



**TESTIMONY:
Fiscal Year 2021
Preliminary Budget Hearing**

**TESTIMONY BEFORE THE NEW YORK CITY COUNCIL
COMMITTEE ON HOUSING AND BUILDINGS
NEW YORK CITY DEPARTMENT OF BUILDINGS
MELANIE E. LA ROCCA, COMMISSIONER
MARCH 5, 2020**

Good morning Chair Cornegy and members of the Committee on Housing and Buildings. I am Melanie E. La Rocca, Commissioner of the New York City Department of Buildings (“the Department”). I am joined today by Gus Sirakis, the Department’s First Deputy Commissioner and Sharon Neill, the Department’s Deputy Commissioner of Finance and Administration. Together, we are pleased to be here to discuss the Fiscal Year 2021 Preliminary Budget and the Department’s progress in meeting its goals. I will also highlight our work over the past year to further improve construction safety, protect tenants from the use of construction as harassment, and to combat climate change.

The Fiscal Year 2021 Preliminary Budget allocates approximately \$199.5 million in expense funds to the Department. Of this funding, approximately \$160.4 million is for Personal Services, which supports 1,867 positions, and \$39.1 million is for Other Than Personal Services, which primarily supports contractual services, equipment and supplies.

The changes reflected in the Department’s Fiscal Year 2021 Preliminary budget are associated with façade inspections. The Department received approximately \$900,000 in additional funding and 12 positions to double its dedicated façade inspection team. The Department takes seriously its responsibility to hold owners accountable for keeping their buildings safe and code-compliant, and to enforce the requirement that all facades be maintained, and that certain facades be inspected periodically. Doubling the dedicated façade inspection team will allow us to strengthen our work in this area and means that buildings will be receiving more proactive façade inspections. We look forward to bringing these additional inspectors on board as soon as possible.

I would now like to highlight some of the Department's work over the past year. The Department continues to make tremendous progress in improving service to our customers and protecting the public by rigorously enforcing the laws and regulations that govern the more than one million buildings, their many appurtenances, including boilers and elevators, and 50,000 active construction sites under its jurisdiction. Despite the progress we have made, we are going to do more for New Yorkers. We are going to double down on construction safety, hold our licensees and permit holders accountable, ensure that tenants are safe in their homes whether there is construction in their buildings or not, and work to reduce carbon emissions from our buildings, all while providing the best in customer service to those members of the public who conduct business with us.

In Fiscal Year 2019, over 106,000 construction jobs were filed with the Department and we issued approximately 181,000 initial and renewal construction permits combined. There were more construction jobs filed and permits issued in Fiscal Year 2019 than in the previous year. Despite the slight uptick in construction activity, our plan review times remain well below target. The time it took to complete our initial plan review for new buildings, major renovations and minor renovations decreased across the board. We are completing our initial plan review for new buildings in less than 5 days, for major renovations in 5 days and for minor renovations in a little over a day. Our goal is to continue to promptly complete our initial plan reviews and to ensure that customers know what to expect when their plans are being reviewed. We are accomplishing this goal by continuously training our plan examiners and by developing plan-exam guidelines for a wide variety of projects, which help ensure that plan review is efficient and consistent.

The wait time between a development inspection request and an inspection also decreased across the board. The wait time for a general construction inspection was 2 days and was under 3 days for an electrical or plumbing inspection. This progress on development inspection service levels can be attributed to the efficiencies gained from the implementation of DOB NOW: Inspections, which allows for nearly all types of development inspections to be scheduled online. This makes it easier for our customers to schedule inspection appointments, offers more precise inspection scheduling and improves inspection tracking and notifications.

Concerning development, the Department continues our efforts to maintain the City's Construction Codes. Thank you for your incredible partnership on this effort as this would not be possible without the support of this Committee and all of the stakeholders who are involved in our code revision process. Together, we have already updated the City's Plumbing Code, and just last week, the City Council approved the most stringent Energy Code in our history. This means we are bringing the best in energy efficiency to our buildings, which results in energy savings for building owners and lower carbon emissions. We are in the midst of revising the balance of the Construction Codes and the Electrical Code, and expect to submit those revisions to the City Council later this year.

In line with our responsiveness as it relates to development, we are responding to complaints from members of the public faster than ever before, despite receiving nearly 104,000 311 complaints last year. We are responding to the most serious complaints, Priority "A" complaints, which are those complaints that relate to conditions that may present an immediate threat to the public, within 7 hours. We are responding to Priority "B" complaints, which capture violating conditions that if occurring, while serious, do not present an immediate threat to the public, within 11 days. As a result of responding to these complaints, and our proactive inspections concerning construction safety and tenant protection, which I will discuss momentarily, we issued nearly 90,000 violations last year. Keeping the public safe is at the heart of what we do and we are committed to holding bad actors accountable for their actions.

Construction safety continues to be a focus of the Department. Construction-related injuries decreased over 20% last year compared to the previous year. This decrease in injuries comes after the launch of our Construction Safety Compliance ("CSC") Unit, which is dedicated to conducting proactive, unannounced inspections of large construction sites citywide. The CSC Unit will have over 70 dedicated inspectors when fully staffed. To date, the CSC Unit has conducted over 29,000 proactive inspections at over 13,000 active construction sites, issuing 3,273 Stop Work Orders and 14,541 violations.

The decrease in incidents and injuries also coincides with the implementation of Local Law 196 of 2017 ("Local Law 196"). Currently, workers at many construction sites are required to have 30 hours of safety training and supervisors at those sites are required to have 62 hours of safety training. When fully phased-in later this year, Local Law 196 will require that workers have 40

hours of safety training. Since the enactment of this law, we have conducted extensive outreach to the construction industry, including directly to the workers who are impacted. Our staff has visited over 1,000 construction sites to conduct direct outreach to workers in all five boroughs. We also ran an educational advertising campaign that targeted construction workers and included television, radio, and subway ads. We also released our Site Safety Construction Map, which is an interactive map workers can use to determine whether a construction site requires site safety training. I am proud to report that our approved course providers have issued nearly 72,000 Site Safety Training Cards and many thousands of OSHA 30 cards to workers, which means that workers are receiving the site safety training required by this law. We are pleased with the compliance we are seeing on the ground. To date, our inspectors have found 289 construction sites, out of over 13,000 sites visited, where 600 workers did not have their required training. This resulted in the issuance of nearly 2,400 violations to owners, contractors and employers, for which over \$1 million in penalties has already been collected.

The Department is also hard at work protecting tenants whether they are living in buildings under construction or not. We have already implemented over a dozen laws aimed at combatting the issue of construction as harassment. The Department is now prioritizing its inspection of Work Without a Permit complaints related to construction work in an occupied building, is requiring more detailed Tenant Protection Plans, is performing more proactive inspections to ensure that Tenant Protection Plans are being complied with, and is auditing more professionally certified applications for work in occupied buildings. This work will continue as the Department is in the midst of implementing a dozen more laws aimed at protecting tenants. Most importantly, these laws will give us the ability to shift the burden of creating and submitting a Tenant Protection Plan to the Department to contractors retained by building owners. Given that contractors are performing the work, they are in a far better position than owners to determine the means and methods for protecting tenants from construction. This reform will greatly improve the quality of, and compliance with, Tenant Protection Plans.

We are also focused on strengthening our Office of the Tenant Advocate, which serves as a resource to help tenants understand the laws that govern construction, to investigate complaints of construction as harassment, and acts as our liaison to tenants with any Department-related issues. To accomplish this, we have reorganized our Enforcement Bureau. Now, the Office of the Tenant Advocate and the Real Time Enforcement Unit, which is tasked with responding to

Work Without a Permit complaints from occupied multiple dwellings, report to our Buildings Marshal. By working in tandem, these units will provide our tenants with the resources they need to navigate the laws that are in place to protect them and respond to any issues they may have expeditiously.

The Department is also prepared to fulfill its obligation to address greenhouse gas emissions coming from buildings. We are well positioned, with the largest energy team anywhere in the country, to support the City's goal of achieving carbon neutrality. In addition to enforcing the Energy Code, enforcing existing laws that require certain buildings to report their energy and water use and to perform retro-commissioning, we are also implementing the historic Climate Mobilization Act. The Climate Mobilization Act includes Local Laws 92 and 94 of 2019, which require all new buildings and existing buildings undergoing certain major roof renovations to install a solar photovoltaic system, a green roof system, or a combination of the two, and Local Law 97 of 2019, which regulates greenhouse gas emissions from large buildings. We look forward to updating the Committee as the implementation of these laws progresses.

We recognize the significant impact that our work can have on the public – whether they are planning a construction project, attempting to resolve a violation, or wanting to find out more about construction work in their community. As such, we are focused on making our work accessible to the public by providing them with resources they can use, conducting outreach directly to impacted members of the public, and going into their communities to provide assistance. I would like to highlight a number of our efforts in this area:

- We released a real-time map of after-hours construction work so that the public is aware of after-hours construction in their neighborhoods and can easily determine whether the work they see or hear has the proper permits.
- We have started mailing letters to property owners when their neighbor is conducting construction work so that they are aware of that work and any disruption it may cause them.
- We have created a brochure to help our small businesses understand the laws and regulations that apply when they are installing a business sign. So far, we have distributed over 8,000 of these brochures to over 2,000 businesses.
- We recently launched a new initiative to educate small property owners on how to address Department violations and avoid penalties. Now, when a small property owner receives a

violation from the Department, we are also mailing them a brochure that advises them of their violation and how to resolve it so that they can avoid incurring penalties. They are also being provided with contact information for our Administrative Enforcement Unit, which can help them resolve a violation.

- We will soon be putting even more information in the hands of New Yorkers so that they can better understand the status of their buildings. This includes sharing profiles on individual buildings so owners can be reminded of matters that require their attention, including outstanding violations and missing compliance filings.
- We are also bringing the Department into your communities to assist your constituents with any Department-related issue they may have. Our doors are open in every borough on Tuesday nights for Customer Service Night and we have started holding office hours in your offices to bring our assistance directly to your constituents.

Thank you for the opportunity to testify before you today. I look forward to continuing our work together to improve the Department for the benefit of all New Yorkers.

We welcome any questions you may have.

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