



**NEW YORK CITY DEPARTMENT OF BUILDINGS
TESTIMONY BEFORE THE NEW YORK CITY COUNCIL
COMMITTEE ON HOUSING AND BUILDINGS
COMMITTEE ON FINANCE
MAY 9, 2022**

Good afternoon Chair Sanchez, Chair Brannan, and members of the Committees on Housing and Buildings and Finance. I am Eric Ulrich, Commissioner of the New York City Department of Buildings (“the Department”). I am joined today by Sharon Neill, our Deputy Commissioner for Finance and Administration, and other members of my leadership team. We are pleased to be here to discuss the Fiscal Year 2023 Executive Budget and the Department’s priorities for the upcoming year.

I was appointed Commissioner of the Department last week and I am honored to be testifying before you today. I know firsthand how important the work of the New York City Council and its Council Members is. I am committed to working with you to improve the Department for the benefit of New Yorkers and that includes raising the bar to make construction sites safer for the benefit of the public and workers and improving the services we offer to New Yorkers. We owe it to New Yorkers to make the Department more efficient and responsive and that is what I plan to do as Commissioner. My door is always open, and I look forward to hearing your ideas for improving the Department’s work.

Construction and real estate are the backbone of New York City, a built environment unlike any other. As the primary regulator of these vital industries, the Department helps facilitate the creation of new residential and commercial space for our growing City, all while promoting safety on tens of thousands of active construction sites and at the City’s nearly 1.1 million existing buildings. The Department strives to strike the right balance between compliant development and safety. To further its public safety mission, the Department, with its over 1,600 dedicated public servants, enforces the City’s Construction Codes, the Zoning Resolution, and the New York State Multiple Dwelling Law, to protect those who live, work, or visit the City.

Turning now to the Fiscal Year 2023 Executive Budget, the Executive Budget allocates approximately \$231 million in expense funds to the Department. Of this funding, approximately \$173 million is for Personal Services, which supports 1,965 budgeted positions, and nearly \$58 million is for Other Than Personal Services, which primarily supports contractual services, equipment, and supplies. This funding is critical to supporting the Department’s priorities. The

Department continues to make tremendous progress in key areas, including to facilitate compliant development in an efficient manner, to improve safety at construction sites, to keep tenants safe in their homes, and to reduce emissions from buildings, all while continuing to improve the services we offer to our customers and members of the public. I am pleased to report that the Executive Budget includes additional funding that will support the Department's implementation of Local Law 97, which aims to reduce greenhouse gas emissions from the City's largest buildings. We thank you for your continued support during the budget process.

Focusing on Construction Site Safety

During Fiscal Year 2021, the last full fiscal year, there was an uptick in construction activity as the construction industry recovered from the lingering impacts of the COVID-19 pandemic, which included a pause on nonessential construction. During that fiscal year, approximately 120,000 construction jobs were filed with the Department, and we issued nearly 160,000 initial and renewal construction permits combined. As construction activity increases, so does the potential for construction-related incidents, making construction safety a continued concern for the Department, which is why we will continue to prioritize construction site safety in the upcoming fiscal year.

In March, we issued our second annual construction safety report, which covers calendar year 2021. The report provides deep insights on construction safety trends in the five boroughs and examines Department initiatives that led to declines in building construction-related incidents and injuries during that time. The 2021 report shows that the multi-year decline in building construction-related incidents in the City has continued in 2021, dropping another 10% compared to 2020, and over 40% since 2018. While this decrease in construction-related incidents is promising, the Department is committed to doing more to drive down incidents and will work with its partners in the industry to accomplish that goal.

Last week was National Construction Safety Week, which the Department used as an opportunity to remind the construction industry that safety must always be the top priority on construction sites. During the week, we hosted our third annual Digital Build: Safety, Innovation, and Sustainability Conference, during which Department experts presented on important topics including construction safety and protecting the public during ongoing construction operations. The Conference also included several sessions devoted to upcoming New York City Construction Code changes, which go into effect later this year. The Department will also be offering worker safety sessions in multiple languages throughout the month.

Last week was also used an opportunity to connect directly with workers and contractors at construction sites. During the week, Department staff visited construction sites in all five boroughs to reinforce the message that implementing safety precautions on construction sites can help prevent construction-related incidents. The Department also participated in OSHA's National

Safety Stand-Down to Prevent Falls in Construction, an event designed to raise fall hazard awareness across the country in an effort to stop fall-related fatalities and injuries.

In June, the Department will be implementing a new requirement that licensed Construction Superintendents cannot be responsible for more than five non-major construction jobs at any one time, which represents a reduction from the current limitation of ten jobs. Further, by 2026, no Construction Superintendent can be responsible for more than one job. This measure ensures that dedicated Site Safety Professionals have the capacity to provide appropriate oversight at the jobs for which they are responsible and will improve safety at construction sites. Additionally, in the coming years, the Department will be requiring more site safety supervision at larger construction sites as well. These measures were the result of collaboration with the New York City Council and the Department looks forward to working together on additional common-sense measures to improve safety at construction sites.

To ensure that safety regulations are being complied with, the Department will also continue to conduct its proactive, unannounced inspections of larger construction sites, which includes inspections to ensure that workers have appropriate site safety training where such training is required. We will also continue to sanction bad actors in the construction industry where appropriate, including when they take actions that jeopardize public safety.

It is clear that safety is a shared responsibility and that we must all do our part to continue to work to drive down construction-related incidents, injuries, and fatalities so that the public stays safe and so that every worker can go home to their families at the end of their shift.

Improving the Services Offered to New Yorkers

In addition to focusing on improving the safety of construction sites, the Department is taking stock of its work and is making significant changes to improve the experience of its customers.

Just last week, on my first day on the job, I expanded our in-person customer service hours so that the public can walk into our offices to receive the assistance they need. I am continuing to review the services the Department offers to New Yorkers and expect to make additional changes to continue to improve upon those services.

One of the areas where we are increasingly focused is on small businesses, which are essential to New York City. We are participating in Small Business Forward, which was announced by Mayor Adams at the very beginning of the Administration. As part of this initiative, we are reviewing our regulations and will be proposing measures to reduce or eliminate penalties to do our part to improve the regulatory environment for small businesses. This builds on the work we have done

with the New York City Council to introduce more cure periods for violations that may impact a small business and to implement a moratorium on the issuance of business sign-related violations.

We are also proud to be running our free annual no-penalty business sign inspection program this month, which is a great opportunity for businesses to have their signs inspected by the Department to ensure that they are code compliant and in a safe condition. We encourage businesses to call 311 to take advantage of this program.

In addition, we recognize that businesses may face hurdles when embarking on a construction project. As such, we are working with our partners at the Department of Small Business Services as part of the New York City Business Quick Start Program to cut any red tape a business might face when taking on a construction project. In addition, we are preparing to launch a new program that will provide businesses with dedicated resources at the Department, who they can rely on even before they start a construction project or at any time during the process if they have any questions or face any hurdles. This innovative program will eliminate any uncertainties a business faces as they operate their business or work towards opening their business.

As the construction industry continues to recover from the impacts of the COVID-19 pandemic, we are also concerned with larger projects that contribute to New York City's economy. As such, we are also preparing to launch our Major Project Development Program, which will provide larger construction projects with dedicated resources at the Department. The goal of this program is to engage with larger construction projects even before they begin their project to review the project scope and to work together to find the best path forward. The Department's expectation is that this hands-on approach will help prevent delays on these larger construction sites, with the goal of keeping the industry working on safe and code compliant development projects.

We are also transforming the way we interact with small property owners with the introduction of our Homeowner Relief Program last summer. Instead of receiving OATH summonses from the Department, which could result in monetary penalties being imposed, we are providing small property owners with an opportunity to correct violating conditions without ever incurring any financial penalties. This is a shift in the way the Department has done business in the past and is an effort by the Department to support homeowners who may not be familiar with the regulations they must comply with when conducting a construction project at their home.

Further, to support and empower new property owners, we are reaching out with a toolkit they can use to maintain their property and comply with regulations before they run into any trouble. New property owners are now receiving a mailing from the Department that shares critical information about their property, including any open violations or permitted construction jobs, and that tells them about compliance inspections they must comply with, which may include inspecting their elevators, their boilers, or their facades. We are also reaching out to property owners when we

receive a filing for a construction job at their building for the first time so that they know what to expect as their job moves through the approval process.

We recognize the significant impact that our work can have on the public, whether they are planning a construction project, attempting to resolve a violation, or wanting to find out more about construction work in their community. As such, we will continue making our work transparent and accessible to the public by providing them with resources they can understand and use, like our Customer Service Dashboard, our real-time map of after-hours construction work, which allows the public to determine whether after-hours construction in their neighborhood is occurring with proper permits, and our interactive map of all major construction projects in the city. We will also continue conducting outreach directly to members of the public impacted by our work, which includes sending letters to property owners when their neighbor is conducting construction work so that they are aware of that work and any disruptions it may cause.

Thank you for the opportunity to testify before you today. We look forward to partnering with you to improve the work of the Department for the benefit of all New Yorkers.

We welcome any questions you may have.