

Queens Civic Congress remains concerned that City Hall continues to advance major policy changes – after all, a change in the requirements for appointment as City Commissioner of Building represents a major change in policy when you consider the tasks and responsibilities of any buildings chief – without reaching out or consulting the public. Hearings on legislation City Hall developed and got introduced to relax those requirements does not absolve City Hall of reaching out beyond a group of the usual insiders (whoever they may be). QCC will discuss this matter at it June 16 meeting.

<http://www.nytimes.com/2008/06/11/nyregion/11buildings.html?ex=1213848000&en=e99dd3eb5b444d06&ei=5070&emc=eta1>

The New York Times

June 11, 2008

Amid Boom, a Battle Over Buildings Chief's Qualifications

By [CHARLES V. BAGLI](#)

As the city struggles to keep pace with a building boom, enforce safety laws and curb fatal construction accidents, architects and engineers are fighting Mayor [Michael R. Bloomberg](#)'s effort to downgrade the qualification requirements for the city's buildings commissioner.

The mayor, with the support of the City Council speaker, [Christine C. Quinn](#), seeks to deepen the pool and managerial talent of candidates for the job, which has been vacant since Patricia J. Lancaster, an architect, resigned under fire last month.

To do that, Mr. Bloomberg hopes to drop the requirement in the City Charter that only a registered architect or licensed engineer can hold the post.

But the professional societies of architects and engineers, as well as the New York Building Congress, say that only a technical expert is capable of running a department with the seemingly conflicting tasks of promoting real estate development and overseeing public safety, while enforcing the city's vast building code and complex zoning regulations.

"I'm tremendously concerned about construction site safety," said John F. Hennessy III, chairman of the American Council of Engineering Companies, "but I'm also concerned about the long-term safety of buildings. Materials, products and building systems approved today have to last for the next 40 years."

Under the mayor's proposal, the commissioner would not have to be an architect or engineer as long as the first deputy was.

Architects and engineers have testified, petitioned and lobbied against the idea. If the measure is approved, Robert P. Stelianou, president of the New York State Society of Professional Engineers, says his group will sue.

Behind the debate stirs a city agency desperately trying to add inspectors as accidents mount. Its chief crane inspector was arrested last week on charges of taking bribes. Deaths from construction-related accidents have climbed to 15 this year, up from 13 in all of 2007.

The mayor has gained some support for his effort within the Council, the State Legislature and the construction industry.

"No one is suggesting that we should pull someone out of an unrelated field and say, 'Go run the Buildings Department,'" Deputy Mayor Edward Skyler said. "We're saying there are plenty of people with construction or design experience that we can't consider because they don't have a certain standing. We want to get the best person for the job, not just the best architect or engineer."

Ms. Quinn said the department should be "led by people who are both good managers and have the technical training and expertise to oversee and understand all of what falls within Buildings' purview."

Many architects and engineers contend that the buildings commissioner post is a highly technical job that requires someone who understands the structural, technological and safety elements that go into buildings. "In time of an emergency, you don't turn to the deputy, you turn to the commissioner," said Richard T. Anderson, president of the New York Building Congress, which represents developers, contractors, architects and engineers. "Future mayors should be able to turn to the commissioner."

The agency is being run by an acting commissioner, Robert LiMandri, who has an engineering degree but is not licensed. The State Department of Education, which licenses architects and engineers, is investigating whether documents signed by Mr. LiMandri are valid. Many architects and engineers give Mr. LiMandri high marks and have suggested a compromise in which he would serve for the remaining 18 months of the administration. So far, the city has rebuffed the offer.

A crucial tenet of Mr. Bloomberg's governing philosophy has long been that a complex city like New York requires good managers more than technical experts. He appointed [Joel I. Klein](#), a publishing executive and a former federal prosecutor, to oversee the city's struggling public schools.

Mr. Hennessy, of the engineering group, said Mr. Bloomberg had a point when it came to some posts. "But do you want the health commissioner not to be a doctor?" Mr. Hennessy asked. "Do you want the city's corporation counsel not to be lawyer?"

The requirements elsewhere vary. In Miami, the job is called “building official,” and may be held only by a professional architect or engineer with at least five years of experience. In Massachusetts, the commissioner or inspector of buildings is required to have five years of experience “in the supervision of building construction or design,” or an undergraduate degree in a field related to building construction or design.

“You can’t necessarily compare New York to other cities given the complexity of the buildings, the sheer volume of work and the density of the city,” said Robert K. Otani, an engineer with Thornton Tomasetti and the president of the Structural Engineers Association of New York. “The decisions made by a commissioner are highly technical and dependent on their technical abilities.”

Charles G. Moerdler, a lawyer, was the last person to serve as building commissioner who was neither an architect nor an engineer. He takes a dim view of the current requirement in the Charter, asserting that the professionals are often too much a part of the industry that they are supposed to be policing.

“You simply cannot have a member of the fraternity, who’s grown up in the fraternity and who’ll go back to the fraternity, be the fox guarding the chicken coop,” Mr. Moerdler said.

The Society of Professional Engineers sued Mr. Moerdler in 1967 for practicing their craft without a license. The engineers lost, Mr. Moerdler said, but got their revenge later that year when they lobbied the city to change the Charter and install the professional certification requirement.

Charles M. Smith Jr., an architect and the city’s buildings commissioner from 1984 through 1990, said that it made sense to widen the pool of candidates but that a good manager could be found in the professional ranks. “You don’t need an M.B.A. to run the department,” he said.

Michael J. Macaluso, president of the 4,300-member Architects Council of New York City, said that now was not the time to dilute the job requirements.

“This is becoming a test of wills,” Mr. Macaluso said. “It doesn’t make sense, especially after learning last week that the chief crane inspector is on the take. How can the city sit back and ask to lower the qualifications for the top guy?”

But Bloomberg officials say it has been hard to find a replacement for Ms. Lancaster. Last month, when Mr. Skyler met with a dozen architects and engineers, he asked, “So who wants to be buildings commissioner?” When no one responded, Mr. Skyler said: “See, that’s my problem.”

Mr. Macaluso said his organization gave the mayor a list of 22 potential candidates. “No one on my list was contacted by the mayor’s office,” he said.