

# City of New York

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## OFFICE OF THE COMPTROLLER

Scott M. Stringer  
COMPTROLLER



## MANAGEMENT AUDIT

**Marjorie Landa**

Deputy Comptroller for Audit

Audit Report on the New York City  
Department of Sanitation's  
Responsiveness to Dirty Vacant  
Lot Complaints

MH19-072A

**April 16, 2021**

<http://comptroller.nyc.gov>



THE CITY OF NEW YORK  
OFFICE OF THE COMPTROLLER  
SCOTT M. STRINGER

April 16, 2021

To the Residents of the City of New York:

My office has audited the New York City Department of Sanitation (DSNY) to determine whether it has adequate controls to ensure the timely investigation and follow-up of complaints of dirty vacant lots. We conduct audits such as this to increase accountability and to ensure that agencies enforce applicable laws and policies related to health and public safety.

The audit found that DSNY has adequate controls to ensure the timely investigation and follow-up of complaints of dirty vacant lots, with some exceptions. Specifically, DSNY's Lot Cleaning Division (LCD) consistently complied with its policy and timeliness targets for inspecting and researching the lots to determine their condition and ownership. For lots found dirty, LCD generally completed the tasks necessary to have them cleaned in a timely manner. However, the audit found that compliance inspections were conducted beyond management's expected benchmark. Currently, DSNY has no written criterion for the maximum time frame in which it must complete a compliance inspection. Establishing a written time frame would allow management to address delays and help improve LCD's operational efficiency.

The audit makes three recommendations, including that DSNY should utilize aging reports that show the length of time it takes LCD personnel to complete each stage of the lot-cleaning process, from the time DSNY receives a complaint through the time when each dirty lot is cleaned, so that DSNY can better track the status of all dirty vacant lots reported to it and ensure that they are cleaned reasonably promptly.

The results of the audit have been discussed with DSNY officials and their comments have been considered in preparing this report. DSNY's complete written response is attached to this report.

If you have any questions concerning this report, please email my Audit Bureau at [audit@comptroller.nyc.gov](mailto:audit@comptroller.nyc.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Scott M. Stringer".

Scott M. Stringer

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# THE CITY OF NEW YORK OFFICE OF THE COMPTROLLER MANAGEMENT AUDIT

## Audit Report on the New York City Department of Sanitation's Responsiveness to Dirty Vacant Lot Complaints

MH19-072A

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### EXECUTIVE SUMMARY

We conducted this audit to determine whether the New York City Department of Sanitation (DSNY) has adequate controls to ensure the timely investigation and follow-up of complaints of dirty vacant lots. Chapter 31 of the City Charter mandates that DSNY enforce provisions of the Charter that require property owners to maintain their vacant lots in a clean and sanitary manner, free of debris and other litter. When property owners fail to do so, DSNY may clean the lots at the owners' expense, after first providing the owners with notice and an opportunity to clean their properties. Dirty lot conditions that DSNY addresses typically include excessive vegetation, abandoned appliances, dilapidated fences, unoccupied buildings, and visible signs of putrescible waste that may attract rodents. DSNY's Lot Cleaning Division (LCD) is responsible for cleaning conditions that are typically outside the scope of DSNY's district garages, such as the perimeters of abandoned homes and dirty vacant lots.<sup>1</sup>

LCD's lot cleaning process begins when individuals report dirty conditions on vacant lots to DSNY in one of several ways—through the 311 system (via telephone or online by completing a form found on DSNY's website<sup>2</sup>), by letter, or by email. Following LCD's receipt of a complaint, a Lot Inspection Unit (LIU) inspector conducts an initial inspection to validate the reported dirty conditions. If the lot is found dirty, the Intake Unit conducts a research/ownership search to identify the owner of record.

LCD's Field Operations unit is responsible for cleaning both privately-owned and City-owned lots. If the LCD field supervisor finds the lot dirty and accessible during the compliance inspection, the supervisor forwards a service request to the appropriate LCD garage for cleaning. If the field supervisor finds the lot dirty but not accessible, the complaint is forwarded to LCD's Access Warrant Unit (AWU), which will conduct an inspection to determine whether hazardous health

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<sup>1</sup> LCD also addresses other cleaning-related conditions, such as large drop-offs and unclean non-lot locations that do not have a tax block or lot assigned to them. These areas are referred to as "Leventhals" and are generally center medians, dead-end or uncut streets, or areas adjacent to railways that need to be cleaned.

<sup>2</sup> The current DSNY form is posted at <https://www1.nyc.gov/assets/dsny/site/contact/complaints/lot-cleaning-request> (accessed January 26, 2021).

conditions (e.g., evidence of rodent activity) necessitating DSNY action are present. If they are, DSNY will ask the New York City Law Department to submit an application for an access warrant to the New York State Supreme Court. If the Court issues the access warrant, DSNY has 30 days, commencing on the 13<sup>th</sup> business day after the date of the warrant to access and clean the lot.

DSNY uses an information system called LotSmart to record the complaints it receives concerning dirty vacant lots and to manage the above-described process of addressing them.

## **Audit Findings and Conclusion**

This audit found that DSNY has adequate controls to ensure the timely investigation and follow-up of complaints of dirty vacant lots—with some exceptions. We found that LCD consistently complied with its policy and timeliness targets for inspecting and researching the lots to determine their condition and ownership. For lots found dirty, LCD generally completed the tasks necessary to have them cleaned—by the owner or DSNY—in a timely manner, with some exceptions.

LotSmart data reflected that DSNY met its timeliness targets for inspecting lots and researching their ownership over 99 percent of the time. DSNY met its timeliness target for cleaning dirty lots, after the required compliance inspections, 78 percent of the time.

However, we found that DSNY conducted the required compliance inspections within an average of 9 business days, a time frame that exceeds management's expected benchmark of 5 to 7 business days. Moreover, some compliance inspections—18.6 percent—took longer than 15 days to complete. Currently, DSNY has no written Service Level Agreement (SLA) criterion for the maximum time frame in which it must complete a compliance inspection. Establishing a written time frame for these inspections would allow management to identify and address the delays and could thus help improve LCD's operational efficiency.

In addition, we calculated the timeliness of the lot cleaning process as a whole and found that 84 percent of the privately-owned (non-AWU related) and City-owned lots were cleaned within DSNY's expected time frames of, respectively, 82 business days for privately-owned and 71 business days for City-owned lots.<sup>3</sup> (Please see Appendix I for a chart of steps and their applicable time frames for the lot cleaning process.)

Finally, LotSmart data also showed that when the Court issued access warrants, LCD cleaned the lots in question before the access warrants expired.

Apart from the areas discussed above that warrant improvement, DSNY's LCD has made noteworthy progress since 2008—the last time the New York City Comptroller's Office audited this activity. Specifically, the current audit found that DSNY has integrated process flow and documentation functionality into the LotSmart system DSNY uses to manage its lot cleaning operation. For example, the agency now uploads photographs of lots into LotSmart to evidence the conditions found and work done at the lots that are the subjects of complaints. In addition, LCD has adopted 311's SLA timeliness standards for initial inspections, research/ownership searches, and cleaning. (Please see Appendix II for examples of photo images LCD records and uses to document various stages of the lot cleaning process.)

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<sup>3</sup> We used an 82 and 71 business-day target to calculate the overall period in which the privately-owned (non-AWU related) and City-owned lots were addressed by DSNY, respectively. We determined the 82 and 71 business-day target by adding all the individual time frames associated with the privately-owned (non-AWU related) and City-owned lot cleaning process.

## Audit Recommendations

Based on our findings, we make three recommendations:

- DSNY should utilize aging reports that show the length of time it takes LCD personnel to complete each stage of the lot-cleaning process, from the time DSNY receives a complaint through the time when each dirty lot is cleaned, so that DSNY can better track the status of all dirty vacant lots reported to it and ensure that they are cleaned reasonably promptly.
- DSNY should examine whether LCD's lack of a written time standard for compliance inspections contributes to delays in its cleaning of dirty lots.
- DSNY should develop written time standards for compliance inspections and ensure that LCD staff are made aware of those time frames.

## Agency Response

DSNY agreed with the audit's findings and recommendations.

# AUDIT REPORT

## Background

DSNY is responsible for keeping New York City (City) healthy, safe, and clean. The agency's primary mission is to clean City streets and sidewalks, as well as to collect, recycle, and dispose of refuse, and to clear snow and ice from City roadways. DSNY is also charged with removing abandoned vehicles from City streets and debris from private and City-owned vacant lots.

Chapter 31 of the City Charter mandates that DSNY enforce provisions of the Charter that require property owners to maintain their vacant lots in a clean and sanitary manner by ensuring that they are free of debris and other litter. Dirty lot conditions typically include excessive vegetation, abandoned appliances, dilapidated fences, unoccupied buildings, and visible signs of putrescible waste that may attract rodents. DSNY's LCD is responsible for cleaning conditions that are typically outside the scope of DSNY's district garages, such as the perimeters of abandoned homes and dirty vacant lots.

LCD's lot cleaning process begins when individuals report dirty conditions on vacant lots to DSNY in any of several ways. Members of the public generally report them through the City's 311 system via telephone or online by completing a form found on DSNY's website. The information complainants provide concerning dirty lots is processed and transmitted to DSNY's Sanitation Control and Analysis Network (SCAN) system, which is then automatically transmitted to LCD's LotSmart system.<sup>4</sup>

Representatives of community boards and City agencies, among others, also report dirty vacant lot conditions directly to DSNY's Commissioner or to DSNY's Central Correspondence Unit (CCU) by telephone, letter, or email. DSNY refers to such communications as "executive correspondence." DSNY's CCU reviews executive correspondence upon receipt and enters complaints alleging that lots are dirty and need cleaning into SCAN, which automatically transmits the information to LotSmart. Finally, DSNY employees can also report dirty vacant lot conditions directly to LCD Chiefs by email. The LCD Chiefs in turn assign them to LCD's LIU personnel, who enter the conditions directly into LotSmart.

Once a service request is transmitted into LotSmart, that system generates an identifying number, known as a CCU number, which LCD uses to track service requests.<sup>5</sup> LotSmart automatically routes service requests to the LCD units involved in the lot cleaning process—starting first with the LIU, then the Intake Unit, and then on to Field Operations. At each stage of the process, the units record status codes in LotSmart that reflect the responsive actions they performed.

Following LCD's receipt of a complaint, an LIU inspector conducts an initial inspection to validate the reported dirty conditions. If the LIU inspector does *not* find the reported, or any other, dirty conditions, s/he photographs the lot, uploads the photo into LotSmart, and assigns the "Found Clean" status code to the service request in LotSmart, which closes out the service request and

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<sup>4</sup> LotSmart is an information system DSNY uses to process service requests that are routed from one unit to another. The routing sequence both reflects and is driven by the status of the service request; as one unit completes a step in the process, the system routes the service request to the unit responsible for the next step. LotSmart also electronically stores documentation related to each service request, such as inspection reports and photographs of a lot's condition before and after a DSNY cleaning operation.

<sup>5</sup> An assigned CCU number represents one location regardless of the number of dirty lots associated with the property. The DSNY automatically generated internal CCU number is a combination of the current calendar year followed by a series of five-digit sequential numbers (e.g., 19-00001, 19-00002, etc.).

ends the process. However, if the LIU inspector finds dirty conditions on the lot, the inspector prepares an inspection report, called a DS866 form (described in detail below), uploads it into LotSmart, along with multiple photos, and enters the status codes for “Inspection Complete” and “Assigned to Intake” into LotSmart, which prompts the system to route the service request to LCD’s Intake Unit.

For each dirty lot assigned to it, the Intake Unit conducts a research/ownership search to identify the property’s tax block and lot numbers and owner of record. If the property is City-owned, Intake Unit staff enter the “Compliance Inspection Requested” status code in LotSmart, which routes the lot to the LCD Field Operations, where a supervisor should schedule it for a compliance inspection. If the field supervisor performing the compliance inspection finds the lot is “Ready to Clean,” the complaint is then assigned to the LCD garage responsible for the area where the lot is located for cleaning.

If the lot is privately-owned, Intake Unit staff enter the “Request DOHMH 5DL Mailing” status code into LotSmart and prepare a Department of Health and Mental Hygiene (DOHMH) Commissioner’s Order to Abate—commonly known as the 5-Day Letter (5DL)—directed to the property owner. A 5DL gives the owner 5 days from date of receipt to clean the lot and grants DSNY the authority to clean it at the owner’s expense if the owner fails to do so. DOHMH reviews the 5DL and, if it approves, mails the 5DL to the property owner identified during the title search and notifies DSNY of the mailing.

Field Operations is responsible for cleaning the lot. Before a cleaning can be scheduled, a field supervisor at the LCD garage responsible for the area where the lot is located must conduct a compliance inspection to determine whether the lot is clean at that time and, if not, whether the property is accessible.<sup>6</sup> If the field supervisor finds the lot to be dirty and accessible through the compliance inspection, s/he enters the “Ready to Clean” status code into LotSmart, and the system forwards the service request for cleaning to the LCD garage responsible for the area where the lot is located. After LCD cleans the lot, the field supervisor enters the “Field Cleaned” status code into LotSmart.

If the field supervisor finds the lot to be dirty and not accessible, s/he enters the “Fenced and Locked” status code into LotSmart, and the complaint is forwarded to LCD’s AWU. The AWU inspector will conduct a compliance inspection to determine whether hazardous health conditions (e.g., evidence of rodent activity, foul odors) necessitating DSNY action are present. If so, DSNY will ask the New York City Law Department to submit an application for an access warrant to the New York State Supreme Court. If the Court issues the access warrant, DSNY has 30 days, commencing on the 13<sup>th</sup> business day after the date of the warrant, to access and clean the lot.

From July 1, 2018 through December 18, 2019, DSNY received a total of 11,883 vacant lot complaints related to dirty lot conditions, of which 9,740 were deemed actionable.<sup>7</sup> Of these 9,740, 7,008 (72 percent) were field-generated requests, 2,493 (26 percent) were 311 requests, and 239 (2 percent) were executive correspondence requests.

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<sup>6</sup> Field Operations manages six garages—two in Queens, and one each in Brooklyn, Staten Island, Manhattan and the Bronx.

<sup>7</sup> 2,143 complaints were omitted since they did not have a request source and therefore did not proceed to the Intake Unit. The information in the dataset readily showed that these complaints were either voided by LIU, that DSNY had no jurisdiction to proceed, or that DSNY staff were unable to verify the existence of the lot location.



## Objective

The objective of this audit was to determine whether DSNY has adequate controls to ensure the timely investigation and follow-up of complaints of dirty vacant lots.

## Scope and Methodology Statement

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objective. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objective. This audit was conducted in accordance with the audit responsibilities of the City Comptroller as set forth in Chapter 5, §93, of the New York City Charter.

The scope of this audit was July 1, 2017 through December 18, 2019. Please refer to the Detailed Scope and Methodology at the end of this report for the specific procedures and tests that were conducted.

## Discussion of Audit Results with DSNY

The matters covered in this report were discussed with DSNY officials during and at the conclusion of this audit. A preliminary draft report was sent to DSNY on January 26, 2021 and was discussed at an exit conference held on February 9, 2021. On March 4, 2021, we submitted a draft report to DSNY with a request for comments. We received a written response from DSNY on March 18, 2021.

In its response, DSNY agreed with the audit's findings and recommendations and stated the agency was "very pleased that this audit showed that overall, DSNY has adequate controls to ensure the timely investigation and follow-up of complaints of dirty vacant lots."

The full text of DSNY's response is included as an addendum to this report.

## FINDINGS AND RECOMMENDATIONS

DSNY has adequate controls to ensure the timely investigation and follow up of complaints of dirty vacant lots—with some exceptions. For our sample of 30 randomly selected vacant lots with complaints reported during Fiscal Year 2019, we found that LCD was generally in compliance with its policy for inspecting the lots to determine their condition and, for lots found dirty, completing the tasks necessary to have them cleaned—by the owner or DSNY—in a timely manner.

In addition, our analysis of the entire population of complaints for the period of July 1, 2018 through December 18, 2019 revealed that DSNY generally met its SLA targets. Our review of the data retrieved from the LotSmart system for 9,740 reported lot complaints indicated that:

- DSNY inspected 99.4 percent of the lots within the 5-business-day target.
- DSNY timely researched the ownership of 8,328 lots that were found dirty on initial inspection, specifically:
  - 99.8 percent of the 5,042 private lots requiring a 5DL had a research/ownership search conducted within the 14-business-day target.
  - 99.4 percent of the 3,286 City lots requiring a research/ownership search had one conducted within the 14-business-day target.
- For the 3,797 lots—993 privately-owned (non-AWU related) and 2,804 City-owned—that proceeded to “Field Cleaned” status during our audit scope period, 78 percent were cleaned within the 45-business-day target. However, there is room for improvement with regard to the timeliness of such lot cleanings, and in the timeliness of the compliance inspections, a mandatory step that must precede them.<sup>8</sup>
- For the 101 AWU-related lot complaints reported, 54 proceeded to “Field Cleaned” status, all before the access warrants expired.

As mentioned above, however, one area that needs improvement is the timeliness of compliance inspections. Specifically, DSNY has no written SLA criterion for the time frame in which a compliance inspection must be done. We found that such inspections were conducted within an average of 9 business days, a time frame that exceeds management’s expected benchmark of 5 to 7 business days, and some compliance inspections—18.6 percent—took longer than 15 days to complete. An established time frame would help ensure LCD’s operational efficiency by allowing management to identify and address areas of concern.

In addition, we calculated the timeliness of the lot cleaning process as a whole for those 3,797 lots that were processed from the date the service requests were entered into LotSmart through to the “Field Cleaned” status date, to ascertain whether DSNY met its overall target in addressing dirty lot conditions. (Please see Appendix I for a chart of steps and their applicable time frames for the lot cleaning process.) We found that 84 percent of the 3,797 privately-owned (non-AWU related) and City-owned lots were cleaned within DSNY’s expected time frames of, respectively, 82 business days for privately-owned and 71 business days for City-owned lots.

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<sup>8</sup> As will be discussed in more detail below, DSNY’s LCD field-cleaned a total of 3,797 privately-owned (non-AWU-related) and City lots during our scope period and did not clean a total of 4,424, for a variety of reasons, including 1,332 lots that were found clean and 1,886 that were dirty but deemed to be outside LCD’s jurisdiction for purposes of field cleaning.

Apart from the areas discussed above that warrant improvement, it is noteworthy that DSNY's LCD has made improvements since the last time this area was audited by the New York City Comptroller's Office. The prior audit, titled *Audit Report on the Department of Sanitation Vacant Lot Clean-up Program, Audit #ME08-064A*, issued June 30, 2008, noted several deficiencies with regard to process flow, verification of work, and time standards, all areas where DSNY has since made improvements. By contrast, this audit found that process flow and documentation enabling management and auditors to verify key entries have been integrated into LotSmart (e.g., photographs of lots are now uploaded into LotSmart to evidence conditions found and work done), and that LCD has adopted 311's SLA timeliness standards for initial inspections, research/ownership searches, and cleaning.

## **DSNY Complies with Its Lot Cleaning Policy Documentation Requirements**

DSNY's LCD policy requires field inspectors, field supervisors and administrative staff to document all the necessary information pertaining to the dirty lot condition, including the actions that DSNY performed in order to process the complaint, on a DSNY inspection form referred to as the DS866. The DS866 is a one-page paper document that contains designated sections for the following required information: the CCU#; the source of the complaint; the tax block and lot number; the address and district number associated with the complaint location; and the name of the owner. The document also includes an area in which the field inspector can draw cross streets and any landmarks that can be used to readily identify the exact location of the lot. As the complaint is processed at each stage, three separate DSNY personnel must also write on the DS866 form to document the following:

- the date the initial inspection was conducted and the name of the field inspector who conducted it;
- the date the research/ownership search was conducted and the name of the Intake Unit staff member who conducted the search; and
- the date DSNY cleaned the lot, if applicable, as well as the number of staff and types of equipment used to perform the cleaning, how long it took to do the cleaning, and the weight of the garbage that was removed.

Upon completion of the lot cleaning process, the supervisor in charge of the cleaning is required to provide the following information on the DS866 form: signature, badge number, and the date the form was completed, which corresponds to the date cleaning was done.

For our sample of 30 randomly selected lots with reported complaints during Fiscal Year 2019, we found that the required DS866 form was completed for 27 of the lots. The remaining three lots were found clean during the initial inspection; therefore, a DS866 form was not required.

DSNY requires LCD staff to photograph the lots referenced in dirty-lot complaints at each stage of the inspection and, if applicable, cleaning process, as proof of the lot's condition—whether dirty or clean—as of that date. No less than four sets of pictures must be taken—at Initial Inspection, Compliance Inspection, Before Cleaning, and After Cleaning. (Please see Appendix II of examples of photo images taken by LCD to document various stages of the cleaning process.)

We found that the 30 lots requiring pictures evidencing the condition of the lots—including the 27 lots that were cleaned by LCD or the owner—were on file to support the condition reflected in the relevant DSNY records (i.e., LotSmart and/or the DS866 form).

## DSNY Generally Complies with Its SLA Service Request Response Time Frames

For the 9,740 lots referenced in complaints the City received from July 1, 2018 through December 18, 2019, we found that LCD performed the initial inspections and the research/ownership searches within the required time frames. However, DSNY does not consistently adhere to its time standards when it comes to the 3,797 lots that proceeded to “Field Cleaned” status.

According to DSNY’s SLA, the time frames in which DSNY should respond to a service request are as follows:

- Initial Inspection - 3 to 5 business days;
- Research/Ownership Search - 7 to 14 business days;
- Cleaning - 25 to 45 business days.<sup>9</sup>

We found that for the 9,740 lots requiring an initial inspection, 9,679 (99.4 percent) were inspected within the 5-business-day target. As for the research/ownership searches, we were unable to fully test whether DSNY conducted them within the 14-business-day target, because the LotSmart dataset did not include a clearly identified field that captures the date on which this activity was completed. However, we were able to use other dates in the dataset to obtain some assurance that the research/ownership searches were done within the 14-business-day target, as explained below.

For the 5,042<sup>10</sup> private lots requiring a 5DL, we calculated the time period between the date of the initial inspection and the date the 5DL request was made to DOHMH (which is an indicator of the date by which the research/ownership search was completed). We found that 5,030 (99.8 percent) had a research/ownership search completed within the 14-business-day target, while the remaining 12 were completed between 16 and 37 business days.

For the 3,286<sup>11</sup> City lots not requiring a 5DL, we calculated the time period between the date of the initial inspection and the date entered into the LotSmart system as to the earliest time a compliance inspection could be performed (which is an indicator of the date by which the research/ownership search was completed). We found that 3,267 (99.4 percent) of them had research/ownership searches completed within the 14-business-day target, while the remaining 19 were completed within 15 to 64 business days.

Pertaining to the timeliness in the cleaning of the lots, we eliminated 4,424—3,942 private lots (non-AWU related) and 482 City lots—from our test because they did not proceed to “Field

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<sup>9</sup> In practice, DSNY measures the 25 to 45-day time frame for cleaning from the date of the compliance inspection, the step that takes place between the research/ownership search and the cleaning. It is a prerequisite for LCD’s cleaning of privately-owned lots.

<sup>10</sup> There were 1,008 privately-owned lots that did not proceed past initial inspection since they were either duplicates, lots for which DSNY had no jurisdiction, or lots about which sufficient information was not available. Therefore, these were eliminated from the tests.

<sup>11</sup> There were 404 City-owned lots that did not proceed past initial inspection and were therefore eliminated from the test.

Cleaned” status due to reasons noted in the dataset and explanations that DSNY officials provided.<sup>12</sup>

We found that 3,797 lots—993 privately-owned (non-AWU related) and 2,804 City-owned—proceeded to “Field Cleaned” status during the period covered by the dataset.<sup>13</sup> Of the 3,797, 2,960 (78 percent) were cleaned within the 45-business-day target, measured from the date of the compliance inspection, while 837 (22 percent) were cleaned within 46-157 business days. Table I provides a breakdown of the time frames in which the lots were cleaned.

**Table I**  
Frequency Distribution Showing Number of Business Days to Clean Lots by LCD

Range of Business Days	Number of Service Requests for City Lots	Number of Service Requests for Private Lots (non-AWU)	Total Number Cleaned	Percent Cleaned
0 – 25	1,892	644	2,536	66.8%
26 – 45	280	144	324	11.2%
46 – 65	302	107	409	10.7%
66 – 85	148	49	197	5.2%
86 – 125	172	42	214	5.7%
126 – 165	10	7	17	0.4%
<b>Total</b>	<b>2,804</b>	<b>993</b>	<b>3,797</b>	<b>100.0%</b>

**DSNY Response:** “Due to staffing constraints, locations need to be prioritized at times and there are occurrences when priority is given [to] locations that have deteriorated greatly and are prominent eyesores for the immediate community. This prioritization

<sup>12</sup> Information in the dataset showed that 4,424 privately- and City-owned lots did not proceed to “Field Cleaned” status for one of the following reasons: (1) the service request was a duplicate; (2) the lot was found clean; (3) the service request had not advanced through DSNY’s sequential steps to field-cleaning status by the end-date of the dataset; (4) LCD had no jurisdiction, because, for example, an LCD supervisor determined that the lot’s condition may have warranted action by DSNY’s Enforcement Unit or DSNY’s litter patrol program operated within the relevant district office; or (5) DSNY lacked sufficient information regarding the lot to schedule a cleaning. Because DSNY did not clean these lots as of the dataset end date, we eliminated them from our “Field Cleaned” timeliness test. We selected and reviewed a sample of 20 of the 1,886 lots designated as being outside of LCD’s jurisdiction to determine whether DSNY followed up in some manner to address their condition. For that sample, DSNY provided us with supporting documents showing that LCD continued to monitor those lots, where some kind of follow-up action was within the purview of DSNY or another responsible party. Some of the sampled lots were ultimately cleaned by DSNY or by the private lot owner; some were active construction sites that DSNY determined did not require or were not eligible for DSNY cleaning or enforcement action; and the few remaining lots were either still being monitored by LCD or were awaiting cleaning by LCD on the scheduled date—apparently having been determined to be within its jurisdiction as a result of information LCD obtained by monitoring the lot’s condition after the end date of the dataset DSNY initially provided to us.

<sup>13</sup> 101 AWU cases with a criteria of 30-business-day cleaning time frame are discussed in the following section. An additional 6 lots were cleaned by DSNY, but since no information was in the LotSmart dataset as to when the compliance inspection was done (i.e., there was no “Ready to Clean” date only a “Field Cleaned” date), calculation of the timeline could not be done.

practice causes the milder cases/locations to be pushed back on the SLA cleaning time frames. Other contributing factors that will have a negative impact on our ability to meet the SLA time frame are snow operations, snow covered areas, storm debris response, or response to other quality of life cleaning functions that the unit is tasked with. Due to the above-mentioned disruptions in service, DSNY will explore the option of being able to allocate any such incident date(s), in order to essentially ‘pause the clock’ and/or account for the lost time.”

## Recommendation

1. DSNY should utilize aging reports that show the length of time it takes LCD personnel to complete each stage of the lot-cleaning process, from the time DSNY receives a complaint through the time when each dirty lot is cleaned, so that DSNY can better track the status of all dirty vacant lots reported to it and ensure that they are cleaned reasonably promptly.

**DSNY Response:** “An aging report, based on the SLA criteria, is being developed and will be used accordingly.”

## DSNY Complies with Its Access Warrant Unit Cleaning Policy

LCD’s policy dictates that for inaccessible properties that are fenced or locked and where hazardous health conditions (e.g., evidence of rodent activity, foul odors) exist, a request must be made to the New York State Supreme Court to obtain an access warrant allowing DSNY to legally gain access to the property. As noted previously, DSNY submits these cases to the New York City Law Department, which in turn files applications for access warrants with the Court.

An approved access warrant provides DSNY with no more than 30 days, excluding Sundays, in which the agency can legally access the lot pursuant to Court order. That 30-day period commences on the 13<sup>th</sup> business day after the date of the access warrant. Should the 30-day time frame expire without DSNY ever accessing the property, the entire process would restart, which would require a re-inspection of the lot and a new request to the Court for an access warrant.

For the 101 complaints requiring an access warrant for DSNY to gain access to the property, we found that 54 proceeded to “Field Cleaned” status, all before the access warrants expired.

As for the remaining 47 AWU-related lots that did not proceed to “Field Cleaned” status, information in the LotSmart dataset indicates plausible and varying reasons they did not proceed to “Field Cleaned.”

## DSNY Has Not Established a Written Time Frame for Conducting Compliance Inspections

Our review of LCD procedures revealed that DSNY has not established a written time frame in which a compliance inspection, when required, must be completed. Its absence potentially diminishes DSNY management’s ability to ensure timely performance of this task—which DSNY must complete to: (1) determine whether the property owner has cleaned the lot; and (2) to clean it and bill the owner if the lot is found dirty. Because the compliance inspection is a prerequisite for DSNY’s cleaning of privately-owned lots, delays in these inspections could delay those cleanings. Comptroller’s Directives and Memoranda provide an array of internal controls and procedures that City agencies are expected to use to ensure their efficient and effective operation

and the appropriate use of public funds. Comptroller's Directive #1, *Principles of Internal Control*, states, in part, "Internal controls should be documented in management administrative policies or operating manuals. All transactions and significant events need to be clearly documented and the documentation readily available for use or examination."

Although DSNY did not establish a written time frame for LCD compliance inspections, a DSNY official informed us that a compliance inspection typically occurs within 5 to 7 business days following the entry of a "Compliance Inspection Requested" date. We conducted an analysis to determine the average length of time it in fact took DSNY to conduct a compliance inspection. For the 993 private lots and the 2,804 City lots that proceeded to "Field Cleaned" status on or before December 18, 2019, we calculated the time frames between the "Compliance Inspection Requested" date to the "Ready to Clean" status date to determine how long it took DSNY to conduct the compliance inspections; the results are summarized below.

For the 3,797 lots—993 privately-owned and 2,804 City-owned—that proceeded to "Field Cleaned" status, we found that it took DSNY an average of 9 business days to conduct the required compliance inspections and designate them as being "Ready to Clean."<sup>14</sup> Although management's expectation is that these compliance inspections should typically occur within 5 to 7 business days, we found this was not the case for 1,334 (35.1 percent) of them. Specifically, we found that a compliance inspection was done within 7 business days for 2,463 (64.9 percent) of the lots; that 627 lots (16.5 percent) were inspected within 15 business days; and that the time frames for the compliance inspections of the remaining 707 lots (18.6 percent) exceeded 15 business days. Our review found that it took as many as 144 days for DSNY to conduct a compliance inspection for 3 City-owned lots and as many as 93 days for 1 privately-owned lot.

We did not perform a similar analysis for the 101 AWU-related lots because these cases appear to involve lengthy court proceedings that must take place before DSNY can obtain access warrants to legally enter the lots. Once the courts are involved, DSNY's activity with respect to a dirty lot is at a standstill until the agency is given the authority to access the property.

Without written time standards that clearly communicate to LCD's staff the length of time that should be allotted to conduct compliance inspections, LCD has no way of knowing whether the cleanings that must await compliance inspection completion are performed in a timely manner. Further, time standards are useful management tools to measure operational efficiency by enabling an agency to effectively identify and address areas of concern that prevent it from completing work expeditiously.

**DSNY Response:** "In the past, compliance inspections were done closer to when we planned on cleaning the property, in order to plan the appropriate equipment and personnel for the conditions on the property. This policy will be adjusted so that the compliance inspections are performed within the SLA guidelines."

## Recommendations

2. DSNY should examine whether LCD's lack of a written time standard for compliance inspections contributes to delays in its cleaning of dirty lots.

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<sup>14</sup> These lots constituted a subset of the 9,740 dirty-lot complaints DSNY reported in the LotSmart system for the period July 1, 2018 through December 18, 2019. These lots had advanced to what DSNY refers to as "Field Cleaned" status by the latter date, meaning its personnel had cleaned them.

***DSNY Response:*** “This policy will be adjusted so that the compliance inspections are performed within the SLA guidelines.”

3. DSNY should develop written time standards for compliance inspections and ensure that LCD staff are made aware of those time frames.

***DSNY Response:*** “DSNY will incorporate the SLA guidelines related to compliance inspections into its procedural orders so LCD staff are cognizant of the requirement, and action accordingly so we comply with the guidelines.”



## DETAILED SCOPE AND METHODOLOGY

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives. This audit was conducted in accordance with the audit responsibilities of the City Comptroller as set forth in Chapter 5, §93, of the New York City Charter.

The scope of this audit covered the period from July 1, 2017, through December 18, 2019.

To achieve our audit objective and gain an understanding of the internal controls governing DSNY's responsibilities regarding the inspection of the lots, we reviewed and, where applicable, used the following as criteria:

- Chapter 31 of the New York City Charter;
- Section 16-118 of the *Administrative Code of the City of New York*;
- *The Mayor's Management Report 2019*;
- New York City Comptroller's Directive #1, *Principles of Internal Control*;
- *Audit Report on the Department of Sanitation Vacant Lot Clean-up Program* (Audit #ME08-064A), issued June 30, 2008;
- *A Report for the New York City Department of Sanitation, Complaint System "As Is" Process Description*, an April 2007 consultant report;
- Mayor's Office of Operations and Department of Information Technology & Telecommunications' *Enterprise Correspondence Participant Guide* (revised July 7, 2012);
- DSNY's *Action Center Complaint System, District and Borough Operations Guide* (revised December 6, 2001);
- DSNY's Service Level Agreement (SLA), specifically for lot condition;
- DSNY's Lot Cleaning Initial Inspection Guide; and various documents such as Lot Cleaning action codes, updating SCAN records and the process for requesting assistance from Lot Cleaning.

To obtain an understanding of DSNY's organizational structure as it relates to dirty vacant lot service requests, we reviewed DSNY's organization charts for Cleaning Operations for the Bureau of Cleaning & Collection (BCC); Brooklyn North Command Center;<sup>15</sup> Lot Cleaning Division (LCD); Bureau of Community Affairs (BCA); Enforcement Division; Bureau of Information Technology (BIT); and Operations Management Division (OMD). We also reviewed the responsibilities of the BCC, such as Cleaning Operations and LCD; BCA, such as the Customer Service Unit (CSU), Central Correspondence Unit (CCU), and Community Liaison Unit (CLU); Enforcement Division; BIT; and OMD.

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<sup>15</sup> There is a total of seven borough command centers within DSNY. Each borough command center is responsible for a designated number of district offices. For example, Brooklyn North Command Center includes districts #1, 2, 3, 4, 5, 8, 9, 16, and 17.

To obtain an understanding of the various roles and responsibilities of DSNY personnel as they relate to dirty vacant lot service requests, we conducted walkthroughs and interviewed the First Deputy Commissioner; the Director for the BCC; the Chief of Cleaning Operations for the BCC; a Command Center Chief; the Assistant Chief and Deputy Chief for the LCD; and the Supervisor for the LIU and Intake Unit; the Chief Information Officer, and the SCAN Manager for DSNY's BIT; and the Director and Assistant Director for the BCA. In addition to these interviews, we interviewed and observed LCD central staff from the LIU, Intake Unit, Field Operations, and the Access Warrant Unit (AWU). We also reviewed a DSNY flowchart on the LCD procedure for processing lot cleaning complaints.

To familiarize ourselves with the Siebel Enterprise Correspondence database, we observed a BCA Intake Coordinator using the system, obtained a correspondence record (i.e., a service request), and reviewed screenshots in the *Enterprise Correspondence Participant Guide*. In order to familiarize ourselves with the SCAN database, we observed the BCA Director using the system, obtained a complaint record (i.e., a service request) and reviewed screenshots in the *Action Center Complaint System, District and Borough Operations Guide*. In order to familiarize ourselves with the LotSmart database, we observed the Supervisor for the Lot Inspection Unit & Intake Unit using the LotSmart system and obtained screenshots of the LIU, Intake Unit, Compliance, Cleaning and Legal (i.e., AWU) dashboards, as well as reports generated based on the LotSmart status codes "Ready to Clean," "Request DOHMH 5DL Mailing," "5DL Mailed by DOHMH to Property Owners," and "Field Cleaned." In addition, we received the data dictionaries for the SCAN and LotSmart systems.

To document our understanding of the control environment, we prepared detailed flowcharts of the processes of reporting a dirty condition upon receipt of a 311 call request, a 311 online request, executive correspondence, and a field-generated request. We also prepared a detailed flowchart of the processes of service requests routed to LCD. To ensure that our understanding of the processes and controls was correct, we provided copies of the flowcharts to DSNY officials asking that they confirm whether our understanding was correct. We then assessed these flowcharts to determine the areas of risk where controls potentially could be weak, and designed test procedures to address these areas of concern.

DSNY provided us with two datasets—an electronic Excel spreadsheet of 255 SCAN records associated with a vacant lot condition for the month of June 2019, and a second electronic Excel spreadsheet for the period of July 1, 2017, through June 30, 2019, from the LotSmart system containing 17,120 records which, when filtered, resulted in 13,102 dirty lot condition service requests according to the associated CCU#s.

In order to test the completeness of the SCAN dataset, we independently downloaded a vacant lot dataset from the NYC Open Data website which contained 236 vacant lot service requests for June 2019.<sup>16</sup> We compared this Open Data dataset to the SCAN dataset, and vice versa. We received explanations from DSNY for the exceptions. In addition, we compared the SCAN dataset to the LotSmart dataset for June 2019, and vice versa. We then requested an explanation from DSNY for the exceptions.

To assess the reliability and accuracy of LotSmart for audit testing purposes, we selected a random sample of 30 vacant lots from a total of 3,670 lots that had the LotSmart status of "Field Cleaned," "Found Clean," or "Found Sufficiently Clean" during the period of July 1, 2018 through

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<sup>16</sup> In order to download a vacant lot dataset, we accessed a list of datasets posted for 311 and then accessed a dataset for 311 service requests from 2010 to present. We then filtered the data by complaint type for vacant lots and exported the data to an Excel spreadsheet. Within Excel, we filtered that data for June 2019.

June 30, 2019. Specifically, we randomly selected the following: 7 from 1,908 City-owned lots with “Field Cleaned” status, 15 from 702 privately-owned lots with “Field Cleaned” status, 5 from 824 privately-owned lots with the “Found Clean” or “Found Sufficiently Clean” status at the compliance inspection, and 3 from 236 lots that were “Found Clean” at initial inspection. For the sampled lots, we reviewed DS866 forms, pictures that were taken to document the conditions of the lots, 5DLs generated for privately-owned lots, access warrant records for locked properties, and history screens in LotSmart.

For our timeliness test, we determined whether LCD is following up on dirty conditions found at vacant lots in accordance with the SLA—initial inspections conducted within 3 to 5 business days; research/ownership search conducted within 7 to 14 business days; and cleaning conducted within 25 to 45 business days.

For our compliance test, we determined whether LCD is following up on dirty conditions found at vacant lots in accordance with its policy by reviewing:

- DS866 records of inspection conducted, research/ownership search conducted (e.g., to determine whether City- or privately-owned), and cleaning (e.g., manpower and equipment used) if done by DSNY.
- Pictures taken to document the condition of the lot at the Initial Inspection, Compliance Inspection, Before Cleaning, and After Cleaning.
- 5DLs generated for privately-owned properties.
- Requests for Access Warrants for locked properties.

Since the LotSmart dataset only contained the last status for the vacant lots that had reported complaints, we requested and received from DSNY a third dataset which contained the complete history (i.e., all statuses) for all vacant lot complaints in LotSmart that were reported from July 1, 2018 through December 18, 2019. In order to determine the reliability and completeness of this LotSmart dataset, using the Audit Command Language (ACL), we performed a limited analysis of various fields to determine the integrity of the data by searching for gaps, duplicates, blanks, and other anomalies appearing in the dataset.

To determine whether DSNY met its 5-business-day mandate during which a vacant lot is to be inspected, we compared the service request entry dates in LotSmart to the dates the initial inspections were conducted.

For the research/ownership search, we were unable to fully test whether DSNY was within the 14-business-day target since the LotSmart dataset did not have a clearly identified field that captured when this activity was completed. However, we were able to use other dates in the dataset to obtain some assurance that the research/ownership searches were done within the 14-business-day target. For privately-owned lots, we calculated the time period between the date of the initial inspection and the “Request DOHMH 5DL Mailing” date. Since City lots do not require a 5DL to be issued, we instead calculated the time period between the date of the initial inspection and the “Compliance Inspection Requested” date.

In order to determine whether DSNY met its 45-business-day mandate during which a vacant lot is to be cleaned, we first identified those privately-owned lots (non-AWU related) and City-owned lots that proceeded to “Field Cleaned” status. For those lots that did not proceed to “Field Cleaned” status, we also identified in the dataset the reasons they proceeded no further. For those lots that did proceed to “Field Cleaned” status, we compared the date the lot was determined to be ready to clean to the date DSNY cleaned the lot.

Since there is a different cleaning timeline for AWU-related cases, we first identified those privately-owned lots that were AWU cases. In order to determine whether DSNY met the 30-business-day mandate once it is legally authorized to access the lot (after 12 business days have elapsed from the date of the access warrant), we then compared the date the access warrant was approved by the New York State Supreme Court to the date DSNY cleaned the lot.

While there are no SLA criteria for the time frame in which a compliance inspection must be done following the assignment of a “Compliance Inspection Requested” date in LotSmart, we conducted an analysis to determine the average length of time it took DSNY to conduct a compliance inspection. Specifically, we calculated the time period between the “Compliance Inspection Requested” date and the “Ready to Clean” status date to determine how long it took DSNY to conduct the compliance inspections. We were told by a DSNY official that a compliance inspection typically occurs within 5 to 7 business days following the “Compliance Inspection Requested” date. This test was done to ascertain whether management’s expectation of a 5 to 7 business day target was met.

For the 4,424—3,942 private lots (non-AWU related) and 482 City lots—that were eliminated from our test because they did not proceed to “Field Cleaned” status due to reasons noted in the dataset and explanations provided by DSNY officials, we conducted testing to ensure continued monitoring was occurring and, where applicable, ultimately cleaned. Since LCD deemed a significant number of them as “No Jurisdiction,” we selected a sample of 20 from this category for further review. Specifically, we selected four random samples from the four sub-categories of those with the highest number of service requests for non-AWU related private lots: 8 “FLP – Non AWU Eligible,” 4 “Weeds Only,” 2 “Active Construction,” and 2 “Structure on Lot.” We also included the four City lots that were categorized as “FLP – Non AWU Eligible.”

The collective results of all the tests done, which in some instances reviewed an entire population, provide sufficient, competent evidence to support our findings and conclusions about DSNY’s controls over the timely investigation and follow-up of complaints of dirty vacant lot conditions.

**Overall Time Frames for the Lot Cleaning Process for Privately-owned (non-AWU related) and City-owned Lots**

<b>Stages of Lot Cleaning Process</b>	<b>Number of Business Days Targeted for City Lots</b>	<b>Number of Business Days Targeted for Private Lots (non-AWU)</b>
Initial Inspection	5	5
Research/Ownership Search	14	14
Grace Period After DOHMH Mailed 5DL to Property Owner	N/A	11*
Compliance Inspection	7	7
Field Cleaned	45	45
	<b>71</b>	<b>82</b>

\* Although this time frame is not part of the Service Level Agreement, DSNY allow the owners of privately-owned lots an 11-day grace period to clean the lot after DOHMH mails them a 5DL. This 11-day time frame is coded in LCD's LotSmart system.

Exhibit #1a

Condition of a Lot Prior to Cleaning by  
DSNY's Lot Cleaning Division (LCD)



Exhibit #1b

Condition of the Same Lot After  
Cleaning Was Performed by LCD



Exhibit #2

Condition of a Lot Found Clean during an Initial Inspection by LCD

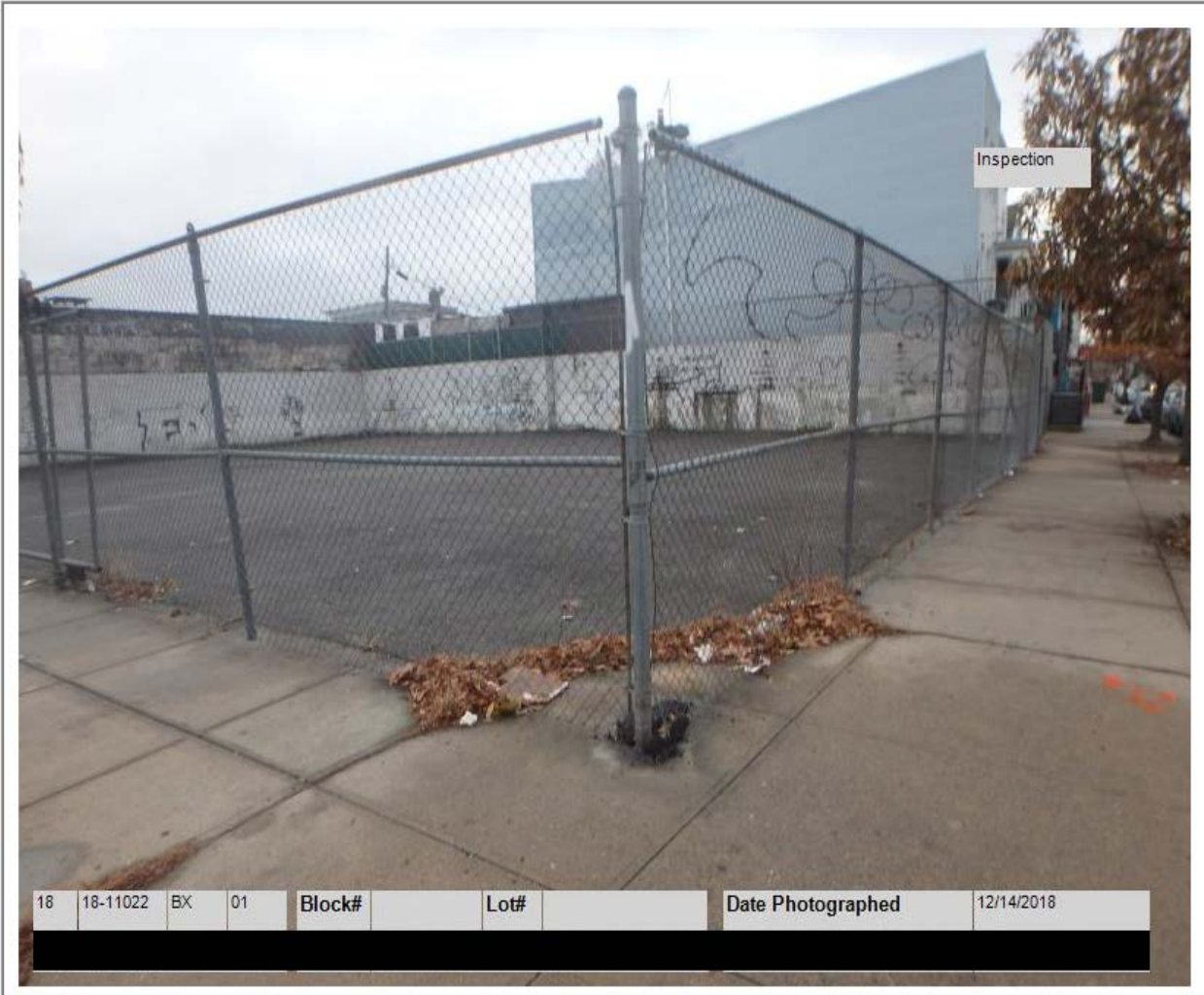




Exhibit #3a

**Condition of a Lot Observed During a Compliance Inspection  
Found Fenced and Locked, Determined Not to Be within LCD's  
Jurisdiction, and Slated for Construction**

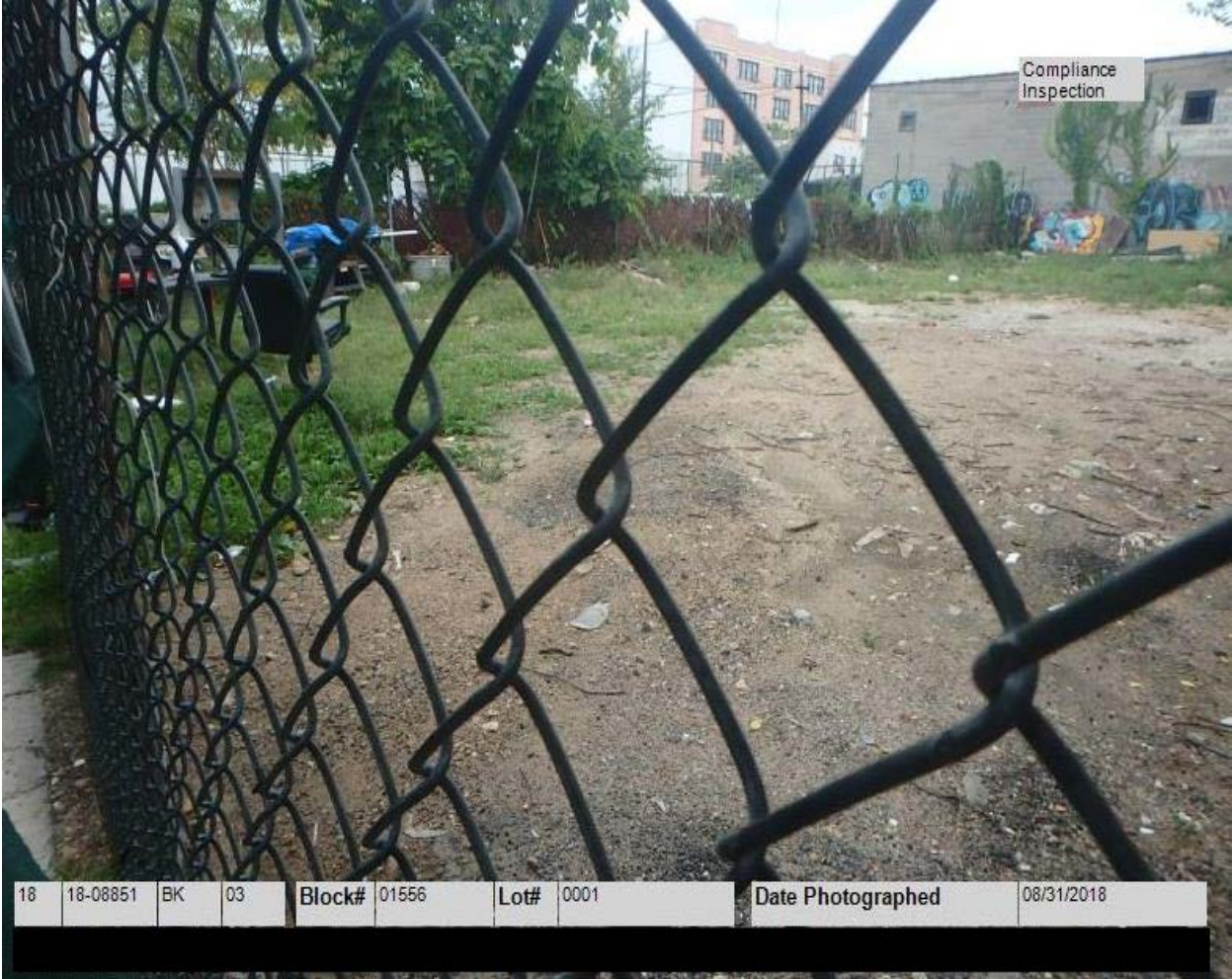


Exhibit #3b

**Completed Building Erected at the Site of the Fenced and Locked Lot Previously Determined Not to Be within LCD's Jurisdiction**



Exhibit #4a

**Lot Found Fenced and Locked during LCD's Compliance Inspection and Determined Not to Be within Its Jurisdiction for Cleaning**

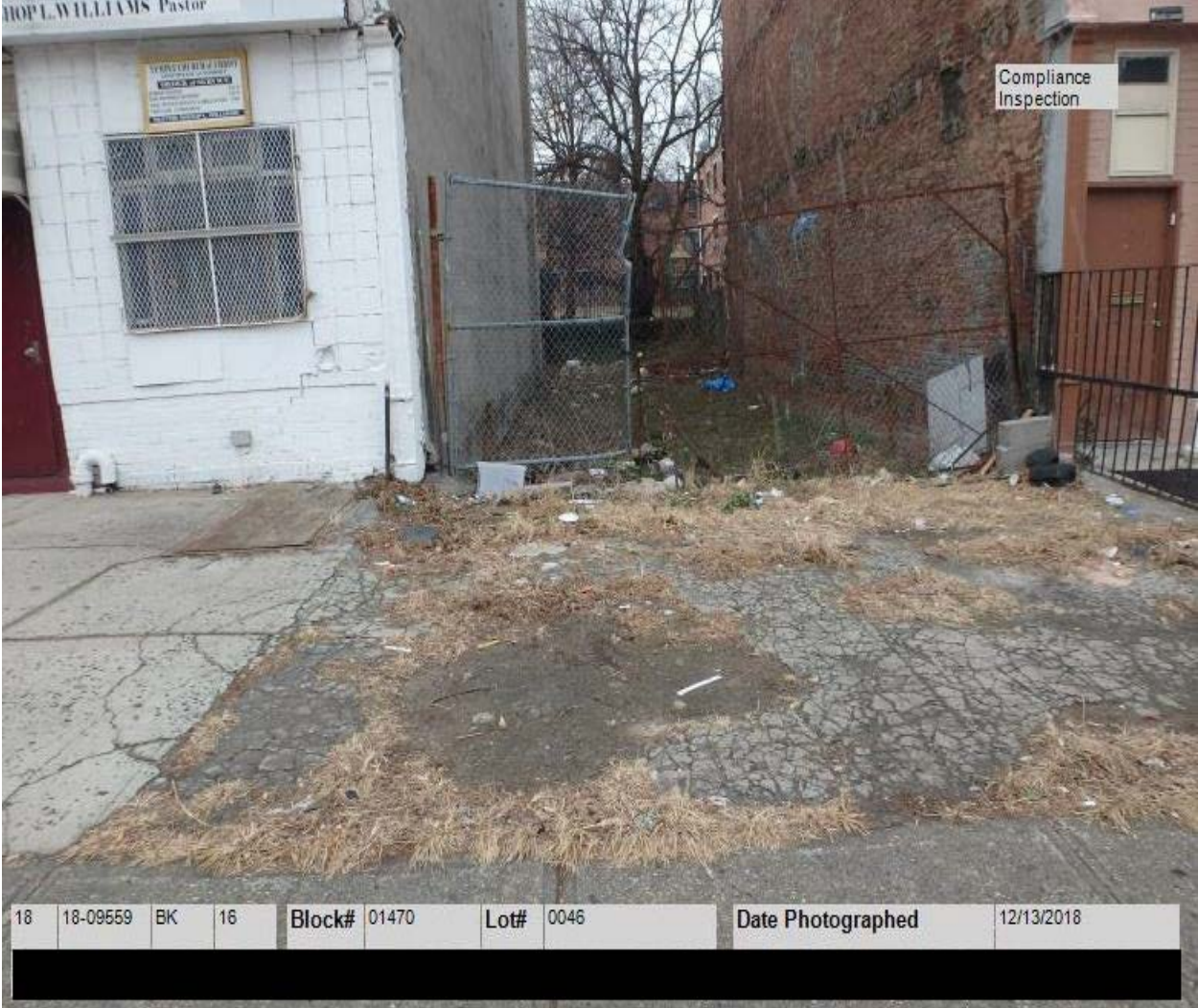


Exhibit #4b

Image of the Same Lot Subsequent to It Being Made Accessible to LCD for Cleaning but before Cleaning Was Performed

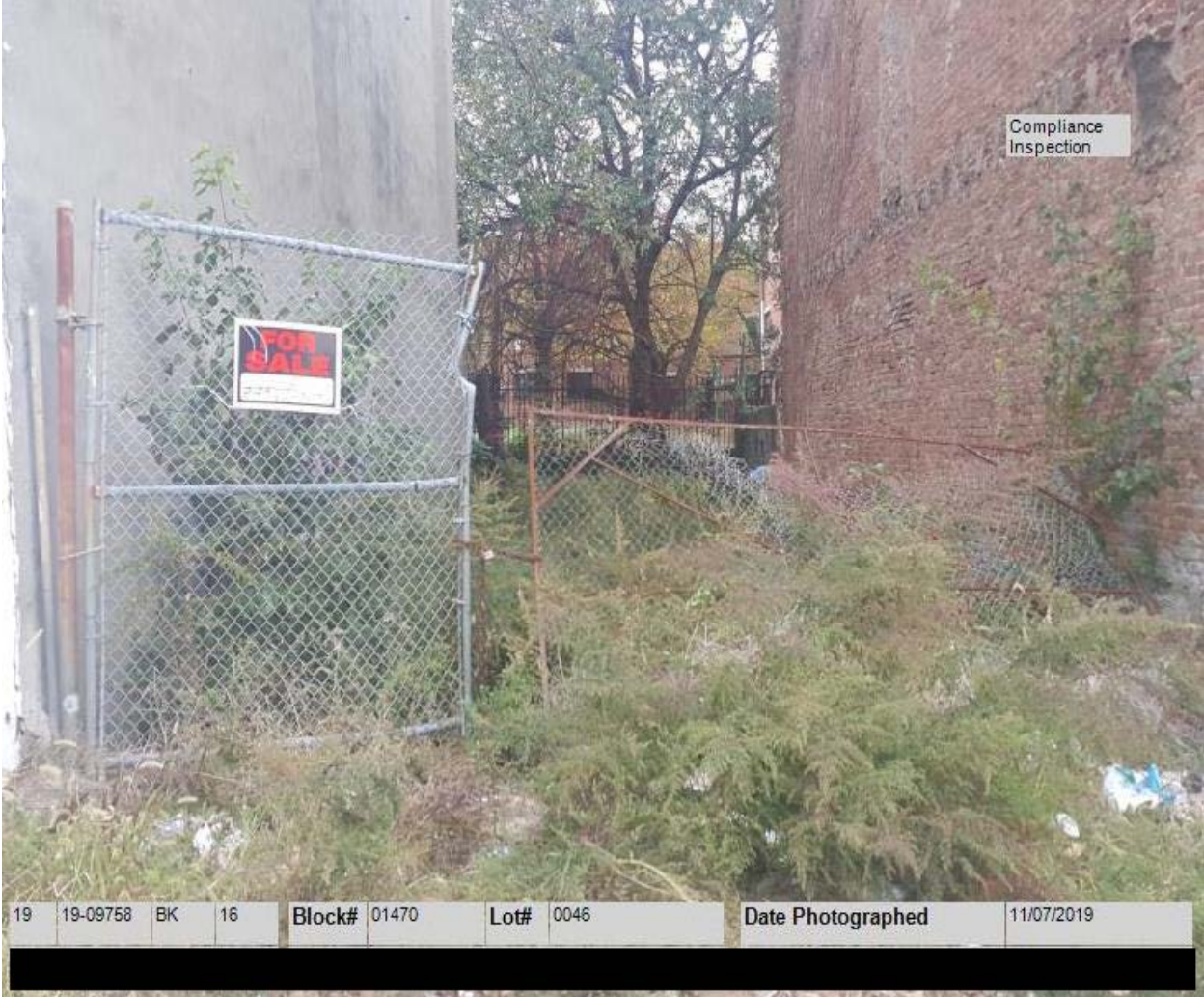
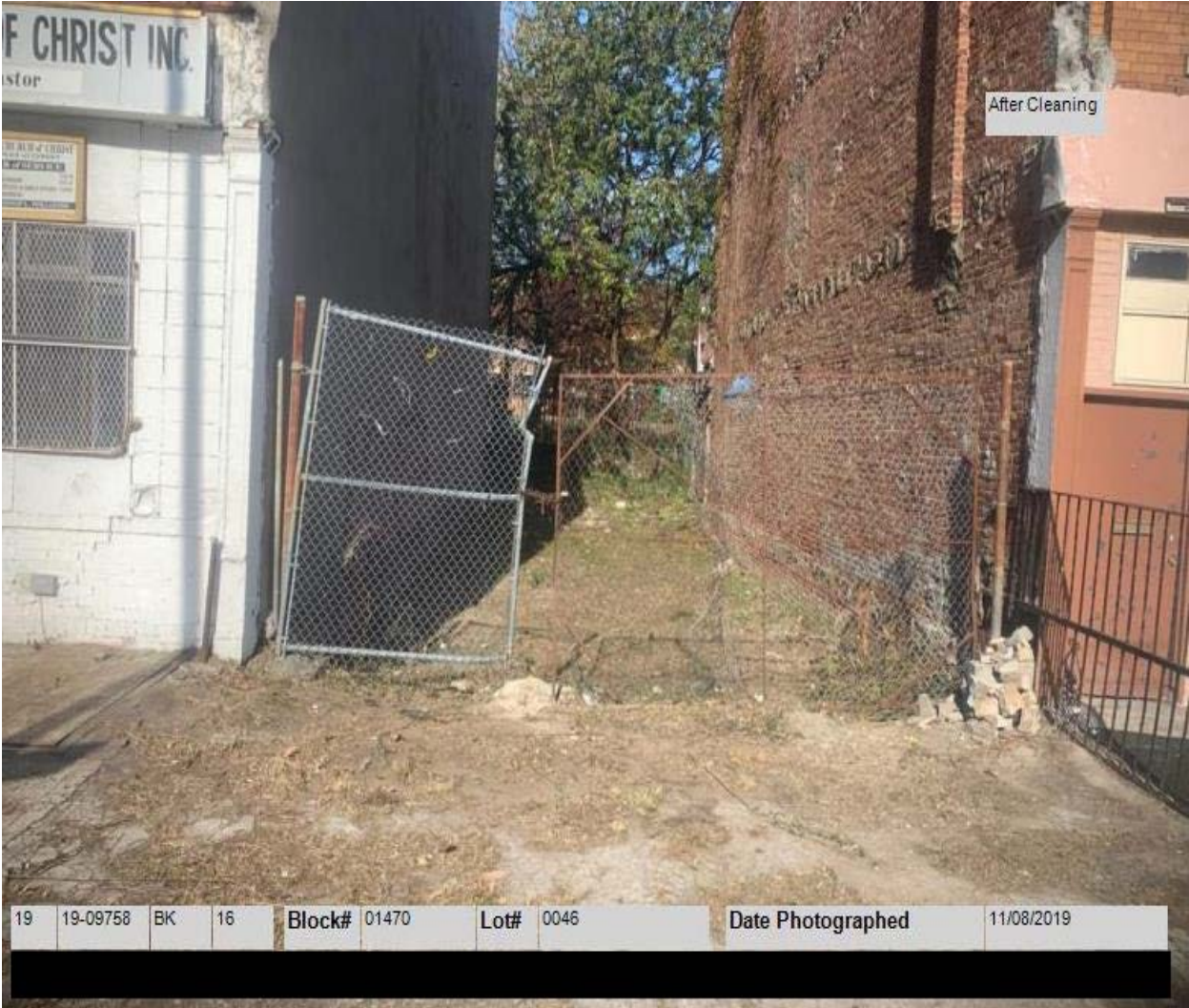


Exhibit #4c

Image of the Same Lot after Cleaning Was Performed by LCD





# sanitation

Edward Grayson Commissioner

Edward Grayson  
Commissioner

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March 18, 2021

Marjorie Landa  
Deputy Comptroller for Audit, Bureau of Audit  
Office of NYC Comptroller, Scott M. Stringer  
1 Centre Street, 11<sup>th</sup> Floor  
New York, NY 10007

Dear Deputy Comptroller Landa:

Thank you for the opportunity to respond to the Draft Audit Report on the New York City Department of Sanitation's Responsiveness to Dirty Vacant Lot Complaints (Draft Report # MH19-072A, dated March 4, 2021).

The New York City Department of Sanitation (DSNY) keeps our City healthy, safe and clean by collecting, recycling and disposing of waste, cleaning streets and vacant lots, and clearing snow and ice. Since its inception in 1881, as the Department of Street Cleaning it has remained steadfast in its commitment to protecting public health and improving quality of life in New York City.

The Department currently employs more than 9,500 men and women who are responsible for carrying out this mission, under any and all conditions, serving nearly every block of the city, week after week year-round. Consistency and dependability in our services along with our ability to pivot and adapt to unforeseen or special circumstances ensures a high level of service delivery.

To keep the streets of New York City clean, DSNY employs multiple strategies. Refuse collection crews and dedicated litter basket crews service the city's 23,000 litter baskets. Mechanical brooms sweep up loose litter along the curb lines of our 6,500 miles of streets. Mobile litter patrol crews address garbage drop offs and other conditions on streets and public spaces. When individuals make complaints regarding dirty vacant lots, the Department must address the situation and ensure that debris and litter are removed in a timely manner.

Under DSNY's Lot Cleaning Division (LCD), which handles specific cleaning functions outside the scope of District Garages, the Lot Cleaning Division (LCD) is responsible for the inspection and cleaning of private, City-owned lots and abandoned properties. When property owners fail to maintain vacant lots in a clean and sanitary manner, it is not only unsightly but can also become a breeding ground for mosquitos and pests such as roaches and rodents. Following a complaint and subsequent inspection, the property owner is notified and offered an opportunity to clean up the site. If they fail to do so expeditiously, LCD may respond to clean it at the owner's expense. For private properties, LCD staff establishes contact with the NYC Department of Health and Mental Hygiene

(DOHMH) to facilitate further action and with the court system when necessary to gain access to locked properties. One of the initial aims of the lot cleaning program was to reduce blight in low and moderate-income areas. It allowed DSNY to clean inside of vacant lots, the surrounding perimeter, and the premises of City-owned buildings, removing garbage, debris, bulk refuse, weeds and tires to meet the City's health code standards. The Lot Cleaning Division continues to play an important role in assuring good quality of life in every neighborhood. While there is always opportunity for improvement, we have largely achieved this goal in the past several years.

There are certain conditions or special circumstances that can impede the timeliness of a cleanup response. Sometimes locations with severe conditions are given priority pushing back those deemed less serious. Prioritization of special projects and/or emergency response assignments can also have an effect. Furthermore, personnel may be reassigned throughout the year to other functions, such as post-holiday collections catch up. During snow emergencies, personnel may be re-directed to snow clearing duties or assigned to pedestrian and public safety related activities, such as salting and clearing of crosswalks, step streets, bus stops, and fire hydrant areas. If a vacant lot is snow covered, cleaning may be delayed until proper before and after photos can be taken. Due to the relatively small size of the Lot Cleaning Division, when certain situations arise, it can take some time to catch up with the dirty vacant lot cleanup responses.

Most recently, the COVID-19 pandemic has taken an immeasurable toll on our City and State. In the face of economic hardship, and to ensure the City can continue to devote resources to essential safety, health, shelter and food security needs, the City has been forced to make tough budget cuts, including to several of DSNY's cleaning programs. Reduced staffing for lot cleaning and the City's budget crisis affects our responsiveness to cleaning issues as they arise.

We are very pleased that this audit showed that overall, DSNY has adequate controls to ensure the timely investigation and follow-up of complaints of dirty vacant lots, although with some exceptions. We are also pleased that your audit showed that DSNY's Lot Cleaning Division consistently complied with its policy and timeliness targets for inspecting and researching the lots to determine their condition and ownership.

Detailed responses to the audit findings and recommendations included in the Draft Report are appended to this letter.

Thank you for the opportunity to provide these responses to the Draft Report. I appreciate your consideration of these responses as you finalize the audit.

Sincerely,



Edward Grayson

Attachment:

*We have reviewed your draft report # MH19-072A, dated March 4, 2021, on "The New York City Department of Sanitation's (DSNY) Responsiveness to Dirty Vacant Lot Complaints." The report highlights the agency's general compliance with its policies over the Lot Cleaning unit but, raises concerns over the following two areas: "DSNY Generally Complies with Its SLA Service Request Response Timeframes" and "DSNY Has not Established A Written Timeline for Conducting Compliance Inspections". The four findings and three recommendations below, outline the specific issues that need to be addressed. We will address each of the findings and recommendations in our response.*

**Audit Findings:**

**Finding # 1 - DSNY Complies with Its Lot Cleaning Policy Documentation Requirements (Page 8)**

DSNY's LCD policy requires field inspectors to document all the necessary information pertaining to the dirty lot condition, including the actions that DSNY performed in order to process the complaint, on a DSNY inspection form referred to as the DS866.

***Agency Response:***

DSNY agrees with your finding, however, in addition to field inspectors, LCD supervisors and administrative staff also enter information onto the DS866. DSNY's LCD policy requires field inspectors, field supervisors and administrative staff to document all the necessary information pertaining to the dirty lot condition, including the actions that DSNY performed in order to process the complaint, on the DS866.

**Finding # 2 - DSNY Generally Complies with Its SLA Service Request Response Time Frames (Page 9)**

For the 9,740 lots referenced in complaints the City received from July 1, 2018 through December 18, 2019, we found that LCD performed the initial inspections and the research/ownership searches within the required time frames. However, DSNY does not consistently adhere to its time standards when it comes to the 3,797 lots that proceeded to "Field Cleaned" status.

***Agency Response:***

We acknowledge your finding. Due to staffing constraints, locations need to be prioritized at times and there are occurrences when priority is given locations that have deteriorated greatly and are prominent eyesores for the immediate community. This prioritization practice causes the milder cases/locations to be pushed back on the SLA cleaning time frames. Other contributing factors that will have a negative impact on our ability to meet the SLA time frame are snow operations, snow covered areas, storm debris response, or response to other quality of life



cleaning functions that the unit is tasked with. Due to the above-mentioned disruptions in service, DSNY will explore the option of being able to allocate any such incident date(s), in order to essentially “pause the clock” and/or account for the lost time.

**Finding # 3 - DSNY Complies with Its Access Warrant Unit Cleaning Policy (Page 11)**

LCD’s policy dictates that for inaccessible properties that are fenced or locked and where hazardous health conditions (e.g., evidence of rodent activity, foul odors) exist, a request must be made to the New York State Supreme Court to obtain an access warrant allowing DSNY to legally gain access to the property. As noted previously, DSNY submits these cases to the New York City Law Department, which in turn files applications for access warrants with the Court.

An approved access warrant provides DSNY with no more than 30 days, excluding Sundays, in which the agency can legally access the lot pursuant to Court order. That 30-day period commences on the 13<sup>th</sup> business day after the date of the access warrant. Should the 30-day time frame expire without DSNY ever accessing the property, the entire process would restart, which would require a re-inspection of the lot and a new request to the Court for an access warrant.

***Agency Response:***

The agency agrees with this finding.

**Finding # 4 - DSNY Has Not Established a Written Time Frame for Conducting Compliance Inspections (Page 11)**

Our review of LCD procedures revealed that DSNY has not established a written time frame in which a compliance inspection, when required, must be completed. Its absence potentially diminishes DSNY management’s ability to ensure timely performance of this task—which DSNY must complete to (1) determine whether the property owner has cleaned the lot and, (2) to clean it and bill the owner if the lot is found dirty. Because the compliance inspection is a prerequisite for DSNY’s cleaning of privately-owned lots, delays in these inspections could delay those cleanings.

***Agency Response:***

We acknowledge your finding. In the past, compliance inspections were done closer to when we planned on cleaning the property, in order to plan the appropriate equipment and personnel for the conditions on the property. This policy will be adjusted so that the compliance inspections are performed within the SLA guidelines. Additionally, we will have our LotSmart system adjusted to put city properties directly onto the “ready to clean” status opposed to the system defaulting the city lot to the “ready for compliance” status.

**Audit Recommendations:**

**Recommendation # 1 (Page 10)**

DSNY should utilize aging reports that show the length of time it takes LCD personnel to complete each stage of the lot-cleaning process, from the time DSNY receives a complaint through the time when each dirty lot is cleaned, so that DSNY can better track the status of all dirty vacant lots reported to it and ensure that they are cleaned reasonably promptly.

***Agency Response:***

An aging report, based on the SLA criteria, is being developed and will be used accordingly.

**Recommendation # 2 (Page 12)**

DSNY should examine whether LCD's lack of a written time standard for compliance inspections contributes to delays in its cleaning of dirty lots.

***Agency Response:***

This policy will be adjusted so that the compliance inspections are performed within the SLA guidelines.

**Recommendation # 3 (Page 12)**

DSNY should develop written time standards for compliance inspections and ensure that LCD staff are made aware of those time frames.

***Agency Response:***

DSNY will incorporate the SLA guidelines related to compliance inspections into its procedural orders so LCD staff are cognizant of the requirement, and action accordingly so we comply with the guidelines.