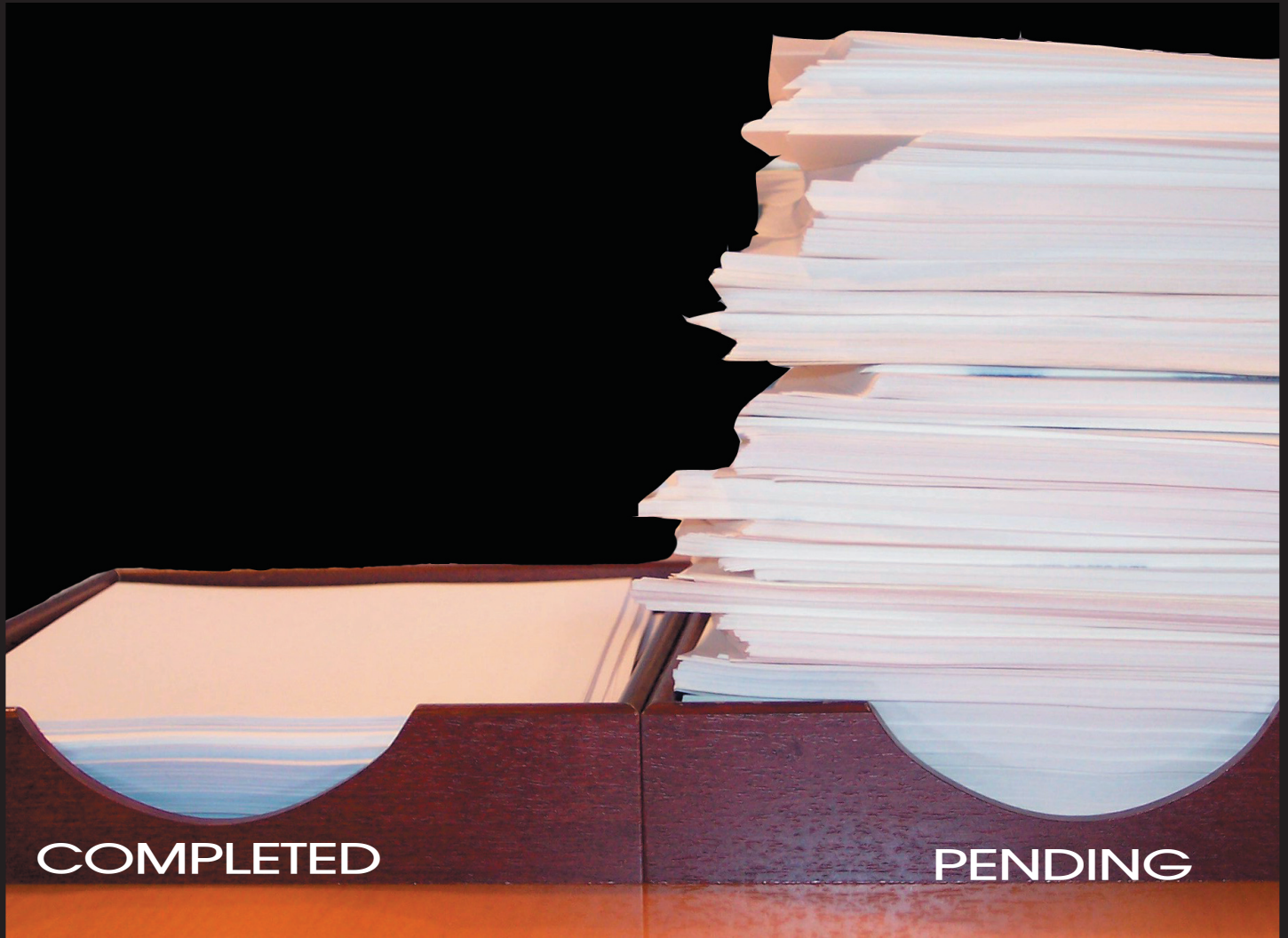


# **DEPARTMENT OF BACKLOG**

**Increasing Complaints and Delayed Responses  
at the Queens Buildings Department**



**COMPLETED**

**PENDING**

**A STAFF REPORT TO**

**THE COUNCIL OF  
THE CITY OF NEW YORK**

**Hon. Gifford Miller  
Speaker**



**THE COMMITTEE ON OVERSIGHT  
AND INVESTIGATIONS**

**Hon. Eric Gioia  
Chair**



---

**THE COUNCIL OF  
THE CITY OF NEW YORK**

---

**HON. GIFFORD MILLER**  
*SPEAKER*

**Members of the Committee on  
Oversight and Investigations**

**Hon. Eric Gioia, Chair**

Hon. Tracy Boyland  
Hon. Miguel Martinez

Hon. John Liu  
Hon. Peter Vallone, Jr.



---

# **COUNCIL STAFF**

---

Marcel Van Ooyen  
*Deputy Chief of Staff*

## **COUNCIL INVESTIGATION DIVISION**

Triada Stampas  
*Director*

*PREPARED BY:*

Dan Fingerman, *Legislative Investigator*

*COVER DESIGN BY:*

**Galina Rybatsky**  
*Member Services Division*



---

# TABLE OF CONTENTS

---

<b>Executive Summary</b> .....	<b>p. i</b>
<b>Background</b> .....	<b>p. 1</b>
<b>Methodology</b> .....	<b>p. 10</b>
<b>Findings</b> .....	<b>p. 11</b>
<b>Conclusion</b> .....	<b>p. 14</b>
<b>Recommendations</b> .....	<b>p. 16</b>
<b>Appendix A: Complaint Disposition Codes</b> .....	<b>p. A1</b>
<b>Appendix B: Complaint Categories/Descriptions</b> .....	<b>p. B1</b>

This report can be found on the Council’s website at

[www.nycouncil.info](http://www.nycouncil.info)





## EXECUTIVE SUMMARY

The New York City Department of Buildings (DOB) was created to ensure the safe and lawful use of the City's over 900,000 buildings and properties.<sup>i</sup> However, an investigation by the New York City Council Committee on Oversight and Investigations shows that DOB is struggling to keep up with the high volume of complaints it receives and has been slow to take measures to address its growing backlog. This problem is especially glaring in Queens, where there has been significant growth—it is one of only two boroughs to grow in population between 1960 and 2000.<sup>ii</sup> The failure of DOB to address complaints like illegal conversions contributes to dangerous overcrowding and diminished quality of life. Indeed, "...the problem in Queens is so out of control," according to a local civic organization, "that emergency measures must be implemented."<sup>iii</sup> The Council therefore recommends immediate action to eliminate the backlog and legislation to make DOB more responsive to developing problems.

### Key Findings

- Almost half (47.4%) of the City's unresolved building complaints between March 2000 and May 2005 were in Queens.<sup>iv</sup>
- Among the cases investigated, the Queens DOB office took an average of 48 days to address complaints that were given a disposition status, and in some cases took more than 1,000 days—nearly three years.
- Illegal conversions ranked first among open complaints in Queens, accounting for 42% of the cases examined.

---

<sup>i</sup> New York City Department of Buildings (hereinafter DOB), "Customer Brochure," <http://www.ci.nyc.ny.us/html/dob/html/brochure2.html> [accessed Feb. 16, 2005].

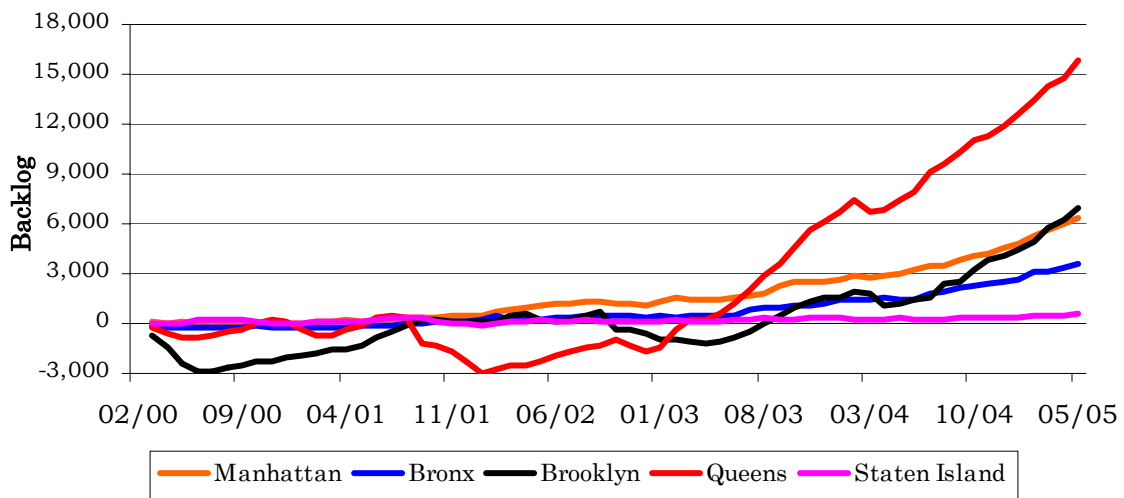
<sup>ii</sup> U.S. Bureau of the Census. *Population of Counties by Decennial Census, 1900-1990*. <http://www.census.gov/population/cencounts/ny190090.txt> (Last accessed on Jul. 18, 2005).

<sup>iii</sup> Juniper Park Civic Association, "Civic Calls for an Investigation of the Queens Department of Buildings" (editorial), *Juniper Berry*, December 2004, p. 9.

<sup>iv</sup> By contrast, Queens accounted for only 38.2% of all complaints received in that time period.

Investigators reviewed and analyzed records from DOB’s accountability and performance measurement program BUILD (Building Understanding, Integrity, Leadership, Dedication), as well as records, obtained from a source within DOB, of the 10,964 open complaints in Queens between July 2004 and October 2004. BUILD data indicates that the backlog of unresolved complaints has risen higher and grown faster in Queens than any other borough over the past two years. The following chart traces the number of unresolved complaints between March 2000 and May 2005. <sup>v</sup>

**DOB’s Cumulative Backlog:  
Unanswered Complaints by Borough, 3/00–5/05**



**Figure I.** Source: DOB BUILD reports, Mar. 2000-May 2005

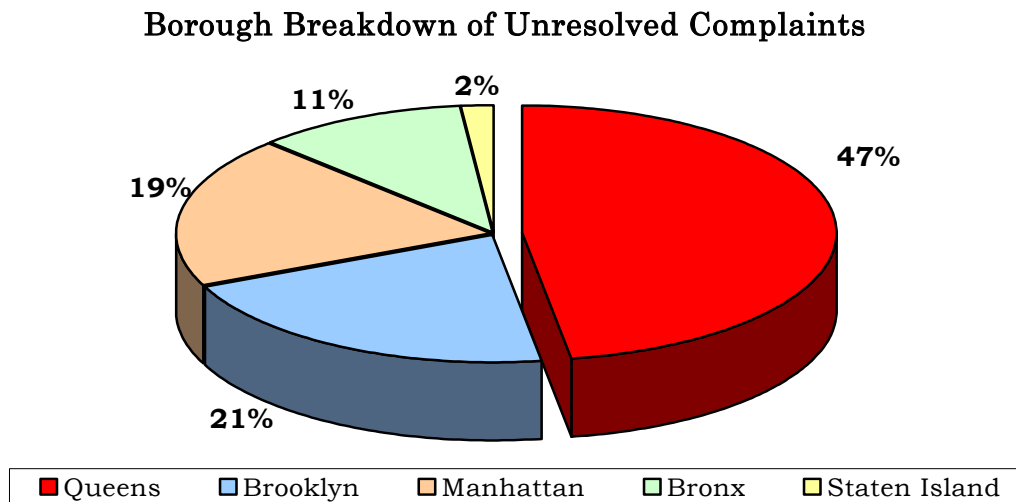
As the graph above shows, this is neither a new nor a sudden problem; the backlog in Queens began its steep rise in the summer of 2003. DOB has only recently begun to address this problem by adding new inspectors in November 2004. As the graph illustrates, however, much more needs to be done. To address these problems, the Council recommends the following:

<sup>v</sup> Where the chart dips into negative numbers, it indicates that DOB is addressing the portion of its backlog comprised of older complaints not included in our analysis.

- **DOB must create a Queens task force to eliminate the complaint backlog in 90 days.**
- **Introduce and pass BuildingStat, legislation to require DOB to report better, more detailed information on its performance.**
- **DOB should immediately adopt readily available 21<sup>st</sup>-Century technology to expedite the complaint and inspection processes.**
- **Pass CityStat NY legislation so that all agencies report better information about their work.**

Over the past few years, DOB has begun an overhaul to improve the agency's efficiency and to root out corruption, including information technology (IT) improvements and background checks on all DOB personnel.<sup>vi</sup>

Despite these changes, this investigation reveals that complaints in Queens are not being adequately addressed and suggests that resources may not be allocated efficiently between boroughs. The following chart illustrates each borough's share of unresolved complaints.



**Figure II.** Source: DOB BUILD reports, Mar. 2000-May 2005

<sup>vi</sup> Testimony of Mark Topping, Deputy Commissioner for Technology and Administration, DOB, May 11, 2004, Hearing of NYC Council Committee on Housing and Buildings.

Over the past few years, complaints registered with DOB have increased, from 49,514 in Fiscal Year (FY) 2002 to 78,819 in FY 2004.<sup>vii</sup> Each complaint receives a lettered priority code—either A, B, C or D— with “A” being the most urgent. According to DOB, the agency generally responds to “A” complaints, the most serious and/or life-threatening complaints, within 1.5 days. Illegal conversions/occupancies are “B” complaints, and DOB generally responds to them within 25 days.<sup>viii</sup> Nuisance-level complaints, such as buildings without certificates of occupancy, receive priority code “C,” while “D” level complaints are quality-of-life problems, such as illegal curb cuts.

In FY 2005, DOB had 932 people on staff, spent \$64.5 million<sup>ix</sup> and generated approximately \$98.2 million in revenue.<sup>x</sup> According to DOB’s Strategic Plan 2003-2005, the agency has 75 plan examiners and 225 inspectors.<sup>xi</sup> The adopted budget for FY 2006 sets the department’s budget at \$78.6 million, a 22% budget increase that would increase the agency’s staff to 1,108.<sup>xii</sup>

---

<sup>vii</sup> City of New York, *Preliminary Fiscal 2005 Mayor's Management Report*, [http://www.ci.nyc.ny.us/html/ops/downloads/pdf/\\_mmr/dob.pdf](http://www.ci.nyc.ny.us/html/ops/downloads/pdf/_mmr/dob.pdf) [accessed Mar. 7, 2005]

<sup>viii</sup> DOB “Frequently Asked Questions on the Online Building Information System,” <http://www.nyc.gov/html/dob/html/bisfaq.html> [accessed on Apr. 25, 2005]

<sup>ix</sup> NYC Office of Management and Budget. “Adopted Budget, Fiscal Year 2006 - Expense, Revenue, Contract Budget.” [http://www.ci.nyc.ny.us/html/omb/pdf/erc7\\_05.pdf](http://www.ci.nyc.ny.us/html/omb/pdf/erc7_05.pdf) (accessed Jul. 18, 2005).

<sup>x</sup> New York City Council Finance Division, “Fiscal 2006 Executive Budget Hearings, Committee on Housing and Buildings,” May 2005.

<sup>xi</sup> DOB, “NYC Buildings Strategic Plan 2003-2005,” [www.ci.nyc.ny.us/html/dob/pdf/3yrsplan.pdf](http://www.ci.nyc.ny.us/html/dob/pdf/3yrsplan.pdf) [accessed Mar. 10, 2005].

<sup>xii</sup> NYC Office of Management and Budget. “Adopted Budget, Fiscal Year 2006 - Expense, Revenue, Contract Budget.” [http://www.ci.nyc.ny.us/html/omb/pdf/erc7\\_05.pdf](http://www.ci.nyc.ny.us/html/omb/pdf/erc7_05.pdf) (accessed Jul. 18, 2005).

## BACKGROUND

Over 100 years ago, when reporter/photographer Jacob Riis exposed the deplorable conditions of New York City's overcrowded tenements and slums in his vivid photographs, no government body existed to ensure that buildings were safe and fit for human habitation. Today, the New York City Department of Buildings (DOB) is responsible for the safe and lawful use of the City's over 900,000 buildings and properties by enforcing the City's Building Code, Electrical Code and Zoning Resolution, as well as New York State's Labor and Multiple Dwelling Laws.<sup>1</sup>

DOB's responsibilities relate to all facets of building safety. DOB reviews applications and plans for new construction or demolition, issues building permits and performs inspections of new or altered buildings. Furthermore, DOB issues Certificates of Occupancy, periodically inspects elevators and certain types of boilers, licenses various construction trades (such as plumbers, electricians and crane operators), investigates complaints about illegal construction or zoning infractions, and updates the building code to reflect social and technological innovations.<sup>2</sup>

According to the Mayor's Management Report (MMR), each year DOB reviews over 57,000 construction plans, issues over 87,000 new and renewed permits, performs over 300,000 inspections and issues 12 types of licenses, registrations and certificates.<sup>3</sup>

---

<sup>1</sup> New York City Department of Buildings (hereinafter DOB), "Customer Brochure," <http://www.ci.nyc.ny.us/html/dob/html/brochure2.html> [accessed Feb. 16, 2005].

<sup>2</sup> DOB, "Customer Brochure."

<sup>3</sup> City of New York, *Preliminary Fiscal 2005 Mayor's Management Report* (hereinafter 2005 PMMR), [http://www.ci.nyc.ny.us/html/ops/downloads/pdf/\\_mmr/dob.pdf](http://www.ci.nyc.ny.us/html/ops/downloads/pdf/_mmr/dob.pdf) [accessed Mar. 7, 2005]

In Fiscal Year (FY) 2005, DOB had 932 people on staff, spent \$64.5 million<sup>4</sup> and generated approximately \$98.2 million in revenue.<sup>5</sup> According to DOB's Strategic Plan 2003-2005, the agency has 75 plan examiners and 225 inspectors.<sup>6</sup> The adopted budget for FY 2006 sets the department's budget at \$78.6 million, a 22% budget increase that would increase the agency's staff to 1,108.<sup>7</sup>

### **Reforming the Department of Buildings**

DOB has existed in its present form since 1977, when the Housing and Development Administration was separated into two agencies—the Department of Buildings and the Department of Housing Preservation and Development.<sup>8</sup> Over the years, DOB has found itself susceptible to corruption in varying degrees.<sup>9</sup>

In 2002, after three years under the leadership of temporary acting commissioners, the current commissioner Patricia Lancaster was appointed, promising change for the “broken” agency.<sup>10</sup> New anti-corruption measures were implemented, and within a month of

---

<sup>4</sup> NYC Office of Management and Budget (hereinafter OMB), “Adopted Budget, Fiscal Year 2006 - Expense, Revenue, Contract Budget.” [http://www.ci.nyc.ny.us/html/omb/pdf/erc7\\_05.pdf](http://www.ci.nyc.ny.us/html/omb/pdf/erc7_05.pdf) (accessed Jul. 18, 2005).

<sup>5</sup> New York City Council Finance Division, “Fiscal 2006 Executive Budget Hearings, Committee on Housing and Buildings,” May 2005.

<sup>6</sup> DOB, “NYC Buildings Strategic Plan 2003-2005,” [www.ci.nyc.ny.us/html/dob/pdf/3yrsplan.pdf](http://www.ci.nyc.ny.us/html/dob/pdf/3yrsplan.pdf) [accessed Mar. 10, 2005].

<sup>7</sup> OMB, “Adopted Budget, FY 2006 – Expense, Revenue, Contract Budget.”

<sup>8</sup> DOB, “Customer Brochure.”

<sup>9</sup> See, for example: James C. McKinley, Jr., “18 Inspectors Arrested on Bribe Charges,” *The New York Times*, p. B3, Oct. 1, 1993; Ian Fisher, “Elevator Inspectors Indicted in Bribery,” *The New York Times*, p. B3, Apr. 25, 1997; Patricia Hurtado and Dan Janison, “Leveling a Department- 5 Indicted at Buildings Agency- Rudy Creates Panel to Probe It,” *Newsday*, p. A3, Sept. 29, 2000; Vivian S. Toy, “In a Corruption Inquiry, Giuliani Suspends 42 Elevator Inspectors,” *The New York Times*, p. A1, Apr. 19, 2001; Jennifer Steinhauer, “Department of Buildings,” *The New York Times*, p. B1, Jul. 24, 2002; also see: New York State Organized Crime Task Force, *Corruption and Racketeering in the New York City Construction Industry, Final Report to Governor Mario M. Cuomo*, Dec. 1989.

<sup>10</sup> Robin Finn, “Public Lives: Bronco-Buster for an Errant Buildings Department,” *The New York Times*, p. B2, May 31, 2002.

Lancaster's appointment, 19 DOB plumbing inspectors were charged with extortion.<sup>11</sup>

Under Commissioner Lancaster's leadership, DOB has modernized its operations and overhauled most of its organizational infrastructure in a generally well-received effort to improve efficiency and root out corruption. Following her first 100 days as commissioner, Lancaster declared that "improving levels of service and making the processes more accessible and transparent are the best weapons against corruption."<sup>12</sup>

The department's information technology (IT) infrastructure—most of which was two decades old—was replaced. DOB redesigned and enlarged its website to include the Building Code, directives and memoranda, policy and procedure notices, forms and other general information.<sup>13</sup> Also launched was Internet filing (e-Filing), mainly for subsequent submissions to help applicants correct information prior to approval and permitting of certain jobs.<sup>14</sup> Another technological innovation was the implementation of the Plumbing Inspection Portable Entry System (PIPES) pilot program in February 2004. The PIPES system allows inspectors in the field to schedule appointments, download job appointments and information from the Building Information System (BIS), record inspection results, print inspection receipts, and make results available online by the next day from portable handheld computer

---

<sup>11</sup> Jennifer Steinhauer, "Department of Buildings," *The New York Times*, p. B1, Jul. 24, 2002.

<sup>12</sup> DOB, *100 Day Report: July 2002*, New York, NY, July 2002.

<sup>13</sup> *Ibid.*

<sup>14</sup> *Ibid.*

devices.<sup>15</sup> DOB has been exploring expanding the program to other aspects of its operation.<sup>16</sup>

The agency's new anti-corruption measures included increasing the staff at the Agency's Office of Investigations and Discipline (IAD) in 2002. For the first time, IAD began to conduct background investigations on all employees (instead of only inspectors).<sup>17</sup> IAD also distributed statements describing the agency's "zero-tolerance" policy to all staff and began conducting annual integrity training. In 2004, to continue this effort, Commissioner Lancaster reported that DOB had begun to "rotate inspectors and supervising personnel in the Borough Offices" as well as to distribute the new Agency Code of Conduct.<sup>18</sup>

### **Complaints Received By DOB**

DOB complaints can come from various sources, including Community Boards, calls to 311, the Department of Housing Preservation and Development (HPD) and the New York City Fire Department.

In June 2000, a Central Complaint Center (CCC) was formed to handle DOB complaints in a uniform fashion. According to DOB's Operations Policy and Procedure Notice #5, the "main components to the complaint process [are]: Complaint Intake, Printing and Routing of Work Orders and Disposition."<sup>19</sup> During the intake, if the complaint pertains to a matter that is under DOB's jurisdiction, the CCC representative is

---

<sup>15</sup> DOB, "New Service: PIPES: Plumbing Inspection Portable Entry System," <http://www.nyc.gov/html/dob/pdf/pipesnotice11-2003inspections.pdf> [accessed Apr. 21, 2005].

<sup>16</sup> Testimony of Mark Topping, Deputy Commissioner for Technology and Administration, DOB, May 11, 2004, Hearing of NYC Council Committee on Housing and Buildings.

<sup>17</sup> *Ibid.*

<sup>18</sup> Testimony of Patricia Lancaster, Commissioner, DOB, March 9, 2004, Hearing of NYC Council Committee on Housing and Buildings.

<sup>19</sup> DOB, "Issuance #589: Operations Policy And Procedure Notice #5/00," <http://www.nyc.gov/html/dob/html/oppn0500.html> [accessed Apr. 21, 2005].



instructed to check the Building Information System (BIS) for pending complaints. If the complaint found to be a duplicate, the complainant is asked if he or she wants it entered again. DOB sends an acknowledgement letter to those complainants who have not requested anonymity.

The second part of the process consists of sending the work order to the DOB operational division that is responsible for inspection and disposition of that particular type of complaint. The final step is disposition, the process by which a DOB inspector assigns a disposition code to a complaint after reviewing it or inspecting the premises.<sup>20</sup> Complaints are categorized according to one of 50 codes.<sup>21</sup> Once the matter has been inspected, a letter is sent to the complainant if he or she provided their contact information.

In FY 2002, 166,900 construction inspections were completed, which increased to 180,400 by FY 2004. Nearly one third, or 29.8% of the inspections were performed in response to complaints, 12.4% were performed to issue Certificates of Occupancy and 26.2% were inspections monitoring construction or demolition.<sup>22</sup>

Each complaint receives a lettered priority code—A, B, C or D— with “A” reserved for emergency and/or life-threatening complaints. According to DOB, it generally responds to “A” complaints within 1.5 days. Illegal conversions/occupancies are “B” complaints to which DOB generally

---

<sup>20</sup> *Ibid.*

<sup>21</sup> For a listing of disposition codes, see Appendix A.

<sup>22</sup> City of New York, *FY 2005 PMMR*, [http://www.ci.nyc.ny.us/html/ops/downloads/pdf/\\_mmr/dob.pdf](http://www.ci.nyc.ny.us/html/ops/downloads/pdf/_mmr/dob.pdf) [accessed Mar. 7, 2005]; DOB lists 31.6% as Other, which it defines as “inspections that were not complaint, Certificate of Occupancy, or construction monitoring.”

responds within 25 days.<sup>23</sup> “C”-level complaints are nuisance complaints, such as buildings without certificates of occupancy, while “D”-level complaints are quality-of-life problems, such as illegal curb cuts.

### **A Problem In Queens**

Over the past forty years, the borough of Queens has experienced significant growth. Census data shows that between 1960 and 2000, Queens is one of only two boroughs to experience population growth. During that time period, the population of Queens increased 23% while the populations of Manhattan, Brooklyn and the Bronx all decreased.<sup>24</sup>

In December 2004, the Juniper Park Civic Association’s publication *Juniper Berry* ran a critical editorial on DOB’s high complaint backlog in Queens. Public records released by DOB on the website of its accountability and performance management program BUILD (Building Understanding Integrity Leadership Dedication) confirm this. According to monthly BUILD reports, DOB received 273,472 complaints citywide between March 2000 and May 2005.<sup>25</sup> In that time, 238,476 complaints were resolved. Of the 33,418 complaints left unresolved during those five years, DOB has reported this information, 15,869 47.4% were in Queens alone. The following chart shows each borough’s share of unresolved complaints:

---

<sup>23</sup> DOB “Frequently Asked Questions on the Online Building Information System,” <http://www.nyc.gov/html/dob/html/bisfaq.html> [accessed on Apr. 25, 2005]

<sup>24</sup> U.S. Bureau of the Census (hereinafter U.S. Census), *New York: Population of Counties by Decennial Census: 1900-1990*. <http://www.census.gov/population/cencounts/ny190090.txt> [accessed May 27, 2004]; U.S. Census, *Census 2000 Data for the State of New York*. <http://www.census.gov/census2000/states/ny.html> [accessed May 31, 2005].

<sup>25</sup> DOB, “BUILD Indicators: March 2000-May 2005,” <http://www.ci.nyc.ny.us/html/dob/html/build.html> [accessed July 18, 2005].

Borough Breakdown of Unresolved Complaints

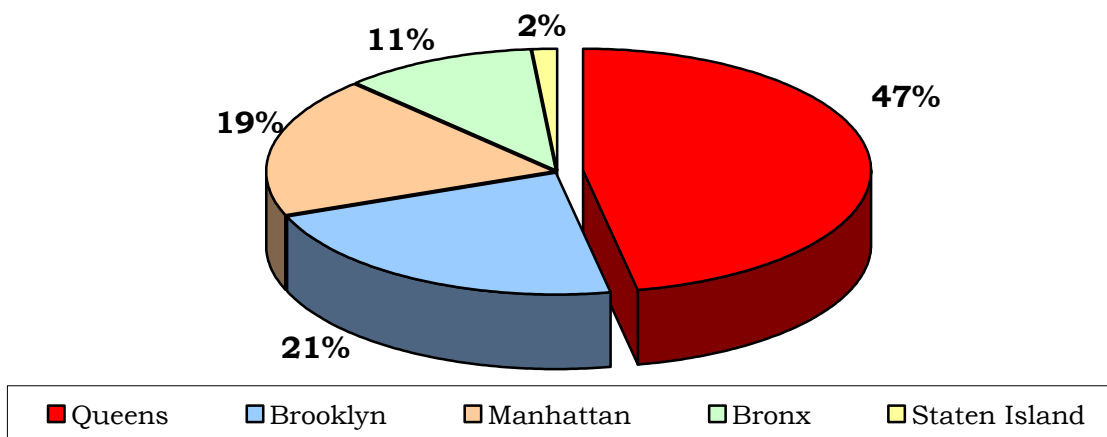


Figure 1. Source: DOB BUILD reports, Mar. 2000-May 2005

Furthermore, the number of unresolved complaints has risen higher in Queens than in any other borough over the past two years. The chart below traces the number of unresolved complaints from March 2000 to May 2005.<sup>26</sup>

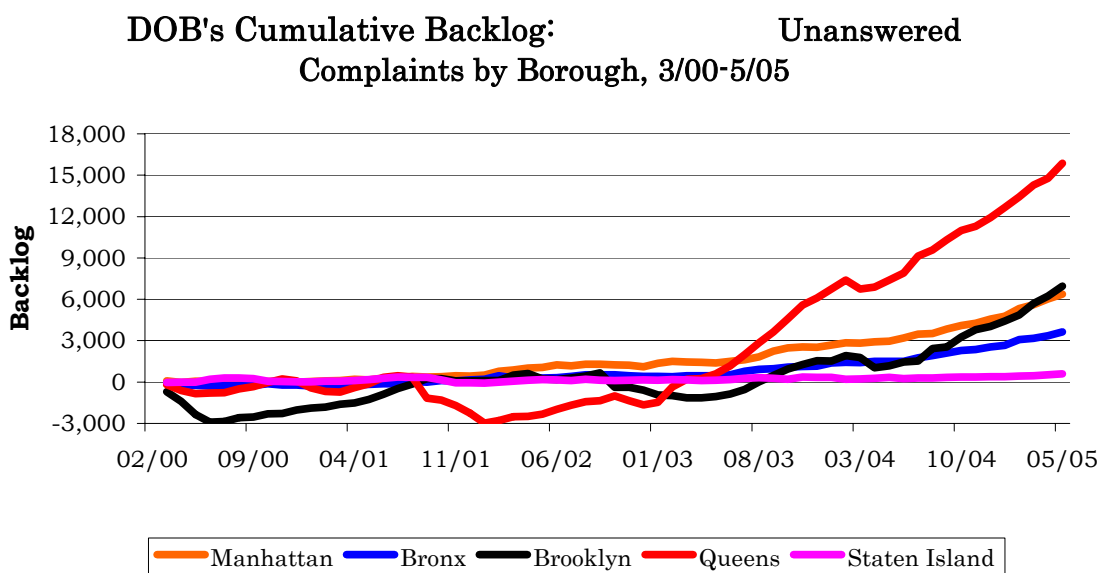
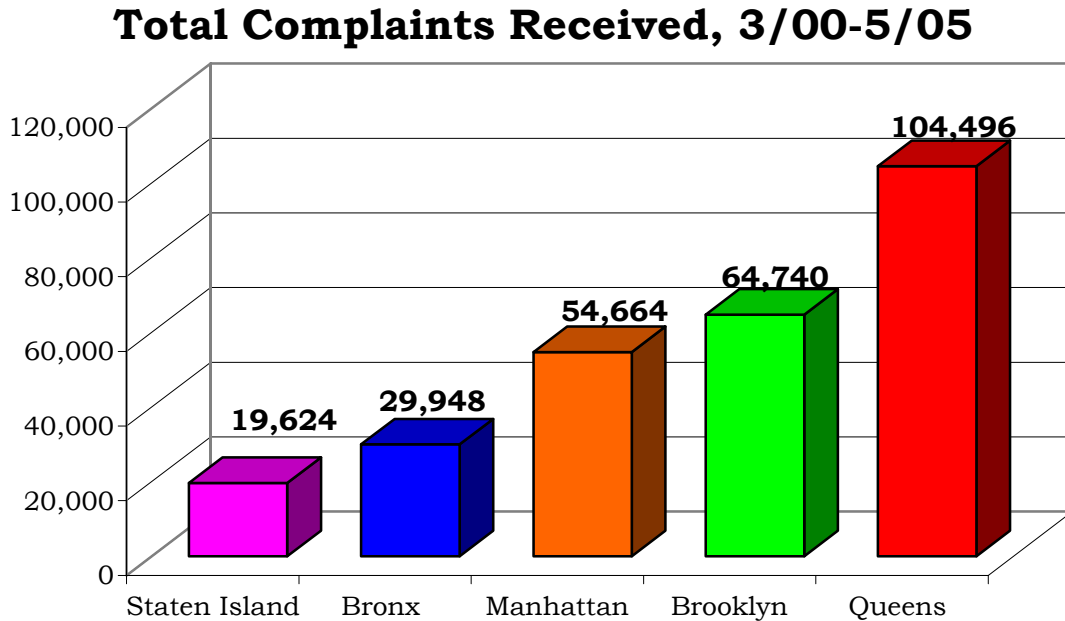


Figure 2. Source: DOB BUILD reports, Mar. 2000-May. 2005

<sup>26</sup> Because no information prior to March 2000 is available, the chart assumes and begins with a backlog of zero in all five boroughs. Thus, where Figure 2 displays negative numbers, it means that DOB is addressing pending complaints that originated prior to March 2000 and thus not included in our analysis.

Of all the boroughs, Queens has received the highest number of complaints, a condition that may contribute to the increasing backlog. The chart on the following page displays the total amount of complaints received by borough, as reported in the BUILD program.



**Figure 3.** Source: DOB BUILD reports, Mar. 2000-May 2005

Recently, DOB’s Queens Commissioner Magdi Mossad announced that open complaints in Queens had decreased by eight percent, thanks to eight new inspectors that had been redeployed to Queens from other boroughs.<sup>27</sup> He further reported that three new buildings inspectors would be added in Queens, and that four more have been budgeted for.<sup>28</sup>

Nevertheless, BUILD reports indicate that the number of complaints responded to in Queens in November 2004 (124) was the lowest ever

<sup>27</sup> “BP Publishes Illegal Conversion Guide,” *Queens Times*, p. 2, Apr. 14, 2005.

<sup>28</sup> *Ibid.*

reported. The number increased slightly in December 2004 (238), but decreased again in January 2005 (172) before rising to over 1,000 in February 2005. The accumulated backlog in Queens during that time period increased eightfold, from 303 to 2,439, according to BUILD figures.<sup>29</sup>

---

<sup>29</sup> In order to show the increase of the running backlog for this time period, this figure places the backlog at 0 for November 2004.

## METHODOLOGY

Investigative staff from the New York City Council's Committee on Oversight and Investigations examined all open complaints in Queens between July 8, 2004 and October 6, 2004. The 209-page document, acquired from a source within DOB, listed over 10,964 open complaints.

For each complaint, the records listed the corresponding:

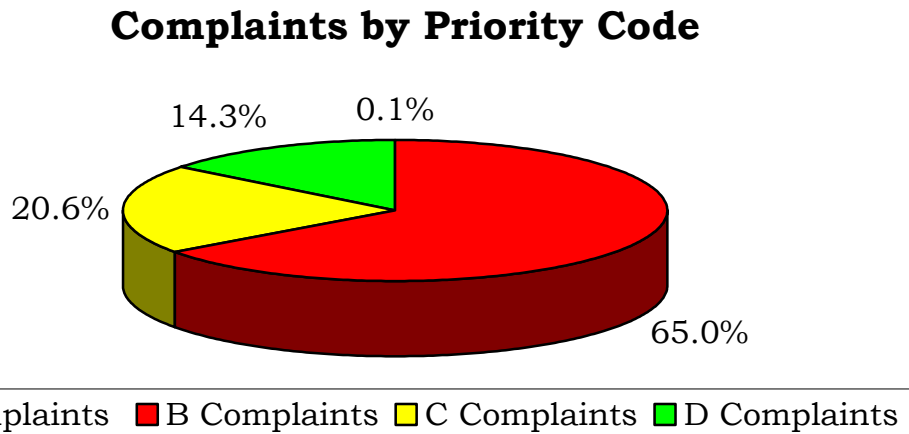
- Community board
- Priority code
- Date the complaint was received
- Complaint description
- Complaint number, address, and source; and
- The latest action and the date of the latest action.

Council investigators checked a random selection of the complaints against information listed DOB's online Building Information System (BIS) to ascertain that they were actual, verifiable DOB complaints. Investigators then analyzed the complete listing of complaints in order to determine patterns and discern trends among the open complaints. Of the 10,964 complaints, 270 were missing substantial address information and were omitted from the analysis. Due to a delay in DOB's processing of disposition statuses, some open complaints may have been resolved by the time the list was obtained.

# FINDINGS

## Type of Complaints

Of the complaints received in Queens during the period July 8, 2004 and October 6, 2004, most were classified as a Priority B (65%). The pie chart below shows the 10,694 complaints divided by DOB’s priority code:



**Figure 4.**

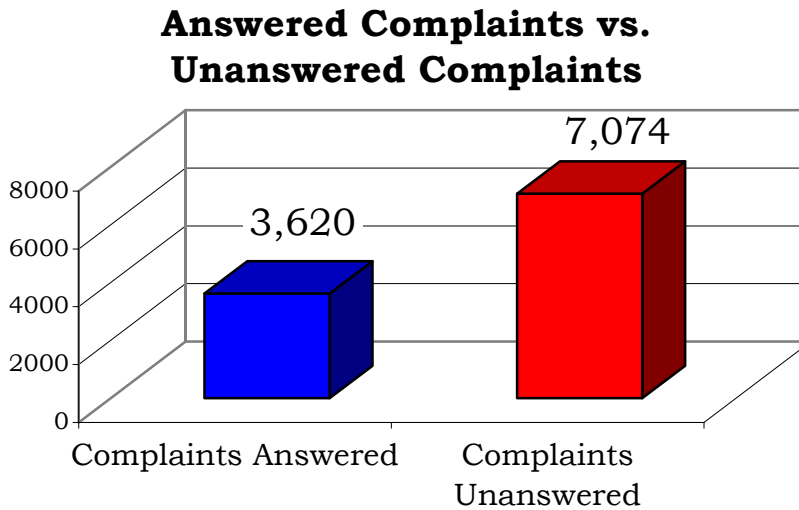
Illegal conversions (Complaint #45)<sup>30</sup> accounted for 42% of the cases examined, ranking first among open complaints in Queens. The other top complaints were “Permit – None” (#5, 16%), “Zoning-Non Conforming” (#55, 9%), “Failure to Maintain (#73, 9%) and “Certificate of Occupancy--None” (#31, 6%).

The 14 “A” level complaints were varied, but included two complaints for “Debris/Building -Falling or in danger of falling,” two complaints for “Egress –Blocked” and three complaints of “Building Shaking/Vibrating.” According to DOB’s BIS website, all 14 have since been resolved.

<sup>30</sup> For complaint codes, see Appendix B.

### **Unanswered Complaints vs. Answered Complaints**

Some of the open complaints had received some response from DOB, as evidenced by information in the “Disposition” field of the complaint record. There were, however, almost twice as many unanswered as answered complaints. Out of the 10,694 complaints analyzed, 66.15% (7,077) had received no response, while 33.85% (3,617) were answered as the chart on the next page shows.<sup>31</sup> Of the 4,497 complaints about illegal conversion, 2,761 (61%) received some response—significantly more than average.



**Figure 5.**

### **Disposition of Complaints**

Of the 10,694 complaints from Queens during the relevant period, 33.85% (3,617) were answered. <sup>32</sup> Of those, 97.3% (3,520) received a designation of C1, which DOB defines as “Inspector Unable to Get Access on (1<sup>st</sup>) First Inspection Attempt.” A total of 77 (2.2%) were listed as D1,

<sup>31</sup> For the purposes of this report, “answered complaints” are defined as complaints where DOB has recorded a disposition status and disposition date. “Unanswered complaints” are defined as complaints with no disposition date or status. Note while they may have received some action from DOB, “answered complaints” are not necessarily closed, *i.e.*, they may require further action.

<sup>32</sup> DOB, “BIS Complaint Disposition Codes,” [http://www.nyc.gov/html/dob/pdf/bis\\_complaint\\_disposition\\_codes.pdf](http://www.nyc.gov/html/dob/pdf/bis_complaint_disposition_codes.pdf), [accessed on Apr 27, 2005]



which is defined as “Complaint Assigned to Construction Division,” and 19 (0.5%) were listed as J1, which is defined as “Inspection Rescheduled.” Of the 4,497 complaints of illegal conversions, almost all (99.4%) of the 2,761 that received responses were given a C1 disposition status.

### **Complaint Response Time**

The average time in which answered complaints received a response from DOB was 48 days. Complaints that resulted in a C1 disposition, however, took an average of 49 days, with the longest wait for a response being 1,060 days. It took an average of 11 days to refer a complaint to the Construction Division (D1), with the longest wait being 268 days. It took an average of 84.32 days to reschedule inspections for complaints bearing a J1 disposition, with the longest wait being 177 days.

Some complaints received a disposition the same day they were reported. The average wait time for illegal conversions was also 49 days.

### **Source of Complaints**

Most complaints received in Queens during the relevant period came from citizens (83.7%). Other sources of complaints included DOB (5.6%), Community Boards (5.1%), the Department of Housing Preservation and Development (2.12%) and the FDNY (1.58%). The remaining 1.9% of complaints came from other government sources, including the Mayor and the Department of Consumer Affairs.<sup>33</sup>

Of the 4,497 illegal conversion complaints 3,873 (86.1%) were received from citizens, 203 were from DOB (4.5%) and 198 (4.4%) were reported by HPD.

---

<sup>33</sup> Fifty-three complaints (.5%) did not have a source listed.

## CONCLUSION

DOB is charged with ensuring the safe and appropriate use of buildings in New York City. As this report shows, DOB is not fulfilling its mission in all five boroughs. The number of complaints that have gone unanswered in Queens is substantially higher than in any other borough.

While the high volume of complaints the Queens borough office receives is likely a major contributor to the problem, it is no excuse for allowing a backlog to accumulate that includes complaints that have not been addressed for nearly three years. As Figure 2 illustrates, the rising backlog is neither new nor sudden. What's more, it is a problem of which DOB has been completely aware. Through its BUILD program, DOB has maintained borough-by-borough counts each month for the past five years. Indeed, the information is posted on the Department's website. The recent redeployment of inspectors from other boroughs, and the budgeting of additional inspectors to Queens suggest that insufficient resources might also be part of the problem. If that is the case, then DOB should be able to project how long it will take its newly expanded inspection force to eliminate Queen's enormous backlog.

The fact that 42% of open complaints examined were for illegal conversions suggests that more can be done eliminate the backlog and keep it manageable in the long term. Illegal conversions lead to overcrowded schools, overtaxed infrastructure and unsafe, unsanitary buildings that diminish an entire neighborhood's quality of life. DOB should reevaluate its procedures for inspecting complaints of illegal conversions so that they can be resolved more quickly.

The solution is not only to work harder, but also to work smarter. With its adoption of some IT improvements to enhance efficiency, DOB has already made some progress in this regard, but much more needs to be done. Handheld wireless devices, for example, use a technology that is readily available and widely used—by everyone from the Federal Express delivery person, to the clerks who take customers’ orders at the drive-through window. There is no reason that DOB should not more widely adopt them for their inspectors.

## RECOMMENDATIONS

- **DOB must create a Queens task force to develop and implement an immediate action plan that will eliminate the complaint backlog within 90 days.**

A special effort must be made to eliminate the unanswered complaints in Queens so that future complaints do not contribute to an even larger and less manageable backlog. In addition to the recent and planned increases in inspection staff, DOB should appoint a task force to reevaluate its policies and procedures for addressing different complaints, particularly illegal conversions, which account for a substantial number of open complaints in Queens. The task force should immediately devise a plan with a 90-day timetable to eliminate the backlog in Queens, and make this plan known to the City Council and members of the public.

- **Introduce and pass BuildingStat, legislation to require DOB to report better, more detailed information on its performance.**

Much as CompStat allowed the New York City Police Department to measure progress and adapt to changing circumstances, BuildingStat—an electronic report card that will feature more comprehensive performance indicators—would achieve this for DOB. In addition, BuildingStat would inform the public about the performance and progress of DOB. While BUILD provides some performance indicators on a monthly basis, it fails to provide specific information on the Department’s performance and whether it is meeting goals, nor does it illuminate how resources are being allocated to meet needs or to address developing problems. DOB should, for example, disaggregate resolved and received complaints by type, borough and community board and priority code.

- **DOB should immediately adopt readily available 21<sup>st</sup>-Century technology to expedite the complaint and inspection processes.**

The PIPES pilot program is a promising way to eliminate duplication of effort by enabling inspectors to be much more effective and productive in the field. A careful study of the successes and failures of the PIPES pilot program should allow DOB to plan future IT improvements. Any IT improvements that will expedite the complaint process at DOB should be explored and implemented.

- **The Council should pass CityStat NY legislation so that all agencies report better information about their work.**

The proposed CityStat NY program can be used to better measure the performance of DOB and all City agencies.



**APPENDIX A:**  
Complaint Disposition Codes







## BIS COMPLAINT DISPOSITION CODES

<b>A1</b>	VIOLATION SERVED
<b>A2</b>	SUMMONS SERVED
<b>A3</b>	STOP WORK ORDER VIOLATION SERVED
<b>A4</b>	VIOLATION AND SUMMONS SERVED
<b>A5</b>	STOP WORK ORDER VIOLATION AND SUMMONS SERVED
<b>A6</b>	UB NOTICE FILED
<b>A7</b>	COMPLAINT ACCEPTED BY PADLOCK
<b>A8</b>	ECB VIOLATION SERVED
<b>A9</b>	ECB & DOB VIOLATIONS SERVED
<b>B1</b>	VIOLATION PREPARED AND ADDITIONAL SERVICE ATTEMPTS TO BE MADE
<b>B2</b>	VIOLATION PREPARED AND UNABLE TO SERVE
<b>C1</b>	INSPECTOR UNABLE TO GAIN ACCESS ON FIRST (1ST) INSPECTION ATTEMPT
<b>C2</b>	INSPECTOR UNABLE TO GAIN ACCESS ON SECOND (2ND) INSPECTION ATTEMPT
<b>D1</b>	COMPLAINT ASSIGNED TO CONSTRUCTION DIVISION
<b>D2</b>	COMPLAINT ASSIGNED TO PLUMBING DIVISION
<b>D3</b>	COMPLAINT ASSIGNED TO ELEVATOR DIVISION
<b>D4</b>	COMPLAINT ASSIGNED TO BEST SQUAD
<b>D5</b>	COMPLAINT ASSIGNED TO NIGHT EMERGENCY SQUAD
<b>D6</b>	COMPLAINT ASSIGNED TO BOILER DIVISION
<b>D7</b>	COMPLAINT ASSIGNED TO CRANES AND DERRICKS DIVISION
<b>D9</b>	COMPLAINT ASSIGNED TO BUREAU OF ELECTRICAL CONTROL
<b>E1</b>	COMPLAINT ASSIGNED TO IAD
<b>E2</b>	COMPLAINT ASSIGNED TO PADLOCK UNIT
<b>E3</b>	COMPLAINT ASSIGNED TO BORO OFFICE FROM AEU FOR FINAL DISPOSITION
<b>E6</b>	COMPLAINT ASSIGNED TO SPECIAL INVESTIGATIVE TEAM (SPIT)
<b>F1</b>	COMPLAINT REFERRED TO DEPARTMENT OF ENVIRONMENTAL PROTECTION(DEP)
<b>F2</b>	COMPLAINT REFERRED TO NYS DIV. OF HOUSING & COMMUNITY RENEWAL (DHCR)
<b>F3</b>	COMPLAINT REFERRED TO DEPARTMENT OF HEALTH
<b>F4</b>	COMPLAINT REFERRED TO DEPARTMENT OF INVESTIGATION (DOI)
<b>F5</b>	COMPLAINT REFERRED TO DEPARTMENT OF SANITATION (DOS)
<b>F6</b>	COMPLAINT REFERRED TO DEPARTMENT OF TRANSPORTATION (DOT)
<b>F7</b>	COMPLAINT REFERRED TO DEPARTMENT OF REAL PROPERTY (DRP)
<b>F8</b>	COMPLAINT REFERRED TO HOUSING PRESERVATION AND DEVELOPMENT (HPD)
<b>F9</b>	COMPLAINT REFERRED TO HOUSING AND URBAN DEVELOPMENT - FEDERAL (HUD)
<b>G1</b>	COMPLAINT REFERRED TO INSPECTOR GENERAL'S OFFICE(IGO)
<b>G2</b>	COMPLAINT REFERRED TO DEPARTMENT OF PARKS AND RECREATION
<b>G3</b>	COMPLAINT REFERRED TO TAXI AND LIMOUSINE COMMISSION (TLC)
<b>G4</b>	COMPLAINT REFERRED TO DEPARTMENT OF CONSUMER AFFAIRS
<b>G5</b>	COMPLAINT REFERRED TO POLICE DEPARTMENT (NYPD)
<b>G6</b>	COMPLAINT REFERRED TO FIRE DEPARTMENT OF NEW YORK (FDNY)
<b>G7</b>	COMPLAINT REFERRED TO MIDTOWN ENFORCEMENT (OME)
<b>G8</b>	COMPLAINT REFERRED TO NYC HOUSING AUTHORITY (NYCHA)
<b>G9</b>	COMPLAINT REFERRED TO DEPT CITYWIDE ADMIN SERVICES (DCAS)
<b>H1</b>	PREVIOUSLY INSPECTED COMPLAINT - SEE REFERENCED COMPLAINT NUMBER
<b>H2</b>	PREVIOUSLY INSPECTED COMPLAINT - PRE-BIS COMPLAINT NUMBER
<b>I1</b>	NO ACTION NECESSARY BASED UPON A SEARCH OF DEPARTMENT RECORDS
<b>I2</b>	NO ACTION NECESSARY BASED UPON PHYSICAL OBSERVATION
<b>J1</b>	FOLLOW-UP INSPECTION SCHEDULED/INSPECTION RESCHEDULED
<b>J2</b>	COMPLAINT RESOLVED BY PERIODIC INSPECTION
<b>J3</b>	REVIEWED - INSPECTION TO BE SCHEDULED
<b>K1</b>	UNABLE TO LOCATE ADDRESS
<b>K2</b>	ADDRESS INVALID - AWAITING VERIFICATION



**APPENDIX B:**  
Complaint Categories/Description



COMPLAINT CATEGORIES	DESCRIPTION
1	Accident on site/worker (construction, plumbing)
3	Adjacent buildings not protected
4	After hours work illegal
5	Building permit none (Building, PA, Demo, Plumbing)
9	Debris excessive
12	Demolition unsafe/illegal/mechanical demo
14	Excavation undermining adjacent building
15	Fence none/inadequate/illegal
16	Inadequate support/shoring
18	Material storage unsafe
23	Sidewalk shed/pipe scaffold inadequate
29	Building vacant, open/unguarded
30	Building shaking/vibrating/structural stability
35	Curb cut illegal
36	Driveway/carport illegal
37	Egress blocked/locked/improper/no secondary mean
52	Sprinkler system inadequate
53	Vent/exhaust illegal/improper
54	Wall/retaining wall bulging/cracked
65	Gas hookup/piping illegal
66	Plumbing work illegal
77	Contrary to LL58/87 (Handicap access)
83	Construction - contrary/beyond approved plans/permits
84	Facade defective/cracking (LL11/98)
85	Failure to retain water/improper drainage
20	Landmark building illegal work
31	Certificate of Occupancy none, illegal, contrary to C/O
55	Zoning nonconforming (i.e. illegal parking, sidewalk cafes, property line)
71	SRO illegal work/no permit/change in occupancy/use
74	Illegal commercial/manufacturing use in residential zone
73	Failure to maintain
13	Elevator in readiness none
62	Elevator dangerous condition/illegal/no permit/shaft open/unguarded
63	Elevator defective/inoperative
80	Elevator not inspected
81	Accident elevator
45	Illegal conversion
59	Electrical wiring defective/exposed/ unlicensed/in progress

56	Boiler defective/inoperative/illegal/smokefumes/no permit
82	Accident - Boiler
67	Crane/suspension scaffold no permit/ license/certificate/unsafe/illegal
70	Suspension/scaffold hanging no work in progress
21	Safety netting damaged/inadequate/none
76	Plumbing work/unlicensed/illegal/improper work in progress
49	Sign/awning/marquee illegal/no permit/ not posted
50	Sign in danger of falling
75	Adult establishment
78	Privately owned public space/non-compliance
97	Other Agency jurisdiction
98	Refer to operations for determination
99	Other