



## Attestation for Expedited Use of LPG-Fueled Portable Space Heaters

The Mayor's Emergency Executive Order No. 153 ("EO 153") authorizes restaurants, bars and other establishments participating in the Open Restaurants program to utilize temporary outdoor heaters in their outdoor dining areas. Among the types of heaters that may be used are portable space heaters fueled by propane (LPG). EO 153 authorizes heaters fueled by 20-pound and one-pound (16.4 oz) propane containers, and there are restrictions regarding where each may be used:

1. No propane heater of any size may be used or stored on a street or roadway, even if the street has been closed to vehicle traffic under the Open Streets initiative.
2. Heaters using 20-pound propane containers are not authorized for use in areas that would require a 20-pound container of propane to be moved/transported through any portion of a building to be connected to a heater. For example, outdoor dining areas in rear courtyards that are accessible only through a building are not allowed to have a 20-pound propane heater. Similarly, 20-pound containers are not allowed on rooftops, terraces, or balconies. In these places, the use of portable space heaters with one-pound propane containers is allowed.

As described in the Fire Department's guidance for [Comfort Heating for Restaurant Patrons in Outdoor Dining Areas](#) ("the FDNY guidance"), you must have a permit issued by FDNY for propane heaters of any size. If you will have more than 46 pounds of propane you are also required to have a permit for the propane. In other words, if you will have more than two 20-pound containers of propane, or more than 45 one-pound containers, you must have a permit to use and handle them.

This attestation has been created to expedite how quickly you may begin using propane-fueled portable space heaters for comfort heating of patrons. This attestation should be completed only by restaurants, bars and other food service establishments authorized by EO 153 to use certain portable propane-fueled space heaters, subject to the additional restrictions in the FDNY [guidance](#). This includes participants in the Open Restaurants program, as well food service establishments operating outdoor dining areas in privately-owned outdoor spaces (such as front yards, side yards, rear yards or courtyards, private parking lots, balconies, terraces, or open-air rooftop space). No one else is authorized to use temporary outdoor heaters for space heating. If you wish to enroll in the Open Restaurants program, [click here](#).

When you submit this attestation, the Fire Department will deem it to be your application for the appropriate permits to: (1) use/handle more than 46 pounds of propane, if applicable; and (2) use a propane-fueled portable space heater.

**You are not authorized to store 20-pound propane containers for comfort heating at your premises in any quantity unless you receive specific approval from the Fire Department by filing [here](#).** Similarly, if you want to store one-pound propane containers, you must apply [here](#) if you intend to store more than 45 such containers. A permit is not required to store 45 or fewer one-pound containers, and the rules for storage of one-pound containers are as follows:

- a. Total quantities of one-pound propane containers at the premises, including containers in use and/or storage for space heating or other authorized purposes (such as food warming, browning, temporary exhibitions or demonstrations), shall be no more than 45 one-pound containers; **and**
- b. Durable signage shall be provide indicating "No Smoking" and "LPG Storage;" **and**



## Bureau of Fire Prevention

- c. When outdoor storage (not on sidewalks or roadway) is available at the premises, one-pound containers shall be stored outdoors at least ten feet from any heat source and from any building/structure openings (including doors, windows and vents), and shall be stored in a secured area or a locked metal cabinet, **or**
- d. If outdoor storage is not available, one-pound propane containers shall be stored above grade in a metal cabinet, in an area protected by a sprinkler system. Such a cabinet shall be installed away from sources of heat.

### Instructions for Completing Attestation

Click [here](#) to download/save the attestation to your desktop or mobile device that supports Adobe Acrobat. Prepare, sign and submit the attestation via email to the Fire Department. Be sure to include the site plan described in the FDNY [guidance](#), demonstrating the specific location(s) of propane-fueled heaters and how their placement complies with the minimum clearances (distance requirements) described in Items numbered 18, 19 and 20 of the FDNY [guidance](#). The site plan may be hand drawn and does not need to be prepared by an architect, engineer or other qualified person.

[Click here to complete and submit the Attestation](#)