

FY 2021 Borough Budget Consultations

Manhattan - Department of Buildings

Meeting Date 9/6/2019

AGENDA ITEM 1 : General Agency Funding Discussion

The purpose of holding the Borough Budget Consultations is to provide Community Boards with important information to assist in drafting their statement of District Needs and Budget Priorities for the upcoming fiscal year. As you know, Community Board Members are volunteers who may not be familiar with the budget process and how agencies' programs are funded. At the same time, Community Board members are very knowledgeable about local service needs.

This year's Manhattan agendas have three sections:

I. Agencies begin the consultation with a presentation of their goals, funding decision process, and highlights of their funding needs.

II. Then, the agenda continues with Community Boards asking about specific program funding.

III. Lastly, the agendas include Boards' requests on district-specific budget questions. We request that the agency respond in writing, but have any further discussions on these items with the Community Boards outside of the consultation.

For the first section, please present on the four topics below for 10 minutes at the beginning of our Consultation. Also, please provide written responses or even a PowerPoint presentation that we can use to fully and accurately educate our Board Members.

1. What are your priorities and operational goals for FY20 and projected priorities and operational goals for FY21?
2. What are the current proposed FY20 and FY21 service and operational goals and proposed funding?
3. Which programs is the agency adding, dropping, or changing for FY20 and projected for FY21?
4. What are your benchmarks for new and existing programs and what are your benchmarks/key performance indicators for measuring success?

AGENCY RESPONSE:

The FY20 adopted plan provides for a total budget of \$208.5 million for FY20 and \$198.5 million for FY21. Broadly speaking, the Department's priorities and goals include continuing the build-out of DOB NOW, our online filing system that shortens wait times and affords increased transparency and convenience for the filing community and public. Implementation of Local Law 196, which when implemented will require construction safety training for many thousands of construction workers on construction sites throughout the City. Continued improvement in the levels of service we provide to the applicant community and public during this unprecedented scale of construction activity. And furthering our efforts to be more proactive and strategic in how we use limited resources to identify and discipline bad actors.

In addition, we continue to harness the potential of data analytics to further the Department's efforts to improve transparency. As such we have released a number of online tools, including a "Building Profiles" map with information about buildings throughout the city where construction is occurring or DOB responded to a complaint; a real-time-updated construction map; and dashboards that provide information on overall construction activity in the city.

The Department's mandate has expanded broadly of late, with an increased focus on construction safety and tenant protection. Numerous laws have been enacted with respect to these areas, many of which include benchmarks. As

community boards know, performance indicators are reported in the MMR, and the Department has increased the rigor of its performance measurement internally.

MEETING NOTES:

COMMENTS:

Community engagement division is larger with four liaisons to branch out and cover all areas in Manhattan and focus on smaller areas (i.e. neighborhoods)

In the next few months, they will do a lot of outreach campaigns focusing on Local Law 196

Over the last 5 years, they have hired many more inspectors after complaints that they were not responding to complaints at a fast enough rate

Quadrupled fines for the most egregious safety violations

DOB provides training for DOB NOW, has classes for every function and has YouTube videos that train you on each functionality of DOB NOW

Homeowners & Small Business Owner's Night every Tuesday at 280 Broadway. Free of charge, no appointment needed.

NOTES:

AGENDA ITEM 2 : Manhattan Community Boards

Please describe the duties and responsibilities for DOB's Manhattan Community Board liaisons.
How are the liaisons' responsibilities divided or shared in Manhattan?

At last year's Consultation, DOB stated "Cataloging Community Board complaints is a good idea."
How has DOB followed through on this?

Also at last year's Consultation, DOB stated that in regards to responding to Community Board correspondence (letters, resolutions, emails): "it can take some time to provide a written response. When appropriate, responses are provided orally to save time."

However, there is an array of perceptions among Manhattan Community Boards on how DOB responds to each CB's correspondence. Please clarify what characteristics of Community Board correspondence will necessitate DOB to respond IN WRITING to a Community Board versus what characteristics will trigger only a verbal response.

AGENCY RESPONSE:

We are pleased to report that previously Manhattan was allocated a maximum of two community liaisons. However, with restructuring and the addition of a new Community Engagement and Programming Office, Manhattan now has four Community Engagement Liaisons, in addition to a Director who oversees this important work citywide. This is how their work is broken out by geography:

Ophelia Phipps, Deputy Director- CBs 4, 9, 12

Stephen Nuzzo, Community Engagement Liaison- CBs 2,5,7

Milcah Ann Holmes-Thomas, Community Engagement Liaison- CBs 6,10,11

Joshua Adams, Community Engagement Liaison- CBs 1,3,8

In addition to working with the Community Boards, Manhattan's Community Engagement team works with elected officials and community stakeholders to address the concerns that arise in the borough. They also attend community meetings, keeping community members updated on outcomes and events including safety and educational

campaigns and new laws that have been enacted. They visit locations that are the subject of community interest. The community Engagement team serves as the eyes and ears of the agency, ensuring that the concerns of Manhattan’s residents are being heard.

As part of our work, we catalog the complaints that we receive. Each Community Engagement liaison tracks the complaints they receive.

We are actively recruiting a correspondence manager which will dramatically improve the quality, thoughtfulness and timelessness of the correspondences we receive from the community boards and other community stakeholders. Any correspondence that is received in writing is responded to in writing.

MEETING NOTES:

COMMENTS:

DOB tracks emails and phone calls that come in regarding issues and complaints.

In the past, constituents didn't receive a response in writing if they sent a letter. The correspondence manager will address this issue.

Ophelia manages all of Manhattan as well as the other three liaisons.

Susan Stetzer mentioned that the new liaisons is a success because they've been asking for more for years!

NOTES:

AGENDA ITEM 3 : Audits

At last year's Consultation, DOB stated one of its main goals is “Proactively identifying and disciplining bad actors” and that DOB “plans to exceed its 20% goal” of auditing professionally certified jobs.

From Preliminary FY2019 Mayor’s Management Report, page 255, Goal-1b table:

Jobs professionally certified that were audited (%)

ActualFY16	20.3%
ActualFY17	23.0%
ActualFY18	19.1%
TargetFY18	*
TargetFY19	*
1st4mosFY18	22.1%
1st4mosFY19	9.9%

Was there a budgetary reason for the dramatic decrease in the audit rate for the first 4 months of FY19?

What was the total number of professionally certified jobs in FY19 in Manhattan?

What percentage of the professionally certified jobs in Manhattan were audited?

What percentage of Manhattan audits found errors?

How much is the funding for the DOB unit that audits third party inspectors signing off on technical report forms?

Which DOB unit communicates & gathers info from NYS Division of Housing & Community Renewal in identifying bad actors?

Is funding needed for staff or technology for DOB to use NYS data to trigger inspections of those bad actors’ other properties?

AGENCY RESPONSE:

At last year's Consultation, DOB stated one of its main goals is “Proactively identifying and disciplining bad actors” and that DOB “plans to exceed its 20% goal” of auditing professionally certified jobs.

From Preliminary FY2019 Mayor’s Management Report, page 255, Goal-1b table:

Jobs professionally certified that were audited (%)

ActualFY16	20.3%
ActualFY17	23.0%
ActualFY18	19.1%
TargetFY18	*
TargetFY19	*
1st4mosFY18	22.1%
1st4mosFY19	9.9%

1. Was there a budgetary reason for the dramatic decrease in the audit rate for the first 4 months of FY19?
The Department is not aware of a budgetary reason as to why there was a decrease in the audit rate for the first four months of FY19.

2. What was the total number of professionally certified jobs in FY19 in Manhattan?
18,044

3. What percentage of the professionally certified jobs in Manhattan were audited?
6.5% compared to 13.9% citywide of Permitted Jobs in Manhattan were audited. As of Tuesday, September 3rd, there will be an interim solution in place to allow us to audit professionally certified permitted jobs in DOB NOW. At that point, we expect our audit levels to increase to normal levels.

4. What percentage of Manhattan audits found errors?
3.8% of Manhattan audits found errors.

5. How much is the funding for the DOB unit that audits third party inspectors signing off on technical report forms?
DOB does not audit third party inspectors signing off on technical report forms.

6. Which DOB unit communicates & gathers info from NYS Division of Housing & Community Renewal in identifying bad actors?
The Buildings Marshall Office communicates and gathers information from NYS Division of Housing & Community Renewal (DHCR) in identifying bad actors. When identifying Bad Actors for audit of professional certification, we are targeting architects and engineers. The DHCR collaboration we are engaged in always centers around landlords. We do target bad landlords through our work with the New York State Attorney General's Office and the DHCR.

7. Is funding needed for staff or technology for DOB to use NYS data to trigger inspections of those bad actors' other properties?
Funding is not needed for dedicated staff or technology to assist in the review of the bad actors' other properties. As a matter of practice when we identify bad actors we review all the properties in their portfolio, including plan exams and inspections.

MEETING NOTES:

COMMENTS:

Functionality to audit professionally certified jobs began just this week. There is not baseline or goal for the auditing process.

How does DOB decide to audit jobs (Mark Diller spoke specifically about very tall projects popping up in the UWS)?
David Louis' answer was not really clear.

DOB NOW works in conjunction with bids. Everything will eventually migrate to DOB NOW and individuals will be able to file everything online. Also, if people don't click the right boxes, it automatically triggers DOB.

Lucian Reynolds asked what triggers an audit (i.e. if something is wildly out of context with the area)? DOB pulls samples from proposed buildings and it triggers an audit.

NOTES:

Mike Greeley mentioned that the audit rate went down significantly. David Louis said it's because a greater number of jobs is going through DOB NOW. A functionality in DOB NOW allows them to audit professionally certified jobs automatically. There's seems to still be a little confusion about the reduction in number.

AGENDA ITEM 4 : Complaint Response Times

Last year, DOB stated "70% of all Priority A complaints resulted in No Violation Found & 60% of Priority B complaints resulted in No Violation Found."

What are the rates of complaint-made to violation-found for this year?

From the Preliminary FY19 Mayor's Management Report, page 254:

"The Department responded to nearly seven percent fewer Priority B complaints during the reporting period. At the same time, the average time to respond to Priority B complaints decreased by nearly 40 percent to 10.9 days, as DOB had allocated resources to address a backlog of older complaints. The Department expects average response times to B complaints to remain below its 40-day target."

Also, from the PFY19 MMR page 256 – Goal2a table:

Average time to respond to Priority B complaints (days)

ActualFY16	42.8
ActualFY17	38.2
ActualFY18	13.2
TargetFY18	40.0
TargetFY19	40.0
1st4mosFY18	18.1
1st4mosFY19	10.9

Are response times tied to funding?

If so, can the current funding be maintained in order to achieve the response time from the first four months of FY19?

Is this only a short-term effect of working through the backlog and response times will drift upwards?

What is the basis for a 40-day response target?

AGENCY RESPONSE:

1. What are the rates of complaint-made to violation-found for this year?

The rate remains consistent.

2. Are response times tied to funding?

Yes, in part they are. However, there are a number of other factors that play a role in our response time, not the least of which is the number of complaints that we receive. It is not only a function of funding the amount of inspectors we have, but also the number of complaints that come in. In addition, improving our efficiency through the use of technology via DOB NOW Inspections and more strategically routing our inspectors has resulted in the dramatic improvement in our response times.

3.If so, can the current funding be maintained in order to achieve the response time from the first four months of FY19?

The Department is committed to not only maintaining but further improving our response time. Our current B complaint response time in July 2019 is 12.93 days. Our response rate has been steady at around 10-12 days for over a year.

4.Is this only a short-term effect of working through the backlog and response times will drift upwards?

The goal of the Department is not only to maintain these response times but to improve on them.

5. What is the basis for a 40-day response target?

Established in conjunction with the Mayor's Office for MMR reporting. However, the Department has a more stringent "Building One City Initiative" target of 30 days. We have been achieving this goal for over a year.

MEETING NOTES:

COMMENTS:

of complaints received is tied to response times. New inspectors are going out to areas with large number of complaints.

Are you tracking quality of response? How do you track the quality of a response and repeat inspections? Issue a violation if necessary. Ophelia said they are training inspectors to enhance quality and lower number of inspections, offering classes to inspectors.

Susan wants the inspectors to address the problem, not just inspect it.

Ophelia said they have created Real Time Enforcement and they do have their Emergency Response Team when something happens after hours or on the weekends.

Are you going to lower target rate that is not so easy to achieve? Yes, they will work on changing the benchmarks.

NOTES:

Richard Lewis asked for better metrics to deal with quality of responses and response time so there can be some measure of performance. Is DOB responding to 311? Does DOB have metrics regarding response time, quality of responses and number of complaints? Ophelia is going to follow up with Richard on these questions.

Are you adequately funded for your training/is there a budgetary constraint with your training program? David Louis said he does not feel like they have budget constraints regarding training.

AGENDA ITEM 5 : After Hours Variances

At last year's Agency Consultation, DOB stated "The Department received \$725,000 for a new unit focusing on AHV enforcement... Staff dedicated to the program will audit after-hours permits, do unannounced inspections, and issue violations. This program will enable DOB to visit more than 7,000 construction sites with AHVs each year."

Was the \$725,000 fully used?

Is that funding baselined?

How many inspectors are in the Emergency Response Unit (ERT)?

How many AHVs were issued in Manhattan last year?

How many AHV complaints were in Manhattan last year?

How many AHV complaints in Manhattan resulted in violations found?

AGENCY RESPONSE:

At last year's Agency Consultation, DOB stated "The Department received \$725,000 for a new unit focusing on AHV enforcement... Staff dedicated to the program will audit after-hours permits, do unannounced inspections, and issue violations. This program will enable DOB to visit more than 7,000 construction sites with AHVs each year."

1. Was the \$725,000 fully used?

As of June 2019 ending, there were 2 vacancies and DOB utilized inspectors from other disciplines to cover the workload. Therefore, only 83% of the funding was used.

There was funding provided for AHV enforcement, but that did not start until 2019. There is a "desktop audit" portion created by DOB's risk management team. This desk audit checklist which is used by the AHV Borough Coordinator (who started Feb 2019) on randomly selected approved renewal AHV's. The desk audit checks the

application to verify the “variance information” submitted by the applicant is correct, the scope is specific and adheres to the parent permit and that the AHV escalation process for approval was followed if needed.

In addition, DOB's Emergency Response Team ("ERT") is performing AHV inspections based on complaints received. DOB recently created an “ERT AHV Audit” inspection type in DOB NOW Inspections on August 15, 2019 for which ERT is currently undergoing training. The goal of ERT’s proactive AHV audit inspections is to verify that the work scope provided in the AHV application is what is being done and that work is not being done outside of the approved date/time. The checklist requires inspectors to review the following:

- Is work being performed in compliance with the AHV scope
- Work is being approved during approved date/time
- Are there any visible hazardous conditions
- Is the “variance information” correct

The inspector can issue ECB violations and other enforcement actions as needed and the Borough Office will review findings to see if any further actions are appropriate.

2.Is that funding baselined?

\$680K of the \$725K is baselined.

3.How many inspectors are in the Emergency Response Unit (ERT)?

As of June 2019 ending, there are 38 inspectors in ERT.

4.How many AHVs were issued in Manhattan last year?

There were 36,685 AHVs issued in 2018, down slightly from 36,867 in 2017.

5.How many AHV complaints were in Manhattan last year?

There were 1,318 complaints in 2018, down slightly from 1,388 in 2017.

6.How many AHV complaints in Manhattan resulted in violations found?

There were 13 AHV complaints that resulted in violation in Manhattan in 2018.

Very few complaints result in the issuance of a violation. As a result, this number may seem low for various reasons. A complaint may have been called in with the wrong identifying address. Once an inspector responds, he or she may determine that the provided address was incorrect. In other occasions, we show up to respond to an AHV complaint and find that the the work being performed is in keeping with the hours and scope of work. Furthermore, Many New Yorkers do not know that the normal hours of construction are from 7am to 6pm.

MEETING NOTES:

COMMENTS:

Close to 90% of funding was used. Funding that was provided was not allocated until 2019.

What is DOB's benchmark for desktop audits? Mr. Louis said it's about 7-10% right now. As they get the team together, they will discuss higher benchmarks.

What is the difference between the audits of ERT AHV on DOB NOW and they did it in the past? On DOB NOW, they have trigger points determined by samples that causes DOB to go check out a variance if necessary.

How many complaints were resolved by wrong addresses? DOB does not have the numbers. DOB did say that wrong addresses are a big factor in identifying violations.

Mark Diller noted that tghe rate at which violations are found in Manhattan are about 1%. He asked, is there a

budgetary constraint impacting AHV inspections (because that seems low especially considering how many people complain in the UWS)? David Louis said no. It's wrong addresses or they are operating within the AHV. Ophelia mentioned that by the time the inspectors get there, the construction is done.

NOTES:

Is any part of this funding going to provide AHV information put on the City Open Data portal with a daily update? Mr. Louis is going to look into it and get back to Lucian.

AGENDA ITEM 6 : Capital Tech Improvements

Is the build out of DOB NOW finished?

If not, what resources are needed to complete the build out?

Please list the Department's next top priorities for improvements or additions to DOB NOW, along with their associated costs.

AGENCY RESPONSE:

1. Is the build out of DOB NOW finished?

No. The build-out for DOB NOW is ongoing. Future funding allocations will determine completion.

2. If not, what resources are needed to complete the build out?

DOB NOW funding schedule is already reviewed and approved by OMB. Timely budget allocations to support the funding schedule is required.

3. Please list the Department's next top priorities for improvements or additions to DOB NOW, along with their associated costs.

DOB NOW Schedule includes both releases of new functionality as well as enhancements to the completed releases.

New functionality releases include:

1. Boiler Equipment – launching Sep 3rd.
2. Cranes – currently targeted for Winter 2019
3. General Construction filings targeted for Winter 2019
4. Job type structure, Certificate of Compliance, Withdrawal and Supersede functionality targeted for Winter 2019.

Next set of improvements are listed below. The exact release date of these enhancements is not finalized yet.

1. Modifications to the Elevator Category 5 Compliance filings. Allow filing submission in the 6th year of their 5-yr anniversary cycle (prior to No report filed penalty) and apply the required penalties.
2. Modifications to the public portal for Elevators Safety Compliance filings – Expose Affirmation of Correction filings.
3. On 7/11/19, The Electrical Advisory Board was eliminated per the Rule 4000-01. Modifications to the plan review process related to Electrical installations to support the rule.
4. Allow School Construction Authority (SCA) to file and process jobs in DOB NOW: Build.
5. Modifications to the Elevator job filing process to include the workflow for authorizing 'Temporary Construction Use' of an Elevator device during a specific time period.
6. LAA filings – scope of work – changes required to certain section of the scope of work for LAA filings based on user/Industry feedback.

The cost associated with new functionality releases is as follows:

1. Boiler Equipment - \$2,320,434
2. Cranes - \$773,478
3. General Construction - \$1,044,125
4. Job type structure, Certificate of Compliance, Withdrawal and Supersede functionality - \$2,323,644

The cost for enhancements is covered under the general Production Support T&M costs.

MEETING NOTES:

COMMENTS:

DOB is not looking for additional funding from community boards for DOB NOW. DOB will have to get more funding for future functionalities.

NOTES:

David Louis is going to follow up with Lucian about a question.

AGENDA ITEM 7 : Construction Safety

At last year's Consultation, DOB stated both "Department has received funding to hire 150 new construction inspectors" and "Nearly 150 new plan examiners hired."

Have all 150 inspectors been hired?

Are all 150 inspectors allocated for only Construction Safety Compliance (CSC) as plan examiners?

If not, how many were allocated for which other units?

Additionally, according to the Preliminary FY2019 MMR, page 254:

"Despite hiring additional enforcement inspectors, as well as continuing to strengthen its education and outreach programs by working with industry professionals to raise awareness about best safety practices, construction accidents causing serious or fatal injuries still occur. Compared to the same four-month period last year, construction-related accidents rose from 253 to 265 and construction-related injuries increased from 257 to 270. Fatalities decreased from seven to five."

Are additional inspectors needed?

How will DOB enforce that workers at job sites have the required hours of safety training?

Does DOB safety training go beyond Buildings Marshal inspectors checking OSHA cards?

AGENCY RESPONSE:

1. At last year's Consultation, DOB stated both "Department has received funding to hire 150 new construction inspectors" and "Nearly 150 new plan examiners hired." Have all 150 inspectors been hired?

In FY'2019, DOB was obligated to hire 150 construction inspectors (FY'19-108 positions and FY'20-42 positions). In FY'19, DOB hired 85% or 92 construction inspectors.

2. Are all 150 inspectors allocated for only Construction Safety Compliance (CSC) as plan examiners?

Inspectors do not perform plan examination function.

3. If not, how many were allocated for which other units?

Out of 150 new construction inspectors 39 are in Construction Safety Compliance Unit, 111 inspectors were allocated to other units. Other units are: Construction Safety Enforcement (61), Real Time Enforcement (32), and Agency-wide Inspection (18).

4. Additionally, according to the Preliminary FY2019 MMR, page 254:

"Despite hiring additional enforcement inspectors, as well as continuing to strengthen its education and outreach programs by working with industry professionals to raise awareness about best safety practices, construction accidents causing serious or fatal injuries still occur. Compared to the same four-month period last year, construction-related accidents rose from 253 to 265 and construction-related injuries increased from 257 to 270. Fatalities decreased from seven to five." Are additional inspectors needed?

The Department is dramatically increasing the number of proactive safety compliance inspections. As a result the Department is seeing a reduction in the number of injuries on construction sites.

5. How will DOB enforce that workers at job sites have the required hours of safety training?

Department inspectors are checking workers on construction sites to ensure that they have the appropriate training

card.

6. Does DOB safety training go beyond Buildings Marshal inspectors checking OSHA cards?

The Department's inspectors are checking not only OSHA cards but also Site Safety Training Cards.

MEETING NOTES:

COMMENTS:

Is there a unit for Construction Plan Examiners? DOB has both technical and "inspectorial" staff.

DOB hired more Plans Examiner for Construction Safety specifically for high rises or major buildings.. They are called the Consturction Safet PI

NOTES:

AGENDA ITEM 8 : Construction Plan Reviews

The BEST Squad, Excavation/Interior Demolition and Scaffold Safety Units were reorganized and replaced by two new units: the Construction Safety Enforcement Unit (CSE) and Construction Safety Compliance Unit (CSC).

How does DOB evaluate the effectiveness of the two new units?

How many inspectors are in the CSE and CSC units compared to the number of inspectors in the previous three units?

What is the current & projected funding level for the CSE and CSC units?

AGENCY RESPONSE:

1. The BEST Squad, Excavation/Interior Demolition and Scaffold Safety Units were reorganized and replaced by two new units: the Construction Safety Enforcement Unit (CSE) and Construction Safety Compliance Unit (CSC). How does DOB evaluate the effectiveness of the two new units?

Construction Safety Enforcement (inspectorial) CSE Unit was formed in September 2018 using staff from former BEST Squad, Scaffold Safety Team and Excavation Unit. CSE main function is a reactive. The CSE unit responds to Incidents, "A" complaints and other categories of safety complaints. Incidents are time sensitive and require an immediate response to site with extensive follow to determine the cause of these incidents. "A" complaints and other complaints are also time sensitive and must be responded too within time limits prescribed.

CSE is also responsible for inspecting and rescinding all Stop Work Orders issued by CSC, ERT, CSE and other safety related SWO issued by other units. This is done through online appointments and an appointment database which is constantly monitored to keep turn around at minimum.

CSE conducts sweeps that focus on bad actors, contractors with excessive SWO and Class 1 summons, industry problems areas, and other requests. Sweeps have been a valuable tool resulting in issuing many Commissioners Orders requiring additional safety personnel to monitor troubled site and referred contractors to the Department's Licensing Unit to review for discipline. CSE also monitors Immediate Emergency Declaration's issued by the Department for all safety related issues.

Construction Safety Compliance (CSC) inspectors perform proactive inspections at high rise and low-rise construction job sites, demolitions, sidewalk sheds, scaffolds (all types), alterations, pre-demolitions, and excavations in order to ensure that construction or demolition is being performed safely, the public is kept safe, and the work is in full compliance with the NYC Building Code.

Our CSC Plan Examiners team, who include licensed Professional Engineers and Registered Architects, perform the following:

- Review and approval of Site Safety Plans (SSP)
- Full demolition plans
- Alternative Safety Systems (cocoons and climbing formwork)
- As-of-right waivers of SSP required items
- Receipt of SSP required items for professionally-certified A3 façade SSP

Since December 2018, CSC Inspectors have found 196 job sites where a total of 439 construction workers who did not have required OSHA training cards, with 1,687 OATH summonses and 196 Stop Work Orders have been issued by CSC Inspectors to these job sites.

25 referrals were made by CSC to DOI since 12/03/2018 regarding job sites where CSC Inspectors found construction workers who possessed fraudulent OSHA cards and five referrals to DOI on complaints from the public regarding the sale of fraudulent OSHA cards.

CSC and CSE's work has helped to reduce injuries on construction job sites compared to last year. During the first half (January through July) of the 2019 Calendar Year, in comparison to the first half of the 2018 Calendar Year, there was a large decrease in both the total number of construction-related incidents (169 or 26.74% fewer incidents) and the total number of construction-related accidents (132 or 33.00% fewer accidents) that occurred.

The department rigorously tracks the inspections performed by these units. Effectiveness can be evaluated by a reduction of accidents at construction sites. Comparing construction related incidents from calendar year 2018 (January 2018-July 2018) to calendar year 2019 (January 2019-July 2019), work related injuries are down across the board.

2. How many inspectors are in the CSE and CSC units compared to the number of inspectors in the previous three units?

As of June 2019 ending, there are 162 inspectors (CSC-71 and CSE-91). As of June 2017 ending, there were 55 inspectors (BEST-31, Excavation-13, and Scaffold Safety-11). The difference is 107 positions.

3. What is the current & projected funding level for the CSE and CSC units?

As of June 2019 ending, the current funding is the same as projected and is \$11.4M (CSC-\$5M and CSE-\$6.4M).

MEETING NOTES:

COMMENTS:

No questions.

NOTES:

AGENDA ITEM 9 : Energy & Emissions Performance

The Office of Building Energy and Emissions Performance and advisory board will be created at the Department of Buildings next year to both regulate and enforce the new emissions standards.

How much staff will this office/unit take on next year and what is the anticipated size when fully staffed?

How will DOB enforce these new policies?

Will there be separate units for plan evaluation and field inspection?

What benchmarks will be used to evaluate the effectiveness of staff in this new office?

Is one of the benchmarks for the new office to keep the city at pace to meet the citywide 2050 Greenhouse Gas Emissions reduction goals through its energy audits and enforcement?

What funding or staffing levels are needed for the office to help the city meet the 2050 goals?

AGENCY RESPONSE:

The Office of Building Energy and Emissions Performance and advisory board will be created at the Department of Buildings next year to both regulate and enforce the new emissions standards.

1. How much staff will this office/unit take on next year and what is the anticipated size when fully staffed? Initially, we anticipate hiring 7 professionals to begin implementation. We cannot say at this time how many individuals are needed to fully staff the office, as the enforcement process has yet to be designed. We are only now becoming familiar with the data for the universe of buildings subject to this law.

2. How will DOB enforce these new policies?

DOB is fully committed to enforcing this law just as with any other local law, but that is dependent upon sufficient staffing and funding. Details can only be shared once the Department has had sufficient time to develop the program.

3. Will there be separate units for plan evaluation and field inspection?

It is not known yet how the office will be structured. We are currently evaluating the options.

4. What benchmarks will be used to evaluate the effectiveness of staff in this new office?

The effectiveness will be evaluated based on how well we serve building owners seeking information and assistance, and how quickly and accurately staff can review submissions.

5. Is one of the benchmarks for the new office to keep the city at pace to meet the citywide 2050 Greenhouse Gas (GHG) Emissions reduction goals through its energy audits and enforcement?

The legislation is designed to keep the city on pace with GHG goals. However, DOB staff can only provide outreach and technical review. Keeping pace with the GHG reduction goals will depend purely on how owners act on the information that they gain from the law. The penalties set by Local Law 97 will encourage owners to make the upgrades that are necessary to reduce their emissions.

6. What funding or staffing levels are needed for the office to help the city meet the 2050 goals?

We are evaluating our staffing and funding needs at this time, and will be discussing these with OMB.

MEETING NOTES:

COMMENTS:

No questions.

NOTES:

AGENDA ITEM 10 : Revenue

In DOB's Monthly Enforcement Action Bulletins, the following four categories are at the start of each report:

1. illegal building alterations
 2. illegal transient use of buildings
 3. failure to safeguard construction sites
 4. failure to carry out duties as construction superintendents
- and all associated money penalties collected for each category.

Can DOB aggregate their monthly enforcement actions data into annual numbers and separate out Manhattan data for the same categories?

Are the four categories the top DOB producers of revenue for the city?

If not, what categories of DOB enforcement produce the highest amounts of violations and money penalties?

And, what percentage of these top violations and penalties occur in Manhattan?

AGENCY RESPONSE:

1. In DOB's Monthly Enforcement Action Bulletins, the following four categories are at the start of each report:

1. illegal building alterations
2. illegal transient use of buildings
3. failure to safeguard construction sites
4. failure to carry out duties as construction superintendents
5. and all associated money penalties collected for each category.

Can DOB aggregate their monthly enforcement actions data into annual numbers and separate out Manhattan data for the same categories?

Residence Altered- 50 violations issued in Mn in 2018- \$101,206 penalty paid to date on 2018 violation
Illegal transient use- 338 violations issued in Mn in 2018- \$852,353 penalty paid to date on 2018 violation
Failure to safeguard construction site- 536 violations issued in Mn in 2018- \$1,937,553 penalty paid to date on 2018 violation
Con. Sup. failed to carry out duties- 96 violations issued in Mn in 2018- \$250,020 penalty paid to date on 2018 violation

5. Are the four categories the top DOB producers of revenue for the city?

This is a DOF question. Does not apply to DOB.

6. If not, what categories of DOB enforcement produce the highest amounts of violations and money penalties?

The top five categories of DOB enforcement that produce the highest amounts of violations are:

Infraction code 263- 12,454 violations issued in 2018, 23.6% Manhattan share
Infraction code 187- 6,013 violations issued in 2018, 26.40% Manhattan share
Infraction code 106- 5,270 violations issued in 2018, 34.80% Manhattan share
Infraction code 101- 3,946 violations issued in 2018, 17.20% Manhattan share
Infraction code 201- 3,587 violations issued in 2018, 38.30% Manhattan share

7. And, what percentage of these top violations and penalties occur in Manhattan?

Infraction code 187- \$34,843,374 Penalty imposed by OATH in 2018, 9.80% Manhattan share
Infraction code 263- \$24,388,286 Penalty imposed by OATH in 2018, 12.10% Manhattan share
Infraction code 104- \$11,879,886 Penalty imposed by OATH in 2018, 10.50% Manhattan share
Infraction code 106- \$11,579,886 Penalty imposed by OATH in 2018, 31.80% Manhattan share
Infraction code 109- \$7,755,972 Penalty imposed by OATH in 2018, 29.50% Manhattan share

Code Description* To be used for Questions 6 and 7

263 Class-2 Failure to comply with the Commissioner's order to file a certificate of correction
187 Class-1 Failure to comply with Commissioner's order correct (usually for uncorrected work without permit)
106 Class-1 miscellaneous (usually related to construction)
101 Class-1 work without a permit
201 Class-2 work without a permit
109 Class-1 Failure to safeguard construction site

MEETING NOTES:

COMMENTS:

Illegal transient use are AirBNBs and illegal hotels.

NOTES:

Want numbers for all of the City to compare to Manhattan numbers. David Louis is going to send data and numbers.

AGENDA ITEM 11 : POPS Enforcement

How much is currently spent on POPS enforcement training for Special Operations Unit inspectors?
How are the individual POPS stipulations that were agreed upon by DCP and the owner communicated to DOB?
How does DOB catalogue each set of stipulations so that inspectors know what they are to look for and enforce?
How are the lawyers who represent DOB inspectors at Office of Administrative Trials and Hearings (OATH) procedures made aware of any agreed upon POPS stipulations?

AGENCY RESPONSE:

1. How much is currently spent on POPS enforcement training for Special Operations Unit inspectors?
As part of the overall training our inspectors receive, a portion of the training is related to POPS enforcement but there is no allocation of funding dedicated to specific types of training.
2. How are the individual POPS stipulations that were agreed upon by DCP and the owner communicated to DOB?
The Buildings Department and DCP communicate regularly about revisions to POPS stipulations and new POPS that come into existence.
3. How does DOB catalog each set of stipulations so that inspectors know what they are to look for and enforce?
The Department has these records from the Department of City Planning and as they perform their inspections they reconcile their findings against these records.
4. How are the lawyers who represent DOB inspectors at Office of Administrative Trials and Hearings (OATH) procedures made aware of any agreed upon POPS stipulations?
To the extent that the Department issues a violation that is being adjudicated, inspectors discuss violations with OATH attorneys so that the attorneys are well prepared to attend the hearings. Inspectors also provide any and all supporting documents where necessary as evidence in support of the issued violation(s). Attorneys review and discuss all supporting evidence with the Inspector prior to conducting a hearing.

MEETING NOTES:

COMMENTS:

Is there a way to see what POPS is out of compliance with? What the normal enforcement issues are?

NOTES:

Ophelia is going to send that information to the CBs.

AGENDA ITEM 12 : Tracking BSA Variances

We have seen issues with buildings involved in ULURP and lot merger applications where the Certificates of Occupancy do not always accurately note prior BSA variances. It is our understanding BSA variances are required to be noted on Certificates of Occupancy and in Zoning Diagrams (ZD1).

- What funding for staff and technology is dedicated to accurately track and note BSA variances on Certificates of Occupancy, especially with variances issued prior to 1990?
- What is the number of Zoning Diagram examiners and what is the workload per examiner?
- In which units do Zoning Diagram examiners work?
- How often and at what expense for DOB are Zoning Diagram examiners mandated to have continuing education/training regarding changes to the Zoning Resolution, BSA variances, CPC special permits, and General City Law waivers?
- How does the Department evaluate effectiveness of Plan examiners?
- How much of a Plan examiner's performance review is based on the accuracy of their Zoning Diagram evaluations?

AGENCY RESPONSE:

We have seen issues with buildings involved in ULURP and lot merger applications where the Certificates of Occupancy do not always accurately note prior BSA variances. It is our understanding BSA variances are required to

be noted on Certificates of Occupancy and in Zoning Diagrams (ZD1).

1. What funding for staff and technology is dedicated to accurately track and note BSA variances on Certificates of Occupancy, especially with variances issued prior to 1990?

BSA variances should be noted on the C of O. This is done by the borough before the C of O is issued. Once issued, it stays on the C of O unless the applicant is triggering changes of the C of O, then the borough will verify whether the BSA variance is still valid. The staff who performs this work is the same staff who are responsible for reviewing plans and issuing TCOs/COs. In addition, zoning reviews can be performed by the most plan examiners.

2. What is the number of Zoning Diagram examiners and what is the workload per examiner?

The Department does not hire Zoning Diagram Examiners to examine ZD1s. Furthermore, plan examiners review all plans including zoning diagrams. Plan examiner availability determines who can review this type of filing. The workload is also difficult to determine as the responsibility of a plan examiner aligns with their experience. More experienced examiners take on more complex plan examinations which require more time dedicated to reviewing a filing compared to other plan examiners who may receive less complex cases to review, but can handle a larger caseload. Therefore, with the exception of newly hired plan examiners, the majority of our plan examiners review ZD1s.

3. In which units do Zoning Diagram examiners work?

The plan examiner who approves the application is the examiner receiving the Zoning Diagram. They are located throughout the five boroughs and the Hub.

4. How often and at what expense for DOB are Zoning Diagram examiners mandated to have continuing education/training regarding changes to the Zoning Resolution, BSA variances, CPC special permits, and General City Law waivers?

Plan examiners attend training on the regular basis. The training they attend provide a wide variety of topics, including those mentioned above.

5. How does the Department evaluate effectiveness of Plan examiners?

Their work effectiveness is monitored by the Borough Offices management based on the turnaround time on plan review.

6. How much of a Plan examiner's performance review is based on the accuracy of their Zoning Diagram evaluations?

The examiners are evaluated on their understanding and application of the various laws (zoning resolution, code, and multiple dwelling law), as well as the many administrative procedures involved in the plan examination process. The ZD1 is part of the application given to the examiner, in addition to the construction drawings and forms received. Therefore, the examiner's performance evaluation includes their review of the ZD1.

MEETING NOTES:

COMMENTS:

Supervisors review Plans Examiners work and so does the Borough Commissioner sometimes. Also, DOB now triggers sometimes as well.

NOTES:

AGENDA ITEM 13 : Office of the Tenant Advocate

How is the Office of the Tenant Advocate's work different from other DOB units that do audits, inspections, and enforcement for safety and bad actors on the development and construction side?

What are the intra-agency roles between different units?

How is the work different from that of the Mayor's Office to Protect Tenants and the New York State Tenant Protection Unit, and is there inter-agency coordination?

For the last fiscal year, what is the number of complaints received by the OTA, average response time, and number of summonses and stop work orders issued, broken down by Community District?

Are there other benchmarks for success that OTA looks at?

Based on the above information documented so far, could the OTA improve response time by receiving more funding?

Is the office appropriately staffed for the number of complaints received thus far in the new program, and is funding for additional staff needed?

Is there funding for outreach to appropriately promote the role of the new office to the public?

AGENCY RESPONSE:

1. How is the Office of the Tenant Advocate's work different from other DOB units that do audits, inspections, and enforcement for safety and bad actors on the development and construction side?

The OTA serves as an additional resource to tenants who are affected by work in occupied buildings. While these tenants can call 311 to file a complaint, they could also contact the OTA directly, via email or phone, if they have questions or concerns regarding construction in occupied buildings.

2. What are the intra-agency roles between different units?

The OTA works with inspectors in the Office of the Building Marshal among other inspectorial units, as well as plan examiners in the relevant borough office.

3. How is the work different from that of the Mayor's Office to Protect Tenants and the New York State Tenant Protection Unit, and is there inter-agency coordination?

The OTA and the Mayor's Office to Protect Tenants are similar in that they are designed to protect tenants. The OTA serves as a resource to tenants who are affected by work in occupied buildings. The OTA regularly makes referrals to other agencies, including HPD and HCR so there certainly is inter-agency coordination. Separately, the Mayor created the Office to Protect Tenants to bolster inter-agency coordination and tenant protection efforts across various city agencies. In addition to this work, the City created the Tenant Harassment Prevention Task Force to investigate and bring enforcement actions against landlords who harass tenants, which further bolsters inter-agency coordination. This Task Force includes the NYS Attorney General's Office, HCR, DOB, HPD and DOHMH.

*Please note that any additional questions regarding the NYS Tenant Protection Unit should be directed to the State as this is their initiative.

4. For the last fiscal year, what is the number of complaints received by the OTA, average response time, and number of summonses and stop work orders issued, broken down by Community District?

Since it was established in June 2018, the OTA has received nearly 800 inquiries. The OTA is currently responding to inquiries in 1.5 days. In FY 2018, 763 tenant harassment complaints, which alleged the use of construction to harass tenants resulted in the issuance of 673 violations, 13 vacate orders and 128 stop work orders. Many of the violations, which although are violations to our codes, are unrelated to the use of construction to harass tenants.

5. Are there other benchmarks for success that OTA looks at?

Inquiries received by the OTA are a measure of success. In its first two quarters, the OTA received 240 inquiries. Since then, inquiries have more than doubled – in its last two quarters, the OTA has received nearly 560 inquiries. This means more tenants are finding out about the OTA. The OTA has been conducting outreach, including creating a brochure for distribution to tenants and social media outreach. The purpose of this outreach is to continue to get the word out there about the OTA. Another measure of success is inquiry response time, which is continuously improving.

6. Based on the above information documented so far, could the OTA improve response time by receiving more funding?

OTA response times continue to improve. In its last quarter, the OTA responded to inquiries within 1.5 days, which is

down from over 3 days in the previous quarter. DOB will monitor the need for additional resources as the work of the OTA ramps up.

7. Is the office appropriately staffed for the number of complaints received thus far in the new program, and is funding for additional staff needed?

Yes. DOB recently received additional resources, which allows it to hire a second staff member, a Tenant Liaison, for the OTA. DOB will monitor the need for additional resources as the work of the OTA ramps up.

MEETING NOTES:

COMMENTS:

CBs asked for other metrics to see how performance is being tracked instead of volume of violations. They want to see the quality of response.

NOTES:

Last year at budget consolation, DOB said they were going to hire a Tenant Liaison. Will there be a Assistant Director of Tenant Advocacy? David will get back to CB11 about that.

What other data can be provided? Can we do something other than Stop Work Orders?

DOB will look into some more qualitative metrics.

AGENDA ITEM 14 : Budget Priorities

What budget priorities and staffing requests would DOB like Community Boards to support?

AGENCY RESPONSE:

The Department works with the Mayor's Office of Management and Budget (OMB) to prioritize budget and staffing requests. There are no requests that DOB would like to submit to the Community Boards at this time.

MEETING NOTES:

COMMENTS:

There are no specific requests.

Susan asked, if DOB had a pot of money, where would it be most useful? DOB would put it into technology, DOB NOW, filing electronically, etc.

Susan mentioned that staffing for tenant harassment may be a good idea.

Mark Diller mentioned that they should do more outreach about the Office of Tenant Advocate. Also, there are number of agencies and organizations that work in tenant advocacy. Putting more funding into collaboration and inter-agency interaction would be ideal.

NOTES:

DOB is happy to come to community board meetings to conduct outreach about the Office of Tenant Advocacy as well as host community sessions.