ANNUAL REPORT

OFFICE OF THE SCRIE AND DRIE OMBUDSPERSONS

OCTOBER 3, 2016

Bill de Blasio, Mayor • Jacques Jiha, Ph.D., Commissioner
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A. Executive Summary

The New York City Department of Finance (DOF) manages and administers the New York Senior Citizen Rent Increase Exemption (SCRIE) and Disability Rent Increase Exemption (DRIE) Programs. SCRIE and DRIE Ombudsperson positions were created in 2015, as a result of City Council legislation (Local Law 40 of 2015). Kristen Keller was appointed as the SCRIE Ombudsperson in June 2015, and David Crotty joined as the DRIE Ombudsperson shortly thereafter.

As mandated by the legislation, an annual report is to be completed by the Ombudspersons Office each year by October 1. This is the first report. It includes statistics of the Ombudspersons’ activities, a summary of changes in the SCRIE and DRIE programs during the year and the Ombudspersons’ recommendations for the programs for the near and long-term future.

Known together as the New York City Rent Freeze Program, SCRIE and DRIE help qualifying senior citizens and people with disabilities stay in affordable housing by freezing their rent. The SCRIE and DRIE Ombudspersons spent their first year assisting SCRIE and DRIE beneficiaries, new applicants and property owners in obtaining correct information about the programs. The Ombudspersons have also opened cases when situations required investigation and follow-up. From July 1, 2015 through June 30, 2016, the Ombudspersons handled a total of 761 inquiries and 281 cases.

This same year was also an important time for the development of SCRIE/DRIE program outreach, coordination with community-based organizations representing program participants, internal process improvements and the implementation of important new policies and legislation. The Ombudspersons have played a significant role in these developments, using their experience working with program participants.

Summary of Recommendations

Improve Access

1. **Tenant Representatives:** The Ombudspersons strongly encourage the SCRIE/DRIE Task Force to continue discussions of how to provide long-term tenant representatives and pursue collaborative solutions. These solutions should include proactive measures to remind/assist current beneficiaries who fail to renew on time. Adequate resources should be provided to City agencies and community-based organizations to fill this gap in service.

2. **Communication:** The Ombudspersons recommend that resources be appropriated for a direct customer service phone line for SCRIE/DRIE program participants.
Improve Program Performance and Efficiencies

3. **Landlord/Tenant:** The Ombudspersons recommend that DOF pursue a closer working relationship with DHCR for information and referrals and continue to discuss other potential solutions in the Task Force meetings.

4. **Document mailing:** The Ombudspersons recommend that an online application and document management system be developed by DOF in the future to reduce human error and make processing more efficient for those applicants who have access to computers.

5. **Program Rules and Standing Operating Procedures (SOPs):** The Ombudspersons strongly recommend that program rules be completed to clarify some of the issues to the public and DOF staff, and that these rules be made available to the public. In addition, the office recommends that detailed SOPs be developed so that detailed processes are clear for the DOF processing staff.

6. **Training:** The Ombudspersons recommend that DOF continue to enhance formal and informal training efforts.

7. **Preferential Rent:** The Ombudspersons recommend continuing education and a further discussion on potential legislation after more data is available.

8. **Process Improvements:** The Ombudspersons recommend that DOF aggressively pursue additional process improvements, centering on data and technological enhancements.
B. Law requiring an annual report

Local Law 40 of 2015 requires an annual report by the SCRIE and DRIE Ombudspersons each year by October 1. This is the first report. It includes statistics of the inquiries to the Ombudspersons, a summary of changes in the SCRIE and DRIE programs during this year and the Ombudspersons’ recommendations for the programs. As stipulated by the legislation:

No later than October first of each year, the department shall submit a report to the council indicating the number and nature of any written or verbal inquiries received by the ombudsperson and any recommendations made by the ombudsperson to the commissioner regarding the administration of the senior citizen rent increase exemption. Such data shall also be disaggregated by Council District.

C. Office of the SCRIE and DRIE Ombudspersons – Development

The SCRIE and DRIE Ombudsperson positions were created in 2015 as a result of City Council legislation (Local Law 40 of 2015). SCRIE Ombudsperson Kristen Keller began reviewing cases in June 2015, and David Crotty joined as the DRIE Ombudsperson shortly thereafter.

The purpose of the Ombudspersons is to receive and investigate complaints about the program, assist people for whom the SCRIE/DRIE procedures are not working and to make recommendations for systemic changes to the SCRIE/DRIE process.

Now that the Ombudspersons program has been developed during the course of a year and the Ombudspersons have a sense of the issues, the Ombudspersons and Department of Finance have concluded that it would be beneficial for the office to be part of the new Office of the Taxpayer Advocate (OTA). OTA, also created this past year, is part of DOF but acts independently and its sole focus is to assist New York City households and businesses with issues involving City taxes and tax benefit programs. Due to the similarity in the OTA and Ombudspersons’ missions, it is believed participants who request assistance from the Ombudspersons program will be better served if the office becomes part of OTA. Throughout this past year, the SCRIE and DRIE Ombudspersons have attended many OTA staff meetings and discussed important cases and issues. A smooth transition is expected to take place later this year.

The Ombudspersons can be contacted through 311. Their contact information is also provided on the DOF website, through outreach events, by many community-based organizations and on specific notices from the SCRIE/DRIE programs. The notices that require Ombudspersons contact information include: denial or appeal of a denial, termination of benefits, revocation of benefits and denial of a benefit takeover.

D. Inquiries and Cases

The Ombudspersons’ work is generated via emails, 311 calls and case referrals from multiple sources for both the SCRIE and DRIE programs. “Inquiries” are answered directly or briefly
researched. “Cases” require research, coordination and follow-up. All inquiries and cases are logged, and weekly reports are generated. Open cases are checked weekly to monitor development, perform follow-up and document resolutions. The Ombudspersons have constant interaction with SCRIE/DRIE supervisors and management. Some cases are prepared and referred to DOF’s Legal Unit or to the agency’s Equal Employment Opportunity (EEO) Office for reasonable accommodation consideration (extending deadlines).

During the past year, the Ombudspersons handled a wide range of issues when resolving inquiries and cases, ranging from general information about the program to working closely with legal advocates to prevent imminent evictions. The Ombudspersons have assisted people at every point in the process, from pre-application to renewals and appeals.

From July 1, 2015 through June 30, 2016, the Ombudspersons handled a total of 761 inquiries and 281 cases. Of the 281 cases, 185 are in “approved” status, 58 were “denied” and 38 are pending cases. (Emails are as of July 1, 2015 through June 30, 2016 and 311 calls are as of March 1, 2015 through June 30, 2016.)

Summary statistics are provided below for Inquiries and Cases for each individual program as well as combined:
Some of the inquiries outlined above were being handled separately through the normal SCRIE/DRIE process, but the Ombudspersons were able to give more personal attention to people experiencing urgency and stress. Many of the office’s more-complicated cases were with tenants who had been able to handle their own affairs in the past (including SCRIE/DRIE applications), but at some point since their previous application were no longer able to do so. Most of these tenants failed to renew their exemption within the specified deadline. The issues included medical reasons or diminished mental capacities, or the loss of a family member, friend or caseworker who had been serving as a tenant representative.

The office was sometimes contacted by landlords but most often by tenants. The most common application type for cases was related to beneficiaries who were in the process of renewing their benefits. The office’s 281 cases are categorized below:
Case Resolutions:
Below are statistics on the outcome of cases received by SCRIE and DRIE, with combined totals. Overall, the Ombudspersons were able to assist beneficiaries in getting their application approved in two-thirds of the cases received to date.

**SCRIE Cases — Resolutions**

<table>
<thead>
<tr>
<th>SCRIE</th>
<th>Cases</th>
<th>Approved</th>
<th>Denied</th>
<th>Determination</th>
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<tr>
<td>311 Phone Calls</td>
<td>58</td>
<td>39</td>
<td>11</td>
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<tr>
<td>Emails</td>
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<tr>
<td>Total</td>
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<td>130</td>
<td>39</td>
<td>20</td>
<td>68.8%</td>
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**DRIE Cases — Resolutions**

<table>
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<tr>
<th>DRIE</th>
<th>Cases</th>
<th>Approved</th>
<th>Denied</th>
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</thead>
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<tr>
<td>311 Phone Calls</td>
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<td>6</td>
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<tr>
<td>Emails</td>
<td>75</td>
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<td>12</td>
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<tr>
<td>Total</td>
<td>92</td>
<td>55</td>
<td>19</td>
<td>18</td>
<td>59.8%</td>
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**SCRIE and DRIE Cases Combined — Resolutions**

<table>
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<tr>
<th>SCRIE /DRIE</th>
<th>Cases</th>
<th>Approved</th>
<th>Denied</th>
<th>Determination</th>
<th>% Approved</th>
</tr>
</thead>
<tbody>
<tr>
<td>311 Phone Calls</td>
<td>75</td>
<td>47</td>
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<td>62.7%</td>
</tr>
<tr>
<td>Emails</td>
<td>206</td>
<td>138</td>
<td>44</td>
<td>24</td>
<td>67.0%</td>
</tr>
<tr>
<td>Total</td>
<td>281</td>
<td>185</td>
<td>58</td>
<td>38</td>
<td>65.8%</td>
</tr>
</tbody>
</table>

Inquiry and case data by Council district is available in the Appendices.
E. How do the Ombudspersons help program beneficiaries, new applicants and property owners?

The SCRIE and DRIE Ombudspersons spend most of their time handling specific inquiries and cases. Efforts include:

- Researching various databases at DOF and other public agencies, such as the New York City Department of Buildings, the Department of Housing Preservation and Development and the New York State Department of Housing and Community Renewal.
- Verifying that applicants/beneficiaries were sent notices.
- Locating missing documents (misplaced by SCRIE/DRIE, never submitted or scanning errors).
- Providing information to applicants/beneficiaries, often to clarify what documents to submit in pending renewals or initial applications.
- Communicating with tenant representatives (family/friends, legal advocates, social workers).
- Reviewing processing procedure and data submission to identify any errors by SCRIE/DRIE staff in processing of the application.
- Interpreting procedures or rules. The Ombudspersons often work with SCRIE/DRIE supervisors to see if there are alternative interpretations or procedures that would allow for the applicant/beneficiary to be approved. Sometimes this involves looking at the situation from various points of view and consulting with legal staff.

Resolution of inquiries and cases varies greatly from a few minutes on the phone or communicating by email, to several months for more complicated cases. Resolution can also depend on the specific needs of the beneficiary.

F. Overall SCRIE/DRIE efforts

The development of the Office of the Ombudspersons was one part of multiple efforts to enhance the Rent Freeze Program by the Department of Finance, advocacy groups, legislators and others coming together to make these programs more accessible and successful. Related developments included the creation of the Office of the Taxpayer Advocate, major and minor process improvement projects, rules to extend filing deadlines based on reasonable accommodation, legislative proposals, quarterly SCRIE/DRIE Task Force meetings, enhanced outreach efforts and much more. We were fortunate to work with advocacy groups and many DOF managers, supervisors and other staff who truly believe in the programs and were open to our suggestions and ideas. The Ombudspersons have been able to play a significant role in these developments. Major initiatives include:

Extensive outreach efforts to increase enrollment:
The Department of Finance has implemented a number of substantive changes to increase enrollment in and exposure to the program. The Department rebranded SCRIE and DRIE as the much clearer NYC Rent Freeze Program, developed all new materials based on focus group feedback, which are translated into Bengali, Chinese, French, Korean, Haitian Creole, Russian, and Spanish. In addition, DOF launched a new website dedicated entirely to the program: www.nyc.gov/rentfreeze.
DOF created a new outreach model that uses data to strategically target eligible and un-enrolled households. Under this new model, staff proactively go into these target neighborhoods, develop partnerships with local community organizations and elected officials, and organize enrollment events where tenants can come to receive the support they need to sign up for the Rent Freeze Program. DOF has a new mobile processing unit that attends these events and provides ongoing local support in these communities. To raise awareness of these events, DOF holds press conferences that particularly focus on local and ethnic press. The Department is working with local partners to hold Days of Action and Rent Freeze Housing Months, in which staff and volunteers distribute information throughout the neighborhood to educate residents about the program's benefits and eligibility requirements and give them details about enrollment events and support.

**SCRIE/DRIE Task Force:**
Although there had been communication in the past with legal advocates, a more comprehensive Task Force was instituted that included legal advocates, social workers and community organizations. Quarterly meetings were held at which open discussions and feedback was encouraged. The Ombudspersons appreciated these opportunities for open discussions on overall issues and potential solutions with some of the tenant representative organizations that the office dealt with on a daily basis for individual cases. The Task Force is very active in shaping improvements to the program.

**Reasonable Accommodation:**
A new regulation was created that allows for SCRIE and DRIE program participants to file renewal applications past the specified deadline under certain conditions. This was done by adding Chapter 52 to Title 19 of the Rules of the City of New York. Many of the office’s very difficult and complex revocation cases have been approved as a reasonable accommodation under these rules. To date, the Ombudspersons have had 39 potential reasonable accommodation cases, and referred 30 cases, of which 25 have been approved. The reasonable accommodation process at DOF has been revised and the Ombudspersons are working with the SCRIE/DRIE Unit, DOF Legal, the agency’s EEO Office and others to set up the process and ensure that the infrastructure is in place to identify and refer possible reasonable accommodation cases. One component is the SCRIE/DRIE Reasonable Accommodation Sensitivity Training that is required and has been provided for all SCRIE/DRIE staff and the Ombudspersons.

**Dormant DRIE:**
This project is currently ongoing and will result in the DRIE Unit officially revoking or reapproving cases at the old frozen rent, where the City is no longer paying Tax Abatement Credit (TAC) to the landlord but is still “active” in the DOF computer system due to issues with the previous data legacy system. This project allows the DRIE Unit to renew benefits, retroactively and prospectively, for those who submit the necessary paperwork and have remained eligible. The Ombudspersons have been integrally involved in this project and have been able to resolve a significant number of their cases through this program.
**Major process improvements:**
During this past year, DOF undertook a review of the entire processes, procedures and controls for SCRIE/DRIE. The goal was to re-engineer and streamline the agency’s processes, eliminate waste and inefficiencies, reallocate resources and improve end-to-end processing cycle times. One of the major findings was that many applications submitted were incomplete (for SCRIE, 42%; for DRIE, 76%). The major process improvements below address the incomplete issue as well as others:

- **Application redesign (completed)** – The new applications convey eligibility information and requirements more clearly and are more user-friendly. Application forms are redesigned with larger fonts for seniors and people with sight impairments.
- **Landlord Express Access Portal “LEAP” (completed)** – This project establishes an information and communication base with landlords/managing agents to secure lease information, and reduce pending and denied applications.
- **Enhanced customer service (in progress)** – The Walk-In Center at 66 John Street in Manhattan will be expanded and enhanced to accommodate senior/disabled customers, make the process more efficient and reduce wait times.
- **Automated data feeds (in progress)** – This project will reduce incomplete applications and processing time by acquiring data feeds from external sources. The Department of Finance is partnering with the Social Security Administration to obtain income data that will enable us to verify eligibility more quickly and lessen the burden on seniors and people with disabilities, and match the programs’ participant files against the Social Security Administration’s “death master file” so that the agency can remove those who have died.

**Legislative:**
This year, the NY State Legislature passed S06214/A8228-A, which will allow SCRIE/DRIE participants to come back into the program at their old frozen rent if they lose the benefit for one lease term due to a one-time increase in income such as a payment from a pension or retirement account. This is very meaningful legislation and is a direct result of DOF’s efforts to make sure that all eligible participants retain this valuable benefit for the rent assistance that they need. The bill was recently signed by the Governor.

Another bill that passed this year is S8063/A6702-A, which provides for a short-form application for Rent Freeze participants who have been enrolled for five consecutive lease terms. This bill also goes a long way in keeping eligible participants in the program and making it easier for them to comply with legally mandated requirements.

Last year, the State enacted Chapter 580 of the laws of 2015, which allows eligible household members to take over the Rent Freeze benefit for a deceased tenant or a tenant that permanently moves out of the home. Many of the Ombudspersons’ interactions with tenants involved benefit takeovers. Prior to this legislation being passed, there was no mechanism for the benefit to be transferred, which is critical for the remaining household members.
G. Identification of recurring issues and recommendations

After one year of experience and many discussions with tenants and tenant representatives, landlords, SCRIE/DRIE staff and community organizations, the Ombudspersons have observed the following recurring issues and outlined recommendations for the future.

Improve Access

1. **Tenant Representatives**: Tenant representatives play a critical role in ensuring that participants complete the SCRIE/DRIE application and renewal process. Many of the office’s cases involved participants with no tenant representative or where the tenant representative was no longer available. The tenant representative can be a friend, family, neighbor, legal advocate, social worker, case worker or legal guardian. Unfortunately many tenant representatives are temporary or only assigned for a critical task (renewing SCRIE/DRIE benefits while dealing with an impending eviction). Often, participants who are having trouble renewing SCRIE/DRIE are also having major issues functioning in other parts of their lives. The need for tenant representatives who can play an ongoing role and various options have been discussed at the SCRIE/DRIE Task Force meetings.

**Recommendation**: Although there are no easy solutions, the Ombudspersons strongly encourage the Task Force to continue these discussions and pursue collaborative solutions. These solutions should include proactive measures to remind/assist current beneficiaries who fail to renew on time. Adequate resources should be provided to City agencies and community organizations to fill this gap in service.

2. **Communication**: One of the larger categories of Ombudsperson cases is the lack of understanding of the required documents the tenant needs to provide for approval of benefits. The reasons for the lack of understanding include: lack of a tenant representative, language issues, lack of clarity in DOF pending notices and diminished mental capacity. As we have found this past year, these populations often need enhanced customer service to help them understand what they need to do. The Ombudspersons’ Office is receiving direct calls for the SCRIE/DRIE programs from 311. The Ombudspersons also initiate phone calls and leave a direct contact number for ongoing cases. This effort is very time-consuming and staff intensive, but the office is able to resolve issues more quickly now and reduce the level of anxiety for program participants.

**Recommendation**: Resources should be appropriated for a direct customer service phone line for SCRIE/DRIE program participants.

Improve Program Performance and Efficiencies

3. **Landlord/Tenant Issues**: Many of the Ombudspersons’ cases involve landlord/tenant issues. Both the tenants and landlords are the office’s customers and the Ombudspersons must make sure that both are served well under the law, even when
they are in conflict with each other. Some cases are fairly straightforward, with the Ombudspersons providing information or assisting in getting lease information submitted. Some are more difficult and involve investigation of State Department of Homes and Community Renewal (DHCR) rent history or referrals. The previously mentioned Landlord Express Access Portal project (LEAP) will assist cooperative landlords in getting us necessary documents, reducing processing delays, and will also allow landlords better access to their TAC reports.

**Recommendation:** The Ombudspersons recommend that DOF pursue a closer working relationship with DHCR for information and referrals and continue to discuss other potential solutions in the Task Force meetings.

4. **Document Mailing:** The Ombudspersons receive many claims from program participants who say that documents were sent or delivered to the SCRIE/DRIE Unit and are not recorded as received. This causes undue stress and anxiety for tenants. The Ombudspersons are aware that sometimes the participants do not send the documents to the correct address, the documents are lost in the SCRIE/DRIE processing or there are scanning errors. The SCRIE/DRIE staff has implemented or is in the process of implementing several scanning and tracking procedures that seem to be helping.

**Recommendation:** DOF should develop an online application and document-management system in the future to reduce human error and make processing more efficient for those applicants who have access to computers.

5. **Program Rules and Standing Operating Procedures (SOPs):** There have been many changes in the SCRIE and DRIE programs recently, including legislative, policy changes, procedural improvements, time extensions for reasonable accommodation, and new staff. After dealing with more than a thousand inquiries and cases, the Ombudspersons also understand that implementing the SCRIE/DRIE programs within the various legal limitations can be very complicated. The public and DOF staff need to be constantly educated, and supervisors must ensure that processes are consistent in complex situations. The Ombudspersons Office believes that this will prevent many inquiries or cases from requiring assistance from the Ombudspersons. Clarity is needed in permanent loss of income redeterminations as well as on the definition of income. Efforts to produce rules and SOPs have been started but are not yet finished.

**Recommendation:** Program rules to clarify some of the issues to the public and DOF staff should be completed and made available to the public. In addition, the Ombudspersons recommend that detailed SOPs be developed and continually updated so that detailed processes are clear for the DOF processing staff.

6. **Training:** As previously discussed, DOF must provide training for new employees and new initiatives, such as the application deadline extensions under reasonable accommodation. Detailed SOPs would help considerably. Cross-training among DOF staff is also critical for consistency and operational back-up.

**Recommendation:** DOF should continue to enhance formal and informal training efforts.
7. **Preferential Rent**: Preferential rent occurs where an owner agrees to charge a rent that is lower than the legal regulated rent. New applicants to the SCRIE/DRIE programs face two issues regarding preferential rent. Applicants do not always understand that the frozen rent is based on the legal rent, not the preferential rent (unless the preferential rent is for the lifetime of the tenancy which is supported in a lease rider). There are efforts to educate applicants on this subject and the policy is stated in the Rent Freeze materials. Sometimes applicants are forced to decide whether to join and/or stay in the SCRIE/DRIE program based on a higher legal rent than their current preferential rent, or not enroll in the program. For these tenants, the preferential rent for the term of the lease from the landlord is below legal rent, which would make the frozen rent higher than the preferential rent and is not subject to Rent Increase Guidelines. In 2017, DOF will be able to track the existence and the amount of preferential rent when applicable.

*Recommendation*: Continued education and further discussion on potential legislation after more data is available.

8. **Process Improvements**: The Ombudspersons recognize that there have been many procedural improvements this year in SCRIE/DRIE processing. There is much more to be done, particularly with potential technological improvements. As mentioned earlier, an online application and renewal system, for those program participants with access to a computer, is critical to efficient processing. Data feeds from other agencies, mentioned earlier, will also have a major impact on processing time and accuracy.

*Recommendation*: **DOF should aggressively pursue additional process improvements, centering on data and technological improvements.**

**H. Conclusion**

The Ombudspersons have identified many issues in this report. Some are in the process of being addressed and others are not yet being addressed. The Ombudspersons look forward to continuing working next year with tenants and tenant representatives, landlords, community organizations, elected representatives and DOF staff to continue to move this important program forward. The Ombudspersons appreciate the hard work and collaboration between all parties and look forward to tackling the remaining challenges in the upcoming year as part of the Office of the Taxpayer Advocate.
### Breakdown of SCRIE DRIE Inquiries and Cases by Council District

<table>
<thead>
<tr>
<th>City Council District</th>
<th>Borough</th>
<th>Inquiries by Council District</th>
<th>Cases By Council District</th>
<th>Total By Council District</th>
<th>City Council Member</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Manhattan</td>
<td>5</td>
<td>8</td>
<td>13</td>
<td>Margaret Chin</td>
</tr>
<tr>
<td>2</td>
<td>Manhattan</td>
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<td>Rosie Mendez</td>
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APPENDIX 2

SCRIE / DRIE
Inquiries, Cases and Total
By New York City Council Districts

City Council District
(# of Inquiries / # of Cases / Total #)

Total # of Inquiries and Cases

- 0 - 5
- 6 - 11
- 12 - 14
- 15 - 17
- 18 - 28
- 29 - 35
- 36 - 56
SCRIE / DRIE
Inquiries, Cases and Total
By Manhattan City Council Districts

City Council District
(# of Inquiries / # of Cases / Total #)

Total # of Inquiries and Cases

- Green: 0 - 5
- Light Green: 6 - 11
- Light Yellow: 12 - 14
- Yellow: 15 - 17
- Orange: 18 - 28
- Orange Red: 29 - 35
- Red: 36 - 56
SCRIE / DRIE
Inquiries, Cases and Total
By The Bronx City Council Districts

Total # of
Inquiries and Cases

0 - 5
6 - 11
12 - 14
15 - 17
18 - 28
29 - 35
36 - 56

City Council District
(# of Inquiries / # of Cases / Total #)

11
(20/8/28)

12
(5/4/9)

13
(11/5/16)

14
(9/5/14)

15
(11/3/14)

16
(14/12/26)

17
(17/3/20)

18
(9/7/16)
SCRIE / DRIE
Inquiries, Cases and Total
By Staten Island City Council Districts

City Council District
(# of Inquiries / # of Cases / Total #)

49
(6/1/1)

50
(6/3/9)

51
(6/0/0)

Total # of Inquiries and Cases
- 0 - 5
- 6 - 11
- 12 - 14
- 15 - 17
- 18 - 28
- 29 - 35
- 36 - 56