RICK D. CHANDLER, P.E. COMMISSIONER NEW YORK CITY DEPARTMENT OF BUILDINGS

HEARING BEFORE THE NEW YORK CITY COUNCIL COMMITTEES ON HOUSING & BUILDINGS AND FINANCE ON THE FISCAL YEAR 2017 EXECUTIVE BUDGET MAY 11, 2016

Good afternoon Chair Ferreras-Copeland and members of the Housing & Buildings and Finance Committees. I am Rick Chandler, Commissioner of the New York City Department of Buildings ("Department"). I am joined by First Deputy Commissioner Thomas Fariello and Deputy Commissioner of Finance and Administration Sharon Neill.

I am pleased to be here to discuss with you the Department's Fiscal Year 2017 Executive Budget and how it allows us to provide critical services to protect the safety of the public and facilitate development, and continues to support our bold initiative announced last year to transform the Department. Our *Building One City* plan seeks to fundamentally reform the Department to enhance public and worksite safety, reduce wait times and delays, and modernize all aspects of the Department to meet the needs of the largest and most complex city in America.

The Fiscal Year 2017 Executive Budget allocates approximately \$172 million in expense funds to the Department. Of this, approximately \$130 million is for Personal Services ("PS") and \$42 million is for Other Than Personal Services ("OTPS").

The Executive Budget provides approximately \$16.6 million in additional PS and OTPS funding and fifty-one new staff positions. This includes \$6 million to fund fourteen positions to advance initiatives contained in our *Building One City* plan, \$3.7 million to fund twenty-two positions

focusing on a variety of critical agency operations, \$1.2 million to fund fourteen positions focusing on Energy Code Compliance, \$65,000 to fund one position focusing on transitional housing inspections, and finally \$5.6 million for miscellaneous adjustments including utility costs and leases.

The Department is a revenue producing agency. Offsetting the \$172 million in expense funding in the Executive Budget, the revenue forecast for the Department is approximately \$252 million, which does <u>not</u> include the more than \$40 million in Department-issued Environmental Control Board fines that the City collects each year. The Executive Budget provides for 1,630 budgeted employees.

In Fiscal Year 2015, more than 3,100 New Building applications were filed with the Department, a 23 percent increase from the prior year, and more than 88,000 Alteration applications were filed, an 11 percent increase. In Fiscal Year 2015 the Department issued more than 104,000 initial construction permits, a 5.9 percent increase from the prior year, and more than 44,000 permit renewals, a 0.5 percent increase. Finally, one sign of future new building activity is initial demolition permits. In Fiscal Year 2015 the Department issued nearly 1,900 demolition permits, which was a 24.2 percent increase from the prior year. As you can see construction activity throughout the City has shown little sign of abating.

When I testified before the Housing & Buildings Committee in March on the Department's Fiscal Year 2017 Preliminary Budget, I updated the Committee on the progress we have made toward achieving the goals set forth in our *Building One City* plan. Whether it is hiring new inspectors and leveraging data to advance our enforcement efforts or hiring plan examiners and

transforming our online presence to facilitate development, we are quite pleased with our progress so far and look forward to advancing our goals in the months ahead.

Since I last appeared before you to discuss the Preliminary Budget there are several initiatives on which I would like to update you.

To start, I would like to thank Chair Williams, members of the Committee and the entire Council for their support of legislation that establishes a more equitable fee structure for construction applications filed with the Department. This legislation, signed by the Mayor yesterday, reduces by half the fees paid by 1, 2 and 3 family homeowners for New Building and Major Alteration applications, and increases the same application fees for major developments. These larger projects have not seen a fee increase in a quarter century, despite their increased complexity and the improved service the Department has provided, and through *Building One City*, will advance further.

Following extensive consultation with a variety of stakeholders, including invaluable input from the City Council, the Department has drafted legislation that makes significant improvements to the City's Energy Conservation Code. When enacted, our updated Energy Code will reduce energy use for new buildings and major renovations by approximately 25 percent for new residential buildings and 8.5 percent for new commercial buildings as compared to existing Energy Code standards. The Department applauds the City Council for its cooperation in advancing a more sustainable City, and looks forward to a hearing on this legislation.

We have also embarked on a long-term initiative to develop a Waterfront Construction Code and assume permitting and enforcement responsibility for construction on the City's waterfront.

Currently this authority resides with the Department of Small Business Services. By regulating waterfront construction, the Department will further the goals in our *Building One City* plan to improve safety and streamline the development process.

Last week was Construction Safety Week, during which the Department hosted its annual Build Safe | Live Safe Conference. Hundreds of construction professionals attended Department-led seminars where they learned about the latest accident trends and best practices for improving safety. For the first time at this conference the Department provided instruction on methods to properly protect tenants during construction. Throughout the week Department staff also distributed thousands of multi-lingual educational fliers at construction sites throughout the City as part of its *Experience is Not Enough* campaign.

While we are pleased with our progress thus far, there is more work still to be done. We thank the Council for its support and look forward to continuing our work together to improve the Department for the benefit of all New Yorkers.

Thank you for your attention and the opportunity to testify before you today. I welcome any questions you may have.

Testimony of Vicki Been, Commissioner of the Department of Housing Preservation and Development to the Joint Committees of Finance and Housing and Buildings on the FY17 Executive Budget Wednesday, May 11, 2016

Good Morning Chair Ferreras-Copeland and members of the City Council Committees on Finance and Housing and Buildings. I am Vicki Been, Commissioner of the Department of Housing Preservation and Development (HPD). Here with me today is Assistant Commissioner of Governmental Relations and Regulatory Compliance Baaba Halm and Deputy Commissioner of Financial Management and Tenant Resources Eva Trimble. Thank you for the opportunity to talk with the Committees today about HPD's Fiscal Year 2017 Executive Budget.

Slide 2: HNY Snapshot

It has been a busy two months since the Preliminary Budget hearing. We just passed the second anniversary of the Mayor's *Housing New York* (HNY) Plan and are proud of our record-breaking progress towards the mayor's goal of creating and preserving 200,000 affordable housing units in ten years.

To date, we have financed the preservation or new construction of 43,515 homes, surpassing our housing starts target each year. In 2015 alone, HPD had the highest production in 25 years, since the peak of Mayor Koch's housing plan, with the most new construction starts in a single calendar year in the agency's history. On the chart it seems we're only slightly above target, but remember we're heading into June closing season, when we traditionally finance the majority of our units, so we are on track to exceed our target for the end of FY16.

With your support and leadership we have achieved an extraordinary trifecta of policy initiatives that will bring new housing opportunities to thousands of needy New Yorkers:

Mandatory Inclusionary Housing, Zoning for Quality and Affordability, and the East New York re-zoning. These proposals will help us ensure that more New Yorkers, at a broader range of incomes, have affordable, quality housing in diverse, thriving neighborhoods, and that communities receive the investments they need in new schools, parks, jobs, and retail opportunities.

And we've accomplished all of this while continuing to perform hundreds of thousands of inspections and emergency repairs that help raise the quality of housing and prevent tenant displacement in every community in New York City. The Mayor's Executive Budget continues to position HPD to fulfill the goals of *Housing New York*. Especially noteworthy in this budget is the support it provides for our enforcement efforts, for our efforts to ensure that those who receive our subsidies provide safe and fair workplaces and build quality housing, and for the implementation of the new zoning initiatives.

Slide 3: Budget by Spending Agency

HPD's Fiscal Year 2017 Expense Budget is \$1.2 billion. This includes \$207 million of City tax levy funding and federal disaster recovery funding that is flowing through our budget on behalf of NYCHA. HPD facilitates the processing of these funds through our budget, but we are not otherwise involved in the substance of these projects.

Slide 4: City Share of Expense Budget

So ignoring the NYCHA funding, HPD's true budget is \$1.0 billion for Fiscal Year 2017.

As always, I like to remind the Council that HPD receives only 11% – or \$119 million – of our total funding from City funds. We are primarily funded through Federal grant funding. That

reminder is important because when we seek to save city tax dollars, as we are constantly trying to do, the amount we can save is limited because so many of our programs are restricted by federal requirements.

Slide 5: FY2017 Expense Budget Sources

The budget may still seem larger than usual. That is because unlike previous year budgets, this year the Mayor and OMB have worked to more fully forecast all grant funding in order to provide increased transparency and predictability to the budget process. By comparison, our FY16 Executive Budget was about \$725 million but the current modified budget is over \$1 billion. For FY17 we are starting the year with a budget that reflects our true expected spending.

Nearly \$483M, or 47%, of the FY17 budget is associated with Federal Rental Subsidies

– the Section 8 program. In addition we have significant funding for disaster recovery efforts.

As you know, both of these sources are highly constrained Federal funding and therefore provide no direct operational support for the agency.

Our primary funding source for agency operations is the Federal Community

Development Block Grant (CDBG) program. But, as I've noted previously, HPD is highly dependent on the mood in Washington. The Federal Fiscal Year 16 Budget was a bit better for CDBG, Section 8, and HOME funding. But the outlook for the future is questionable at best.

Tax levy funding is our second most important source for operations because it provides critical flexibility to fund programs that are not eligible for any of our Federal grants.

Let's take a closer look at how we use our CDBG and TL funding.

Slide 6: CD Funding by Program Area

HPD receives approximately \$126M in CDBG funding, which is nearly 60% of the total City allocation of CDBG funds. CDBG funding is split almost half between personnel costs and other-than-personnel costs (OTPS). We will take a closer look at our personnel costs and headcount in a moment.

As you can see from this chart, we spend most of our CDBG funding in Asset and Property Management (APM) and Enforcement and Neighborhood Services (ENS). These program areas – including TIL property management, shelters for families displaced by emergency vacates, as well as the code inspection and emergency repair program – align best with the neighborhood revitalization goals of CDBG funding. OMB allocated additional CDBG funding for FY17 to cover the new Local Law #101 Elevator Repair program, which was a City Council initiative. We appreciate that OMB was able to re-allocate resources for this program but our reliance on CDBG funding for such important initiatives increase our vulnerability to future federal budget reductions.

Slide 7: TL Funding by Program Area

You can see from this chart that our tax levy funding is distributed across more of the agency than the CDBG funding, which was lumped in APM and ENS. We use City Tax Levy to fill gaps in programs primarily funded through Federal grants; as a required match to Federal grants; and to fund programs that are not eligible for Federal grant funding. To put it bluntly, City Tax Levy dollars – though a small fraction of our budget – are critical to meeting our mission. They allow us the flexibility and nimbleness to innovate, to address new problems as they arise, and to tailor our programs to address the City's many housing challenges. So, I want

to thank you for your support of our tax levy funding: having a source of less constrained and rigidly circumscribed funds is absolutely critical to our work.

The fiscal year 2017 OTPS budget of \$36.3 million does not yet include the Council's discretionary funding so we anticipate that this will align more with our FY16 current budget of \$57 million after adoption. Council funding for community consultant contracts and the housing preservation initiative are critical complements to HPD's work in Neighborhood Strategies.

Slide 8: Authorized Headcount

HPD's authorized headcount is a combination of our current active employees and open vacancies that we are trying to fill. The Mayor allocated new resources during the Preliminary Budget as well as through this Executive Budget and we are working to bring on new staff as quickly as possible.

Enforcement and Neighborhood Services is the largest office in the agency with just over 950 staff. This includes our inspectors for code enforcement, lead, and the Alternative Enforcement Program (AEP) as well as all the staff in the Emergency Repair Program. They are primarily funded with CDBG funds.

As you can see, this table shows that we rely on many different funding sources to support our staff but City Tax Levy funds are critical in all areas.

Slide 9: Historic Headcount

The Mayor immediately recognized that HPD required additional resources to meet the ambitious housing goals of HNY and he has allocated critical new funding to support our mission. When the Mayor took office HPD's headcount was down 25% from a peak in 2008.

The new resources the Mayor has provided have already helped us gain back a significant portion of the over 600 positions that were previously lost.

While HPD realized many efficiencies during the years of staffing decline, under this administration our mission has grown, as has the enormity and complexity of the housing crisis we face. The ambitious goals of HNY have required us to rethink much of what we do and change *how* we work to make all of our processes more efficient.

That said, efficiencies alone could not both make up for the loss of 600 positions and allow us to meet the goals of *Housing New York*. Our goal of preserving or constructing 200,000 homes represents a 33% increase over previous targets. We are expanding enforcement efforts to include another 50 buildings in the AEP program, the new elevator program, and of course our work on the shelter portfolio. In addition, we created a combined unit to coordinate and manage the re-rental process for both our low-income and homeless set-aside units. All those efforts require that we both work with enormous efficiency and that we add new staff, so I am pleased that we now have additional staff resources to achieve our goals.

Slide 10: City Tax Levy by Agency

These new resources are extremely important to HPD, and enable us to leverage Federal dollars to provide quality services to New Yorkers. Even with these new resources, HPD receives very little direct funding from the City when compared with other City agencies, as can be seen in this chart showing City funding for a sampling of agencies. We are proud of all that we've accomplished and believe the City realizes a big bang for its buck when funding HPD.

Slide 11: FY2017 Capital Budget

Switching to the Capital Budget, this chart shows HPD's allocation over the next five years. The five-year plan totals \$3.8 billion: \$3.6 billion from the Mayor and the rest a combination of Federal HOME and Reso-A funding.

Housing New York relies on City, State, and Federal sources to leverage significant private investment. While we face ongoing challenges accessing state resources and the federal budget is unpredictable, the Mayor's capital commitment for HNY remains fully funded and consistent.

Slide 12: Leveraging other sources

This slide illustrates examples of other sources we leverage with our Capital in order to produce affordable housing. The availability of private funding sources will ebb and flow with the overall economic climate. We continue to benefit from a favorable interest rate market, and HPD works to maximize the funds that we leverage with our capital budget and make the most of better economic times.

Slide 13: LIHTC

One of our most important sources for leveraging private investment for *Housing New York* is the Low Income Housing Tax Credit (LIHTC), the largest driver of investment in affordable housing in New York City and across our nation. Indeed, LIHTC has been critical to the development of thousands of affordable housing units in New York. We continue to fight to increase the amount of federal resources directed at affordable housing. Just the other week, I joined our federal representatives and advocacy partners to urge Congress to support expanding

the low income housing tax credit (LIHTC) and making it more flexible. The current tax credit structure limits our ability to provide for families that are extremely and very low income. The current proposal would allow for income averaging as well as increase the overall supply of tax credits by 50%.

I hope that you will join our federal partners in supporting these changes that will help expand the pool of funding for quality, affordable housing for New Yorkers at a broader range of incomes.

Slide 14: Construction Compliance

As we move into FY17, there are several areas where new funding will help us further strengthen our programs and services. We continue to focus on construction quality and ensuring that our sponsors and contractors are fulfilling all their obligations on our projects.

Last fall we streamlined our design review process through the introduction of Blue

Beam technology in coordination with the Department of Buildings. This new paperless, online

process – called eSubmit – is transforming the way we work with our partners to save time and
money and to speed up the delivery of affordable housing.

The Building and Land Development Services (BLDS) division within the Office of Development also received 10 new staff. One key goal of these new hires is to increase the frequency of inspections on weekends and evenings. We suspect that this is when contractors tend to cut corners and take safety risks that we all agree are unacceptable. It's important for our inspectors to be on site during these times and for the contractor community to know that we are watching vigilantly and will not allow this behavior.

Slide 15: Regulatory Compliance

In addition to construction progress inspections, we have increased enforcement staff in our Regulatory Compliance division for the first time in almost 10 years. Similar to BLDS, we want contractors to know that our construction monitors will be in the field with more frequency to ensure that workers are being paid what they are owed.

We also received approval for a new M/WBE Director position to further expand opportunities for minority and women owned business enterprises in HPD financed projects. We have now completed the second cycle of our year-long Capacity Building Course for M/WBE developers. We're very pleased that M/WBE firms, including many who had taken the course, made up roughly 29% of the respondents to our recent Affordable Neighborhood Cooperative Program/Third Party Transfer Request For Qualifications.

Slide 16: Mobile Services

This year we launched a pilot for a mobile office that was stationed primarily in the East New York neighborhood. From December through May we assisted over 533 New Yorkers who had concerns about housing conditions, needed home repairs or legal assistance, or needed information on how to apply for affordable housing.

This pilot confirmed the importance of having HPD serve New Yorkers in their own communities. In FY17 we will advance our vision of increasingly providing services to tenants and owners in neighborhoods around the City. We are excited that the Brooklyn and Bronx Borough Presidents allocated Reso-A funding so we can purchase our own vehicles to make incommunity service a permanent part of our operations.

Slide 17: Enforcement and Neighborhood Services

And of course we are focused on ensuring our Division of Code Inspection is fully staffed. Mother Nature was relatively easy on us this winter but we are already planning for next year. We backfill proactively and train new inspectors in anticipation of attrition. This allows our inspectors to be trained and have field experience during the Spring and Summer and be fully operational by the time heat season starts in the late fall.

We recently issued badges to 18 new members, welcoming 12 new inspectors and six new investigators for our Field Audit Review unit. And I'm very excited that for the first time ever, women comprised one-third of our entry classes. We will continue to focus our efforts on recruiting women into our inspectional force in the year ahead.

I also want to note that while this heat season may have been light, our inspectors and many other staff from across Enforcement and Neighborhood Services were extremely busy playing a critical role in the Shelter Repair Squad. We've conducted nearly 9,200 inspections since the start of taskforce activities on New Year's Day.

Slide 18: Questions and Answers

As we enter the third year of *Housing New York* we will not rest on our laurels. There is much work to be done, and all of us at HPD look forward to building on our tremendous momentum to ensure that thousands more New Yorkers have the affordable, high quality housing they need and deserve.

Thank you for your time today and I am happy to answer your questions.

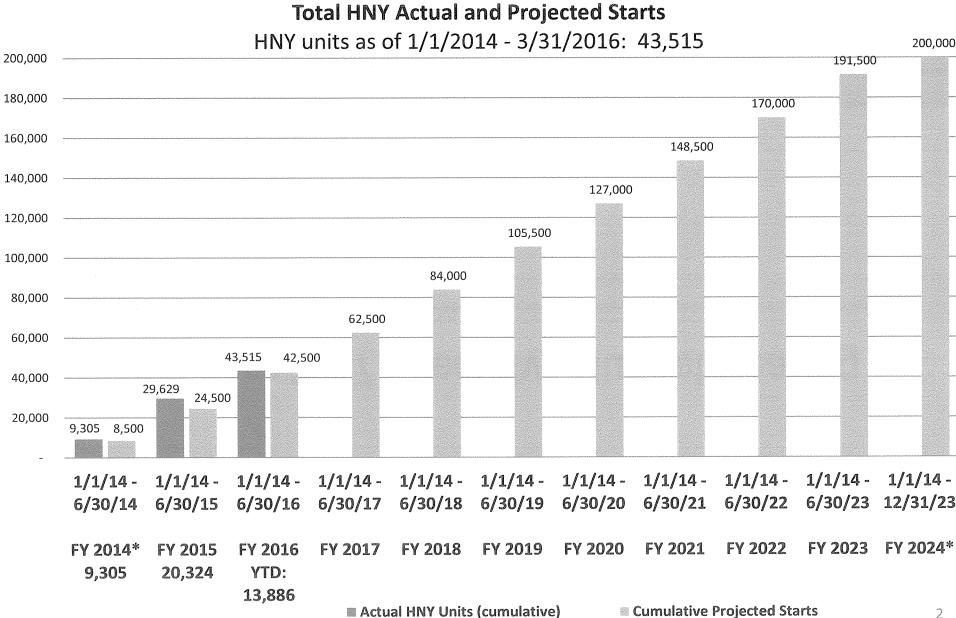
Fiscal Year 2017 Executive Budget Hearing

May 11, 2016

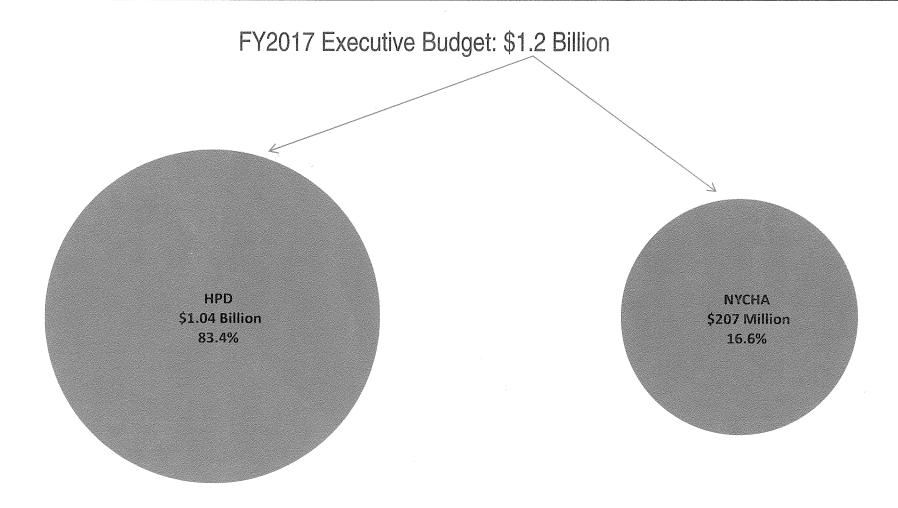
Vicki Been Commissioner

> Department of Housing Preservation & Development

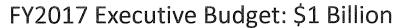
Housing New York Snapshot

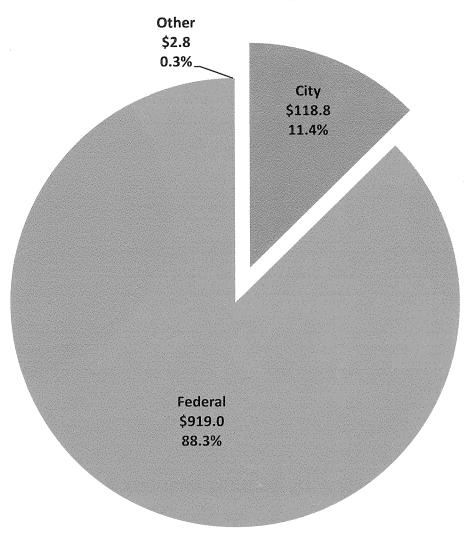


FY2017 HPD Executive Budget



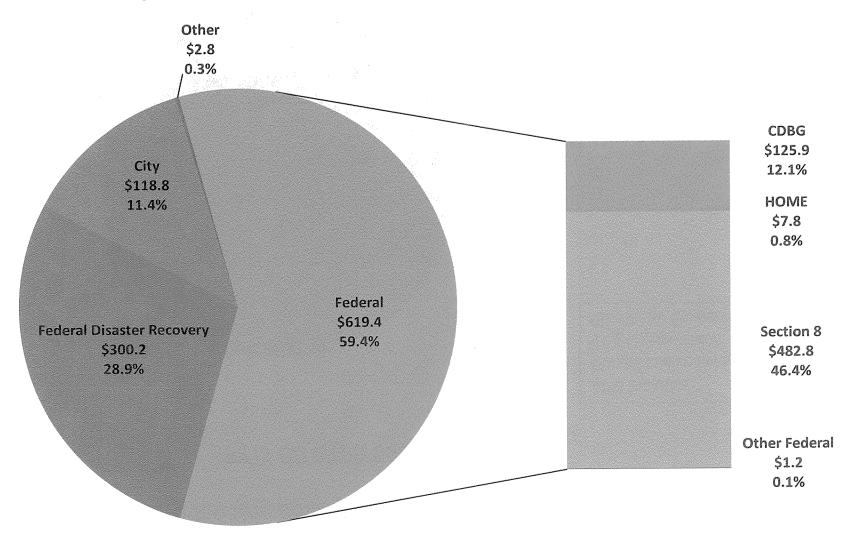
FY2017 Budget – Tax Levy Share of Expense Budget (Excluding NYCHA)





FY2017 Budget – HPD Sources

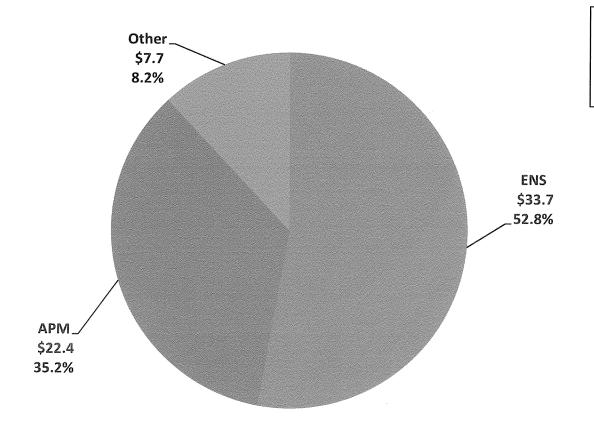
FY2017 Executive Budget: \$1 Billion



CD Funding by Program Area

CD funding is the primary funding source for core HPD operations

FY17 CD OTPS Budget: \$63.8M



Another \$62.1M of CD funding is spent on personnel

Figures in millions unless otherwise indicated.

APM includes:

- •Tenant Interim Lease (TIL)
- •HDFC Supervision
- Shelter for Emergency Vacates

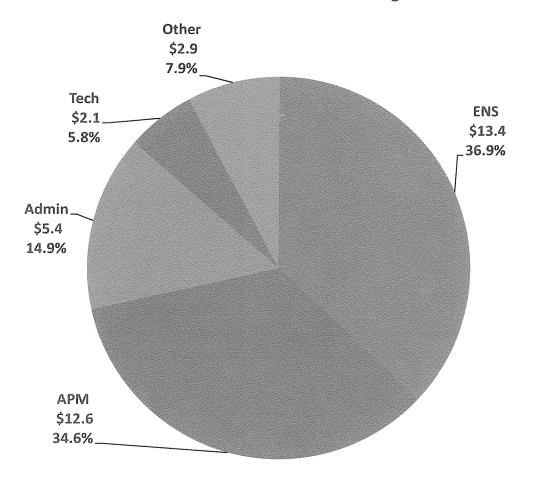
ENS Includes:

- •Code Inspection (70%)
- •ERP
- •AEP
- Demolition
- •Lead

TL Funding by Program Area

TL funding supports operations that are not eligible for grant funding or require a local match, but our annual baseline amount is very small

FY17 TL OTPS Budget: \$36.3M



APM Includes:

- SCRIE/DRIE
- Shelter for Emergency Vacates
- EDC / Willets Point

ENS Includes:

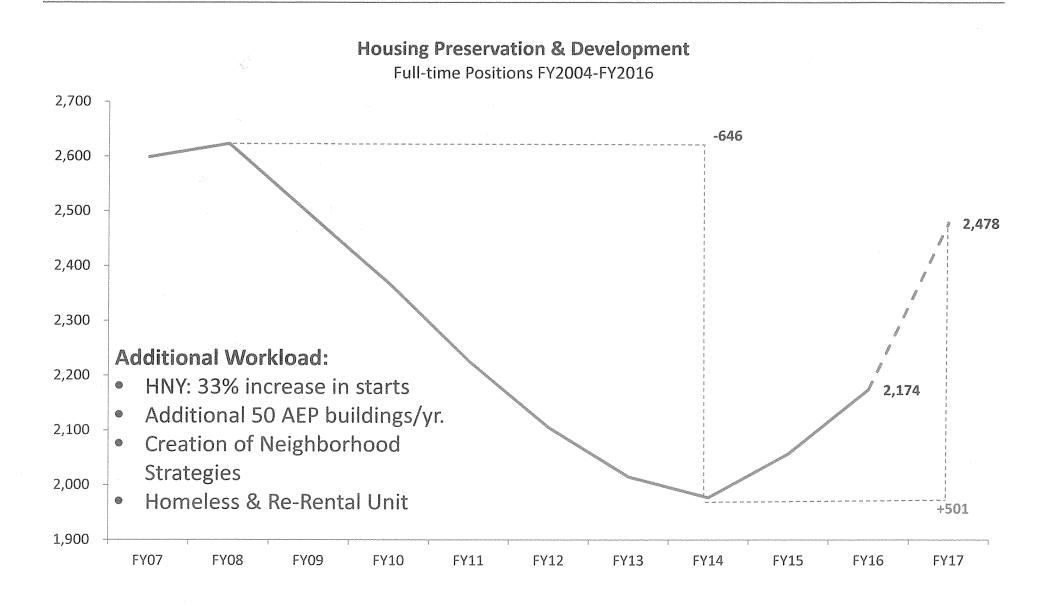
- Code Inspection (30%)
- Demolition
- Housing Litigation
- Division of Maintenance

HPD Authorized Headcount (Active & Vacancies)

Office	Headcount	TL	CD	DR	S8	IFA	Other
Enforcement & Neighborhood Services	953	20%	76%	0%	2%	0%	1%
Financial Management & Vouchers	429	7%	11%	1%	73%	4%	4%
Development	418	22%	3%	8%	4%	57%	6%
Asset & Property Management	244	47%	30%	1%	1%	0%	20%
Technology	111	86%	5%	4%	5%	0%	2%
Administration, Analytics, Appeals, & HR	110	62%	18%	1%	15%	2%	2%
Neighborhood Strategies	68	56%	3%	6%	0%	0%	35%
Policy, Research, & Compliance	65	68%	26%	2%	0%	2%	3%
Legal & Real Estate Transactions	59	69%	2%	5%	0%	24%	0%
Other	11	27%	18%	0%	45%	9%	0%
Commissioner	10	100%	0%	0%	0%	0%	0%
Total	2,478			·			

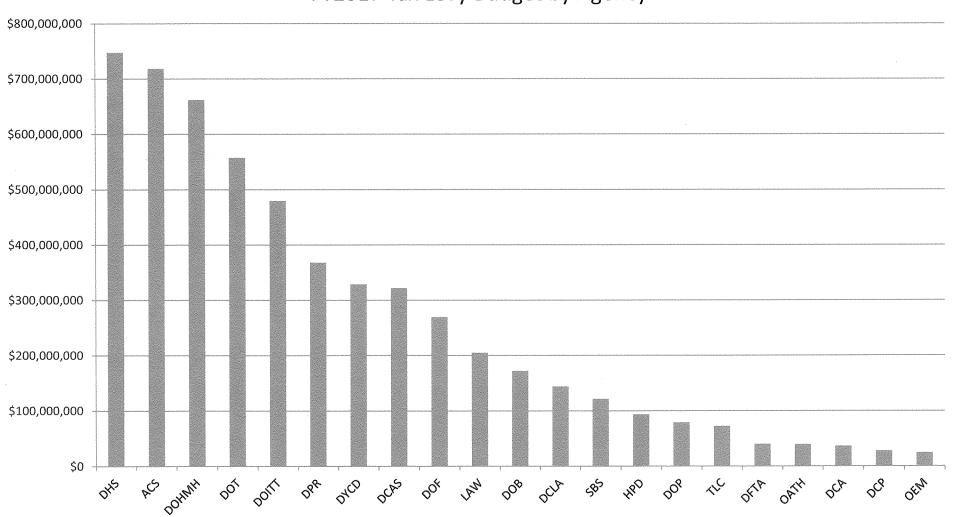
Tax Levy staff are needed around the agency to support any function that is not purely grant-funded.

HPD Historic Headcount

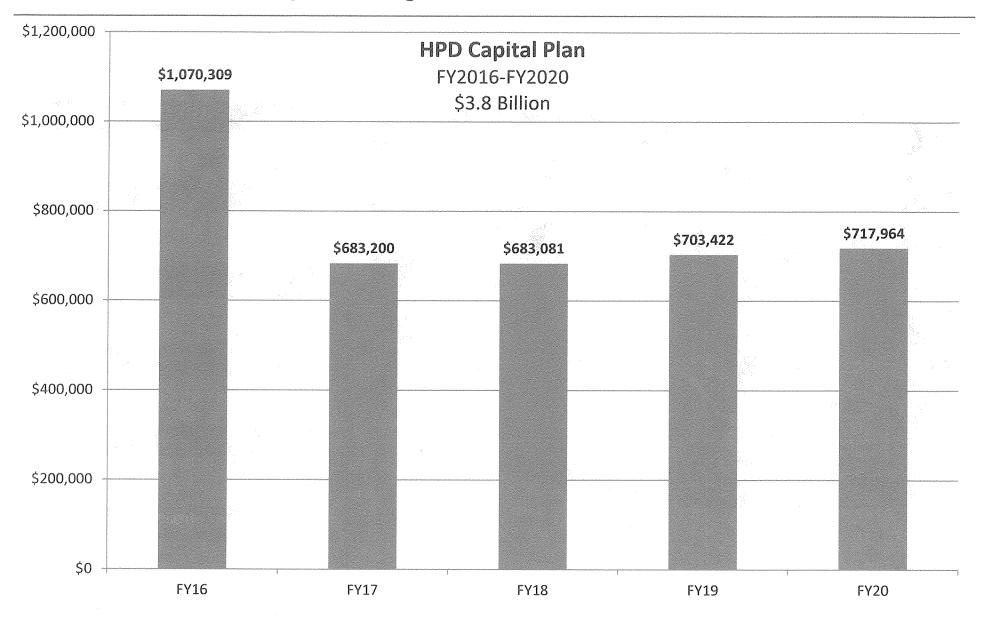


FY2017 Executive Budget – City Tax Levy by Agency





FY2017 Executive Capital Budget



HPD Capital Funding Leverages Significant Other Resources

City Capital / HDC Reserves

Bank Debt / HDC Bonds

9% & 4% Tax Credit Equity

HOME

Project Based Vouchers

Other grants / loans



Fighting for Increased Federal Resources

- U.S. Senators Charles Schumer (D-NY) and Maria Cantwell (D-WA)
 joined HPD and local housing builders and advocates to urge Congress
 to expand the Low Income Housing Tax Credit (LIHTC)
 - LIHTC is the largest driver of investment in affordable housing in the U.S.
 - Critical to the development of thousands of units in New York City
- Calling for a 50% increase of LIHTC as well as reforms to better target the lowest income populations
 - The proposal would finance approximately 400,000 additional affordable homes nationwide over the next decade
- Permit income averaging to create more diversity in affordable housing
- 50% basis boost for properties targeting extremely low-income or homeless families

FY17 Strengthening our Programs: BLDS

- Building & Land Development Services (BLDS) staff reviews the work performed by external partners for new construction and substantial rehabilitation projects, making them a key component to HPD's 33% growth in new construction and preservation
- Since the start of HNY, BLDS staff has increased by 15%
- From CY14- CY15, # of inspections increased by over 30%
 - More after-hours and weekend inspections
- Monitoring affordable housing projects to assure high-quality construction, site safety, accessibility, and design and cost efficiency

FY17 Strengthening our Programs: Regulatory Compliance

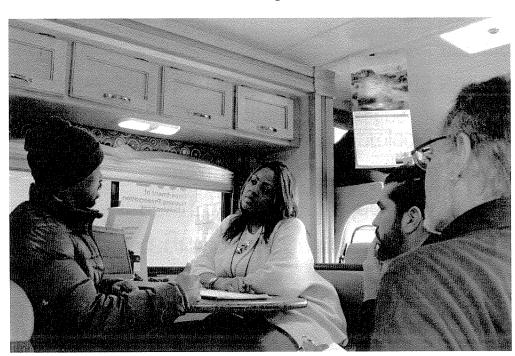
- New regulatory compliance staff
 - 4 new positions provided in the Preliminary Budget
 - 3 Field/Audit Specialists
 - Monitor city-financed projects subject to prevailing wage requirements, respond to worker complaints and tips, and conduct jobsite visits
 - Program Evaluation/Analytics Manager
 - Manage data and analyze performance of unit in implementing integrity checks, targeted hiring, and Section 3 reporting

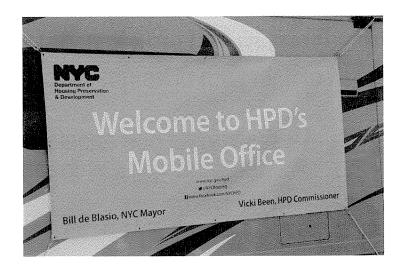
New M/WBE Director

- Responsible for compliance and enforcement of M/WBE program, maximizing opportunities in HPD-financed projects, and increasing participation
- 51 M/WBEs have taken HPD's Capacity Building course in the last two years
- 8 of the M/WBE firms that responded to the recent ANCP/TPT RFQ were members of HPD's 2014 or 2015 courses

FY17 Strengthening our Programs: Community Outreach

- Since operations began at the end of December, our new mobile office has assisted over 533 New Yorkers
 - Fielded concerns about home repairs
 - Provided referrals for free legal assistance
 - Helped tenants apply for affordable housing lotteries via Housing Connect

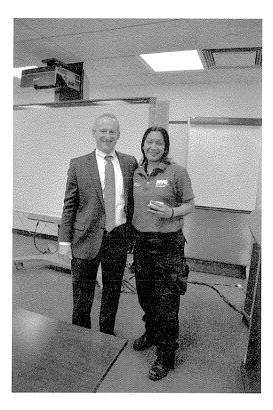




For FY2017, HPD received \$415,000 in Reso-A funding from the Brooklyn and Bronx Borough Presidents to support our mobile office outreach efforts in those boroughs

FY17 Strengthening our Programs: Code Enforcement

- HPD issued badges to 12 housing inspectors in its newest ENS class
- 6 additional graduates became investigators for our now fully-staffed Field Audit Review unit





- Women comprised 1/3rd of our recent ENS investigator and inspector class
- These additional staff ensure compliance with the housing maintenance code, and thereby protect the quality and safety of the City's housing stock

Thank You! Questions?

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