

Place of Assembly

A Guide to the
New York City Place of Assembly Process



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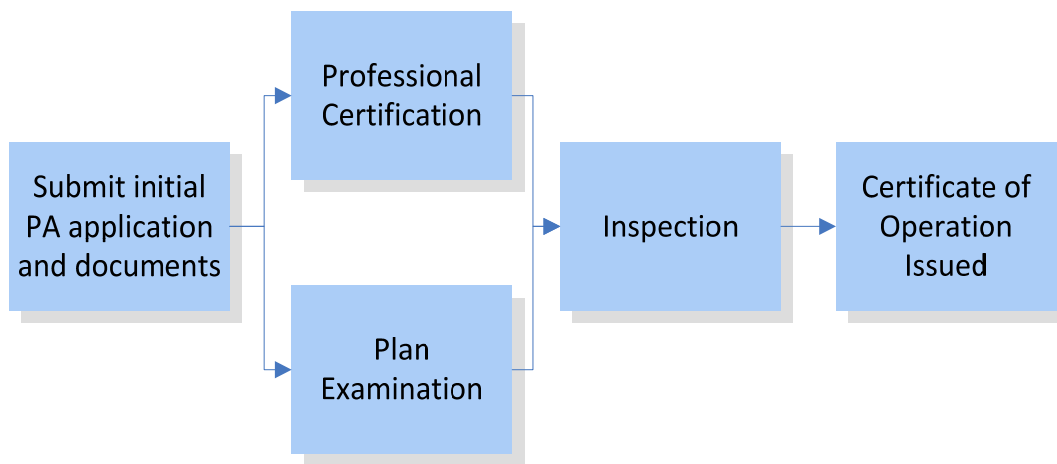
1. Background

This guide is intended to give establishment owners and design professionals helpful information about the Place of Assembly issuance process, point out common mistakes to avoid, and provide a sense of the time required to complete the process.

As a matter of public safety, New York City requires a Place of Assembly Certificate of Operation (PA) for all premises where the Certificate of Occupancy indicates that 75 or more members of the public may gather indoors or 200 or more may gather outdoors for religious, recreational, educational, political or social purposes, to consume food or drink, await transportation, or any similar group activities. When such groups gather, it is necessary to ensure that the space is safe and issues such as proper egress and emergency lighting are appropriately addressed.

Both the Department of Buildings (DOB) and the Fire Department (FDNY) oversee the PA permitting process. DOB enforces adherence to the Building Code, and conducts all reviews and inspections for the initial issuance of a PA. FDNY is responsible for all reviews and inspections for renewal PAs to ensure compliance with the Fire Code.

2. Initial Place of Assembly Certificate of Operation



A. Filing a Place of Assembly Application

When should I apply?

If the proposed plans for your New Building (NB) or Alteration 1 (ALT1) will result in a Certificate of Occupancy requiring a PA, you can submit the PA application to DOB once the NB/ALT1 application has been filed and an associated DOB job number has been issued.

- 1) An NB is defined as a new structure created on an existing lot.
- 2) An ALT1 is an alteration in which the use or occupancy of an existing property changes. Some examples of ALT1s include:
 - Changing the establishment's use or maximum occupancy (number of people allowed in the space)
 - Changing the building's egress (the way people leave the building)

Did You Know?

If you are applying for your PA during the NB or ALT1 process, your NB or ALT1 construction inspection (the inspection that occurs once the structure is built or the work is completed) and PA inspection will be conducted simultaneously. If you apply for a PA after your NB or ALT1 construction inspection has been completed, a separate PA inspection will be conducted.

What information and documents must be submitted with a PA application?

A completed PA application includes the following:

- 1) PA1 Form: This form is the main component of the PA application and will ask for certain information, including the legal name of the establishment and a related DOB job number. The PA1 form must be completed and signed by a Professional Engineer or Registered Architect (PE/RA).
- 2) Proposed Plans (Establishment Layout): The plans should include primary plans (the layout that will be used most frequently) and can include up to two alternate plans. All plans must use the 2008 Building Code occupancy designations.
- 3) Filing fee receipt – Applicants must pay the non-refundable PA fee of \$235 (\$200 filing fee plus \$35 processing fee) to the DOB cashier in order to obtain a receipt. Cash, check, money order and credit card are accepted.
- 4) Copy of CO/TCO - A Certificate of Occupancy (CO) or Temporary Certificate of Occupancy (TCO) documents the legal use and/or occupancy of a building. DOB will not issue a PA without a valid CO or TCO, which can be printed from BISWeb (<http://www.nyc.gov/bis>). If you are submitting the PA application with an NB application, you can provide a copy of the CO/TCO once it is issued.
- 5) POC1 Form (if Professionally Certified) - This form is signed by both the PE/RA and the owner, and certifies that the PE/RA has submitted plans that are in compliance with all applicable laws, including Building Code regulation. While the PE/RA *and* the owner are responsible for compliance, the PE/RA may be subject to legal and disciplinary action if an audit reveals non-compliance. See p. 8 for more information about Professional Certification.

Where do I submit the application?

Submit the completed PA application in person at the DOB Borough office in the borough in which the establishment is located. Office locations and contact information can be found on page 23.

Did You Know?

As long as a PE/RA *completes* the PA1, anyone can *submit* the PA application, including the owner, expeditor, or other owner's representative.

How will I know if the application is complete?

When you submit your application at the borough office, DOB staff will review it for completeness while you wait. If there is any information or documentation missing, the staff will provide you with an AO1 (Administrative Objection) form, which explains what is missing. After you obtain the missing documentation, you can resubmit the application at no additional cost. There is no deadline for resubmission, but your application cannot be processed until you resubmit.

B. Plan Examination

All PA plans must be approved by DOB. If you submit your application as Professionally Certified, your plans are accepted right away. However, if your application was not Professionally Certified, your plans will be reviewed by a DOB Plan Examiner.

What is Professional Certification? What does it mean to submit an application that way?

DOB offers a Professional Certification Program that enables a PE/RA to certify that the plans they file with DOB are in compliance with all applicable laws. This saves time in the application process by eliminating the need for DOB plan examination. An application that is professionally certified goes through the same filing, payment and data entry process. However, if all required documents are submitted, the application will be accepted. Twenty percent of all professionally certified applications are selected for audit within ten days of first PA issuance. If objections are raised during the audit, the applicant is responsible for resolving the objections before the PA will be issued.

What happens in Plan Exam?

The DOB Plan Examiner will check that your plans are in compliance with the Building Code. If the Plan Examiner finds that the plans do not conform to the Building Code, then he/she will provide technical objections.

How long does the initial Plan Exam take?

The amount of time between submission of plans and initial plan approval/disapproval varies, but typically takes between one and twelve business days.

How will I know the results of the Plan Exam?

By entering the application number into BISWeb, you can look up the status of the application to see if the plans were approved or disapproved. If they were disapproved, DOB will mail a copy of the objections to the applicant of record (the name and address on the PA1 application), and email a copy if an email address was provided.

How do I clarify or resolve objections?

To clarify or resolve objections, call 311 to schedule an appointment. It will take approximately one to ten business days (wait times vary) from the time an appointment request is made to meet with the Plan Examiner. Once all objections have been resolved, the application is approved.



Did You Know?

Most common objections for plan exam:

- The individual space, floor, or building does not provide the necessary egress to support the place of assembly (PA) activity
- The building's Certificate of Occupancy does not reflect the correct use.
- The travel distance between PA space and fire-rated safe area, such as a stairwell or outside, does not meet minimum Building Code requirements.
- The separation between kitchen and PA space is not fire-rated according to Building Code requirements (only applicable for kitchens where cooking will occur).

C. Inspection

When should I schedule the Place of Assembly inspection?

Once your plans are approved, you can call the DOB Construction Unit in your borough (see contact information on page 23) to schedule an inspection.

Who must be present at the inspection?

Someone representing the establishment must be on site during the inspection – either the owner or the owner's representative, such as an employee, the PE/RA, or filing representative – to provide access and ensure required documents are on site.



What is the inspector looking for during the inspection?

The DOB inspector will be looking for general compliance with the Building Code, including adequate egress, lighting, and exit signs. In addition, the following items must always be kept on site:

- 1) Complete set of DOB-approved PA plans (Primary and Alternate Plans, if applicable) – The actual layout of the PA space (including tables, chairs, etc.) must match the DOB-approved plans.
- 2) Flame Spread Letter – A flame spread letter is a letter from the manufacturer of certain products describing the flammability of the product. Products that require a flame spread letter include, but are not limited to, carpeting, window treatments, wallpaper, foam, and upholstery. The PE/RA should know most of the materials used at the site, and will inform the applicant which letters are required and how to obtain them.
- 3) Emergency Lighting Letter or TR1 Form –
 - An Emergency Lighting Letter (or Electrical Letter) is submitted by the licensed electrician on record and certifies that he/she completed work.
 - The TR1 form is submitted by a Special Inspector, hired by the owner, prior to the PA inspection to certify that the electrical work in the site is compliant. A Special Inspector is someone that works for a DOB-registered Special Inspection Agency to perform tests or inspections of materials, equipment, construction-related activities, and periodic maintenance.
- 4) Maximum Occupancy Sign – A sign indicating the number of people that can legally occupy the space (as determined by the Certificate of Occupancy) must be created and posted, and should read:

**“OCCUPANCY BY MORE THAN.....PERSONS IS DANGEROUS AND UNLAWFUL
Certificate of Operation No.....Commissioner, (where applicable) Dept. of
Buildings, City of New York”**

How will I know if the establishment passed or failed initial inspection?

The inspector will inform the owner or owner's representative on site whether the establishment passed or failed the inspection. A copy of the results will be mailed to the owner of record (at the address noted on the PA1 form). If an email address has been provided, the results will be emailed as well.

Did You Know?

Most common reasons for failing PA inspection:

- Exit signs are not in the correct area (They do not comply with Building Code or do not match approved plans).
- Failure to post occupancy sign indicating the maximum number of people allowed in the space
- Failure to produce sign off letter from electrician (Emergency Lighting Letter or TR1)
- Improper locking devices on doors (They do not comply with Building Code or do not match approved plans).



The establishment failed inspection – what do I do now?

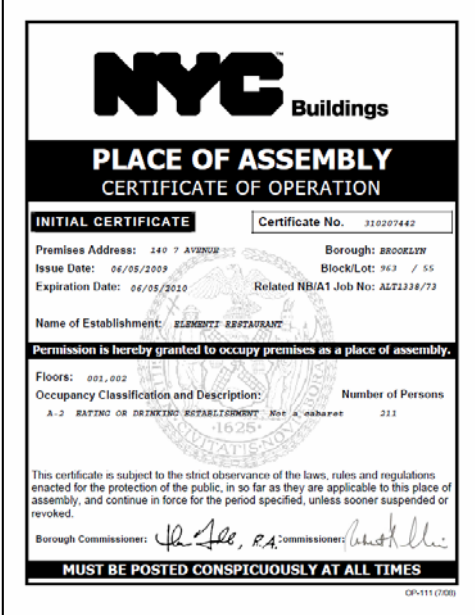
- **Missing documentation:** Items such as the approved plans, flame spread letter, or TR1, are missing from the site.
Resolution – This may be corrected by submitting the missing documentation to the DOB Borough Office Construction Unit.
- **Plan deviation:** The physical layout of the establishment does not match the approved plans.
Resolution – Either the actual layout must be modified to match the plans, or revised plans must be resubmitted by filing a Post Approval Amendment (PAA) with DOB. Note that resubmitted plans must go through the same plan exam and inspection processes as the initial PA plans.
- **Building Code violations:** – During the inspection, Building Code violations are issued.
Resolution – Owners are required to correct all Building Code violations, whether related to the PA application or not. For those violations resulting from Professional Certification, the applicant is responsible for resolving the objections before the PA will be issued.

D. Issuance

Once I pass inspection, how do I get the PA Certificate of Operation?

Approximately three to five business days after a passed inspection, the results are ready to be picked up at the DOB Construction Unit, and DOB staff will call to notify you. You will need to pick up the job folder from the DOB Record Room and bring it, along with the inspection results, to DOB Application Processing.

DOB staff will review your application one last time to ensure that the number of people allowed is consistent across the PA plans and the TCO/CO. If everything is in order, staff will process your application and print your PA which must be framed and posted in a location that is visible to people entering the establishment. The PA is also available on BISWeb for download.



NYC Buildings

**PLACE OF ASSEMBLY
CERTIFICATE OF OPERATION**

INITIAL CERTIFICATE Certificate No. 310207442

Premises Address: 140 7 AVENUE Borough: BROOKLYN
Issue Date: 06/05/2009 Block/Lot: 963 / 55
Expiration Date: 06/05/2010 Related NB/A1 Job No: ALT2338/73

Name of Establishment: ELEGANT RESTAURANT

Permission is hereby granted to occupy premises as a place of assembly.

Floors: 001, 002
Occupancy Classification and Description: A-2 EATING OR DRINKING ESTABLISHMENT Number of Persons: 211

This certificate is subject to the strict observance of the laws, rules and regulations enacted for the protection of the public, in so far as they are applicable to this place of assembly, and continue in force for the period specified, unless sooner suspended or revoked.

Borough Commissioner: [Signature], Commissioner: [Signature]

MUST BE POSTED CONSPICUOUSLY AT ALL TIMES

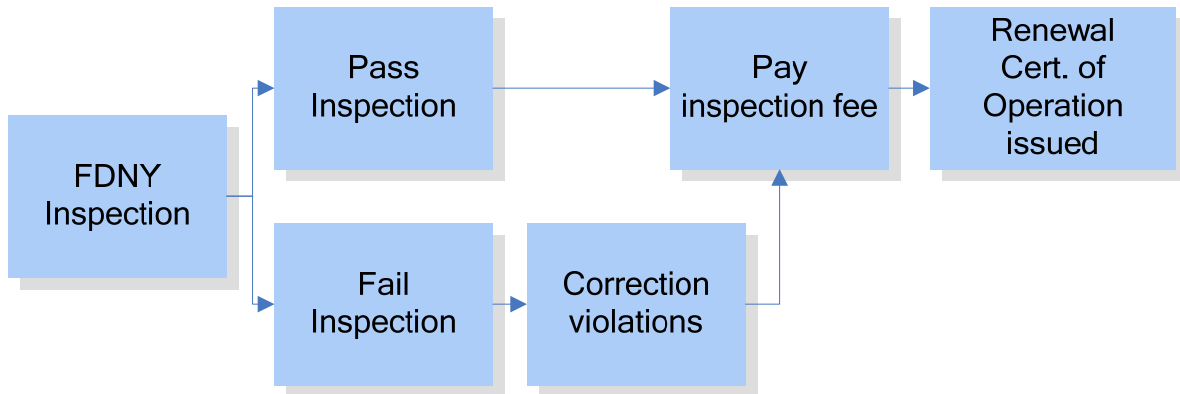
CR-111 (7/08)

PA Certificate of Operation

Did You Know?

A PA will not be issued if the establishment has outstanding DOB objections or no TCO/CO.

3. Renewal Place of Assembly Certificate of Operation



A. Renewal Inspection

Why do I need a Renewal PA?

To ensure continued public health and safety, an establishment must renew its PA annually. This requires an inspection of the premises by the Fire Department (FDNY). The initial PA issued by DOB is only valid for one year.

How do I renew my PA?

A renewal PA requires an inspection by FDNY. You do not need to do anything to initiate the renewal process; FDNY will automatically return to the establishment for renewal PA inspections.

Did You Know?

FDNY performs many different types of building inspections throughout the year. Renewal PA inspections are performed annually by FDNY's Public Assembly Unit, within the Bureau of Fire Prevention. In addition, FDNY performs several other types of inspections, including those performed by the District Offices and Local Fire Companies.

When will my renewal PA inspection occur?

After the establishment obtains the initial PA, an FDNY Public Assembly Inspector will visit the site within a few months for the first renewal inspection. This renewal inspection may occur even though initial PA has not expired.

After that first renewal inspection, the establishment will be placed in an inspection district. Each subsequent renewal PA inspection will occur during a designated month each year, based on that inspection district.

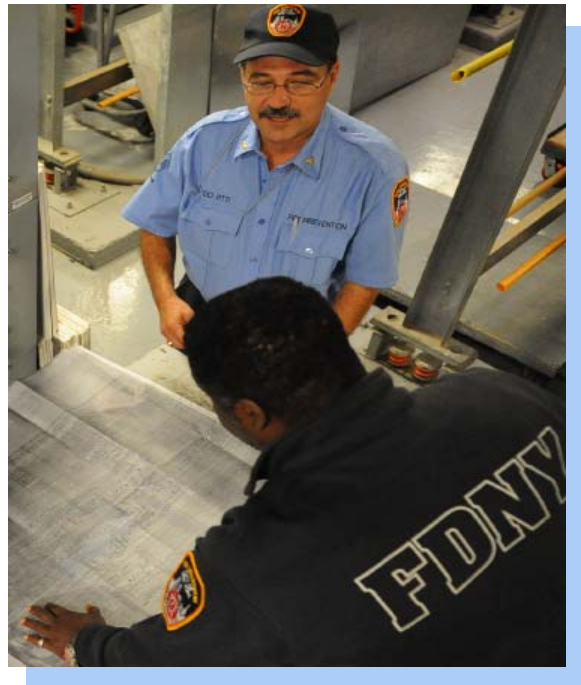
For example, a restaurant may obtain its initial PA in April 2009. An FDNY Public Assembly Inspector could perform the first renewal PA inspection in August 2009, giving the restaurant a pro-rated renewal PA inspection. The establishments in the restaurant’s inspection district are inspected each January, so the restaurant’s second renewal PA inspection would then occur in January 2010. Every renewal PA inspection thereafter will occur in January. An establishment may also be subject to a random re-inspection for quality assurance purposes, or as a result of a complaint.

Will I know what date or time FDNY is coming?

Due to the nature of PA inspections, you will not be notified in advance of FDNY’s first renewal inspection. However, after the second renewal PA inspection you will know in which month FDNY is scheduled to perform your annual renewal PA inspection.

What if my establishment is not open when the FDNY Inspector arrives?

If your establishment is closed when FDNY arrives for your renewal PA inspection, the inspector will return the following week. If the establishment is closed during the second visit, the inspector will leave a note instructing the owner to contact FDNY to schedule an inspection. If the owner does not call to schedule a new inspection time, the inspector will continue to attempt to gain access for the inspection. Please note that if your PA is allowed to expire, you may receive a violation for “Operating Without a Valid Permit”.



Can I request an inspection?

You may only request a renewal PA inspection if the inspector arrived when the establishment was closed. If you call the FDNY Public Assembly Unit at (718) 999-2436 to schedule your renewal PA inspection, FDNY will make every attempt to schedule your inspection for a convenient time.

What is FDNY looking for during the Renewal PA Inspection?

In addition to looking for general Fire Code compliance for fire alarms, range hoods, and sprinklers systems, the FDNY inspector will look at the PA space to ensure that the actual layout complies with the plans. The following items must always be on site:

- 1) Set of approved plans and initial PA from DOB
- 2) Emergency Lighting and Exit Signs
- 3) Maximum Occupancy Sign
- 4) Flame Proofing Affidavit – Affirmation that materials in PA space, such as curtains, upholstery or carpet, were either treated with flame proofing materials or tested to be flame proof, as confirmed by an FDNY Certificate of Fitness holder (individual certified by FDNY to perform such treatment or testing).

How will I know if the establishment passed the renewal inspection?

The FDNY inspector will let the owner or owner's representative know on site if the establishment has passed or failed.

The establishment passed the renewal inspection. What happens next?

Within 15 days of the inspection, FDNY will send a bill to the owner's mailing address. The fee for the first renewal inspection is a sliding scale based on occupancy - the more people that can occupy the establishment, the higher the fee. Renewal re-inspections are billed at \$210 an hour. The length of the inspection will also vary by establishment size. You can mail in your payment (check or money order only), or you can pay in person, at 9 MetroTech Center, Brooklyn, by cash, check, money order or credit card.

The establishment failed the renewal inspection. What happens next?

If the establishment fails the inspection, the inspector will issue one of two types of violations:

1) A Notice of Violation (NOV) is an Environmental Control Board (ECB) order issued for conditions that do not represent an imminent hazard (e.g. plans not on site). An NOV must be corrected within 35 days. An NOV will list violating conditions and an ECB court date, which will occur 15 days after the 35 day correction period ends.

If you receive an NOV, you will not need a re-inspection. Instead, once you have corrected the condition(s), you must submit proof of correction, such as affidavits or photographs, to the FDNY Enforcement Unit at 9 MetroTech Center, 1st Floor, Brooklyn (Entrance on Flatbush Avenue). The correction affidavit form is included in the NOV and can be mailed or delivered in person before the end of the correction period. If you do not correct the violation within 35 days, you must attend your ECB court date. Please note that all affidavits are subject to audit by FDNY.

You may also contest the violation. For more information on how to contest an ECB violation, please visit <http://www.nyc.gov/ecb>.

Did You Know?

You can avoid going to an ECB hearing by correcting your violations prior to the court date by means of a Compliance Review. However, this does not apply to repeat violations.



Did You Know?***Most common reasons why FDNY issues ECB violations (NOVs)***

- Failure to post permits (e.g. PA, maximum occupancy sign, Certificate of Occupancy, etc)
- Failure to produce flame proofing affidavit
- Valid Certificate of Fitness/Certificate of Qualification holder not on site (Only applicable for certain types of PA spaces such as banquet halls and cabarets)
- Lighting or exit signs missing or damaged

2) A Violation Order (VO) is an order relating to imminent safety hazards (e.g. blocked egress). A VO can result in a criminal summons if an establishment does not comply within the correction period listed on the order, either 30 days or 24 hours.

The inspector will return after the correction period has passed to re-inspect the establishment and will determine if the conditions have been completely corrected, partially corrected (at least 75% done), or have not been corrected at all (conditions less than 75% complete are considered not corrected).

- If the violations are completely corrected, the inspector will dismiss the VO and the establishment will pass inspection.
- If the inspector determines that the violations are partially corrected, the applicant will have the original timeframe given (30 days or 24 hours) to finish the corrections before the FDNY inspector will return. 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.

If a violation is considered life-threatening, such as inadequate fire protection systems (e.g. fire alarm, sprinkler system), or the establishment has falsified information on its application, the inspector may shut down the establishment by issuing a vacate order.

Did You Know?***Most common reasons why FDNY issues Violation Orders (VOs)***

- Approved floor plans or PA not on site
- Plans not updated after major renovation
- Operating contrary to Certificate of Occupancy (C of O)
- Observed establishment name, owner name or use description does not match records
- Obstruction in travel path (path from PA space to fire-rated safe area, such as stairwell or outside)
- Egress blocked or locked
- Overcrowding (more people in space than allowed by PA)

What if I disagree with the results of my renewal inspection?

If the owner believes that the violations were issued in error, a request for re-inspection can be made by contacting the Fire Prevention Unit at (718) 999-2436. An FDNY inspector will re-inspect the establishment and either dismiss or uphold the violation. Owners will be billed \$210 an hour for all re-inspections. If the violation is dismissed, the re-inspection fee will be dismissed as well.

What if I have multiple PA spaces in my establishment and one or more fail inspection?

If you have multiple PA spaces within a single establishment and at least one PA space fails the renewal inspection, the violation applies to the entire establishment. If the PA expires before the violation is corrected, you may receive a violation for “Operating Without a Valid Permit” for using any of the PA spaces.

Did You Know?

If the establishment passed inspection but the applicant does not pay the bill, the renewal PA will not be issued and the establishment may receive a summons for “Operating without a Valid Permit”.

B. Renewal Certificate of Operation Issuance

What happens after I pay the PA renewal inspection bill?

After you pay the bill, and the payment is processed, FDNY will notify DOB to issue a renewal PA and DOB will mail it to the establishment's owner of record. As with the initial PA, the renewal PA must be framed and posted in a location that is visible to people entering the establishment. Renewal PAs are not available on BIS.

How long is the renewal PA Certificate of Operation valid?

Because the first renewal PA you will receive is pro-rated, the expiration date will vary. After the first renewal, each subsequent PA is valid for one year.

THE CITY OF NEW YORK • DEPARTMENT OF BUILDINGS

**PLACE OF ASSEMBLY
CERTIFICATE OF OPERATION**

ISSUED TO: _____
ADDRESS: _____ ZIP: _____

Permission is hereby granted to occupy premises as a PLACE OF ASSEMBLY.

OCCUPANCY	STORY	NO. OF PERSONS

This certificate is subject to the strict observance of the laws, rules and regulations enacted for the protection of the public, in so far as they are applicable to this place of assembly, and continues in force for the period specified, unless sooner suspended or revoked. Approval stamp must be available on-site for inspection by the Department of Buildings or Fire Department.

SHALL BE FRAMED AND MOUNTED IN A LOCATION THAT IS CONSPICUOUSLY VISIBLE TO A PERSON ENTERING THE ESTABLISHMENT PER NYC ADMINISTRATIVE CODE 248-117.1.1

OP-68 (7/05)

*Renewal PA Certificate of
Operation*

4. Change of Ownership or Establishment Name

The name of my establishment owner or lessee has changed. Do I need to do anything with my PA?

If the name of your establishment changes, or if the owner's mailing address changes, you must inform DOB as soon as possible.

If the only change being made is the name of the establishment, owner, or lessee, you can submit the changes on the PA1 form by checking off "Change to Owner/Lessee/Name of Establishment" at the top of the form. The applicant does not need to be a PE/RA when submitting a PA1 for purposes of a name or address change.

Note: If your PA is a pre-BIS permit, you must complete and submit an OP45 Form (Affidavit for Place of Assembly) to the DOB Borough Office Construction Unit instead of the PA1. No PE/RA seal is required. Pre-BIS permits were issued prior to the implementation of BIS, which varies by borough (from 1989 to 1991). You can identify a pre-BIS PA Certificate of Operation if the job number is alphanumeric and sequentially numbered by calendar year (i.e. NB 28/88, Alt 107/75).

If any other changes are being made, including layout or physical alteration, a full amendment is required. See page 13 for more information on Post Approval Amendments.

5. Agency Contact Information

Department of Buildings

www.nyc.gov/buildings

Borough Office Construction Units:

Manhattan

280 Broadway, 3rd Fl.
New York, NY 10007
(212) 566-5232

(718) 802-3685

Queens

120-55 Queens Blvd.
Kew Gardens, NY 11424
(718) 286-0610

Bronx

1932 Arthur Ave., 5th Fl.
Bronx, NY 10457
(718) 579-6905

Staten Island

10 Richmond Terrace,
Borough Hall, 2nd Fl.
Staten Island, NY 10301
(718) 816-2209

Brooklyn

210 Joralemon Street, 8th Fl.
Brooklyn, NY 11201

Fire Department of New York

www.nyc.gov/fdny

Bureau of Fire Prevention


9 MetroTech Center, 1st Floor
Brooklyn, New York 11201
(718) 999-2466

Enforcement Unit

9 MetroTech Center, 1st Floor (Entrance on Flatbush Avenue)
Brooklyn, New York 11201
(718) 999-1378

New York City Government Information

3-1-1 (from within the City)
(212) NEW-YORK (from outside of the City)
(212) 639 - 9675

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