



**NEW YORK CITY DEPARTMENT OF BUILDINGS  
TESTIMONY BEFORE THE NEW YORK CITY COUNCIL  
COMMITTEE ON HOUSING AND BUILDINGS  
OCTOBER 26, 2022**

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Good afternoon Chair Sanchez and members of the Committee on Housing and Buildings. I am Eric Ulrich, Commissioner of the New York City Department of Buildings (“the Department”). I am joined today by Joe Esposito, our recently appointed Deputy Commissioner for Enforcement, and other members of my leadership team. We are pleased to be here to discuss the Department’s work to keep construction sites safe.

New York City is home to nearly 1.1 million buildings and tens of thousands of active construction sites. With the support of over 1,600 dedicated employees, the Department works to support the development and construction industry as it creates new residential and commercial spaces. Safety is central to this work. Safety is top of mind as our Code Development team works with the industry to craft updates to the Construction Codes, as our Plan Examiners review construction plans, and as our Inspectors visit construction sites and existing buildings. The regulations the Department enforces exist to protect those who live, work, or visit the city.

I am pleased to report that the construction industry continues to rebound from the COVID-19 pandemic, with more construction jobs being filed last fiscal year than in the previous two fiscal years. Last fiscal year, over 150,000 construction jobs were filed with the Department, an increase of 25% over the previous fiscal year and we are seeing that trend continue this year. We know far too well that with more construction comes the increased risk of serious incidents, which is why I appreciate that the City Council is bringing attention to the important issue of construction safety with this hearing today. The City Council has been a key partner when it comes to keeping construction sites safe and I look forward to our continued partnership.

Earlier this year 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 construction-related incidents and injuries during that time. The 2021 report shows that the multi-year decline in construction-related incidents in the city has continued in 2021, dropping another 10% compared to 2020, and over 40% since 2018. We will continue to issue these annual construction safety reports because they provide the industry with important information regarding construction-related incidents, including an overview of incidents that could have resulted in serious injuries or fatalities. While the decline in construction-related incidents we have seen in recent years is promising, the Department is committed to doing more to drive down incidents and will continue to work with its partners in the industry to accomplish that goal.

In June, the Department implemented 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 previous 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 we are confident that this will improve safety at construction sites. We have been working very closely with the members of the construction industry that are impacted by this change, which resulted in a smooth transition from ten jobs to five jobs for those who were impacted. In order to build capacity, the Department recently updated its rules to provide a pathway for Site Safety Coordinators and Site Safety Managers to become Construction Superintendents, a change that has been well received by the industry. In 2024, the Department will also be requiring more site safety supervision at larger construction sites, with a new requirement that a Construction Superintendent and a Site Safety Coordinator or Site Safety Manager be designated for such sites taking effect.

To help ensure that safety regulations are being complied with, the Department also continues 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. The site safety training requirement for construction workers and supervisors was fully

phased-in last year and requires that workers have 40 hours of safety training and that supervisors have 62 hours of safety training. We are very pleased with the compliance we are seeing in the field and thank the construction industry for their collaboration over the three-year period during which this requirement was phased-in.

Finally, early next month, a new set of Construction Codes will be taking effect. These Construction Codes continue the Department's efforts to improve and enhance construction safety requirements that apply to all construction projects. The Department is hard at work implementing the new regulations, including updating the DOB NOW system, and will continue to issue guidance to the industry to advise them of changes that will impact their work.

All of these measures are the result of collaboration with the City Council and the Department looks forward to working together on additional common-sense measures to improve safety at construction sites. We are in the middle of the Adams Commission – a 90-day commission convening stakeholders from labor, industry, the nonprofit sector, and city government to produce a comprehensive blueprint recommending structural improvements at the Department. We are already receiving very promising recommendations from our industry partners, many of which we plan to act on in short order. The goal of this initiative is to further modernize the Department and make sure it works for New Yorkers now and in the future. We look forward to keeping you updated on this work and will certainly need your partnership to implement the reforms that require legislative changes.

Turning now to the two bills before the Committee today, Intro. 267 and Intro. 268.

**Intro. 267** would require that employer identification cards be distributed to workers as part of the pre-shift safety meetings required at construction sites. Such cards must include the name and contact information of the employer, the name and contact information of the applicable Site Safety Manager, and the address of the work site. The Department is supportive of providing workers with this information and understands that it can be particularly helpful for workers who may only be employed at a particular site for a short period of time. We would like to work with

the Committee to identify the best way for this information to be communicated to workers as the requirement that this information be communicated before every shift may be too frequent.

**Intro. 268** would require that the Department inspect sites that have received a Stop Work Order every 14 days until such Stop Work Order is lifted. Such inspections may require that at least three inspectors be present during a single inspection. The Department is not supportive of this legislation as it is not a productive use of our inspectorial resources to visit a site that has been issued a Stop Work Order, where no construction work may be occurring. Additionally, the requirement that a minimum of three inspectors be present to confirm that work is not occurring contrary to a Stop Work Order places a significant strain on our limited inspectorial resources. These resources could instead be used to respond to emergencies, complaints from members of the public, or to perform proactive inspections. Response times for such inspections could all be compromised should this proposal move forward in its current form. The Department would welcome the opportunity to discuss this proposal further to understand its goals and so that we can work to address any concerns this Committee may have.

Thank you for the opportunity to testify before you today. We welcome any questions you may have.



NEW YORK STATE ASSOCIATION FOR AFFORDABLE HOUSING

**New York City Council  
Committee on Housing and Buildings  
NYSFAH Testimony**

26 October 2022

*NYSFAH is the trade association for New York’s affordable housing industry statewide. Its 400 members include for-profit and nonprofit developers, lenders, investors, attorneys, architects and others active in the financing, construction, and operation of affordable housing. Together, NYSFAH’s members are responsible for the vast majority of the affordable housing built across the City and State that uses federal, state and local subsidies and incentives. Founded in 1998, NYSFAH is the nation’s largest affordable housing trade group.*

**Intro 267 – Employer Identification Cards**

This bill would require the distribution of employer identification cards as part of the pre-shift safety meetings required at construction sites. Such cards shall include the name and contact information of the employer, the name and contact information of the site safety manager, and the address of the work site.

NYSFAH opposes this legislation. Most of this information is already posted on the construction fencing around a project. Construction workers already have the contact information for their employers, as this is how they get hired and paid. Each worker must sign in every day – this information could be added at the top of the required sign-in sheet, and by signing in the workers could acknowledge having seen this information. If there is a need to have the site safety manager’s contact information immediately available, it could be posted inside the construction fencing with the other required notices.

During an unprecedented housing crisis, NYSFAH opposes legislation that adds red tape and makes affordable housing more challenging to build. This exemplifies the “death by a thousand cuts” that steadily adds constructions costs onto projects.

**Intro 268 – Stop Work Order Inspections**

This bill would require DOB to inspect worksites with major renovations that have been issued stop work orders at least once every two weeks until the violating condition has been corrected. The inspections must be conducted jointly by at least one inspector from the unit that issued the stop work order, and at least two additional inspectors from different but related units within DOB.



NEW YORK STATE ASSOCIATION FOR AFFORDABLE HOUSING

NYSFAH opposes this legislation. The Department of Buildings, like many other municipal agencies, suffers from a severe lack of personnel. Devoting three separate inspectors to inspect a work site with a stop work order diverts them from the large number of required inspections that buildings under construction must undergo.

By diverting inspectors from their regular duties, this proposal will add construction costs from delays. At present, affordable housing costs 400 to 500 dollars per square foot to be developed. A three-month delay for a 100-unit building, for example, costs \$1.4 million. NYSFAH strongly opposes legislation that will increase construction costs and diminish the number of affordable units built per City subsidy dollar.

**NEW YORK CITY COUNCIL**

**COMMITTEE ON HOUSING AND BUILDINGS**

**HEARING ON INTRODUCTIONS 267 AND 268**

Good afternoon, Chair Sanchez and members of the Committee. I am Donald Ranshte, Executive Vice President, of the Buildings Trades Employer's Association (BTEA). The BTEA represents some 1,100 union construction managers, general contractors and specialty trade contractors, including 108 M/WBE contractors (the most of any trade association in NYS), who put in place some \$60 billion worth of construction in NYC annually. Thank you for the opportunity to testify on Intro's 267 and 268, concerning DOB operations.

First, I'd like to discuss Intro 267, A Local Law to amend the New York city building code, in relation to distribution of *employer* identification cards at construction sites. We believe that the idea is well-intentioned, but we aren't quite sure about the logistics, especially when the Code already requires signage that has most of that information. Asking Competent Persons to distribute an employer identification card to each worker at pre-shift safety meetings would be confusing and more than likely, chaotic. Why would we think this? First, the pre-shift safety meeting needs to focus on safety. A better idea would be to make sure that workers have any information they may need, regarding employment, and employer, be handled before entering the front gate. Second, there are no checks on whether the information is correct or appropriate. Third, the transient nature of construction site labor means that information provided today may be different tomorrow. This would make card distribution difficult to keep up with, and the very bad actors this bill hopes to capture would surely find a way to game that system, if they haven't already devised ways to do so. A better, quicker, faster way to accomplish the same goal would be to require all construction employers to certify their payrolls.

We would like to discuss this with the Sponsor, and this Committee, to study the idea. That said, we would like to add an amendment to the legislation that would allow workers carrying Union cards to use that card to be in compliance with any provisions of the bill. Union workers get their pay, and their employers are required by contract to have their wages and benefits certified.



THE ASSOCIATIONS OF  
NEW YORK'S LEADING CONTRACTORS

BUILDING TRADES EMPLOYERS' ASSOCIATION

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LOUIS J. COLETTI, PRESIDENT & CEO

We find Intro 268, in relation to stop work order inspections of worksites with major renovations, to be too complicated and too inexact to support. Stop Work Orders (SWO) and Partial Stop Work Orders (PSWO) are imposed on sites too frequently, and can be written for non-safety offenses, such as paperwork, for these draconian measures. It would be a logistical nightmare for the Department to coordinate with a contractor the reinspection of three Inspectors from three Enforcement Units, two of which who would be completely unfamiliar with the site. The lead times to make that happen now are too long.

In fact, the DOB has recently released a new set of guidelines for SWO issuance that try to reserve the issuance of stop works for true, immediate hazards that jeopardize safety. We would suggest allowing the collection of field data based on these new guidelines to see if any new measures around SWO re-inspection and recission are warranted.

Members of the Committees, as always, we will continue to work diligently with this Council, this Committee, and the Department to help keep construction in New York City safe. Thank you.



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October 26, 2022

Honorable Pierina Ana Sanchez, Chairperson  
Committee on Housing and Buildings

Re: **INTRO 267-2022**  
**INTRO 268-2022**

Dear Chairperson Sanchez and Members of the Committee on Housing and Buildings:

I am the Managing Director of Building Contractors Association, Inc. (“BCA”) (see enclosed “Who Are We” document). The BCA and its 200 union contractor members have reviewed Intro 476-2022 and Intro 268-2022 and offer the following comments.

**INTRO 267-2022: Distribution of Employer Identification Cards at Construction Sites**

This proposal makes a competent person conducting pre-shift safety meetings on a construction site responsible for distributing “employer identification cards” to each attending worker. A worker on a project requiring pre-shift site safety meetings that does not know who their employer is has issues the go beyond safety. The BCA does not believe that a competent person, or any other person on the jobsite other than that worker’s employer, should bear any responsibility for identifying a worker’s employer. It is unclear how a competent person would identify who the attending worker’s employer is before a pre-shift meeting. It is also unclear how an employer identification card would be created for timely distribution. The transient nature of construction makes the employer identification portion of this proposal troublesome and excessively burdensome.

Even though the name and contact information for a site safety manager is readily available on applicable projects, the BCA has no objection to the distribution of cards that include that information only.

**INTRO 268-2022: Stop Work Order Inspections**

This proposal appears intended mandate that on qualifying jobs, the Department of Buildings (“DOB”) conduct post stop work order inspections within 14 days of

issuance. The BCA does not object to post stop work order inspections. However, we feel that the proposed language stating an inspection be conducted “no more than 14 days after the issuance” could be interpreted as creating an acceptable window of time for the DOB to react to any and all stop work orders. This would be unacceptable. A contractor could be ready for an inspection within hours of a stop work order being issued. The seriousness of a stop work order makes it imperative that the Department of Buildings react in real time to the events as they occur. Expediency must be the shared goal of both the contractor and DOB. Allowing a stop work order to potentially remain in effect for 14 days while waiting for a DOB inspection is unacceptable.

The BCA appreciates your anticipated consideration of our support for this proposal. We are always willing to meet with you and your committees to discuss any and all issues related to New York City’s construction industry. If you have any questions, please feel free to call.

Yours truly,

A handwritten signature in black ink, appearing to read "John O'Hare", written over the typed name and title.

John O'Hare  
Managing Director



## **BUILDING CONTRACTORS ASSOCIATION, INC.**

### **Who Are We?**

The Building Contractors Association, Inc. (“BCA”) is Metropolitan New York’s leading membership association of unionized construction contractors. Since its formation in 1933, the BCA has represented and promoted the general welfare and interests of its construction industry employer members. The BCA provides the unified contractor voice needed to address and enter equitable long-term labor-management relationships. We are dedicated to establishing public confidence that a BCA member is a contractor of the highest integrity and responsibility. The BCA’s purposes also extend to the workers themselves. Long before it was required by law, BCA contractors have “encourage[d] the use of such means as will tend to reduce injury and death to building construction workers.”

The 200 plus members of the BCA represent the finest of New York’s builders. Forty percent of the Metropolitan areas largest construction firms are BCA members.<sup>1</sup> Many more are small family owned businesses. One multi-generational company has been in business for over 125 years. Other members represent the continuing growth of minority and women owned construction firms. Almost twenty five percent of BCA members are certified MWBE contractors. BCA member projects line the streets and skyline of the City of New York. They have employed generations of unionized construction workers providing solid, well-paying jobs to thousands of New Yorkers. They represent the proud tradition of New York’s quintessential construction industry.

The projects BCA contractors perform encompass every aspect of the construction process including high-rise office buildings, residential structures, hospitals and schools. In addition, BCA members have extensive experience in the fields of restoration, renovation, alteration and tenant changes. Our members perform work in both the public and private sectors of the construction industry.

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<sup>1</sup> Crain’s, 2020 List of NY Area’s Largest Construction Firms, July 27, 2020, pages 1-12.

Studies show that even during the current pandemic and resulting economic downturn, New York City's construction industry will generate approximately \$55.5 billion in total spending with expectations that spending will reach \$168.5 between 2020 and 2022.<sup>2</sup> New York City's construction industry is an essential economic engine.

BCA members are actively interested in promoting and protecting the varied interests and issues related to New York's building and construction industry. The BCA is committed to the strength of the City of New York.

What we believe:

- Continued commercial and residential development is critical to maintaining the City of New York as the world's greatest city
- City and State support for public works projects is essential
- Stable labor-management relationships are essential to the well-being of the construction industry
- Construction industry is fully committed to safety first
- Developers, contractors and labor must work together to address high costs of construction work
- Opportunity is the gateway to success

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<sup>2</sup> New York Building Congress October 2020 report.



Caldwell Wingate Company, LLC • Hunter Roberts Construction Group, LLC  
Lendlease (US) Construction LMB Inc. • LHT Services, LLC • Pavarini McGovern  
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Kauf McGuire &  
Margolis LLP  
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John A. Cavanagh  
(1935-2012)  
Chairman Emeritus

October 25, 2022

Pierina Ana Sanchez  
Chair, Committee on Housing and Buildings  
The New York City Council  
Legislative Office  
250 Broadway, Suite 1725  
New York, NY 10007

RE: Int. No. 267 and Int. No. 268

Dear Ms. Sanchez:

We are writing to your committee on behalf of the Contractors' Association of Greater New York ("CAGNY") to voice our members' opposition to currently proposed bills before the Committee on Housing and Buildings.

CAGNY counts among its members most of the top construction management companies in New York City. CAGNY members place the safety and welfare of their workforces and accountability of their respective employees and subcontractors above all else. We oppose Int. No. 267 and Int. No. 268, however, because they do nothing to increase or improve safety measures or work conditions for construction workers, but they do add administrative burdens at a time when construction costs have skyrocketed.

It is unclear what these measures are intended to do, but as drafted, they do not appear to effectuate any result that current legislation, regulations, and rules could not achieve with proper enforcement.

Intro 267, would amend the New York City building code to require a competent person to distribute employer identification cards at construction sites. First, information regarding an employee's employer should be on the paycheck/pay stub and pay notices which every employer is required to provide employees at the start of their employment. If employees are not being provided that information, this amendment would not solve the problem since there is no mechanism in Intro 267 to ensure the information on an identification card is correct. Workers would be better served if

October 25, 2022

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attention and effort were focused on the enforcement of existing laws, rules, and regulations.

Second, currently, there are signs all over job sites regarding legally required notices and numbers to call in the event employees are not provided required information; this added task would not offer any additional information and would take time and focus away from the central purpose of a pre-shift meeting, which is and should remain, safety. Additionally, the transient nature of construction work means that a worker can be on one job one week and another the next – workers could accumulate dozens of cards or more a year, and to what end?

Intro 268, a Local Law to amend the administrative code of the city of New York, in relation to stop work order inspections of worksites with major renovations is similarly unworkable and does not enhance safety or accountability. DOB and other agencies are already confronting issues presented by City workforce shortages, but it would be a logistical nightmare for the Department of Buildings to coordinate with a contractor the reinspection of a job site with three Inspectors from three Enforcement Units, two of whom would be completely unfamiliar with the site. It is already challenging to coordinate re-inspections leaving stop work orders in place far longer than necessary and keeping hundreds of workers out of work and without a paycheck for too long. In addition to the workers who are not working and therefore not being paid when a job site is shut down, the businesses that support a job site – coffee shops, food trucks, suppliers, etc. are impacted as well.

DOB has recently released a new set of guidelines for stop work order issuance that try to reserve the issuance of stop works for true, immediate hazards that jeopardize safety. We suggest allowing the collection of field data based on these new guidelines to see if any new measures regarding stop work order re-inspection and recission are warranted.

Thank you for your consideration. As always, we look forward to working with the Department of Buildings and the Council to help make and keep construction in New York City safe.

Very truly yours,

/s/ Aislinn S. McGuire  
Aislinn S. McGuire, Esq.  
General Counsel, CAGNY

TESTIMONY OF QUEENS & BRONX BUILDING ASSOCIATION BEFORE THE COMMITTEE ON HOUSING &  
BUILDINGS

October 26, 2022

Good morning. My name is Robert Altman and I am the legislative consultant to the Queens & Bronx Building Association. I am here to testify in opposition to Intro. No. 267 and to provide additions to Intro. No. 268.

We do not understand the need for a card in Intro. No. 267. The DOB required worker orientation for all personnel must include the name, title, and company of each worker. There also must be copies of a photo ID and safety training card. This documentation must be kept on site and on person. Moreover, the address is posted on the DOB required information panel (and permit). The contact information of the safety manager should/can be included in the DOB required orientation. So what is the purpose of this legislation?

Intro. 268 should be written more clearly. But we also suggest that it should be clear that work to correct the stop work order or partial stop work order can be done or else we are in a twilight zone situation. Additionally, DOB should inspect the site within three days of a certificate of correction being filed in order to lift the stop work order.

Thank you for the opportunity to comment.

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 10/26/22

(PLEASE PRINT)

Name: Guillermo PALMO

Address: Deputy Commissioner, EXTERNAL AFFAIRS

I represent: Department of Buildings

Address: \_\_\_\_\_

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 267-8 Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: DON RANSMITE

Address: 1325 6<sup>th</sup> Ave

I represent: Building Trades Association

Address: 10<sup>th</sup> Floor

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 10/26/22

(PLEASE PRINT)

Name: Eric DeBlasio

Address: Commissioner

I represent: Department of Buildings

Address: \_\_\_\_\_

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 10/26/22

(PLEASE PRINT)

Name: Joseph P. Posito

Address: Deputy Commissioner Enforcement

I represent: Department of Buildings

Address: \_\_\_\_\_

Please complete this card and return to the Sergeant-at-Arms