



2015 Plan For A Safer City

Presented to Michael A. Nutter, MAYOR

1/9/2015



Special Thanks

to the members of the Licenses and Inspections Steering Committee for your dedication and commitment in protecting the health and safety of the citizens of Philadelphia. Your efforts have truly helped the Department of Licenses and Inspections become a leader in building safety.

*-Carlton Williams
Commissioner of Licenses and Inspections*

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Executive Summary

In November 2013 Mayor Michael A. Nutter created a Special Independent Advisory Commission to review and evaluate the Department of Licenses and Inspections. The Commission was formed in the wake of the tragic building collapse that killed six people and injured thirteen others. After a ten month review the Commission released a report entitled; "Safety First and Foremost" and announced 37 recommendations to fundamentally change the way L + I conducts business in the City of Philadelphia.

One recommendation included the creation of an Implementation Task Force to ensure the recommendations critical to public safety are executed accordingly. In October 2014, Mayor Nutter announced the Implementation Task Force consisting of former and present city officials, administrators, industry professionals and advisors. An internal steering committee was also formed to review and analyze the legislative, fiscal and administrative impacts of each recommendation and make recommendations for the Implementation Task Force to review. The steering committee was subdivided into specialized focus groups to provide detailed analysis of each recommendation. The sub committees were grouped in accordance to the following recommendations:

- Review of Demolition Recommendations
- Review of Fire Safety Recommendations
- Review of Vacant Property Recommendations
- Review of Information Technology Recommendations
- Review of Staffing and Training Recommendations
- Review of Chief Safety Officer
- Review Financial Controls
- Review of Law Department Recommendations
- Review of Unfunded Mandates

The Implementation Task Force is charged to review, finalize and forward recommendations from the steering committee to the Mayor for final approval and to create an action plan for full implementation of the approved recommendations. The action entitled; "Licenses and Inspections 2015 Plan for a Safer City" will be made available for public review. The purpose of the plan is to convert the approved recommendations into goals, action items and timelines for implementation and evaluation. The progress of each recommendation will be presented during L + I Philly Stat briefings for transparency and accountability. The Implementation Task Force will continue to meet until all approved recommendations are fully implemented. Once the Implementation Task Force work is completed the Mayor's Office of Public Safety will be responsible for establishing an annual performance review and evaluation process to monitor the Department's progress.

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VISION, MISSION AND GOALS

VISION

- Your Partner In Building Safety

MISSION

- The Department of Licenses and Inspections is committed to making Philadelphia the nation's leader in building safety. We support investment, growth, and development through education, code enforcement and the delivery of outstanding customer service.
-

GOALS

- Create systems that improve building safety without compromising development.
- To increase oversight in the construction industry.
- To ensure building safety of existing structures.
- To enhance customer service for those who want to do business in the city.
-

CORE VALUES

- Integrity
- Customer Service
- Commitment
- Quality
- Accountability

CORE FUNCTIONS

1. Inspect properties for compliance to fire, property maintenance, business, trades and professional codes.
2. Inspect/clean and seal vacant properties; Conduct demolition programs for imminently dangerous buildings.
3. Review plans, inspect and issue permits according to building, zoning, mechanical, plumbing and electrical codes.
4. Issue licenses for various trades and business activities and locations.



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DEPARTMENTAL OVERVIEW

The Department recently underwent a major restructuring process to increase oversight of core functions to improve building safety. The Department created new operating divisions that included splitting the Development and Building Inspection Units into two separate divisions and creating a new Emergency Service and Compliance Division. Below is the new organizational chart for the Department of Licenses and Inspections followed by a summary of the major changes that have been implemented in 2014.

L + I'S NEW ORGANIZATIONAL STRUCTURE



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RECENT ACCOMPLISHMENTS

- (a) The Mayor transferred the Department from Mayor's Office of Economic Development to the Mayor's Office of Public Safety and created the Chief Building Safety Officer to increase public safety in the construction industry.
- (b) The Department has implemented a number of legislative bills created by City Council and signed into law by the Mayor in the spring of 2014 including new demolition application and permit controls as well as new construction site signage requirements. Demolition permits that require a 20 day plan review to include site safety plans, engineering reports, tax clearances and contractor experience requirements.
- (c) The Development Division was re-organized in order to focus only its core function of reviewing plans and issuing permits and licenses. The responsibility for construction inspections moved from the Development Division and placed in a new Division, entitled Building Division. The benefits of this change are greater oversight and management of all affected staff, clearly defined roles and responsibilities and increased accountability. This change also separated L&I's code enforcement functions from its revenue generating functions, which adopts an organizational structure that is used in many other jurisdictions and is also referenced in the City Council Special Investigating Committee Report. A Professional Engineer was appointed to the Development Services Division to oversee the plan review, license and permit issuance process.
- (d) In the spring of 2013 the Department worked with Dale Carnegie Training and Lev Lane Advertising to rebrand L & I image. The new brand was launched in May of 2013 was a part of the new mission and vision for the Department to encourage citizens to work more closely with L + I at the beginning of any new project and not at the end when things can and do go wrong. The plus (+) symbol, which replaced the ampersand (&), symbolizes the positives you gain by working with L + I from the inception. The “plus” means that L+I add - not detract – to the viability of a building or the outcome of a project. L+I literally “add” safety, reassurance, efficiency, guidance, confidence, peace of mind, protection, reputation, and control to projects.



- (e) The Department hired 27 additional building inspectors that will be a part of the newly created Emergency Services Division and the Compliance Unit. These divisions will specifically target unlicensed, unpermitted, or unsafe construction and demolition sites as well as responding to building emergencies and imminently dangerous structures. The new units complement the work of our Development Division by providing additional oversight on top of the code-required inspections conducted by our building inspectors.

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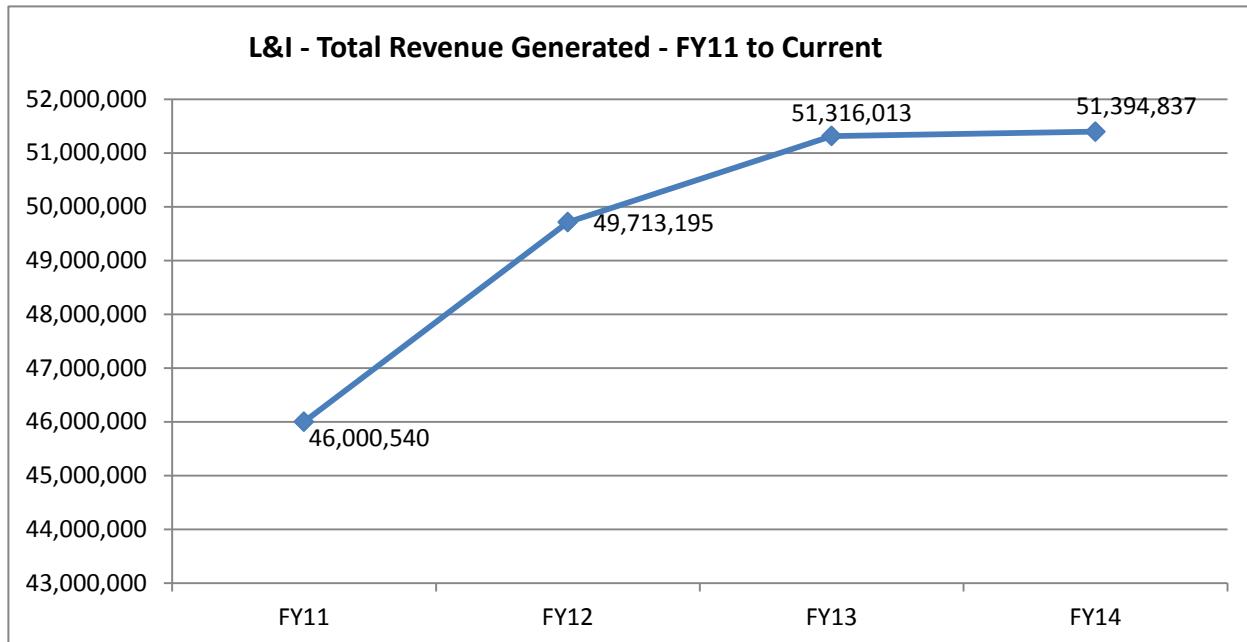
- (f) Creation of an expanded Emergency Services Division to respond to dangerous building conditions and illegal and unsafe construction sites. Structures that are open to trespass are identified by both the Operations Division Property Maintenance inspectors and the Emergency Services Division inspectors; those buildings are immediately referred to the Clean & Seal Unit and sealed as quickly as possible. The Emergency Services Division now oversees all public and private demolition inspections to ensure all applicable provisions are enforced consistently. The Construction Site Task Force proactively inspects all construction sites and responds to all dangerous construction site complaints within 48 hours.
- (g) A new Compliance Division to increase oversight on construction and demolition sites to improve public safety. This Division is responsible for ensuring that development projects fully comply with all applicable laws, statutes, ordinances, rules, regulations and/or orders related to the protection of people, the environment, or property and was created to ensure all independent contractors working on demolition sites have proof of OSHA training. Implementing and enforcing an annual contractor's registration renewal program. Auditing building permit applications to ensure proper licensing and insurance of specific projects. Conducting investigations to enforce violations established under the Administrative Code of the Philadelphia Charter.
- (h) Project eClipse is L +I's new land management system that will replace the Department's antiquated data management system. Project eClipse has two primary goals; to continue to improve public safety and enhance L+I's business practices. Project eCLIPSE will provide the technical support needed help, reduce the number of vacant and blighted properties encourage safe development and make the Department more efficient and accountable.
- (i) In November 2013 the Department achieved accreditation from the International Accreditation Service (IAS) for practicing the highest standards in building code industry. In March of 2012, IAS provided the City with a report of recommendations for improvements regarding best practices. The process was a two year review of the Department's plan review, permit inspection and code enforcement procedures. By November 2013 the Department implemented all of the recommendations IAS report (**See Appendix 1 for a summary of recommendations achieved.**). Philadelphia became the largest municipality in the nation to receive the accreditation.



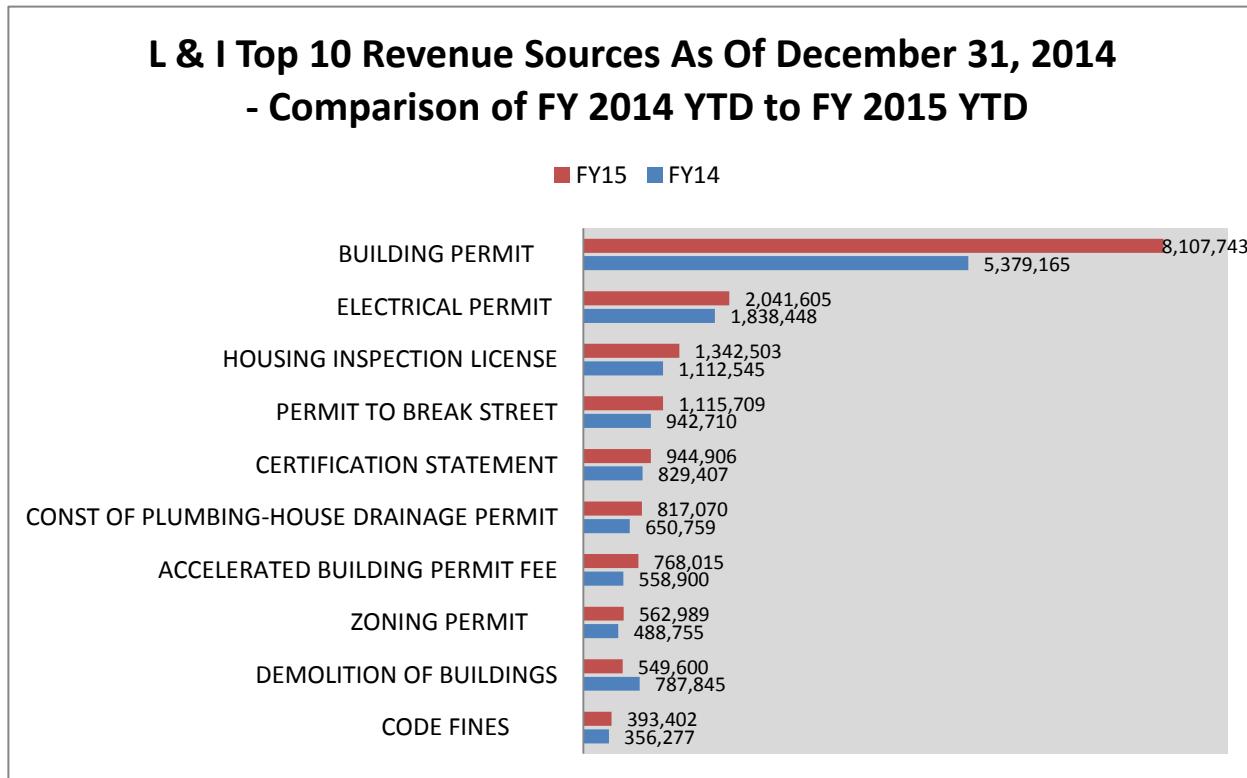
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DEPARTMENTAL PERFORMANCE DATA

DEPARTMENTAL REVENUE

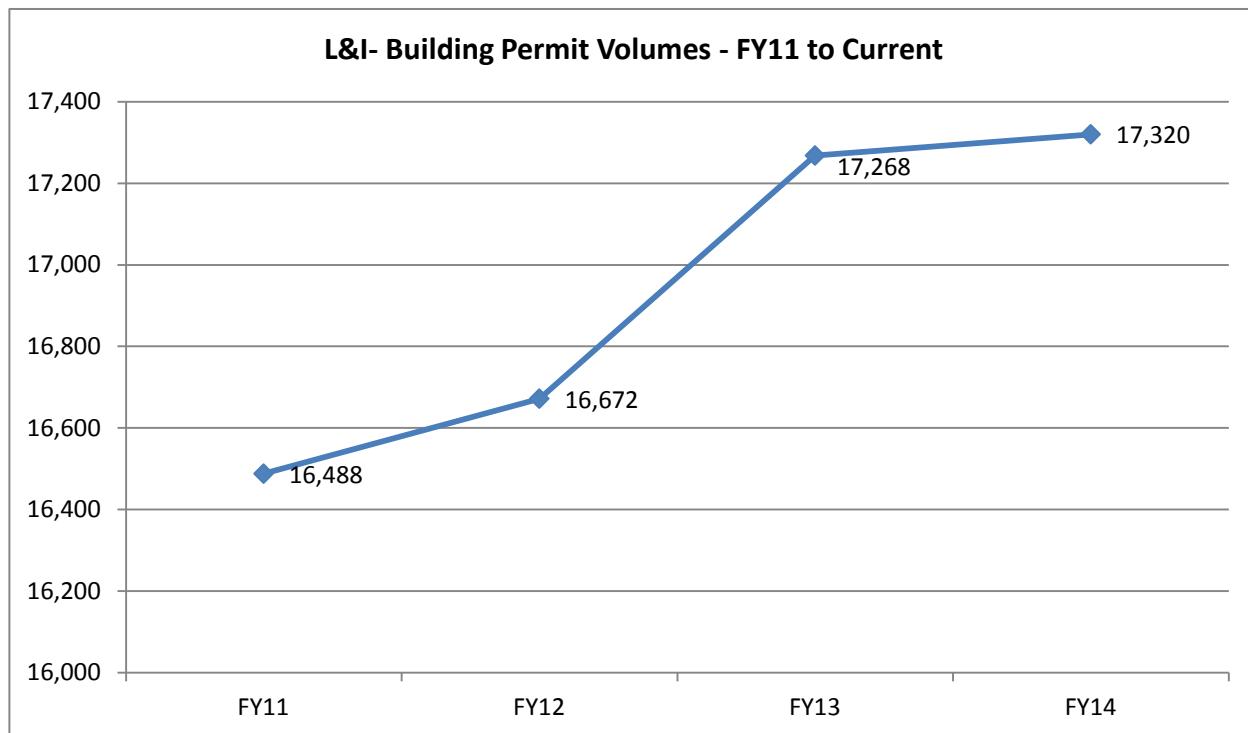


REVENUE SUMMARY

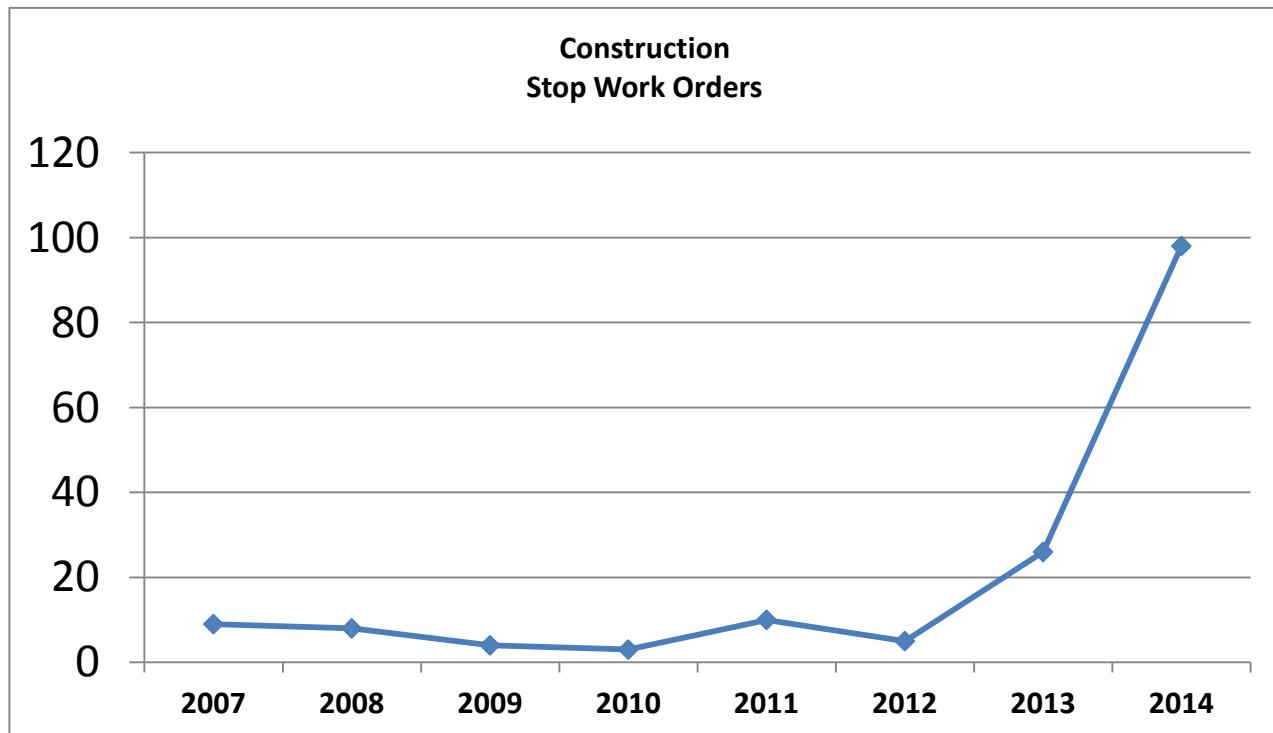


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BUILDING PERMITS

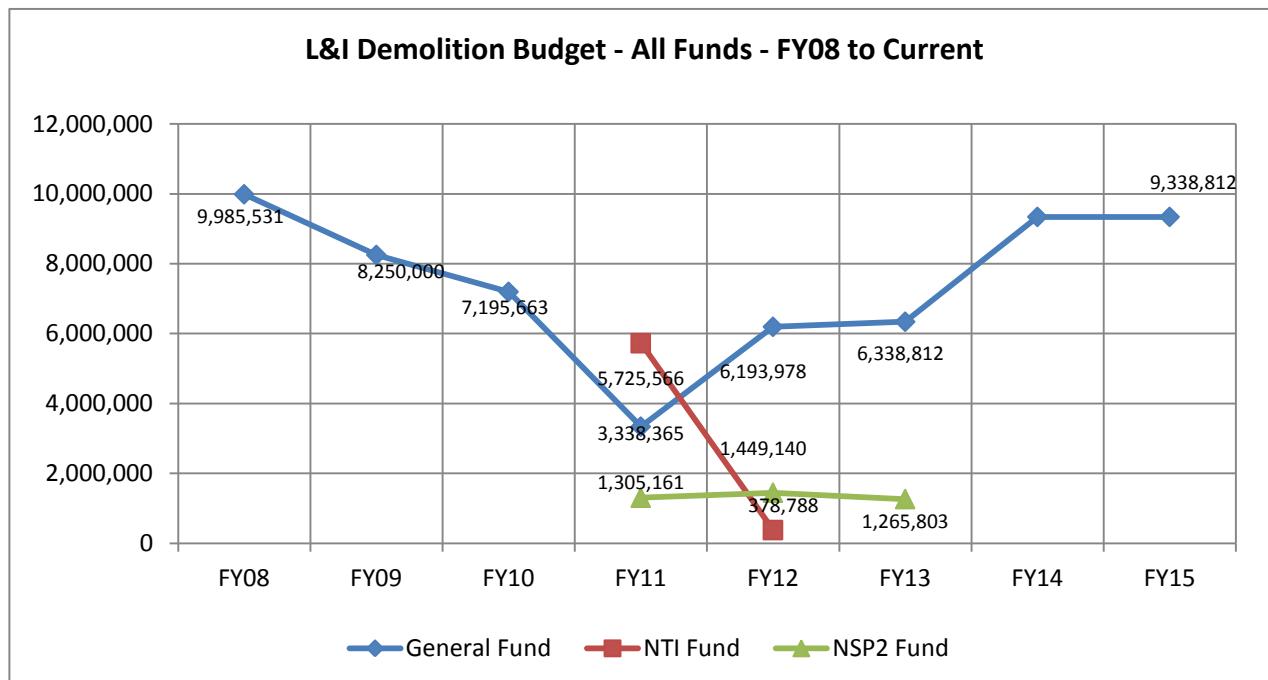


CONSTRUCTION SITE STOP WORK ORDERS

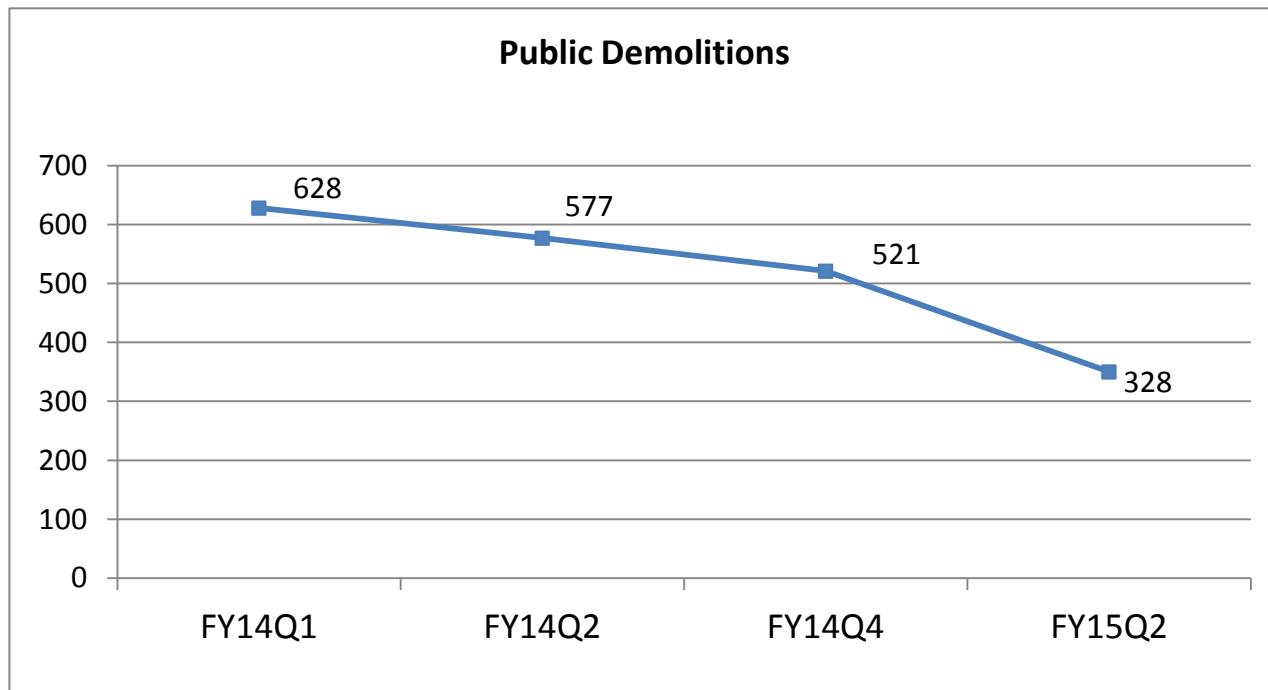


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DEMOLITIONS FUNDING

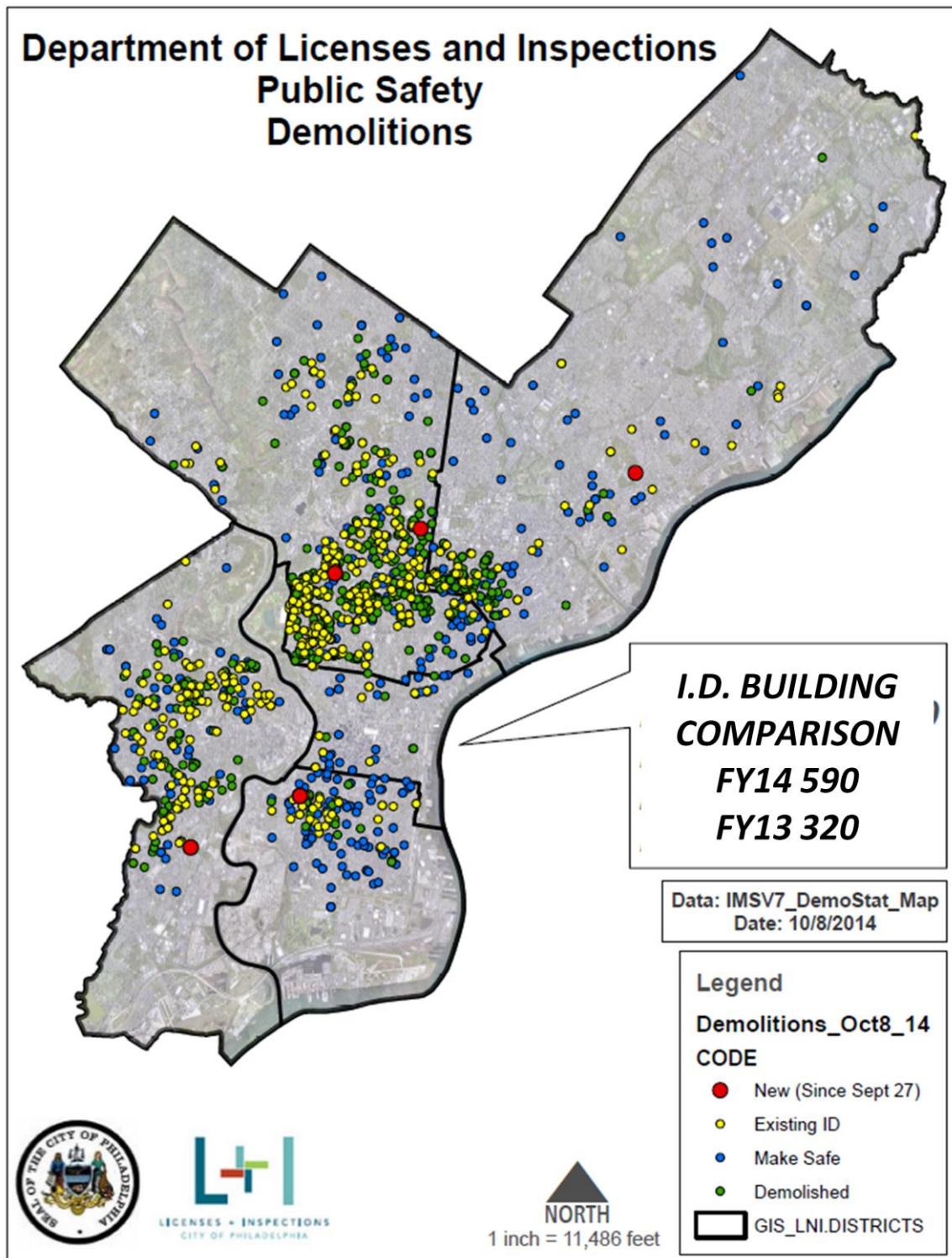


DEMOLITION OF IMMINENTLY DANGEROUS PROPERTIES



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DEMOLITIONS DATA MAP



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REVIEW OF SPECIAL INDEPENDENT ADVISORY COMMISSION RECOMMENDATIONS

The Special Independent Advisory Commission was created by Mayor Nutter in November 2013, in response to the tragic building collapse at 22nd & Market Streets on June 5, 2013 that killed six people, and was charged with reviewing and evaluating the City's Department of Licenses and Inspections (L +I). In October 2014, the Special Independent Advisory Commission released its report with 37 recommendations to fundamentally change the way L + I operates.

The 37 recommendations were based on a broad range of Licenses and Inspections core functions including demolition practices, vacant property management, code enforcement, information technology systems, legal processes, staff development and training, financial controls and accountability. The report also included the establishment of an Oversight Board to ensure the recommendations were fully implemented.

After receiving the Commission's report the Mayor formed an internal Steering Committee to review the legal, fiscal and administrative implications of each recommendation. The Steering Committee consisted of key members of the Mayor's Administration that were well versed in L + I practices and procedures. The Committee included members from Licenses and Inspections, Fire, Law, Finance, Budget, Streets, Revenue, Information Technology, Office of Emergency Management, Office of Human Resources and the Mayor's Chief of Staff Office.

The steering committee was divided into subcommittees to review the Report recommendations and to make informed decisions based on internal and external best practices as well as subject matter experts to determine if a recommendation should be implemented. The goal of the Steering Committee was to finalize the recommendations into a Report entitled "Licenses and Inspections 2015 Plan for a Safer City" to be approved by the Mayor for execution. The Mayor will forward the recommendations to the Oversight Board to monitor the Department's progress. The next section of the plan includes the summaries from the Steering Committee review and provides justification and action plans for full implementation.

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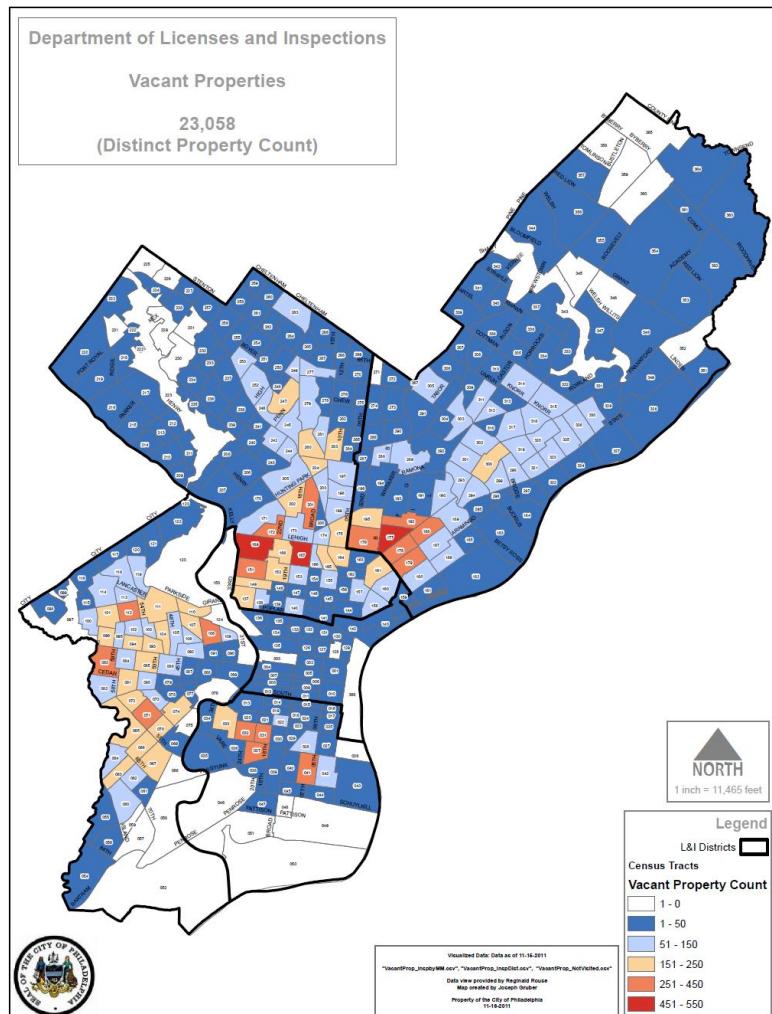
VACANT PROPERTY MANAGEMENT

Overview of the Department of Licenses and Inspections Vacant Property Strategy

In 2011 the Philadelphia Department of Licenses of Licenses launched a Vacant Property Strategy to reduce the devastating influences of blight in the City of Philadelphia. The strategy attempts to stabilize housing in Philadelphia neighborhoods by utilizing proactive enforcement tools to address vacant properties in densely populated residential communities and to ensure that large scale owners of vacant land maintain their property in accordance to the Philadelphia Property Maintenance Code.

The Department researched nearly 25,000 vacant properties in the City of Philadelphia. We estimate that

more than 12,000 are in communities where real estate market rates are stable. Many of these properties have outstanding tax judgments totaling more than \$50 million dollars. Each year the City spends approximately \$20 million dollars to address vacant properties in the city of Philadelphia. Vacant properties increase the risk of police, fire and adversely affect both the quality of life in the surrounding homes and Philadelphia's real estate market. Adjoining property values are reduced and neighbors' insurance rates are increased in these communities.



established to expedite these cases and enforce fines against non-complaint violators. The most effective tool used to address vacant property in these communities was the Doors and Windows Ordinance enacted by Philadelphia City Council which authorized the Department write violations and the Courts to issue fines up to \$300 per day per opening for owners who fail to secure their property with a door or window.

The results of the Vacant Property Strategy are extremely promising. To date the Department of Licenses and Inspections have inspected nearly 13,000 vacant properties resulting in over 8,600 violations

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to owners of vacant property in residential communities. The strategy has generated over 1.1 million dollars in revenue from permits and licenses taken out by these property owners and also has had the court impose more than \$1 million in fines and judgments against non-compliant owners violations issued against these owners.

The recent study by The Reinvestment Fund offered even more compelling evidence to show the Vacant Property Strategy effectiveness in combating blight and urban decay caused by vacant properties in residential communities. (**See Appendix #2 for the TRF Study**). The study shows that Philadelphia's real estate market significantly increases in areas where vacant properties are well maintained as a result of targeted enforcement by L & I. In total vacant properties that complied with L & I violations created \$74,000,000 in sales value for surrounding properties resulting in 2.3 million in transfer tax revenue for the City. By forcing the owner to fix their properties at this stage we prevent that property from becoming unsafe or I.D. which would cost the city taxpayers. The study supports the need for an expanded strategy in L & I and the City of Philadelphia.

Current State

The City of Philadelphia has approximately 40,000 vacant properties. While these properties are often painted as a problem to be placed solely at the feet of the Department of Licenses & Inspections (L&I), addressing vacant properties is not a charge of any one department but rather a city-wide issue that requires comprehensive long-term strategies. As stated by the Special Independent Advisory Commission, code enforcement around vacant properties, as conducted by L&I, is an important component in any vacancy reduction strategy – but it is just one piece of a larger puzzle, as vacant properties are also addressed by other agencies in different ways. For the city to effectively tackle the vacancy problem, these efforts must be combined into a comprehensive strategy that fits all of the puzzle pieces together.

This puzzle has been contemplated by the city for years, and agencies and stakeholders with expertise in this area have been long been engaged in the far-reaching discussion around vacant property identification and management, and how these things directly intersect with code enforcement, tax collection, community development, affordable housing, and redevelopment plans. Many agencies are implicated in these discussions, including L&I, the newly-formed Land Bank, the Redevelopment Authority (PRA), the Office of Housing and Community Development (OHCD), the Office of Property Data (OPD) within the Finance Department, the Revenue Department, and the Office of Innovation and Technology (OIT). These discussions have proved fruitful, because in recent years, a number of programs – including L&I's Vacant Property Strategy, the Vacant Land Working Group within the Managing Director's Office, and the Land Bank – have directly tackled vacant property identification, developed tools for reducing the number of vacant properties in the city, and made great strides in sharing data among departments. The groups also developed the city's Policy Map, which is a short-term program already in place to centralize city data.

The basis for all of this work has been data; to make any vacant property program work, the city must have a data tool that assembles and distributes property data for consumption by different agencies and that allows stakeholders to review real-time data as part of the development of a larger blight-reduction strategy. It is through the data that the city will gain a full picture of the entire property inventory, including vacant properties, which can be used to make strategic decisions about resource deployment, targeted enforcement, property acquisition, and other public safety and redevelopment strategies.

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The city has already developing the data tool that city agencies will need to address vacancy going forward. OIT is building a tool that will generate a citywide inventory of potential vacant properties ranked by confidence levels (e.g., low to high probability of vacancy). The tool will combine relevant data from various city departments and select and compare relevant indicators of vacancy – for buildings and lots – and generate a composite score for vacancy potential by property. The tool will include multiple sets of data: (1) existing administrative data from individual city departments; (2) utility company data; and (3) high-accuracy GIS data representing the physical layout and elevation of the built environment (aka Planimetrics) as derived from an aerial imagery and Lidar technology.

This data assemblage is critically important. Once the data is assembled, it will be needed and used by different agencies in different forms, based on the missions of the individual agencies. For example, because L&I is concerned with vacant structures and associated public safety issues, it needs current data on property conditions. The PRA, the Land Bank, and the Planning Commission are more concerned with blight and the impact vacant properties have on communities, and so need historic data to make decisions about vacant lots and what surrounds those lots. In addition, all of this data – particularly data that points to potential vacancy – is not static, but rather constantly in flux, and therefore requires ongoing management to update and review data accuracy.

Creating a data tool of this magnitude, as well as the management structure that accompanies it, is a complex project with many challenges that must be thoughtfully addressed. The city has already taken many steps toward the creation of the data tool, as well as an accompanying governance process to manage the use of the data. Advising all of these efforts is a Vacant Property Task Force, which consists of stakeholders from across various city agencies – including, but not limited to, the members of this sub-committee. While this Task Force has existed for some time – both on an informal basis and in previous iterations as the Vacant Land Working Group in the Managing Director’s Office and the Land Bank Working Group – it is now coalescing into a formal group, driven by the Land Bank’s Strategic Plan, recent City Council legislation, and the Commission’s recommendations.

Commission Recommendation

The Special Independent Advisory Commission proposed a series of recommendations on the collection and ownership of data on vacant properties, targeted code enforcement, and the transfer of vacant properties to the Land Bank. The Commission’s recommendations reflect the city’s current challenges with the identification and management of vacant properties, and call for improved data, additional resources and staff, and the sale of properties without a responsive owner. The Sub-Committee shares and supports the Commission’s goals, particularly the Commission’s charge that the number of vacant properties in the city be reduced in order to reduce the risk to public safety posed by abandoned, deteriorated buildings. The Sub-Committee believes that the existing plan being carried out by various city agencies fully captures the spirit and intent of the Commission’s recommendations and even goes further in its addressing of the issue by shifting the vacancy problem to a city-wide, rather than department-wide, priority list. The Sub-Committee’s recommendation is to embrace the Commission’s belief that vacant properties are a serious public safety threat by committing additional resources to ensure that the currently existing plan is carried out as thoroughly, effectively, and quickly as possible.

There are several cities with a vacant property problem the size and scope of Philadelphia’s – including Baltimore, Cleveland, and Detroit. L&I collaborated with officials in these cities when developing its Vacant Property Strategy in 2011. The Vacant Property Strategy, which continues to this day, uses targeted, data-driven code enforcement to convince owners of vacant, blighted properties to return their properties to productive use. Since its implementation, the program has received several



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national awards, including recognition as one of the most innovative government programs of 2011 by American City & County Magazine and as a 2014 U.S. Conference of Mayors “City Livability Award” winner. In addition, the program was the subject of a long-term study by The Reinvestment Fund; this study, which was released in September 2014, found that L&I’s use of targeted code enforcement stabilized neighborhoods, increased property values, and improved property tax collection rates.

Nationwide, best practices around vacant property management combine code enforcement with community development. For example, in Baltimore, the city’s code enforcement is directly tied to its community development strategy. This is the gap that Land Bank – which is also a national best practice – will bridge here. The Land Bank’s Strategic Plan, as created by Interface Studios in a consulting role, relied on a data-driven system to create an inventory of vacant properties and a decision-making tool for acquisition and disposition of vacant properties.

The Sub-Committee believes that the Commission’s concerns and associated recommendations regarding vacant property identification for public safety purposes will be fully implemented by the city’s current plan, which includes an existing Vacant Property Task Force and a data tool that will be useable by all City agencies for various purposes, including the identification, inspection, and management of vacant properties. Therefore, the proposed recommendation for this issue is a description of the next steps in the existing plan, challenges that may arise, and additional resources needed.

Role of L&I

L&I’s focus on public safety does not change under this plan. L&I will continue to focus dedicated resources to addressing vacant properties. The Vacant Property Strategy will remain as part of L&I’s Operations Division and will continue to be directed by L&I’s Director of Policy and Legislative Affairs, with additional staffing as recommended below. The Sub-Committee believes this satisfies the Commission’s first recommendation, which is the appointment of a Director of Vacant and Abandoned Properties. The unit’s work will be guided by the data obtained and distributed through the city-wide data tool; the data will allow the unit to prioritize certain properties – such as large vacant commercial and industrial buildings or imminently dangerous properties – for inspection and, if necessary, abatement. The Sub-Committee believes this satisfies the Commission’s fourth recommendation, which is to use data to prioritize and target enforcement efforts.

Vacant Property Task Force

The existing Vacant Property Task Force will remain and will expand as necessary to include all relevant stakeholders who may have a role in the elimination of vacant properties. Currently, the Task Force is made up of representatives from the Land Bank, PRA, Finance, OIT, L&I, and PHDC; this group will expand as the role of the Task Force expands. The Task Force will not be housed within any one department, but rather will operate as a larger city-wide entity. The Sub-Committee recommends further discussion as to whether the Task Force should be self-governing or fall under the direction of the Managing Director’s Office or another entity. The Sub-Committee believes that this implements the Commission’s second recommendation for the creation of a Task Force.

Data and Technology

The Commission recommends that L + I obtain regularly-updated vacant property surveys, using current technology and should assign a business owner of data quality and integrity outside the IT group and interface closely with L&I, IT, OIT and other city agencies to ensure shared, accurate information.



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Particularly important with respect to the master file property addresses maintained by the City's Office of Property Assessment. L&I's Compliance Division, which has IT personnel assigned, is a candidate for this role.

The data tool, as described above, will create a data inventory that will allow departments to easily access address-level information from other departments in one centralized location. The Sub-Committee believes that this fully implements the Commission's third recommendation, which is to obtain regularly-updated vacant property inventories. OIT's will assemble the data and build pipelines to ensure the flow of information between departments. Once the data is fed to the individual departments, those departments must develop a mechanism and process for reviewing, verifying, and updating their existing data. In the case of L&I, this means inputting the list of potentially vacant properties into the Project eCLIPSE data management system and inspecting each property for code violations and to verify vacancy. Once the database is updated accordingly, it will send feedback to the larger data tool; as this process continues, the accuracy of the inventory will continuously improve. The Sub-Committee believes this satisfies the Sub-Committee's final recommendation, which suggests that there be a level of quality control over property address data. As stated before, this data belongs city-wide, not within L&I or any individual department; individual departments will manage their own data with guidance from the data produced by the tool. Because the data tool goes beyond just the data itself and involves complicated processes around data sharing, the Sub-Committee recommends that there be an agency that provides oversight and coordination of such processes. The Sub-Committee suggests that this may be an appropriate role for the Managing Director's Office to hold.

Land Bank

The Commission recommends for abandoned properties without a responsive owner, the City should lien any abatement costs and work with the Land Bank for foreclosure and transfer to a new, responsible owner. The Commission's recommendation notes that the city's vacant property problem is not just about blight, but also about the need for a comprehensive development policy. Without a broader strategy that focuses on affordable housing, job creation, and community planning, any vacant property program will not be successful. Here, the Land Bank will develop and implement this strategy, and can do so even while the data tool is still being built. The Land Bank's Strategic Plan will soon be released, and will identify approximately 32,000 vacant properties that are eligible for Land Bank acquisition and disposition. The Land Bank will be the city's most effective conduit for returning vacant properties to productive use and will implement the Commission's fifth recommendation that vacant properties without responsive owners should be transferred to the Land Bank for disposition to new owners.

This process will not be without challenges. While many departments have pledged a commitment to sharing data, and L&I in particular has pledged dedicated IT resources to assist with data sharing, there will be conflicts among data sets, particularly around addressing; challenges in the data feedback model from individual agencies to the centralized tool; and technology barriers, as not all departments have data management systems that are capable of readily sharing with other systems. As such, additional resources and staffing will be needed to make the system as effective as possible. The goal timeline is as follows: an initial data inventory based on existing data in mid-2015 and a complete data inventory based on both existing data and new technology in mid-2016. To do this, OIT and L&I require the following:

New acquisition of Lidar/Planimetrics datasets: \$724,000. If the flyovers associated with the dataset are completed in March 2015, which is the recommended timeframe, the data will be available in late 2015. Biannual updates of the datasets will cost approximately \$550,000.



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OIT staffing: Two additional OIT GIS staff are needed to support (1) Planimetric/Lidar data analysis; (2) data acquisition, transformation ,and consolidation; (3) coordination of data feedback to source administrative records and addressing conflict resolution with OPD; and (4) model output analysis and field verification. This staffing will cost approximately \$90,000 annually.

L&I staffing: Eight additional L&I staff members are needed to focus solely on vacant properties; they will review data, conduct additional property research, and inspect the potentially vacant properties. The five inspectors, one supervisor, and two research assistants will cost approximately \$387,613 annually.

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Budget Justification



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Vacant Property Management Action Plan

ORGANIZATIONAL PRIORITY SHORT RANGE GOAL (3-6 MONTHS)

GOAL:

Improve management and oversight of vacant properties to reduce blight and hazards caused by dangerous vacant properties.

PERSON RESPONSIBLE

Rebecca Swanson, Director of Policy and Legislative Affairs

OBJECTIVES

- Perform Strategic Code Enforcement throughout the City of Philadelphia to identify and enforce code violations against abandoned vacant property owners using data and technology to target problem properties.
- Coordinate with existing agencies including the Land Bank, Law, Revenue, Planning, and PRA to dispose of vacant properties and put back into productive use.

ACTION ITEMS

1. Budget Approval FY16 Budget Request for 10 staff positions per above justification.
Implementation Date: February 1, 2015
2. Establish a Vacant Strategy Unit within Licenses and Inspections to begin proactive inspections and targeted code enforcement throughout the City. Assign five experienced inspectors and a supervisor to the newly established vacant strategy unit. *Implementation Date: February 15, 2015*.
3. Train Vacant Property Inspectors in strategic enforcement processes using data and information technology. *Implementation Date: March 1, 2015*
4. Establish a central office location within L + I in the Municipal Services Building on the 11th Floor. *Implementation Date April 1, 2015*
5. Initiate Strategic Enforcement Inspections in high density population neighborhoods.
Implementation Date April 1, 2015
6. Coordinate with the Vacant Strategy Committee and make recommendations for properties identified for disposition. *Implementation Date: May 1, 2015*
7. Back fill Licenses and Inspection Operations Positions for Routine Property Maintenance Service Requests. *Implementation Date: November 1, 2015*
8. Acquire LIDAR Technology to perform annual inspections of vacant properties and maintain profiles for each in a data base created in Project eClipse – *Implementation Date November 1, 2015*.

KEY PERFORMANCE MEASURES

1. Number of Vacant Property Violations Complied By Owner through Doors and Windows.
2. Number of Vacant Property Actions Complied By Court Action
3. Number of Vacant Properties processed in Sheriff Sale or Conservatorship
4. Number of Vacant Properties Sold for Productive Use.
5. Increased Property Values in targeted Communities



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DEMOLITION, ELECTRICAL INSPECTION & CRANE SAFETY CONTROLS

DEMOLITION LEGISLATION PROGRESS

The City of Philadelphia's Department of Licenses and Inspections is tasked with enforcing specific regulations related to building construction and demolition. These regulations are set out in the Philadelphia Code, which is an adoption of the Commonwealth of Pennsylvania's Uniform Construction Code with local modifications. The Commonwealth's code is, in turn, an adoption of the International Code Council's family of building codes. These regulations include standards for the inspection of private demolition sites. In this regard, the City's new requirements now exceed national standards for demolition inspections. The City goes further than almost all major cities in its enforcement of demolition regulations and in its demolition inspections, with the hope and expectation that these extra steps can help keep all of Philadelphia, and its citizens and visitors, safe.

The Department will continue to make major changes to our construction and demolition practices including implementing a stronger regulatory system that will be stricter than those in other cities. L+I worked with City Council to develop meaningful ordinance and amendments to the Philadelphia Code. These changes are presently underway. The 2015 Plan for a Safer City will make our current regulations even stronger in making the City safer for all Philadelphians.

Going forward, there will be more demands on demolition contractors. Now, prior to the beginning of any demolition, L&I inspectors will not only inspect the demolition site, they conduct a site safety review with the contractor and review the proposed schedule of work. Contractors who fail to make the requisite call to L&I prior to the start of will face far stiffer penalties including stop work orders, permit and license suspensions and fines up to \$500 per day.

As part of an enhanced permitting process, contractors will now have to provide an engineering report for the demolition of large structures over three stories. Private demolition contractors are prohibited from using heavy machinery, such as the excavator used at the Market Street site, to demolish attached buildings without the approval of a site safety engineer and a sealed P.E. report. The Department has been following this procedure in the City's Master Demolition Program for years, and now holds private demolition contractors to the same standard.

Contractors are being held accountable for following the rules, contacting the Department when required, and to maintaining safe job sites at all times. Those who fail to do so will face strict new penalties. Citizens are being asked to call 311 if they see a job site they believe is unsafe, because inspectors cannot be at every job site every day. The City and L&I will continue to review and improve its demolition standards and inspection procedures to improve public safety for all.

The Commission recommends requirements for additional safety steps, such as a requirement of a hand demolition, should be delivered in writing to the contractor. These safety plans must address worst-case, uncontrolled-collapse scenarios and anticipate full-height wall collapses with corresponding debris fields, and include provisions for rerouting street and pedestrian traffic accordingly. Three additional inspections should be scheduled and conducted to ensure compliance with the site safety plan.

Section B-3303.8 of the Philadelphia Code establishes a safety zone surrounding a building to be demolished with mechanical means equal to 50% of the building height. Non-authorized persons may not enter this safety zone, which would require the evacuation of all buildings and public spaces within the zone. Any alternative must be endorsed by a professional engineer through a detailed site safety plan

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addressing potential failures and would required continuous oversight by a qualified special inspector. This provision was adopted under Bill No. 130691, enacted 2/19/14. Any deviations to the the approved site safety plan must be addressed through the submission of an amended permit.

The inspection process for private demolition sites and the oversight of public demolition projects has been streamlined to ensure accuracy and consistency. All private and public demolition sites are now inspected by inspectors from the Department's Emergency Services Division, who are specifically trained to inspect, respond, and address dangerous building conditions as well as to oversee the Master Demolition Program for public demolitions. This was done to ensure that private demolitions adhere to the same strict standards required of public demolition projects. These strict standards include additional inspections beyond those indicated in the Building Code, including an initial site safety inspection to review the demolition safety plan and verify all applicable safety precautions and permits before demolition commences. The initial inspection also reviews the work schedule, which will determine the number of future inspections needed based on the height of the structure.

The site safety plan reviewed at the initial inspection must include approval from the Streets Department for closing the public right-of-way, including sidewalks and streets, during critical phases of demolition. Detailed safety plans must include plans for spotters, barricades, cattle shoots, fencing, and shelter platforms to protect the public during major demolitions, as well as verification that near neighbors have been notified of the impending project. If the project requires a street closure, the Department mandates that the contractor obtain Police Department assistance.

The Commission also recommends that the Department continue full implementation of the five legislative bills created by City Council and signed into law by the Mayor. **See Appendix 3 for Demolition Legislation Progress Chart** illustrating the Department's progress to date in implementing the legislative bills which also highlights the outstanding legislative items and timelines to be implemented.

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ELECTRICAL INSPECTION AGENCY OVERSIGHT

Recommendation: The City should implement a system that ensures the third-party inspection agency for inspections of electrical work is not chosen by the property owner, project manager, or contractor.

Current State

All permit inspections are provided by Department staff with the exception of work performed under electrical permits. Work performed under an electrical permit must be certified by a third party agency licensed by the Department in accordance with Sections 9-1304 and 9-1305 of the Philadelphia Code. (**See Appendix # 4 Electrical Inspection Agency License**)

The agency is identified by the electrical contractor at the time of application and the code is silent on contractual relationship. The rate for inspection services is negotiated between the inspection agency and their client. While the rates of inspection agencies are not disclosed to the Department, a fee of \$100-150 is common for the inspection of residential occupancies and agencies frequently mirror the permit fee, 2.5% of the construction cost, for commercial projects.

There are currently thirteen agencies licensed with the Department. Four of those agencies performed 89% of all electrical inspections over the past three years, including one agency which performed 40% of those inspections. The agencies are required to notify the Department within one week of the start of work, notify the Department of non-compliance with the electrical code, and furnish a final certificate of compliance within 30 days of issuance.

To ensure that the inspection agencies are carrying out the responsibilities bestowed upon them through the issuance of a license, the Department conducts audits performed by internal, certified electrical inspectors. (**See Appendix #4 Electrical Inspection Agency Audit Procedures**) The Department aims to audit 10% of all electrical permits. If a pattern of non-compliance is identified for any agency, that agency is subject to an administrative hearing and subsequent action. Administrative action may include license suspension.

There is currently only one electrical inspector assigned to both audits and service requests, making it difficult to consistently satisfy the 10% goal for audits. A 2nd inspector is currently going through the hiring process and expected to start work by the end of 2014. Over the past three years, the Department has audited 881 or 4% of the 22,864 electrical permits issued. Approximately 35% of audited permits, all with an associated licensed inspection agency identified at the time of permit issuance, were found to be in violation of the code. The individual rates of error generally range from 20-45%.

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Electrical Permit Data (By Agency) 2012-2014

Inspection Agency	No of Permits	Percentage of Total Permits Issued	Actual No of Violations (881 or 4% Audited)
ATLANTIC INLAND INSPECTION INC	184	0.80%	2
BURNS ELECTRICAL INSP. SERVICE	151	0.66%	1
CODE INSPECTION, INC.	5270	23.05%	45
FIRST PA INSPECTIONS INC.	41	0.18%	0
LIBERTY INSPECTION GROUP	943	4.12%	14
MIDDLE ATLANTIC INSPECTION INC	3448	15.08%	41
MIDDLE DEPT. INSPECTION AGENCY	840	3.67%	4
MUNICIPAL INSPECTIONS CORP.	2375	10.39%	43
PHILLIE ELECTRICAL INSPECTIONS	286	1.25%	13
RCI INSPECTIONS INC	48	0.21%	0
STATE INSPECTION AUTHORITY INC	172	0.75%	3
UNITED INSPECTION AGENCY	9106	39.83%	139
Grand Total	22864		305

The recommendation suggests that the Department assign an inspector to each permit. All major cities (Houston, Chicago, New York City, Las Vegas, Atlanta) researched use municipal employees for the inspection on electrical permits. To implement a similar practice in the City of Philadelphia, an additional eight electrical inspectors would be required at a cost of \$700,000. This figure was derived by applying the recommended 6 inspections/ inspector/day with a salary in the upper band of the proposed, consolidated inspector title (\$62,000/ year). If we absorb full responsibility for electrical inspections, the electrical inspector and inspection agency licenses would become obsolete. Consequently, jobs would be eliminated within the City for our thirteen licensed agencies.

Within Pennsylvania, most municipalities either contract with a third party agency for all inspections or allow the contractor to identify the inspection agency for electrical permits- as we do. Pittsburgh did conduct electrical inspections with municipal inspectors; however, the Building Department has recently required a third party electrical inspection as an interim measure to address an immediate staffing shortage.

Contracting directly with the inspection agencies based on geographic groupings was evaluated as a 2nd option. A rotational assignment was explored as a 3rd option. We did not identify any other municipalities which currently employ either of these methods.

It is recommended that the City retain its current practice with increased oversight, more stringent controls, and public education. The various options explored (internal inspections, contracting with the agencies and rotational assignment) are costly and/or pose economical and legal threats with no guarantee of correcting the underlying behavior. The permit fees for electrical work are equivalent to all other permit fees; however, we do not provide inspection services as we do for all other work types. As such, we are not in a position to raise permit fees to cover additional inspection costs generated by these options. While the net cost to the property owner would be the same or lower, the electrical permit fee would be disproportionately high in comparison to our other permit fees and those. It is possible to

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overcome the other barriers presented by absorbing inspection functions or assigning an agency; however, modifications to current practice will provide a more direct approach in ensuring compliance.

It is recommended that the City retain the use of a 3rd party electrical inspection agency with the following adjustments to current practice:

1. Require the owner or the owner's agent to contract with the inspection agency. This conflicts with the Commission's recommendation but it is consistent with the national standard of code enforcement. Section 1704.1 of the International Building Code (IBC) requires that the owner or design professional acting as the owner's agent contract with the special inspector for those components of work requiring a third party inspection. This is a requirement of the Building Code and is a long-standing practice within the City of Philadelphia as well as any other municipality which has adopted the IBC as the model code. Additionally, it was recommended by the International Accreditation Service that we require the owner to contract with the electrical inspection agency during their review of our construction services operation.

Add four additional electrical inspectors to the staff and increase audits to 50% of total permits issued. If inspectors were hired at upper band of proposed consolidated inspector title, the estimated cost of four inspectors is \$300,000. See Attachment below for detailed breakdown of costs.

Construction Inspector							
Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8
45,000	47,429	49,857	52,286	54,714	57,143	59,571	62,000

2. Assess a \$100 re-inspection fee to the agency, in addition to the contractor, in accordance with Section 901.12.1 of the Administrative Code, when an audit identifies a code violation which will necessitate a subsequent inspection by the Department.
3. Incorporate a Duties and Responsibilities agreement identifying more stringent requirements for notification of work and certification submission to be signed by owner, contractor, and inspection agency. If the inspection agency is required to notify the Department of the initial start of work and rough-in/service/ final completions, audits will be more effective.
4. Include a list of licensed inspection agencies with permit/ violation history on the website to assist the public in making a selection. While we may require the owner to contract with the agency, most will need to depend wholly on the contractor for guidance. An owner will be better equipped to make his own selection if information on agencies is readily available.

COST

The associated cost of four additional inspectors is \$300,000. We can recover some of this cost by re-inspection fees assessed to the agency and by being more diligent in verifying the cost of work on which the permit fee is based. The Department is seeking advice as to what, if any, any legal ramifications exist if a list of inspection agencies with permit/violation history is put on the website.

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Budget Justification

Third Party Electrical Inspection Agencies

BUDGET DETAIL : Electrical Inspectors

<u>JOB TITLE</u>	<u>CATEGORY:</u>	<u>DEPT</u>	<u>ANNUAL SALARY</u>	<u># of POSITIONS</u>	<u>FY16 REQUEST</u>	<u>RECURRING</u>
L+I Building/Electrical Inspector	Civil Service	L+I	\$62,000	4	\$248,000	\$248,000
			<u>SUB-TOTAL - CLASS 100</u>	-	\$248,000	\$248,000
			<u>Fringe Benefits @ 40%</u>	-	\$99,200	\$99,200
			<u>TOTAL - CLASS 100</u>	-	\$347,200	\$347,200
<u>L+I - ESTIMATE OF NECESSARY TRAINING, EQUIPMENT AND MATERIALS:</u>						
Inspector Training (10% of Salary estimate)					\$24,800	\$24,800
Wireless Communication Costs (eCLIPSE Smartphones @ \$50 per month)					\$2,400	\$2,400
			<u>TOTAL - CLASS 200</u>	-	\$27,200	\$27,200
Inspector Uniforms (\$500 X 4)					\$2,000	\$2,000
Code Books (\$221 X 4)					\$884	\$884
			<u>TOTAL - CLASS 300</u>	-	\$2,884	\$2,884
Pool Vehicles for Inspectors and Supervisor (\$13,000 X 1)					\$13,000	\$13,000
Equipment Purchase Costs for eCLIPSE Smartphones (\$299 X 4)					\$1,196	\$1,196
Equipment Purchase Costs for eCLIPSE docking stations and monitors (\$600 X 4)					\$2,400	\$2,400
			<u>TOTAL - CLASS 400</u>	-	\$16,596	\$16,596
					<u>FY16 REQUEST</u>	<u>RECURRING</u>
			<u>TOTAL</u>	-	\$393,880	\$393,880



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Electrical Inspection Agency Action Plan

ORGANIZATIONAL PRIORITY INTERMEDIATE RANGE (6-12 MONTHS)

GOAL:

Improve quality of electrical inspections and minimize opportunity for collusion through increased oversight and more stringent enforcement by **March 1, 2016**.

PERSON RESPONSIBLE

Elizabeth Baldwin, Director of Development Division

OBJECTIVES

- Prohibit contractual relationship between electrical contractor and inspection agencies.
- Modify operating procedure to exert tighter controls over inspection agencies.
- Increase the number of audit inspections performed.

ACTION ITEMS

9. Implement code change to require owner or owner's agent to contract with inspection agency.
Implementation Date: July, 2015
 - a) Draft regulation requiring owner or owner's agent to contract with inspection agency.
Completion Date: January, 2015
 - b) Promulgate regulation through public posting process. *Completion Date: March, 2015*
 - c) Build web-site look-up tool to allow public to obtain information on agencies, including permit and violation history. *Completion Date: April 2015*
 - d) Notify and educate electrical contractors and developers on code change. *Completion Date: April 2015*
10. Develop modified operating procedure. *Implementation Date: November, 2015*
 - a) Modify existing operating procedure and draft code bulletin outlining new parameters.
Completion Date: March, 2015
 - b) Building audit inspection, notification, and certification submission requirements into eClipse. *Completion Date: November 2015*
 - c) Notify and educate contractors, inspection agencies, and developers of modified procedure.
November 2015
11. Hire and train additional auditing staff. *Implementation Date: March, 2016*
 - a) Budget Approval FY16 Budget Request for 4 staff position per above justification.
Completion Date: March, 2015.
 - b) Define job responsibilities within proposed broad band inspector title and obtain approval.
Completion Date: June, 2015.
 - c) Recruit and hire three new inspectors (converted examination position to serve as 4th inspector). *Completion Date: November, 2015*
 - d) Train, certify and deploy new inspectors. *Completion Date: March, 2016*
12. Develop submission process: *Implementation Date: October, 2015*
 - a) Incorporate required design parameters for post permit submission and approval into eClipse.
Completion Date: August 2015



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- b) Develop code bulletin and operating procedures defining new process. ***Completion Date: September 2015***
- c) Notify and educate public on new requirements: ***Completion Date: October 2015***

KEY PERFORMANCE MEASURES

6. Number of Audit Inspections Performed
7. Number of Violations Issued on Electrical Permits
8. Distribution of inspection contracts amongst licensed agencies.

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CRANE REGULATIONS AND INSPECTIONS

Mobile Cranes

Commission Recommendation

The City should provide local enforcement of the current Commonwealth of Pennsylvania requirements that all crane operators be certified.

Current State

All stationary and mobile cranes with a maximum lifting capacity of 15 tons or more are regulated by the Department of State Professional Compliance Office through crane operator licensing. The State requires certification by an accredited agency (NCCCO, CIC, NCCER, OECP) unless operator was grandfathered during a grace period using either experience or successful completion of the practical NCCCO examination. OSHA has also adopted Standard 29 CFR 1926.1427, requiring all operators to be nationally certified by November, 2017. This requirement will also apply to all grandfathered PA operators.

Stationary (tower) cranes have been regulated under Chapter 9-3300 of the Philadelphia Code since 2008; these regulations were developed with assistance and input from the New York City Department of Buildings. Currently, required information is collected through a permit issued as an amendment to the original construction permit.

Since 2008, OSHA has also adopted more stringent regulations on all construction cranes & derricks under Standard 1926, Subpart CC. OSHA's enforcement of regulations is driven by complaints or service requests.

The Philadelphia Code does not contain any supplemental regulations on mobile cranes. Bill No. 120082, which proposes the adoption of inspection requirements for mobile cranes, has been held in City Council's Committee on Licenses & Inspections since 2012 with no addition action. While the sponsor has confirmed plans to revisit the bill, it will not be addressed in the immediate future.

Currently, 17 states and six cities have licensing or certification requirements for crane operators. Two of the six cities, New York City and Philadelphia (tower cranes only), are in states which regulate cranes at the state level. In both cases, the City ordinances predate the State requirements.

In response to a follow-up inquiry, the Commission identified New York City as the model for crane regulation. New York City licenses all operators and also has licensing requirements for supervising riggers. In addition, most construction cranes must be certified by the Department of Buildings. The NYC DOB includes a Cranes and Derricks Division consisting of approximately 15 certified inspectors and engineers dedicated to the review of crane applications and the initial, annual, and on-site inspection of construction cranes mobilized within the city. It appears that NYC's program is unique. No other cities certifying mobile crane equipment were identified. (**See Appendix 5 for a comparison between NYC and current regulations in effect within Philadelphia.**)

It is recommended that the City adopt legislation to enforce Federal and State laws regarding construction cranes and crane operators. It is recommended that the City adopt legislation to require the certification of riggers and signal persons, exceeding qualifications required by OSHA.



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While it was determined that laws governing crane and crane operators are adequate, neither the State nor OSHA proactively enforce these laws. Additionally, adequate rigging and signaling is critical to the safety of any crane operation. There are no State requirements for these operations and Federal requirements are ambiguous or inadequate.

The following is a summary of proposed requirements and enforcement:

Applicability: Mobile cranes with a maximum capacity of 15 tons or more. This will align with State licensure requirements.

Operator Qualifications: Crane operators are licensed by State. Riggers and signalers shall be certified by an accredited agency, which is the current requirement for tower crane operations.

Crane Inspections:

1. Inspections shall be performed as required by OSHA;
2. New, annual, and assembly inspections shall be performed by an NCCCO certified crane inspector (or approved equivalent) or by an accredited agency;
3. Shift inspections shall be performed by a qualified person.

Insurance: The crane owner or renter shall have a minimum level of general liability insurance, as determined by Risk Management.

Enforcement:

1. Annual crane certification, operator licenses, and rigger/ signal person certifications must be registered with permit a minimum of 48 hours in advance of work;
2. Required on-site inspections must be registered with permit prior to the start of work;
3. Shift inspection records must be kept on-site and furnished upon request.

Staffing:

1. Employ one NCCCO certified crane inspector in new Inspector title, with a starting salary in the higher band. On-line research reflected crane inspector salaries between \$45,000- \$65,000. Local inspection agencies reported salaries between \$45,000-\$99,000 during telephone interviews.

Construction Inspector							
Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8
45,000	47,429	49,857	52,286	54,714	57,143	59,571	62,000

2. Inspector will review all equipment certifications, operator licensing, and rigger/ signal person certifications and conduct on-site audits;
3. Inspector will be employed by Construction Site Task Force (CSTF) and supplement crane responsibilities with CSTF functions. While the volume of active, mobile construction cranes is unknown, there are approximately 5 tower cranes at a given time and an average of 35 building permits for the construction of buildings exceeding four stories issued annually.

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The requirements outlined are consistent with our current tower crane enforcement and provide a level of oversight equivalent to that of NYC DOB. NYC assumes direct responsibility for licensing and inspections; however, this structure was in place prior to federal and state regulations.

The proposal echoes those requirements outlined under Bill No. 120082, with a narrower focus of applicability. The proposal will require the addition of one inspector at an approximate cost of \$83,000. See Attachment C for breakdown of costs. The certification of riggers and signalers could prompt claims of federal preemption by dissenting parties. We do not anticipate any opposition since it is believed that both the Heavy Equipment Operators' Union and the Carpenters' Union support these certifications. There would be no impact. Enforcement would rest wholly with the Department of Buildings.

Budget Justification

Recommendation - Hire an inspector for crane enforcement						
<u>BUDGET DETAIL:</u> Crane Inspector						
<u>JOB TITLE</u>	<u>CATEGORY:</u>	<u>DEPT</u>	<u>ANNUAL SALARY</u>	<u># of POSITIONS</u>	<u>FY16 REQUEST</u>	<u>RECURRING</u>
L+I Building/Crane Inspector	Civil Service	L+I	\$62,000	1	\$62,000	\$62,000
SUB-TOTAL - CLASS 100					\$62,000	\$62,000
Fringe Benefits @ 40%					\$24,800	\$24,800
TOTAL - CLASS 100					\$86,800	\$86,800
<u>ESTIMATE OF NECESSARY TRAINING, EQUIPMENT AND MATERIALS:</u>						
Inspector Training (10% of Salary estimate)					\$6,200	\$6,200
Wireless Communication Costs (eCLIPSE Smartphones @ \$50 per month)					\$600	\$600
TOTAL - CLASS 200					\$6,800	\$6,800
Inspector Uniforms (\$500 X 1)					\$500	\$500
Code Books (\$221 X 1)					\$221	\$221
TOTAL - CLASS 300					\$721	\$721
Equipment Purchase Costs for eCLIPSE Smartphones (\$299 X 1)					\$299	\$299
Equipment Purchase Costs for eCLIPSE docking stations and monitors (\$600 X 1)					\$600	\$600
TOTAL - CLASS 400					\$899	\$899
				<u>FY16 REQUEST</u>	<u>RECURRING</u>	
				TOTAL	\$95,220	\$95,220



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Mobile Crane Oversight Action Plan

ORGANIZATIONAL PRIORITY INTERMEDIATE RANGE GOAL (6 – 12 MONTHS)

GOAL:

Improve safety of mobile crane operation within the City by providing oversight of existing State and federal requirements on licensing and inspections, and establishing certification requirements for all riggers and signalpersons, by **January 1, 2016.**

PERSON RESPONSIBLE

Elizabeth Baldwin, Director of Development Division

OBJECTIVES

1. Develop program to collect and monitor required PA crane operator's license and OSHA inspection certifications for mobile construction cranes with a lifting capacity of 15 tons or more through permitting process.
2. Require certification of all riggers and signalpersons involved in the operation of any mobile construction crane with a lifting capacity of 15 tons or more.
3. Establish a minimum liability insurance limit for mobile crane owners or renters.

ACTION ITEMS

1. Implement code change. *Implementation Date: May, 2015*
 - a) Draft code language to require certification of riggers/signalers and riggers, crane insurance, and submission of license/ inspection results. *Completion Date: January, 2015.*
 - b) Introduce and pass legislation incorporating new requirements. *Completion Date: May, 2015.*
2. Hire required mobile crane inspector to oversee program. *Implementation Date: December, 2015*
 - a) Budget Approval FY16 Budget Request for 1 staff position per above justification.
Completion Date: March, 2015.
 - b) Define job responsibilities within proposed broad band inspector title and obtain approval.
Completion Date: May, 2015.
 - c) Recruit and hire new inspector. *Completion Date: November, 2015*
 - d) Train and deploy new inspector. *Completion Date: December 2015*
3. Develop submission process: *Implementation Date: October, 2015*
 - a) Incorporate required design parameters for post permit submission and approval into eClipse.
Completion Date: August 2015
 - b) Develop code bulletin and operating procedures defining new process. *Completion Date: September 2015*
 - c) Notify and educate public on new requirements: *Completion Date: October 2015*

KEY PERFORMANCE MEASURES

1. Number of crane accidents within the City versus the number of cranes registered with construction permits.



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FIRE CODE INSPECTIONS & ENFORCEMENT

The Philadelphia Fire Department (PFD) Fire Safety Inspection Sub-Committee was tasked, to evaluate the current fire inspection system and develop alternatives in order to increase public safety and efficiency. A key recommendation was the transfer of fire safety inspections from L&I to the Fire Department. Detailed in this report is a Specific Fire Inspector Certification training recommendation, including cost analysis for an increase in staffing and training Fire Officers.

Current State

The Department of Licenses and Inspections is responsible for Fire Code enforcement throughout the city. This includes conducting inspections, responding to complaints, issuing the Notice of Violation, and initiating enforcement action for non compliant properties. This enforcement action includes: prosecution through Municipal Court for routine violations or the Court of Common Pleas where public safety is at risk. It also includes the Issuance of Cease Operation or Stop Work Orders when more immediate action is warranted.

The Philadelphia Fire Department while most noted for their fire suppression and rescue responsibilities also conduct a number of fire safety inspections at both the company/platoon level and through more specialized personnel assigned to the Fire Code, Fire Prevention, and Hazardous Material Administrative Units. Inspections range from pre-incident planning to community outreach and risk reduction programs.

Suspected violations of the Fire Code uncovered during an emergency response or a fire inspection are referred through the Fire Code Unit to L&I for follow up action. These “referrals” are made through the 311 call system and are routed directly to the inspector responsible for the location. Philadelphia Fire Department referrals are given inspection priority and inspectors follow up with a site inspection within 48 hours of receipt.

Special Independent Advisory Commission Report Recommendations

1. Create a two-tiered system of code enforcement, using existing fire companies as well as a generally expanded Fire Prevention Bureau (FPB).
2. Create an expanded Fire Prevention Bureau properly staffed with a sufficient number of inspectors.
3. Provide specific training to both Fire Officers as well as Fire Inspectors.

Committee Recommendation:

To develop a two-tiered system of code enforcement by expanding the existing Fire Code Unit (currently there are only 5 Fire Inspectors) that handles all inspections. In order to sufficiently staff this expansion the Sub-Committee recommends that 15 new Fire Inspectors and 17 new L&I staff be hired to supplement existing staff. The Sub-Committee recommends that a total of 392 Lieutenants and Captains are provided the Fire Inspector Level 1 (CFI/I) training. More details are provided in the *PFD Fire Safety Inspection Sub-Committee Report Summary*.

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Section 2 Development Process

Enhanced quality fire inspections at the unit level by the Fire Department with an expanded Fire Code Unit (FCU). Inspections will be completed by company level PFD Certified Fire Inspectors Level I (CFI/I); will forward fire code referral to L&I for follow up inspection with a copy to the FCU. L&I will write the violation(s) and pursue any enforcement. Implementation of the program would require a new training program and expansion of the Fire Department's FCU. Fifteen (15) additional fire officers will be added to the FCU. These additional Officers will comprise a group of 11 to 15 joint inspection teams with L&I. L&I positions to handle additional referrals generated by the certified PFD personnel and to reduce wait time when L&I support is requested on an emergency or fire scene.

This plan will professionalize and enhance the quality of fire inspections at the company level. Inspections would be completed by PFD personnel certified to Fire Inspector I (CFI-I). This plan also eliminates the duplicative and costly efforts inherent in creating a second code enforcement agency/system to manage complaints, track inspections, initiate prosecution, and secure court results necessary to obtain compliance.

The plan requires that all company level officers in PFD obtain Fire Inspectors Level I certification. During emergency response, pre-incident planning, or block check functions suspected violations of the fire code will be referred to the PFD Fire Code Unit and L&I for action. L&I will investigate and coordinate joint L&I/PFD inspections whenever possible. Upon confirmation that a violation exists L&I will initiate appropriate enforcement actions.

In addition to strengthening complaint and referral response, expanding both L&I and PFD fire code units will improve cooperation between the Departments, provide expertise and staffing necessary to conduct Vacant Commercial Property inspections as outlined in Councilman O'Brien's bill highlighted below. Finally, reinforcing the fire inspection units will reduce wait time for fire companies that request technical support from L&I or PFD at emergency scenes.

Implementation of this option requires a new training approach for PFD and L&I which includes training for officers and inspectors at the Philadelphia Fire Academy in preparation for certification. It will also require additional personnel to staff the expanded Fire Department's FCU and the newly established L&I FCEU. The expected totals for this are fifteen (15) additional fire officers will be added to the FCU, 15 inspectors and 1 supervisor will be assigned to the L&I FCEU.

Enhanced quality PFD fire inspections at the company level with expanded Fire Code Unit:

- a. Inspections completed by PFD Certified Fire Inspectors level I (CFI-I).
- b. The CFI-I members are part of one of the options presented previously in the training cost estimate section.
- c. The CFI-I will:
Perform the inspection at the company level
Complete the inspection form and forward the fire code infractions to L&I, copied to the Fire Code Unit.
- d. L&I will write the violation and pursue any enforcement

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e. Expanded Fire Code Unit

15 Officers: 2 Captains & 13 Lieutenants
L&I Operations Inspectors certified to CFI/1

g. All new fire cadets trained to CFI/1 by the end of their one (1) year probation

Short term: train all existing Officers

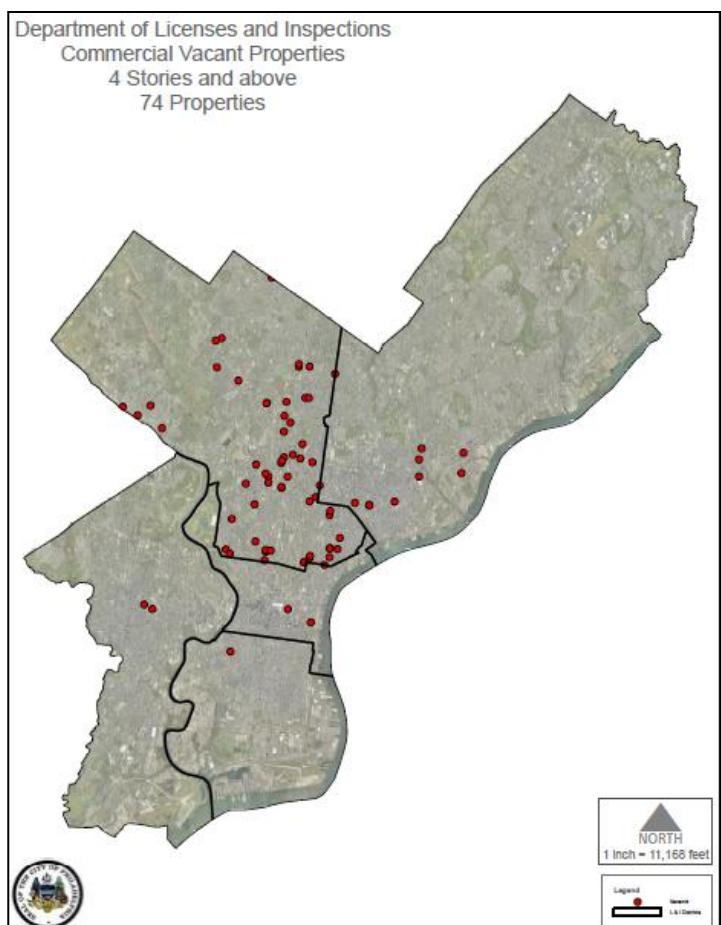
Long term: CFI/1 training added into fire academy curriculum for all new cadets

IMPLEMENTATION OF JOINT INSPECTIONS BETWEEN PFD AND L+I

In October, 2014 City Council introduced Bill No. 140055 (SEE APPENDIX #7), which establishes a fundamentally sound approach to the identification, tracking, and inspection of large vacant commercial and industrial buildings in the Philadelphia Fire Code. The Department supported this bill and its core intention: to protect the public, firefighters, and other emergency personnel from the dangers posed by large vacant commercial and industrial buildings, and to do so by leveraging inter-agency cooperation, joint inspections, centralized data management, and new technology, among other advances.

The bill requires that the Fire Department and Licenses and Inspections create joint inspections teams where certified inspectors from each Department will perform continuous joint inspections of properties designated as Large Vacant Commercial Industrial Properties (LVCIP). The joint inspection process performs systematic inspections of all LVCIP's beginning with a prioritized list that pose the greatest risk to public safety.

The L+I Fire Code Enforcement Unit Inspectors and the trained PFD Officers will proactively inspect LVCIP's with the results being fed back to the inventory for City-wide use. Importantly, this process will allow both Departments to quickly identify the large vacant commercial and industrial properties that have a history of code violations and that therefore require more detailed and more frequent inspections. These buildings will be prioritized to protect both public and firefighter safety. L + I will continue working with the Fire Department to develop joint inspection procedures and an electronic, centralized data management process that will contain both code violation reports and vital building information needed by the Fire Department. This will afford both Departments a better understanding of any structural deficiencies, unsecured openings, hazardous materials, or other dangers at these properties that present a threat to public and firefighter safety, and allow us to manage our response accordingly.



2015 Plan For A Safer City

Budget Justification

BUDGET DETAIL - Create an Expanded Fire Prevention Bureau						
<u>JOB TITLE</u>	<u>CATEGORY:</u>	<u>DEPT</u>	<u>ANNUAL SALARY</u>	<u>POSITIONS</u>	<u>FY16 REQUEST</u>	<u>RECURRING</u>
L+I Code Enforcement Inspector 3	Civil Service	L+I	\$48,310	15	\$724,650	\$724,650
Code Administrator 2	Civil Service	L+I	\$60,063	1	\$60,063	\$60,063
Fire Protection Engineer	Civil Service	L+I	\$87,198	1	\$87,198	\$87,198
Fire Inspectors certified as PFD CFI/II: 2 Captains & 13 Lieutenants	Civil Service	Fire		15	\$1,105,996	\$1,105,996
SUB-TOTAL - CLASS 100 - L+I					\$871,911	\$871,911
Fringe Benefits @40%					\$348,764	\$348,764
SUB-TOTAL - CLASS 100 - L+I w/ Fringe					\$1,220,675	\$1,220,675
SUB-TOTAL - CLASS 100 - Fire					\$1,105,996	\$1,105,996
Fringe Benefits @40%					\$442,398	\$442,398
SUB-TOTAL - CLASS 100 - Fire w/ Fringe					\$1,548,394	\$1,548,394
TOTAL - ALL CLASS 100					\$2,769,069	\$2,769,069
ESTIMATE OF NECESSARY TRAINING, EQUIPMENT AND MATERIALS:						
L+I - Inspector and Supervisory Training (10% of Salary estimate)					\$84,710	\$84,710
L+I - Wireless Communication Costs (eCLIPSE Smartphones @ \$50 per month)					\$7,200	\$7,200
L+I - Parking for Inspectors and Supervisor					\$38,208	\$38,208
SUB-TOTAL - CLASS 200 - L+I					\$130,118	\$130,118
Fire - Level I (CFI/I) training for company level officers (291 Lieutenants and 101 Captains)					\$1,191,341	\$1,191,341
SUB-TOTAL - CLASS 200 - Fire					\$1,191,341	\$1,191,341
L+I - Inspector Uniforms (\$500 X 15)					\$7,500	\$7,500
TOTAL - CLASS 300 - L+I					\$7,500	\$7,500
L+I - Pool Vehicles for Inspectors and Supervisor (\$13,000 X 5)					\$65,000	\$0
L+I - Equipment Purchase Costs for eCLIPSE Smartphones (\$299 X 16)					\$4,784	\$4,784
L+I - Equipment Purchase Costs for eCLIPSE docking stations and monitors (\$600 X 12)					\$7,200	\$7,200
L+I - Desktop PC's for Supervisors and Fire Protection Engineer (\$1,000 X 4)					\$4,000	\$0
L+I - Furniture Costs for Renovating Portion of MSB 11th Floor					\$283,333	\$0
TOTAL - CLASS 400 - L+I					\$364,317	\$11,984
					FY16 REQUEST	RECURRING
TOTAL - L+I					\$1,722,610	\$1,370,277
TOTAL - Fire					\$2,739,735	\$2,739,735



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CREATE AN EXPANDED FIRE PREVENTION BUREAU ACTION PLAN

ORGANIZATIONAL TIME TABLE - SHORT RANGE (3 – 6 MONTHS)

Goal:

To implement a certified fire inspector program within the Philadelphia Fire Department and the Department of Licenses and Inspections as outlined in the Fire Safety Subcommittee response to the Special Independent Advisory Committee.

Person Responsible:

Ralph DiPietro, Deputy Commissioner, Department of Licenses and Inspections
Henry J. Costo Deputy Commissioner, Philadelphia Fire Department

OBJECTIVES

1. Train and certify all Philadelphia Fire Department company level officers to act as a force multiplier. This will lead to improved referrals and enhance their ability to readily identify fire violations. The training and certification of fire officers is tied directly to the Commissions #3 recommendation “Provide specific training to both Fire Officers as well as Fire Inspectors”
2. Fully staff the Philadelphia Fire Department, Fire Code Unit (FCU) to handle complaint referrals initiated by the certified fire officers located throughout the city. They will work in conjunction with the L&I personnel. This unit will address the Commissions #2 recommendation to “Create an expanded Fire Prevention Bureau” comprised of fire fighting personnel
3. Phase I- train and certify 8 License and Inspection fire inspectors to handle increased inspection demand generated by the expanded PFD and as required by the Vacant Commercial Property ordinance.
4. Phase II- train and certify an additional 7 inspectors to supplement the Phase I personnel for a unit total of 15 inspectors
5. Establish and staff an L&I Fire Code Enforcement Unit (FCEU) complete with supervisory and clerical positions
6. L&I to hire a dedicated engineer with fire protection experience to oversee the inspection program, assist with policy, and develop training and inspection protocols for Operations, Development, and Building Division personnel.

Action Items:

L&I

1. Identify a current supervisory level employee to act as the supervisor of the newly established Fire Code Enforcement Unit **Implementation Date February 1st 2015**
2. Review all current L&I inspection personnel and evaluate level of certification for reassignment consideration **Implementation Date February 1st 2015**
3. Implement two phased approach for staffing.
 - (a) Phase 1- reassign inspectors meeting the minimum certification requirements to the L&I FCEU working out of the current district office locations **Implementation Date April 1st 2015**
 - (b) Phase II - develop and promote additional inspectors to fully support the unit and meet the proposed 15 inspector goal. Staff will be relocated to a central location (MSB) **Implementation Date July 1st 2016**



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4. Develop a training program in conjunction with PFD to jointly train L&I personnel along with the officers from PFD. **Implementation Date July 1st 2014**
5. To ensure sustainability of the program establish an internal training schedule to assist Code Enforcement I (uncertified) inspectors to achieve Fire Inspector I Certification level
Implementation Date March 2016
6. Interview and select an appropriate candidate for the fire engineer **position Implementation Date July 2016**

PFD

1. Secure a training provider to conduct the 40 hour inspection program
2. Assign company officers, lieutenants and captains to attend the training program
3. Verify all personnel obtain the required Fire Inspector I or II certification and complete the competency testing through the Fire Academy
4. Reassign personnel as necessary to bring the FCU to optimal staffing levels as determined by the Fire Commissioner

KEY PERFORMANCE MEASURES:

1. Total number of Fire Department referrals generated
2. Response time or time to inspection, setting a 24/48 hour expectation
3. Percentage of complaints leading to a violation
4. Number of inspections performed v. historical data
5. Compliance rates for cases and violations issued
6. Number of cases advanced to enforcement (Court Cease Operations, Stop Work, etc)
7. Number of program inspections performed
8. Number of joint L&I PFD inspections conducted

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INFORMATION TECHNOLOGY TO IMPROVE PUBLIC SAFETY

The first three Commission Recommendations focused on staff support for the eClipse project. The Commission highlighted the importance of eCLIPSE to the City, OIT and L&I collectively and specifically to ensure the project fully staffed, turnover minimized, and leadership housed at L&I. The Commission wanted the Department to maintain current timelines for project completion, the City, and OIT in particular, should assign additional staff full-time to L&I through project rollout as necessary and to ensure the project team should more actively partner with the divisional and supervisory leadership of L + I.

Current State Phase 1 of project eClipse is set to go live January, 2015. This will include online account registration and business license renewals. New license applications will be available around March. L&I and Computronix assigning staff as needed for Testing and Go Live efforts. Computronix has added another operations director to monitor all major communications to the City. Computronix is adding an additional technical lead to keep development for future phases on track. Weekly meetings are held with largest internal stakeholder, the Director of the Development Division. Monthly meetings are held updating Executive staff including the Commissioner on status and discussing improvements. Project team and SMEs participate in all review and signoff meetings.

Project eCLIPSE has been identified as one of five capital business transformation projects within the City. The relevant City departments, as well as the selected vendors, are completely staffing all required positions with proper backup support and filling any departures as fast as possible with personnel familiar with the project and departments involved. With the majority of project staff already based in the Department, OIT resources balance their time between both offices to have access to needed personnel and effectively maintain visibility and proper momentum for the project.

Computronix (**See Appendix #7 Computronix LMS System**), the prime vendor on Project eCLIPSE, has provided best practice staffing levels to maintain the POSSE LMS system based on their experience with other large municipalities. With that knowledge and taking L&I and OIT structures into account, along with the Electronic Plans and Mobility aspects of eCLIPSE, thirteen positions have been identified (Table 01) as required to maintain eCLIPSE after full implementation. Taking current resources into account, six of the identified roles would need to be New Hires or Assignments from L&I or OIT. Some positions may also be combined to make full time roles (Table 02). For maximum efficiency and to reduce post-implementation project delays, the open positions should be filled during the remainder of the project so all resources are in place by project end in early 2016. To reduce potential turnover of current staff, some salary levels should be adjusted to meet the suggested ranges from OIT HR.

The Department and the Office of Innovation and Technology (OIT) have completed actions to meet necessary staffing levels for implementation. All technical resources have been identified and assigned for Project eCLIPSE implementation, with backup personnel identified. OIT has assigned a Project Director and Project Manager to maintain momentum and timelines, with additional IT staff rolling on and off as needed (Table 02). Future IT needs are addressed through the best practice of a rolling 90-day resource calendar maintained by OIT and with input from L&I and Computronix. Department staff is proactively working with project staff to schedule needed resources well in advance.

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We fully expect that the project will meet all timelines going forward. In parallel to the City's actions with support levels, Computronix is actively monitoring and adjusting their staffing levels to support current and future phases to reduce the possibility of missed timelines.

The eCLIPSE project team has already had at least an initial meeting with each division head and their senior staff to review the overall project, target resource requirements, and discuss any initial concerns. These individuals are considered the subject-matter experts for their respective areas and work closely with the project team and vendors to not only explain the Department's business and processes, but to provide information for the build of the system.

L&I Subject Matter Experts(SMEs) are identified prior to Phase kick-off activities(Table 04) to ensure current resources are in place and time allocated to support Project eCLIPSE. Phase One and Two SMEs have been identified and Phase Three experts will be fully identified in early January 2015 for kick-off in late January. Project eCLIPSE leadership does not foresee any Fiscal or Administrative issues in this approach.

For Phase One alone, the identified SMEs have participated in: business and process requirements gathering, data conversion requirements gathering, review and signoff of requirements, review and signoff of data conversion efforts, review and signoff of system design and hands on testing within the system before official training is conducted. Monthly steering committee meetings are held with Project leadership, the Department's Executive team and the vendor to discuss status, timelines, issues, risks and action items. Quarterly meetings are held with Project stakeholders to review the same at a higher level and with an eye on inter-department/agency interfacing and communications. The Project Manager is invited to Executive team meetings to provide updates and discuss current efforts and plans. Project staff also meets with the Development Director on a weekly basis to discuss system impact on staff and processes. With Project staff being on site a majority of their time, there are organic conversations and interactions occurring within the Municipal Service Building space besides any schedule gatherings.

As the project progresses through the different phases, the above structure will be utilized with the other SMEs identified at the appropriate times. For Phase Two, many of the SMEs are the same as Phase One and Phase Two conversations are currently taking place in the same meetings as Phase One initiatives to increase effective time management practices.

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Table 01 – Positions Required for Project eCLIPSE Post Implementation*

Position	Type	Salary per HR	Description
L&I IT Director (VACANT)	Exempt	\$110,000-\$120,000	Strategic level position overseeing information and technology activities
eCLIPSE Admin – Lead/ Tier 1 Application Support (VACANT)	Union/Exempt	\$75,000-\$90,000	Responsible for scalability, design approach, configures system and modifications
eCLIPSE Admin – Support/ Tier 1 Application Support	Union/Exempt	\$75,000-\$90,000	Technical, writing procedural code, developing reports and maintaining system
Project Lead – Eclipse (FILLED)	Exempt	\$75,000-\$95,000	Manager focused on operations and new features
Project Lead - ePlans	Exempt	\$75,000-\$95,000	Manager focused on new ops capabilities
Business Analyst (FILLED)	Exempt	\$65,000-\$80,000	Assists both Project Lead roles with process re-engineering
GIS Senior Analyst (FILLED)	Exempt	\$50,000-\$60,000	Design and implementation of geospatial information into eCLIPSE
GIS Junior Analyst (VACANT)	Exempt	\$40,000-\$50,000	Analysis and development work in support of the Senior Analyst
Mobile Device Analyst/Mobile Device Management Lead (VACANT)	Union/Exempt	\$50,000-\$60,000	Maintains operational mobile devices and upgrades systems when needed.
End User Services – Kiosk Support/Tier 1 Application Support	Union	\$35,000-\$53,000	Technical support dedicated to self-service kiosks and Application support
ePlans Admin – Lead (VACANT)	Union	\$75,000-\$90,000	Responsible for scalability, design approach, configures system enhancements,
ePlans Admin – Support	Union	\$75,000-\$90,000	Technical, writing procedural code, and maintaining system interfaces
Trainer (VACANT)	Exempt	\$50,000-\$70,000	Dedicated educator to train eCLIPSE and ePlans

* Not all positions would be full time resources and could be combined to build one full time position.

Table 02 – Current Positions for Project eCLIPSE Implementation

City of Philadelphia		Computronix	
Position	Resource	Position	Resource
Project Director	OIT Employee	Operations Lead	Computronix VP
Project Manager	OIT Employee	Project Management Director	Comptronix Ops Director
Business Analyst	L + I Employee	Project Manager	Computronix Mgr.
GIS/Mobile Analyst	L + I Employee	Business Analyst	Computronix Emp
System Analyst/Site Administrator	L + I Employee	Technical Lead	Computronix Emp
Site Administrator	L + I Employee	System Engineer	Computronix Emp
Security	OIT Security Group	System Analyst	Computronix Emp
Mobile Device Management	Engineering/Unified Communications	Data Conversion	Pace Data Systems
Connectivity	OIT Networking	Database Administrator	Pace Data Systems
Support	L&I IT End User Services	Server Maintenance	Pace Data Systems
		Interactive Voice Response	Selectron
		Mobile Applications	Selectron
		Training	VKG Associates



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*Resources highlighted in Yellow are new since June

Table 03 – eCLIPSE Subject Matter Experts

Phase One - Business Licenses	Expert Area	Resource	Title or Area
	Business License Issuance	Executive Director	Director - Development Division
		Customer Ser. Mgr.	Customer Care
		Customer Ser. Sup.	License Issuance
		Customer Ser. Sup.	License Issuance
	Operation Inspections	Deputy Commissioner	Deputy Commissioner - Operations
		Operations Manager	Field Operations
		Business Compliance	Vending
Phase Two - Trade Licenses	Expert Area	Resource	Title or Area
	Trade License Issuance	Executive Director	Director - Development Division
		Customer Ser. Mgr.	Customer Care
		Customer Ser. Sup.	License Issuance
		Compliance Manager	
Phase Three - Permits, Inspections and Electronic Plan Review	Expert Area	Resource	Title or Area
	Permits & Plan reviews	Executive Director	Director - Development Division
		Others TBD	
	Building Inspections	Building Director	Director - Building Division
		Others TBD	
Phase Four - Code Enforcement	Expert Area	Resource	Title or Area
	Emergency Services	Emergency Services Dir.	Director - Emergency Services Division
		Others TBD	
	Operations	Deputy Commissioner	Deputy Commissioner - Operations
		Others TBD	
	Nuisance Property Task Force	Field Manager	Chief of Nuisance Property Unit
		Others TBD	



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INTRODUCING
eCLIPSE
Electronic Commercial Licensing, Inspection and Permit Services Enterprise

**NOW,
YOUR
BUSINESS
LICENSE
IS JUST
A CLICK
AWAY**

**INTRODUCING THE SIMPLER, QUICKER
WAY TO GET YOUR BUSINESS LICENSE.**

Why waste time standing in line when you can manage all of your licensing needs online? Explore eCLIPSE, L+I's new easy-to-use tool for registering licenses & permits.

- Quick and efficient
- Easy access, easy to navigate
- Step-by-step guide available

GET STARTED: phila.gov/LI your online power tool

L+I LICENSES + INSPECTIONS
CITY OF PHILADELPHIA

A third recommendation of the Special Independent Advisory Commission included more focus and attention on process engineering to obtain desired operational efficiencies.

Project eCLIPSE will have far-reaching implications across the City, including in the goals of reducing the number of vacant and blighted properties, encouraging safe development and making our department more efficient and accountable. This is how Project Eclipse will accomplish our goals

Project eClipse offers mobile solutions designed to increase public safety:

Mobile solutions offer increased oversight on construction projects and blighted vacant properties. Inspectors will have reduced administrative down time and spend more time in the field addressing dangerous properties and inspecting construction sites. Inspectors will have real time information on permits, licenses, insurance and contractor information to ensure compliance of City rules and regulations designed to protect public safety.

Inspectors will have now plans, permits, licenses, and violation histories available at their fingertips at all times and will have immediate access to construction documents and work site safety plans to review with the contractors on-site to ensure building safety.

Inspectors will have the capability to issue violations on the spot for property owners and contractors to address dangerous conditions immediately. This will improve public safety throughout the City. As a whole, this system will make every citizen of this City safer.

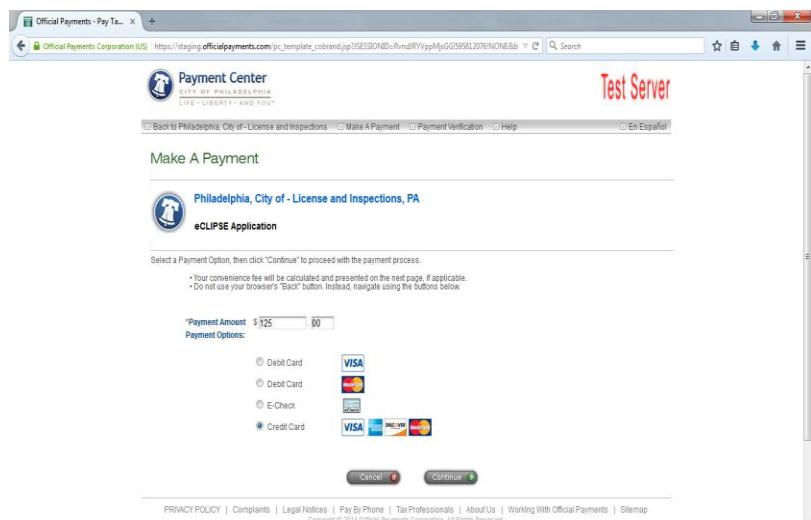
Project Eclipse Improves Service for the Citizens of Philadelphia

The system will present a marked change L&I's external capabilities by allowing business owners, developers, and residents to interact with the Department from their home or work computers. L&I's current system is based on data collection, and does not have interactive or online capabilities that allow citizens to do business directly with the Department. It requires visits to the Municipal Services Building Concourse for in-person payments and paperwork.



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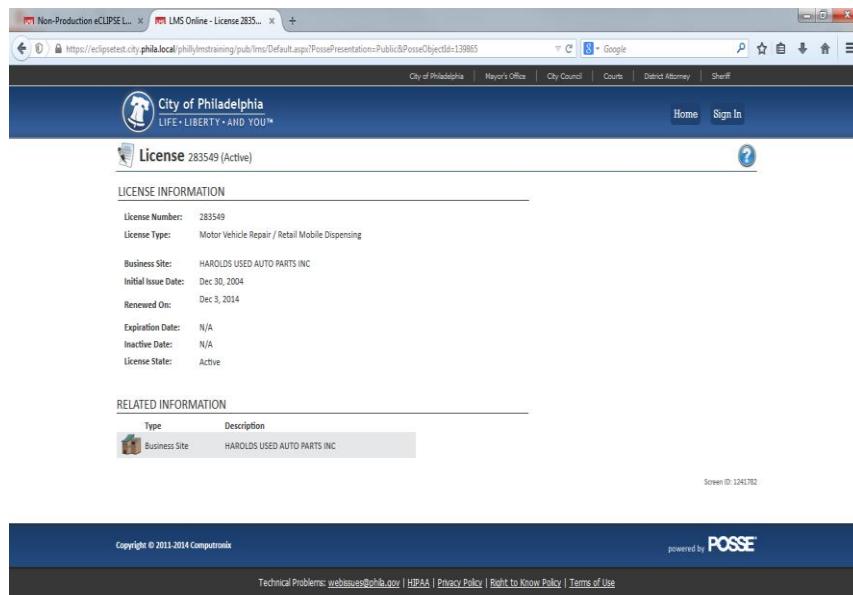
The new system has the type of interactivity and responsiveness that we want to see in our government, including online permit and license applications and the option to pay by credit card or through automatic billing.



Nearly everything that now must be done through a visit to the Concourse in the Municipal Services Building will now be available online, including permitting, licensing, and plan review. This includes all building and zoning permits and business licenses. Project eClipSE will also include expanded payment options, including pay-by-credit-card online and automatic billing. Placing our permitting, licensing, and plan review online, and making this

information available to the public 24/7, we increase our accessibility and responsiveness. This 24/7 accessibility and ability to do business with the Department from anywhere make the City of Philadelphia a place of choice for developers and business owners.

Project Eclipse improves government efficiency in the Department of Licenses and Inspections.



The system signals a move to a nearly paperless system, which will meet the Mayor's goal of making Philadelphia the greenest and most sustainable city in America.

Quicker application process, improved customer service in Concourse with drastically reduced wait times. Moving to this type of interactive system will improve efficiency. The new system provides capabilities for data sharing with other City Departments

that our current system does not offer, and will improve processes across the City. Data sharing across Departments that hold property ownership information, including OPA, will allow all Departments to have up-to-date, accurate ownership information for all properties. This will allow L&I to be more efficient and effective in citing the owners of properties with code violations.



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Our Vacant Property Strategy will get even better, as we will be able to target owners of vacant properties thanks to better data on property ownership obtained through data-sharing with other Departments. Our current process of manual research to find the offending owners will be replaced with **automatic-addressing** to better find these owners.

Project eClipse will also help the Department ensure that all those doing business in the City of Philadelphia play by the rules

The Department has already begun cracking down on tax delinquent contractors by requiring that a tax clearance and current insurance certificate be submitted with each permit application. Project eclipse enhances our ability to ensure compliance by interfacing with the Revenue Department's data management system. This will have a huge positive impact on tax collection. By sharing data with Revenue, L&I will be able to quickly and efficiently flag permit and license applicants who are tax delinquent, forcing the applicants to pay up before they can do business with the City.

Finally, a major concern and recommendation from the Commission included the importance of ensuring that ePlans Review remain a part of the original time line to go-live in phase three as scheduled.

Current State

Hyland's Onbase system awarded the electronic plan submission and review (ePlans) contract. Philadelphia Law Department and Hyland's Law Group are currently negotiating the contract. eCLIPSE Project Manager actively creating Statement of Work with Hyland's Project Team.

The Department, OIT and the Law Department are committed to completing the ePlans contract before the solution is needed for integration in Phase Three. The ePlans solution abilities include:

- Allow users to create account and submit their plans from any internet connected device
- Account gives users ability to track status and see past submissions
- Scan and upload any plans brought to the desk as paper
- Capture submitter's information electronically for easier access and cross referencing

Hyland's Onbase solution was selected in March 2014 as the system to implement. Contract negotiations began in August and are scheduled to be completed in January or February of 2015. The eCLIPSE Project Manager is leading the effort to create the Statement of Work for the contract and the City's Law Department is in weekly contact with the Vendor's Law Group for contract discussions. All parties are aware of the priority of this contract and its impact on Project eCLIPSE. Additional equipment will be required for plan reviewers to comment on and approve submitted plans (Table 05). Equipment would need to be in place by Phase Three Go Live in Fall of 2015.

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ECLIPSE STAFF SUPPORT ACTION PLAN

ORGANIZATIONAL TIME TABLE SHORT RANGE GOAL (IN PROGRESS)

GOAL 1:

eCLIPSE Project team to partner with L+I leadership to increase value of input for system requirements.

PERSON(S) RESPONSIBLE

Michael Jewsbury, Sr. Engagement Manager, OIT
L+I Subject Matter Experts

OBJECTIVES

1. Maintain open dialog with all L+I leadership staff.
2. Incorporate feedback into system requirements.
3. Utilize leadership staff to test and sign off on the system.

ACTION ITEMS

1. Include leadership staff in all elements of project including requirements, design, data conversion, testing and training. *Implementation Date: IN PROGRESS*
2. Update all leadership staff of project status for phases they are not involved in. *Implementation Date: IN PROGRESS*
3. Identify additional staff that should be included various aspects of the project. *Implementation Date: IN PROGRESS*

KEY PERFORMANCE MEASURES

1. Acceptance at all stages of project by leadership staff to move project forward.



2015 Plan For A Safer City

ECLIPSE STAFFING ACTION PLAN

ORGANIZATIONAL PRIORITY LONG RANGE GOAL (OVER 12 MONTHS)

GOAL 2:

Keep Project eCLIPSE fully staffed throughout implementation and provide proper resources for post implementation.

PERSON(S) RESPONSIBLE

Michael Jewsbury, Sr. Engagement Manager, OIT

OBJECTIVES

- Increase the level of service provided to L+I resources.
- Provide exceptional support for the new eCLIPSE system.

ACTION ITEMS

1. Finalize staffing assignments with proper salary adjustments for current resources.

Implementation Date: February 2, 2016

2. Obtain approval and funding for positions.

Implementation Date: February 20, 2016.

3. Develop complete position descriptions.

Implementation Date: March 6, 2016

4. Post positions, conduct interviews and hire resources.

Implementation Date: April 24, 2016.

5. Complete onboarding and necessary training.

Implementation Date: May 4, 2016

KEY PERFORMANCE MEASURES

- Filling all open positions
- Providing new updates to eCLIPSE
- Providing new updates to internal mobile users



2015 Plan For A Safer City

ECLIPSE ELECTRONIC PLAN REVIEW ACTION PLAN

ORGANIZATIONAL PRIORITY LONG RANGE GOAL (OVER 12 MONTHS)

GOAL # 3:

Incorporate electronic plans (ePlans) into Phase 3 of Project eCLIPSE to maximize benefits and efficiencies and to reduce project timeline.

PERSON(S) RESPONSIBLE

Michael Jewsbury, Sr. Engagement Manager, OIT
City of Philadelphia's Law Department
Hyland (ePlans vendor)
Computronix (eCLIPSE vendor)

OBJECTIVES

1. Work with ePlans vendor on Statement of Work to be performed on Project eCLIPSE.
2. Conform contract and receive all required signoffs.
3. On board ePlans vendor into Project eCLIPSE.

ACTION ITEMS

1. Finalize contract and Statement of Work. *Implementation Date: January 2015*
2. Begin inter-vendor discussions of eCLIPSE-ePlans interface. *Implementation Date: January – February 2015*
3. Begin development of interface. *Implementation Date: /Summer 2015*
4. Complete ePlans implementation and Go Live. *Implementation Date: January 2016*

KEY PERFORMANCE MEASURES

1. Delivery of signed contract
2. Aligned project plans between ePlans and eCLIPSE
3. Aligned go live for ePlans and eCLIPSE

2015 Plan For A Safer City

Budget Justification

Recommendation - Ensure Project eClipse is fully staffed.

BUDGET REQUEST:

<u>JOB TITLE</u>	<u>CATEGORY:</u>	<u>DEPT</u>	<u>ANNUAL SALARY</u>	<u># of POSITIONS</u>	<u>FY16 REQUEST</u>	<u>RECURRING</u>
L+I IT Director	Exempt	OIT	\$120,000	1	\$120,000	\$120,000
Project Lead - eCLIPSE & ePlans	Exempt	OIT	\$95,000	1	\$95,000	\$95,000
Mobile Device Analyst/Mobile Device Management Lead	Exempt	OIT	\$60,000	1	\$60,000	\$60,000
Trainer	Exempt	OIT	\$70,000	1	\$70,000	\$70,000
			SUB-TOTAL - CLASS 100		\$345,000	\$345,000
			Fringe Benefits @ 40%		\$138,000	\$138,000
			TOTAL - CLASS 100		\$483,000	\$483,000
Large e-Plans Monitors (\$824X30)					\$24,720	\$0
			TOTAL - CLASS 400		\$24,720	\$0
<i>OIT to Fund GIS Specialist 2& Business Analysts2 Positions</i>						



2015 Plan For A Safer City

TRAINING AND STAFF DEVELOPMENT

Commission Recommendation *The City should hire additional qualified construction inspectors and plan reviewers to reduce the workload on individuals and assure thorough and complete construction inspections are being completed.*

DEVELOPMENT SERVICES

The Development Services Division is responsible for ensuring that construction activities throughout the City are performed in compliance with all applicable codes and ordinances of the City of Philadelphia and the Commonwealth of Pennsylvania. This division carries out this responsibility through the issuance of zoning, building, plumbing and electrical permits and licenses and the site inspections of construction activity.

Current State

The Department's plan examination functions are performed by three separate units:

Engineering Services

Supervisory Staff: Three supervisors all possessing a B.S. in Civil Engineering with design and code review experience ranging from 12-35 years.

Examination Staff: 13 engineers all possessing a B.S. in Civil/ Architectural Engineering (four of whom possess a M.S. in Civil Engineering) and 3 vacant positions requiring a B.S. in Civil/ Architectural Engineering.

Function: Building, mechanical, fire suppression, demolition, and zoning review of all applications except those processed by the Permit Control Unit. All examiners possess certifications required by the Commonwealth of Pennsylvania to review permit applications for building, mechanical, and fire suppression work. All examiners have had extensive coursework in structural analysis and hydraulics as part of the civil/ architectural engineering curriculum. Those examiners with a degree in architectural engineering have had limited coursework in HVAC.

Permit Control

Supervisory Staff: One supervisor with 30+ years experience in construction, including building inspections and plan review. There is one vacancy requiring similar qualifications

Examination Staff: 10 examiners with extensive experience in various trades of the construction industry and code enforcement, two examiners with a B.S. in Civil Engineering and, and two examiners with approximately 10 years experience in Zoning Code review.

Function: Building permit application review for residential alterations, decks, and miscellaneous applications (i.e. signs, shelter platforms, verification of unregistered buildings) and zoning application review. 11 of the examiners possess certifications required by the Commonwealth of Pennsylvania to review permit applications. All examiners have experience and education qualifying them to review assigned work.

Mechanical Services

Supervisory Staff: One supervisor with a Master Plumber's license and 30+ years experience in the plumbing trade and general building inspections.



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Examination Staff: One plumbing plans examiner with a Master Plumber's license and 30+ years experience in the plumbing trade and a 2nd plumbing plans review position expected to be filled by the end of December 2014 by an individual who also possesses a Master Plumber's license and extensive trade experience. Two electrical plans examiners who are licensed electricians with trade experience and a 3rd position expected to be filled by the end of December 2014 by an individual with similar qualifications.

Function: Electrical and plumbing permit application review. All examiners possess certifications required by the Commonwealth of Pennsylvania to review permit applications necessary to conduct reviews and are highly skilled in areas of specialty.

The Department's Building Division inspectors are all state-certified. The job specification for Construction Code Specialist requires one-year experience as a Construction Codes Specialist Trainee or Construction Trades Inspector and certification by the Commonwealth of Pennsylvania Department of Labor & Industry as a building inspector, accessibility inspector/plans examiner, mechanical inspector, and energy inspector. The Department reviews staffing levels and workloads on an ongoing basis to ensure that there are sufficient numbers of inspectors inspecting all permits.

The Commission recommends the Department should place supervising licensed engineers in each construction "discipline" with a corresponding appropriate number of state-certified construction inspectors.

There is a broad band of education and experience requirements for plans examination staff across municipalities. In Pennsylvania, the Uniform Construction Code requires all examiners to possess associated certifications obtained through written examination. In most municipalities within Pennsylvania, the supplemental requirements are a high school diploma and a minimal level of experience. Most large cities do require degreed engineers on staff. Some require engineers of various disciplines while others require a degree in civil engineering to perform most plan review functions.

Recommendation

It is recommended that engineers with specialized experience be added to the staff to guide our newer engineers and make recommendations on future staffing.

Structural Engineer: Since structural engineering is a branch of civil engineering, all of the Department's engineers possess the necessary skills and knowledge to review structural plans. However, most of the engineers have minimal practical experience in building design or forensics engineering. A licensed engineer with substantial experience in building design or forensics engineering would enhance the Permit Services units and help mold less experienced engineers. The plans examination staff is highly educated and only an individual with practical experience would serve to strengthen the unit. The recommendation is for an individual with a B.S. in Civil Engineering, a PA professional engineer's license, and a minimum of 5 years experience in building design or forensics.

Mechanical Engineer: Examiners currently conduct a thorough review to ensure full compliance with the International Mechanical Code but most have limited knowledge of the design of mechanical systems. The addition of a mechanical engineer is highly recommended. This individual could audit current practice, serve as a subject matter expert for all examiners, and offer recommendations on future staffing. Current practice only scratches the surface of HVAC design and a mechanical engineer could

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advise on the necessity of more meaningful reviews. If it is determined that stakeholders would be better served with additional mechanical engineers on staff, this individual would be positioned to train entry level engineers. The recommendation is for an individual with a B.S. in Mechanical Engineering, a PA professional engineer's license, and a minimum of 5 years experience in HVAC design.

Electrical Engineer: Currently, the electrical and plumbing permit functions are consolidated into one unit under the helm of a Master Plumber. The electrical plans examination staff is very proficient in the trade and the code; however, there is no senior staff member to make administrative decisions on technical matters. The recommendation is for an individual with a B.S. in Electrical Engineering, a PA professional engineer's license, and a minimum of 5 years experience.

In evaluating Chapter 4 of the report, it was determined that there is a need for increased electrical inspections staffing. The Department's experienced electricians may be better utilized in this capacity, with examination positions filled by electrical engineers. It is recommended that the Electrical Construction Plan Review Specialists be deployed to the field and that the Department hire three entry-level electrical engineers. Furthermore, an electrical permit application frequently contains components that must comply with Building, Fire, and Energy Codes. It is recommended that this operation be absorbed into the Engineering Services Unit for a more comprehensive, cohesive, and consistent plan review.

Fire Protection Engineer: A fire protection engineering curriculum is highly specialized and offered at very few universities nationwide, usually in the form of a post-graduate program. Fire protection engineers generally provide a performance-based design approach as an alternative to prescriptive requirements of the building code. The median salary of a fire protection engineer is approximately \$20,000 higher than that of a civil engineer. It would be difficult to recruit an experienced fire protection engineer within the City's salary range and his services would be underutilized in scope and quantity. It appears that a code enforcement position advertised as a fire protection engineer generally refers to a civil or mechanical engineer with experience in the review, design or operation of fire protection systems. The plans examination staff has the hydraulics background necessary to thoroughly review calculations for fire suppression systems and is proficient in Fire Code review.

While the recruitment of a fire protection engineer is not recommended, it would be beneficial to become more educated on smoke systems and structural fire protection. The University of Maryland offers on-line fire protection certificate program and an on-line Master's program. A certificate requires 4 courses (12 credit hours) at approximately \$1,050.00/ credit. Licenses & Inspections does provide tuition reimbursement for approved programs. It is recommended that this program be included on the approved list in exchange for a commitment on post-graduate service time.

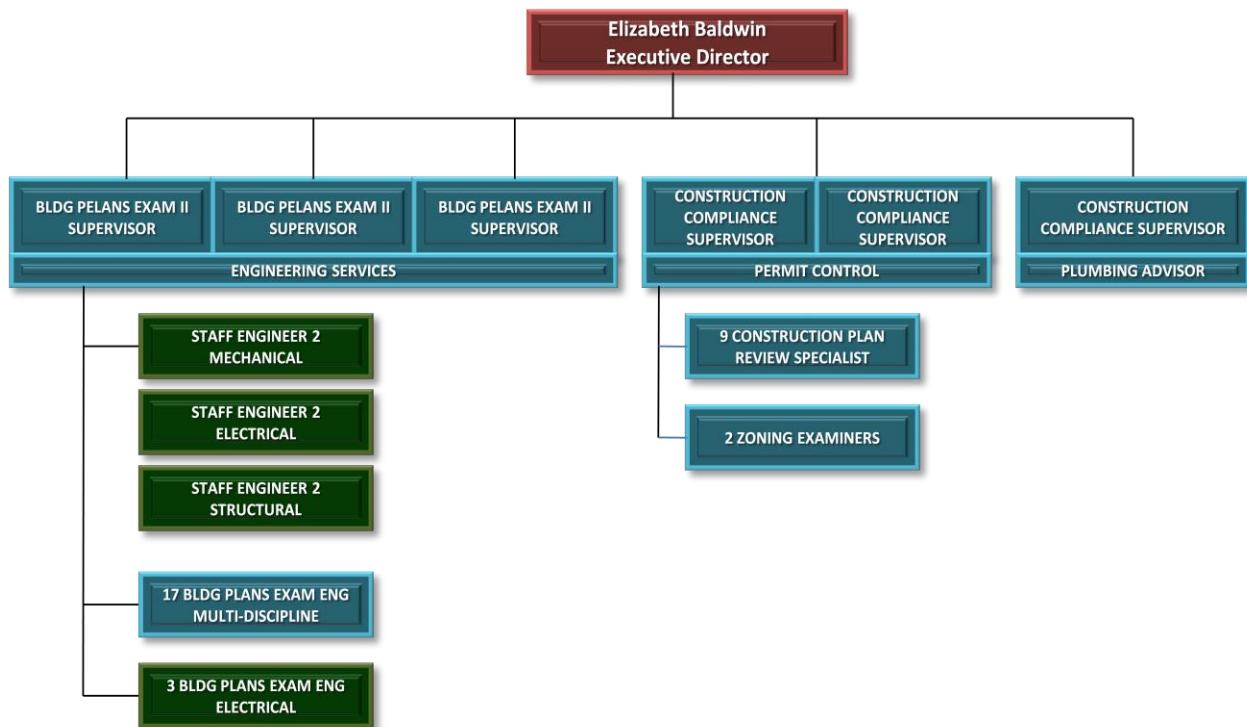
Plumbing Engineer: Current plumbing plans examiners are subject matter experts and adept in code review; however, staffing changes would be beneficial to the operation. There is a significant amount of overlap between the plumbing and building reviews, resulting in a misallocation of resources. Additionally, building inspections would benefit from additional plumbing experts in the district offices. It is recommended that plumbing plan review functions be moved to Eng Services and performed by the building plans examiners under the guidance of an HVAC engineer and an experienced plumbing plans examiner.

In summary, it is recommended that a mechanical, electrical, and structural engineer be included on staff. To attract individuals with necessary qualifications, it is recommended that the Staff Engineer 2 title be utilized. The addition of two entry-level engineers is also recommended. The recommended changes prompt a modification to the organizational structure. See attached existing and proposed

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organization charts. The net increase in cost is approximately \$150,000/ year. The staff engineer 2 is an exempt position with an associated pay grade of N25 and would report to the Building Plans Examination Engineer 2. This precipitates a pay increase from EP25 to EP26 for the Building Plans Examination Engineer 2 position.

DEVELOPMENT SERVICE PROPOSED ORGIZATION CHART



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Budget Justification

<u>BUDGET DETAIL:</u>		Engineering Positions				
<u>JOB TITLE</u>	<u>CATEGORY:</u>	<u>DEPT</u>	<u>ANNUAL SALARY</u>	<u># of POSITIONS</u>	<u>FY16 REQUEST</u>	<u>RECURRING</u>
Staff Engineer 2 (Structural/Civil)	Civil Service	L+I	\$82,350	1	\$82,350	\$82,350
Staff Engineer 2 (Mechanical)	Civil Service	L+I	\$82,350	1	\$82,350	\$82,350
Staff Engineer 2 (Electrical)	Civil Service	L+I	\$82,350	1	\$82,350	\$82,350
Graduate Electrical Engineer	Civil Service	L+I	\$49,492	2	\$98,984	\$98,984
Pay Increase for Current BPEE 2's to Range N26.	Civil Service	L+I	\$5,946 Increase	3	\$17,838	\$17,838
				SUB-TOTAL - CLASS 100	\$363,872	\$363,872
				Fringe Benefits @ 40%	\$145,549	\$145,549
				TOTAL - CLASS 100	\$509,421	\$509,421
<u>L+I - ESTIMATE OF NECESSARY TRAINING, EQUIPMENT AND MATERIALS:</u>						
Employee Training (10% of Salary estimate)					\$36,387	\$36,387
		TOTAL - CLASS 200			\$36,387	\$36,387

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ENGINEERING STAFFING ACTION PLAN

ORGANIZATIONAL PRIORITY LONG RANGE GOAL

GOAL: Add engineers to staff and cross-train existing staff to improve services by **May, 2016.**

PERSON RESPONSIBLE

Elizabeth Baldwin, Director of Development Division

OBJECTIVES

7. Increase knowledge and expertise in all aspects of construction by supplementing existing staff with licensed engineers possessing substantial experience in the fields structural, mechanical, and electrical engineering.
8. Streamline process to promote development through the elimination of redundancy by cross-training of existing civil engineering staff in the Plumbing Code.
9. Increase the level of service provided to the public.

ACTION ITEMS

1. Hire and train additional staff. *Implementation Date: May, 2016*
 - e) Budget Approval FY16 Budget Request for net salary increase resulting from staffing changes. *Completion Date: March, 2015.*
 - f) Obtain approval of modification to Staff Engineer 2 and BPEE2 specifications. *Completion Date: June, 2015.*
 - g) Recruit and hire three specialized engineers under Staff Engineer 2 title and two graduate electrical engineers. *Completion Date: November, 2015*
 - h) Train and certify new staff. *Completion Date: May, 2016*
2. Adopt IPC. *Implementation Date: May, 2016*
 - e) Work with affected parties in developing new Philadelphia Code, adopting IPC with local modifications. *Completion Date: July 2015*
 - f) Obtain State approval of local modifications. *Completion Date: October 2015*
 - g) Promulgate regulation through public posting process. *Completion Date: December, 2015*
 - h) Develop New Philadelphia Contractor's license exam certification and associated study material. *Completion Date: December, 2015*
 - i) Implement transition plan to incorporate change in code and certification requirement for plumbing new contractor licenses. *Completion Date: May, 2016*
3. Cross train civil engineers in plumbing code. *Implementation Date: December, 2015*
 - d) Train and certify existing staff in plumbing code. *Completion Date: July, 2015*
 - e) Supervise initial plumbing plan reviews conducted by BPEE1s. *Completion Date: December 2015*
4. Obtain Fire Protection Engineer certification for at least one staff member. *Implementation Date: May, 2016*

KEY PERFORMANCE MEASURES

- Number of errors identified during audit reviews.
- Satisfaction of service level agreements.
- Ability to provide expanded services.



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HIRING ADDITIONAL INSPECTORS

Report Recommendation: The City should hire additional qualified inspectors and plan reviewers to reduce the workload on individuals and assure thorough and complete reviews/inspections are being conducted.

In order to meet the recommended daily inspection rate of 6 inspections a day, L+I needs to hire an additional 35 Building Inspectors. Combined with the existing 39 inspectors, L+I would have a total of 74 Building Inspectors. Note: This does number not include the L+I staff request for vacant property. 6 of these 35 Inspectors should be dedicated to perform plumbing inspections and 4 of them to auditing electrical permits (includes the 3 entry-level electrical engineers and 1 senior electrical engineer)

Current State

In October 2014, the Department hired twenty seven (27) new Building Inspectors, which were authorized in L+I's Fiscal Year 2015 operating budget. In addition, the Department filled eight (8) existing Building Inspector vacancies. The inspectors have already attended OSHA 30 training and are presently attending technical certification preparation courses facilitated by a nationally recognized contracted vendor. The inspectors are scheduled to complete their certification training program in May 2015. Once certified, inspectors will be assigned to the Construction Site Task Force, Contractual Services Unit, Compliance Unit and District Operations.

As noted on pages 39 through 41 of the Commission's Report, it is recommended that L+I double its number of Construction Inspectors in order to reach a more reasonable daily rate of construction inspections. As of the writing of this report, L+I had thirty one (31) Building Inspectors assigned to district offices conducting construction inspections. As noted above, eight Building Inspectors have been hired to backfill vacancies in the District Offices. Once these eight (8) inspectors are fully certified in May 2015, The Department's District Operations will be staffed with a total of thirty-nine (39) Building Inspectors.

INSPECTION RATIO DATA

Comparing inspections between jurisdictions comes in the way various cities count "inspections". Some cities view inspections as the number of sites visited. This can be fairly easy if inspectors are not multi-disciplined and sites do not typically have multiple tenants within a site. Given a typical 30 minutes of inspection time at each site, travel time, personal and administrative time, six inspections per day may be appropriate in other cities. However cities, like Philadelphia, who perform building, plumbing, and mechanical inspections at sites that can have multiple projects going at a single site, the counting of "inspections" is different. Again given a typical 30 minute inspection, recording results on building, plumbing, mechanical and fire suppression work at that site would amount to as many as 5 "inspections". Thus you are comparing apples and oranges.

Code officials across the country found that most building Departments count inspections differently. There was no data available that establishes a standard for number of inspections per inspector. It is not an apples to apples comparison. In 2008, the Department attempted to survey jurisdictions on the issue of inspections per year instead of per day and came up with the following:

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2008 Survey

Rank	Location	Annual Inspection Rate	Daily Inspection Rate
1	Fort Worth	5,991	23.9
2	San Jose	4,231	17.9
3	Wichita	4,070	16.4
4	Long Beach	3,987	15.9
5	Jacksonville	3,858	15.4
6	Denver	3,468	13.8
7	Portland	3,229	12.9
8	Phoenix/Maricopa Co.	3,156	12.6
9	Nashville/Davidson	3,056	12.2
10	Average	2,839	11.3
11	San Antonio	2,833	11.3
12	Philadelphia	2,795	11.1
13	Austin	2,780	11.1
14	Oklahoma City	2,603	10.4
15	Clark County	2,343	9.3
16	Los Angeles	2,266	9.0
17	Honolulu	2,148	8.5
18	San Diego	1,846	7.3
19	Columbus	1,574	6.2
20	Kansas City	1,440	5.7
21	San Francisco	1,331	5.3
22	Raleigh	618	2.4

The number of inspections performed each day cannot be used as a measurement of the quality of those inspections. The only way to ensure quality is through a quality assurance program. The number of inspectors needed is determined through a combination of the quality of the inspection desired and the volume of permit inspection requests.

The Department should hire thirty-five (35) additional Building Inspectors. Combined with the existing 39 inspectors, L+I would have a total of seventy four (74) Building Inspectors.

L+I - Total Development Division Inspections – FY12 through FY14

FY14	FY13	FY12
97,369	96,150	101,041

From FY12 through FY14, the Department has averaged 98,187 building inspections per year. Using 240 annual working days, this volume of inspections will result in an average 6 inspections per day if the additional 35 inspectors are hired, which is the daily inspection figure stated in the Commission's peer city review.

The inspectional volumes referenced above include all types of building permit inspections, including new construction, addition, major alteration, electrical and plumbing. This sub-committee is recommending that 10 of the 35 new building inspectors be dedicated to performing plumbing inspections and auditing electrical permits.

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The estimated cost of hiring 4 electrical inspectors is outlined below and is also detailed in the sub-committee report that covers Chapter 4 *Demolitions, Electrical Inspections and Crane Regulations*.

This sub-committee is also recommending hiring 6 dedicated plumbing inspectors that will solely focus on plumbing permit inspections in L+I's district operations. The Department averages approximately 15,000 plumbing permits annually. The current training and experience requirements for entry-level L+I Building Inspectors allows experience in any prior field of construction. By hiring dedicated plumbing inspectors with specific prior experience in the plumbing industry, the Department will provide more quality inspections and at the same time relieve district building inspectors of this significant volume.

OTHER RESOURCES NEEDED:

Department of Public Property - It must be noted that L+I's current district offices are near maximum capacity. If the recommendation to hire additional building inspectors moves forward, a detailed review of current facilities must be performed and L+I would need to consult with the Department of Public Property to evaluate real estate leasing options. This recommendation's cost estimate would be increased by the costs associated with these required space moves.

Office of Human Resources – L+I would partner with OHR to announce and recruit for the additional building inspector positions. No challenges or concerns are expected with this effort.

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Budget Justification

Recommendation - Hire additional construction inspectors to reach a more reasonable daily rate of inspections.

BUDGET DETAIL: 24 Additional Building Inspectors

<u>JOB TITLE</u>	<u>CATEGORY:</u>	<u>DEPT</u>	<u>ANNUAL SALARY</u>	<u># of POSITIONS</u>	<u>FY16 REQUEST</u>	<u>RECURRING</u>
L+I Building Inspector	Civil Service	L+I	\$62,000	24	\$1,488,000	\$1,488,000
L+I Construction Compliance Supervisor	Civil Service	L+I	\$71,182	4	\$284,728	\$284,728
			SUB-TOTAL - CLASS 100	-	\$1,772,728	\$1,772,728
			Fringe Benefits @ 40%	-	\$709,091	\$709,091
			TOTAL - CLASS 100	-	\$2,481,819	\$2,481,819

L+I - ESTIMATE OF ANNUAL TRAINING, EQUIPMENT AND MATERIALS:

Building Inspector Certification Training & Supervisory Training (10% of Salary estimate)	\$177,272	\$177,272
Building Inspector ICC Certification Testing Costs (\$180 per Certification)	\$18,000	\$18,000
Wireless Communication Costs (eCLIPSE Smartphones @ \$50 per month)	\$17,400	\$17,400
New Facility Lease Costs (Estimate)	\$150,000	\$150,000
TOTAL - CLASS 200	\$362,672	\$362,672
Inspector Uniforms (\$500 X 24)	\$12,000	\$12,000
Code Books (\$443 X 24)	\$10,632	\$10,632
TOTAL - CLASS 300	\$22,632	\$22,632
Pool Vehicles for Inspectors and Supervisor (\$13,000 X 12)	\$156,000	\$0
Equipment Purchase Costs for eCLIPSE Smartphones	\$8,372	\$8,372
Equipment Purchase Costs for eCLIPSE docking stations and monitors	\$14,400	\$14,400
New Facility Furniture Costs (Estimate)	\$500,000	\$0
TOTAL - CLASS 400	\$678,772	\$22,772
	<u>FY16 REQUEST</u>	<u>RECURRING</u>
	TOTAL	\$3,545,895
		\$2,889,895



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Budget Justification

Recommendation - Hire additional construction inspectors for Plumbing

BUDGET DETAIL: Plumbing Inspectors

<u>JOB TITLE</u>	<u>CATEGORY:</u>	<u>DEPT</u>	<u>ANNUAL SALARY</u>	<u># of POSITIONS</u>	<u>FY16 REQUEST</u>	<u>RECURRING</u>
L+I Building/Plumbing Inspector	Civil Service	L+I	\$62,000	6	\$372,000	\$372,000
			SUB-TOTAL - CLASS 100		\$372,000	\$372,000
			Fringe Benefits @ 40%		\$148,800	\$148,800
			TOTAL - CLASS			
			100		\$520,800	\$520,800

ESTIMATE OF NECESSARY TRAINING, EQUIPMENT AND MATERIALS:

Inspector Training (10% of Salary estimate)	\$37,200	\$37,200
Wireless Communication Costs (eCLIPSE Smartphones @ \$50 per month)	\$3,600	\$3,600
TOTAL - CLASS		
200	\$40,800	\$40,800

Inspector Uniforms (\$500 X 6)	\$3,000	\$3,000
Code Books (\$221 X 6)	\$1,326	\$1,326
<u>TOTAL - CLASS</u>	<u>\$4,326</u>	<u>\$4,326</u>

Pool Vehicles for Inspectors and Supervisor (\$13,000 X 2)	\$26,000	\$26,000
Equipment Purchase Costs for eCLIPSE Smartphones (\$299 X 6)	\$1,794	\$1,794
Equipment Purchase Costs for eCLIPSE docking stations and monitors (\$600 X 6)	\$3,600	\$3,600
<u>TOTAL - CLASS</u>	400	\$31,394

	<u>FY16</u> <u>REQUEST</u>	<u>RECURRING</u>
TOTAL	\$597,320	\$597,320



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ORGANIZATIONAL TIME TABLE LONG RANGE GOAL 9 (OVER 12 MONTHS)

GOAL:

Hire thirty-five (35) Building Inspectors in order to bring daily inspectional volume to six (6) inspections daily per inspector, as recommended in the SIAC Report.

The total of thirty five (35) new inspectors includes six (6) Electrical Inspectors, four (4) Plumbing Inspectors and one (1) Crane Inspector.

PERSON RESPONSIBLE

Kirk McClarren, Administrative Services Director, L+I

OBJECTIVES

All thirty-five (35) Inspectors will be assigned to L+I's District Operations in order to reduce daily inspectional volume and eliminate backlogs. Six (6) of the 35 will be recruited to specialize in Plumbing inspections, four (4) of the 35 will be recruited to specialize in Electrical Inspections, one (1) of the 35 will be recruited specifically for Crane inspections. The remaining 24 inspectors will handle all other building permit inspections.

ACTION ITEMS

Budget Approval FY16 Budget Request for 35 positions per above justification.

Implementation Date: **January 15, 2015**

1. Meet with DPP to establish plans for new district office space/lease

Implementation Date: **February 15, 2015**

2. Finalize New *L+I Building Inspector* job title and pay range

Implementation Date: **May 1, 2015**

3. Announce Civil Service Examination for *L+I Building Inspector* (OHR)

Implementation Date: **June 1, 2015**

4. Establish eligible list (OHR)

Implementation Date: **September 15, 2015**

5. Finalize Plans for new district office space (DPP)

Implementation Date: **October 1, 2015**

6. Conclude Interviews and select candidates

Implementation Date: **October 15, 2015**

7. Start Date for New Inspectors

Implementation Date: **November 15, 2015**

COMPETITIVE SALARY FOR BUILDING INSPECTORS



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Report Recommendation: The City should take steps to establish a professionally grounded approach to titles, salary scales and career paths currently in place for the employees of L+I

Current State

L+I pay scale is out of step with comparable cities. L+I uses more classes (5 vs. 2.39), maximum salaries are lower than other cities, the salary range spread is small (10% vs. 26%-66%). In other jurisdictions employees progress through steps in a pay range without having to take an examination. Employees usually qualify for more than one class and apply for whichever promotional examination happens to be available at any point in time. Employees who are good field inspectors may promote to a plans examiner job because that job is available, while employees who are good at plans review may apply for a field inspector job because that exam is announced first. L+I loses the ability to assign employees to roles that best utilize their skills.

This proposal would allow the employees to advance in their career while giving L+I greater flexibility in assigning staff to meet departmental needs.

Subcommittee Recommendation

Establish a new broad band pay range and consolidate two similar classes (Codes Compliance Specialist and Construction Codes Specialist) under one possible title called L+I Building Inspector. Three additional classes (Construction Trades Inspector Trainee, Construction Trades Inspector and Construction Plans Review Specialist) should be assigned to the revised classes. Using the new class and broad pay range would mean the City could offer candidates a higher starting salary and a clearly defined career progression.

The new class would have easier to understand requirements that do not require college. Employees would progress through the band to a specified point based on experience and satisfactory performance.

Note: It may be necessary to keep the L+I Construction Plans Review Specialist as a separate class as a strategy that could be needed to secure union buy-in. Requirements should be revised so that completion of two years of college is a requirement for newly hired and promoted employees

i. Concerns

1. Need to negotiate with DC 33 and 47
2. New pay ranges, civil service and classification changes would need to be approved by the Civil Service Commission and the Ad Board
3. Greater cost if employees advanced to the achievement portion of the pay band

Budget Justification



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SALARY ADJUSTMENTS FOR BUILDING INSPECTOR

Recommendation # 1 - Establish a professionally grounded approach to titles, salary scales and career paths.

BUDGET DETAIL:

<u>JOB TITLE</u>	<u>CATEGORY:</u>	<u>SALARY INCREASE</u>	<u># of POSITIONS</u>	<u>FY16 REQUEST</u>	<u>RECURRING</u>
L+I Construction Codes Specialist Trainee	Civil Service	\$5,777	38	\$219,526	\$219,526
TOTAL - CLASS 100				\$219,526	\$219,526

	<u>FY16 REQUEST</u>	<u>RECURRING</u>
TOTAL	\$219,526	\$219,526

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NEW BUILDING INSPECTOR TITLE AND SALARY ACTION PLAN

ORGANIZATIONAL PRIORITY LONG RANGE GOAL (OVER 12 MONTHS)

GOAL:

Establish a new broadband pay range and consolidate existing L+I job classes under one new title called L+I Building Inspector. As a result, the City could offer candidates a higher starting salary and a clearly defined career progression.

PERSON RESPONSIBLE

Kirk McClarren, Administrative Services Director, L+I

OBJECTIVES

- Establish new title and pay range prior to recruitment and testing of 35 new inspectors.

ACTION ITEMS

13. Budget Approval FY16 Budget Request for salary increases.

Implementation Date: **January 15, 2015**

14. Finalize criteria for advancement to steps 6 through 8 of the new pay range (specify certifications, education, responsibility and performance criteria)

Implementation Date: **February 15, 2015**

15. Meet with DC33 to negotiate specifics of new title and pay range

Implementation Date: **February 28, 2015**

16. Meet with DC47 to negotiate impact on DC47 members, specifically those in the Construction Plans Review Specialist title.

Implementation Date: **March 31, 2015**

17. Present new title and pay to Civil Service Commission

Implementation Date: **April 2015**

18. Send for Administrative Board approval

Implementation Date: **May 2015**

19. Announce Civil Service Examination for L+I Building Inspector (OHR)

Implementation Date: **June 1, 2015**

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TRAINING

1. Expanded Building Inspector Training for required CEU's through organizations such as the PA Construction Codes Academy and Building & Fire Codes Academy.

As of Apr. 10, 2009, all Building Inspectors must possess and maintain specific job-related certifications in order to perform inspections, in accordance Commonwealth of PA law. In order for inspectors to maintain and renew their certifications, they must obtain forty-five (45) Continuing Education Units (CEU's) every three (3) years. CEU's are obtained by attending a variety of professional training courses.

L+I currently provide proactive training in this area only for new building inspectors. For existing building inspectors, the Department can only provide a reactive response to individual training requests. The Department would like to offer a comprehensive and proactive approach to building inspector training and annual tracking of CEU's, but can only do so with additional training staff and funding.

Shown below is the complete listing of state certification categories. Specific certification requirements are governed by individual work assignments.

NUMBER	CERTIFICATION CATEGORY
10	Residential Building Inspector
12	Residential Mechanical Inspector
13	Residential Plumbing Inspector
14	Residential Energy Inspector
15	Commercial Building Inspector
18	Commercial Fire Inspector
20	Commercial Mechanical Inspector
21	Commercial Plumbing Inspector
22	Commercial Energy Inspector
23	Accessibility Inspector/Plans Examiner
24	Building Plans Examiner
25	Electrical Plans Examiner
26	Mechanical Plans Examiner
27	Plumbing Plans Examiner
28	Energy Plans Examiner
29	Building Code Official

As recommended in the Special Independent Advisory Commission's Report, the Department supports the creation of a dedicated Training Unit to offer a comprehensive training and development program for all employees. This unit would report through L+I's Administration Division and would consist of four (4) new employees: one (1) Training & Development Manager, two (2) HR Professionals and one (1) Administrative Assistant. An existing administrative employee that currently handles training scheduling

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and registration would join the unit for a total of five (5) employees. The Department has requested an additional \$175,000 in class 200 funds, which will support the following specific training activities:

2. Implementation of all OSHA training requirements for L&I inspectors as outlined in section A-202 and sub-sections of Bill # 130698A

Recent City Council legislation requires the Department to develop and maintain a formal training program in conjunction with OSHA which meets or exceeds OSHA 30 training certification. All inspectors must receive OSHA 30 certification. In addition, at least 20 percent of all currently employed code officials shall have completed OSHA administered training equivalent the OSHA 500. These OSHA 500 code officials must also offer to the public, once annually, OSHA 10 and OSHA 30 training and certification. All code officials shall complete at least 3 hours of annual continuing education training focused on construction, hazmat issues, fire prevention strategies, safety, and other related industry or legal updates.

3. Zoning Code Training for all Inspectors

To date, the Department has been able to offer training in the new Zoning Code to plans reviewers and select employees in the Boards Administration Unit. There is a significant need to educate Inspectors, primarily in the Operations Division, on the aspects of the recently adopted Zoning Code.

4. Property Maintenance Code Training for Operations Division inspectors as the City moves towards adoption of the International Property Maintenance Code.

The Department must begin to training Operations Division Inspectors on the International Property Maintenance Code. The Department is seeking additional funding to prepare for this implementation in May 2015. The Department has engaged a vendor to conduct preliminary training in this area, but much more is needed to prepare for this significant shift in code enforcement.

5. Supervisory, Managerial and Executive Training

In order to develop and retain talent in the leadership ranks, the Department should invest in its supervisory and managerial staff. In the past, the Department has attempted to make this investment, but significant gaps always existed between everyday job requirements and the lack of customization and applicability present in the training offerings. The additional resources being requested will provide the Department an opportunity to engage outside vendors that can customize leadership training applicable to L+I.

6. Customer Service Training for Clerical staff

Training for customer facing staff is an area in which the Department has never invested. When a citizen visits the MSB concourse or a district office, their first impression will come from the service representative they encounter. The Department has excellent customer service staff and an investment to strengthen their skills would be wise. Customer service, Communications, Business Writing and IT training for this group would not only benefit the Department, but would assist customer service staff with their career development. The Department has researched training vendors and would like to offer a proactive program in this area.

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Staffing and Training

Recommendation # 3 - L+I should establish a Training Unit to create organized training programs for all Department personnel.

BUDGET DETAIL: Training Unit

<u>JOB TITLE</u>	<u>CATEGORY:</u>	<u>DEPT</u>	<u>ANNUAL SALARY</u>	<u># of POSITIONS</u>	<u>FY16 REQUEST</u>	<u>RECURRING</u>
Training + Development Manager	Civil Service	L+I	\$76,209	1	\$76,209	\$76,209
HR Professional Administrative Assistant	Civil Service	L+I	\$60,063	2	\$120,126	\$120,126
	Civil Service	L+I	\$45,984	1	\$45,984	\$45,984
			SUB-TOTAL - CLASS 100		\$242,319	\$242,319
			Fringe Benefits @ 40%		\$96,928	\$96,928
			TOTAL - CLASS 100		\$339,247	\$339,247
Cost to provide enhanced Departmental Training for all employees, including Zoning, Fire and Property Maintenance Code Training, OSHA refresher Training, Continual Education (CEU's) required for Inspector certification and Customer Service Training for Clerical staff.						\$175,000
			TOTAL - CLASS 200		\$175,000	\$175,000
Training Materials and Supplies (Reference Books, Code Books, Office Supplies, Printing)						\$10,000 \$10,000
			TOTAL - CLASS 300		\$10,000	\$10,000
Equipment needed to Support Training Activities (2 laptops and projectors) PC's for 4 new employees in Training Unit Network Color Printer						\$3,000 \$0 \$4,000 \$0 \$1,200 \$0
			TOTAL - CLASS 400		\$8,200	\$0
					<u>FY16 REQUEST</u>	<u>RECURRING</u>
				TOTAL	\$532,447	\$524,247



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L + I TRAINING UNIT ACTION PLAN

ORGANIZATIONAL TIME TABLE INTERMEDIATE/LONG RANGE (9MONTH TO 12+ MONTHS)

GOAL:

Establish a Training Unit within L+I in order to provide comprehensive training to all department employees.

PERSON RESPONSIBLE

Kirk McClarren, Administrative Services Director, L+I

OBJECTIVES

1. Hire four (4) employees to staff new Training Unit that will provide expanded technical and supervisory/soft-skills training.

ACTION ITEMS

1. Budget Approval FY16 Budget Request for 4 new positions and increased training funding.

Implementation Date: **January 15, 2015**

2. Post RFP's for Zoning Code and OSHA 30 Training

Implementation Date: **January 31, 2015**

3. Amend current technical code training contract to incorporate additional certification prep training needed for 35 new Building Inspectors.

Implementation Date: **March 31, 2015**

4. Interview from existing eligible lists and select candidates

Implementation Date: **June 1, 2015**

5. Start Date for New Employees in Training Unit

Implementation Date: **July 1, 2015**

6. Develop a comprehensive program to proactively offer inspector CEU's and track CEU attainment by inspector.

Implementation Date: **December 31, 2015**

7. Determine RFP's needed for expanded supervisory level training, IT training and Customer Service Training.

Implementation Date: **March 1, 2016**



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CHIEF BUILDING SAFETY OFFICER POSITION

Current Status

Although the Department of Licenses and Inspections has various positions in which employees have responsibility for policy and program evaluation, it does not have a person with specific responsibility for policy review and program evaluation with respect to site safety at and around construction and demolition sites and safety issues, broadly viewed, related to unsafe and imminently dangerous properties.

The recommendation of whether the position of Chief Safety Officer or, alternatively named, Chief Building Safety Officer, should be created in the Department of Licenses and Inspections. Based on our discussions about the functions of this proposed position (discussed below), the Subcommittee recommends the alternative title of “Deputy Commissioner for Building Safety Policy.”

It is important to distinguish the safety-evaluation role of this position from the role of the City’s Risk Manager, who focuses primarily on workplace safety issues related to the City’s own workforce and is, in essence, the City’s chief safety officer. Moreover, because we recommend that this position focus on policy issues as distinguished from operational issues, and specifically on policy issues related to public safety risks presented by buildings, we recommend the use of the words “building safety policy” in the title. Lastly, as a recruitment tool, we think it valuable to emphasize that this is a high level position in the department; hence the reference to “Deputy Commissioner” in the title.

After several discussions by members of the Subcommittee with the Commissioner of Licenses and Inspections, it was determined that the greatest need for an employee with respect to building safety issues would be someone to manage the development of policy, protocols and development of the law with respect to safety risks for workers at, and the public in the area of, construction and demolition sites; and, on a broad basis, with respect to unsafe and imminently dangerous buildings. Such a person would have responsibility to evaluate the effectiveness of existing programs as well as a significant role in connection with the implementation of the package of legislation regarding, among other things, demolition and worker safety training requirements adopted by Council in the wake of the 22nd Street tragedy. The officer would also have responsibility for evaluating policy and programs related to other responsibilities of the Department that have the potential for impacting public safety broadly, such as the Fast Permit program that allows for permitting of certain construction activities without the submission of building plan.

This role generally would not be operational in nature. The Department has operational divisions that manage the Department’s “on the ground” role in these areas. The Occupational Safety and Health Administration also has a significant role in connection with enforcement of worker safety requirements at work sites. Rather, the role of the Deputy Commissioner for Building Safety Policy would be focused on policy and planning, including with respect to the content of training in these areas. The Deputy Commissioner would work with, and have a policy coordination role regarding, the Operations, Building, Development, Emergency and Compliance Divisions of the Department of Licenses and Inspections with respect to these issues.

More than fifty city, county and state jurisdictions were contacted by e-mail to identify comparable positions in other jurisdictions. No jurisdiction reported having a position that was a close match to the proposed Deputy Commissioner for Building Safety Policy position. A number of jurisdictions reported having officers or employees that performed some of the proposed policy-review



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and policy-making duties of the position in conjunction with an operational role, most of which were in Deputy Director-level positions.

The Subcommittee recommends creation of this position. Someone in a policy-making and evaluation role related to worker and public safety at building and construction sites; unsafe and imminently dangerous properties; and other L&I processes that impact public safety, will provide an important degree of focus on these particular and critical public and life-safety issues, responsibility for which otherwise is dispersed among policy-makers in various divisions of the Department. Moreover, as the Department begins to implement new legal requirements and other programs and procedures adopted in the wake of the 22nd Street tragedy, centralized review and evaluation of how those new requirements, programs and procedures are implemented will be particularly valuable. Policy-making coordination among L&I Divisions, and between L&I and OSHA and other governmental bodies, also will be particularly valuable at this time and going forward.

a. Job Description

The Subcommittee has prepared a proposed Job Description for the position of Deputy Commissioner for Building Safety Policy, which is attached to this Report. The Subcommittee spent considerable time preparing and evaluating this Job Description.

b. Place in Organization Chart

The Subcommittee recommends that the Deputy Commissioner for Building Safety Policy report directly to the Commissioner of Licenses and Inspections. The position involves evaluation of issues affecting the Development, Operations, Emergency, Building and Compliance Divisions of the Department. Because of the cross-departmental nature of the work, the high level of skill needed for this position, and the fact that the role does not fit squarely within any of the department's existing divisions, the officer should be a Deputy Commissioner who reports directly to the Commissioner.

c. Staffing

The Subcommittee does not recommend that the position be supported by any new staff, at least initially upon its establishment. The Deputy Commissioner should be given access, however, to departmental resources in the various divisions with which he or she will work, including basic administrative support.

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CHIEF BUILDING SAFETY OFFICER

The City of Philadelphia is seeking a Chief Safety Officer (CSO). The CSO is the City's construction safety specialist who designs and implements safety regulations, policies and procedures to identify, eliminate and control hazardous conditions and work practices on construction sites. Minimizing construction injuries, accidents and property damage and coordinating with applicable construction site safety managers is a significant aspect of the work. The CSO develops and implements rules and regulations, policies and procedures for construction site safety in accordance to national standards and best practices. The CSO also conducts safety audits and inspections of construction sites to ensure compliance with all applicable regulations. This position will require both field and office time, with the possibility of irregular hours. The CSO reports to the Commissioner of the Department of Licenses and Inspections (L+I).

RESPONSIBILITIES:

- Performs safety audits and inspections of new construction, major alteration and demolition sites.
- Identifies potential hazards and recommends strategies to prevent re-occurrence.
- Recommends work stoppage/cease operations when immediate dangers to life and health are discovered.
- Develops and implements training programs to increase safety awareness; provides training, guidance and support for members of the Department.
- Receives and prioritizes concerns from Departmental staff for the purpose of accident prevention.
- Conducts accident and incident investigations; determines probable causes; provides recommendations for corrective action.
- Collect and evaluate safety, loss and accident data; recommend solutions or prevention strategies; prepare written reports of findings.
- Review contractor site safety plans; ensure all proper permits and signage is posted in accordance with city requirements.
- Establish and maintain effective working relationships with contractors, OSHA and L+I inspectional personnel.

REQUIRED KNOWLEDGE, SKILLS AND ABILITIES KNOWLEDGE OF:

- Construction safety principles, techniques and methods.
- National standards and best practices related to construction site safety
- Occupational Safety & Health Administration (OSHA) laws, regulations and policies.
- laws, ordinances, L+I policies, regulations and programs pertaining to code enforcement
- the legislative processes of City Council as they pertain to the Department of Licenses and Inspections
- report writing principles and techniques

SKILL IN:

- conducting investigations
- written and interpersonal communications
- policy design and implementation

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ABILITY TO:

- Read and interpret construction plans
- Identify known potential exposures and recommend corrective action

EXPERIENCE / EDUCATION REQUIREMENTS:

Completion of a bachelor's degree with major course work in construction management, occupational health and safety, engineering or a related field.

AND

Ten (10) years of construction or demolition site safety experience

Preferred: OSHA 500 Certification

Possession of PA Driver's License

Philadelphia Residency within six (6) months of hire and during tenure of employment.



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ORGANIZATIONAL TIME TABLE SHORT RANGE GOAL (3 MONTHS)

GOAL:

Hire a Chief Building Safety Officer for the City of Philadelphia

PERSON RESPONSIBLE

Kirk McClaren, Administrative Services Director, L+I

OBJECTIVES

See Job Description Above

ACTION ITEMS

1. Create a Position Description
Implementation Date: **COMPLETED - November 2014**
2. Announce Position and Begin Recruitment
Implementation Date: **COMPLETED - December 2014**
3. Review Resumes
Implementation Date: **January, 2015**
4. Conduct Interviews
Implementation Date: **January to February 2015**
5. Select Candidate
Implementation Date: **February, 2015**
6. Hire Chief Building Safety Officer
Implementation Date: **March 1, 2015**

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FINANCIAL CONTROLS AND PERFORMANCE AUDITS

The Commission offered the following Report Recommendations for implementing financial controls and performance audits with the Department of Licenses and Inspections:

1. Initially, the City Controller's Office should perform financial audits on the new Department of Buildings and department of Licensing and publish the results on a yearly basis for the next three years in order to obtain the financial documentation necessary for a timely evaluation of the Department's performance.
2. There should be improved financial oversight to ensure that the Department will be provided with the funding necessary to properly carry out its responsibilities.
3. The annual audits should include an assessment of the effectiveness of internal controls and report any weaknesses.
4. The September, 2006 assessment of L & I by the Controller's that identified several recommendations that if implemented by management would improve effectiveness of Department's Housing Inspection and Enforcement Process, should be followed up, including particularly a recommendation that called for improving collaboration among all City Departments. (**See Summary of Recommendations in Appendix #8 2006 Controller's Report**)
5. L&I should establish a comprehensive process to evaluate on an annual basis, the actual costs of licenses, permits, code enforcement, performing inspections and like activities.

Current State

Annual financial audits are currently performed for the Department by the City Controller's Office. The most recently completed audit performed by the Controller's Office reviewed Fiscal Year 2012 financial information for L&I (available upon request). The audit for Fiscal Years 2013 and 2014 is currently being performed by the City Controller's Office. The audits review existing financial controls that are in place for accounts receivable, payments, revenue, payroll, and inventory. The impact of additional audits should be reviewed before implementation.

Date of Implementation: Annual financial audits are ongoing and will continue.

(1) *There should be improved financial oversight to ensure that the Department will be provided with the finding necessary to properly carry out its responsibilities.*

The Department continuously monitors expenditures, funding, and staffing levels, including through a pending performance-based budgeting system. Over the last two fiscal years, the Department has added 47 inspectors and \$3M in demolition funding. Also, the Department must submit annual, quarterly, and target budgets to the City's Budget Office; our most recent submissions are the Fiscal Year 2014 Quarter 4 Report (See Addendum H, attached) and the Fiscal Year 2015 Operating Budget (See Addendum I, attached).

Date of Implementation: Performance-based budgeting should be fully implemented by the beginning of Fiscal Year 2016

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- (2) The annual audits should include an assessment of the effectiveness of internal controls and report any weaknesses.**

All internal financial controls are reviewed annually in the City Controller's financial audits. Major internal controls reviewed include payment intake and processing, accounts payable, and payroll/overtime expenditures. In addition, the Department's newly created Compliance Division will also be performing internal quality assurance audits.

Date of Implementation: Annual financial audits and internal quality assurance audits are ongoing and will continue.

- (3) The Controller's September 2006 assessment of L&I identified several recommendations to improve the effectiveness of the Department's Housing Inspection and Enforcement Process. These recommendations should be implemented, including the recommendation that called for improving cooperation among all City Departments.**

The Department strongly agrees that improved cooperation among all City Departments is a key to success. The Department currently collaborates with other city agencies, particularly the Department of Revenue, the Fire Department, and the Streets Department on tax compliance, fire protection, and right-of-way matters, respectively. In addition, Project eCLIPSE involves significant collaboration with other city agencies to ensure proper data sharing through electronic interfaces. The Department will review the 2006 report and weigh the implementation of any outstanding recommendations.

Date of Implementation: Improvement of inter-agency communication and cooperation is ongoing, and will be optimized with the final rollout of Project eCLIPSE in early 2016.

- (4) L&I should establish a schedule to evaluate the actual costs of issuing licenses, permits, code enforcement, performing inspections, and like activities.**

The Department is currently working with the City's Budget Office as a participating pilot department in preparation for the Fiscal Year 2016 implementation of performance-based budgeting. As a result of this process, the Department is developing detailed metrics that will begin to measure costs of services. The improved data reporting available with Project eCLIPSE will assist with this process.

Date of Implementation: Performance-based budgeting should be fully implemented by Fiscal Year 2016

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LAW AND L+I

Review of Law Department and L&I Recommendations

The Commission offered the following Report Recommendations to improve coordination between the Law Department of L + I.

1. The First Judicial District should consider and approve a Law Department request that a court officer be appointed to issue civil warrants to enter and inspect a property where the property is vacant or where the City has not been able to obtain permission to enter.
2. Only the Law Department should file L&I actions in any court.
3. The Law Department with the cooperation of L&I should develop an electronic form to be filled out by L&I with a "no-go" feature built in if the information is not complete.
4. All communications between Law and L & I should be electronic and a system should be developed to track the progress and outcome of cases filed.

Current State

L + I CVRU RECOMMENDATIONS

The Department of Licenses and Inspections enforces the Property Maintenance, Building, and Administrative codes within the Philadelphia Code. The Department's inspectors are assigned to one of three divisions: Operations, Development, and Emergency Services¹. The Operations Division – which is broken into five geographical Districts – inspects for and issues citations for property maintenance violations, including vacant properties, properties in violation of the City's "doors and windows" ordinance, and various exterior and interior issues, under the Property Maintenance Code. The Emergency Services Division's Contractual Services Unit inspects for and issues citations for more severe property maintenance violations, including imminently dangerous and unsafe buildings.

A large percentage of violations are complied at the District level after the receipt of the first notice of violation issued by the inspector. Those that are not complied must be progressed to some type of enforcement action. Many violations can be handled outside of the court process: through code violation notices (CVNs), which are tickets issued for minor violations processed by the Office of Administrative Review; Stop Work Orders on construction and demolition sites; and referral to other agencies. There is large number of violations, however, that must be progressed to one of the three courts that handle code enforcement cases: Municipal Court, Equity Court, and Blight Court.

Municipal Court is the resolution for less serious violations, including minor exterior maintenance issues, excessive trash and debris, failure to have proper licensing, etc. The majority of the

¹ For purposes of this summary, the operations of the Department have been condensed. It should be noted that, to a lesser extent, the Development Division, which inspects construction and demolition projects, and the Emergency Services Division's Construction Site Task Force, which provides additional oversight of construction and demolition sites, also issue violations.

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Department's cases are sent to this Court. Equity Court is the resolution for more serious violations, including imminently dangerous and unsafe buildings, fire hazards, and exterior issues that affect neighboring properties. Blight Court is the resolution for violations of the City's "doors and windows" ordinance, which requires vacant properties to have operable windows and doors in all openings. This specialized court – which must be held separately because of the nature of the fines that must be assessed as per the ordinance – is part of the Department's Vacant Property Strategy and is held once monthly. The inspector is responsible for determining which court should handle each violation and enters a court log – specifying Municipal Court or Equity Court – into our Hansen data management system.² This action automatically sends the case to the Department's Code Violation Resolution Unit, which is responsible for processing cases for court filing.³

Review of Current Process

The Department developed a three-step plan for improving the Department's code enforcement and violation resolution practices: Prevention – Intervention – Resolution. The first two steps have been successfully completed; it is the third step, Resolution, that required a review of CVRU's practices and procedures.

The Department, undertook a review of CVRU's current configuration to determine how the Unit could be redesigned in order to streamline case processing, improve the quality and quantity of cases being sent to the Law Department for filing, and, ultimately, achieve better results. In this review, several areas of concern were identified:

- *Loopholes* – The major challenge in CVRU is the recording of case outcomes. Currently, CVRU does not record if a case is not a viable court candidate and thus not processed; when a case is sent to the Law Department for processing; whether the Law Department filed or rejected the case; or the outcome of cases, including compliance achieved or fine assessed. This leaves a loophole in which many cases are left without a resolution and without further instruction or information; as it is, the Department cannot review cases that are not sent to or resolved in court to assess the need for additional action.
- *Case prioritization* – Another major challenge is ensuring that cases are sent to the appropriate court based on the severity of the violation and that cases are "good," meaning: there is a viable owner' violation notices were sent to correct owner and address; there is no existing tax or mortgage foreclosure action or pending federal litigation; and there are no appeals or permits that would stay enforcement. Moreover, because Contractual Services Unit cases – which often are the most serious violations – are not processed with Equity Court cases, a disconnect exists in the prioritization of "good" cases.

² Currently, Blight Court cases are processed manually by the Vacant Property Strategy and are not sent to CVRU through a court log. As part of the proposed CVRU changes, this function will be assumed by CVRU and Blight Court cases will be processed similar to the way Equity Court cases are processed.

³ Currently, cases generated by the Contractual Services Unit are processed manually by the Unit's inspectors. As part of the proposed CVRU changes, this function will be assumed by CVRU and these cases will be processed similar to the way Equity Court cases are processed.

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- *System improvements* – Increased use of the current data management system to log and record all actions and results in each case is necessary for proper tracking of court resolution. In instituting improved data recording now, the Department will gain additional insight into how to best configure the new data management system, Project eClipse, when it comes online.
- *Staffing levels* – A restructuring of the Unit, including reassignment of current personnel, divisions of specific assignments, and the hiring of additional employees, is necessary to support the goals of streamlined processing and an increase in the number of “good” cases being sent to the Law Department for processing. The Unit’s current staffing level cannot support increased responsibility.
- *Case backlog* – These challenges have led to a backlog of cases to be filed in Municipal Court, which has resulted in a lapse of many months between the final failed inspection and the court date. More significantly, the challenges have led to a “bottleneck” of Equity Court cases, which has resulted in an unpredictable flow of cases to the Law Department, delayed outcomes, and less control over resolutions.

In order to rectify these challenges and provide better outcomes, a complete reworking of CVRU – specifically increased responsibility, staffing, and accountability procedures – is necessary. As a foundational step, there must be a consideration of how CVRU is positioned within the Department. Although it performs an essential function as the Department’s enforcement arm, CVRU does not have a strong management presence or authority within the Department. If additional authority is shifted to CVRU, more structurally significant changes will be possible based on CVRU’s more prominent place in the Department’s hierarchy. Specifically, CVRU should make recommendations in cooperation with the Operations Division, Emergency Services Division, and the Law Department to take further action to resolve cases. This creates a model where inspectors inspect – allowing them to spend more time in their designated census tracts – and CVRU resolves, which the ideal division of responsibility is.

The new resolution process will lead to significant increase in positive outcomes. Below is a summary detailing the major changes implemented in the Code Violation Resolution Unit:

- A restructured staffing model that assigns designated staffers to each of the three courts and dedicates additional resources to alternative resolutions will be implemented. This model also changes supervisory responsibilities, with new assignments of supervisors to both Municipal and Equity/Blight Court processors. This new supervisory structure will provide direct and discreet oversight of case scheduling, review, reporting, and resolution for each court. In addition, a new Resolution Supervisor will take control of all cases that are not filed in court and direct them for alternative resolution; this position was established as part of Operations’ three-step plan but should be expanded with additional responsibilities.
- A consolidation of Blight Court and Contractual Services Unit cases into CVRU for more comprehensive review and streamlined processing of cases will be implemented. Moving Contractual Services Unit case processing from the Unit itself to CVRU allows CVRU staffers to review the entire universe of potential Equity Court cases and prioritize appropriately. This improves the case flow going to the Law Department, improves the Department’s ability to track

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outcomes, frees up Contractual Services Unit inspectors to spend more time on inspections, and, ultimately, will lead to better results. Moving Blight Court processing from the Vacant Property Strategy to CVRU will save time by eliminating manual processing, improve the Department's ability to track outcomes and identify cases that require alternative resolution, and increase the number of cases filed.

- Clear expectations will be set for all staffers and additional review stages. Under the new model, CVRU Case Managers will have increased authority to review cases to determine whether they are appropriate for court, using guidelines developed by the Director of Operations and the Policy Director in collaboration with the Law Department. As detailed above, CVRU Supervisors will increase their oversight and review of all cases filed, and the Resolution Supervisor will have greater control over the disposition of cases that are not appropriate for court. In addition, for Equity and Blight Court cases, an entirely new level of review will be added; the Policy Director will review all Equity and Blight Court cases – both “good” and “bad” cases – and make the final decision on each case before cases are sent to the Law Department for filing.
- Increased accountability and reporting will be expected in order to track progress in meeting goals. At the direction of the Director of Operations, CVRU has begun taking steps toward increased accountability and improved outcomes. Currently, Municipal Court processing reports – including the number of cases received, the number of cases filed, and the current case backlog – must be provided weekly to the Director of Operations; under the new model, CVRU Municipal Court Supervisors will have increased responsibility for ensuring a high level of performance and will be held accountable for any performance lapses. Currently, Equity Court supervisors must provide an accounting of all cases processed to the Director of Operations weekly; under the new model, CVRU Equity Court Supervisors will take a greater role in monitoring and reviewing case filing, and will be expected to provide a detailed accounting of case processing, case status, and case resolutions on a weekly basis.
- Improved reporting and communication between inspectors, CVRU Case Managers and Supervisors, and Law Department will be expected. Inspectors will be directed to include more identifying details on cases they enter into the data management system and Case Managers will be expected to consider these details as part of their case review; this will allow for more thoughtful case review and will help ensure that cases are processed for the appropriate court and any alternative resolutions are considered. CVRU Case Managers and Supervisor will also be expected to communicate directly with the Resolution Supervisor and Policy Director regarding case direction and outcomes to ensure that all resolution methods are considered. In addition, the Law Department will be asked to increase communication about case decisions (i.e., will the case be filed or has it been rejected) and case results (i.e., compliance, fines assessed, judgments taken, no resolution possible, etc.). This will increase the quality of cases sent to court, will reduce the likelihood of serious violations falling through the cracks, and will close the loophole that allows cases to go unresolved.

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- Alternative resolutions will be considered for every case that is not resolved through court action. The current CVRU structure does not allow for the consideration of creative solutions for cases that are not appropriate for court action or that did not achieve resolution through court action. Under the new model, the CVRU Resolution Supervisor will be responsible for closing this loop by directing cases for further action in the Districts and by collaborating with the Policy Director on additional potential outcomes such as Sheriff Sale (see attached chart).

Goals and Timeline for Implementation

The Department started the restructuring of CVRU in 2014. The Department required six to eight weeks to train all CVRU staff on their new responsibilities, train inspectors on new procedures, finalize guidelines and work instructions, and work with the Law Department to ensure an efficient transition to the new model. The Department expects to see an upward trend in the quality and quantity of cases being sent to the Law Department for filing, as well as downward trend in the case backlog. Specifically, and most importantly, we anticipate a sharp increase in the filing of dangerous building cases (imminently dangerous and unsafe buildings that have a viable owner). The Department also anticipates increased and more consistent filing of Blight Court cases, as well as a significant reduction in the Municipal Court backlog with the implementation of CVNs. Changes will be seen immediately and significant results will be seen by end of this calendar year. The Department will provide periodic reports to the Mayor to ensure that we are making progress and getting results. (**See Appendix 8 for the new organizational flow chart for L + I cases**)

LAW DEPARTMENT RECOMMENDATIONS

- (1) ***The First Judicial District should consider and approve a Law Department request that a court officer be appointed to issue civil warrants to enter and inspect a property where the property is vacant or where the City has not been able to obtain permission to enter.***

The Department recognizes that there are limited circumstances in which it is essential that Department inspectors and/or Fire Department officials must enter a vacant property in order to assess risks to public safety and the safety of emergency personnel. Recently-passed City Council legislation (Bill No. 140055, Addendum B), to which the Department offered support, proposes joint inspections of large vacant commercial and industrial buildings that pose a safety threat, and the two Departments will soon begin the process of planning these inspections. The Law Department will be involved in these meetings – and is called upon to do so in the legislation – in order to determine the best course of action for seeking judicial permission to enter.

Date of Implementation: The Department will make this a priority but implementation will depend upon the Law Department and the First Judicial District.

- (2) ***Only the Law Department should file L&I actions in any court.***

The Department's Code Violation Resolution Unit (CVRU) is responsible for receiving from the District inspectors all cases in which the violations issued were not complied after three inspections. Upon receipt of the case, CVRU staff reviews all pertinent case information – including owner information and the history of violations at the property – and verifies that the inspector has directed the case to the proper court. CVRU handles filing in three separate courts: Municipal Court, which is the destination for less serious violations and can punish property owners only with fines up to \$12,000; Equity Court, which is

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the destination for serious violations and can punish property owners with both fines and remedies in equity; and Blight Court, which is the destination for violations of the “doors and windows” ordinance and can punish property owners with set fines. For Equity and Blight Court cases, CVRU staff reviews the case information and forwards appropriate cases to the Law Department for additional review and court filing. For Municipal Court cases, CVRU staff reviews the case information and uses an internal system to generate an automatically-drafted complaint and schedule the case for an upcoming hearing date. CVRU files hundreds of cases monthly (See Appendix J, attached). It is to be noted that CVRU does not process cases for unsafe or imminently dangerous buildings; these cases are processed by the Contractual Services Unit.

The case filing process was audited by the Department and, in mid-2014, and as previously mentioned, numerous changes to CVRU, including additional staffing, increased supervisory oversight, and restructured job duties, were implemented. Preliminary review of results shows that Municipal Court cases are being scheduled more quickly and that “better” cases – meaning cases with more extensively researched owner information – cases are being filed; this will be further improved with the imminent hiring of the Vacant Property Strategy’s research and data analyst, who will be used to support CVRU as well. The Department will continue this audit process to determine whether the changes result in fewer cases being dismissed from Municipal Court due to failure to obtain service of process on the defendant. The Department cautions, however, that in many cases, the inability to serve the defendant is not due to faulty submissions by the Department but rather because of the defendant providing inaccurate information or purposefully dodging service. Transferring the filing of Municipal Court cases to the Law Department is not likely to remedy these particular issues.

The Department also cautions that transferring the filing of Municipal Court cases to the Law Department will create a significant burden on existing Law Department attorneys and would necessarily require the hiring of additional staff. The Department will further explore this idea with the Law Department and will request that the Law Department analyze potential staffing needs.

Date of Implementation: The Department’s audits of its internal court processing procedures will continue, and the Department will continue to work with the Law Department on quality assurance measures.

- (3) *The Law Department, with the cooperation of L&I, should develop an electronic form to be filled out by L&I, with a “no-go” feature built in if the information is not complete.***

The Department’s 2014 restructuring of CVRU included improvements to communication with the Law Department. The process for sending a case to the Law Department for filing in Equity or Blight Court includes electronic transmission of all relevant documents, as well as a checklist summarizing the content of the submission. Municipal Court cases are transmitted electronically through the existing online court scheduling system. CVRU staff also records transmission information in the Department’s data management system for internal reference and reporting. This communication protocol will be greatly improved with the implementation of Project eCLIPSE, which will allow for easier data-sharing across departments.

Date of Implementation: The Department’s implementation of improved electronic transmission of cases to the Law Department is ongoing, and will be enhanced with the implementation of Project eCLIPSE in early 2016.

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(4) All communication between the Law Department and L&I should be electronic and a system should be developed to track the progress and outcome of cases filed.

The majority of communication between the Department and the Law Department is currently electronic, including electronic transmission of all Equity and Blight Court cases and the automated complaint-drafting system for Municipal Court cases. Both CVRU and the Law Department have internal procedures for tracking the progress and outcome of cases. For the Department, an inspector or CVRU staffer attends every court hearing to support the attorney and to track the progress of the case; this staffer records all hearing outcomes – from fines assessed to continuation dates – in Hansen, making the information accessible to all Department personnel. Similarly, Law Department attorneys track the progress of their cases through their internal data management system.

Additionally, the restructuring of CVRU has improved communication about case outcomes between the Departments by requiring Law Department attorneys to notify CVRU staff about cases on which additional information is required or cases that will not be filed or were settled, complied, dismissed, or otherwise ended. CVRU also conducts ongoing audits to verify that all cases that are eligible for court have obtained some type of court resolution. This communication protocol will be greatly improved with the implementation of Project eCLIPSE, which will allow for easier data-sharing across departments.

Date of Implementation: The tracking protocols set up by the Department's implementation of improved electronic transmission of cases to the Law Department is ongoing, and will be enhanced with the implementation of Project eCLIPSE in early 2016.

Budget Justification

<i>Budget Detail</i>	<i>FY16 Request</i>
3 FT Assistant City Solicitors	\$153,000
2 FT Legal Assistants	\$66,000
1 FT Deputy City Solicitor	\$63,000
	Class 100 Costs
	Fringe Costs @40%
	Total Costs



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LAW DEPARTMENT ACTION PLAN

ORGANIZATION TIME TABLE LONG RANGE (OVER 12 MONTHS)

GOAL To Increase Efficiency and Effectiveness of L+I Case Processing

Person/Department Responsible (Law Department)

ACTION ITEMS

1. The City's recommendation is to seek a warrant in instances of large vacant commercial structures, properties that are creating nuisance issues for the neighbors, and properties where serious violations are believed to exist in the interior. See page 2 for a description of a draft protocol. Implementation Date: November 1, 2014
2. The will hiring of additional Law personnel and reassigning L+I personnel to be physically located in the Law Department. Implementation Date: November 1, 2014
3. There is currently a No-GO procedure in use but it is not electronic. Implementation Date: Phase 4 January 1, 2015
4. Law & L+I are working to design/develop portions of eCLIPSE that are applicable to the legal process. Phase 4 Implementation Date: Phase 4 January 1, 2015
5. The institution of a policy and a procedure to have electronic communication for the receipt of equity requests and verifications of Complaints will reduce the amount of time between receipt of the request and the filing of the complaint. It will make enforcement stronger, and will result in better tracking of the results of cases. This feature will be built into eCLIPSE. Implementation Date: Phase 4 January 1, 2015

Key performance measures

7. Faster Court Orders to address Large Vacant Commercial Industrial Properties
8. Decreased Case Delays
9. Effective Case management



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UNFUNDED MANDATES

The purpose of this subcommittee report is to review the Independent Advisory Commission on Licenses and Inspections recommendation that the Administration and City Council should not impose “unfunded mandates” on the Department of Licenses and Inspections. Stated briefly, the result of this review is two-fold: First, unfunded mandates are a problem for L&I, but the analysis cannot end there, since the problem is not necessarily the mandate, but the fact that there is no means of enforcement. Second, regulatory matters that fall outside L&I’s current core mission of public safety—this report will refer to those issues as “business enforcement” although the category may reach beyond the commercial sphere—should be enforced independently, either within a new unit in L&I, or otherwise.

Current State

The Commission’s recounting of L&I’s historical situation is basically correct: the Department indeed serves a critical building safety function, while also compelled by the Charter to act as a catch-all agency for virtually any regulatory issue that does not have a clearly-defined home in another department. This report is agnostic about whether this variety of functions should be located in a new set of agencies, or be served entirely within L&I. Either approach could work. It also takes no position on the wisdom of any particular matter that falls within L&I’s vast scope under the Charter. But two things are clear: (1) the impact of these mandates on the City’s and L&I’s fiscal picture ought to be integral in considering whether and how to adopt them; and (2) business enforcement matters need a home in City government, preferably independent from safety-related enforcement, whether within L&I or in a new agency.

With regard to L&I, “unfunded mandates” really come in two varieties. The first is a mandate that fits within L&I’s present mission of safety. These mandates relate to regulation and enforcement of building safety, but are considered without reference to fiscal impact. As the Commission Report points out, “[e]very new license or permit requirement legislated by Council, every Mayoral initiative assigned to L&I, and even policy changes in other departments. . . produce more work for L&I.” But, “[i]ncreases in the workload of L&I have not been matched by budget increases.”¹ A recent fire preparedness bill provides a striking example.²

As originally proposed, the bill would have purported to require sweeping expansions of L&I’s inspections staff and technology investments in order to re-inspect every vacant property throughout the City on a monthly basis. While the bill did contain a core of viable proposals, it required extensive revision to bring it into line with available resources and operational reality—and, most of all, actual need. Recurring monthly inspection of all vacant properties, estimated to number around 25,000, would require significant expenditures even though a far more narrowly focused inspection program could accomplish the same thing, largely within L&I’s current staffing. Had the bill’s vast scope not been pared down in light of costs and benefits, it could well have been enacted with scant regard for actual need, or for its possible impact on L&I’s other functions.³

The second type of “unfunded mandate” is the one that falls outside L&I’s present safety mission. Mandates of this type are different in that they not only may require more resources, but they may also require entirely new expertise to enforce. Code inspections under the Building Code, the Property Maintenance Code, the Fire Code, and similar laws require significant

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¹ Independent Advisory Commission Report, at 9. The Report also observed that “[a] notable exception is the added inspectors and demolition funding provided after the Market Street tragedy.”

² Bill No. 140055, as amended (approved November 12, 2014).

³ There is also an issue as to the bill’s enforceability under the Charter, but this is separate from whether the proposal accounted for costs and benefits.

specialized expertise. And indeed, this is where L&I’s suite of inspection efforts are focused. There is very little practical sense in assigning field inspectors trained in the Property Maintenance and Fire Codes to perform business enforcement on issues such as towing, or sales of toy guns. Not only would these inspectors be operating outside their expertise, but the inspections would detract from L&I’s focus on its core mission of building safety.

A recent bill in City Council, No. 140142, provides a particularly stark example of the phenomenon of shoehorning functions into L&I that have no existing “home” in City government. Briefly, the bill would impose comprehensive consumer protection-style regulations on businesses that provide certain services to people seeking legal immigration status. Plainly, there is a problem to be addressed—unscrupulous actors prey on vulnerable immigrants, and cases have ended in deportation and wrenching separation of families. It is not, however, an issue L&I can realistically take on. The Administration therefore insisted on, and ultimately obtained, amendments that largely made it clear that L&I would not be expected to play a large role in enforcement. But one advocate’s testimony is emblematic of the countervailing notion that the Department should be the City’s default enforcement agency, in the absence of another more suitable alternative:

[T]here has been a suggestion, as I understand it from the [Administration] that L&I should not really have to play any functions. That, I think, would be a mistake. The reality is that this issue has suffered throughout from the fact that it’s a peripheral to the jurisdiction of every agency that has authority over this. The District Attorney’s Office has authority. The Secretary of State has authority. A number of agencies have authority, but no one . . . has taken it upon themselves to be able to respond to concerns and undertake investigations.

* * *

It is very important that we as advocates can go to an agency and say we believe that it would be appropriate for you to conduct an investigation of whether X, Y, Z particular entity is complying with the requirements of this law, is maintaining the documents that they are required to maintain in order to show compliance of the law. And if necessary, if that investigation indicates to whatever the enforcing agency, and at this point, it’s likely to be L&I in the absence of consumer protection agency, indicates to L&I there is something more serious going on, then, yes, it is certainly appropriate and necessary for L&I to bring in the District Attorney’s Office and the police.⁴

Here, the witness, whose testimony was presented to buttress the views of the sponsoring councilmember, observes that regulation of immigration services is “peripheral to the jurisdiction of every agency that has authority” over it. This includes the District Attorney, Police, and the Attorney General at the state and local levels; at the federal level, it includes the Department of State and the Department of Homeland Security. But none of these agencies provide the kind of close regulation and enforcement sought by the bill. The sponsor proposed to fix that by giving

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L&I authority over the industry. This approach would simply generate yet another entity with “peripheral jurisdiction”—and, in this case, no connection whatsoever to the regulated subject matter. L&I’s inspection force, however well-trained and professional in matters of building safety, is not suited to oversee immigration services providers, to review their contracts with clients, evaluate advertisements for truthfulness, or determine whether provider case files are adequately maintained. In L&I’s present form, involving it in the regulation of services to immigrants makes no more sense than putting the Department of Health in charge of zoning.

Analogous mandates imposed on L&I are too numerous to count—indeed, many regulatory matters not subject to enforcement by the Department of Streets, the Department of Health, Revenue, or the Police could fall within L&I’s purview. Because L&I’s present mission and resource allocation does not significantly encompass such matters, they are in essence, “unfunded mandates.”

4 Testimony of Art Reed, Esq., Friends of Farmworkers, L&I Cmte Hrg, Nov. 17, 2014, 25:11-28:4.

Other examples are attached hereto as Exhibit A. To some extent L&I can, and does, address them through their Operations inspectors, but this is a modest force of 50 inspectors who focus on public safety issues; they must triage and prioritize inspections that implicate building or public safety, which means that other issues generally cannot take precedence.

Addressing the Issue

Two basic items present themselves as an appropriate means of dealing with the question of unfunded mandates: (1) tie consideration of proposed regulatory or enforcement changes that could implicate L&I to consideration of the costs; (2) enhance and broaden the City’s business enforcement efforts, so that mandates that fall outside L&I’s core mission have a “home,” and can be enforced.

Fiscal Impact Analysis

First, any discussion of new mandates should include an assessment of the funding and other resources that will be necessary. It is simply good practice to price out the cost of a new policy, since this will set a scope on what is possible, assist with crucial decisions, and ultimately increase the chances of success. To this end, legislation and other policy proposals that may have a significant resource impact should include a fiscal impact statement similar to the analysis set forth under the Code provision providing for fiscal impact statements at the request of Council, and attached hereto as Exhibit B.⁵

The impact statement should cover anticipated budget needs, any revenues that would be generated (or what revenues could be generated through fees), and operational and organizational issues (structure, civil service, training, etc.) that may need to be addressed.

5 Phila. Code Ch. 21-2300. This provision has been little-used by Council, but the Administration is free to prepare such statements on its own, or to urge Council to invoke the provision itself.

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Whether or not there would be implications for the City's Five-Year Plan, it would be useful to project the impact of the new initiative over five years. Whether a bill or other policy initiative originates with Council or the Administration, the impact analysis should be performed to allow consideration of not only the substantive policy issue, but what the impact will be on the City's allocation of resources. The fiscal impact analysis should be shared with relevant members of the Administration and submitted to the sponsor and the committee as far in advance as practicable.

Business Enforcement

Second, there is little question that the City must provide for business enforcement, either within L&I, or otherwise. For purposes of this report, the proposal will speak in terms of working within L&I's structure, but there is no reason a business enforcement unit could not be placed elsewhere.

All businesses in the City of Philadelphia must adhere to specific rules and regulations to ensure the safety and well-being of their owners, employees and patrons. The Department of Licenses and Inspections is responsible for enforcing all applicable codes, laws and regulations for public safety. Some of the basic business compliance laws enforced by the Department of Licenses and Inspections are Commercial Activity Licenses (CAL) and Zoning Use Permits. A CAL is proof of a legal business with a Tax Identification Number is able to do business in the city. Zoning use permits ensures that the location of the business is properly zoned for the intended use. Inspectors were assigned to business corridors to proactively educate and enforce laws throughout the business community.

In 2010 the Department consolidated business compliance with property maintenance enforcement to improve efficiency of the inspectional process. The intent was to cross train inspectors in all code related functions to eliminate redundancy. Inspectors were assigned census tracts to address multiple violations including business compliance, property maintenance and fire code violations. The sheer volume of complaints through the 311 system limited to inspectors to respond to complaints only. The number of business compliance violations decreased significantly in recent years.

The consolidation of inspector classes greatly diminished the ability to provide consistent proactive enforcement. Previously, BCU inspectors were assigned areas/census tracts and were responsible for the inspection of the businesses within their respective areas. Inspectors routinely checked business for related licenses, zoning signage and regulated use inspections. The food license for example was a scheduled inspection that was routinely a part of the operation. This inspection was not based upon a service request or a complaint. Business compliance inspectors also inspect and investigate auto repair businesses, tow truck businesses, strip malls and larger enclosed malls. The Department is no longer able to consistently ensure the safe operation of these establishments unless there is a complaint through 311. Below is an example of the decrease in enforcement of business that failed to obtain licenses.

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There is no escaping the need for ultimately enhancing, or where needed, creating, dedicated enforcement of civil matters unrelated to building safety, property maintenance, and the like. One means of accomplishing this could be to add additional Code enforcement inspectors, assigned to focus exclusively on business compliance, to L&I's Operations Unit.

However, the Operations Unit as presently constituted focuses most heavily on safety-related matters under the Property Maintenance Code and other provisions, especially issues such as vacant properties. While this focus may be the product of limited resources and prioritization of safety, it is not inherently bad. It may be more consistent with a focus on safety to maintain that emphasis in the Operations Unit, and create another unit to focus on the numerous aspects of the Code that do not relate to buildings, property, or safety.

Below is an estimate of budgetary needs for adding eight inspectors and a supervisor either to the Operations Unit, or to a new Business Enforcement Unit. The amount, just over half a million dollars, should be roughly scalable to the needs of business enforcement.

Overall, further examination of the size of the endeavor is needed.

Conclusion

The Commission Report is essentially correct: “unfunded mandates” are a problem for L&I, and to the extent they do not relate to L&I’s core safety mission, they should be given a discrete “home” in City government—in L&I or elsewhere. This is so for at least two reasons: first, public policy should not be made without considering the impact on resources. Second, when policy changes *are*

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imposed without consideration of the resource question, the policy is apt not to be enforced, or its enforcement will take away from other enforcement needs. And when a policy change does not fit within L&I's safety mission, its enforcement should generally be assigned to a separate part of L&I or another part of City government. This should help to prevent dilution of L&I's safety functions, and permit appropriate focus on business enforcement issues.

Report Recommendations

- The leadership in the Mayor's Office and in City Council should avoid ever imposing unfunded mandates on L & I, the new Department of Buildings or the new Department of Licenses.

Additional Items to Review: Review the general issue of business enforcement

Summary of Sub-Committee Recommendations

1. All new legislation and other policy proposals that may have a significant resource impact should include a fiscal impact statement. See Exhibit B
2. A business enforcement unit should be developed either within L+I's current structure or within another department. The City needs dedicated enforcement of civil matters unrelated to building safety/property maintenance and, if it should rest within L+I, the sub-committee estimated potential costs for this new unit. See Exhibit C for the complete breakdown.

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Budget Justification

<u>BUDGET DETAIL:</u>						
<u>JOB TITLE</u>	<u>CATEGORY:</u>	<u>DEPT:</u>	<u>ANNUAL SALARY</u>	<u># of POSITIONS</u>	<u>FY16 REQUEST</u>	<u>RECURRING</u>
L+I Code Enforcement Inspector 3	Civil Service	L+I	\$48,310	8	\$386,480	\$386,480
Code Administrator 2	Civil Service	L+I	\$60,063	2	\$120,126	\$120,126
			SUB-TOTAL - CLASS 100	\$506,606		\$506,606
			Fringe Benefits @ 40%	\$202,642		\$202,642
			TOTAL - CLASS 100	\$709,248		\$709,248
<u>ESTIMATE OF NECESSARY TRAINING, EQUIPMENT AND MATERIALS:</u>						
Inspector and Supervisory Training (10% of Salary estimate)					\$50,660	\$50,660
Wireless Communication Costs (eCLIPSE Smartphones @ \$50 per month)					\$6,000	\$6,000
Parking for Inspectors and Supervisors					\$23,880	\$23,880
			TOTAL - CLASS 200	\$80,540		\$80,540
Inspector Uniforms (\$500 X 8)					\$4,000	\$4,000
Code Books (\$221 X 8)					\$1,768	\$1,768
			TOTAL - CLASS 300	\$5,768		\$5,768
Pool Vehicles for Inspectors and Supervisor (\$13,000 X 3)					\$39,000	\$0
Equipment Purchase Costs for eCLIPSE Smartphones (\$299 X 10)					\$2,990	\$2,990
Equipment Purchase Costs for eCLIPSE docking stations and monitors (\$600 X 8)					\$4,800	\$4,800
Desktop PC's for Supervisors (\$1,000 X 2)					\$2,000	\$0
Furniture Costs to Renovate Portion of MSB 11th Floor					\$283,333	\$0
			TOTAL - CLASS 400	\$332,123		\$7,790
				<u>FY16 REQUEST</u>	<u>RECURRING</u>	
				TOTAL	\$1,127,679	\$803,346



APPENDIX

APPENDIX 1

INTERNATIONAL ACCREDITATION REPORT

APPENDIX #2

THE REINVESTMENT FUND STUDY

APPENDIX # 3

DEMOLITION LEGISLATION PROGRESS CHART

APPENDIX #4

THE PHILADELPHIA CODE
CHAPTER 9-3104
ELECTRICAL INSPECTION AGENCY
LICENSE & L+I AUDIT PROCEDURES

APPENDIX #5

THE PHILADELPHIA CODE CHAPTER 9-3300 CRANE REGULATIONS

APPENDIX #6

CRANE OPERATIONS AND EQUIPMENT REGULATIONS AND REQUIREMENTS CHART

APPENDIX #7

BILL NO 140055
Amending Title 4 of The Philadelphia Code, entitled “The Philadelphia Building Construction and Occupancy Code,” by amending Subcode F (The Philadelphia Fire Code)

APPENDIX #8

COMPUTRONIX LAND MANAGEMENT SYSTEM DESCRIPTION

APPENDIX #9

2006 LICENSES AND INSPECTIONS
OFFICE OF CITY CONTROLLER
HOUSING INSPECTION AND ENFORCEMENT
PROCESS

APPENDIX #10

CVRU CASE PROCESS FLOW CHARTS

APPENDIX #11

LIST OF UNFUNDED LEGISLATIVE MANDATES