

THE COUNCIL OF THE CITY OF NEW YORK



Hon. Melissa Mark-Viverito
Speaker of the Council

Council Member Jumaane D. Williams
Chair, Committee on Housing and Buildings

Hearing on the Fiscal 2016 Preliminary Budget and the
Fiscal 2015 Preliminary Mayor's Management Report

Department of Buildings

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Department of Buildings Overview

The Department of Buildings (DOB or Department) ensures the safe and lawful use of more than one million buildings and properties by enforcing the City’s Building Code, the City’s Zoning Resolution, New York State Labor Law, and New York State Multiple Dwelling Law. The Department enforces compliance with these regulations through plan examinations, permitting, property inspections, and licensing functions. Anyone who intends to demolish, alter, or build an addition to an existing structure or erect a new structure must obtain a building permit from DOB to ensure that the resulting property structure complies with all applicable laws.

This report provides a review of DOB’s Preliminary Budget for Fiscal 2016. In the first section, the highlights of the Fiscal 2016 Preliminary Budget are presented, followed by a summary of the Department’s Contract Budget, revenue trends, and performance indicators. The report then discusses initiatives included in the November and Preliminary Financial Plans and reviews sections of the Preliminary Mayor’s Management Report (PMMR) for Fiscal 2015.

Fiscal 2016 Preliminary Budget Highlights

DOB Expense Budget						
	Actual	Actual	Adopted	Preliminary Plan		*Difference
<i>Dollars in Thousands</i>	2013	2014	2015	2015	2016	2016 - 2015
Personal Services	\$78,376	\$79,848	\$86,264	\$90,916	\$93,532	\$7,268
Other Than Personal Services	24,105	18,831	22,031	24,772	25,426	3,395
DOB Total	\$102,482	\$98,679	\$108,295	\$115,688	\$118,958	\$10,663

**The difference of Fiscal 2015 Adopted Budget compared to Fiscal 2016 Preliminary Budget.*

The City’s Fiscal 2016 Preliminary Budget is \$77.7 billion, \$2.7 billion more than the Fiscal 2015 Adopted Budget of \$75 billion. City funds (City tax and non-tax revenues, excluding capital budget transfers) total \$56.96 billion, up \$2.14 billion from \$54.82 billion in the Adopted Budget. For DOB, the Fiscal 2016 Preliminary Plan includes \$119 million in Fiscal 2016 (including City and federal funds). This represents less than one percent of the City’s total budget.

DOB’s Fiscal 2016 Preliminary Plan is \$119 million, which is approximately \$10.6 million more than its \$108 million Fiscal 2015 Adopted Budget. Since the Fiscal 2015 Adopted Budget, the Department has implemented the following initiatives:

- DOB RetroFIT NYC.** A total of \$886,000 is added in Fiscal 2015 and \$665,000 in Fiscal 2016 for the hiring of 15 full-time employees, including inspectors and support staff to monitor energy code compliance and benchmarking requirements under the One City, Built to Last Initiative. This Initiative reflects a citywide commitment to reducing New York City greenhouse gas emissions by 80 percent by 2050. The New York City Energy Conservation Code sets energy-efficiency standards for new construction and alterations to existing buildings. The benchmarking expansion under the One City, Built to Last initiative will now require property owners of buildings with at least 25,000 square feet to supply the City with energy efficiencies usage within their buildings.

- **DOB Audit.** The Preliminary Plan includes additions of \$563,000 in Fiscal Year 2015 and \$1.1 million in Fiscal 2016 to support the hiring of 15 full-time positions, including four technical support positions and 11 administrative positions to monitor changes in building codes and ensure the Department is conforming with all amendments made to energy codes. The New York City Construction Codes consist of four technical volumes: the New York City Building Code; the Plumbing Code; the Mechanical Code; and the Fuel Gas Code; and one administrative volume, the Administrative Code (Title 28), which contains: permitting; licensing fees; and other provisions that apply universally to the four technical volumes. Every three years, the New York City Construction Codes must be updated based upon the latest version of the International Code Council's codes (I-Codes). These 15 positions will monitor integrity related issues to prevent future corruption, in addition to the monitoring of building and energy code compliance. The annualized cost of these 15 positions is \$1.1 million, which is baselined through Fiscal 2019.
- **DOB Development Hub.** A total of \$211,000 is added in Fiscal 2015 and \$2.4 million in Fiscal 2016 to support the hiring of seven positions, including one technical support position and six administrative positions, to support the increase in building plan exam reviews and permit applications through DOB's online application system. At the end of Fiscal 2014, the Department began offering virtual plan exam reviews for minor construction permits through the DOB Development Hub, which has led to greater efficiency in the application and processing of building permits. The annualized cost of expanding the Development Hub and related personnel is \$2.4 million, which is baselined through Fiscal 2019.
- **DOB Enterprise Licensing Project (ELP).** A total of \$2.4 million is added in Fiscal 2015 and \$7.1 million in Fiscal 2016 to support the hiring of 13 positions, including information technology staff, to support and improve current permitting and licensing systems. ELP will streamline the process for applying for business licenses and the new system aims to modernize processes by reducing license management and enforcement cycle times and eliminating inefficiencies between legacy systems. The \$7.1 million added in Fiscal 2016 also reflects \$5.5 million in contractual obligations related to ELP, including a service contract with the New York City Department of Consumer Affairs (DCA). The annualized cost of expanding ELP and related personnel is \$2.1 million, which is baselined through Fiscal 2019.
- **DOB Enforcement Improvements.** A total of \$1.4 million is added in Fiscal 2015 and \$2.2 million in Fiscal Year 2016 to support the hiring of 32 full-time positions, including seven technical support positions, 20 inspectors and five support staff to improve efficiencies and response times for quality-of-life complaints, consisting primarily of zoning infractions. This information is collected and available on the Department's website through the Building Information System database. The \$2.2 million added in Fiscal 2016 also reflects the cost and purchase of seven vehicles that will be used to perform the inspections. The annualized cost of these positions is \$2.2 million, which is baselined through Fiscal 2019.
- **Small Business First.** A total of \$154,000 is added in Fiscal 2015 and \$664,000 in Fiscal 2016 to support overtime costs associated with educational events and community outreach in relation to the City's Small Business First initiative. Small Business First is an inter-agency collaboration intended to reduce the burden of regulation and fines on small businesses. The \$664,000 added in Fiscal 2016 also reflects \$480,000 in Other Than Personal Service (OTPS) consultant costs associated with improving coordination and the plan review process between DOB and the New York City Fire Department (FDNY).

- **Collective Bargaining.** DOB’s budget includes a funding increase of \$878,000 in Fiscal 2015 and \$1.4 million in Fiscal 2016 as a result of collective bargaining labor agreements. This funding grows to \$2.3 million by Fiscal 2019.
- **Personal Service (PS) Adjustments.** A funding adjustment of \$987,000 in City funds in Fiscal 2015 and \$1.3 million in Fiscal 2016 supports increased PS costs in anticipation of union contract settlements. This funding grows to \$2.1 million by Fiscal 2019.
- **Miscellaneous Revenue from Building Permits and Construction Permits.** DOB has estimated that the City will realize an additional \$12.8 million above the already budgeted \$11.2 million in Fiscal 2015 from the collection of fees from building permits. In addition, DOB has estimated that the City will realize an additional \$10 million above the already budgeted \$110.8 million in Fiscal 2015 from the collection of fees from construction permits. The DOB Development Hub, along with the use of e-filing, has accelerated the construction project approval process and this has resulted in revenue gains from licenses and permits, as well as charges for services, and fines.

Financial Summary

DOB Financial Summary						
<i>Dollars in Thousands</i>	Actual 2013	Actual 2014	Adopted 2015	Preliminary Plan		*Difference 2016 - 2015
				2015	2016	
Spending						
Personal Services	\$78,376	\$79,848	\$86,264	\$90,916	\$93,532	\$7,268
Other Than Personal Services	24,105	18,831	22,031	24,772	25,426	3,395
TOTAL	\$102,482	\$98,679	\$108,295	\$115,688	\$118,958	\$10,663
Funding						
City Funds			\$104,550	\$111,943	\$116,458	\$11,908
Federal - Community Development			3,745	3,745	2,500	(1,245)
TOTAL	\$102,482	\$98,679	\$108,295	\$115,688	\$118,958	\$10,663
Budgeted Headcount						
Full-Time Positions	1,023	1,037	1,168	1,243	1,244	76
TOTAL	1,023	1,037	1,168	1,243	1,244	76

**The difference of Fiscal 2015 Adopted Budget compared to Fiscal 2016 Preliminary Budget.*

The Department’s funding sources for Fiscal 2016 consist of \$116.5 million in City tax-levy funds and \$2.5 million in federal Community Development Block Grant-Disaster Recovery (CDBG-DR) funds for work related to Superstorm Sandy and the City’s Build it Back Program. This federally funded work consists primarily of inspections of damaged structures and supports the hiring of consultants to perform engineering reports for future risk mitigation. Of the Department’s total operating budget, funding for staff and PS makes up nearly 80 percent of total expenses in Fiscal 2016.

Contract Budget

The New York City Charter mandates the preparation of a Contract Budget to identify expenditures for contractual services. Contractual services are defined as any technical, consultant, or personal service provided to the City by means of a contract. The Contract Budget is actually a subset of the OTPS portion of the City's expense budget. The Administration prepares a contract budget twice each fiscal year. In January, it is prepared with the Departmental Estimates and in late April it is submitted to the Council with the Executive Budget.

The City's Contract Budget totals \$12.4 billion in Fiscal 2016, an increase of \$438 million, or 3.65 percent, when compared to the Fiscal 2015 Adopted Budget of \$11.98 billion. DOB's Fiscal 2016 Preliminary Budget includes 9 registered City contracts, at a total cost of \$11.2 million, which represents a \$1.2 million decrease from the Fiscal 2015 Adopted Budget. Of these registered contracts, two are for general contract services, which include private elevator contracts.

DOB Fiscal 2016 Preliminary Contract Budget				
Category	Fiscal 2015 Adopted	Number of Contracts	Fiscal 2016 Preliminary	Number of Contracts
Contractual Services - General	\$9,506,958	2	\$8,546,958	2
Data Processing Equipment Maintenance	719,792	1	526,792	1
Office Equipment Maintenance	252,000	1	252,000	1
Prof. Services - Computer Services	300,000	1	300,000	1
Prof. Services - Other	870,739	1	827,072	1
Security Services	185,000	1	185,000	1
Temporary Services	33,000	1	33,000	1
Training Program for City Employees	525,000	1	555,000	1
TOTAL	\$12,392,489	9	\$11,225,822	9

Revenue

DOB collects revenue from the issuance of licenses and permits, charges for services such as inspection fees, and fines for late filings. From Fiscal 2010 to Fiscal 2014, DOB has nearly doubled its revenue budget. In Fiscal 2016, the agency expects to generate \$182.5 million in revenue, while total expenditures are projected to be \$119 million. In the Fiscal 2016 Preliminary Budget, DOB expects to generate \$126.8 million from license, construction permit, and franchise fees, \$32.9 million from charges for services, and \$22.7 million from the collection of fines and forfeitures. Overall, construction permits are projected to account for 60 percent of the Department's total miscellaneous revenue generated in Fiscal 2016, totaling \$110.8 million.

Miscellaneous Revenue Sources						
<i>Dollars in Thousands</i>						
	2013 Actual	2014 Actual	2015 Adopted	Preliminary Plan		*Difference 2016 - 2015
				2015	2016	
Licenses, Permits & Franchises						
Licenses for Tradesmen	\$2,888	\$2,431	\$2,889	\$2,889	\$2,544	(\$345)
Building Permits	19,315	24,174	11,242	11,242	11,242	0
Illuminated Signs	2,795	3,184	2,236	2,236	2,236	0
Construction Permits	117,489	134,009	101,338	101,338	110,790	9,452
Subtotal, Licenses, Permits & Franchises	\$142,487	\$163,798	\$117,705	\$117,705	\$126,812	\$9,107
Charges for Services						
Building Inspection Fees	\$13,543	\$12,386	\$11,880	\$11,880	\$11,880	\$0
Scaffold Notification Fees	465	383	375	375	375	0
Electrical Inspection Fees	6,500	8,185	6,500	6,500	6,500	0
Microfilm Fees	9,988	11,002	7,871	7,871	7,871	0
Reinspection Fees	773	821	200	700	200	0
Loft Board Fees	1,460	1,487	595	1,000	595	0
Elevator Inspection Fees	5,603	5,468	5,490	5,490	5,490	0
Unsafe Building Fees	53	34	45	45	45	0
Subtotal, Charges for Services Fines & Forfeitures	\$38,386	\$39,767	\$32,956	\$33,861	\$32,956	\$0
Late Filing/No Permit Penalties	45,464	42,381	22,689	30,000	22,689	0
<i>Subtotal, Fines & Forfeitures</i>	45,464	42,381	22,689	30,000	22,689	0
TOTAL	\$226,336	\$245,946	\$173,350	\$181,566	\$182,457	\$9,107

Performance Indicators

Application Processing Efficiency

During the Fiscal 2014 to Fiscal 2015 reporting period, job filings for new buildings increased by over 18 percent, a trend that is expected to continue as the economy and real estate market continue to strengthen. In addition, the overall average time to complete the processing of an application remains less than one day and in fact has improved to .07 days from .09 days. At the end of Fiscal 2014, the Department began offering virtual plan exam reviews for minor construction permits through DOB Development Hub, its online application system. This new service has expedited the permit application process.

Plan Reviews

The number of initial construction plan reviews completed by DOB increased by 10 percent to 29,662 in the first four months of Fiscal 2015, up from 27,011 during the same period in Fiscal 2014. Over 1,000 of these reviews were for new buildings, a 12 percent increase over the same period last year. At DOB borough offices, the average time to complete plan reviews rose to 15.1 days for new buildings and to 12.4 days for major alterations. Review times for both were longer than during the same period last year and higher than their respective targets of 12 days for new buildings and 10 days for major alterations.

Construction related incidents

DOB has seen a large increase in the number of construction-related incidents. During the Fiscal 2015 reporting period, the Department reported 93 construction-related injuries and 86 construction-related accidents, an increase of 39 percent and 21 percent, respectively, over the same period in Fiscal 2014. The increase in construction-related accidents was largely due to material failures.

(For additional information on performance indicators, see Appendix B).

Appendix A: Budget Actions in the November and the Preliminary Plans

<i>Dollars in Thousands</i>	FY 2015			FY 2016		
	City	Non-City	Total	City	Non-City	Total
DOB Budget as of the Adopted 2015 Budget	\$104,550	\$3,745	\$108,295	\$99,752	\$2,500	\$102,252
New Needs						
DOB RetroFIT NYC	\$886	\$0	\$886	\$665	\$0	\$665
DOB Audit	563	0	563	1,050	0	1,050
DOB Development Hub	211	0	211	2,385	0	2,385
DOB ELP Project	2,434	0	2,434	7,082	0	7,082
DOB Enforcement Improvements	1,374	0	1,374	2,235	0	2,235
Small Business First	154	0	154	664	0	664
Subtotal New Needs	\$5,622	\$0	\$5,622	\$14,081	\$0	\$14,081
Other Adjustments						
DC37 Collective Bargaining	\$872	\$0	\$872	\$1,363	\$0	\$1,363
Decrease BIB PS budget	0	(23)	(23)	0	0	0
DOB DCA Staff	(94)	0	(94)	0	0	0
L300 Collective Bargaining	6	0	\$6	7	0	7
PS Adjustments	987	0	\$987	1,256	0	1,256
PS to OTPS for BIB Program	0	23	\$23	0	0	0
Subtotal Other Adjustments	\$1,771	\$0	\$1,771	\$2,625	\$0	\$2,625
Total All Changes	\$7,392	\$0	\$7,392	\$16,706	\$0	\$16,706
DOB Budget as of the Preliminary 2016 Budget	\$111,942	\$3,745	\$115,687	\$116,458	\$2,500	\$118,958

Appendix B: Fiscal 2015 Preliminary Mayor's Management Report Performance Measures

Performance Indicators	Actual			Target		4-Month Actual	
	FY12	FY13	FY14	FY15	FY16	FY14	FY15
Jobs filed	68,911	72,288	82,551	*	*	28,302	32,699
- New buildings	1,787	2,251	2,588	*	*	941	1,131
- Major renovation (Alteration I)	4,329	4,326	4,437	*	*	1,539	1,718
- Minor renovation (Alterations II and III)	62,795	65,711	75,526	*	*	25,822	29,850
Average time to complete application processing (days)	0.20	0.09	0.09	0.10	0.10	0.09	0.07
Building permits issued - Initial	87,190	88,290	98,302	*	*	35,554	37,209
- New buildings	1,496	1,540	2,080	*	*	719	743
- Major renovation (Alteration I)	3,190	3,072	3,082	*	*	1,093	1,136
- Minor renovation (Alterations II and III)	82,504	83,678	93,140	*	*	33,742	35,330
Building permits issued - Renewals	39,321	41,230	44,538	*	*	13,580	14,813
- New buildings	3,824	3,636	3,853	*	*	1,062	1,484
- Major renovation (Alteration I)	3,585	3,534	3,592	*	*	1,150	1,251
- Minor renovation (Alterations II and III)	31,912	34,060	37,093	*	*	11,368	12,078
Certificates of Occupancy issued	6,642	5,949	5,694	*	*	1,977	1,847
First plan reviews completed	63,130	69,380	76,669	*	*	27,011	29,662
- New buildings	1,730	2,207	2,409	*	*	893	1,002
- Major renovation (Alteration I)	4,248	4,232	4,273	*	*	1,434	1,456
- Minor renovation (Alterations II and III)	57,152	62,941	69,987	*	*	24,684	27,204
Average days to complete first plan review (Borough offices) - New buildings	12.6	16.1	8.8	12.0	12.0	8.1	15.1
Average days to complete first plan review (Borough offices) - Major renovation (Alteration I)	11.3	12.0	11.3	10.0	10.0	10.6	12.4
Average days to complete first plan review (Borough offices) - Minor renovation (Alterations II and III)	3.9	4.2	3.8	4.0	4.0	3.8	3.7
Average days to complete first plan review (Hub projects) - New buildings	11.5	11.6	12.7	*	*	14.0	12.6
Average days to complete first plan review (Hub projects) - Major renovation (Alteration I)	9.5	11.9	11.9	*	*	13.3	11.3
Average days to complete first plan review (Hub projects) - Minor renovation (Alterations II and III)	N/A	1.4	1.1	*	*	0.7	2.2
Jobs professionally certified (%)	50.3%	55.2%	57.8%	*	*	59.5%	59.4%
Jobs professionally certified that were audited (%)	24.8%	20.3%	18.2%	20.0%	20.0%	16.6%	15.1%
- Audits that resulted in revocation notices (%)	9.8%	10.4%	13.1%	*	*	10.2%	9.9%
Average wait time for a construction inspection (days)	N/A	4.7	3.4	4.5	4.5	3.5	3.5
Average wait time for a plumbing inspection (days)	N/A	5.1	4.5	5.0	5.0	4.7	4.3
Average wait time for an electrical inspection (days)	N/A	6.3	6.1	6.0	6.0	6.2	4.7
Priority A (emergency) complaints received	14,662	14,511	14,654	*	*	4,931	5,400
Priority B (nonemergency) complaints received	64,402	58,983	70,089	*	*	23,351	22,902
- Residential illegal conversion complaints	18,608	17,314	19,790	*	*	6,954	6,968
- Work without a permit complaints	21,430	16,862	19,783	*	*	6,650	6,732
Priority A complaints responded to	14,540	14,542	14,468	*	*	4,925	5,292
Priority B complaints responded to	59,236	51,990	63,215	*	*	23,879	22,152
Average time to respond to Priority A complaints (days)	0.6	0.7	0.7	1.0	1.0	0.7	0.7
Average time to respond to Priority B complaints (days)	41.1	48.5	34.6	40.0	40.0	45.3	40.6
Residential illegal conversion complaints where access was obtained (%)	46.4%	41.6%	44.1%	44.0%	44.0%	43.3%	41.2%
- Access obtained and violations were written (%)	53.5%	50.2%	44.7%	*	*	44.1%	36.2%

Performance Indicators	Actual			Target		4-Month Actual	
	FY12	FY13	FY14	FY15	FY16	FY14	FY15
Work without a permit complaints where access was obtained and violations were written (%)	61.0%	43.9%	32.7%	*	*	30.3%	28.7%
Construction inspections completed	141,237	131,444	142,222	140,000	140,000	48,198	51,523
- Complaints (%)	31.5%	29.6%	30.1%	*	*	29.7%	29.4%
- Certificate of Occupancy (%)	7.6%	7.3%	6.9%	*	*	7.2%	6.6%
- Construction monitoring (%)	11.4%	14.3%	12.4%	*	*	12.6%	14.4%
- Other (%)	49.5%	48.8%	50.6%	*	*	50.5%	49.6%
Average construction inspections per inspector day	12.9	11.8	10.8	*	*	11.6	9.3
Construction inspections resulting in violations (%)	20.7%	21.3%	19.1%	*	*	18.8%	19.6%
DOB violations issued	82,606	65,189	82,753	*	*	16,182	15,516
Environmental Control Board violations issued	53,293	43,320	47,768	*	*	16,679	18,694
- Construction	41,750	33,089	36,076	*	*	11,705	15,010
Non-default Environmental Control Board decisions	48,900	35,564	36,129	*	*	N/A	N/A
Violations admitted to or upheld at the Environmental Control Board (%)	77.1%	79.4%	82.1%	78.0%	80.0%	N/A	N/A
Construction-related incidents	405	403	458	*	*	154	217
- Construction-related accidents	157	173	207	*	*	71	86
- Accident type - Worker fell	65	69	88	*	*	20	17
- Accident type - Excavation soil work	5	2	1	*	*	1	0
- Accident type - Scaffold/shoring installations	9	8	11	*	*	2	3
- Accident type - Material failure	38	37	39	*	*	19	33
- Accident type - Mechanical construction equipment	5	5	10	*	*	5	4
- Accident type - Other	35	52	58	*	*	24	29
Construction-related injuries	187	187	211	↓	↓	67	93
Construction-related fatalities	7	5	6	↓	↓	0	1
Incident inspections resulting in violations (%)	77.1%	79.6%	75.2%	*	*	74.3%	73.1%
Collisions involving City vehicles	36	22	33	*	*	9	16
Workplace injuries reported	16	17	15	*	*	6	6
Emails sent to agency (through NYC.gov or a publicized agency email address)	1,659	3,363	2,797	*	*	957	983
Emails responded to in 14 days (%)	50%	37%	65%	55%	57%	60%	52%
Letters sent to agency	806	551	423	*	*	88	229
Letters responded to in 14 days (%)	58%	54%	49%	55%	57%	66%	55%
Calls made to agency call center	63,146	N/A	N/A	*	*	N/A	N/A
Calls answered in 30 seconds (%)	91%	N/A	N/A	*	*	N/A	N/A
Visits made to agency walk-in facility	590,848	N/A	N/A	*	*	N/A	N/A
Average customer in-person wait time (minutes)	20	N/A	N/A	*	*	N/A	N/A
Completed customer requests for interpretation	61	36	17	*	*	N/A	N/A
CORE customer experience rating (0-100)	79	83	91	82	85	N/A	N/A
Elevator - Defective/Not Working - # of Service Requests	6,901	7,318	6,051	*	*	1,974	N/A
Percent meeting time to first action - Elevator - Defective/Not Working (60 days)	50%	49%	44%	50%	50%	48%	N/A
General Construction/Plumbing - Contrary/Beyond Approved Plans/Permits - # of Service Requests	2,040	2,077	3,005	*	*	1,124	1,224
Percent meeting time to first action - General Construction/Plumbing - Contrary/Beyond Approved Plans/Permits (60 days)	68%	70%	81%	72%	72%	69%	71%
General Construction/Plumbing - Failure to Maintain - # of Service Requests	4,001	2,922	2,361	*	*	784	770
Percent meeting time to first action - General Construction/Plumbing - Failure to Maintain (60 days)	77%	77%	75%	77%	77%	74%	72%

Performance Indicators	Actual			Target		4-Month Actual	
	FY12	FY13	FY14	FY15	FY16	FY14	FY15
Illegal Conversion of Residential Building/Space - # of Service Requests	15,675	13,538	18,903	*	*	7,815	6,939
Percent meeting time to first action - Illegal Conversion of Residential Building/Space (60 days)	44%	47%	63%	53%	57%	49%	60%
No Permit - Construction, Plumbing, Cranes & Derricks, Building/Use, Elevator - # of Service Requests	4,659	4,143	4,970	*	*	1,622	1,891
Percent meeting time to first action - No Permit - Construction, Plumbing, Cranes & Derricks, Building/Use, Elevator (60 days)	70%	72%	80%	74%	77%	71%	76%

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