

Queens Civic Congress urges its members to support this resolution which supports our efforts.

**QUEENS COMMUNITY BOARD 8**

**NYC DOB 45-DAY STATUTE OF LIMITATIONS**

**WHEREAS**, Starting July 13, 2009 the Department of Buildings initiated a new procedure and began to post plans for pending work permits on its website so that the public can seemingly identify problems with planned projects and file complaints in “a time fashion”; and

**WHEREAS**, the ruling confers on the public a 45-day statute of limitations for complaints, after which the Buildings Department will issue a work permit and immunize the developer from any further complaint or challenge; and

**WHEREAS**, this latest City Hall contrivance is to remove from the public its right to challenge at any time, and to demand an official examination, inspection and resolution of building construction by the Buildings Department with respect to established zoning regulations and Building code requirements; and

**WHEREAS**, this new process flies in the face of reality and basically drafts the general public to act as eyes and ears to report possible violations and illegal conditions, while unrealistically and most inappropriately requires the public to essentially act as building plan examiners and building code inspectors; and

**WHEREAS**, in truth members of the public rarely become aware of projects until they see shovels in the ground and construction is underway, this occurring long after DOB issues its permit approvals and the new 45-day limited opportunity to complain has elapsed; and

**WHEREAS**, the new procedure makes filing a challenge more onerous than the current 311 complaint procedure, they remove any possibility of filing an anonymous challenge, and represent the likelihood for complaints to survive DOB’s appeals process to be just **about** nil. Should DOB’s findings fail to adequately address a complaint, recourse then involves a costly and difficult appeals process that culminates with the City’s Board of Standards and Appeals; and

**WHEREAS**, the current process allowing architects and engineers to self-certify their own projects is more-than-ever an open invitation for inappropriate development to rise beneath the public’s radar. The rule, left standing, immunizes corrupt practices and makes impossibly difficult the public’s right to address illegal conduct whenever and wherever found. It violates every citizen’s fundamental right, the right of concerned community members and Community Boards, to challenge illegal practices at any time; and

**WHEREAS**, the long list of actions, inactions and procedures by the DOB provides inarguable evidence of a policy to encourage and make it easier for developers to circumvent and violate existing code in order to maximize their benefit and at the expense of our stable communities; and

**WHEREAS**, the new procedure continues to display an immunity that this administration shows with regard to the ability of the public to influence development in our neighborhoods;

**THEREFORE, BE IT RESOLVED that Community Board 8, Queens strongly calls upon Michael Bloomberg, Mayor, City of New York;** Commissioner Robert LiMandri, Department of Buildings; and the New York City Council to forthwith withdraw the 45-day complaint period limitation, and further, to oppose any ruling or proposal that limits the right of members of the public to file a complaint, or to remove from the public the right to challenge at any time and to demand an official examination, inspection and resolution of building construction with respect to established zoning regulations and Building Code requirements.

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