



Queens Civic Congress

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March 9, 2009

Hon. Robert LiMandri
Commissioner
280 Broadway, 7th floor
New York, NY 10007

Dear Commissioner LiMandri:

Queens Civic Congress welcomes your announcement late Friday concerning proposed changes to the system for the public to make building complaints, specifically that "the launch date for the new process will be moved to mid-April." Thank you for recognizing some of the issues raised by our coalition and other commentators. As the umbrella group of 110 and growing civic organizations, with a membership that represents every community in the borough, Queens Civic Congress welcomes this additional period to allow the Department of Buildings (DOB) to address clear flaws in the process.

Essentially, DOB lacks any authority to limit the reporting of illegal activity. In fact, the proposal, if adopted unchanged, clearly creates an immunity for the building community when civics, community members and others with standing challenge in court any dismissal of their examining a complaint. Queens Civic Congress strongly recommends the DOB reform the propose changes to avoid what must be an unintended consequence – that would perpetuate illegal and often hazardous development.

Why risk effectively legalizing development activity that fail to follow plans that may be legitimate but where the illegality gets exposed after the passage of thirty days? Many illegal conditions may not be visible even subsequent to the substantial completion, again after the 30 days are tolled. In addition, concerns remain about the general inability of the DOB to respond timely to inquiries or make files available. A short complaint period thereby delays any reasonable attempt to conduct a due diligence prior to filing a complaint.

As stated in its testimony, Queens Civic Congress generally opposes any statute of limitation type prohibition on complaints beyond the 30 day process outlined in the proposed rules.

Queens Civic Congress looks forward to continuing its dialogue with you and the DOB and looks forward to your participation in the April 20 meeting as a good opportunity to further explore areas for attention and reform.

Sincerely,

Corey Bearak

Corey Bearak, Esq.
President