



Melanie E. La Rocca
Commissioner

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Aida Solomon
Audit Manager
State of New York, Office of the Comptroller
59 Maiden Lane, 21st. Floor
New York, NY 10038-4651

Re: Responsiveness to Noise Complaints Related to Construction Projects (2019-F-37)

Dear Ms. Solomon:

Thank you for the opportunity to respond to the recommendations in the above-captioned report. As you noted in your report, the Department has taken significant steps to strengthen its AHV permit review processes. That being said, we believe that there can always be room for improvement, and we will continue to look for opportunities to do such.

Below are the Department's responses to the three audit recommendations:

Response to Recommendations

Recommendation 7: Formally assess and update processes for issuing and renewing AHVs, taking into account all pertinent information, including the number and nature of noise complaints and their impact on the community.

DOB's Response: The Department partially agrees with this recommendation. First, it is important clarify that while the Department has in fact updated and strengthened its review processes as the audit report acknowledged, and DOB NOW does not allow auto-approval of AHV applications, DOB's procedure has always been to review all initial AHV applications.

DOB is in communication with DEP and is open to receiving noise complaint and noise violation information from DEP on sites of concern. DOB also communicates with Community Boards and constituents regularly on issues related to AHVs. The Department will continue to review and consider information that DEP and other sources provide on excessive noise complaints or noise related concerns as a component of AHV application review. However, DOB does not consider assessment of noise complaints as a standard part of the review process or as a determinant of approval to be appropriate. Noise complaints are not necessarily evidence of founded noise violations or noise



issues connected to after hours construction. Additionally, existence of noise complaints or violations does not necessarily indicate that an AHV is not in fact required or should not be issued for, for example, public safety reasons.

Recommendation 8: Increase the level of review of AHV renewals to ensure they are appropriately vetted prior to approval.

DOB's Response: The Department partially agrees with this recommendation. As noted in the audit report, DOB conducts desk audits of renewal applications and physical audit inspections to determine whether the applicant included accurate information in the AHV permit application and whether work being performed conforms to the AHV permit scope. The Department will continue to perform these audits.

However, while the report's assertion that physical inspection audits are conducted after an AHV renewal has been approved is accurate, it is important to note that this is by necessity. Until the AHV permit is approved, there is no clear indication that there is after hours work underway to inspect and compare to the application scope. Inspections therefore must be performed after the AHV application is already approved. If there is alleged after hours work without an AHV permit or being conducted prior to approval, that is investigated through the 311 complaint inspection process.

Recommendation 9: Improve communication, including streamlined sharing of information, with DEP regarding locations with an excessive number of noise complaints.

DOB's Response: Implemented, no action necessary.

We strongly value the dialogue between our two offices and look forward to identifying ways we can continue to strengthen our system for the benefit of all New Yorkers.

Sincerely,

A handwritten signature in blue ink, appearing to read "Melanie E. La Rocca".

Melanie E. La Rocca
Commissioner

cc: George Davis, III
Constadino Sirakis
Germain Difo
Kerry Castro