/ Certificate/ Permit Type	Explanation/ Applicability	Frequency	Cost
Fuel Oil Storage Permit	Fuel Oil Storage for heating	Annual	\$90.00 (#2 or 4 oil ) \$105.00 ( #6 oil)
A/C & Refrigeration Permit	A/C & Refrigeration	Annual	\$105.00 per compressor
Commercial Cooking Permit	Commercial Cooking	Annual	\$70.00

- The Fire Suppression Unit witnesses tests of building sprinkler and standpipe systems.

Inspection/ Certificate/ Permit Type	Explanation/ Applicability	Frequency	Cost
Sprinkler Test witness	Sprinkler systems	At installation, and re-test at a minimum once per 5 yrs.	\$320 for initial Siamese; \$275 for each addl. Siamese
Standpipe Test witness	Standpipe	At installation, and re-test at a minimum once per 5 yrs.	\$365 for initial Siamese; \$210 for each addl. Siamese
Dry Valve Test Witness	Dry Valve trip test	At installation, and re-test at a minimum once per 5 yrs.	\$210 per hour

- Laboratory inspections are performed by the Hazard Control Unit. They issue permits for medical gas systems and chemical labs in hospitals, research centers, schools and private industry.

Inspection/ Certificate/ Permit Type	Explanation/ Applicability	Frequency	Cost
Lab Permit	Laboratory	Annual	\$105
Medical Gases Permit	Medical Gases	Annual	\$210
Hazardous	Hazardous materials	Annual	\$105-315

Materials Permit			
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- The Fire Alarm Inspection Unit inspects fire alarm, smoke detection and emergency voice communications systems in office buildings, hotels, hospitals, schools, nursing homes, etc.

Inspection/ Certificate/ Permit Type	Explanation/ Applicability	Frequency	Cost
Fire Alarm System Inspection	New fire alarm system	At installation	\$210 per hour

- Rangehood Inspections are conducted by the Technology Management Unit. It reviews rangehood extinguishing system plans and performs rangehood extinguishing system initial installation inspections. It also witnesses performance testing. Rangehoods are usually located in occupancies such as restaurants, hospitals and hotels.

Inspection/ Certificate/ Permit Type	Explanation/ Applicability	Frequency	Cost
Rangehood Test Witness	New rangehood system	At installation	\$285

- High-Rise Inspections conducted by the Public Safety Unit enforce fire prevention and life safety requirements in high-rise office buildings and hotels. The Unit schedules and conducts on-site examinations for Fire Safety Directors.

Inspection/ Certificate/ Permit Type	Explanation/ Applicability	Frequency	Cost
High Rise Inspection	Bldgs in excess of 75 feet.	Annual	\$570

- Other Public Safety Unit inspection units include the Public Safety Inspection Unit that enforces fire prevention life safety requirements in places of public assembly (i.e., occupancies that accommodate 75 or more persons). Places of Public Assembly include movie theaters, cabarets, restaurants, catering establishments and other large places of assembly.

Inspection/ Certificate/ Permit Type	Explanation/ Applicability	Frequency	Cost
Public Assembly Inspection	Based on capacity	Annual	\$415-\$830

The Fire Prevention inspectors may also issue notices of violation (“NOVs”) returnable before the Environmental Control Board (“ECB”), violation orders (“VOs”) that order compliance and/or Criminal Court summonses. All such fees for violations of the fire code are above and beyond initial inspection fees.

## **V. HOW TO READ A FIRE PREVENTION BILL**

There are fields on the attached bill that are explained below:

1. **Account Number** – Eight digit unique identifier for each account. It is used to track inspections, violations, invoices, payments, changes, and permits (if applicable).
2. **D.O.** – identifies the Fire Prevention unit that is responsible for this account.  
1- 15 – District Offices, 27 – Laboratories, 34 – Fire Alarm Inspections, 35 – Rangehood, 36 – High Rise, 37 – Licenced Places of Public Assembly, 93 – Sprinkler, 94 – Standpipe.
3. **Permit Expiration** – current permit expiration date (if applicable)
4. **Type** – internal FDNY identifier
5. **A.P.** – internal FDNY identifier
6. **Billing Date** – date that this invoice was generated
7. **Billing Period** – date range related to current inspection or permit being billed
8. **Block and Lot** – premises identifiers
9. **Item and Sub Codes** – these codes are internal to the FDNY. They identify the description of the different types of items that are being billed for, as well as the associated fee. Sub Codes are predominantly used as a subset of item codes. For example, if an item code identifies fuel oil storage, different sub codes might be set up for specific volumes of storage.
10. **Quantity** – how many of the associated items are related to this account or invoice. For example, quantity would equal ‘1’ if item is one fuel oil tank, or would equal ‘4’ if there are four air compressors.
11. **Item Description** – describes the item being inspected, or the reason for charges, or what the permit is for (if applicable).
12. **Fee** – associated fee for specific Item/Sub Code (item being billed for), multiplied by the quantity.

13 – **For Information Call** – this is the phone number of the inspection unit that is responsible for this account.

14. **Premises Address** – address where inspection or permit is required. This is not necessarily the same as the mailing address associated with this account.

