



Testimony of

WILLIAM C. THOMPSON, Jr.
New York City Comptroller

Presented by Denali Dasgupta
Policy Analyst

Before the
New York City Department of Buildings

**Changes in New York City's Department of Buildings'
Proposed Rules 105-03 and 105-04**

March 6, 2009

The Office of the Comptroller strongly supports increased public input and greater transparency in New York City's building permit approval process. Regrettably, the changes in proposed rules 105-03 and 105-04 have the opposite effect.

Although the proposed rules attempt to provide coherence and finality to the process for voicing public objections to proposed development, they fail to provide City residents with sufficient opportunity to raise these objections. Although we are encouraged by proposals to post diagrams and other important information about construction projects on the Department web site, the benefit of this is mitigated by the limited challenge period.

The Office of the Comptroller has developed a set of recommendations for amending the proposed rules:

1. While the Comptroller welcomes the establishment of a formal procedure for challenging plan approvals and permits, the 30-day initial challenge period must be substantially lengthened. Thirty days is simply not enough time for the public to discover that a plan has been approved by the Department and to prepare a challenge. At the same time as it constrains public challenges, the proposed rule essentially provides developers a free hand to limit public challenges by strategically timing the permit process.
2. Further, DOB has failed to outline a process that notifies the public when a development becomes subject to public challenge, placing the burden of sifting through the approximately 900 permits for major alterations and new construction issued per month onto the shoulders of New Yorkers. The Department should develop a process to ensure that the affected public is appropriately notified.

At the least, there should be formal procedures for including Community Boards in the challenge process. Community Boards are an excellent resource that are equipped to organize public hearings and incorporate public opinion into highly complex and technical land use decisions.

3. While forcing the public to closely monitor the DOB website and swiftly prepare detailed challenges, the proposed rules place no formal responsibility on DOB to prevent challenges from languishing indefinitely while potentially illegal construction continues. This should be corrected.

Finally, the Department must ensure that the general public and all stakeholders are afforded ample opportunity to comment on these and any other changes in the challenge process.