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May 27, 2015

Mayor Joseph R Fusco, Jr.
Members of the Common Council
City of Rome
198 North Washington Street
Rome, New York 13440

Report Number: S9-14-48

Dear Mayor Fusco and Members of the Common Council:

The Office of the State Comptroller works to help city officials manage their resources efficiently and effectively and, by so doing, provide accountability for tax dollars spent to support city operations. The Comptroller oversees the fiscal affairs of local governments statewide, as well as compliance with relevant statutes and observance of good business practices. This fiscal oversight is accomplished, in part, through our audits, which identify opportunities for improving operations and City Council governance. Audits also can identify strategies to reduce costs and to strengthen controls intended to safeguard assets.

In accordance with these goals, we conducted an audit of 10 municipalities (seven cities and three villages) throughout New York State. The objective of our audit was to determine if the use of municipal resources resulted in an effective enforcement of the Fire Code¹ (i.e., fire safety of buildings). We included the City of Rome (City) in this audit. Within the scope of this audit, we examined the City's process for evaluating fire safety plans and procedures for the period January 1 through December 31, 2013. Following is a report of our audit of the City. This audit was conducted pursuant to Article V, Section 1 of the State Constitution and the State Comptroller's authority as set forth in Article 3 of the General Municipal Law.

This report of examination letter contains our findings and recommendations specific to the City. We discussed the findings and recommendations with City officials and considered their comments, which appear in Appendix A, in preparing this report. City officials agreed with our recommendations and indicated they plan to or have taken corrective action. At the completion of our audit of the 10 municipalities, we prepared a global report that summarizes the significant issues we identified at all the municipalities audited.

¹ 2010 Fire Code of New York State

Summary of Findings

We found that the City could improve its controls for evaluating fire safety plans and evacuation plans and confirming evacuation drills are performed for buildings in its jurisdiction. While officials said they review fire safety plans and evacuation plans as required, we found the reviews did not always identify plan deficiencies. We also found the City does not consistently document the reviews it performs. No documentation was available to support the plans were approved, and limited documentation was available to support that the City confirms whether evacuation drills are conducted as required.

We visited 16 buildings to obtain and review available fire safety plans, evacuation plans and evacuation drill logs to confirm that they were complete and in conformance with the 2010 Fire Code of New York State (Fire Code). We found that 11, or 69 percent, of the fire safety plans, and four of the evacuation plans we reviewed did not comply with the Fire Code. While the City had documentation to support that it confirmed five buildings conducted the required number of evacuation drills, we found that eight of the buildings we visited did not conduct evacuation drills as required.

Background and Methodology

The City has a population of approximately 33,700 residents and is governed by an eight-member Common Council (Council) comprised of a president and seven council members. The City's 2013 budget totaled \$31.6 million and includes the City Fire Department's budget of \$1.1 million and the Office of Inspectors' budget of \$75,750. The Fire Department and Office of Inspectors (Departments)² are responsible for monitoring fire safety for 1,195 buildings located in the City.

The Fire Chief and the Chief Codes Officer oversee the general management of the Departments and Fire Code³ enforcement. In an effort to monitor fire safety within the City, the City budget includes funding for the Departments that are responsible for reviewing and approving fire safety plans (fire plan) and evacuation plans, as well as verifying the number of evacuation drills (drills) exercised at the buildings within its jurisdiction.

The Fire Code⁴ establishes the minimum requirements for providing a reasonable level of life safety and property protection from the hazards of fire, explosion, or dangerous conditions in new and existing buildings, structures and premises. It also provides safety to fire fighters and emergency responders during emergency operations.

The Fire Code requires both an approved fire plan and an evacuation plan to be prepared and maintained for most buildings. The plans must be reviewed or updated at least once a year or as necessitated by changes in staff assignments, occupancy or building layout. The plans must be

² The Department of Inspectors is responsible for inspecting assemblies, businesses and multiple dwellings. The Fire Department is responsible for conducting inspections at the City's critical importance buildings, such as hospitals, nursing homes, City buildings and industrial motor vehicle buildings.

³ The 2010 Fire Code of New York State is the most up-to-date version available (see also 19 NYCRR 1225.1 [c] which amends section 610 of the Fire Code). The Fire Code is part of the New York State Uniform Fire Prevention and Building Code.

⁴ 2010 Fire Code of New York State Chapter 1 Section 101.3

available in the workplace for reference and review by employees, and copies must be provided to the code enforcement official upon request.

The Executive Law⁵ and New York State Codes, Rules and Regulations (NYCRR)⁶ generally provide that cities, counties, towns and villages are responsible for enforcing the New York State Uniform Fire Prevention and Building Code⁷ (Uniform Code). However, the State Education Department is responsible for Uniform Code enforcement with respect to school districts' and boards of cooperative education services' buildings.

Administration and enforcement of the Uniform Code generally are made through local law, ordinance or other appropriate regulation. However, a local government has the option to decline that responsibility; when this occurs, the responsibility passes to the respective county. Counties are afforded a similar option. If a local government and a county each exercise their option not to enforce the Uniform Code, the statute provides that the Secretary of State shall, directly or by contract, administer and enforce the Uniform Code.

The Uniform Code requires every city, county, town and village charged with enforcing the Uniform Code to maintain a system of records that support its code enforcement activities. Buildings that contain an area of public assembly must be inspected each year, while all other buildings requiring a fire safety and evacuation plan must have a fire safety inspection at least every three years. It also requires local governments to annually submit to the Secretary of State a report of their activities relative to administration and enforcement of the Uniform Code.⁸

We conducted our audit in accordance with generally accepted government auditing standards (GAGAS). Such standards require that we plan and conduct our audit to adequately assess those operations within our audit scope. Further, those standards require that we understand the management controls and those laws, rules and regulations that are relevant to the operations included in our scope. We believe that our audit provides a reasonable basis for the findings, conclusions and recommendations contained in this report. More information on such standards and the methodology used in performing this audit is included in Appendix C of this report.

Audit Results

Fire Safety Plan – Local governments must evaluate compliance with the Fire Code. Therefore, the City must verify that certain buildings in its jurisdiction have a fire plan that complies with the Fire Code. The Fire Code establishes the seven basic requirements each fire plan must contain. For example, the fire plan must include a procedure for reporting a fire or other emergency. The fire plan also must have a list of major fire hazards associated with the normal use and occupancy of the premise, including maintenance and housekeeping procedures. Appendix B details the seven fire plan requirements.

A properly developed fire plan can help ensure that responsible parties notify building occupants of an emergency and that evacuations will occur when necessary. It can also ensure that responsible parties promptly notify the fire department of an emergency and convey relevant information, such as identification of hazardous material. The Departments are responsible for ensuring that each

⁵ Section 381 (2)

⁶ 19 NYCRR Part 1203

⁷ See 19 NYCRR 1225.1

⁸ See 19 NYCRR 1203.4

building requiring a fire plan has one that complies with the Fire Code. Furthermore, the NYCRR requires the City to keep records relating to the fire safety and property maintenance inspections it conducts.

To determine if the Departments review and approve fire plans as required by law, we visited 16 buildings and obtained the fire plans on file. We looked for evidence that the Departments reviewed and approved each fire plan within the NYCRR timeframe. We also reviewed the fire plans for completeness with the Fire Code requirements. We found that while five buildings had a fire plan on file that complied with the Fire Code, a hotel and a preschool did not have a fire plan and nine additional buildings had incomplete fire plans on file. Therefore, 11 of the 16 buildings (69 percent) did not comply with the Fire Code. In addition, City officials said they verbally approve the plans, so we found no evidence that they approved the fire plans as required. The nine buildings with incomplete fire plans comprised one adult daycare facility, two assemblies, one hospital, three hotels and two preschools. The missing fire plan components for each of these buildings are detailed in Figure 1.

Figure 1: Missing Building Fire Safety Plan Component(s)^a

Building	Fire and Emergency Reporting	Life Safety Strategy	Site Plans	Floor Plans	Fire Hazards	Fire Prevention and Control System	Fuel Hazard Sources
Adult Daycare Facility					✓		
Assembly					✓		
Assembly					✓		
Hospital					✓	✓	✓
Hotel		✓	✓	✓	✓	✓	✓
Hotel	✓	✓	✓	✓	✓	✓	✓
Hotel					✓		
Preschool					✓		
Preschool					✓		

^a See Appendix B for the specific fire safety plan requirements.

Although we found written evidence that the Departments reviewed five of the fire plans we examined, four of the five plans did not comply with the Fire Code. Since the Departments verbally approve the fire plans, they do not maintain documentation to support they approved them, as required. Officials said they did not know they are required to document their fire plan approvals.

The Fire Code states it was established, among other things, to ensure the protection of human life and property.⁹ Incomplete fire plans may lead to an increased chance of a loss of life or property damage.

Evacuation Plan – Buildings requiring a fire plan must also maintain an evacuation plan. The Fire Code establishes the eight basic requirements each evacuation plan must contain. For example, an evacuation plan must include emergency egress or escape routes and whether evacuation of the building is to be complete or, where approved, by selected floors or areas only. The evacuation

⁹ 2010 Fire Code of New York State Chapter 1, Section 101.3

plan also must include procedures for accounting for employees and occupants after an evacuation has been completed. Appendix B details the eight evacuation plan requirements. The Departments are also responsible for ensuring that each building requiring an evacuation plan has one that complies with the Fire Code. Furthermore, the NYCRR requires the City to keep records relating to the fire safety and property maintenance inspections it conducts.

To determine if the Departments review and approve evacuation plans as required by law, we also obtained the evacuation plans on file for the 16 buildings previously discussed. We looked for evidence the Departments reviewed and approved each plan within the statutory timeframe. We also reviewed the evacuation plans for completeness with the Fire Code requirements.

We found a hotel and a preschool did not have an evacuation plan on file and two hotels had an incomplete evacuation plan on file. Therefore, four buildings (25 percent) were not compliant with the Fire Code. Both of the hotels with incomplete evacuation plans lacked seven of the eight required components. Specifically the plans lacked:

- Emergency egress or escape routes and whether evacuation of the building is to be complete or, where approved, by selected floors or areas only.
- Procedures for employees who must remain to operate critical equipment before evacuating.
- Procedures for accounting for employees and occupants after evacuation has been completed.
- Identification and assignment of personnel responsible for rescue or emergency medical aid.
- The preferred and any alternative means of notifying occupants of a fire or emergency.
- Identification and assignment of personnel who can be contacted for further information or explanation of duties under the plan.
- A description of the emergency voice or alarm communication system alert tone and preprogrammed voice messages, where provided.

Like the fire plans, while the Departments document their review of the evacuation plans, the Departments did not approve the evacuation plans as required. Again, officials said they did not know they are required to do so. As a result, the City has no assurance that each City building requiring an evacuation plan has one that meets minimum Fire Code requirements. In addition, building occupants may not be prepared to react to an emergency evacuation.

Evacuation Drills – The Fire Code also requires buildings to conduct a specified number of drills each year. Drills help ensure that building occupants are prepared to respond to an emergency evacuation and the drills can identify improvement opportunities. The number of drills required is based on how a building is used. For example, a private school is required to conduct 12 drills each year while an office building must conduct two. Appendix B details the building types and drill requirements. The City must verify that the required number of drills are being conducted each year and the Departments are responsible for verifying that the drills have been performed.

Furthermore, the NYCRR requires the City to keep records relating to the fire safety and property maintenance inspections it conducts.

We also obtained evidence to determine whether the required drills were conducted annually at the 16 buildings previously discussed. We found that in calendar year 2013, eight buildings (50 percent) did not conduct the required number of drills. The eight deficient buildings included four hotels, two preschools, a senior center and a skilled living center. Figure 2 compares the drill requirements to the number of drills the building owners performed.

Figure 2: Fire Code Evacuation Drill Requirements Compared to Drills Performed			
Building Type	Annual Evacuation Drill Requirement^a	Drills performed	Variance
Hotel	12	0	(12)
Hotel	12	0	(12)
Hotel	12	2	(10)
Hotel	12	0	(12)
Preschool	12	1	(11)
Preschool	12	0	(12)
Senior Center	4	1	(3)
Skilled Living Center	12	8	(4)
^a See Appendix B			

We found that the Departments confirmed that the required number of drills were conducted at four of the 16 buildings we visited. They also reviewed the Senior Center’s drill log but, as noted above, the building did not conduct the required number of drills. The Departments do not maintain documentation to support these reviews. Officials said they did not know they should maintain such records. As a result, the City has no assurance that drills are being performed at each building as required. When the required number of drills are not performed, building occupants are likely less prepared to conduct an emergency evacuation, which could affect an evacuation outcome.

Uniform Code Administration and Enforcement Report – The NYCRR¹⁰ requires every local government charged with administration and enforcement of the Uniform Code to annually submit to the Secretary of State a report of its activities relative to administration and enforcement of the Uniform Code (report). City officials assigned the responsibility of filing the report with the Department of State (DOS) to the Department of Inspectors. The Department of Inspectors filed the 2013 report with the DOS. Therefore, the City complied with the NYCRR reporting requirement.

¹⁰ 19 NYCRR 1203.4.

Recommendations

The Departments should:

1. Keep documented evidence detailing when fire plans and evacuation plans were reviewed and approved.
2. Determine whether the required number of drills are conducted in accordance with the Fire Code and maintain documented evidence of these reviews.
3. Ensure that buildings requiring a fire plan and evacuation plan have plans that meet the minimum Fire Code requirements.

The Council has the responsibility to initiate corrective action. A written corrective action plan (CAP) that addresses the findings and recommendations in this report should be prepared and forwarded to our office within 90 days, pursuant to Section 35 of the General Municipal Law. For more information on preparing and filing your CAP, please refer to our brochure, *Responding to an OSC Audit Report*, which you received with the draft audit report. The Council should make the CAP available for public review in the Clerk's office.

We thank City officials and staff for the courtesies and cooperation extended to our auditors during this audit.

Sincerely,

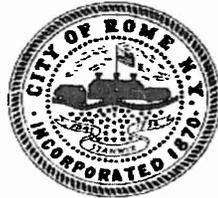
Gabriel F. Deyo
Deputy Comptroller

APPENDIX A

RESPONSE FROM CITY OFFICIALS

The City officials' response to this audit can be found on the following pages.

JOSEPH R. FUSCO JR.
Mayor



MARK DOMENICO
Director

DEPARTMENT OF CODE ENFORCEMENT

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December 4, 2014

Ann C. Singer, Chief Examiner
State Office Building, Suite 1702
44 Hawley Street
Binghamton, New York 13901-4417

Re: Response from City Officials to an OSC Audit Report Number S9-14-48

Dear Ann C. Singer, Chief Examiner,

The City of Rome is in receipt of the Draft Audit dated November 19, 2014. We understand that the NYS Uniform Building Code, more specifically 19 NYCRR Part 1203, requires all municipalities in NYS to develop a program to ensure ongoing Fire Safety and Property Maintenance (FSPM) inspections of all buildings in their jurisdiction excluding one and two family dwelling units.

Background

In 2007, the City of Rome began the development and implementation of a FSPM program. The strategy was to utilize both the Rome Fire Department and Rome Office of Inspections personnel to identify the building components subject to post occupancy testing, educate the general public, conduct inspections, and maintain records. Prior to 2007 and the adoption of 19 NYCRR Part 1203 unfunded mandate, the City of Rome administered a substantially incomplete FSPM program.

While we believe that the structure of the current FSPM program is sound, we do concede that there is an additional level of specificity that shall be obtained from the property owner. While this specific audit was limited to a very narrow slice of the overall FSPM program, since 2007 our current FSPM program has provided current building's owners with a range of safety compliance checks that include but are not limited to;

- Fire Alarm and Control certification reports
- Smoke and Carbon Monoxide appliance verification
- Automatic Sprinkler Certification reports
- Elevator Inspections
- Identification of electrical hazards
- Portable Fire Extinguisher testing verification
- Kitchen Hood Suppression testing verification
- Review and approval of Fire Safety and Evacuation Plans required by other “Primary” Agencies.

In our opinion, one of the largest obstacles concerning the development and ongoing administration of this program is the inability to retrieve specific property information in a format that can be organized and aligned with various requirements found in the Uniform Building Code. In the City of Rome, the Assessor’s Office is the primary keeper of property data as it relates to a building use, classification, height/stories, equipment, and building size. All of the existing building inventory found in the Assessor’s record will have assigned a property classification code which will identify the building use. The NYS Office of Real Property Tax Services has provided municipalities with a standard series of numbers to identify a buildings use and occupancy. The general series numbers are listed below;

Category Description

- 100 series -Agricultural - Property used for the production of crops or livestock.
- 200 series -Residential - Property used for human habitation. Living accommodations such as hotels, motels, and apartments are in the Commercial category - 400.
- 300 series - Vacant Land - Property that is not in use, is in temporary use, or lacks permanent improvement.
- 400 series - Commercial - Property used for the sale of goods and/or services.
- 500 series - Recreation& Entertainment - Property used by groups for recreation, amusement, or entertainment.
- 600 series - Community Services - Property used for the well being of the community.

700 series - Industrial - Property used for the production and fabrication of durable and nondurable man-made goods.

800 series - Public Services - Property used to provide services to the general public.

900 series - Wild, Forested, Conservation Lands & Public Parks - Reforested lands, preserves, and private hunting and fishing clubs.

For an example, a 421 number would indicate that the building is being used as a restaurant. In contrast to this method of property identification, The New York State Department of State classifies the use and occupancy of a building using an alpha numeric system. The alpha numeric numbers are listed below.

1. Assembly Groups A-1, A-2, A-3, A-4 and A-5
2. Business Group B
3. Educational Group E
4. Factory and Industrial Groups F-1 and F-2
5. High Hazard Groups H-1, H-2, H-3, H-4 and H-5
6. Institutional Groups I-1, I-2, I-3 and I-4
7. Mercantile Group M
8. Residential Groups R-1, R-2, R-3 and R-4
9. Storage Groups S-1 and S-2
10. Utility and Miscellaneous Group U

Using the NYSDOS classification system, a restaurant would be an A2 Occupancy Group. In order for a Municipality to determine what types of inspection are required for a specific occupancy group, the Office of Real Property Tax Services classification codes must be converted to one of the Department of State Use and Occupancy classifications.

In 2007, the City of Rome devised a method to attempt this conversion. We established five (5) occupancy categories wherein the entire Office of Real Property inventory was assigned. The categories were defined as follows;

Assembly- 1 year Inspection Cycle. Assigned to the Office of Inspections.

Multiple Dwellings- 3 year inspection cycle- Dormitories- 1 year inspection cycle.
Assigned to the Office of Inspections.

Business- 3 year inspection cycle. Assigned to the Office of Inspections.

Critical Importance- 1 year inspection cycle. Assigned to the Rome Fire Department.

Industrial/Motor Vehicle related- 3 year inspection cycle. Assigned to the Rome Fire Department.

While the required inspection frequency for a building is either a 3 year or a 1 year cycle, the attention to the maintenance of the Fire Safety and Evacuation Plan must be approved annually. In many instances a building is subject to both a 3 year FSPM inspection and a 1 year Fire Safety and Evacuation Plan approval.

The Fire Department and Office of Inspections currently utilize a proprietary software system called Firehouse. This system is used to manage the data relevant to the Fire Safety and Property Maintenance program.

Findings

We are of the opinion that the general lack of coordination between the Department of State and the Office of Real Property Tax Services, as it relates to a common occupancy designation, is placing an undue burden on municipalities to accurately and completely convert building data information into a usable NYSDOS format. Additionally, our attempts to work with the Office of Real Property Services to add additional data fields to their proprietary data program has been determined to be limited and not capable of providing the data organization required to effectively understand the totality of the inspection requirements. Neither the NYSDOS nor the ORPS have provided guidance to municipalities concerning this critical shortcoming.

Given our current building inventory it is common that a building will require an annual Fire Safety and Evacuation Plan along with a three year FSPM inspection. The logistics of managing this inspection frequency schedule is technically complex and is a strain given staffing levels.

Based on a comprehensive review of the Uniform Building Code and the associated items that require a post occupancy inspection at the time of a FSPM inspection, the query data entry fields shall include;

- NYSDOS OCCUPANCY CLASSIFICATION
- OCCUPANCY LOAD AT GRADE LEVEL
- OCCUPANCY LOAD BELOW GRADE LEVEL

- OCCUPANCY LOAD ABOVE GRADE LEVEL
- BUILDING HEIGHT
- TRANSIENT OCCUPANCY
- NON TRANSIENT OCCUPANCY
- EMERGENCY AND STANDBY POWER
- FIRE SAFETY AND EVACUATION PLANS
- FIRE EVACUATION DRILLS
- EMERGENCY AND STANDBY POWER
- FIRE SUPPRESSION SYSTEM
- FIRE ALARM SYSTEM
- PORTABLE FIRE EXTINGUISHERS
- FIRE DEPARTMENT CONNECTIONS
- CARBON MONOXIDE ALARMS
- COMMERCIAL KITCHEN HOODS
- FIRE PUMPS
- EXIT SIGN ILLUMINATION
- AREA OF REFUGE-2 WAY COMMUNICATION
- HORIZONTAL/VERTICAL/ROLLING FIRE DOORS
- ELEVATORS, ESCALATORS AND DUMBWAITERS
- MOTOR FUEL FACILITIES/REPAIR GARAGES EMERGENCY SHUT OFF VALVES
- MOTOR FUEL FACILITIES/REPAIR GARAGES LEAK DETECTORS
- HAZARD COMMUNICATION HAZARDOUS MATERIALS INVENTORY STATEMENT
- HAZARD COMMUNICATION HAZARDOUS MATERIALS MANAGEMENT PLAN
- BOILER INSPECTION

We are of the opinion that the Office of Real Property Tax Services should modify their existing data program to incorporate these fields. Expecting Municipalities to purchase software and licenses to perform both the conversion and data management is an undue financial and technical burden. Concerning our current version of Firehouse software, we have determined that the software is not linked “real time” to the Assessor database and as a result, is at a “high risk” to produce outdated and incomplete inventory records. Additionally, the Firehouse software is incapable of providing the required number of query data entry fields listed above.

Audit Results- Fire Safety Plan

The 2010 NYS Fire Code, Chapter 4, Emergency Planning and Preparedness, states the following;

NYSFC401.2 Approval. Where required by this code, fire safety plans, emergency procedures, and employee training programs shall be approved by the code enforcement official.

NYSFC404.4 Maintenance. Fire safety and evacuation plans shall be reviewed or updated annually or as necessitated by changes in staff assignments, occupancy, or the physical arrangement of the building.

NYSFC404.5 Availability. Fire safety and evacuation plans shall be available in the workplace for reference and review by employees, and copies shall be furnished to the code enforcement official for review upon request.

The Audit results (page 4, paragraph 3) indicate that during the course of a site inspection, the City Inspectors did verbally approve the Fire Safety Plans, however, did not document the approval of the plans. The audit indicates this method of approval as a non-compliant action. Although the Code language listed in FC405 above **does not** specifically indicate a material form of approval, the City will now indicate, either on the plan or in the inspection report, that the plan is “approved” with an approval date. We recommend that the Department of State consider revising the Code language found in section FC405 to better define the Fire Safety Plan condition of approval.

We concur with the results indicating the missing NYSDOS Fire Safety Plan Components. Where other State agencies had oversight in the licensing and operation of the facility, we deferred to the Fire Safety and Evacuation requirements imposed on the facility by that Authority.

Audit Results- Fire Evacuation Plan

The Audit results (page 5, paragraph 4) indicate that the Departments did verbally approve the Fire Evacuation Plans, however, did not document the approval of the plans. Although the Code language listed in FC405 above does not specifically indicate a material form of approval, the Departments will now indicate, either on the plan or in the inspection report, that the plan is “approved” with an approval date. We recommend that the Department of State consider revising the Code language found in section FC405 to better define the Fire Evacuation Plan condition of approval.

We concur with the results indicating the missing NYSDOS Fire Evacuation Plan Components. Where other State agencies had oversight in the licensing and operation of the facility, we deferred to the Fire Safety and Evacuation requirements imposed on the facility by that Authority.

Audit Results- Evacuation Drills

We concur with the NYSDOS Evacuation Drill results. Where other State agencies had oversight in the licensing and operation of the facility, we deferred to the Fire Safety and Evacuation requirements imposed on the facility by that Authority.

Summary

Based on the findings of the Audit, the City has begun a review of the existing building inventory in the Occupancy Classifications R1- transient boarding house/transient hotels and motels, R3- bed and breakfast dwellings, R4- senior citizen housing, I-1 assisted living facilities, I-2- hospitals and nursing homes, I-4 -day care facilities and High-rise buildings (buildings over 75' in height). The list of property locations and owner contact information has been identified and inspection times are currently being scheduled. On-site inspections had begun in the first week of December 2014. For those properties found to be in non-compliance with the requirements found in NYSFC 401, the City will establish timeframes wherein the material shall be presented, reviewed and approved.

The City of Rome strongly encourages the Department of State to consider a law modification which would exempt certain occupancy groups from the requirements found in Chapter 4 of the NYS Fire Code. In our opinion, this exemption should be given to certain occupancy groups wherein other State agencies such as the NYS Department of Health and the NYS Office of Child and Family Services also have jurisdiction over the building activity and license the operational activity of the facility. In the opinion of most building administrators, these agencies are considered "Primary Agencies" because they control the operating licenses of the business. We have found that these other agencies require a building administrator to produce a near similar fire safety plan and evacuation plan. We have found in all cases that there exist differences between the NYSDOS requirements and other agency requirements. In our meetings with Nursing Home Administrators, Child Day Care Administrators and Hospital Administrators, they were concerned that when comparing the formatting of requested information between the Department of State and other agencies, the difference will ultimately result in the creation of two fire safety and evacuation manuals. More specifically, items such as the specific content of what needs to be recorded and the evacuation participant/frequency varies from subtly to greatly between the different agencies. We are of the opinion that in the event of an emergency situation, a non-common dual emergency response protocol could produce negative consequences. We also believe that requesting a building owner to compare all of the differing multi agency requirements, identify the common and non-common requirements and develop a singular plan is also not practical. It would be considered an undue burden on both the building owners as well as the field Inspectors tasked to verify the specific requirements of Chapter 4 of the NYS Fire Code.

Since the inception of the Part 1203 Inspection program in 2007, and in an attempt to avoid the creation of two near similar manuals, the Rome Fire Department and Office of Inspection personnel has routinely field verified and approved the Fire Safety/Evacuation Plan and Fire Drills that were a product of the facility administrator response to a Primary Agencies requirements. According to the audit, this is considered to be in non-compliance with the requirements found in Chapter 4. We believe that in instances where a Primary Agency is involved, the level of Fire Safety afforded to the occupants of a building is equal to the level of Fire Safety found in the Department of State Part 1203 requirements.

Respectfully Submitted,

Mark Domenico, R.A.
Chief Code Enforcement Officer
City of Rome, New York

Chief Ronald Brement
Rome Fire Department
City of Rome, New York

APPENDIX B

Fire Safety Plans, Fire Evacuation Plans and Emergency Evacuation Drills¹¹

Fire Safety Plans Must Include:

1. The procedure for reporting a fire or other emergency.
2. The life safety strategy and procedures for notifying, relocating or evacuating occupants.
3. Site plans indicating the following:
 - 3.1 The occupancy assembly point.
 - 3.2 The location of fire hydrants.
 - 3.3 The normal routes of fire department vehicle access.
4. Floor plans identifying the locations of the following:
 - 4.1 Exits.
 - 4.2 Primary evacuation routes.
 - 4.3 Secondary evacuation routes.
 - 4.4 Accessible egress routes.
 - 4.5 Areas of refuge.
 - 4.6 Manual fire alarm boxes.
 - 4.7 Portable fire extinguishers.
 - 4.8. Occupant-use hose stations.
 - 4.9 Fire alarm annunciators and controls.
5. A list of major fire hazards associated with the normal use and occupancy of the premises, including maintenance and housekeeping procedures.
6. Identification and assignment of personnel responsible for maintenance of systems and equipment installed to prevent or control fires.
7. Identification and assignment of personnel responsible for maintenance, housekeeping and controlling fuel hazard sources.

¹¹ We obtained the requirements for the Fire Safety Plans, Fire Evacuation Plans and Emergency Evacuation Drills from the 2010 Fire Code of New York State.

Fire Evacuation Plans Must Include:

1. Emergency egress or escape routes and whether evacuation of the building is to be complete or, where approved, by selected floors or areas only.
2. Procedures for employees who must remain to operate critical equipment before evacuating.
3. Procedures for accounting for employees and occupants after evacuation has been completed.
4. Identification and assignment of personnel responsible for rescue or emergency medical aid.
5. The preferred and any alternative means of notifying occupants of a fire or emergency.
6. The preferred and any alternative means of reporting fires and other emergencies to the fire department or designated emergency response organization.
7. Identification and assignment of personnel who can be contacted for further information or explanation of duties under the plan.
8. A description of the emergency voice/alarm communication system alert tone and preprogrammed voice messages, where provided.

Fire and Evacuation Drill Frequency and Participation Requirements:

Figure 3: Fire and Evacuation Drill Frequency and Participation Requirements		
Group or Occupancy	Frequency	Participation
Group A	Quarterly	Employees
Group A ^a	Three Annually	All occupants
Group B ^b	Two Annually	All occupants
Group B ^a	Three Annually	All occupants
Group E	Monthly ^c	All occupants
Group I	Quarterly on each shift	Employees ^d
Group R-1	Quarterly on each shift	Employees
Group R-2 ^a	Four Annually	All Occupants
Group R-4	Quarterly on each shift	Employees ^d
High-rise buildings	Annually	Employees
^a Applicable to college and university buildings in accordance with Fire Code Section 408.3. ^b Group B buildings having an occupant load of 500 or more persons, or more than 100 persons above or below the lowest level of exit discharge. ^c The frequency shall be allowed to be modified in accordance with Fire Code Section 408.3.2. ^d Fire and evacuation drills in residential care assisted living facilities shall include complete evacuation of the premises in accordance with Fire Code Section 408.10.5. Where occupants receive habilitation or rehabilitation training, fire prevention and fire safety practices shall be included as part of the training program.		

Definitions of Each Group or Occupancy From the 2010 Fire Code of New York State With Examples:

Group A: Assembly Group A occupancy includes, among others, the use of a building for the gathering of persons for purposes such as civic, social or religious functions; recreation, food or drink consumption; or awaiting transportation. Examples include movie theatres, restaurants and arenas.

Group B: Business Group B occupancy includes, among others, the use of a building for office, professional or service-type transactions, including storage of records and accounts. Examples include banks, civic administration and outpatient clinics.

Group E: Educational Group E occupancy includes, among others, the use of a building by six or more people at any one time for educational purposes through the 12th grade. This group also includes day cares with more than five children who are older than two-and-a-half years of age.

Group I: Institutional Group I occupancy includes, among others, the use of a building in which people are cared for or living in a supervised environment. Such occupants have physical limitations because of health or age; are harbored for medical treatment or other care or treatment; or are detained for penal or correctional purposes or other purposes or in which the liberty is restricted. Examples include hospitals, nursing homes and jails.

Group R: Residential Group R includes, among others, the use of a building for sleeping purposes.

R-1: Residential occupancies containing sleeping units where the occupants are primarily transient in nature, including boarding houses (transient), hotels (transient) and motels (transient).

R-2: Residential occupancies containing sleeping units or more than two dwelling units where the occupants are primarily permanent in nature, including apartment houses, boarding houses (nontransient), convents, dormitories, fraternities and sororities, hotels (nontransient), monasteries, motels (nontransient) and vacation timeshare properties.

R-4: Residential occupancies shall include buildings arranged for occupancy as residential care/assisted living facilities including more than five but not more than 16 occupants, excluding staff.

APPENDIX C

AUDIT METHODOLOGY AND STANDARDS

To complete our objective, we interviewed City and Department officials and reviewed procedures used to monitor drill logs, fire safety plans and evacuation plans to determine whether the City is effectively enforcing the Fire Code. We also reviewed the City's policies and procedures for approving/reviewing fire safety and evacuation plans.

We selected a judgmental sample of 16 buildings for the audit period by selecting buildings that are occupied by children or elderly individuals or which have a high number of daily occupants or visitors. We obtained and reviewed each building's fire plan, evacuation plan and drill logs. We compared each building's fire safety and evacuation plan to the Fire Code to determine if the plans contained all required components. We also examined each plan to determine if the Department reviewed and approved each plan. In addition, we compared the number of drills each building owner conducted to the Fire Code to confirm whether the building owner conducted the required number of drills. We also interviewed officials to learn if they filed a report of the City's activities relative to the administration and enforcement of the Uniform Code.

We conducted this performance audit in accordance with GAGAS. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.