What If? Policy Ideas For New York City

Public Safety

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What If?

Consolidate Building, Housing, and Fire Inspections

Savings: $21 million annually

Several agencies are charged with inspecting the safety of city buildings. The Department of Buildings (DOB) inspects building use, construction, boilers, and elevators under its mandate to enforce the City's building, electrical, and zoning codes. The Department of Housing Preservation and Development (HPD) inspects multifamily residences to ensure they meet safety, sanitary, and occupancy standards set forth in the housing code. Fire Department (FDNY) inspectors evaluate buildings' standpipe, sprinkler, ventilation, and air-conditioning systems as part of their duties to enforce fire safety requirements. (IBO limits its estimate to DOB, HPD, and FDNY inspectors, but recognizes other agencies like the Department of Environmental Protection also conduct building inspections.)

All together DOB, HPD, and FDNY currently employ over 1,300 inspectors at a cost of $93 million in salaries (excluding overtime, fringe benefit, and pension expenses) to ensure that building owners and construction crews are meeting safety requirements. In fiscal year 2023, inspectors from these agencies inspected at least 200,000 properties. While inspectors at each agency are trained to check for different violations under their respective codes, there are areas—inspections of illegally converted dwelling units or the conversion of office buildings to residential uses, for example—where responsibilities overlap.

Under this option, the City would consolidate inspection functions now housed in DOB, HPD, and FDNY into a new inspection agency while existing agencies' other functions would remain unchanged. This option would require changes to local law, regulations and rules, and require collective bargaining with the relevant unions.

Because inspectors from each agency currently visit some of the same buildings, there would be efficiency gains by training inspectors to look for violations under multiple codes during the same visit, although some more specialized inspections would still require dedicated inspectors. If the City were to eliminate duplicate inspection visits, the annual savings would be $21 million. Additional savings may be found by consolidating administrative and other support services.

Proponents might argue that consolidating inspections would streamline City resources and increase the consistency of inspections while allowing DOB, HPD, and FDNY to focus on the other aspects of their missions. They could point out that other major cities, including Chicago and Philadelphia, centralize building inspections in one agency. They might also argue that inspection quality and efficiency may be improved by eliminating the need for cross-agency coordination, increasing public safety.

Opponents might argue that inspections and code enforcement are too closely linked with each of the agencies' missions, making consolidation into a single agency difficult. There is also a limit to efficiency gains because some inspections, such as elevator inspections, are highly technical and would still require specialized staff.

Prepared by Brian Cain

What If?

Increase Speed Camera and Red Light Camera Fines for Multiple Violations in the Same Year

Revenue: $475 million annually

The New York State Legislature has authorized the installation of cameras around the City to provide for monitoring and enforcement of certain vehicular violations. Speed cameras operate 24 hours a day in 750 school zones around the city. Based on images captured by school zone speed cameras, the City issues citations to owners of vehicles that are found to exceed the posted speed limit by more than 10 miles per hour. The City also operates hundreds of cameras posted at critical intersections, fining vehicles that illegally pass through red lights.

Currently, the fine for either a speed or red light camera violation is $50. Some other violations issued by the City include incremental increases for multiple violations in the same 12-month period. For example, the owner of a vehicle that illegally travels in a posted bus lane is currently fined $50. A second offense within the same 12-month period results in a fine of $100 and the fines increase to $150 for a third offense, $200 for a fourth offense, and $250 for each additional offense after that.

In fiscal year 2023, the City adjudicated over 6.3 million violations for 2.5 million vehicles that violated the posted speed limits in school zones. Over one million of these vehicles (48 percent) had multiple school speed zone violations during the year, while over 66,000 had 10 or more violations. The City also adjudicated nearly 670,000 summonses to over 520,000 vehicles for red light camera violations during fiscal year 2023. Of this total, nearly 100,000 vehicles (19 percent) were issued multiple summonses for red light violations, and 137 vehicles were issued more than 10 such violations in the year.

If the City had an incremental fine structure for repeated school zone speeding and red light camera violations that mirrored the existing incremental fines for bus lane violations, in fiscal year 2023, the City would have collected approximately $475 million of additional revenue. Fines for school zone speed camera violations would have increased by 130 percent while red light camera fines would have increased by 28 percent. IBO's estimate of revenues under an incremental fine structure assumes no behavioral change. Revisions to sections of the New York State Vehicle and Traffic Law would be required to implement this change.

Proponents might argue that speed and red light camera violations involve moving vehicles and pose a serious threat to life and property. In too many cases, lives have been lost due to someone driving recklessly. Increasing the fine structure for multiple violations could help to further deter reckless driving and thus increase the safety of the City's streets.

Opponents might argue that because red light and speed camera violations are issued to the owner of a vehicle, it is possible that the actual driver of the vehicle may not be paying the increase in fines for repeated violations. If that is the case, an increase in fines would raise revenue but would do little to reduce recidivism. Moreover, some research suggests that there is little relation between traffic fines and behavior for the most frequent offenders. Finally, since these fines would be assessed independently from driver income, they may pose undue burden on low-income violators while having minimal impact on higher-income violators.

What If?

Issue Financial Penalties Against Property Owners Who Fail to Give Access for Building Inspections

Revenue: $13 million annually

Inspections made by the Department of Buildings (DOB) often stem from 311 complaints. However, a DOB inspector cannot inspect a building or construction site without being granted access; if the inspector is refused access, or no one is there to allow the inspector to enter after two attempts, DOB often closes the complaint without any violation being issued. Nearly 20 percent of complaints forwarded to DOB by 311—representing about 50,000 complaints—end in this way each year. While DOB can pursue an access warrant to gain entry, the process to obtain one is onerous, requiring DOB to coordinate with the Law Department and other City agencies before petitioning in court to justify an access warrant, and so is rarely pursued.

DOB violations can carry financial penalties, which are enforced and collected by the City's Office of Administrative Trials and Hearings (OATH). When inspectors are denied access to properties, this means fewer violations and so fewer penalties. Property owners who know they are likely in violation of DOB rules have reasons to refuse access to DOB inspectors. After all, violations not only carry financial penalties, but an open DOB violation on a property can prevent it from receiving construction permits, or even temporarily halt construction work altogether. Currently, other than an access warrant, there is no mechanism to compel or incentivize property owners to allow DOB inspections.

Under this option, DOB inspectors would be able to impose a $500 penalty when they are unable to gain access to a property. Property owners could get the penalty dropped by permitting access at a subsequent inspection. Were the threat of these penalties sufficient to reduce the number of properties where a DOB inspector were unable to gain access by one third, thereby boosting the number of OATH summons issued by DOB, IBO estimates that the combined revenue from these no-access penalties, plus the additional OATH penalties collected for violations found, would result in an additional $13 million in revenue per year, in addition to the benefit of safer buildings and construction sites. To implement this option, DOB may have the authority to levy these fines. Alternatively, City Council could impose this option through local legislation.

Proponents might argue that the current system presents a moral hazard—property owners who know they are likely in violation of DOB rules are more likely to refuse access to DOB inspectors. With limited ways to disincentivize property owners from refusing to access to DOB inspectors, some unsafe conditions and unlawful activities, such as illegal conversions of apartments, likely remain unaddressed, leading to buildings that are less safe for city residents.

Opponents might argue that the process to get an access warrant, through the court system, is a sufficient and fair way to decide whether DOB should be allowed to enter a property. The argument that the bureaucratic process of obtaining access warrants through the court system is too cumbersome does not justify that the City should instead use financial penalties to coerce property owners who do not elect to provide that access freely.

What If?

Make City Marshals City Employees

Revenue: $8 million annually

City Marshals are mayoral-appointed law enforcement officers tasked with implementing Civil Court orders, including collecting on judgments, towing vehicles, seizing utility meters, and carrying out evictions. They are appointed for five-year terms and there are no limits on the number of terms that they can serve. City Marshals are under the oversight of the New York City Department of Investigation but are not City employees.

Although privately employed, City Marshals carry badges and are empowered to seize bank accounts, garnish wages, and sell personal property. Marshals collect fees according to a schedule set in New York State law and, additionally, collect 5 percent of the total amount collected for services known as "poundage." In turn, Marshals are required annually to give $1,500 plus 4.5 percent of their gross income to the City. From 2020 to 2022, the annual gross income of a City Marshal averaged $590,000, with the City collecting fees averaging $28,000 per marshal. On average, Marshals generate $200,000 in net income from their work each year.

In many other U.S. cities, such tasks instead are performed within the Sheriff's Office. In New York City, the Sheriff's Office similarly enforces court mandates and processes for state courts; it is staffed by City employees. Currently, there are 29 Marshals in New York City and some Marshals may employ additional support staff. If each marshal were replaced by 1.25 City employees earning the average annual salary of a deputy sheriff (about $74,000), the City would collect about $8 million in net additional revenue. This assumes that the current poundage and fee collections continue, but as revenue to the City and not to individual Marshals. IBO's estimate of City revenue assumes poundage and fee collections would decrease by a third because there would no longer be a financial incentive for collecting on judgments. This change would require state legislation to amend Article 16 of the New York City Civil Court Act.

Proponents might argue that the broad powers granted to City Marshals should be left to a neutral party that does not rely on a political reappointment or have a financial incentive to enforce judgments. Other cities employ salaried Sheriff's Office staff to perform similar tasks, and employees of the New York City Sheriff's Office currently earn significantly less than Marshals for performing similar work. Creating marshal positions akin to sheriff deputies would streamline overhead, increase the City's oversight capacity, and reduce the potential abuse of power. Additionally, the political appointments process for the Marshals has resulted in several families controlling multiple marshal badges while operating from the same addresses, creating a family business out of the City's civil court collections.

Opponents might argue that the private for-profit structure of City Marshals leads to better rates of collection, resulting in more timely resolutions of court orders. Private individuals have more flexibility than government employees in implementing civil court judgments, leading to better outcomes for those seeking restitution.