TOP FDNY CHALLENGES – UNLOCKED

It's no secret that dealing with FDNY regulations is one of the biggest challenges when it comes to building compliance in NYC. We've brought together in-depth research and industry know-how to crack some of the key FDNY problems and processes, from renewing equipment use permits to the ins and outs of violations resolution.

This information will help you keep your buildings in compliance, reduce potential fines, and allow you to be more proactive in addressing these FDNY challenges.

CLOSING OUT
FDNY VIOLATIONS

The FDNY issues two basic types of violations:

NOV Notices of Violation (NOVs) are associated with a fine and a hearing through the Environmental Control Board (ECB), and NOV numbers start with a 1 and end with a letter (e.g. 11034567L). Compliance with a NOV has two parts: the fine and hearing component through the ECB, and the certifying correction with the FDNY.

VO Violation Orders (VOs) are not associated with ECB hearings. Rather, left uncorrected, they can lead to Criminal Summonses. VO numbers start with an E followed by 6 numbers (e.g. E345569).

FDNY Notices of Violation (NOVs)

- It's the legal responsibility of the named respondent noted on the violation to take proper steps to resolve the violation – if your organization is listed, follow the below steps. If not, it's not your legal responsibility to correct.

- ⓘ Please note that open FDNY violations on a building may impact a transaction or refinance, regardless of named respondent.

- If you're the listed named respondent, look for two key dates on the violation: the ECB hearing date and the "cure" date.
    - If a cure date is listed on the violation, you can submit a Certificate of Correction by that date showing proof that the violating conditions have been remedied. If the FDNY accepts the Certificate of Correction before the stated cure date, you will not have to attend the hearing, and subsequently not have to pay any fine. (Plus, you avoid paying any associated ECB fines if you correct in advance of the hearing)
    - If there is no cure date (due to the type or recurrence of violation) or you're unable to correct by the cure date, you must attend the ECB hearing on the date noted, providing any pertinent information to the hearing officer. After the hearing, the ECB officer will mail his/her decision & order to the parties.
- If you're found in violation at the hearing, you must pay to the Dept. of Finance the associated fine determined on the officer's decision.
- To satisfy an FDNY NOV, you must also submit a Certificate of Correction to the FDNY showing proof that the violating conditions have been remedied.
- ⓘ Note: It's a common misconception that showing proof at an ECB hearing will close a violation; however, to clear a NOV, a Certificate of Correction must be on file with the FDNY.

FDNY Violation Orders (VOs)

- FDNY VOs don't have a hearing or fine associated but must be corrected by the time frame noted on the violation: immediately or 30/60/90 days.
- In some cases, an FDNY inspector will automatically come out to re-inspect once the correction period has passed. You can also correct the issue and call the FDNY unit that issued the VO (noted on the VO) to request re-inspection.
    - If the violations are completely corrected, the inspector will dismiss the VO and the establishment will pass inspection.
    - If the violations are partially corrected, you have the original timeframe given to finish the corrections. At that time, the violations must be completely corrected or the owner will receive a criminal summons.
    - If the violations have not been corrected at all, the owner will receive a criminal summons via mail, requiring an appearance in criminal court.

NEXT: FDNY PERMIT ACCOUNT RENEWAL PROCESS

FDNY PERMIT ACCOUNT
RENEWAL PROCESS

A common cause of FDNY violations is expired permits for operating equipment at a building. FDNY permits relate to the use, operation and maintenance of equipment and space, as well as fire prevention and safety systems regulated by the FDNY, including:

- A/C / REFRIGERATION
- RANGEHOODS
- PLACE OF ASSEMBLY
- FUEL OIL
- SPRINKLER/STANDPIPE
- FIRE ALARMS

A/C/Refrigeration Range Hoods Fuel Oil

- These permits all generally renew on an annual basis.
- Inspector visits site unannounced usually 2-3 weeks before permit expiration date. Generally the inspector performs all 3 inspections at the same time.
- After inspection is passed, FDNY mails an invoice for the cost of the permit for EACH type of equipment as fees and inspection outcomes differ.
- Applicant pays invoice(s) upon receipt.
- FDNY issues renewed permit(s) to applicant.

ⓘ Note: Fuel Oil permits typically renew annually, but it depends on the size of the storage tanks. To learn the inspection frequency for your specific combination of tank sizes, you can contact the specific District Office associated with the account.

Sprinkler/Standpipes

- FDNY sends what's called a "test notice" 3-6 months before 5-year permit expiration date. In common cases where "test notice" does not arrive, it is the permit account holder's responsibility to ensure inspection is scheduled

ⓘ Note: It's a common misconception that you must receive a violation first before you can schedule your 5-year test. We have confirmed with the FDNY that the official process does not, in fact, require you to receive a violation. You can schedule your test in advance and avoid receiving an automatic violation for expired permit.

- Owner's fire consultant schedules an inspection with the FDNY.
- The fire consultant and a building representative must be present for the inspection.
- FDNY issues renewed permit to applicant. After inspection is passed, FDNY mails an invoice for the cost of the permit for EACH type of equipment as fees and inspection outcomes differ.
- Applicant pays invoice(s) upon receipt.
- FDNY issues renewed permit(s) to applicant.

ⓘ Note: If at any point during the above inspection processes an inspector finds equipment to be faulty, out of date, etc., he/she can issue FDNY violation(s) and potentially put a "hold" on the renewal permit until those violations are documented as corrected in FDNY records.

Becoming familiar with these complex FDNY processes will help you avoid additional risk associated with expired permits and open violations and allow you to be proactive in ensuring that your buildings stay up to code.