



**TESTIMONY:
Fiscal Year 2023
Preliminary Budget Hearing**

**TESTIMONY BEFORE THE NEW YORK CITY COUNCIL
COMMITTEE ON HOUSING AND BUILDINGS
NEW YORK CITY DEPARTMENT OF BUILDINGS
GUILLERMO PATINO, CHIEF OF STAFF AND DEPUTY COMMISISONER
MARCH 14, 2022**

Good morning Chair Sanchez and members of the Committee on Housing and Buildings. I am Guillermo Patino, Chief of Staff and Deputy Commissioner for External Affairs at the New York City Department of Buildings (“the Department”). I am joined today by Sharon Neill, our Deputy Commissioner for Finance and Administration. We are pleased to be here to discuss the Fiscal Year 2023 Preliminary Budget and the Department’s priorities for the upcoming year.

Construction and real estate are the backbone of New York City, a built environment unlike any other. As the primary regulator of these vital industries, the Department helps facilitate the creation of new residential and commercial space for our growing City, all while promoting safety on tens of thousands of active construction sites and at the City's nearly 1.1 million existing buildings. The Department strives to strike the right balance between compliant development and safety. To further its public safety mission, the Department, with its over 1,600 dedicated public servants, enforces the City's Construction Codes, the Zoning Resolution, and the New York State Multiple Dwelling Law, to protect those who live, work, or visit the City.

Turning now to the Fiscal Year 2023 Preliminary Budget, the Preliminary Budget allocates approximately \$216 million in expense funds to the Department. Of this funding, approximately \$171 million is for Personal Services, which supports 1,943 budgeted positions, and nearly \$45 million is for Other Than Personal Services, which primarily supports contractual services, equipment, and supplies. This funding is critical to supporting the Department’s priorities. The Department continues to make tremendous progress in key areas, including to facilitate compliant development in an efficient manner, to improve safety at construction sites, to keep tenants safe in their homes, and to reduce emissions from buildings, all while continuing to improve the services we offer to our customers and members of the public.

In Fiscal Year 2021, the last full fiscal year, approximately 120,000 construction jobs were filed with the Department, and we issued nearly 160,000 initial and renewal construction permits combined. This represents an uptick from the previous fiscal year, which indicates that construction activity is picking up as the construction industry recovers from the impacts of COVID-19.

It should also be noted that the number of construction jobs filed online in DOB NOW continues to grow year over year as we continue our shift from the Buildings Information System, a three-decades-old mainframe system. Now, the majority of construction jobs are filed in DOB NOW. When fully implemented, DOB NOW will allow our customers to conduct all of their business with the Department online, which will lead to greater efficiency and more transparency by allowing owners, design professionals and contractors to determine exactly where a construction project is in the approval process.

Despite an uptick in construction activity, we continue to review plans for new buildings, major renovations, and minor renovations expeditiously. We are completing our initial plan review for new buildings and major alterations in under ten days and for minor renovations in approximately two days. 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 by continuing to train our plan examiners to ensure that plan review is efficient and consistent.

The wait time between a development inspection request and an inspection also continues to be short, with our development inspections being completed within four days of a request in most instances. This progress on development inspection service levels can be attributed to the efficiencies gained from DOB NOW: *Inspections*, which allows for all types of development inspections to be scheduled online. This makes it easier for our customers to schedule inspection appointments and offers more precise inspection scheduling.

To help our customers understand what to expect when starting a construction project, we have launched a Customer Service Dashboard, which we continue to improve upon. This online tool allows our customers to view a variety of metrics in real-time, including the average wait times for plan review by job type, the number of appointments to plan approval, and the time it takes us to complete inspection requests.

We also continue to respond to complaints from members of the public expeditiously. 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 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 12 days. As a result of responding to these complaints, and our proactive inspections concerning construction safety and tenant protection, we issued nearly 73,000 OATH summonses last fiscal year.

With this Committee’s partnership, the Department also continues its efforts to maintain the City’s Construction Codes. At the end of last session, we worked together to pass comprehensive updates to the Construction Codes. The Department is hard at work implementing those updates, which will go into effect later this year. We are also in the process of updating the Electrical Code, and for the first time, developing an Existing Building Code, which will specifically address construction projects in an existing building. We look forward to partnering with this Committee this session to continue to update and strengthen our codes.

The 2022 Construction Codes also introduced a new license type, an Elevator Agency Technician License, which is required to work on elevators in New York City as of this year. The introduction of this new license type strengthens the Department’s licensing program and increases elevator safety as it ensures that individuals working on our elevators are qualified and have appropriate training. In addition to implementing this new license type, the Department also continues to license over a dozen trades, including plumbers, electricians, and safety professionals.

As construction activity increases, so does the potential for construction-related incidents, making construction safety a continued concern for the Department. In 2019, for the first time in nearly a decade, construction related injuries decreased over 30%. Last calendar year, despite the increase in construction-related activity, construction-related injuries and fatalities remained consistent with what we saw in 2020, a year when non-essential construction activity was suspended for several months during the first year of the COVID-19 pandemic. Last year, the Department released a new construction safety report that provides deep insights on construction safety trends in the five boroughs and examines Department initiatives that led to declines in building construction-related incidents and injuries during that time. The Department will soon be releasing a report that covers the last calendar year and expects to continue to issue these annual reports covering construction safety moving forward.

To ensure that safety regulations are being complied with, the Department continues to conduct proactive, unannounced inspections of large construction sites. Since these inspections began in late 2018, the Department has conducted over 70,000 proactive

inspections at nearly 30,000 unique construction sites. The Department will continue to conduct proactive inspections at sites that pose the greatest safety risk.

The Department also sanctions bad actors in the construction industry, including its licensees and other construction professionals when they jeopardize public safety. Actions to deter bad actors include suspending or revoking their licenses or filing privileges when appropriate. These are tools the Department uses judiciously and all actions taken against licensees and other construction professionals are publicly available on our website through our Know Your Construction Professional portal, a useful tool our customers should use before starting a construction project.

Last year, Local Law 196 of 2017 was also fully phased-in. This means that workers at large construction sites are now required to have 40 hours of safety training and supervisors at such sites are required to have 62 hours of safety training, including critical fall prevention training. To date, our approved course providers have issued over 120,000 Site Safety Training Cards to workers and their supervisors, which means that workers are receiving the safety training required by this law. I commend the construction industry, including construction workers, for their partnership as we implemented this law over a three-year period.

At the end of last session, we also worked together to pass a package of legislation that would help further reduce injuries on construction sites by requiring more site safety supervision at larger construction sites, strengthening requirements for cold-formed steel construction, and permanently banning the dangerous use of stand-off brackets for suspended scaffold work. The Department looks forward to keeping this Committee updated on the impacts of these laws as they are implemented in the coming years and looks forward to working together on measures to further improve construction safety.

The decrease in construction-related injuries that we have seen in recent years is promising and I urge all of us to continue to work to drive down construction-related injuries and fatalities because safety is a shared responsibility, and every worker deserves to go home to their families at the end of their shift.

The Department also continues its critical work to protect tenants living in buildings under construction. We're committed to providing our Office of the Tenant Advocate ("OTA") and the New York City Loft Board with the tools it needs to succeed. OTA 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. The Loft Board performs the critical work of overseeing the

conversion of manufacturing or commercial buildings to safe, rent-regulated residential use, which provides for the creation of much needed affordable housing. We also regularly conduct proactive inspections to ensure that contractors are complying with Tenant Protection Plans and respond to tenant harassment complaints 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 Climate Mobilization Act. The Climate Mobilization Act requires 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 regulates greenhouse gas emissions at large buildings starting in 2024.

We are also transforming the way we interact with small property owners with the introduction of our Homeowner Relief Program last summer. Instead of receiving OATH summonses from the Department, which could result in monetary penalties being imposed, we are providing small property owners with an opportunity to correct violating conditions without ever incurring any financial penalties. This is a shift in the way the Department has done business in the past and is an effort by the Department to support homeowners who may not be familiar with the regulations they must comply with when conducting a construction project at their home.

Further, to support and empower new property owners, we are now reaching out with a toolkit they can use to maintain their property and comply with regulations before they run into any trouble. New property owners are now receiving a mailing from the Department that shares critical information about their property, including any open violations or permitted construction jobs, and that tells them about compliance inspections they must comply with, which may include inspecting their elevators, their boilers, or their facades. We are also reaching out to property owners when we receive a filing for a construction job at their building for the first time so that they know what to expect as their job moves through the approval process.

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 will continue making our work transparent and accessible to the public by providing them with resources they can understand and use, like our Customer Service Dashboard, our real-time map of



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after-hours construction work, which allows the public to determine whether after-hours construction in their neighborhood is occurring with proper permits, and our interactive map of all major construction projects in the city. We will also continue conducting outreach directly to members of the public impacted by our work, which includes sending letters to property owners when their neighbor is conducting construction work so that they are aware of that work and any disruptions it may cause.

Thank you for the opportunity to testify before you today. We look forward to partnering with you to improve the work of the Department for the benefit of all New Yorkers.

We welcome any questions you may have.

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