

NOVEMBER 2019

CITY OF CHICAGO OFFICE OF INSPECTOR GENERAL

DEPARTMENT OF BUILDINGS COMPLAINT-BASED INSPECTIONS FOLLOW-UP INQUIRY





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NOVEMBER 19, 2019

**TO THE MAYOR, CITY COUNCIL, CITY CLERK, CITY TREASURER,
AND RESIDENTS OF THE CITY OF CHICAGO:**

The City of Chicago Office of Inspector General (OIG) has completed a follow-up to its April 2018 audit of the Department of Buildings' (DOB) complaint-based inspection operations. Based on the Department's responses, OIG concludes that DOB has partially implemented corrective actions related to the audit findings.

The purpose of the 2018 audit was to determine whether DOB met required deadlines for responding to building complaints, whether the Department effectively prioritized complaints, and whether the records of building code violations available to the public on the City's Data Portal and DOB's Building Permit and Inspection Records web page were complete and accurate. Our audit found that DOB did not have effective strategies for prioritizing complaint-based inspections, which resulted in potential health and safety hazards going unaddressed for longer than allowed by the Municipal Code of Chicago (MCC), and that the City's websites did not provide the public with a property's complete violation history.

Based on the results of the audit, OIG recommended that DOB,

1. immediately identify and address any open, overdue emergency complaints;
2. conduct a staffing analysis for all bureaus to determine how many inspectors and support staff are needed to manage each bureau's workload in an effective manner and to respond promptly to complaints;
3. develop guidance, and provide training to supervisors, on the most efficient methods of identifying and processing complaints to ensure their prompt treatment;
4. work with 311 to draft and implement questions that will elicit the information needed to identify the most serious complaints;
5. work with the Office of Budget and Management to obtain the technology necessary for all inspectors to enter complaint outcome and inspection information electronically from the field;
6. set policies standardizing the data entry process;
7. work with 311 to obtain more useful performance reports;

8. revise its complaint response deadlines to ensure that none exceed the 21-day limit prescribed by the MCC, or seek an amendment granting DOB the power and duty to establish deadlines via departmental rule (provided that such amendment preserves the intent of the ordinance to prevent lengthy delays in complaint responses, and to protect public health and safety);
9. improve the usefulness of publicly available data by clearly explaining what information is and is not available on the Data Portal and Building Permit and Inspection Records web pages; and
10. work with the Department of Innovation Technology (DOIT) to provide more meaningful and complete information to the public.

In its response to the audit, DOB described corrective actions it would take.

In June 2019, OIG inquired about the status of the corrective actions taken by DOB. Based on the Department's follow-up response, OIG concludes that it has partially implemented corrective actions. As part of its 2020 budget request, DOB completed a staffing analysis to determine how many inspectors are needed to effectively manage each bureau's complaint inspections. However, although DOB closed all open, overdue complaints identified in the audit, 350 of those complaints still appeared open in the City's 311 system due to data conversion errors related to implementation of a new system in late 2018. This is problematic, because it suggests that the reports DOB developed in response to the audit may be inaccurate. The Department told OIG that it asked DOIT to close the complaints caused by data conversion errors. In addition, as of October 23, 2019, DOB still carried a backlog of 1,855 open, overdue complaints. Finally, DOB has not documented standardized data entry and complaint prioritization procedures.

Regarding OIG's recommendation related to non-compliance with the MCC requirement to investigate complaints within 21 days, DOB worked with the Department of Law to change the language in the Code. The amendment removed the deadline and added language directing the commissioner or her designee to prioritize complaint investigations "based upon considerations of public health and safety."¹ DOB has not changed its internal deadlines for complaint response, which range from 3 to 90 days depending on the complaint type.

DOB has partially implemented changes to publicly available data sets. The Department stated it has addressed data issues with its "Building Permit and Inspection Records" page, (formerly known as the "Warehouse") and made the data headings more accurate. However, DOB has not updated the data description for that site and has not yet addressed "significant problems with the filtering rules and reporting logic" for building violations data available through the Chicago Data Portal.

¹ MCC § 14A-1-104.7

Once fully implemented, OIG believes the corrective actions reported by DOB may reasonably be expected to resolve the core findings noted in the audit (i.e., open, overdue complaints, internal performance reporting, and publicly available data). We urge the Department to fully implement OIG's recommendations to complete a staffing analysis of how many inspectors and support staff each bureau needs to manage its workload effectively and respond promptly to complaints, to develop written procedures and guidance for the prioritization of complaints, to work with 311 and DOIT to fix the data errors in the 311 system, and to continue working with DOIT to improve publicly available data. Below, we summarize our three audit findings and recommendations, as well as the Department's response to our follow-up inquiry.

We thank the staff and leadership of the Department of Buildings for their cooperation during the audit and responsiveness to our follow-up inquiries.

Respectfully,

A handwritten signature in blue ink, appearing to read 'J. Ferguson', is positioned above the typed name.

Joseph M. Ferguson
Inspector General
City of Chicago

FOLLOW-UP RESULTS

In June 2019, OIG followed up on its April 2018 Department of Buildings' Complaint-Based Inspections Audit.² DOB responded by describing the corrective actions it has taken and providing supporting documentation. Below, we summarize OIG's three findings, the associated recommendations, and the status of DOB's corrective actions. Our follow-up inquiry did not observe or test implementation of the new procedures; thus, we make no determination as to their effectiveness, which would require a new audit with full testing.

FINDING 1:

DOB MET ITS RESPONSE DEADLINE FOR ONLY 36.5% OF COMPLAINTS; HAD A BACKLOG OF OVER 5,000 OPEN COMPLAINTS DATING BACK TO 2013, INCLUDING A NUMBER DESCRIBING SERIOUS THREATS TO LIFE AND SAFETY; AND SUMMARILY CLOSED MORE THAN 2,000 COMPLAINTS WITHOUT ADDRESSING EVEN THOSE DESCRIBING PLAINLY HAZARDOUS SITUATIONS.

OIG Recommendation:

OIG recommended that DOB take the following actions to improve its complaint response:

1. Immediately identify and address any overdue open emergency complaints.
2. Conduct a staffing analysis to determine how many inspectors and support staff each bureau needs to manage its workload effectively and respond promptly to complaints. This analysis should take into consideration how increasing the use of in-the-field technology could reduce the need for manual data entry.
3. Define and document the highest priority complaint types for each bureau, then develop guidance and provide training to bureau supervisors on the best methods of identifying and processing these complaints to ensure their prompt treatment.

² The 2018 Complaint-Based Inspections report is available on the OIG website: <https://igchicago.org/wp-content/uploads/2018/04/DOB-Complaint-Inspections-Audit.pdf>.

4. Work with bureau supervisors and 311 staff to draft and implement flex questions that will elicit the information bureaus need to identify the most serious complaints.
5. Work with the Office of Budget and Management to obtain the technology necessary for all inspectors to enter complaint outcome and inspection information electronically from the field.
6. Develop policies and procedures to standardize the data entry process, including standards for how quickly complaint outcomes must be entered, and for how and when supervisors will review entered data for completeness and accuracy.
7. Work with 311 to obtain reports that are optimal for reaching decisions about operational performance, including decisions on appropriate staffing levels to address the volume of complaints in each bureau.

Status of Corrective Action: Partially Implemented

1. As of May 31, 2019, all the open, overdue emergency complaints identified in the audit had been closed in the 311 system, but 3 urgent complaints and 347 standard complaints remained open. DOB stated that all 350 of these complaints had in fact been closed, and that they only appeared open due to data conversion errors during the transition to the City's new 311 system. DOB said it asked DOIT to close the 350 complaints.
2. DOB provided a staffing analysis for complaint-based inspection positions that it submitted as part of its 2020 budget request.
3. DOB stated that it has not documented the complaint prioritization process; instead, the Department relies on the judgment of its bureau supervisors, noting they "average 35 years of experience in their respective trades" and "have firsthand knowledge of what a priority, urgent and/or emergency complaint is based on their experience and their knowledge of the Chicago Building Code." The Department said that each bureau supervisor reviews all 311 requests every day and assigns those that require immediate action to inspectors. DOB did not explain how this differs from its legacy practices. As of October 23, 2019, the Department still carried a backlog of 1,855 open, overdue complaints.³
4. DOB stated, "all of the flex questions for each type code were refined to ensure that pertinent information was provided that would enable

³ This does not include complaints labeled "duplicate".

the bureau supervisor to determine if anything in the complaint warranted an immediate inspection.”

5. DOB stated that mobile electronic inspection reporting technology is limited to the conservation, demolition, new construction, and refrigeration bureaus, but it is planning to implement the technology in other bureaus.
6. DOB did not describe or provide any policies or procedures related to updated data entry protocols. Rather, it stated the new 311 system is “user friendly and not as complicated” as the previous system.
7. DOB stated that “a dashboard was created in Salesforce that enables Management on a daily basis to monitor the status of all complaints received daily and follow up with the respective bureau supervisor to check to see if any of the service requests warrant an immediate response from the bureau.” It also said that a Salesforce report on open, overdue complaints by type code can be used for staffing analysis.

FINDING 2:

DOB SET COMPLAINT RESPONSE DEADLINES THAT DO NOT COMPLY WITH THE MCC.

OIG Recommendation:

At the time of the audit, the Municipal Code of Chicago (MCC) mandated that building inspections take place no later than 21 days after the receipt of a complaint. As noted in the audit, DOB had internal deadlines for some complaint types that exceeded 21 days. OIG recommended that DOB either revise its complaint response deadlines to comply with the 21-day maximum deadline prescribed by the MCC or seek an amendment to the Code. Such amendment could change the deadline provision or replace it with language granting DOB the power and duty to establish deadlines via departmental rule. OIG recommended that any changes to the MCC heed the original intent of the ordinance—namely, to prevent “lengthy delays” in complaint responses causing “further deterioration” of hazardous conditions “which may endanger the health and safety of residents and neighbors.”

Status of Corrective Action: **Fully Implemented**

DOB worked with the Department of Law to remove the 21-day inspection deadline from the MCC. The amended provision directs the Department to investigate complaints the commissioner (or designee) “deems to be both

reasonable and within the jurisdiction of the Department of Buildings. The [Commissioner or designee] must prioritize investigations based upon considerations of public health and safety.”⁴ Notably, however, DOB has not changed its internal deadlines for complaint response, which range from 3 days to 90 days depending on the complaint type.⁵

FINDING 3:

INFORMATION REGARDING BUILDING CODE VIOLATIONS ON THE CITY’S DATA PORTAL AND DOB’S WEB PAGE DID NOT PROVIDE USERS WITH A PROPERTY’S COMPLETE VIOLATION HISTORY OR PRESENT DATA IN A USER-FRIENDLY MANNER.

OIG Recommendation:

OIG recommended that DOB work with DOIT to post information on the Data Portal⁶ and DOB’s own web page (previously the “Warehouse,” now “Building Permit and Inspection Records”⁷) to inform users of the limitations of both datasets. OIG also recommended that DOB reassess what data should be included and work with DOIT to provide more meaningful and complete information to the public.

Status of Corrective Action: Partially Implemented

The Department changed the descriptive language in the headings on the “Building Permit and Inspection Records” page and addressed omission errors previously associated with the data set. However, it has not changed the disclaimer or data description language on either the Data Portal or the “Building Permit and Inspection Records” page to provide a more descriptive summary of what is actually available in those data sets. DOB said the Data Portal language has not been changed because there are “significant problems with the filtering rules and reporting logic underlying the [...] Building Violations dataset.” These errors will not be addressed until late 2020, when DOB’s recordkeeping software will be upgraded. However, DOB stated that with help from DOIT, it has improved the search function on its “Building Permit and Inspection Records” web

⁴ MCC, § 14A-1-104.7

⁵ See the table on page 28 of the audit, available at <https://igchicago.org/wp-content/uploads/2018/04/DOB-Complaint-Inspections-Audit.pdf>.

⁶ See <https://data.cityofchicago.org/Buildings/Building-Violations/22u3-xenr/data>.

⁷ See <https://webapps1.chicago.gov/buildingrecords/>.

page to include more complete information and that it is working toward improving information on the Data Portal.

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- performance audits of City programs and operations by its Audit and Program Review Section;
- inspections, evaluations and reviews of City police and police accountability programs, operations, and policies by its Public Safety Section; and
- compliance audit and monitoring of City hiring and employment activities by its Hiring Oversight Unit.

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- to prevent, detect, identify, expose, and eliminate waste, inefficiency, misconduct, fraud, corruption, and abuse of public authority and resources.

AUTHORITY

OIG's authority to produce reports of its findings and recommendations is established in the City of Chicago Municipal Code §§ 2-56-030(d), -035(c), -110, -230, and 240.

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