



Woodhaven Residents' Block Association

Established 1972

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A REPORT ON THE NEW YORK CITY DEPARTMENT OF SANITATION'S PERFORMANCE ON ADDRESSING ILLEGAL POSTINGS

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The Woodhaven Residents' Block Association (WRBA), now in its 43rd year, is an organization of volunteers who work on behalf of the residents of Woodhaven, an approximately 1.7-square-mile neighborhood of nearly 39,000 people in South Queens. The WRBA serves as an advocate for Woodhaven residents, promotes neighborhood spirit by bringing together residents and local leaders, and seeks to engage all in the betterment of our community.

This paper describes our experiences over the past four years in attempting to report illegally posted signs to the Department of Sanitation. Overall, we have been very disappointed by Sanitation's response to complaints about illegal signs and stickers, and we believe that our findings shed light on why New York City is losing the war against those who illicitly display advertisements on public property.

To identify the state of Sanitation's responsiveness to illicit ads in our area, we decided to track carefully the responses to our 311 requests for illegal posting in Woodhaven and nearby neighborhoods. This report represents the culmination of countless hours of work by numerous people, spread over four years.

Based on 164 service requests we have filed with 311 during that period, reporting a total of 142 illegal postings, we learned several interesting facts:

- Over 63% of our 311 requests were not addressed properly.
- Of the postings Sanitation claimed to have addressed, 47% of them were actually not removed at all. An additional 7% were only partly removed (meaning a significant portion of the sign or sticker remained).
- This year, nearly 28% of our 311 requests regarding illegal postings appear never to have reached Sanitation at all.
- Sanitation personnel often take shortcuts instead of thoroughly removing signs and stickers.

We hope this report will lead to significant changes in the way the Department of Sanitation addresses illegal postings. This report makes several recommendations. Clearly, the status quo is unsatisfactory. If the Department of Sanitation continues with business as usual regarding this problem, it will continue to fail the people of New York City.

THE PROBLEM

The New York City Administrative Code prohibits posting “any handbill, poster, notice, sign, advertisement, sticker or other printed material” on public property—including but not limited to lampposts, utility poles, and traffic signs—without permission from a city agency.¹ The Department of Sanitation is the city agency responsible for enforcing this law.

As many New Yorkers know, the law is routinely flouted. It is impossible to travel through South Queens without encountering numerous signs that promise generous payouts for houses, stickers that tout cash for junk cars, or illegal advertisements for a multitude of other commercial possibilities.

There are numerous reasons why this prohibition is a good one and why it should be enforced vigorously:

- Illegal postings allow unscrupulous businesses to turn public property into their own private advertising boards. With these postings, private entities appropriate something that does not belong to them.
- These ads place law-abiding businesses—those that pay for legal advertisements—at a disadvantage, and they also hurt legitimate channels for advertising (e.g., community newspapers). When the city fails to penalize those who engage in this behavior, businesses receive an incentive to do the wrong thing.
- Illicit ads are eyesores. They are designed to catch one’s eye and to stand out from their surroundings. They are garish and ugly.
- Illicit signs and stickers can be dangerous. They are often posted on heavily trafficked thoroughfares to attract the attention of drivers. They compete with street signs and other vehicles for drivers’ attention, distracting them from their driving. Sometimes they are actually posted on street signs. At least one illegal advertising campaign in Ridgewood and Glendale included postings meant to look like stop signs.²
- They are often used by scammers,³ and some illegal advertisers in New York City might even have ties to organized crime.⁴
- Prohibited ads—particularly stickers—damage public property. In order to be removed, the surface of lampposts, traffic control boxes, and other fixtures must be scratched, leaving them marred. They are a defacement of property that belongs to all of us.
- These postings contribute to a sense of disorder in a community, sending a signal that the law can be ignored and that anything goes.

¹ New York City Administrative Code §10-119

² Danielle Mastropiero, “Stop Sign Doppelgangers Popping Up Across Glendale,” Queens Ledger, Nov. 26, 2008, available at <http://queensledger.com/bookmark/722518-Stop-Sign-Doppelgangers-Popping-Up-Across-Glendale>.

³ See, e.g., Paul DeBenedetto, “Realtors and Scam Artists Litter Roosevelt Avenue With Fliers, Pols Say,” DNAinfo, Oct. 11, 2012, available at <http://www.dnainfo.com/new-york/20121011/jackson-heights/realtors-scam-artists-litter-roosevelt-avenue-with-fliers-pols-say>.

⁴ “Illegal ads, shady non-profits, and the mob,” WyckoffHeights.org, June 25, 2013, available at <http://wyckoffheights.org/post/53836093982/illegal-ads-shady-non-profits-and-the-mob>.

- Relatedly, they are a signal that the neighborhood is being preyed upon—that it is ripe for exploitation by those who would disregard the law. This in turn draws even more illegal advertisers, and perhaps lawbreakers of other sorts.
- Occasionally, the ads are offensive. For example, some New Yorkers took umbrage at illegal signs in their neighborhood that said, “We Buy Ugly Houses.”⁵ The signs imply that the services they are peddling (e.g., foreclosure assistance, pest control) are needed by everyone in that area, which is hardly the case.

The only people who benefit from these illegal postings are those who put them up. They are essentially the commercial equivalent of graffiti.

The problem has been persistent in Woodhaven, and the WRBA has worked for years to combat it. See the Appendix for a compilation of coverage of how illegal posting has afflicted Woodhaven, and our efforts to address it.

Woodhaven is not the only Queens neighborhood grappling with this challenge. From Forest Hills and Elmhurst,⁶ to North Flushing,⁷ Sunnyside,⁸ Jackson Heights,⁹ Richmond Hill,¹⁰ Jamaica,¹¹ and the Rockaways,¹² the borough has been hit hard. And the plague is not limited to Queens. It has aroused ire on the Upper West Side,¹³ the Upper East Side,¹⁴ Greenwich Village,¹⁵ Bay Ridge,¹⁶ Bensonhurst,¹⁷ and Pelham Parkway.¹⁸ This is a citywide affliction.

⁵ Vito Signorile, “Illegal postings placed throughout Community Board 11,” Bronx Times, Nov. 30, 2011, available at http://www.bxtimes.com/stories/2011/48/48_houses_2011_12_01_bx.html.

⁶ Tess McRae, “Illegal advertising in the neighborhood,” Queens Chronicle, June 13, 2013, available at http://www.qchron.com/editions/central/illegal-advertising-in-the-neighborhood/article_9026fac7-2044-5e6d-8328-b474d449a6a9.html.

⁷ “North Flushing plastered with illegal signs overnight,” Queens Scrap, May 29, 2014, available at <http://queenscrap.blogspot.com/2014/05/north-flushing-plastered-with-illegal.html>.

⁸ “Illegal signs pop up in Sunnyside,” Sunnyside Post, Sept. 20, 2010, available at <http://sunnysidepost.com/2010/09/20/tear-down-those-signs/>.

⁹ “Pols Rushing To Get Rid Of Illegal Ads On St. Fixtures,” Times Newsweekly, Oct. 18, 2012, available at http://www.timesnewsweekly.com/news/2012-10-18/Local_News/Pols_Rushing_To_Get_Rid_Of_Illegal_Ads_On_St_Fixtu.html.

¹⁰ Ralph Mancini, “A Sign of the Times,” Times Newsweekly, March 5, 2009, available at http://www.timesnewsweekly.com/news/2009-03-05/Local_News/022.html.

¹¹ Ewa Kern-Jedrychowska, “Illegal Signs Removed from Building on Historic Downtown Jamaica Block,” DNAinfo, Aug. 28, 2013, available at <http://www.dnainfo.com/new-york/20130828/jamaica/illegal-signs-removed-from-building-on-historic-downtown-jamaica-block>.

¹² Miriam Rosenberg, “101 Precinct Community Council Celebrates Holiday Season,” The Wave, Dec. 24, 2004, available at <http://www.rockawave.com/news/2004-12-24/Community/020.html>.

¹³ Saki Knafo, “‘A Plague of Advertisements,’ and a Pile of Litter,” New York Times, March 6, 2009, available at <http://www.nytimes.com/2009/03/08/nyregion/thecity/08movi.html>;

¹⁴ Amy Zimmer, “‘Illegal’ Dunkin’ Donuts Signs Anger Upper East Siders,” DNAinfo, June 5, 2012, available at <http://www.dnainfo.com/new-york/20120605/yorkville/illegal-dunkin-donuts-signs-blasted-as-garish-on-upper-east-side>.

¹⁵ Kristin Edwards, “He’s stuck on removing illegal fliers and stickers,” The Villager, Feb. 28–March 6, 2007, available at http://thevillager.com/villager_200/hesstuckonremoving.html.

¹⁶ “Homeowners: Illegal postings litter Bay Rudge streets,” Brooklyn News 12, Oct. 26, 2007, available at <http://brooklyn.news12.com/news/homeowners-illegal-postings-litter-bay-ridge-streets-1.8232215>.

¹⁷ Joe Maniscalco, “God help you if you’re caught posting illegally,” Brooklyn Daily, June 25, 2009, available at http://www.brooklyndaily.com/stories/2009/26/bay_news_newsxlnedin06242009.html.

THE WRBA'S WORK ON ILLEGAL POSTINGS

Illegal Postings Invade Woodhaven

The WRBA began to concentrate on the problem of illegal postings in October 2009, when our neighborhood was bombarded with signs advertising mortgage modifications. We responded quickly, removing dozens of them the same day they were posted.

In May 2010, the mortgage modification signs returned to Woodhaven. We counted over six dozen during one sweep of our neighborhood. We invested significant time photographing and documenting all the signs, then contacted Department of Sanitation Citywide Community Affairs Officer Iggy Terranova to offer him the documentation and ask for assistance in prosecuting the party responsible for the signs. We noted that it would be very cumbersome to log each and every sign in 311, and that 311 offered no option to submit photographs. Mr. Terranova offered us no other way to provide the large amount of information.

In July 2010, Woodhaven was blitzed by another wave of signs. The WRBA was informed by 311 that the Department of Sanitation would not be able to review any complaints about illegal signs until 3–7 days after the 311 call. This means that lawbreaking companies that illegally post signs would be able to enjoy free advertisement for up to a week before the Department of Sanitation would remove them, and that the neighborhood would have to suffer these eyesores during that time. We submitted a request for a change in Department of Sanitation policy to allow our (and other residents') documentation to be used as evidence in prosecuting illegal posting. We were told that we would receive a reply within 14 days, but never received a formal reply to our request. In a follow-up phone conversation with Mr. Terranova, we were told that such a change in policy would require legislative action by the City Council.

The WRBA Advances a Proposal

In November 2011, our Assemblyman Mike Miller and our City Council Member Eric Ulrich held a photo opportunity with Sanitation personnel in Woodhaven to declare their commitment to solving the problem of illegal signs.¹⁹ The next day, the WRBA wrote to Miller and Ulrich to propose a longer-term solution to the problem of illegal signs.²⁰

Here are the salient points of the WRBA's proposal to Miller and Ulrich:

- Having Sanitation remove the signs is not a real solution to the problem. The delays in the Sanitation Department's response make it worthwhile for companies to continue to use illegal postings.

¹⁸ Vito Signorile, "Illegal postings placed throughout Community Board 11," Bronx Times, Nov. 30, 2011, available at http://www.bxtimes.com/stories/2011/48/48_houses_2011_12_01_bx.html

¹⁹ "Ulrich, Miller And Sanitation Remove Illegally Posted Signs," Queens Gazette, Nov. 30, 2011, available at http://www.qgazette.com/news/2011-11-30/Features/Ulrich_Miller_And_Sanitation_Remove_Illegally_Post.html.

²⁰ See Woodhaven Residents' Block Association, "Block Association, Combating Illegal Signs, Urges Changes to the Law," press release, Nov. 28, 2011, available at <http://news.woodhaven-nyc.org/2011/11/block-association-combating-illegal.html>.

- A better solution would be to remove the postings immediately. Residents are best-situated to do that because they live near the postings and see them soon after they are hung. If signs are removed mere hours after they're posted, they will cease to be effective advertisements.
- But at the moment, if residents remove the signs, the lawbreaking businesses cannot be prosecuted because Sanitation Department agents must see the signs with their own eyes before legal action can be taken.
- The Environmental Control Board and the Department of Sanitation should make any changes that would permit private citizens' sworn statements, testimony, and photographs to serve as useful evidence in prosecuting illegal posting. Sworn statements or testimony by private citizens can be useful in prosecuting illegal dumping,²¹ and the same policy should exist for illegal posting.
- This would be a win-win policy. It would allow citizens to remove illegal signs without invalidating any potential prosecution of the lawbreaking companies. It would empower citizens, relieve the Department of Sanitation of some of the burden of enforcement, diminish the incentives companies have to break the law, and leave intact the chance to pursue legal recourse against lawbreakers.
- We asked for Miller and Ulrich's assistance in pursuing this change of policy.

We never heard anything from the city about our proposal.

Other elected officials have occasionally gestured toward addressing the problem of illegally posted signs. For example, Council Members Mark Weprin and Daniel Dromm called for increased fines for illicit posting.²² This particular measure would not likely have a significant impact on the practice, however. As Mr. Terranova of the Sanitation Department informed the WRBA, most of the businesses that post illegally use untraceable, "burner" cell phone numbers, so they cannot be tracked down and fined. Therefore, increasing the size of the fines will not deter these lawbreakers.

A fundamentally new approach, in line with the WRBA's proposal, is far more likely to yield real results than anything that has been publicly proposed by Queens-based lawmakers recently.²³

The WRBA Begins Data Collection

In 2012, with our proposal having failed to gain traction, the WRBA decided to begin measuring the performance of the Department of Sanitation in addressing illegal signs. We hypothesized that if Sanitation monopolizes the process of gathering evidence to prosecute illegal posting and

²¹ NYC Administrative Code §16-119(f).

²² "Weprin, Dromm Want Illegal Sign Fines Raised," Queens Gazette, Oct. 17, 2012, http://www.qgazette.com/news/2012-10-17/Political_Page/Weprin_Dromm_Want_Illegal_Sign_Fines_Raised.html.

²³ For another articulation of this proposal, see Alexander Blenkinsopp, "DSNY Should Let Residents Help Them Fight Litterbugs," Times Newsweekly, May 31, 2012, available at http://www.timesnewsweekly.com/news/2012-05-31/Columns/DSNY_Should_Let_Residents_Help_Them_Fight_Litterbu.html.

excludes residents from that process, it must be because Sanitation personnel are effective at addressing illegally posted signs. By gathering data, we could confirm that hypothesis empirically.

THE DATA ON THE SANITATION DEPARTMENT’S PERFORMANCE

The data do not confirm our hypothesis. In fact, the evidence indicates that the Sanitation Department has been doing a rather poor job of addressing illegal posting in our area.

Since 2012, the WRBA has logged 164 requests with 311, to report 142 separate instances of illegal posting. During that period, over 63% of our 311 requests were not addressed adequately: either the postings were not removed at all, or a large portion of them were allowed to remain posted.

Of the postings Sanitation claimed to have addressed, more than half of them were either not removed (47%)—despite a 311 status claiming that they have been either “addressed,” “removed,” or not “found”—or were only partly removed, meaning a significant portion of the sign or sticker remained (7%).

This year, nearly 28% of our 311 requests regarding illegal postings appear never to have reached Sanitation at all. In those cases, the status of those 311 requests is listed permanently as “The status of your Service Request will be available within 48 hours.” For example, 311 requests we logged on September 15 have said for a month that their statuses would be updated within the next two days. In the table below, we refer to those as “lost” signs and requests because they appear to have been lost by the 311 system.²⁴

Number of 311 complaints logged	Number of signs reported	Number of lost 311 requests	Number of signs lost
164	142	36	7

Number of signs addressed & accurately described in 311	Number of signs partially addressed	Number of signs not addressed (but not lost)	Number of 311 requests NOT handled properly (i.e., signs fully removed)
62	10	63	104

Percentage of 311 requests not addressed properly
63.4%

When extrapolated across the entire city, our data yield concerning results. According to NYC Open Data, New Yorkers have logged 38,727 requests in 311 for illegal posting since the beginning of 2010, and 4,179 requests so far in 2014. Other reference sources list far higher

²⁴ Note that the number of 311 complaints does not match the number of signs reported because multiple 311 requests were sometimes logged for one sign, and in a few cases one request was logged for multiple signs.

totals.²⁵ If our experience is reflective of Sanitation’s performance citywide, tens of thousands of requests might have been closed without being properly addressed the past five years, and nearly a thousand might have been “lost” by the 311 system this year alone. Remember, too, that many illegally posted signs are never reported at all.

We also discovered that Sanitation personnel often take shortcuts instead of thoroughly removing signs and stickers. For example, it appears that the Sanitation Department often places a piece of tape to cover some digits of the phone number on an illegal posting, and otherwise leaves the posting intact. That means that the posting remains an eyesore, and the piece of tape can also easily be removed. (If the Sanitation personnel are not in fact responsible for the tape, then it means that they failed to take any action at all, which is even worse.)

Here is a photograph with an example of this practice:



And here is a photograph of one sticker that the Sanitation Department claimed to have “addressed.” As you can see, the personnel actually left a note on the portion of the advertisement they left behind:



²⁵ See Baruch College NYCdata, “New York City Department of Sanitation Service Indicators,” available at http://www.baruch.cuny.edu/nycdata/public_safety/sanitation-service.htm.

In some cases, the Sanitation Department did a great job and completely removed stickers or signs. This should be the norm. If the Sanitation Department collected only half our refuse at each pick-up, we wouldn't be satisfied. The same should apply to illegal posting.

SOME OTHER OBSERVATIONS

The WRBA made Sanitation aware of the problem of “lost” 311 requests. We received a return call from Lt. Tirado of the Sanitation Department, who took down the relevant information and said she would get back to us. She never did, even after we called to follow up and spoke with her briefly. Given how significant a hole in the 311 system this might be, it is troubling that it has not yet been addressed. The “lost” requests, by the way, do not appear to be completely random. Requests for the same postings were lost repeatedly.

The process of logging 311 requests is extremely time-consuming. During one call to 311 last month, it took us 18 minutes to log one request; the operator explained that her department's computer systems had been very sluggish for weeks. Attempts to log requests online were not much quicker because that system was slow too. It is easy to imagine that many people could lose confidence in the 311 system altogether if they attempted to report illegal posting and had experiences similar to ours.

The WRBA has experienced problems with the Sanitation Department's practice of issuing tickets to property owners in the middle of the night for garbage dumped outside their properties. It is a common nighttime occurrence for people to dispose of trash outside Jamaica Avenue storefronts. Then, Sanitation Department agents write summonses in the middle of the night, fining the victimized property owners for failing to dispose of this rubbish that they never even had the chance to see. This practice, which was criticized by Bill de Blasio when he was Public Advocate,²⁶ is completely unfair because property owners have no ability to avoid the tickets.²⁷ The Sanitation Department would serve the public far better by allocating more of its resources to removing illegal postings, and none of its resources to issuing midnight tickets to small businesses.

Some of the phone numbers listed on illegal postings have been used for months without being changed. This indicates that they might be traceable, or at least potential targets for a sting by Sanitation Enforcement.

Many of the most vexing postings are in locations that are difficult to describe in the 311 system because there are no street addresses or intersections especially close by, or because they're at large intersections for which their precise locations defy concise description. The 311 system seems ill-equipped to receive location descriptions of illegal postings situated on the medians of major roads.

²⁶ Letter from Public Advocate Bill de Blasio to Department of Sanitation Commissioner John Doherty, April 10, 2013, available at <http://bit.ly/1vERILQ>.

²⁷ Woodhaven Residents' Block Association, “WRBA Asks Sanitation Dept. To End Unfair Practice,” press release, Oct. 6, 2014, available at <http://news.woodhaven-nyc.org/2014/10/wrba-asks-sanitation-dept-to-end-unfair.html>.

PROPOSED SOLUTIONS

The WRBA offers several recommendations to the Department of Sanitation to help it improve upon a clearly unsatisfactory status quo.

1. Implement the policy we proposed to Assemblyman Miller and Council Member Ulrich, described on pp. 4-5 above. At the very least, allow affidavits from residents to be used in the prosecution of improper disposal and illegal postings, just as they are used in prosecuting illegal dumping. If this requires legislative action, request that the City Council take that action.
2. Assessing and fixing the problem of “lost” 311 requests should be a top priority.
3. Sanitation personnel should proactively find and remove illegal postings. Currently, it appears that they will not address signs and stickers that have not been reported through 311. But it should be obvious by now that the 311 system is quite flawed. If Sanitation agents are removing one posting and they happen to see another nearby, they should remove the second one too.
4. Those who file service requests with 311 should be provided with more information about how the case has been resolved. Writing that “Sanitation has investigated the complaint and addressed the issue” is not descriptive enough—especially when it is so often inaccurate, as our data show.
5. Sanitation personnel should photograph their work when addressing cases of illegal posting. If they have removed a sticker or sign, they should take “before” and “after” photos. If they cannot find a posting that has been reported to 311, they should photograph the place where they believed the posting was supposed to be. The photos should be made available to those who logged the requests in 311. This will help put an end to halfhearted efforts to remove postings, and will also help clarify why some signs and stickers are supposedly addressed when in fact they remain posted.
6. The Department of Sanitation has two bounty programs to combat illegal dumping. Both provide financial rewards to those who provide information leading to the conviction of illegal dumpers.²⁸ Similar programs should be instituted for illegal posting.

CONCLUSION

Illegal posting is a plague that has struck Woodhaven and neighborhoods across New York City. The Department of Sanitation’s current approach is not working. It should consider carefully the WRBA’s observations, and implement our proposed solutions.

²⁸ New York City Department of Sanitation, “Illegal Dumping Bounty Programs,” available at http://www.nyc.gov/html/dsny/html/illegal_dumping/bounty.shtml.

APPENDIX
COMPILATION OF COVERAGE OF WRBA EFFORTS ON ILLEGAL POSTING

Domenick Rafter, "There Is Relief For Annoying Signs," Queens Tribune, June 3, 2010, available at https://web.archive.org/web/20100610062416/http://www.queenstribune.com/news/News_060310_Signs.html

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