



Queens Civic Congress

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QUEENS CIVICS TESTIFY ON CITY BUILDING DEPT.

Prepared and Presented
By
Queens Civic Congress President Sean M. Walsh
to
City Council Buildings Task Force

Why are we here today? We are here because for the past fifty years, there has been a lack of political will in this city to deal with code enforcement or provide a professional Buildings Department in this city. City Hall likes the way it is. The problems with the Buildings Department are universal. Buildings Department fails the Applicant, the Builder, the Neighbor, and the Community equally. There has been an "official" policy in this city for the past fifty years condoning illegal construction and illegal occupation. Today, we demand a halt to this policy. How many fires and lost lives of the occupants and emergency service personnel must we endure? How many immigrants will be exploited economically and required to live in third world conditions by owners who make a fortune? Crime was a problem in this city until the political establishment developed the political will to do something about it. Now it is time to assert a political will to deal with the Buildings Department. This is a serious matter of public safety and public health.

First, The Building Code needs to be rewritten to reflect modern standards, ease of use with fewer elements subject to the vagaries of inspector interpretations.

Second, There must be a vertical processing of all applications. One and not multiple examiners must review and approve the application. Supervisors must review and approve all applications. All applications must be electronically filed and viewable in a CAD system with a date stamp. Examiners comments and replies must be put in an overlay of the text plan with a date stamp. Each successive review and modification must be transparent to the examiner, supervisor, or any public viewing.

Third, Supervisors must hold weekly meetings of the examiner staffs to review all the applications to avoid various interpretations. The Citywide Boro Commissioners reviews must have a member of the City Planning Staff as part of the review process to bring City Planning

input to Zoning interpretations.

Fourth, BSA's procedures should be changed to prohibit applicants from withdrawing applications after the BSA case has been closed and is under review by the Commissioners. At present, all applicants withdraw their applications after hearing a negative review at the executive public review session, thereby denying the public and future BSAs any precedents value of their ruling. BSA needs to have a member of City Planning as a member of BSA. BSA also needs a legally mandated economic review of the submitted financial and the necessary funding to accomplish this goal.

Fifth, Self Certification is a failed program. It is a well known abuse of the public's safety. There should be no self certification of major construction projects. The Building's Department has been underfunded since the fiscal crisis of the early 70s. The Building's Department brings in more revenue from fees than it spends on its own budget. If we must have self certification of minor projects, we require a full audit rate of 20% at various points of a job. If any engineer, architect, builder willfully files a material misstatement in their self certification they will be barred for the first offense for life from being able to self certify a project or work on a self certification project. The individual must be referred for prosecution and to the appropriate state board having jurisdiction over his license.

Six, While we do not object to fines for violations, we want compliance. All violations must be corrected by returning a project to its prior state of compliance before any new or corrected permits will be considered. An exception for a permit to avoid a public hazard may issue but only to the extent to resolve the safety issue.

Seven, All permits and their processing must be centralized in the Department of Buildings: fire, water, etc. One stop shopping and compliance is needed in the 21st century.

Eight, Increased PS and OTPS funding to accomplish these goals for sections of the DOB from their lawyers.

Nine, Form a task force of DOB HPD FDNY NYPD DAO Finance Corp Counsel for Queens to deal with persistent problems and compliance.

Thank you

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[Editor's note: Contact Queens Civic Congress President Sean M. Walsh at (718) 225-2807

The entire Queens Civic Congress Platform may be viewed on the internet at:
<http://www.queensciviccongress.org/Platform/final2004Platform-forvote.pdf>

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