



Deputy Mayor for Operations Stephen Goldsmith  
City Hall  
New York, NY 10007

February 28, 2011

Dear Deputy Mayor Goldsmith:

I am writing in response to your request for examples of inefficiencies within the NYC Department of Buildings (“NYC DOB”). I have met with numerous businesspeople who work with NYC DOB on a regular basis and, because they preferred not to have individual projects singled out, I have distilled the following issues based on the copious examples they provided.

The main objections I heard centered around the culture of NYC DOB, which appears not to look for constructive solutions when problems arise but rather to hinder. I was told about numerous misinterpretations or misapplications of the Building Code that served no rational purpose except to delay the project approval process. The inaccessibility of the few industry professionals within NYC DOB who have the authority to interpret the Code when an issue arises or is not clearly addressed, and/or to answer questions or offer clarification, only adds to the delays.

A second recurring theme is the significant delays during the approval process including plan examinations, inspections, reports, etc. Currently, it takes approximately seven weeks to have an initial plan examination completed on a project and for the applicant to receive objections. In addition, obtaining subsequent meetings with plan examiners to answer or discuss objections is equally inefficient. It is my understanding that there are fewer NYC DOB employees which increases wait times. However, given the economic climate associated with the building industry, this obstacle should be offset by the reduction in the number of applications currently filed. Given this scenario, additional concerns were expressed that delays will be increased even further in the event that the economy starts to move forward and the number of applications filed increases.

Another related issue is that inspections required by various agencies occur at different times and often have disparate requirements. Many inspection reports are incomplete, leading to new issues upon reinspection that further delays development. Why should the building and construction industry be punished with additional delays when it was an inspector’s failure to cite an issue in the first place? Requiring that reinspections do not stray from the objections found during the original inspection is a suggestion I heard from several industry leaders. Another recommendation that would increase efficiency would be to coordinate inspections by all agencies on a single day.

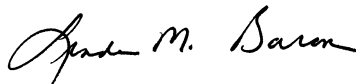
Additional discussions centered on the Building Code itself. The constantly changing interpretations, policies, and forms that derive from the Code cause uncertainty and hamper

development. As NYC DOB makes changes, it conducts training sessions for its staff where published information is explained and committed to memory, however, the same information is not distributed to the industry. One of NYC DOB policies is transparency and it would helpful for such information to be shared with the industry.

Another issue revolves around the fact that the type of building projects vary considerably among boroughs. These disparate projects are governed by a single Building Code which when strictly applied, can not accommodate this variety. Additional requirements resulting from a one-size-fits-all Code often have the affect of increasing the costs of smaller projects to such an extent that development becomes prohibitively expensive. In a very real sense, the Building Code is preventing development and keeping people out of work. Further, because NYC DOB continuously creates new rules and issues new interpretations, which are applied retroactively, a project that was in complete compliance when designed and built could result in a violation at a later date. This also makes it nearly impossible for professionals to accurately advise clients about their project's cost and viability prior to commencing the project.

I appreciate your efforts to reform the NYC Department of Buildings. I understand that this is no easy task, but it is a necessity if we are to keep developing New York City. If you have any additional questions or concerns, please do not hesitate to contact me or Geoff Kravitz, the Chamber's Government Affairs Director, at (718) 727-1900.

Best regards,

A handwritten signature in cursive script that reads "Linda M. Baran".

Linda M. Baran  
President & CEO