

AUDIT REPORT



CITY OF NEW YORK
OFFICE OF THE COMPTROLLER
BUREAU OF MANAGEMENT AUDIT
WILLIAM C. THOMPSON, JR., COMPTROLLER

Audit Report on the Effectiveness of the Department of Buildings in Investigating Safety-Related Complaints in a Timely Manner

MJ03-093A

May 26, 2004



THE CITY OF NEW YORK
OFFICE OF THE COMPTROLLER
1 CENTRE STREET
NEW YORK, N.Y. 10007-2341

WILLIAM C. THOMPSON, JR.
COMPTROLLER

To the Citizens of the City of New York

Ladies and Gentlemen:

In accordance with the Comptroller's responsibilities contained in Chapter 5, § 93, of the New York City Charter, my office has audited the Department of Buildings (DOB) to determine whether the agency responded to complaints within agency time guidelines. DOB enforces the City building and electrical codes and is responsible for the approval, permitting, and inspection of construction work, plumbing, and elevators.

Our audit resulted in the findings and recommendations that are presented in this report. The findings and recommendations were discussed with City officials; their comments were considered in the preparation of this report.

Audits such as this provide a means of ensuring that City resources are used effectively, efficiently, and in the best interest of the public.

I trust that this report contains information that is of interest to you. If you have any questions concerning this report, please e-mail my audit bureau at audit@comptroller.nyc.gov or telephone my office at 212-669-3747.

Very truly yours,

A handwritten signature in cursive script that reads "William C. Thompson, Jr.".

William C. Thompson, Jr.
WCT/fh

Report: MJ03-093A
Filed: May 26, 2004

Table of Contents

AUDIT REPORT IN BRIEF	1
Audit Findings and Conclusions.....	1
Audit Recommendations	2
INTRODUCTION	3
Background	3
Audit Objective.....	4
Scope and Methodology.....	4
Discussion of Audit Results	6
FINDINGS AND RECOMMENDATIONS	7
DOB's Performance in Responding to Priority A Complaints Within Its 1.5 Day Time Standard Varied Significantly Among Different Categories	7
DOB Failed to Follow Up on Violations That Were Issued for the Sampled Priority A Complaints	11
DOB Responded to Only 71 Percent of the Sampled Priority B Complaints within Goal of 25 Days	16
Recommendations	18
APPENDIX I	
APPENDIX II	
ADDENDUM -- DOB Response	

***The City of New York
Office of the Comptroller
Bureau of Management Audit***

**Audit Report on the
Effectiveness of the Department of
Buildings in Investigating Safety-Related
Complaints in a Timely Manner**

MJ03-093A

AUDIT REPORT IN BRIEF

This audit determined whether the New York City Department of Buildings (DOB) responded to complaints within agency time guidelines. The audit also reviewed DOB's follow-up efforts when violations are identified. DOB enforces the City building and electrical codes and is responsible for the approval, permitting, and inspection of construction work, plumbing, and elevators.

Audit Findings and Conclusions

DOB generally responds to Priority A complaints within agency time guidelines. Based on our sample results, we project that DOB responded to 83 percent of the Priority A complaints within the agency's 1.5-day¹ standard in Fiscal Year 2002. However, DOB took an average of 9.5 days to respond to the sampled complaints, which was attributable to a reduction in inspection staff and the agency's emergency efforts related to the September 2001 attack on the World Trade Center. For the first quarter of Fiscal Year 2003, DOB reported that it improved its timeliness, investigating 91 percent of complaints within the 1.5-day standard. (Our review of a sample of Fiscal Year 2003 complaints appears to support this assertion.) However, DOB responded to only 71 percent of the sampled 300 Priority B complaints within the agency's 25-day standard. On average, DOB took almost 32 days to respond to the sampled complaints.

Regarding DOB's follow-up efforts when violations are identified, however, we found that such efforts were minimal, if performed at all. We found no evidence that DOB followed up on any of the violations issued for complaints in our sample, including those violations for conditions deemed hazardous. Moreover, the agency did not comply with its procedures for following up on violations for hazardous conditions, and had no procedures for following up on other violations. As a result, DOB does not consistently ensure that reportable conditions are corrected or take punitive measures if they are not.

¹ For the purposes of this report, days will always refer to business days unless stated otherwise.

Audit Recommendations

We made five recommendations to DOB. DOB should:

- Design and implement procedures whereby open ECB violations—especially those for hazardous conditions—are followed up, as required by DOB procedures.
- Require that supervisors periodically (e.g., monthly) review outstanding violations and ensure that DOB takes necessary steps to re-inspect or issue court summons.
- Modify BIS (Building Information System) so that new complaint orders are not generated for open violations, especially open violations that are in default.
- Take steps to increase the proportion of inspectors' time spent in the field and reduce the proportion spent in the office performing administrative tasks.
- Remove obsolete procedures, such as DOB Directive #9, from its web site and agency procedural manuals.

INTRODUCTION

Background

The New York City Department of Buildings (DOB) oversees building construction and alteration, and enforces the City building and electrical codes, the Zoning Resolution, and other laws related to construction. DOB is responsible for the approval, permitting, and inspection of construction work, plumbing, and elevators. DOB is also responsible for inspecting new buildings under construction for compliance with public safety regulations. In addition, DOB issues “certificates of occupancy” (COs)² for new and renovated buildings.

DOB has jurisdiction over more than 900,000 buildings and properties within the five boroughs. DOB’s plan examiners and inspectors perform more than 57,000 plan examinations and 350,000 building inspections per year. DOB also issues approximately 71,000 building permits, 17,000 permit renewals, 9,500 COs, 57,000 violations, and 10,500 licenses per year.

DOB generally enforces building regulations by responding to complaints and requests for inspections that come from the public, community boards, or other City agencies. DOB responds to complaints regarding unsafe construction, illegal plumbing, illegal gas piping, and construction work performed without a permit. DOB regulations are enforced by department chief inspectors, inspector supervisors, and inspectors throughout the five boroughs.

When DOB receives a complaint, clerical personnel enter the complaint in the agency’s Building Information System (BIS) database. According to DOB management, complaints and certain related activities are recorded in BIS. Complaints fall under one of six main categories: Construction, Elevator, Plumbing, Boilers, Cranes/Derricks, and Other.³ The information that complainants provide is used by DOB clerical personnel to put each complaint in one or more subcategories (e.g., “no sidewalk shed,” “working without a permit”) within the main categories. BIS is programmed to assign priorities to complaints according to their specific subcategories. A complaint may fall under more than one subcategory; regardless of the number of subcategories, however, each complaint is given one overall priority rating.

Complaints are assigned one of four priorities:

- Priority A denotes emergency situations. Examples of Priority A complaints are accident on a worksite; building shaking or vibrating, or structural stability affected; and debris falling. Priority A complaints are considered emergencies; however not all are considered hazardous conditions.
- Priority B denotes non-emergency situations. Examples of Priority B complaints are illegal conversions (e.g., turning a one-family house into a two-family house); and illegal plumbing work.

² A document issued by DOB indicating the legal use of a property (e.g., a two-family home or a store).

³ Others include complaints that do not specifically fall under any of the DOB divisions.

- Priorities C and D denote quality-of-life issues. An example would be the illegal commercial use of a building in a residential area.

DOB has a timeliness standard to respond to Priority A complaints within 1.5 working days. Priority B complaints are to receive responses within 25 working days.

Audit Objective

To determine whether DOB responds to complaints within agency time guidelines and to review DOB's follow-up efforts when violations are identified.

Scope and Methodology

The audit scope covered Fiscal Years 2002 and 2003. Our audit focused on Priority A and, to a lesser extent, Priority B complaints.

To determine whether DOB had guidelines and procedures regarding the timeliness of investigating Priority A and Priority B complaints, we requested all such information from DOB officials. DOB directed us to the agency's web site for all directives, memoranda, and policies. In addition, officials provided us with a number of documents, including the following: Construction Inspectors Manual; Inspectors' Manual for Elevators and Escalators, Boilers, Plumbers; and a copy of an inspector's routesheet with instructions. We also reviewed the City Administrative Code and Building Codes.

To identify DOB's follow-up efforts, we reviewed DOB policies and procedures regarding violation procedures for hazardous conditions, reinspection of defaults, and correction of violations after adjudication by the Environmental Control Board (ECB). We interviewed the heads of each unit concerning their follow-up procedures and interviewed employees responsible for processing and resolving ECB violations. In addition, we reviewed the June 20, 2003, updated version of the Bureau of Air Resources Automated Management Information System⁴ (now known as the Adjudication Information Management System [AIMS]) Hazard Code to identify the types of violations for hazardous conditions and the guidelines for the dismissal and re-inspection of these violations.

To gain an understanding of the procedures used by DOB inspectors, we interviewed agency personnel, including the borough administrative chief inspectors and inspectors from the various units. We interviewed the assistant chief inspectors, supervisors, and inspectors of each unit. We observed the preparation of an inspector's route after receipt of a complaint. We also accompanied inspectors on their routes throughout the five boroughs during the period March 3, 2003, through March 27, 2003, to observe their daily work routines.

To evaluate DOB's internal controls over the complaint investigation process, we reviewed documentation regarding how complaints are received. We interviewed the director of the Central Call Center to establish how calls are received. We observed the input of several calls into the BIS system. We tracked several of the complaints from time of receipt until DOB

⁴ Developed by the New York City Department of Environmental Protection.

responded. We determined whether follow-up efforts took place when violations were identified. In addition, we prepared a flow chart of the process, from receipt of complaint to complaint resolution.

To determine whether DOB responds to complaints within its established guidelines, we randomly selected and reviewed a sample of 1,359 Priority A complaints from the 4,034 Priority A complaints received in Fiscal Year 2002. The results of this sample were statistically projected. We selected the 1,359 complaints by category (e.g., Construction, Electrical); every borough was represented in each category. In addition, we randomly selected and reviewed a sample of 117 Priority A complaints for Fiscal Year 2003 from the 1,221 complaints that DOB received during the first quarter of that year (July 2002 through September 2002) to determine whether DOB's performance improved from the prior year. The results of this sample were not projected.

To determine DOB's timeliness in investigating Priority B complaints, we randomly selected and reviewed a sample of 300 Priority B complaints from the 28,286 Priority B complaints that DOB received in Fiscal Year 2002. The results of this sample were not projected.

To determine the reliability of the information given to inspectors, we randomly selected 50 of our sampled complaints and reconciled the information recorded on BIS (e.g., type of complaint, complaint number, and priority) with the information provided to inspectors on their route sheets. To determine whether the information reported by inspectors is accurately recorded in BIS, we also reconciled the information recorded by the 10 inspectors we accompanied concerning 70 complaints with the information recorded on BIS.

To assess DOB's follow-up efforts, we reviewed the 1,359 sampled Priority A complaints to determine which ones required follow-up. Using BIS, we researched each of the sampled complaints to determine whether an ECB violation had been issued related to the complaint. In addition, we used AIMS to determine which violations were for hazardous conditions. We interviewed and requested documentation from the appropriate borough and ECB offices regarding any follow-ups for the sampled complaints.

After we issued the draft report to the agency and received its response, we identified a number of mathematical errors in the report that we have corrected in this final report. The errors in the draft report regarded the number of days that DOB took to respond to Priority A and Priority B complaints. These errors, however, had no material impact on the percentage of complaints that we report were investigated within the agency's time guidelines, or on any of the audit's other findings.

* * * * *

This audit was conducted in accordance with generally accepted government auditing standards (GAGAS) and included tests of the records and other auditing procedures considered necessary. This audit was performed in accordance with the audit responsibilities of the City Comptroller as set forth in Chapter 5, §93, of the New York City Charter.

Discussion of Audit Results

The findings in this report were discussed with DOB officials during and at the conclusion of this audit. A preliminary draft was sent to DOB officials and was discussed at the exit conference on January 15, 2004. On February 10, 2004, we submitted a draft report to DOB officials with a request for comments. We received a written response from DOB officials on February 26, 2004. In their response, DOB officials generally agreed with four of the audit's five recommendations. Officials disagreed with our findings related to the agency's timeliness in investigating complaints and its follow-up efforts when violations are identified. DOB stated:

"Thank you for the opportunity to comment on the above referenced draft audit report. I am also pleased to note as described in the attached document, that the Department is in the process, or has implemented 4 of the 5 recommendations contained in the report. We disagree with the fifth recommendation, and have listed the reasons why, in our response. . . .

"Your 5 recommendations helped the Department review and strengthen its procedures. Attached is the Department's response to the audit's recommendations."

The full text of the DOB comments will be included in the final version of this report.

FINDINGS AND RECOMMENDATIONS

DOB generally responds to Priority A complaints within agency time guidelines. Based on our sample results, we project that DOB responded to 83 percent of the Priority A complaints within the agency's 1.5-day standard in Fiscal Year 2002. However, DOB took an average of 9.5 days⁵ to respond to the sampled complaints, a significant increase over the 1.62-day average reported by the agency for the previous year (Fiscal Year 2001). This increase is attributable to a reduction in inspection staff and the agency's emergency efforts related to the September 2001 attack on the World Trade Center. For the first quarter of Fiscal Year 2003, DOB reported that it improved its timeliness, investigating 91 percent of complaints within the 1.5-day standard. (Our review of a sample of Fiscal Year 2003 complaints appears to support this assertion.) However, DOB responded to only 71 percent of the sampled 300 Priority B complaints within the agency's 25-day standard. On average, DOB took almost 32 days to respond to the sampled complaints.

Regarding DOB's follow-up efforts when violations are identified, we found that such efforts were minimal, if performed at all. We found no evidence that DOB followed up on any of the violations issued for complaints in our sample, including those violations for conditions deemed hazardous. Moreover, the agency did not comply with its procedures for following up on violations for hazardous conditions, and had no procedures for following up on other violations. In practice, we found that DOB generally revisited a property for which it previously issued a violation only if it received another complaint for that property. As a result, DOB does not consistently ensure that reportable conditions are corrected or take punitive measures if they are not.

DOB's Performance in Responding to Priority A Complaints Within Its 1.5 Day Time Standard Varied Significantly Among Different Categories

Based on our sample results, we project⁶ that DOB responded to 83 percent of Priority A complaints within the agency's standard of 1.5 working days in Fiscal Year 2002. However, DOB's performance in meeting the time standard varied significantly among the different categories. DOB responded most promptly to Elevator complaints, with 92 percent receiving a response within 1.5 days, and to Plumbing complaints the least promptly, with only 59 percent receiving responses within 1.5 days. Overall, DOB took an average of 9.5 days to respond to all the sampled Priority A complaints, the averages for the various categories ranging from less than one day to more than 55 days after receipt.

⁵ Although 83 percent of the complaints were investigated within 1.5 days, a significant number of the remaining complaints were investigated well beyond the 1.5 day standard, resulting in an overall average of 9.5 days to investigate complaints.

⁶ Based upon a 98 percent confidence level and an overall sampling error of plus or minus 2.3 percent. In other words, we are 98 percent confident that between 3,260 (80.8%) and 3,448 (85.5%) of the 4,034 complaints received responses within 1.5 days.

DOB has a timeliness standard to respond to Priority A complaints within 1.5 working days. In Fiscal Year 2002, DOB received 4,034 Priority A complaints, according to BIS. We selected a sample of 1,359 Priority A complaints from the following categories: Construction, Elevator, Plumbing, Boilers, Cranes/Derricks, and Other. We reviewed the status of each complaint on BIS to determine whether DOB responded to them within the 1.5-day standard. Generally, DOB met the timeliness standard for investigating Priority A complaints; overall, DOB responded to 1,100 of the sampled complaints within the 1.5-day standard. We projected the results of our analysis to the entire population of Priority A complaints DOB received during the year. Based on our analysis, we project that DOB responded to 3,354 (83%) of the 4,034 complaints within 1.5 days in Fiscal Year 2002. The results of our analysis, segregated by complaint category, are shown in Table I below.

Table I

Number of Sampled Complaints Receiving Responses within 1.5 Day Standard
Fiscal Year 2002, by Category

Category	Population Col. A	Sample Size Col. B	Number of Responses Within 1.5- Day Time Standard Col. C	Timeliness Rate Col. D (Col. C÷Col. B)	Projected Number of Responses Within Time Standard ^a Col. E (Col. D x Col. A)	Average # of Days ^c to Respond to Sampled Complaints Col. F
Construction	2,807	500	441	88.2%	2,476	1.89
Elevator	164	164	151	92.1%	151	0.87
Plumbing	548	180	107	59.4%	326	16.78
Boilers	145	145	111	76.6%	111	3.90
Cranes /Derricks	129	129	79	61.2%	79	55.90
Other	241	241	211	87.6%	211	4.28
Totals	4,034	1,359	1,100	83.1% ^b	3,354	9.50

^a rounded up to the nearest integer

^b weighted overall rate, calculated by dividing the projected number of timely responses by the total population of complaints (3,354 ÷ 4,034)

^c for each category (including the total) the average number of days was calculated by dividing the total number of days to respond by the number of complaints reviewed.

DOB Response: “The Department disagrees with how the Average Days to Respond to Sampled Complaints were determined. The Comptroller used the incorrect date to determine the time it takes an inspector to respond to a complaint in that the complaint ‘resolution date’ was used rather than the ‘first response’ date. The response time consists of the date the complaint was registered up to the date of the first response. The number of days is then converted from calendar days to working days. Our analysis of the four complaint categories where 100 percent of all complaints were used in the calculation of Average Days to Respond to Sampled Complaints yielded significantly lower averages among the four categories selected.”

Auditor Comment: We did not use the incorrect date to calculate the inspectors' response times. We used the inspection date in our calculations, and we confirmed our methodology with DOB officials at a pre-exit meeting held on May 5, 2003. However, DOB's belief that we used the incorrect date may be due to formula-related errors in the draft report that we sent to DOB officials. In that report, the calculation of the average number of days to respond to complaints was based on calendar days, not work days. Those errors have been corrected in this final report.

Nevertheless, DOB's calculation of the average number of days for response time is inflated; there remains a significant difference between our revised figures and DOB's figures for the four categories that received 100 percent testing. For review purposes, we have attached our analysis of the response times for one of these categories (Cranes and Derricks) in Appendix I. For a number of complaints highlighted in Appendix I, we have included in Appendix II the printouts we obtained from the DOB Web site that contain the dates the complaints were received (as entered in BIS) and inspected. A review of these documents shows that we used the correct dates and calculations. Accordingly, we stand by our findings.

As shown in Table I, DOB's performance varied among the different categories. DOB responded to 92 percent of Elevator complaints within 1.5 days, and responded to 88 percent of both Construction and Other complaints within 1.5 days. In two categories—Plumbing and Cranes/Derricks—the percentage receiving responses in a timely manner fell to 59 percent and 61 percent respectively. In regard to the average number of days to respond to complaints, DOB responded to most categories in fewer than five days, on average, with Elevator complaints receiving the quickest responses at 0.87 days, on average. For Cranes/Derricks and Plumbing complaints, however, the average number of days to respond to complaints was 55.9 days and 16.8 days respectively.

Most of the divisions responded to the majority of their complaints within 30 days. Nevertheless, a relatively high percentage of Crane/Derrick complaints did not receive responses until a significant period of time had passed—29 (23%) of the 129 complaints did not receive responses until more than 90 days had passed. According to DOB management, the Crane/Derricks and Plumbing divisions' lack of personnel—attributable to firings and the reallocation of staff during a crisis—and the hiring of new, inexperienced staff contributed to the poor performance of both divisions.

Failure to respond to Priority A complaints in a timely manner could affect the public safety. As defined by DOB in the Mayor's Management Report (MMR) and in documentation provided to us, a Priority A complaint describes an emergency condition. This complaint could be a potentially hazardous condition. We should note that we did not identify any instances in which persons were injured because of DOB's failure to respond to a complaint in a timely manner. Nevertheless, that risk still exists. For example, a complaint regarding a crane that was not properly secured poses a risk that the crane may fall over; thus, a delay in addressing the complaint increases that risk.

The average number of days between the receipt and investigation of Priority A complaints increased significantly from Fiscal Year 2001 to Fiscal Year 2002. DOB reported that it responded to complaints in 1.62 days, on average, in Fiscal Year 2001; DOB responded to the Fiscal Year 2002 complaints in our sample in 9.5 days, on average, from time of receipt. According to DOB, the increase in the agency's response time was due primarily to two factors.

First, DOB officials stated that there was a significant reduction in the number of Plumbing inspectors following the dismissal of 15 of the agency's 24 Plumbing inspectors in April 2001 after an investigation into corruption. The agency deployed inspectors from other divisions to help conduct Plumbing inspections, resulting in an across-the-board reduction in inspections conducted in a timely manner.

According to DOB officials, the second factor was the September 2001 attack on the World Trade Center (WTC) that exacerbated the staffing situation. After the WTC attack, DOB redeployed inspection staff and concentrated its efforts on conducting safety inspections to enable lower Manhattan businesses and residents to resume their daily activities. Because of the staff shortage, the agency borrowed inspectors from the New York City Department of Housing Preservation and Development to help complete DOB's inspection workload. DOB hired a total of 11 inspectors in Fiscal Years 2002 and 2003; however, they generally conducted fewer inspections than DOB's more experienced inspectors. Nevertheless, having increased its number of inspectors, DOB has established a target to respond to at least 95 percent of Priority A complaints within its 1.5-day standard.

To determine whether DOB's performance in responding to Priority A complaints improved following the WTC cleanup efforts, we randomly selected and reviewed a sample of 117 complaints out of a population of 1,221 DOB received in the first quarter of Fiscal Year 2003 (July 2002 through September 2002). We selected 20 complaints from every category except Boiler, which received only 17 complaints during the period. Overall, DOB responded to 106 (91%) of the 117 complaints within the 1.5-day standard. However, just as we found for our sample of Fiscal Year 2002 complaints, DOB's performance varied among the different categories. The results of our analysis are shown in Table II below.

Table II

Analysis of Limited Sample of Priority A Complaints
First Quarter of Fiscal Year 2003 (July 2002–September 2002)

Category	Population A	% of Total Population B	Sample C	Timely Investigations	
				D	E
Construction	936	76.7%	20	20	100%
Elevator	54	4.4%	20	20	100%
Plumbing	67	5.5%	20	16	80%
Crane/Derrick	64	5.2%	20	17	85%
Boiler	17	1.4%	17	14	82%
Other	83	6.8%	20	19	95%
Total	1,221	100.0%	117	106	91%

**DOB Failed to Follow Up on Violations That Were
Issued for the Sampled Priority A Complaints**

When DOB identifies violations, it performs minimal, if any, follow-up efforts to determine whether reported conditions are corrected. We found no evidence that DOB formally followed up on any of the ECB violations, including those for hazardous conditions, for the sampled Priority A complaints.

Of the 1,359 sampled complaints, DOB issued violations in response to 544. Of the 544, 442 were ECB violations; 224 of these were also classified as violations for hazardous conditions. Table III has a breakdown by category.

Table III

Sampled Complaints That Resulted in ECB Violations
Fiscal Year 2002, by Category

Category	Sampled Complaints	Number of ECB Violations Issued	Number of ECB Violations For Conditions Deemed Hazardous	Percentage of ECB Violations for Conditions Deemed Hazardous
Construction	500	195	117	60%
Elevator	164	91	36	40%
Plumbing	180	34	19	56%
Boilers	145	81	34	42%
Cranes/Derricks	129	12	9	75%
Other	241	29	9	31%
Total	1,359	442	224	51%

According to DOB procedures, when an inspector issues an ECB violation, one copy is posted on the property and another copy is forwarded to the DOB Administrative Enforcement Unit (AEU). An AEU clerk reviews the violation for accuracy and completeness before entering the information in the ECB computer system and BIS. The property owner (or respondent) is mailed a copy of the violation with the scheduled hearing date. The respondent is responsible for correcting the violation and bringing documentation (e.g., certificate of correction) to the hearing, certifying that the violation is corrected. AEU randomly selects 20 percent of these self-certifications to verify that the violations are corrected. If the respondent fails to come to the hearing, AEU notifies the office that issued the violation that it should follow up and ascertain whether the violation is corrected.

DOB Policy and Procedural Notice # 31/88 (concerning ECB violations), “Re-inspection of Defaults,” states:

“All violations where no representative for the defendant appeared in court will be considered in default. A printout of defaulted hazardous violations and the corresponding address will be forwarded to the appropriate Borough, BEST, or Central Inspections office. Re-inspection must be made for all defaulted hazardous violations and a second offense ECB violation issued, if necessary. If the violation was already a second offense ECB violation, rather than write another ECB violation, a criminal court summons should be issued.”

As stated above, if the violation is not corrected at the time of the first follow-up visit, DOB should issue another violation. If at the time of the second follow-up visit the violation is still not corrected, DOB should issue a criminal court summons.

DOB Directive #9, issued in 1973, states that properties for which DOB issues a hazardous violation order should be revisited 10 working days after the order is mailed to the property owner. At the exit conference, however, DOB officials stated that this directive was established before ECB violations existed and therefore does not apply to them. (DOB later informed us that this directive is obsolete.) Instead, according to DOB officials, if an ECB violation for hazardous conditions is open for three months, DOB should revisit the property to determine whether the condition is corrected. However, this procedure applies only to construction-type violations; the agency has no follow-up policy for violations in other categories. Moreover, when we took the list of violations to the appropriate DOB division and ECB offices to determine whether they had any documentation of following up on any of the violations in our sample, including the ECB violations for hazardous construction conditions, neither could provide such evidence.

It is worth noting that although DOB states that Directive #9 was rendered obsolete by the establishment of ECB violations, the directive is still listed on the DOB web site as a procedure that DOB follows for hazardous violations. By still including this procedure on its web site, DOB provides a misleading impression to the general public of how soon hazardous violations are re-inspected.

Moreover, DOB management was initially unable to identify any procedures in place for following up on violations in default. In practice, the status of a violation may be followed up if another complaint comes in for the same problem. However, DOB treats it as a new complaint and issues another complaint number. For example, when we accompanied an inspector in Staten Island, we visited a property in response to complaint #5037412 for illegal construction of a deck and pool. As reported on BIS, DOB recorded 50 complaints for this property during the period March 13, 2002, to May 14, 2003, 20 of them related to this issue. For example, six times during a four-month period (May 2002 through September 2002), DOB recorded a complaint regarding a deck for this property, and a DOB inspector had to visit. If DOB had followed up on the original complaint as required, it would not have generated any new complaint orders for this issue.

DOB Response: “With respect to complaint number 5037412 for illegal construction of a deck, the Comptroller states that DOB issued three ECB violations for a hazardous condition. Contrary to this statement, only one of four ECB violations on the premises was for a hazardous condition, and that condition had to do with the installation of a sink and stove, not a deck. Although there were many complaints made about conditions at the premises, they were not all about the same condition. The results of the inspections and inspection attempts varied from finding a violating condition, to finding no action necessary (no violating condition) to not being able to obtain access to the premises.”

Auditor Comment: We amended the text in the final report to reflect the violation history reported in BIS.

To determine whether this example was an isolated incident, we selected 20 of the properties related to our sampled complaints to determine whether any had multiple complaints for the same issue. Of the 20 properties, five had more than one complaint order for the same problems. Violations were issued in response to the original complaints, and all of the violations were still open as of March 31, 2004.

In May 2003, DOB management told us that it developed a procedure called ECB Sweep whereby it investigates open ECB hazard violations that are three months old. DOB management stated inspectors are given a list of open ECB violations for hazardous construction conditions that are issued three months prior, and are instructed to follow up on their status. At the exit conference, officials stated that the official name of the program is the Open Hazardous ECB Violation Re-inspection Program, and that it had been in effect Citywide since May 2002. However, as we stated above, officials and personnel at the borough offices were unable to provide us with any evidence that the open ECB hazard violations for construction-type offenses in our sample were followed up, even though many of these violations were issued since May 2002.

According to management, the agency does not have enough inspectors to follow up on all outstanding violations. For May 2003, inspectors were provided a listing of 50 open hazard ECB violations for construction-type offenses that were issued in February 2003 and were in default.

Nevertheless, in addition to hiring more staff, as DOB has done in the past two fiscal years, we believe it should make other efforts to increase staff productivity. When we accompanied inspectors during fieldwork, we observed certain practices that hinder productivity. We found inspectors spending an inordinate amount of time completing paperwork. In one instance, an inspector we accompanied spent 20 minutes filling out paperwork to record his inability to gain access to perform an inspection.

Inspectors also spend a significant portion of their time at the home office, reducing the amount of time they spend in the field performing inspections and other duties. While responding to a complaint, an inspector may need to look up the history of a building in BIS for additional information (e.g., outstanding violations in default). However, on two occasions while we accompanied inspectors, the inspectors unnecessarily interrupted their work in the middle of the day to go back to the office to review a building's history, even though they could have put off the return to the office until later that afternoon, when they were required to go in to get the next day's route sheets.

DOB Response: "At the exit conference, we requested to know the names of the inspectors who returned to the office to perform research in the middle of the day. We were told that we would be provided this information but it was never given. Our own research revealed that it was only one inspector. This inspector was a supervisor and was required to return to the office to perform administrative and supervisory tasks."

Auditor Comment: Although this issue was discussed at the exit conference, we did not agree that we would provide the names of the inspectors. In addition, DOB is incorrect regarding the number of inspectors who returned to the office; there were two inspectors not one. In both instances, the inspectors informed us that they had to return to the office to perform specific research on buildings; neither inspector stated that he had to perform other administrative or supervisory tasks. We are not questioning whether the inspectors were required to return to the office; as DOB concedes later in its response, all of the inspectors were required to return to the office daily. Rather, we are questioning DOB's policy that allowed inspectors to interrupt their workdays in the middle of the day to do so, a point that DOB does not address in its response.

Regarding the route sheets, DOB inspectors are required to come to the office each afternoon by 3:30 p.m. to obtain the next day's route sheets. This requires that some inspectors schedule their last inspection appointment no later than 1:00 p.m. to ensure that they can get back to the office in time. DOB should consider giving the inspectors their job assignments in another manner so that they can maximize the time they spend in the field. One possible alternative would be to give inspectors their route sheets only once or twice a week; if a District Superintendent needs to contact an inspector in the interim, he or she can call the inspector on the cellular phone that the agency provides.

DOB's policy regarding its treatment of complaints it receives may be hindering the agency's ability to manage its workload. Every Priority A complaint that DOB receives is assigned a complaint number and should be investigated within 1.5 days, whether or not the agency was previously notified of the condition. By not differentiating new complaints from

complaints for previously-reported conditions, DOB may be diverting resources to investigate already known conditions at the expense of investigating newly-reported conditions that may be potentially hazardous. As stated above, five of the 20 complaints in our sample had numerous complaint numbers for the same conditions; each duplicate complaint had to be investigated within the same 1.5-day standard. (Although approximately 90 percent of Priority A complaints are investigated in a timely manner, less than 75 percent of Priority B complaints are investigated on time. This issue is discussed further beginning on page 16 of this report.)

DOB may or may not find it important to investigate complaints for previously-recorded conditions. However, DOB should develop a method to differentiate new complaints from previously-reported complaints so that it can target resources where they are most needed.

Failure to follow up on violations in a timely manner, especially those for hazardous conditions, poses a danger to the public. Accordingly, DOB should take steps to improve staff productivity, such as better tracking of complaints so that multiple complaints are not issued for the same problem, and reducing the number of visits that inspectors have to make to the office from the field.

DOB Response: “The Department maintains that it has documentation of its reinspection efforts, and that such documentation was provided to the Comptroller’s Office. Our documentation consists of spreadsheets and they are not available on BIS. We informed the Comptroller’s Office of this on several occasions and provided them copies of paper inspection reports (exhibit 1). We also informed them of a separate database (exhibit 2) in which the inspection results are contained. Copies of the inspection reports provided to the Comptroller during the audit are attached. Copies of sample printouts from the database are also attached.”

Auditor Comment: We received documents similar to the ones included in DOB exhibit 1; however, the documents were all dated May 2003. We were provided with no documentation of reinspection efforts that were dated prior to that month, nor were we provided with documentation of reinspection efforts for any of the violations in our sample. As we state in the report, we visited the borough and AEU offices and attempted to obtain documentation of reinspection efforts for open violations. We also reviewed route sheets to determine whether any of the violations for sampled complaints were followed up, but we found no evidence that they were followed up. Nevertheless, we are pleased that DOB now has procedures to reinspect open violations.

Exhibit 2 is merely a duplicate of the information recorded on BIS. The exhibit lists the inspection results for complaints investigated. It does not list the follow-up efforts for inspections where violations are identified.

**DOB Responded to Only 71 Percent of the Sampled
Priority B Complaints within Goal of 25 Days**

DOB responded to only 71 percent of the sampled 300 Priority B complaints within the agency's timeframe of 25 days. On average, we found that DOB's response time was almost 32 days. Delays in responding to these complaints increase the risk that hazardous conditions may remain undetected for long periods of time. Of the 300 complaints we sampled, DOB issued violations for 94 (31%), 28 of which were deemed to be for hazardous conditions.

To determine DOB's timeliness in responding to these complaints, we randomly selected a sample of 300 Priority B complaints from 28,286 Priority B complaints that DOB received during Fiscal Year 2002, according to BIS records. Overall, DOB responded to 213 (71%) of the 300 sampled Priority B complaints within the 25-day standard. On average, DOB took almost 32 days to respond to a sampled complaint. Table IV below shows the breakdown by category.

Table IV

**Sampled Priority B Complaints Receiving Responses within 25 Days and
Average Number of Days to Respond to All Sampled Complaints
By Category**

Category	Total Complaints Sampled	Responses within 25 Days	Timeliness Rate	Average Days to Respond to Complaints
Construction	100	69	69%	23.9
Elevator	50	21	42%	56.6
Plumbing	49	35	71%	45.1
Boilers	44	41	93%	9.4*
Cranes /Derricks	30	23	77%	46.6
Other	27	24	89%	11.4*
Totals	300	213	71%	31.8

*Significant number of complaints in these two categories was responded to well within the 25-day standard

As shown in Table IV, DOB responded to only 71 percent of the sampled complaints within the 25-day standard. At the high end, DOB responded to 93 percent and 89 percent of the sampled Boiler and Other complaints, respectively, within 25 days; at the low end, DOB responded to only 42 percent of Elevator complaints within the time standard.

DOB issued ECB violations for 94 (31%) of the 300 sampled complaints, 28 (30%) of which were for hazardous conditions. DOB responded to the sampled Boiler complaints an average of 9.4 days after the agency received them; it responded to the sampled Elevator complaints an average of 57 days after receipt. Failure to respond in a timely manner could result in an emergency or hazardous condition existing for a long period of time. For example, on June 24, 2002, DOB received a complaint regarding an elevator that kept breaking down

(DOB complaint #1098150) and categorized it as Priority B. DOB did not respond to the complaint until September 25, 2002, 65 business days later, at which time the inspector found the elevator out of service and issued a violation to repair and return the elevator to service. The violation was sent to ECB and was classified as a hazardous violation, and a \$1,250 fine was imposed on the landlord. As of August 11, 2003, almost one year later, the landlord has not responded to the violation, and there is no evidence on BIS that DOB has either followed up to see if the condition has been corrected or has issued a court summons if it has not been corrected. (As previously stated in the section beginning on page 11 of this report, DOB generally does not follow up on violations issued.)

DOB Response: “In regard to complaint number 1098150, which was for a non-hazardous condition, there was no need for DOB to treat this complaint as a potential emergency. While the Comptroller states correctly that a hazardous violation was issued after the elevator in question was inspected on September 25, 2002, he erroneously states that there is no evidence that DOB followed up on the condition. Since a ‘cease use’ order was issued at the time of inspection, the elevator could not be used and therefore its condition could not pose a safety threat. An elevator inspector was dispatched to reinspect complaint #1098150 . . . on November 20, 2002 and November 25, 2002. The inspector issued two more ECB violations for ‘failure to maintain.’ One of the violations was a hazardous second offense, which included a ‘cease use’ order. In addition, the elevator was reinspected on March 12, 2003 and December 18, 2003 as part of our periodic elevator inspection cycle.”

Auditor Comment: DOB states in its response that this condition was followed up, yet, we provided DOB with ample opportunity during the audit to provide evidence of follow-up and none was provided. As we state earlier in this report, we visited the borough and AEU offices during the course of this audit and asked for evidence of follow-up for this and other violations in our sample. In addition, the above-stated example was included in the preliminary draft that was sent to DOB officials and discussed at the exit conference. In fact, as of March 26, 2004, this violation was still open. If the elevator has been repaired, DOB should close this violation.

In addition, although DOB states that the condition no longer posed a safety threat after a “cease use” order was issued in September 2002, it nevertheless saw fit to issue a “hazardous second offense” violation when it reportedly inspected the elevator two months later.

According to DOB management, insufficient staffing is the major reason for not inspecting the Priority B complaints within the 25-day timeframe. In addition, the nature of the complaint does not lend itself to being considered an emergency that would require immediate attention. Nevertheless, delays in responding to these complaints, although they are not as serious as Priority A complaints, could nonetheless allow hazardous conditions to remain uncorrected. Accordingly, as stated previously in the report, DOB should make efforts to improve inspector productivity so that complaints can receive responses in a more timely manner.

DOB Response: “As earlier stated, The Department disagrees with how the Average Days to Respond to Sampled Complaints were determined. The same improper methodology that was used for Priority A complaints was used for Priority B complaints. Our complaint response time for priority ‘B’ complaints for FY 2002 was 27.91.”

Auditor Comment: The calculation for the number of days to respond to sampled complaints reflected in Table IV has been corrected in this final report. As shown in Table IV, the average response time for our sampled Priority B complaints was 31.8 days.

Recommendations

The Department of Buildings should:

1. Design and implement procedures whereby open ECB violations—especially those for hazardous conditions—are followed up, as required by DOB procedures.

DOB Response: “The Department has designed and implemented procedures to reinspect all hazardous construction conditions three months after the original violation was issued in order to determine if the violating condition has been corrected, regardless of whether the respondent defaulted by failing to appear at an ECB hearing. If the condition has not been corrected, additional violations are issued. In the past, the borough construction unit and Building Enforcement Safety Team (BEST) conducted these reinspections. Currently, our [Special Projects Inspection Team] performs reinspection of hazardous construction violations. With respect to hazardous plumbing violations, we intend to follow the same model that is currently used for construction.”

2. Require that supervisors periodically (e.g., monthly) review outstanding violations and ensure that DOB takes necessary steps to re-inspect or issue court summons.

DOB Response: “The Department agrees with this recommendation. Starting in May 2002, borough chiefs reviewed the paper copies of the spreadsheet developed for open hazardous violation reinspections, and routed inspectors accordingly. Supervisors of the SPIT unit now perform this function for SPIT inspectors.”

3. Remove obsolete procedures, such as DOB Directive #9, from its web site and agency procedural manuals.

DOB Response: “The agency agrees with this recommendation and will remove Directive 9 of 1973 from its web site.”

4. Modify BIS so that new complaint orders are not generated for open violations, especially open violations that are in default.

DOB Response: “The agency disagrees with this recommendation. Complaints are generated in order for the public to obtain an inspection of a violating condition. If the

condition persists, a new complaint and a new inspection may be warranted regardless of existing violation status (defaulted or otherwise). The condition may have worsened over time, requiring the escalation of enforcement options, such as the issuance of a second offense violation, criminal court summons, or emergency declaration (whereby the City performs corrective work that the owner has failed to perform.) If a complaint for a condition is pending (meaning no inspection has taken place yet) our policy is to notify the caller that a complaint about the condition already exist. The caller is given the existing complaint number. However, some complainants insist that a new complaint is generated, typically where there are private landlord-tenant disputes and the tenant want a record of his or her complaint. In the future, DOB will have the ability to add a complainant to an existing complaint, avoiding the need to create a duplicate.”

Auditor Comment: Although DOB initially states that it disagrees with our recommendation to modify BIS so that duplicate complaints are not issued for the same condition, it ends its response by stating that it intends to do just that in the future. Additionally, DOB states that a new inspection may be warranted whether or not the violation is in default. We do not disagree with DOB’s position. However, a reinspection can be performed, and escalation options can be enforced, without having to generate a duplicate complaint. Accordingly, we reaffirm our recommendation and ask DOB to reconsider its position.

5. Take steps to increase the proportion of inspectors’ time spent in the field and reduce the proportion spent in the office performing administrative tasks.

DOB Response: “The department agrees with this recommendation. DOB has implemented procedures to increase the inspector’s time in the field. The current policy requires the inspectors to return to the office twice a week for one hour each time for a total of two hours per week. Previously, inspectors came in daily for one hour. During this time in the office, the inspectors should perform research, turn in old route sheets, pick up their new route sheets, and obtain any other supplies deemed necessary to carry out their inspectorial duties.”

APPENDIX I
Page 1 of 2

List of Cranes/Derricks Complaints Received By DOB
Fiscal Year 2002

Sample No.	DOB Complaint No.	Date Received	Date Inspected	No. of Work days	Sample No.	DOB Complaint No.	Date Received	Date Inspected	No. of Work days
1	1095273	3/21/02	3/25/02	2	41	1089406	7/19/01	7/19/01	0
2	1096857	5/10/02	5/10/02	0	42	1091879	11/5/01	10/23/02	240
3	1097179	5/22/02	5/22/02	0	43	1091674	10/26/01	10/26/01	0
4	1097773	6/11/02	6/12/02	1	44	1092041	11/14/01	12/10/01	17
5	1094646	3/1/02	3/1/02	0	45	1091359	10/5/01	10/5/01	0
6	1097762	6/11/02	6/12/02	1	46	1091046	9/2/01	9/2/01	0
7	1096942	5/14/02	5/15/02	1	47	1091857	11/2/01	10/23/02	241
8	1094320	2/21/02	4/15/02	37	48	1090048	8/6/01	8/6/01	0
9	1097687	6/7/02	7/15/02	25	49	1088850	7/3/01	7/3/01	0
10	1097678	6/7/02	6/7/02	0	50	1092077	11/15/01	12/10/01	16
11	1097598	6/5/02	6/6/02	1	51	1092436	12/3/01	12/3/01	0
12	1095609	4/2/02	4/2/02	0	52	1092596	12/7/01	10/23/02	219
13	1097945	6/17/02	6/17/02	0	53	1093532	1/23/02	1/23/02	0
14	1095398	3/26/02	3/26/02	0	54	1089368	7/18/01	10/23/02	316
15	1093795	2/1/02	10/23/02	182	55	1092159	11/19/01	11/20/01	1
16	1097948	6/18/02	10/23/02	88	56	1093405	1/17/02	1/17/02	0
17	1096661	5/6/02	5/10/02	4	57	1091203	9/10/01	10/22/02	278
18	1095601	4/1/02	4/2/02	1	58	1090429	8/16/01	8/16/01	0
19	1097044	5/17/02	5/17/02	0	59	1090960	9/4/01	9/4/01	0
20	1096643	5/3/02	5/3/02	0	60	1090194	8/9/01	8/17/01	6
21	1098060	6/20/02	6/20/02	0	61	1090794	8/28/01	8/28/01	0
22	1095884	4/10/02	10/22/02	135	62	1089062	7/10/01	7/10/01	0
23	1096612	5/2/02	5/3/02	1	63	1092917	12/28/01	12/28/01	0
24	1094125	2/13/02	10/22/02	174	64	1088918	7/5/01	7/5/01	0
25	1094384	2/22/02	2/25/02	1	65	1091495	10/17/01	10/22/02	252
26	1095613	4/2/02	10/22/02	141	66	1088958	7/6/01	7/6/01	0
27	1095641	4/3/02	10/23/02	141	67	1089057	7/9/01	7/10/01	1
28	1094977	3/12/02	3/12/02	0	68	1088827	7/2/01	10/22/02	326
29	1095852	4/10/02	11/15/02	151	69	1089302	7/16/01	7/16/01	0
30	1095102	3/15/02	3/15/02	0	70	1090466	8/17/01	8/20/01	1
31	1095940	4/12/02	4/23/02	7	71	1091656	10/25/01	10/25/01	0
32	1095867	4/10/02	4/12/02	2	72	1091012	9/5/01	10/23/02	282
33	1097711	6/10/02	6/12/02	2	73	1088901	7/5/01	10/22/02	324
34	1094751	3/5/02	3/6/02	1	74	1089898	8/1/01	8/2/01	1
35	1096064	4/16/02	4/16/02	0	75	1089751	7/27/01	8/3/01	5
36	1098086	6/21/02	6/21/02	0	76	1093257	1/11/02	1/14/02	1
37	1097897	6/14/02	6/14/02	0	77	2040881	8/26/01	8/26/01	0
38	1096507	4/30/02	10/22/02	121	78	2040541	8/16/01	8/16/01	0
39	1098188	6/25/02	10/23/02	83	79	2040256	8/2/01	8/2/01	0
40	1089298	7/16/01	10/22/02	317	PAGE 1 TOTAL				4,147

List of Cranes/Derricks Complaints Received By DOB
Fiscal Year 2002

Sample No.	DOB Complaint No.	Date Received	Date Inspected	No. of Work days	Sample No.	DOB Complaint No.	Date Received	Date Inspected	No. of Work days
80	2042194	11/23/01	11/23/01	0	105	3098045	3/26/02	5/1/02	26
81	2040803	8/28/01	10/23/02	287	106	3094189	11/5/01	11/5/01	0
82	2040813	8/18/01	8/29/01	7	107	3098144	4/1/02	4/1/02	0
83	2039790	7/6/01	7/9/01	1	108	3099975	5/20/02	5/20/02	0
84	2044513	3/8/02	10/23/02	159	109	3100504	6/4/02	9/4/02	64
85	2045436	4/26/02	10/22/02	123	110	3099370	5/2/02	5/6/02	2
86	2046162	6/7/02	6/10/02	1	111	4133103	8/16/01	8/20/01	2
87	3091649	7/24/01	8/16/01	17	112	4132952	8/14/01	8/14/01	0
88	3093664	10/12/01	10/22/02	255	113	4135483	10/10/01	10/22/02	257
89	3093124	9/6/01	10/22/02	280	114	4139089	1/2/02	1/2/02	0
90	3093378	9/21/01	9/24/01	1	115	4138886	12/26/01	3/5/02	45
91	3092760	8/27/01	8/28/01	1	116	4137872	12/4/01	12/11/01	5
92	3093518	10/3/01	10/3/01	0	117	4136932	11/13/01	11/26/01	8
93	3092099	8/7/01	8/7/01	0	118	4142960	3/19/02	3/22/02	3
94	3091868	7/31/01	10/23/02	307	119	4142027	3/1/02	3/2/02	0
95	3093311	9/14/01	10/22/02	274	120	4140969	2/8/02	2/25/02	9
96	3092105	8/7/01	10/22/02	301	121	4145762	5/3/02	5/3/02	0
97	3091555	7/20/01	7/24/01	2	122	4144478	4/15/02	4/15/02	0
98	3094647	11/23/01	11/24/01	0	123	4147554	6/5/02	6/5/02	0
99	3094135	11/2/01	10/22/02	240	124	4143858	4/3/02	4/5/02	2
100	3095466	12/28/01	8/2/02	149	125	4145830	5/6/02	5/14/02	6
101	3097493	3/11/02	3/12/02	1	126	4145474	4/29/02	4/29/02	0
102	3096858	2/19/02	3/25/02	24	127	4147196	5/29/02	5/30/02	1
103	3097570	3/12/02	3/12/02	0	128	4148452	6/20/02	6/20/02	0
104	3095475	12/28/01	10/22/02	204	129	4130607	7/10/01	7/10/01	0
PAGE 2 TOTAL									3,064

Total Workdays Page 1 = 4,147
Total Workdays Page 2 = 3,064
Grand Total of Workdays = 7,211
Number of Complaints Received = 129
Average Number of Workdays = 55.90

APPENDIX II

Page 1 of 3

Complaints By Address

[BIS Menu](#) | [Bldg Info Search](#) | [Property Profile](#) | [Complaints](#) | [Back](#)

Page 1 of 1

[FAQs](#) | [Glossary](#) Mar 29, 2004

NYC BUILDINGS

NYC
gov
always open

NYC Department of Buildings
Complaints By Address

7 Total Complaints at BIN No. 1009005

Page: 1

Complaint Number	Address	Date Entered	Category	Inspection Date	Disposition	Status
1000739	80 4 AVENUE	02/22/1989	31	03/02/1989	I1	RES
1027707	80 4 AVENUE	01/19/1994	32	04/03/1996	XX	RES
1030529	80 4 AVENUE	08/04/1994	32	08/09/1994	C2	RES
1009068	80 4 AVENUE	01/04/1989	43	01/04/1989	I2	RES
1030528	80 4 AVENUE	08/04/1994	66	07/07/1997	I2	RES
#40 1089298	80 4 AVENUE	07/18/2001	67	10/22/2002	XX	RES
1011139	80 4 AVENUE	02/06/1991	73	03/25/1991	I2	RES

If you have any questions please review these Frequently Asked Questions, the Glossary, or call the 311 Citizen Service Center by dialing 311 or (212) NEW YORK outside of New York City.

[BIS Menu](#) | [Bldg Info Search](#) | [Property Profile](#) | [Complaints](#) | [Back](#)

[Department of Buildings Home Page](#) • [NYC gov Home Page](#) • [Mayor's Office](#)
[City Agencies](#) • [Services](#) • [News and Features](#) • [City Life](#) • [Contact Us](#) • [Search](#)

<http://webapps.nyc.gov:8082/bisweb/ComplaintsByAddressServlet?requestid=1&vcompsumkey=1009005...> 3/29/04

Complaints By Address

[BIS Menu](#) | [Bldg Info Search](#) | [Property Profile](#) | [Complaints](#) | [Back](#)

Page 1 of 1

[FAQs](#) | [Glossary](#) Mar 29, 2004

NYC BUILDINGS
NYC
gov
 always open

NYC Department of Buildings

Complaints By Address

5 Total Complaints at BIN No. 1008833

Page: 1

Complaint Number	Address	Date Entered	Category	Inspection Date	Disposition	Status
1043164	34 EAST 8 ST	07/28/1996	05	07/30/1996	12	RES
1095839	19 UNIVERSITY PLACE	04/09/2002	31	04/11/2002	12	RES
1048256	34 E 8 ST	04/08/1997	38	04/24/1997	B1	RES
#68 1088827	19 UNIVERSITY PLACE	07/02/2001	67	10/22/2002	XX	RES
1059254	13-19 UNIVERSITY PLACE	07/09/1998	73	07/13/1998	B1	RES

If you have any questions please review these Frequently Asked Questions, the Glossary, or call the 311 Citizen Service Center by dialing 311 or (212) NEW YORK outside of New York City.

[BIS Menu](#) | [Bldg Info Search](#) | [Property Profile](#) | [Complaints](#) | [Back](#)
[Department of Buildings Home Page](#) • [NYC gov Home Page](#) • [Mayor's Office](#)
[City Agencies](#) • [Services](#) • [News and Features](#) • [City Life](#) • [Contact Us](#) • [Search](#)

tp://webapps.nyc.gov:8082/bisweb/ComplaintsByAddressServlet?requestid=1&vlecompsummikey=100883... 3/29/04

Complaints By Address

[BIS Menu](#) | [Bldg Info Search](#) | [Property Profile](#) | [Complaints](#) | [Back](#)

Page 1 of 1

FAQs | Glossary Mar 29, 2004

NYC BUILDINGS
NYC
.gov
 always open

 NYC Department of Buildings
 Complaints By Address

Page: 1

4 Total Complaints at B/N No. 1008955

Complaint Number	Address	Date Entered	Category	Inspection Date	Disposition	Status
1097365	59 4 AVENUE	06/13/2002	05	08/17/2002	I2	RES
1090617	59 4 AVENUE	08/22/2001	09	08/28/2001	I2	RES
1109297	59 4 AVENUE	07/01/2003	49			ACT
#13 1088901	59 4 AVENUE	07/05/2001	67	10/22/2002	XX	RES

If you have any questions please review these Frequently Asked Questions, the Glossary, or call the 311 Citizen Service Center by dialing 311 or (212) NEW YORK outside of New York City

[BIS Menu](#) | [Bldg Info Search](#) | [Property Profile](#) | [Complaints](#) | [Back](#)
[Department of Buildings Home Page](#) • [NYC.gov Home Page](#) • [Mayor's Office](#)
[City Agencies](#) • [Services](#) • [News and Features](#) • [City Life](#) • [Contact Us](#) • [Search](#)
<http://webapps.nyc.gov:8082/bisweb/ComplaintsByAddressServlet?requestId=1&vlecompsummikey=100895...> 3/29/04



EXECUTIVE OFFICES
280 Broadway, 7th Floor
New York, NY 10007
(212) 566-5000, TTY: (212) 566-4769

Julie Lubin
Director of PMA
(212) 566-3529
(212) 566-3877 Fax
Email: juliel@buildings.nyc.gov

February 25, 2004

Greg Brooks
Deputy Comptroller
The City of New York
Office of the Comptroller
Executive Offices
1 Centre Street
New York, N.Y. 10007-2341

RE: **Audit Report on the Effectiveness of the
Department of Buildings in Investigating
Safety-Related Complaints in a Timely Manner
Audit #: MJ03-093A**

Dear Mr. Brooks:

Thank you for the opportunity to comment on the above referenced draft audit report. I am also pleased to note as described in the attached document, that the Department is in the process, or has implemented 4 of the 5 recommendations contained in the report. We disagree with the fifth recommendation, and have listed the reasons why, in our response.

As your report notes, the audit objective was to determine whether DOB responds to complaints within agency time guidelines and to review DOB's follow-up efforts when violations are identified.

Your 5 recommendations helped the Department review and strengthen its procedures. Attached is the Department's response to the audit's recommendations. If you have any questions or require any clarification you may contact me at the telephone numbers and e-mail address listed above.

Sincerely,

A handwritten signature in dark ink, appearing to read "Julie Lubin".

Julie Lubin

Cc: Patricia J. Lancaster, A.I.A.
 Robert LiMandri
 Mark Topping
 Robert Iulo
 Peggy Rose Viera

FINDINGS AND RECOMMENDATIONS

DOB's Performance in Responding to Priority A Complaints Within Its 1.5 Day Time Standard Varied Significantly Among Different Categories.

Agency Response:

The Department disagrees with how the Average Days to Respond to Sampled Complaints were determined. The Comptroller used the incorrect date to determine the time it takes an inspector to respond to a complaint in that the complaint "resolution date" was used rather than the "first response" date. The response time consists of the date the complaint was registered up to the date of the first response. The number of days is then converted from calendar days to working days. Our analysis of the four complaint categories where 100 percent of all complaints were used in the calculation of Average Days to Respond to Sampled Complaints yielded significantly lower averages among the four categories selected.

Category	Population	Sample Size	Average # of Days to Respond to Sampled Complaint determined by the Comptroller	Average # of Working Days to Respond to Sampled Complaint determined by DOB
Construction	2807	500	3.44	1.61**
Elevator	164	164	1.99	0.69
Boilers	145	145	6.14	3.28
Cranes/Derricks	129	129	82.13	46.37 (25.91)*
Other	241	241	6.95	1.30
Plumbing	548	180	24.91	6.21**
Total	4034	1359	14.49	6.39

*This number indicates what the Average Days To Respond To Sampled Complaints should be minus the complaints (18) that had been downgraded to Priority "B" or "C" status.

** At the exit conference on 1/15/04, we requested copies of the sample data sets used by the Comptroller, who agreed to provide them. However, to date we have never received them. Therefore, we generated our own samples (consisting of randomly selected complaints) of the same size in order to generate these figures.

In the past, Cranes and Derricks' complaints were handled manually and were not entered into BIS. Because the unit did not have the ability to find "lost" complaints, some went uninspected. Once Crane & Derricks complaints were incorporated into the BIS system, uninspected complaints were able to be identified. Since most of these complaints deal with equipment found at construction sites, once the construction is over, there is nothing to inspect. For this reason the Cranes and Derrick's Director administratively closed the complaints without an inspection. The resolution of old uninspected complaints

caused the first response rate to appear excessively high in FY2002. As of FY2003, the first response rate has been lowered to 13.17.

DOB Failed To Follow Up on Violations That Were Issued for the Sampled Priority A Complaints

Agency Response

The Department maintains that it has documentation of its reinspection efforts, and that such documentation was provided to the Comptroller's Office. Our documentation consists of spreadsheets and they are not available on BIS. We informed the Comptroller's office of this on several occasions and provided them copies of paper inspection reports (exhibit 1). We also informed them of a separate database (exhibit 2) in which the inspection results are contained.¹ Copies of the inspection reports provided to the Comptroller during the audit are attached. Copies of sample printouts from the database are also attached.

DOB's hazardous reinspection program at present requires that reinspection is performed on all hazardous construction violations three months after the original violation was issued. DOB's IT department develops from BIS a list of all open hazardous construction violations. This list is imported into an Excel spreadsheet. In the past, from May 2002 until August 2003, the borough construction units and BEST received paper copies of the spreadsheet and were responsible for reinspecting all hazardous construction violations on the sheet in order to determine whether the violating condition had been corrected. As of August 2003, DOB's Special Projects Inspection Team (SPIT) reinspects all open hazardous construction violations. Regardless of which unit performed the reinspection, if the condition had not been corrected, a second offense violation was issued if appropriate. All reinspection results pertaining to hazardous violations are indicated on the spreadsheet and forwarded to DOB's Administrative Enforcement Unit, and in the future, once computer programming is completed, violations that DOB knows have been corrected, based on reinspection, will no longer appear on the system as "open" violations.

DOB Responded To Only 66 Percent of the Sampled Priority B Complaints within Goal of 25 Days

Agency Response

As earlier stated, The Department disagrees with how the Average Days to Respond to Sampled Complaints were determined. The same improper methodology that was used for Priority A complaints was used for Priority B complaints. Our complaint response time for priority "B" complaints for FY 2002 was 27.91. In regard to complaint number 1098150, which was for a non-

¹ We informed the Comptroller of the spreadsheets and database several times between July 2003 (at a meeting with Special Enforcement Unit staff) and January 2004 (exit conference.)

hazardous condition, there was no need for DOB to treat this complaint as a potential emergency. While the Comptroller states correctly that a hazardous violation was issued after the elevator in question was inspected on September 25, 2002, he erroneously states that there is no evidence that DOB followed up on the condition. Since a "cease use" order was issued at the time of inspection, the elevator could not be used and therefore its condition could not pose a safety threat. An elevator inspector was dispatched to reinspect complaint # 1098150 pursuant to the protocol outlined below, on November 20, 2002 and November 25, 2002. The inspector issued two more ECB violations for "failure to maintain." One of the violations was a hazardous second offense, which included a "cease use" order. In addition, the elevator was reinspected on March 12, 2003 and December 18, 2003 as part of our periodic elevator inspection cycle.

Auditor Recommendation #1

Design and implement procedures whereby ECB violations that are in default—especially those for hazardous conditions—are followed up, as required by DOB procedures.

Agency Response:

The Department has designed and implemented procedures to reinspect all hazardous construction conditions three months after the original violation was issued in order to determine if the violating condition has been corrected, regardless of whether the respondent defaulted by failing to appear at an ECB hearing. If the condition has not been corrected, additional violations are issued. In the past, the borough construction units and Building Enforcement Safety Team (BEST) conducted these reinspections. Currently, our SPIT performs reinspection of hazardous construction violations. With respect to hazardous plumbing violations, we intend to follow the same model that is currently used for construction.

DOB has procedures to follow up on hazardous elevator and boiler conditions. All hazardous conditions on passenger elevators result in the issuance of "cease use" orders. A "cease use" order requires that the violating elevator be shut down until repairs are made. When an elevator maintenance company retained by the owner notifies DOB that repairs have been made, an inspector is then sent to reinspect the condition prior to the rescission of the "cease use" order. If no company notifies DOB that repairs have been made within ten days, DOB reinspects the elevator if it is the only one in a residential building. If the residential building has more than one elevator available to the public, then an inspector will reinspect after 30 days. If the condition still exists, second offense violations are written until a fourth offense is issued, at which point a criminal court summons may be issued. Documentation of this data is kept in an Access database. In the case of boilers, a hazardous condition will result in a "cease use"

order being issued for the boiler between the months of October and May. A "cease use" order is recorded in a log book and a DOB inspector will reinspect the boiler within three working days. During other times of the year, reinspection is performed within 10 to 30 days.

With respect to complaint number 5037412 for illegal construction of a deck, the Comptroller states that DOB issued three ECB violations for a hazardous condition. Contrary to this statement, only one of four ECB violations on the premises was for a hazardous condition, and that condition had to do with the installation of a sink and stove, not a deck.² Although there were many complaints made about conditions at the premises, they were not all about the same condition. The results of the inspections and inspection attempts varied from finding a violating condition, to finding no action necessary (no violating condition)³ to not being able to obtain access to the premises.

Auditor Recommendation #2

Require that supervisors periodically (e.g., monthly) review outstanding violations and ensure that DOB takes necessary steps to re-inspect or issue court summons.

Agency Response:

The Department agrees with this recommendation. Starting in May 2002, borough chiefs reviewed the paper copies of the spreadsheet developed for open hazardous violation reinspections, and routed inspectors accordingly. Supervisors of the SPIT unit now perform this function for SPIT inspectors.

Auditor Recommendation #3

Remove obsolete procedures, such as DOB Directive #9, from its web site and agency procedural manuals.

Agency Response:

The agency agrees with this recommendation and will remove Directive 9 of 1973 from its web site.

² BIS shows that the condition cited in the hazardous violation have since been corrected.

³ According to BIS there were fourteen instances where the complaint was dispositioned by reference to a previous inspection where no violating condition was found. The Comptroller's statement that DOB does not differentiate between new complaints and complaints for previously reported conditions is unfounded.

Auditor Recommendation #4

Modify BIS so that new complaint orders are not generated for open violations, especially open violations that are in default.

Agency Response:

The agency disagrees with this recommendation. Complaints are generated in order for the public to obtain an inspection of a violating condition. If the condition persists, a new complaint and a new inspection may be warranted regardless of existing violation status (defaulted or otherwise.) The condition may have worsened over time, requiring the escalation of enforcement options, such as the issuance of a second offense violation, criminal court summons, or emergency declaration (whereby the City performs corrective work that the owner has failed to perform.) If a complaint for a condition is pending (meaning no inspection has taken place yet) our policy is to notify the caller that a complaint about the condition already exists. The caller is given the existing complaint number. However, some complainants insist that a new complaint is generated, typically where there are private landlord-tenant disputes and the tenant wants a record of his or her complaint. In the future, DOB will have the ability to add a complainant to an existing complaint, avoiding the need to create a duplicate.

Auditor Recommendation #5

Take steps to increase the proportion of inspectors' time spent in the field and reduce the proportion spent in the office performing administrative tasks.

Agency Response:

The department agrees with this recommendation. DOB has implemented procedures to increase the inspector's time in the field. The current policy requires the inspectors to return to the office twice a week for one hour each time for a total of two hours per week. Previously, inspectors came in daily for one hour. During this time in the office, the inspectors should perform research, turn in old route sheets, pick up their new route sheets, and obtain any other supplies deemed necessary to carry out their inspectorial duties.

At the exit conference, we requested to know the names of the inspectors who returned to the office to perform research in the middle of the day. We were told that we would be provided this information but it was never given. Our own research revealed that it was only one inspector. This inspector was a supervisor and was required to return to the office to perform administrative and supervisory tasks.

ADDENDUM Page 7 of 14

HAZARDOUS VIOLATIONS
MARCH/JULY 2002

RETURN ALL COMPLETED FORMS TO
V. LEIBERMAN AT AFD - COPY TO L. PRIJES, SEU

Exhibit 1

B/C#	ADDRESS	OWNER	EC#	INSPECTOR	CODE	CC	CODE	VIOLATION DESCRIPTION	INSPECTOR SIGNATURE & BADGE #	DATE	CSR
102	829 GREENWICH STREET	ANTHONY MARK	34320552M	CO2JW01	20020327CN	B51	27-1021	CRACKS IN CONCRETE FOUNDATION MAINTAINED DEFECT NOTED: SIDEWALK SHED APPROX 18X6 HAS PULLED AWAY FROM STRUCTURE. DISLODGED FROM ITS FOOTINGS AND LEANING AT A NW DIRECTION SHED ALSO HAS BROKEN DEFECTIVE LIGHT	<i>A. Chalk</i> #1803	07/12/02	34331038CN OFFENSE
102	223 WYLLBERRY STREET	A. NIGLIACCIO & SONS INC	34316247Y	CA2P01	20020318CN	B64	27-127	DEFECTS: MULTIPLE CRACKS ON SOUTH REAR STOCED WALL OF THE BLDG APPROX. 6' X 10' STOCED IS READY TO GO DOWN STEUFWAL STABILITY OF LEAVING BRICK WALL IS NOT EFFECTED R	<i>A. Chalk</i> #1803	07/12/02	CW
102	66 THOMPSON STREET	1177 SPRING ST CORP	34316196N	CB2MS01	20020321CN	B64	27-127	FAILURE TO MAINTAIN BUILDING WALL (HAZARDOUS) NOTED: CRACKS IN PARAPET THE CORBELED BRICK ARE BUILDING DISPLACED AND MISSING MORTAR ALONG WITH MISSING COPING STONES CREATING A HAZARDOUS CONDITION TO THE P	<i>A. Chalk</i> #1803	07/12/02	SECURE OFFENSE 34331038CN
102	37 SPRING STREET	37 SPRING STREET INC	34323835N	CB2PH01	20020327CN	B40	27-1018	FAILURE TO MAINTAIN ADEQUATE HOUSEKEEPING NOTED: FAILURE TO INSTALL PLASTIC SHEETING ON OCCUPIED APT DOORS IN WHICH RESULTED IN DUST ENTERING SEVERAL APTS THROUGHOUT BUILDING IN PUBLIC HALLWAY. REMEDY: MAINTAIN A	<i>A. Chalk</i> #1803	07/12/02	CW
102	366 BROOME STREET	362 366 BROOME CO.	34297232K	CNETV02	20020329CN	B74	27-127	FAILURE TO MAINTAIN DEFECT IS: IN APT 33 AN APPROX. 10' X 5' SECTION OF PLASTER CEILING IN LIVINGROOM HAS FALLEN TO FLOOR ALSO PLASTER CEILING IN MASTER BEDROOM HAS NUMEROUS CRACKS AND IS SEPARATING FROM WOOD	<i>A. Chalk</i> #1803	07/12/02	CW

CHIEF

Dennis Jambetta

PAGE 2 OF 10

SUPERVISOR

Jim Savelle

HAZARDOUS VIOLATIONS MARCH/JUNE 2003

RETURN ALL COMPLETED FORMS TO
V. LEBERMAN AEU - COPY TO L. PRUES, SEU

ADDRESS	OWNER	VIOLATION DATE OF ISSUE	INSPECTOR	CC CODE	VIOLATION DESCRIPTION	INSPECTOR COMMENTS	INSPECTOR SIGNATURE & BADGE	DATE	CSR
1743 BATHGATE AVENUE OFFICE OF ECONOMIC	MARSHALL	3/23/03	CSPECA	B10 37-151	REMOVE ALL MATERIAL	COMPLIED WITH SECOND OFFENSE	Stephen Cheukon 1823	6/26/03	
1743 BATHGATE AVENUE OFFICE OF ECONOMIC	MARSHALL	3/23/03	CSPECA	B11 37-369	EXIT PASSAGEWAY OR CORRIDOR TOTAL OBSTRUCTION AT LOADING DOCK BOTH SIDES THE PEOPLE WALKWAY IS BLOCKED BY STEEL STAGGING 25 HIGH & 1 WIDE TOTALLY FILLED WITH MERCHANDISE & ON LOADING DOCK R1 SIDE STEEL STAGGING	COMPLIED WITH SECOND OFFENSE	Stephen Cheukon 1823	6/26/03	
1234 FOREST AVENUE	OWNER OF 1124 FONEY	3/23/03	CNEGAS1	B14 37-131	FAILURE TO PROTECT ADJOINING STRUCTURES DURING EXCAVATION OPERATIONS THAT ENTRANCE FOUNDATION WALL CONCRETE FOUNDATION WALL OF ADJACENT PARCELY AT NORTH 1124 FOREST AVE IS EXPOSED TO NORTH 1124 ELEMENTS & REAR CONCRETE	COMPLIED WITH SECOND OFFENSE	Stephen Cheukon 1823	6/26/03	
192 FELTON AVENUE	MANDOR R REMALDO	3/23/03	COSCOQ	B6A 37-137	FAILURE TO MAINTAIN EXTERIOR BLDG WALL DEFECTS BRICKS ARE CRACKED, BRICKS AND BROKEN AT VARIOUS LOCATIONS OF FRONT STAIR, LANDING AND PORCH	COMPLIED WITH SECOND OFFENSE	Stephen Cheukon 1823	6/26/03	
136 JACKSON AVENUE	J.P.D	3/23/03	CNETT09	B6A 37-137	FAILURE TO MAINTAIN EXTERIOR BLDG WALL DEFECTS BRICKS ARE CRACKED, BRICKS AND BROKEN AT VARIOUS LOCATIONS OF FRONT STAIR, LANDING AND PORCH	COMPLIED WITH SECOND OFFENSE	Stephen Cheukon 1823	6/26/03	
21 TINTON AVENUE	CRESCENT STREET CON	3/23/03	CSTDY01	B15 37-101	FAILURE TO MAINTAIN ADEQUATE HOUSEKEEPING AT TIME OF INSPECTION INTERIOR INSULATION WORK WAS IN PROGRESS ON THIRD FLOOR AND COMBUSTIBLE MATERIALS WERE ACCUMULATED IN FRONT OF BUILDING THIS COMBUSTIBLE MATERIAL ENCL	COMPLIED WITH SECOND OFFENSE	Stephen Cheukon 1823	6/26/03	

CHIEF

[Signature]
7/10/03

3 OF 16

SUPERVISOR

HAZARDOUS VIOLATIONS
FEBRUARY 2002

9 SHEETS

MURKIN

RETURN ALL COMPLETED FORMS TO
V. LIEBERMAN AT AEU - COPY TO L. PRUEX, SEU

ECB#	ADDRESS	OWNER	ECB	INSPECTOR	CC	CODE	VIOLATIONS/DEFECTS/PROPERTY	INSPECTION COMMENTS	INSPECTOR SIGNATURE & BADGE #	DATE	CSR
301	613 OLIVER STREET	ANDRE HENRY E	3111148P	00050201FC02	B06	27-101501	REMOVED DEBRIS FROM COMMON AREAS. THE UNSAFE PILE OF DEBRIS CONSISTING OF BRICKS, BLOCKS, AND OTHERS ARE AT VARIOUS LOCATIONS PARTS MISSING ALSO FENCE NOT PROPERLY SECURED AT BOTTOM AT VARIOUS LOCATIONS LEAVING CONSTRUCTION MATERIALS STANDING IN THE SOUTH CELLAR LEVEL EXIST (2) MAIN GIRDERS SPANNING EAST & WEST WITH MAJOR SAGGING, BOWING AND TWISTING NOTE AT NORTH WEST SIDE ARE BEARING OF MANY CRACKS REINFORCED BUILDING WALL OR DEFECT NOTED ON AVERYS STREET SIDE FIVE CRACKS AND ALSO MISSING MORTAR CANBROW WALL AT VARIOUS LOCATIONS. BUILDING WALL DEFECT NOTED: SOUTH SIDE OF BUILDING THE WALL FACING THE PARKING LOT WEST WALL STRUCTURE IS LOOSE AND BUILDING FROM FROM BENT EXTERIOR BUILDING WALL CRACKS NOTED THE FROM BRICK WALL FACING BAKER STREET FROM THE FIRST TO FOURTH FLOORING TO THE FIFTH FLOOR	COMPLIED WITH SECOND OFFENCE OTHER	1836	6/27/02	
301	51 SOUTH 3 STREET	R & R REALTY DEVELOPE	04377482Z	027520C01FC03	B3C	27-102101	REMOVED DEBRIS FROM COMMON AREAS. THE UNSAFE PILE OF DEBRIS CONSISTING OF BRICKS, BLOCKS, AND OTHERS ARE AT VARIOUS LOCATIONS PARTS MISSING ALSO FENCE NOT PROPERLY SECURED AT BOTTOM AT VARIOUS LOCATIONS LEAVING CONSTRUCTION MATERIALS STANDING IN THE SOUTH CELLAR LEVEL EXIST (2) MAIN GIRDERS SPANNING EAST & WEST WITH MAJOR SAGGING, BOWING AND TWISTING NOTE AT NORTH WEST SIDE ARE BEARING OF MANY CRACKS REINFORCED BUILDING WALL OR DEFECT NOTED ON AVERYS STREET SIDE FIVE CRACKS AND ALSO MISSING MORTAR CANBROW WALL AT VARIOUS LOCATIONS. BUILDING WALL DEFECT NOTED: SOUTH SIDE OF BUILDING THE WALL FACING THE PARKING LOT WEST WALL STRUCTURE IS LOOSE AND BUILDING FROM FROM BENT EXTERIOR BUILDING WALL CRACKS NOTED THE FROM BRICK WALL FACING BAKER STREET FROM THE FIRST TO FOURTH FLOORING TO THE FIFTH FLOOR	COMPLIED WITH SECOND OFFENCE OTHER	1836	6/27/02	
301	27 OLIVE STREET	OLIVE STREET REALTY	31110238P	00060201FC01	B7A	27-127	REMOVED DEBRIS FROM COMMON AREAS. THE UNSAFE PILE OF DEBRIS CONSISTING OF BRICKS, BLOCKS, AND OTHERS ARE AT VARIOUS LOCATIONS PARTS MISSING ALSO FENCE NOT PROPERLY SECURED AT BOTTOM AT VARIOUS LOCATIONS LEAVING CONSTRUCTION MATERIALS STANDING IN THE SOUTH CELLAR LEVEL EXIST (2) MAIN GIRDERS SPANNING EAST & WEST WITH MAJOR SAGGING, BOWING AND TWISTING NOTE AT NORTH WEST SIDE ARE BEARING OF MANY CRACKS REINFORCED BUILDING WALL OR DEFECT NOTED ON AVERYS STREET SIDE FIVE CRACKS AND ALSO MISSING MORTAR CANBROW WALL AT VARIOUS LOCATIONS. BUILDING WALL DEFECT NOTED: SOUTH SIDE OF BUILDING THE WALL FACING THE PARKING LOT WEST WALL STRUCTURE IS LOOSE AND BUILDING FROM FROM BENT EXTERIOR BUILDING WALL CRACKS NOTED THE FROM BRICK WALL FACING BAKER STREET FROM THE FIRST TO FOURTH FLOORING TO THE FIFTH FLOOR	COMPLIED WITH SECOND OFFENCE OTHER	1836	6/27/02	
301	51 JASSAD AVENUE	ETIHA VELISBA	31230353A	027020C01FC01	B6A	27-127	REMOVED DEBRIS FROM COMMON AREAS. THE UNSAFE PILE OF DEBRIS CONSISTING OF BRICKS, BLOCKS, AND OTHERS ARE AT VARIOUS LOCATIONS PARTS MISSING ALSO FENCE NOT PROPERLY SECURED AT BOTTOM AT VARIOUS LOCATIONS LEAVING CONSTRUCTION MATERIALS STANDING IN THE SOUTH CELLAR LEVEL EXIST (2) MAIN GIRDERS SPANNING EAST & WEST WITH MAJOR SAGGING, BOWING AND TWISTING NOTE AT NORTH WEST SIDE ARE BEARING OF MANY CRACKS REINFORCED BUILDING WALL OR DEFECT NOTED ON AVERYS STREET SIDE FIVE CRACKS AND ALSO MISSING MORTAR CANBROW WALL AT VARIOUS LOCATIONS. BUILDING WALL DEFECT NOTED: SOUTH SIDE OF BUILDING THE WALL FACING THE PARKING LOT WEST WALL STRUCTURE IS LOOSE AND BUILDING FROM FROM BENT EXTERIOR BUILDING WALL CRACKS NOTED THE FROM BRICK WALL FACING BAKER STREET FROM THE FIRST TO FOURTH FLOORING TO THE FIFTH FLOOR	COMPLIED WITH SECOND OFFENCE OTHER	1836	6/27/02	
301	426 SOUTH 3 STREET	CONCRETE BEAN HEAT	31130040H	023020C01FC01	B6A	27-127	REMOVED DEBRIS FROM COMMON AREAS. THE UNSAFE PILE OF DEBRIS CONSISTING OF BRICKS, BLOCKS, AND OTHERS ARE AT VARIOUS LOCATIONS PARTS MISSING ALSO FENCE NOT PROPERLY SECURED AT BOTTOM AT VARIOUS LOCATIONS LEAVING CONSTRUCTION MATERIALS STANDING IN THE SOUTH CELLAR LEVEL EXIST (2) MAIN GIRDERS SPANNING EAST & WEST WITH MAJOR SAGGING, BOWING AND TWISTING NOTE AT NORTH WEST SIDE ARE BEARING OF MANY CRACKS REINFORCED BUILDING WALL OR DEFECT NOTED ON AVERYS STREET SIDE FIVE CRACKS AND ALSO MISSING MORTAR CANBROW WALL AT VARIOUS LOCATIONS. BUILDING WALL DEFECT NOTED: SOUTH SIDE OF BUILDING THE WALL FACING THE PARKING LOT WEST WALL STRUCTURE IS LOOSE AND BUILDING FROM FROM BENT EXTERIOR BUILDING WALL CRACKS NOTED THE FROM BRICK WALL FACING BAKER STREET FROM THE FIRST TO FOURTH FLOORING TO THE FIFTH FLOOR	COMPLIED WITH SECOND OFFENCE OTHER	1836	6/27/02	
301	235 BAKER STREET	HESTER ROE AGENCY LLC	31230353A	027020C01FC01	B6A	27-127	REMOVED DEBRIS FROM COMMON AREAS. THE UNSAFE PILE OF DEBRIS CONSISTING OF BRICKS, BLOCKS, AND OTHERS ARE AT VARIOUS LOCATIONS PARTS MISSING ALSO FENCE NOT PROPERLY SECURED AT BOTTOM AT VARIOUS LOCATIONS LEAVING CONSTRUCTION MATERIALS STANDING IN THE SOUTH CELLAR LEVEL EXIST (2) MAIN GIRDERS SPANNING EAST & WEST WITH MAJOR SAGGING, BOWING AND TWISTING NOTE AT NORTH WEST SIDE ARE BEARING OF MANY CRACKS REINFORCED BUILDING WALL OR DEFECT NOTED ON AVERYS STREET SIDE FIVE CRACKS AND ALSO MISSING MORTAR CANBROW WALL AT VARIOUS LOCATIONS. BUILDING WALL DEFECT NOTED: SOUTH SIDE OF BUILDING THE WALL FACING THE PARKING LOT WEST WALL STRUCTURE IS LOOSE AND BUILDING FROM FROM BENT EXTERIOR BUILDING WALL CRACKS NOTED THE FROM BRICK WALL FACING BAKER STREET FROM THE FIRST TO FOURTH FLOORING TO THE FIFTH FLOOR	COMPLIED WITH SECOND OFFENCE OTHER	1836	6/27/02	
301	424 SOUTH 3 STREET	CONCRETE BEAN HEAT	31130040H	023020C01FC01	B7A	27-127	REMOVED DEBRIS FROM COMMON AREAS. THE UNSAFE PILE OF DEBRIS CONSISTING OF BRICKS, BLOCKS, AND OTHERS ARE AT VARIOUS LOCATIONS PARTS MISSING ALSO FENCE NOT PROPERLY SECURED AT BOTTOM AT VARIOUS LOCATIONS LEAVING CONSTRUCTION MATERIALS STANDING IN THE SOUTH CELLAR LEVEL EXIST (2) MAIN GIRDERS SPANNING EAST & WEST WITH MAJOR SAGGING, BOWING AND TWISTING NOTE AT NORTH WEST SIDE ARE BEARING OF MANY CRACKS REINFORCED BUILDING WALL OR DEFECT NOTED ON AVERYS STREET SIDE FIVE CRACKS AND ALSO MISSING MORTAR CANBROW WALL AT VARIOUS LOCATIONS. BUILDING WALL DEFECT NOTED: SOUTH SIDE OF BUILDING THE WALL FACING THE PARKING LOT WEST WALL STRUCTURE IS LOOSE AND BUILDING FROM FROM BENT EXTERIOR BUILDING WALL CRACKS NOTED THE FROM BRICK WALL FACING BAKER STREET FROM THE FIRST TO FOURTH FLOORING TO THE FIFTH FLOOR	COMPLIED WITH SECOND OFFENCE OTHER	1836	6/27/02	
301	54 GREEN STREET	50 GREEN AVENUE INC	31230353A	027020C01FC01	B6A	27-127	REMOVED DEBRIS FROM COMMON AREAS. THE UNSAFE PILE OF DEBRIS CONSISTING OF BRICKS, BLOCKS, AND OTHERS ARE AT VARIOUS LOCATIONS PARTS MISSING ALSO FENCE NOT PROPERLY SECURED AT BOTTOM AT VARIOUS LOCATIONS LEAVING CONSTRUCTION MATERIALS STANDING IN THE SOUTH CELLAR LEVEL EXIST (2) MAIN GIRDERS SPANNING EAST & WEST WITH MAJOR SAGGING, BOWING AND TWISTING NOTE AT NORTH WEST SIDE ARE BEARING OF MANY CRACKS REINFORCED BUILDING WALL OR DEFECT NOTED ON AVERYS STREET SIDE FIVE CRACKS AND ALSO MISSING MORTAR CANBROW WALL AT VARIOUS LOCATIONS. BUILDING WALL DEFECT NOTED: SOUTH SIDE OF BUILDING THE WALL FACING THE PARKING LOT WEST WALL STRUCTURE IS LOOSE AND BUILDING FROM FROM BENT EXTERIOR BUILDING WALL CRACKS NOTED THE FROM BRICK WALL FACING BAKER STREET FROM THE FIRST TO FOURTH FLOORING TO THE FIFTH FLOOR	COMPLIED WITH SECOND OFFENCE OTHER	1836	6/27/02	
301	750 METROPOLITAN AVENUE	CARIELA MINGAVERNO	31111307H	022220C01FC02	B09	27-136	REMOVED DEBRIS FROM COMMON AREAS. THE UNSAFE PILE OF DEBRIS CONSISTING OF BRICKS, BLOCKS, AND OTHERS ARE AT VARIOUS LOCATIONS PARTS MISSING ALSO FENCE NOT PROPERLY SECURED AT BOTTOM AT VARIOUS LOCATIONS LEAVING CONSTRUCTION MATERIALS STANDING IN THE SOUTH CELLAR LEVEL EXIST (2) MAIN GIRDERS SPANNING EAST & WEST WITH MAJOR SAGGING, BOWING AND TWISTING NOTE AT NORTH WEST SIDE ARE BEARING OF MANY CRACKS REINFORCED BUILDING WALL OR DEFECT NOTED ON AVERYS STREET SIDE FIVE CRACKS AND ALSO MISSING MORTAR CANBROW WALL AT VARIOUS LOCATIONS. BUILDING WALL DEFECT NOTED: SOUTH SIDE OF BUILDING THE WALL FACING THE PARKING LOT WEST WALL STRUCTURE IS LOOSE AND BUILDING FROM FROM BENT EXTERIOR BUILDING WALL CRACKS NOTED THE FROM BRICK WALL FACING BAKER STREET FROM THE FIRST TO FOURTH FLOORING TO THE FIFTH FLOOR	COMPLIED WITH SECOND OFFENCE OTHER	1836	6/27/02	

Edward A. Huang

SUPERVISOR

HAZARDOUS VIOLATIONS
MARCH/JULY 2002

RETURN ALL COMPLETED FORMS TO
V. LIEBERMAN I AEU - COPY TO L. PRUES, SEC

BIB#	#ADDRESS	OWNER	ECB DATE	INSPECTOR	ICC	CODE	VIOLATION DESCRIPTION	INSPECTOR SIGNATURE & BADGE #	DATE	CSR
433	55-15 25 AVENUE	OWNER OF 55-15 25 AV	34309668R	32702 C03A02	B38	27-1039	SAFE AND PROPER MANNER DISPOSED GARBAGE WITHOUT DEMO PERMIT DAMAGED PARTY WALL PLATE WOOD BEAM ABOVE WALL ROOF RAFTER AND ROOF	<i>[Signature]</i> 11/150	7/17/02	CW
403	83-03 35 AVENUE	SS&C PROPERTIES LLC	34309409M	32402 C03K419	B6A	27-127	WALL HAZARDOUS DEFECTS ARE AT SOUTH EXTERIOR BRICK WALL AT 1/2 LINE DECORATIVE BRICK OUT PARTED BETWEEN 2ND AND 4TH FLOORS IS BUILDING LOOSE HAS	<i>[Signature]</i> 11/150	7/17/02	NA
433	37-23 99 STREET	GEE XIANG CHIEH	34309468M	32002 C03OC4	B40	27-132	INSPECTION: EXCAVATED BELOW EXISTING FOOTINGS APPROX. 1 TO 1 1/2 FOOT THROUGH OUT BASEMENT = UNDERPINNED SECTIONS READY FILE TRI REPORT.	<i>[Signature]</i> 11/150	7/17/02	NA
433	32-35 102 STREET	PRINGLE JOHN	34309666Z	32402 C03SC07	B7A	27-127	BUILDINGS SIDING MISSING AND FALLING OFF IN REAR YARD OLD CAR ABANDONED TIRES, STEEL PLATED, ETC REMEDY: MAINTAIN PREMISES AND CLEAN UP YARD	<i>[Signature]</i> 11/150	7/17/02	NA
403	90-04 24 ROAD	ICLASER AMARY	34309538P	30402 C03ZP01	B49	27-1016	DRIVEWAY PARKING WAS FILLED UP COMPLETELY WITH GARBAGE AND STORAGE GARBAGE IN THE DRIVEWAY IN THE FRONT OF THE HOUSE NEXT TO THE WALKWAY	<i>[Signature]</i> 11/150	7/17/02	CW
433	99-09 37 AVENUE	OWNER OF 93 09 37 AVE	34309547K	31902 C03ZP01	B3B	27-1021A	EXISTING CONSTRUCTION FENCE AND ADJACENT BUILDING # 99-07 APPROX 11/2 OPENING TO TRESPASSERS CHILDREN OR VANDALS. REMEDY: PROVIDE IMMEDIATELY JOB SITE	<i>[Signature]</i> 11/150	7/17/02	CW
403	32-56 72 STREET	BONNET BARBARA	34309549Y	31902 C03ZP03	B30	27-419	ENCLOSURE FOR BOILER 1 FLOOR NOT MEET BUILDING CODE SPECIFICATIONS: WALLS: SINGLE SHEETROCK ONLY. DOUBLE SHEETROCK 5/8 BOTH SIDES REQUISITE	<i>[Signature]</i> 11/150	7/17/02	NA
403	102-65 38 AVENUE	KOFAK CHUNG BEN	34309549Z	30402 C03ZP03	B48	27-1016	OF THE HOUSE IN THE DRIVEWAY STORAGE GARBAGE AS PLASTIC BAGS FOAM BOXES PIER ETC BLOCKING ENTRANCE TO GARAGE REMEDY REMOVE ALL GARBAGE	<i>[Signature]</i> 11/150	7/17/02	CW

[Handwritten Signature] #25

[Handwritten Signature]

343288SGH
071702C03FS03

RETURN ALL COMPLETED FORMS TO: V. LIBERMAN AT AEU - COPY TO L. PRUES, SEU

[Signature]
SUPERVISOR

Exhibit 2

BIB#	USE	NUM	ADDRESS	OWNER	ECR	DATE	INSPECTOR	CC	SECTION	CODE	VIOLATION DESCRIPTION	INSPECTOR	COMMENT	APPROVED	BY	BAI#
101		476	WASHINGTON STREET	GRAY WEST ACCOC	34316290X	3/26/02	C1AP31		27-1021(B)	CO	SIDEWALK SHED DOES NOT MEET BUILDING CODE SPECIFICATIONS. 1. NO LIGHTS NORTH SIDE OF BLDG SIDEWALKS SHED 2. PARAPET WALL OF SIDE WALK SHED PARTIALLY COLLAPSED 16X4 AND 8X4 READY TO FALL DOWN 3. GARAGE OCCUPULATION					
101		261	BROADWAY	Y HALL TENANTS CO	34316250P	3/20/02	C1AP33		27-1021	CO	SIDEWALK SHED DOES NOT MEET BUILDING CODE AND SPECIFICATIONS NOTED NO CONSTRUCTION SIGN. REMEDY: INSTALL SIGN.					
101		299	BROADWAY	229 BWAY LLC C/O	34296997H	3/21/02	CNE1A02		27-127	NC	FAILURE TO MAINTAIN EXTERIOR BUILDING WALL DEFECT IS NORTH WALL 16TH FLOOR (RM 1609) DRUMMETAL HOLLOW STONE COLUMNS IS MISSING A PIECE OF STONE APPROX 1' X 16" CRACKS THRU OUT OTHER COLUMNS. PIECES WERE FOUND					
101		270	BROADWAY	W.ER OF 270 BROADW	34291230R	3/22/02	CNE1V03		27-1021(C)	CO	FAILURE TO MAINTAIN DEFECT IS: AN APPROX: 30' LONG X 8' HIGH CONSTRUCTION FENCE HAS COME LOOSE AND HAS FALLEN ONTO BROADWAY. REMEDY: MAKE SAFE IMMEDIATELY. MAINTAIN PREMISES.					
102		829	GREENWICH STREET	MATTIN MARK	34320552M	3/27/02	CO21A01		27-1021	NC	SIDEWALK SHED NOT ADEQUATELY MAINTAINED DEFECT NOTED: SIDEWALK SHED APPROX 16X6 HAS PULLED AWAY FROM STRUCTURE. DISLODGED FROM ITS FOOTINGS AND LEAVING AT A 45° DIRECTION SHED ALSO HAS BROKEN DEFECTIVE LIGHT					

BSF NUM	ADDRESS	OWNER	ECR	DATE	INSPECTOR	CC	CODE SECTION	VIOLATION DESCRIPTION	INSPECTOR R COMMENT	APPROVED E & DATE #
403	96-15 25 AVENUE	OWNER OF 96-15 25 A	34309568R	3/27/02	COJK02	638	27-1039	FAILURE TO CARRY OUT DEMOLITION OPERATIONS IN A SAFE AND PROPER MANNER DURING DEMOLISHED GARAGE WITHOUT DEMO PERMIT DAMAGED PARTY WALL PLATE WOOD BEAM ABOVE WALL ROOF RAFTER AND ROOF REMEDY OBTAIN PERMIT	CO	1150
403	63-09 35 AVENUE	SSC PROPERTIES LLC	34309409R	3/4/02	COJYJ10	86A	27-127	FAILURE TO MAINTAIN EXTERIOR BUILDING WALL#HAZARDOUS DEFECTS ARE AT SOUTH EXTERIOR BRICK WALL AT 7'-6" LINE DECORATIVE BRICK OUT PARTED BETWEEN 3RD AND 4TH FLOORS IS BULGING LOOSE HAS PARTIALLY COLLAPSED TO GARD	NO	1150
403	37-23 89 STREET	GUT XIANG CHEN	34309468R	3/20/02	CO3OC4	B40	27-132	FAILURE TO TRI PRIOR TO START OF CONTROLLED INSPECTION EXCAVATED BELOW EXISTING FOOTINGS APPROX. 1 TO 1 1/2 FOOT THROUGH OUT BASEMENT = UNDERPINNED SECTIONS. REMEDY: FILE TRI REPORT.	NA	1150
403	33-48 102 STREET	PRINGLE JOHN	34309596P	3/24/02	CO38C07	B7A	27-127	FAILURE TO MAINTAIN EXTERIOR OF FRONT AND REAR BUILDINGS SIDING MISSING AND FALLING OFF. IN REAR YARD OLD CAR ABANDONED. TIRES, STEEL PLAYED, ETC. REMEDY: MAINTAIN PREMISES AND CLEAN UP YARD.	NA	1150
403	50-04 24 ROAD	GLASER MARY	34309536P	3/4/02	CO32P01	B48	27-1016	FAILURE TO MAINTAIN ADEQUATE HOUSEKEEPING. IN THE DRIVEWAY PARKING VAN FILLED UP COMPLETELY WITH GARBAGE AND STORGED GARBAGE IN THE DRIVEWAY IN THE FRONT OF THE HOUSE NEXT TO THE WALKWAY. REMEDY: REMOVE ALL GAR	CO	1150

B/CB	NUM	HSE ADDRESS	OWNER	ECB	DATE	INSPECTOR	CC	CODE SECTION	VIOLATION DESCRIPTION	INSPECTOR #	COMMENT	APPROVED BY	SIGNATURE E & DATE
531	69	STAGBROCK STREET	PACIKU KSMALAKI	34310032J	3/14/02	CO1101	BH3	27-147	WORK WITHOUT A PERMIT. NOTED: HILLSIDE AREA AT REAR OF PROPERTY HAS EXCAVATED DOWN APPROX 5 FEET AND LEVELLED OUT WITHOUT FIRST OBTAINING APPROVAL & PERMIT. REMEDY: STOP ANY FURTHER WORK OBTAIN PERMIT (PHOTOS TA	NA		840	
531	150	VICTORY BOULEVARD	DUOCK WANDA	34310080P	3/11/02	CO1105	B7A	27-127	FAILURE TO MAINTAIN. NOTED: (1) ROOF OPEN AT RIGHT SIDE (2) WINDOW UNIT AT 2ND FLOOR FRONT HAS BEEN KNOCKED OUT AND LYING ON ROOF OF PORCH (3) BUILDING AT FRONT & REAR IS NOT PROPERLY SEALED REMEDY: PROPERLY	CO		840	
531	646	FOREST AVENUE	SPIVAK BERNARD	34310009L	3/8/02	CO3W037	B6A	27-127	FAILURE TO MAINTAIN BLDG. WALL NOTE THE FOLLOWING: FRONT PARAPET WALL AND FACADE ARE CRACKED, BULGING AND IN DISREPAIR IMMEDIATE REQUEST FOR SIDEWALK SHED. REMEDY: MAKE SAFE AND MAINTAIN BLDG. WALL.	NA		840	
531	31	WATER STREET	AIRWAY TO HEAVEN	24309935R	3/6/02	CO1AS01	B7A	27-127	FAILURE TO MAINTAIN BUILDING. HAZARDOUS NOTED THE DEFECTS BUILDING WAS VACANT OPEN AND UNGUARDED THE MAIN DOOR AND WINDOW WERE OPEN AND EXPOSED TP ELEMENTS	CO		840	
531	53	MONTGOMERY AVENUE	STENGER JOHN	34310078L	3/25/02	CO1W001	BH3	27-147	WORK WITHOUT A PERMIT. WORK NOTED AT ROOF LEVEL A DECK HAS BEEN CONSTRUCTED FOR ROOF DECK IS CONSTRUCTED OF TREATED LUMBER AND IS APPROX 20X15 FEET. REMEDY: OBTAIN PERMITS IF FEASIBLE OR RESTORE TO PRIOR LEGA	MC	D08	840	