

HAPPY LAND FIRE: HAVE WE LEARNED THE LESSONS?

BY THOMAS P. MULLIGAN

THE HAPPY LAND SOCIAL CLUB FIRE OCCURRED IN New York City on March 25, 1990. The gasoline-fueled, fast-moving fire killed 87 within two minutes and injured 28. The fire was determined to be arson, set by a man who wanted revenge for having been turned away from the club. This fire lasted approximately five minutes, yet it had a profound effect on the emergency workers, the community, and the city:

- Firefighters, police officers, and EMS personnel lost their confidence in the belief that if they got to the emergency scene in a timely manner and performed their job properly, no matter what the circumstances, the result would be success.

- The community realized that it was not immune to disasters and that community members must take responsibility for their own survival with regard to the places they frequent.

- As for the city, once again, it formed a commission to look at the problem, make recommendations, and fix the problem temporarily—short-term solutions to long-term problems.

This Happy Land Social Club fire raised many issues relative to the legality of the club's presence, fire safety inspections and violations, and lack of follow-up and enforcement by the fire department and other city agencies involved.

It raised an even more important question, however: Has anything been learned from this fire so that we can prevent another similar tragedy?

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To resolve problems, we first have to know what the problems and the circumstances that create them are. Let's look at some of the circumstances surrounding the Happy Land Social Club fire.

CULTURAL CONSIDERATIONS

The population of the East Tremont section of the Bronx, where the structure housing the Happy Land Club was located, is made up of members of various cultures and mores. Many of these residents are Hispanic and African immigrants with low incomes.

THE HAPPY LAND SOCIAL CLUB PROBLEM DEVELOPED OVER A LONG PERIOD OF TIME, SPANNING THE TENURES OF THREE MAYORS, NUMEROUS POLICE AND FIRE COMMISSIONERS, AND DOZENS OF AGENCIES.

The Honduran community of East Tremont at the time of the Happy Land fire was not particularly large, but its members knew each other and looked out for each other. Immigrants who lacked proper documentation to avoid deportation kept a low profile. Their family members would take on the same fears and the demeanor of the illegal immigrant and would refuse to talk to police or regulatory agencies for fear that their loved ones would be found out. This fear and the need to belong ushered these new Americans to the small building housing the Happy Land Social Club, where they would find social interaction and information from home and could enjoy a few drinks and have a good time.

If the club happened to lack a proper license, a working sprinkler, and proper egress and occasionally ran afoul of the authorities, that was hardly unusual to people whose own documents were not always in order.

BUILDING CODES AND VIOLATIONS

- The building housing the Happy Land Social Club at 1955-61 Southern Boulevard (a.k.a. 869-79 East Tremont Avenue) was built in 1921. It was listed in the records under seven different addresses

because the building interconnects and fronts on two separate streets. Commercial occupancies fronted on Tremont Avenue. The space occupied by Happy Land had been previously used as a retail store.

- Buildings constructed prior to 1938 were not required to have a certificate of occupancy. The owner of this building was cited for many other violations, including the illegal addition of a second floor that was added sometime after 1961: There was no building permit or approval of the appropriate agencies. The building was a one-story structure in 1961 but showed up as a two-story building in 1971.

- The landlord of record was required to install a below-grade automatic wet sprinkler system because of the numerous multiple-alarm fires that occurred in the building before 1961. The sprinkler

was installed in 1966. The sprinkler system was unserviceable in 1971. It was not until 1980 that the landlord addressed this issue in a letter.

- In 1981, the building was inspected and its owner was issued multiple violation orders. It was determined that it lacked nearly every permit and license required and that it was operating as a social club on the second floor.

The building was 22 feet wide by 58 feet long, and the only two exits were side-by-side, 10 feet apart, at the front of the building on the first floor. The fire was started on the first floor in front of the left-side door and quickly spread to the adjoining doorway.

A steel door at the rear was welded shut, and a first-floor window that had 3/4-inch steel bars on the inside was covered by concrete block. There was no glass to vent in the door or window, and only concrete block was in the window frame.

Consumer Affairs and the Buildings Department were informed of the illegal operation of the social club and bar and of the lack of permits.

Fire Department of New York (FDNY) field units subsequently inspected the club annually. "No access" entries were noted on the building record folder for 1981 and 1982.

A timeline of FDNY, police department, and Buildings Department actions shows that each department inspected and visited the building, but there was no coordination or communication between these agencies.

In 1988, FDNY field units inspected the building and found no certificate of occupancy was suspected. A series of surveillance inspections was instituted to determine if the building was in operation.

Without the certificate of occupancy, proper occupancy cannot be determined; field units must then refer the matter to the Buildings Department, which is to determine if the building is being operated within its occupancy restraints. In all the years I was in Tower Ladder 58, near the Happy Land club, I can't recall ever having seen this club operating or seeing any indication that this building was occupied. The Happy Land Social Club was open only on weekends, did not allow patrons to loiter in front of the building, put its garbage out on East Tremont Avenue (with the commercial occupancies' garbage), and had all openings blocked and soundproofed.

In November 1988, the Buildings Department inspected the building. The following violations were cited: no place of public assembly (PPA) permit, lack of egress, no exit signs, operating as a social club without a permit, lack of emergency lighting, no interior fire alarm, and lack of serviceable sprinklers. Violation orders were issued.

The Buildings Department did not order surveillance, but FDNY field units instituted

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it as a result of the violation orders issued by the Buildings Department.

- The Social Club Task Force was created in 1988. Its members were police department personnel who were to deal exclusively with nuisance noise and street crime complaints originating from social clubs and cabarets. The team focused on criminal, drug, and social behaviors and left the structural and fire hazard aspects of the inspection untouched. Club owners, consequently, focused on the behavioral and criminal aspects of their customers' behavior and paid no attention to life safety, fire safety, or egress requirements.

SOCIAL CLUB VS. CABARET

Under New York City building codes, social clubs are required to have certain appliances, permits, and exits to operate legally under the law. A building operating as a social club with a capacity of fewer than 75 people needs a liquor license from the State Liquor Authority and emergency lighting. A social club with a capacity of more than 75 people is required to have a Buildings Department PPA permit, proper egress, and emergency lighting.

The stricter, more inclusive, requirements for a cabaret led many club owners to misrepresent the nature of the area on the licensing application. A cabaret requires all permits and all life safety appliances required for licensed PPAs and represents the highest level of safety for the public. Less stringent Buildings Department and FDNY guidelines with regard to life safety were generally waived for social clubs. Under licensed PPA guidelines, social clubs are not even listed for referencing requirements and as such represent a very gray area in the field of building and fire safety.

For the manner in which the Happy Land Club was operating, it should have had at the very least a consumer affairs license, emergency lighting, one exit on the first floor, two exits on the second floor, and a fire extinguisher on each floor. At the time of the Happy Land fire, 93 people were in the club, and it did not meet any of the safety requirements of a PPA.

AGENCIES' ACTIONS AND LACK OF INTERACTION

The three agencies responsible for protecting life and property (police, FDNY, Buildings Department) each instituted inspections at the site of the Happy Land Social Club with varying degrees of success.

The police department, through the Social Club Task Force, visited the site in 1988 to November 1989. In July 1989, police made an arrest for "sale of liquor without a license" but did not have information that the club was under a vacate order and, subsequently, made no effort to close and vacate the club.

The Buildings Department issued a vacate order in 1988 as well as numerous violation orders. Shortly thereafter, a summons was issued to the building owner, which resulted in a bench warrant for his arrest for failure to answer the summons. The Buildings Department handed the warrant over to the police department and the surveillance over to FDNY. It took no further action.

FDNY instituted a surveillance inspection of the premises on December 18, 1988, and performed inspections through August 1989, at which time Fire Prevention notified the field units that inspections were no longer necessary. FDNY took no further action on the advice from Fire Prevention, which believed the Buildings Department

was following up through criminal proceedings against the landlord.

SPRINKLER SYSTEMS

The basement area of the Happy Land Social Club building was sprinklered using a common sprinkler riser from the East Tremont occupancy in 1966. A partial sprinkler system (to protect the storage area on the second floor) was added in 1982.

As one of the first responders to the Happy Land fire, as I opened the roof, I remember hearing sprinklers going off in the room below on the second floor and thinking that meant there would be hope for the possible victims inside.

But the sprinklers on the second floor of this building were run only 10 feet from the rear wall, because this was the former storage

area for the previous retail store occupants. Also, the sprinklers did not activate until late in the fire because they were remote from the fire and were old sprinklers that had not been updated to fast-response sprinklers.

The basement sprinklers did not activate because the fire was on the first floor and never extended to the basement. There were no sprinklers on the first floor, and the only fire extinguisher in the building was clutched in the hand of the manager as he lay dead on the stairs, where he dropped. He never had a chance to pull the pin.

MOVING TOWARD PREVENTION

• *Fire sprinklers.* Fire authorities, fire service organizations, and the property and casualty insurance industry believe that automatic sprinkler systems are the most effective and least expensive fire control weapon.

The installation of sprinklers in retail buildings has consistently been required as a way of addressing property and stock loss, but rarely from the standpoint of life safety. Yet, these retail businesses are being transformed (illegally) into places of public assembly and are using the same sprinkler system, if any, with the old sprinkler heads.

If businesses are going to cater to the public with entertainment, liquor, and dancing, perhaps sprinklers should be viewed as an integral life safety device and not only as a fire suppression or property protection device. This change in perception would create a policy of redesigning sprinkler system heads for life safety when the occupancy changes and require stricter oversight. Life safety would be interlocked with property protection in the sprinkler designer's mind, creating a system that would ensure life safety first and property protection second.

At the Happy Land Social Club, sprinklers were effective where they were supplied and maintained (second floor rear). The victims in the club died of smoke inhalation and carbon monoxide poisoning. Those who were burned received the burns after they died. Had there been a working sprinkler on the first floor, the fire would have been limited in size; fewer gases would have been created, and fewer people would have died.

Often, landlords use the cost of installing the appropriate automatic sprinkler system as an excuse for not providing it. Some building departments and code creators have attempted to serve the interests of both the landlords and the public. The result has been "tradeoffs" in the building code in which certain construction requirements are waived if a sprinkler system is installed.

The sprinkler debate continually finds itself mired in a discussion of costs to the owner vs. life safety and long-term losses.

Clubs similar to the Happy Land Social Club exist throughout many parts of New

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York City. News of their existence is spread by word-of-mouth advertising in small exclusive cultural enclaves, who guard the secret. But the secret has become known, and the body count continues to rise with each new fire that takes place in these firetraps. A total of 119 have died and 86 have been injured in three fires that have occurred in small enclosed social clubs that skirt the fire safety regulations and are not inspected and supervised nearly enough.

All these fires occurred in the Bronx, which has the greatest number of social clubs of the city's boroughs. Each of these fires was set by throwing gasoline on the entrance stairs or at the entrance door, thereby closing off the only means of escape. There would have been a greater chance of survival had these clubs followed the proposed fire safety recommendations and, more importantly, installed sprinklers—complete, updated systems.

- *Train fire department field units.* FDNY field units receive little or no training in recognizing when a sprinkler system should be required or when structural changes should be reviewed by a higher authority. The fire department tells its members it wants to know about these problems, but it doesn't facilitate the transfer and dissemination of information by training its field units in recognizing the hazards. The unwritten message is to maintain the status quo.

Was Happy Land considered a life safety problem prior to the fire? No one can know what was in the minds of the various inspectors, but clearly the Buildings Department and FDNY should have taken a more aggressive role in determining the life safety and fire safety requirements of this occupancy, and the police or fire

marshals should have been used to enforce the vacate orders.

- *Provide incentives for life safety property improvements.* The New York City housing laws restricted the raising of rents or leases within certain periods of time and allowed larger increases only when a landlord made changes such as converting to thermal pane windows or installing a more efficient furnace. If it doesn't fit the criteria for refunds, rebates, or incentives, the improvement will not be done. The building is insured, and the landlord leaves it up to individual leasees and tenants to add systems specific to their businesses. The landlord will collect on the property losses for the damage to the building and its contents, so there is no incentive to pay for updated fire systems. The tenant refuses to install systems that add value to the building and become the property of the landlord when the tenant relocates.

- *Maximize interagency interaction.* Because of a lack of interagency communication, agency-specific language, and a lack of dedicated departments within the agencies, the Happy Land Social Club was never recognized for what it was. The Buildings Department considered it a nuisance because it had an illegal second floor and a lack of exits and lighting. After all, the building wasn't dropping bricks off its walls onto the public or killing pedestrians by having its facade come tumbling down. There are priorities in a city of this size, and a potential problem takes a back seat to a problem that has already occurred.

The police department considered Happy Land a nuisance with its liquor license violations, noise complaints, and minor drug viola-

tions. There were big drug busts that made splashy headlines that were more important to its public relations image.

FDNY recognized the hazards and handed them to the Buildings Department but provided no follow-up to the problems encountered and, as discussed above, did not train its field units to conduct building and fire inspections from the life safety perspective.

- *Computerize fire stations.* Fire stations, not just headquarters, should be computerized so company commanders and Buildings Department coordinators can tap into New York City's Multi Agency Premise Safety (MAPS) program. The program coordinates computer-generated information from various agencies so that timely decisions can be made with regard to enforcement procedures and efforts to reduce hazardous locations can be coordinated.

The Buildings Department should be fully merged with FDNY, preferably into Fire Prevention, to further streamline management and enforcement of building and fire code violations. Within the past year, responsibility for inspections has been transferred from the Buildings Department to FDNY.

- *Public education.* The mayor and the agencies involved need to reach out to the immigrant communities to find solutions to fire safety issues, social clubs, smoke detectors, and even aerosol fogger fires. Fire Prevention should set up a 24-hour 800 number for calling in occupancy hazards.

- *Punish violators.* The fire marshal's office should be given the authority to padlock, enforce vacate orders, and arrest chronic violators.

Landlords who fail to properly supervise their buildings and leases should be pursued: Their real estate should be impounded, and large fines should be imposed. They should be sent to jail for life safety violations.

- *Become proactive.* Fire Prevention policy should be proactive; solutions should be offered from the field before problems crop up.

- *Subdivide large buildings.* Interconnected buildings should be subdivided into smaller, more manageable fire-protected spaces.

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Looking back, it was obvious that the Happy Land Social Club problem developed over a long period of time, spanning the tenures of three mayors, numerous police and fire commissioners, and dozens of agencies. A problem occurs. The mayor establishes a commission and institutes an immediate corrective action that seems all well and good until the media attention subsides.

The fact that three mayors have addressed the problem and it still exists tells you that officials are reacting to stimuli that are not the real problems. An article in *The New York Times* noted that more than 100 of these social clubs are actually located in city-owned buildings. New York City is the landlord responsible for fire safety and building code violations in many of these illegal social clubs. How could the city possibly enforce the building and fire codes on the hundreds of illegal social clubs when it could be accused of perpetuating the same violations in buildings it owns?

And even when the city does catch violators, these landlords simply ignore the summonses, violation citations, and vacate orders. You simply cannot enforce a code or a law if nothing happens when it is not obeyed. The city can't bring violators to court and simply forget about them as the system gets clogged with appeals, postponements, and delays.

Membership on the Social Club Task Force established after the 1988 El Hoyo Social Club fire was expanded from police department personnel after the Happy Land fire to include representatives from FDNY, the Buildings Department, and the Department of Consumer Affairs. Four teams operated from Sunday through Thursday, inspecting and following up on occupancies on computer-generated routes supplied by the New York Police Department Public Morals Division.

Before the expansion of the task force, notifications of violations other than those that fell under the jurisdiction of the police department would sometimes get lost and not be acted on. One reason for this was that the police teams operated on weekends and at night and the Fire Prevention Bureau and the Buildings Department operated during regular business hours. The task force has since been considerably diminished.

On April 1997, the Buildings Department processed an application for permission to use the first floor of the building that once housed the Happy Land Social Club as a retail occupancy. Today, the building is an appliance repair facility. The cycle starts all over again. ■