



# FIRE DEPARTMENT

9 METROTECH CENTER BROOKLYN, N.Y. 11201-3857

September 2009

Fire Department Account 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.

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.