

FY 2023 Borough Budget Consultations

Manhattan - Department of Buildings

Meeting Date

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 previously faced unprecedented cuts and new funding requirements due to COVID 19. The Federal Government recently provided relief funds to states and municipalities as part of COVID relief stimulus.

- 1. What programs are restored by this funding for the current fiscal year and what further changes are planned for FY 23 when an estimated \$4 billion budget gap reemerges?**

AGENCY RESPONSE:

Answer: The following programs are supported by federal funding:

- 1) COVID-19 Enforcement Inspections (80 positions)
- 2) Situation Rooms ("Return to School – Test and Trace) Production Support

- 2. What changes in federal funding have been instituted for FY 22? Will those changes continue into FY 23? What portion or percentage of the FY 21 and FY 22 budgets consisted of non-recurring federal funding?**

AGENCY RESPONSE:

Answer: The FY'22 budget includes federal funding of \$4.5M for COVID-19 Enforcement Inspections (80 positions) and \$10.3M for Situation Rooms ("Return to School – Test and Trace) Production Support. This funding is only for FY'22 and will result in no federal funds being added in FY'23. Federal funding equated to 13% in FY'21's overall budget (security services for testing site, COVID inspections, and situation rooms) and 7% in FY22's budget (COVID inspections and Situation rooms).

- 3. What is the overall budget increase or decrease for FY 22 adopted budget compared to FY21 budget? Does the Agency anticipate a budget shortfall for FY 22, FY 23 or further out years after the non-recurring federal funding has been exhausted?**

AGENCY RESPONSE:

Answer: The overall budget increase from FY'21 to FY'22 is approximately \$52M. At this time, the Agency does not anticipate a budget shortfall for FY22, FY23 or out years after the non-recurring federal funding is exhausted.

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

1. What programs will see a significant increase or decrease in funding? To what extent, if any, is the increase or decrease in funding related to non-recurring federal funding allocations?
2. Which programs will be new or eliminated entirely?

AGENCY RESPONSE:

Answer to Question 1 & 2: Overall, the agency's budget increased by approximately \$52M. This includes funding to support critical initiatives, including to support the City's COVID-19 enforcement efforts and to support the recovery of small businesses. The Department will not be eliminating any programs.

3. What are your benchmarks for new and existing programs and what are your benchmarks/key performance indicators for measuring success?

AGENCY RESPONSE:

Answer: The Mayor's Management Report (MMR), which is mandated by the City Charter, serves as a public account of the performance of City agencies, measuring whether they are delivering services efficiently, effectively and expeditiously. For data related to the Department's key performance indicators, please refer to the Mayor's Management Report at <https://www1.nyc.gov/site/operations/performance/mmr.page>.

MEETING NOTES:

NEW INFORMATION:

- Federal COVID-19 related funding--situation room. DOB served as the hub for testing and tracing for city agencies. Responded to incidents at schools.

FOLLOW – UP COMMITMENTS:

AGENDA ITEM 2:

Agencies faced unprecedented cuts and new funding requirements this year due to COVID 19. Can you list the previously unplanned cuts to the FY21 budget due to COVID and the new initiatives necessitated by the emergency? Please discuss the expected timeline for the new initiatives. What programs and capital projects will be continued uncut.

AGENCY RESPONSE:

Answer: There are no previously unplanned cuts to the FY'21 budget.

MEETING NOTES:

NEW INFORMATION:

FOLLOW – UP COMMITMENTS:

AGENDA ITEM 3:

AGENCY RESPONSE:

MEETING NOTES:

NEW INFORMATION:

FOLLOW – UP COMMITMENTS:

AGENDA ITEM 4: Customer Service Night/Tenant Advocate

Does the FY22 and FY23 budgets retain the needed funding for programs such as Customer Service Night and Office of Tenant Advocate customer service nights? Will programs like this be expanded to include training for small property owners on codes and regulations? Last year DOB stated they had plans to make these programs virtual. Has that happened, and if not, why?

AGENCY RESPONSE:

Does the FY22 and FY23 budgets retain the needed funding for programs such as Customer Service Night and Office of Tenant Advocate customer service nights?

Answer: Yes. The budget impact is primarily related to overtime spending for staff working after hours. The funding for Customer Service night is included in the Agency's annual budget. In addition, there are plans to reintroduce Customer Service Night post pandemic.

Will programs like this be expanded to include training for small property owners on codes and regulations? Last year DOB stated they had plans to make these programs virtual. Has that happened, and if not, why?

Answer: The Department is committed to educating building owners, including small property owners and business owners. For example, in recent months, the Department has held webinars related to Local Law 152 gas piping inspections, correcting violations, and installing business signs. Additionally, the Department has

launched DOB Docs, which are online videos that provide useful information to building owners, including information about winterizing their homes and elevator safety. The Department will continue to provide such useful information to building owners in the future.

MEETING NOTES:

NEW INFORMATION:

- Customer Service Night has been suspended during the pandemic; DOB will notify everyone once it starts up again.
- DOB trainings--webinars and YouTube videos--available to building owners.

FOLLOW – UP COMMITMENTS:

AGENDA ITEM 5:

What are the current vacancy rates for Inspectors, Plan Examiners, and other code enforcement staff? How do those vacancy rates compare to FY21 and FY20. Are there any vacancy rate projections for FY23?

AGENCY RESPONSE:

Answer: The current vacancy rate for inspectors is 23% and the technical vacancy rate is 18% due to the newly added positions in July. In FY21 Inspection Vacancy Rate was 8% and Technical Vacancy rate was 4%. In FY20 Inspection Vacancy Rate was 11% and Technical Vacancy rate was 2%. At this time there are no projected vacancy rates for FY'23.

MEETING NOTES:

NEW INFORMATION:

- Vacancy rates for inspectors: there is usually higher turnover. Not a budget issues, just onboarding/finding staff.

FOLLOW – UP COMMITMENTS:

AGENDA ITEM 6:

For the last fiscal year, what is the number of complaints received by the Office of Tenant Advocate average response time, and number of summonses and stop work orders issued based on these complaints, broken down by Community District?

A. Have number of inquiries at OTA gone up or down in the past FY? Has response time improved in the last FY?

B. Was OTA able to obtain the additional staff needed to address the increase in tenant related complaints across the city? What is the current staff levels in OTA and are there any commitments to increase the staff in FY23.

AGENCY RESPONSE:

For the last fiscal year, what is the number of complaints received by the Office of Tenant Advocate average response time, and number of summonses and stop work orders issued based on these complaints, broken down by Community District?

A. Have number of inquiries at OTA gone up or down in the past FY? Has response time improved in the last FY?

Answer: Prior to the COVID-19 pandemic, from December 2019 to March 2020, the number of inquiries at OTA was trending up with an average of about 206 inquiries per month. Following the resumption of construction activities on June 8, 2020, inquiries again trended upward. Please see the table below.

OTA Inquiries Table July 2020 – June 2021

OTA Inquiries	Month
162	Jul-20
200	Aug-20
259	Sept-20
221	Oct-20
181	Nov-20
235	Dec-20
233	Jan-21
207	Feb-21
154	Mar-21
226	Apr-21
210	May-21
220	Jun-21
2,508	

Comparing inquiries for the Office of the Tenant Advocate, from December 2019 – June 2020 there were 2,091 and from July 2020- June 2021 there were 2,508 inquiries, an increase of 417 inquiries this past fiscal year.

Answer: The Office of Buildings Marshal conducts tenant safety inspections, including referrals from OTA of complaints received and proactive Tenant Protection Plan compliance inspections. The table below details the number of Inspections conducted and the corresponding number of violations and Stop Work Orders (SWO) issued, broken down by Manhattan Community Board.

Number of OTA Inspections by Manhattan Community Board

Community Board	Inspections	Vios	SWO's
101	105	9	9

102	359	85	40
103	297	74	46
104	223	38	21
105	238	21	17
106	174	15	11
107	249	51	38
108	226	29	15
109	87	22	15
110	40	17	15
111	16	3	2
112	142	32	16

Comparing FY 20 to FY 21, the number of inspections have gone up. There were 2,156 inspections in FY 21 compared to 1,166 inspections in FY 20. There is not a significant change in violations when comparing last fiscal year to this fiscal year. In addition, the Office of Building Marshalls average response times for FY19 were 1.6 days, .81 days during FY20 and 1.6 days in FY21.

B. Was OTA able to obtain the additional staff needed to address the increase in tenant related complaints across the city?

Answer: Yes. six positions were added for FY'22. Additionally, in March 2021 OTA launched a Tenant Protection Plan (TPP) exam unit to audit Tenant Protection Plans (TPP). The TPP exam unit is staffed by 2 Plan Examiners and supervised by an Assistance Chief Plan Examiner.

What is the current staff levels in OTA? And are there any commitments to increase the staff in FY23.

Answer: The total OTA staffing is now 11 positions and DOB anticipated increasing staff in FY 23.

MEETING NOTES:

NEW INFORMATION:

- DOB is conduction pro-active inspections, essentially filing complaints for they themselves to look at, and the response times for those are slower.
- Number of violations do not always correlate with number of stop work orders.
- Tenant protection plan exam unit: DOB would welcome support to increase staffing

FOLLOW – UP COMMITMENTS:

- DOB to follow up on flagging system for flagging demolition-restricted properties.
- DOB to confirm that inspections for open restaurants are not categorized separately.

AGENDA ITEM 7:

What is the status of the staffing of the audit division and the audit module. Has DOB resolved the slow down in conducting audits, and if not, why?

AGENCY RESPONSE:

Answer: During the transition to BUILD, DOB is continuing its focus on high-risk filings and audits of ALL New Building (NB) and Alt-CO filings (100%) under Zoning Review, while continuing with random audits of pro-cert filings of limited jobs that are still filed in BIS. Additionally, DOB is currently conducting special audits of filings in BUILD as needed and will resume the program audits (random), following implementation of an Audit Module in BUILD, which is slated for rollout by end of this year.

MEETING NOTES:

NEW INFORMATION:

FOLLOW – UP COMMITMENTS:

AGENDA ITEM 8:

What is DOB average response time to Priority A & B Complaints in FY21 compared to FY2020?

AGENCY RESPONSE:

DOB average response time to Priority A & B Complaints in FY21 vs. FY2020

Key Indicators	FY 20 Target Average (in days)	FY 20 Actual Average (in days)
Priority A Complaint Response Time	1 or less	0.4
Priority B Complaint Response Time	30 or less	9.2
Key Indicators	FY 21 Target Average (in days)	FY 21 Actual Average (in days)
Priority A Complaint Response Time	1 or less	0.3
Priority B Complaint Response Time	30 or less	6.7

MEETING NOTES:

NEW INFORMATION:

FOLLOW – UP COMMITMENTS:

AGENDA ITEM 9:

What is the funding and staffing status of the Office of Building Energy and Emissions Performance? Were the 7 anticipated professional positions filled?

AGENCY RESPONSE:

Answer: The Office of Building Energy Emissions Performance receives annual funding in the amount of \$615,000 for 6 positions. Of the six positions for OBEEP, five positions are currently filled. The Department is actively recruiting for the vacant line, an attorney position.

MEETING NOTES:

NEW INFORMATION:

FOLLOW – UP COMMITMENTS:

AGENDA ITEM 10:

What is the status of DOB NOW build out? Is the FY22 funding sufficient to meet the goals of this multi-year roll out? Please list the Department's next top priorities for improvements or additions to DOB NOW, along with their associated costs.

AGENCY RESPONSE:

Answer: The multi-year DOB NOW build out continues and funding is in place for FY22. The Department has identified the following additions/improvements for FY22:

DOB NOW: *Build*

- Energy Review
- Withdrawal and Supersede
- Revoke and Reinstatement
- Full Demolition
- Zoning Challenge
- Determinations and Appeals
- Audits for Job Filings
- Cost Validation

DOB NOW: *Safety*

- Violation Processing and Payments
- Facades Compliance Violation Payment

DOB NOW: *Licensing*

- Elevator Agency (new/expanded license type)
- Interim Solution for New Applications
- Enhancements to Renewals

DOB NOW: *Inspections*

- Pilot for Construction Safety
- Mobile - Stop Work Order and Vacate Order Issuances
- Recession for Stop Work Order and Vacate Order

MEETING NOTES:

AGENDA ITEM 11:

What is the staffing levels of the After-Hours Variances (AHV) enforcement unit for FY21 and FY22?

AGENCY RESPONSE:

Answer: There 214 inspectors assigned to City wide borough enforcement activities that support the AHV Enforcement Unit for FY21 and FY22.

MEETING NOTES:

NEW INFORMATION:

- After hour variances: 214 inspectors inspect during the day. but may be assigned to a site during after-hours.