

TESTIMONY FROM NYCHA CHAIR & CEO SHOLA OLATOYE  
DOI INVESTIGATION INTO LEAD-BASED PAINT CONDITIONS AT NYCHA APARTMENTS  
COMMITTEE ON PUBLIC HOUSING  
TUESDAY, DECEMBER 5, 2017 – 10:00 AM  
COUNCIL CHAMBERS, CITY HALL, NEW YORK, NY

Chair Ritchie Torres, members of the Committee on Public Housing, and other distinguished members of the City Council: good morning. I am Shola Olatoye, Chair and Chief Executive Officer of the New York City Housing Authority.

The health and safety of NYCHA residents is our primary concern, so thank you for the opportunity to set the record straight on NYCHA's lead-based paint remediation and mitigation program. Joining me today is Shireen Riazi Kermani, Senior Advisor to the General Manager. We would like to thank Deputy Mayor Dr. Herminia Palacio, our partners from the New York City Department of Health and Mental Hygiene (DOHMH), and many others for providing testimony at today's hearing.

### **The Facts**

Let's start with the facts:

- In **August 2012**, annual apartment inspections were suspended. This was done in accordance with a new published HUD rule that relaxed the obligation of public housing authorities to perform annual inspections. NYCHA's interpretation of HUD's guidance was wrong. And we now know that lead paint inspections were also not performed.
- In **June 2014**, three months after I was appointed Chair and CEO, the Authority resumed biennial apartment inspections.
- In **May 2015**, NYCHA sent letters to residents and elected officials about lead-based paint policies and inspections.
- In **November 2015**, the U.S. Attorney's Office for the Southern District of New York began investigating NYCHA's general operations.

- In **April 2016**, it became clear to me that NYCHA was not in compliance with Local Law 1, the City's law pertaining to the inspection of apartments for lead paint hazards. When I learned we were not in compliance, I informed City Hall, and we took action. Our focus was on getting into apartments and communicating with residents. We created a plan and led corrective actions to address the problem.
- In **May 2016**, NYCHA contacted residents, and we immediately started inspecting the approximately 4,200 apartments with a possible lead paint risk and with children under the age of 6. Local Law 1 requires inspections of apartments with children under the age of 6.
- In **June 2016**, NYCHA and DOHMH discussed lead-based paint with the elected officials representing Pomonok Houses. Another meeting on the topic was held later that month with various elected officials and their representatives.
- In **July and August 2016**, I was informed by staff that NYCHA was out of compliance with HUD regulations, and I informed City Hall and the then-HUD Regional Administrator and staff.
- In **September 2016**, I traveled to D.C. and informed numerous senior HUD officials about the gaps in compliance.
- In **October 2016**, NYCHA submitted its annual certification of compliance to HUD. I signed the certificate of compliance believing that my previous disclosures about the compliance gaps to HUD were sufficient.
- By **December 2016**, NYCHA completed or attempted all of the Local Law 1-required in-unit inspections, and completed all necessary repairs soon thereafter.
- In **February 2017**, HUD put into effect another new regulation on children with elevated blood lead levels, and we developed a plan to get into compliance by the July 2017 deadline.
- From **February to June 2017**, NYCHA designed a new lead-based paint inspection form for staff's smartphones.

- In **April 2017**, NYCHA issued an RFP to complete 55,000 lead-based paint visual assessments; the contract was awarded to an EPA-certified vendor in **July 2017**. In **September 2017**, NYCHA started training the lead-based paint inspection vendor on the new smartphone-based inspection form.
- In **May 2017**, NYCHA began a comprehensive review of our lead-safe housing procedures, as well as our staff training requirements. Our procedures were outdated and not consistent with HUD's new regulation on children with elevated blood lead levels.
- In **July 2017**, after discussion with HUD, NYCHA included an asterisk and notation in a required certification regarding NYCHA's lead-based paint compliance issues. We also informed residents, staff, elected officials, the unions, and the public about the lapse in compliance.
- In **August 2017**, NYCHA began EPA lead-safe certification training for its painters, plasterers, and other front-line staff.
- In **October 2017**, NYCHA issued an RFP to train an additional 2,700 staff.
- In **November 2017**, NYCHA announced immediate and long-term corrective actions to fix the compliance gaps, which I'll discuss later in my testimony.
- As of **today**, we have completed more than 90 percent of the in-unit Local Law 1 annual inspections for 2017. That means we have inspected more than 8,000 apartments housing children under 6. Necessary repairs resulting from those inspections will be completed by the end of the first quarter of 2018, in accordance with the federal law's 90-day deadline. As part of this work, we are offering residents a complete apartment painting, even when there isn't a lead-based paint issue. We will ultimately fully paint 7,000 units through this initiative.

## **The Resolution**

In addition to the wave of lead paint inspections we launched, we implemented a number of changes to improve the health and safety of NYCHA apartments:

- We're using a new digital work order system to accurately identify apartments with children under 6 where the presence of lead-based paint has not been ruled out.
- We equipped development staff with the new lead-based paint inspection form for their smartphones to more efficiently and accurately record inspection data.
- We will continue and expand our EPA lead-safe certification training for all appropriate staff.
- We are revising our policies and procedures based on a thorough review that we conducted of local and federal regulations on lead-based paint activities.
- We announced that we will create NYCHA's first-ever Executive Compliance Department. Edna Wells Handy, legal counsel to the NYPD Commissioner, will serve as the Acting Chief Compliance Officer. She will provide operations oversight, manage compliance training for employees, and review external reporting by NYCHA, among other important functions. We are creating a task force comprised of national experts on lead paint safety that will advise me and the Compliance Department; its members are Deborah Nagin, Director of the Healthy Homes Program at DOHMH; Dr. Jack Caravanos, Clinical Professor of Environmental Public Health Sciences at New York University; Dr. Joseph Graziano, Environmental Health Sciences and Pharmacology Professor at Columbia University's Mailman School of Public Health; and Rebecca Morley, founder of the National Center for Healthy Housing.
- We're in the process of establishing an Environmental Health Officer position – an expert on health and housing who will serve as the agency's lead paint expert and also provide guidance to the new Compliance Department.



- For the past two years, we have been cooperating with the U.S. Attorney's Office for the Southern District of New York.
- Lastly, as you have called for, Chair Torres, and as part of our cooperation with the U.S. Attorney's Office, we embrace the partnership of an independent federal monitor to support the continued transformation of the Authority.

### **The Progress, Part of a Massive Turnaround Effort**

Preserving our apartments is a key focus of NextGeneration NYCHA, our 10-year strategic plan to chart a new course for the Authority: stability for the organization and safe, clean, and connected homes for residents.

Let me give you some context on the need for this turnaround plan. When I walked in the door in 2014, we were confronted with massive challenges 40 years in the making. Government disinvestment at all levels had led to a \$17 billion capital need, aging infrastructure, and annual operating deficits. For fiscal year 2014, the Authority had a deficit of \$281 million.

We closed that enormous budget gap. And since then, we've balanced the books every year and replenished NYCHA's reserves. We brought the time it takes to complete basic repairs down from 13 days to 4 days. The number of mold complaints this year is 8,000 fewer than in 2015. Since the launch of NextGen, we've installed 6,200 new exterior lights at 14 developments and installed more than 1,700 new security cameras and upgraded 350 cameras at 58 developments. We have more than a billion dollars of capital work on the street, including over \$500 million in Sandy recovery construction. Our Office of Resident Economic Empowerment and Sustainability has facilitated more than 7,500 job placements and more than 17,000 connections to partner services.

To improve service to residents and better allocate staff, we're instituting third-party management of boilers at certain sites. Our NextGen Operations (NGO) property management model is increasing staff control and accountability while delivering greater customer service to residents across the city. Maintenance and repair response times are close to 30 percent faster at NGO developments compared to the rest of the portfolio.

While we continue to make radical changes to how we do business, we are constrained by antiquated work rules: trying to manage a 24/7 operation between the hours of 8 a.m. to 4:30 p.m. We're working to address that issue through FlexOps, our expanded work hours pilot. FlexOps is currently active on a provisional basis at 12 developments. The initial FlexOps developments are 11 percent cleaner, according to the latest data. This is the kind of creative NextGen strategy we must aggressively pursue.

We've done all this despite the fact that NYCHA, a federally funded agency, has lost \$3 billion in funding over the last 15 years – while other City agencies have been able to increase their spending. Washington is not a friend to NYCHA – there's talk about dismantling and even more drastic funding cuts, despite the massive needs so clearly at hand.

Thankfully, we have a mayor who has stepped up to help us confront the challenges head-on. With Mayor de Blasio's \$1.3 billion commitment, we'll be able to repair more than 950 roofs, benefitting over 175,000 residents. That's on top of the \$355 million investment in façade improvements that he committed to earlier this year. The \$210 million Mayor's Action Plan for Neighborhood Safety is bringing vital physical improvements and resources to communities citywide.

## **Conclusion**

The greatest threat facing the Authority – and one of the factors that led to our gaps in compliance – is NYCHA's funding crisis. When tasked with a turnaround

effort of this magnitude, it's easy to identify the obvious problems, though it's much harder to come up with solutions, considering the challenges. But that's exactly what we've been doing for the past three years: working tirelessly to improve the quality of life for the residents we serve.

Let me be clear: I will not shy away from continuing to identify gaps and problems at the Housing Authority. Public housing is threatened nationwide. Here in New York City, we won't just stop at defending what we have – we will fight to improve quality of life. I remain committed to the residents and to my employees. I am here because I believe in tackling difficult issues head-on. I believe in public housing and its ability to stabilize and change lives for the better. Ultimately, the future of New York City's greatest source of affordable housing will require everyone, the city's mothers and fathers, to demand the resources that will support improved conditions. I hope you will stand with us as we continue to fight for the 1 in 14 New Yorkers who call NYCHA home. We will take your questions now.



Testimony

of

**Corinne Schiff**  
**Deputy Commissioner, Environmental Health**

**New York City Department of Health and Mental Hygiene**

before the

**New York City Council Committee on Public Housing**

on

**The Department of Health and Mental Hygiene Healthy Homes Program**

December 5, 2017  
Council Chambers  
New York, NY

Good morning Chairperson Torres and members of the Public Housing Committee. I am Corinne Schiff, Deputy Commissioner for Environmental Health at the New York City Department of Health and Mental Hygiene. On behalf of Commissioner Bassett, thank you for the opportunity to testify on the Health Department's childhood lead poisoning prevention work.

The Health Department's Healthy Homes Program takes a rigorous, multi-pronged approach to lead poisoning prevention that goes beyond what is required under the law. This includes a daily review of laboratory-reported blood lead test results, and providing comprehensive risk assessment, environmental investigation and case coordination services. We conduct outreach and education for parents, health care providers and property owners. And we have a robust enforcement program. If lead paint hazards are identified during our inspection, the Health Department orders the property owner to correct the condition.

New York City's Healthy Homes Program is a national model and the dramatic reduction in childhood lead poisoning in New York City is a public health success story. Thank you for the opportunity to testify. I am happy to take questions.



**NEW YORK CITY COUNCIL  
COMMITTEE ON PUBLIC HOUSING**

**TESTIMONY OF MARK G. PETERS  
COMMISSIONER  
NEW YORK CITY DEPARTMENT OF INVESTIGATION**

**DOI INVESTIGATION INTO LEAD-BASED PAINT CONDITIONS AT  
NYCHA APARTMENTS**

**DECEMBER 5, 2017**

Good morning Chair Torres and members of the Committee on Public Housing. I am Mark Peters, Commissioner of the New York City Department of Investigation ("DOI"). I am joined here today by Ralph Iannuzzi, Inspector General for the New York City Housing Authority (NYCHA) and Tejah Duckworth, Inspector General for DOI's Integrity Monitoring Program. I appreciate your request that I testify here today regarding DOI's Report on NYCHA's failure to conduct mandatory lead paint safety inspections and DOI's recommendation that an independent monitor be put in place.

DOI's Report on this matter has been made public and so I will only briefly recap its findings. DOI's investigation determined that NYCHA has failed to conduct legally mandated safety inspections for lead paint, since 2013. In addition, NYCHA submitted false documentation to the United States Department of Housing and Urban Development ("HUD") certifying that NYCHA was in compliance with Federal rules that require these inspections, when in fact it was not.

Despite NYCHA's senior staff being made aware in 2015 that the agency was out of compliance with City Local Law 1, and its Chair and CEO, Shola Olatoye, being advised of their non-compliance with both Federal and local lead safety rules in early 2016, certifications were still submitted to the Federal government falsely stating that NYCHA was in compliance.

The City's Local Law 1 and the Federal Lead Safe Housing Rule require NYCHA to conduct annual visual assessments of apartments where the possibility of lead-based paint has not been ruled out. For NYCHA, this means approximately 55,000 apartments,

at least 4,200 of which NYCHA affirmatively has records indicating that children under the age of six reside in the dwelling, which must be inspected annually to comply with Federal and local rules.

Finally, our investigation demonstrated that there were inadequate systems in place for NYCHA both to properly review and track its compliance with these issues and to check the veracity of federal filings before submission.

This final issue, the inability to report accurate information, is why installing a third-party monitor is so important.

DOI stands ready to serve in that role under our existing Integrity Monitoring Program. Under DOI's Integrity Monitoring Program, NYCHA has the opportunity to reform its policies and operational practices quickly and at a lower cost to taxpayers. For example, as the independent monitor, DOI can immediately begin conducting field spot-checks to ensure that annual apartment inspections and lead abatement are completed, and that subsequent quality assurance inspections are performed. DOI can also conduct field visits to ensure that essential apartment safety checks of smoke alarms, window guards and carbon monoxide detectors are performed in accordance with NYCHA policy and local law.

DOI currently manages 18 monitorships, including a monitor for NYCHA's rebuilding after Hurricane Sandy, and monitors for the City's new 911 Call Center. We recently concluded a monitorship for NYCHA's Bond B Program for capital improvements.



Indeed, the NYCHA Sandy monitor recently found \$2.5 in overpayments on that project—just slightly less than what we estimate a three-year lead monitorship would cost.

In sum, we have two challenges: First, we must make sure that lead testing and remediation are properly completed. Second, in light of the misinformation provided by NYCHA previously, we must have an independent monitor to give us assurance about reporting going forward.

Clearly, the Federal government has severely under-funded NYCHA for many years. That underfunding is unacceptable and certainly has caused many of NYCHA's problems. But the safety issues addressed in our report involve only limited funding requirements, and the provision of accurate information should be a non-negotiable point under any circumstances.

I look forward to answering any questions you may have.



## **NYC Committee on Public Housing: Oversight Hearing - DOI Investigation into Lead-Based Paint Conditions at NYCHA Apartments.**

Tuesday, December 5th 2017

Testifying: Karen Blondel, Turning the Tide Organizer, Fifth Avenue Committee

Thank you for the opportunity to testify today. Turning The Tide (T3) is a climate justice initiative led by Fifth Avenue Committee with partners RHI, FUREE and SBIDC focused on engaging public housing residents in Red Hook and Gowanus on the many environmental justice issues facing our communities. In October 2016 Red Hook Initiative (RHI) released "The Impact of Mold on Red Hook NYCHA Tenants," a report on the conditions of mold in Red Hook Houses. Through the development of the report and in the time since, the Turning the Tide (T3) collaborative has engaged residents in a dialogue of crafting solutions to NYCHA's mold and repair crisis.

I'm here to testify today about NYCHA's inadequate response to repair issues, from basic maintenance issues to major structural improvements, and the need for investment, oversight, and transparency on the serious health issues of mold and lead. The recent news of NYCHA's non-compliance on lead inspections echoes the concerns of Red Hook residents as told in our mold report.

While the news of the lead impact on families in children is devastating, it is not surprising to those that experience the result of inadequate resources for the Housing Authority paired with lack of oversight and accountability for NYCHA's repair practices. With me today I have several residents from Red Hook will tell their stories demonstrating NYCHA's patterns of inadequate response.

Focusing on the removal of NYCHA's chairperson Shola Olatoye should not serve as a replacement for addressing a broken repair and maintenance system that lacks appropriate funding to meet the bare minimum housing codes. With the number of residents impacted by NYCHA's lack of proper assessments and timely repairs why isn't NYCHA on the 100 worst landlords list?

The findings of our mold report speak to the historical disinvestment and neglect trickling down to residents as closed tickets, missed appointments, and "painting over". When our community research team asked 280 Red Hook residents how NYCHA was responding to mold complaints, we heard an overwhelming response that residents either reached out to NYCHA for help and didn't get adequate repairs or had become so fatigued with the process of getting the repairs completed that they gave up and tried to fix the problem themselves.

Mold, like lead, is a dire public health concern. Residents are often unaware of the conditions in their own homes contributing to asthma, respiratory issues, and now - as revealed by the inspections reported on by the Daily News earlier this year - an overwhelming presence of lead. In Red Hook, residents not only have homes with high levels of lead, but have dangerous lead levels in their backyard. In 2015 the EPA shut down the baseball fields, once the site of a smelting and refining facility, after finding dangerous levels of lead. All fields are estimated to be remediated by 2023, while today the parks all remain gated and closed. We do not yet know the extent of the impact of the lead in the ball fields on the health of residents of Red Hook.



There are significant existing public health concerns in public housing throughout NYC. In Gowanus and Red Hook, as the NYC Department of Health data shows, many residents have health conditions which are exacerbated by poor indoor air quality. In addition, Red Hook residents are still dealing with mold and repair issues caused by temporary boilers still not replaced after Sandy and extremely high lead in our ballfields, which were shut down in 2013.

As we urged at the May 2nd hearing of 978-A, mold licensing legislation, we need to ensure a long term solution for this issue including trained and licensed workers to do assessment and remediation, added investment, and oversight and accountability of NYCHA. The revisions to 978, presented as 978-B, not only reduced oversight to an "advisory" capacity, but removed NYCHA residents from the right to protections of the bill, given that NYCHA provide its own plan of how the agency would respond to mold. This most recent news of NYCHA's mismanagement of lead is telling of how the agency has proven itself on self-monitoring thus far.

NYCHA residents have a right to access legislation that aims to protect the health of all New Yorkers. Removing NYCHA from oversight as in the state mold law 930, the revised 978-B as well as the Asthma Free Homes bill 385 sends the message that the city can rely on NYCHA to monitor its own processes. If the recent news has taught us anything we know that is not true. We support State and City calls for an independent monitor to oversee capital investment, require reporting, and have the ability to intervene when necessary. Such an entity should also include resident input and monitoring.

As the City looks to respond to issues of lead, we urge Council to make any oversight entity inclusive of NYCHA's mold response protocols and to pass legislation that will give residents equal access to safe and healthy homes.

Thank you for the opportunity to testify here today.

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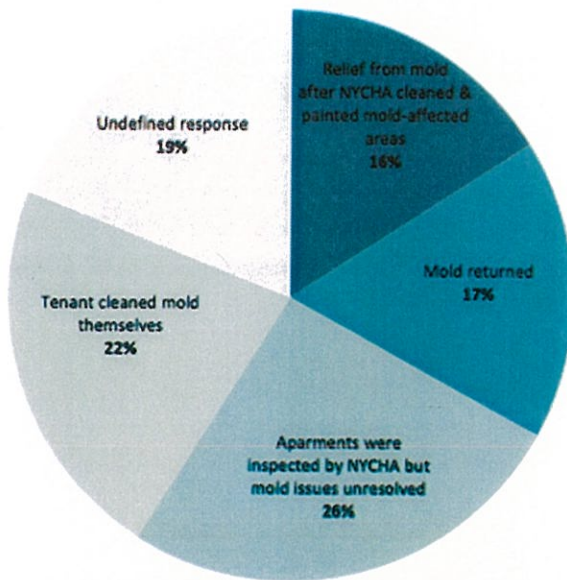
**To access the full report, "The Impact of Mold on Red Hook NYCHA Residents" go to  
[www.rhicenter.org](http://www.rhicenter.org)**

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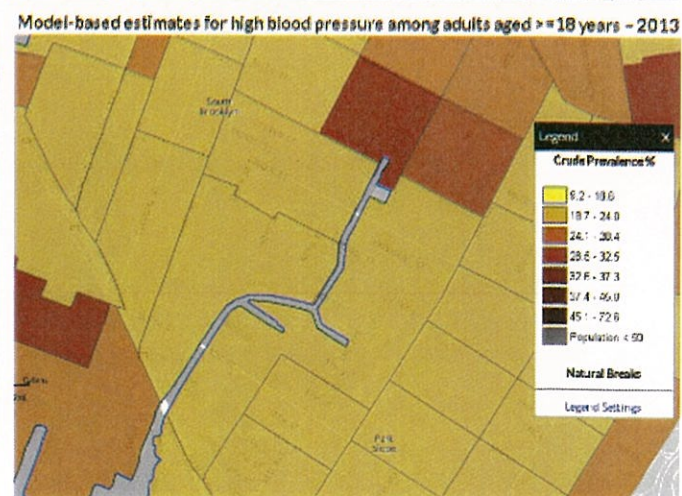
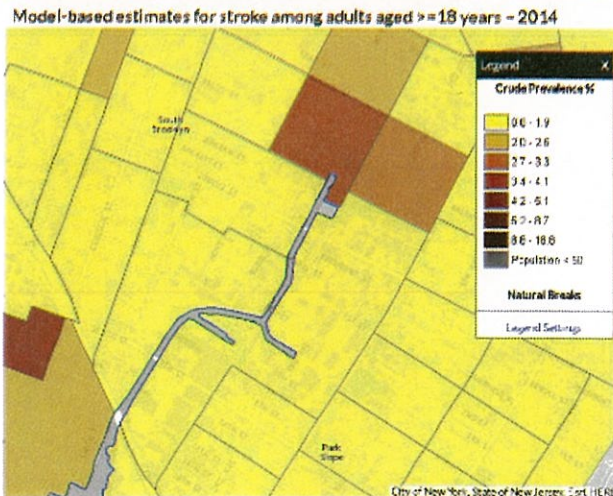
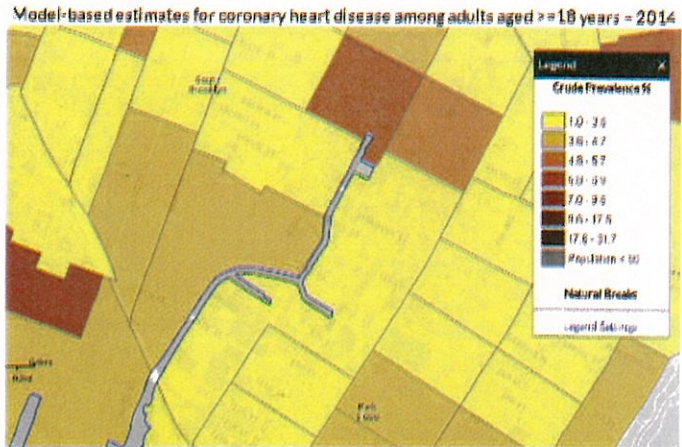
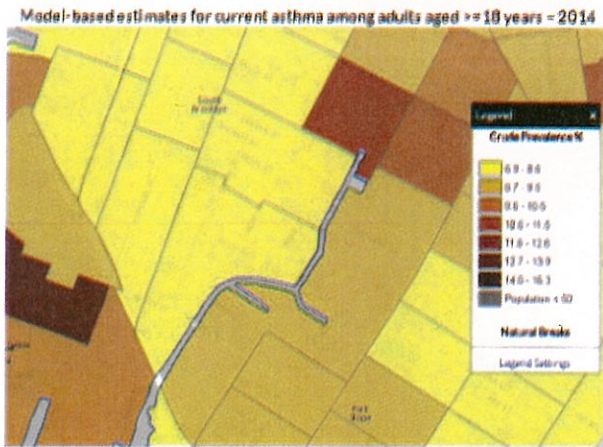
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### Outcomes: Responses from NYCHA

Source: "The Impact of Mold on Red Hook NYCHA Tenants" (Red Hook Initiative). [http://rhicenter.org/wp-content/uploads/2016/10/ImpactofMold\\_RHI\\_-FINALREPORT\\_10.27.16.pdf](http://rhicenter.org/wp-content/uploads/2016/10/ImpactofMold_RHI_-FINALREPORT_10.27.16.pdf)



Source: 500 Cities Project: Local Data for Better Health. Centers for Disease Control (CDC). <https://www.cdc.gov/500cities/>



**Testimony of Judi Kende  
Vice President & New York Market Leader  
Enterprise Community Partners, Inc.**

**To the New York City Council  
Committee on Public Housing  
Oversight Meeting  
DOI Investigation into Lead-Based Paint  
Conditions at NYCHA Apartments**

**December 5, 2017**

On behalf of Enterprise, I would like to thank Chair Torres and the City Council Committee on Public Housing for convening today's hearing to discuss New York City Housing Authority (NYCHA), and for providing the opportunity to testify. Enterprise greatly values the stability and opportunity that NYCHA provides to low-income New York City residents. Enterprise is a national non-profit organization that provides capital for affordable housing and community development, advocates for policies that advance these goals, and supports local groups working on these issues. Since our New York office opened in 1987, we have committed nearly \$3.4 billion in equity, loans, and grants to help create or preserve over 60,000 affordable homes for nearly 160,000 residents in the region.

Today poses an opportunity to discuss the importance of leadership and management at NYCHA. NYCHA is NYC's largest landlord of affordable housing and is the largest public housing agency in the country. NYCHA employs over 11,000 individuals, has over 600,000 residents, 300 locations and over 180,000 individual apartments. Public housing is the lifeblood of New York City, and continues to be a stabilizing force and a connector to opportunity for all who live there. Everyone agrees that NYCHA residents deserve excellent management and services.

This hearing was convened today to discuss DOI's investigation into NYCHA's lead paint safety inspections. It is critically important that all public agencies follow protocol to ensure the safety of its residents. As Chair Torres himself stated, this hearing is not about a public health crisis taking place at NYCHA.

NYCHA is an incredibly large and complex agency. There are large risks in operating a severely underfunded and expansive organization. These risks require strong leadership, knowledge and stamina that a leader such as Chair Shola Olatoye has shown over the past four years. We must remember the important advances that she has made in her time thus far as chair.





- Chair Olatoye has implemented new initiatives to ensure long-term viability of NYCHA properties through the NextGeneration NYCHA plan
- Under her leadership NYCHA has strategically partnered with outside agencies, such as Jobs Plus, Urban Upbound, and Brooklyn Navy Yard, to connect residents to career services, placing more than 5,600 residents into jobs
- In the face of severe federal budget cuts, NYCHA has introduced new technologies to streamline services and reduce response time to maintenance repairs from 150 days to just 9.6 days, resulting in \$2.6 million in savings
- NYCHA has improved resident safety through the installation of 6,000 lightbulbs, over 1,500 CCTV cameras, and by providing 43 buildings layered access control equipment

Under Chair Olatoye's leadership, NYCHA is also putting into place a compliance department to ensure that the issue under discussion today remains an isolated problem. I urge the City Council to recognize that this hearing, while important, is about a symptom of the fundamental problem facing NYCHA, which is a lack of resources and funding sources. It is critically important that we all support the residents of NYCHA by working to secure additional, direly needed resources, so that NYCHA's chair and the staff can continue to expand on the improvements and deliver what residents deserve.

Enterprise commends the Council for its commitment to connecting all residents to opportunity, affordable housing, and for understanding that NYCHA is our city's greatest affordable housing resource. Thank you to the Committee for all your efforts to make New York a better city for low-income, vulnerable New Yorkers.

Testimony of Audrey Henry, a resident of Claremont Consolidated Houses  
Before the New York City Council Committee on Public Housing  
Oversight Hearing: DOI Investigation into Lead- Based Paint Conditions at NYCHA  
Apartments

December 5, 2017

Thank you to Committee Chair Ritchie Torres for having this important hearing and for giving me an opportunity to testify.

My name is Audrey Henry and I live on Findlay Avenue in the Bronx, in Claremont consolidated Houses. I live with daughter and my three grandchildren, Kian and Alexander who are 5 and Vinessa who is 4. I have lived in my apartment for 32 years.

On Friday, November 3, 2017, I came home to my apartment at 6:00 p.m. My daughter handed me a letter that had been put under my door at around 3:30 p.m. that afternoon. The letter was from NYCHA and told me that I had to be available in my apartment on Monday, November 6, 2017 for a lead inspection between the hours of 8:30 a.m. – 4:00 p.m. The letter said that if I was not available at that time, I had to call the number listed on the letter. The number given is that of the management office of our development- which closes at 4:30. This was a Friday at 6:00 p.m. when I got the letter and the lead inspection was for Monday at 8:30 a.m. so I had no way to re-schedule the appointment. I had a physical therapy appointment scheduled for Monday at 8:30 a.m. My daughter had a job interview scheduled for 10:30 on Monday morning.

On Monday, November 6, I called a woman named Tanya who I think works for NYCHA at my development, to tell her that I couldn't make the appointment and be available in my apartment all day from 8:30-4:00. My daughter left our apartment at 7:45 a.m. to drop the kids off at school. She came back home at around 8:30 a.m. in order to get changed for her job interview scheduled for 10:30. However, when she returned from dropping the kids at school- she couldn't get into the apartment because she couldn't unlock the door. The locks had been changed!

My daughter called me on my cellphone and told me that she couldn't get into the apartment. I said: "Did you leave your keys in the apartment?" She said No- someone had changed the lock. I left my appointment- I didn't even get to do my physical therapy. I walked back to the building. I found that the top lock to my door had been drilled out and a new lock placed in the hole requiring a new key.

**It was now about 8:45 a.m.** I went to the management office, no one there had a new key for me to get into my apartment. The management office told me I needed to find someone in Maintenance to get the new key. It was **11:15 a.m.** by the time I found the maintenance worker and got my new key. The Maintenance worker and manager each confirmed that no one from Housing had been with the lead inspector when they drilled the lock out of my door and entered my apartment. The lead inspector that entered my apartment does not work for housing.

I missed my physical therapy appointment and my daughter never made it to her job interview. When I got back into my apartment- it was clear that no inspection had been done. I checked the window sills to look for signs that they had taken a swab from the sills- just like they have done in the past when they do a lead inspection. There was no evidence that any swab had been done on the sills. I could tell- because the dust that was on the sills (that comes from outside when I have my windows open) was still untouched.

No one from NYCHA ever came to apologize to me about what happened. This is ridiculous! NYCHA is happy to call for any small reason- inspections, automatic reminder calls for rent payments. However, no one from NYCHA called me on the Monday morning before drilling out my lock. If someone had called me- I could have left my appointment and let them in. Instead, I ended up leaving my appointment anyway because they had drilled me out of my apartment.

I should have received advance notice of the inspection. I should have been given a real opportunity to schedule a time that worked for me. I should have been called before anyone forced entry into my home. A NYCHA worker should have been present when the inspection company entered my home. This is a violation of my right to privacy.

I don't want other NYCHA residents to have to experience this. I missed my appointment that is necessary for me to maintain my health and my daughter missed an important job interview because NYCHA is not handling these inspections properly. I understand that the lead inspections need to be done- but there is a better, more effective and more respectful way in which to do them.

Thank you for your time today.





**Testimony of  
Victor Bach, Senior Housing Policy Analyst,  
Community Service Society  
at  
Oversight Hearings,  
DOI Investigation Into Lead Based Paint Conditions at NYCHA Apartments  
New York City Council Committee on Public Housing  
December 5, 2017**

The Community Service Society (CSS) is a city-based nonprofit organization that works to improve conditions and opportunities for low-income New Yorkers. For the last 20 years, the issues facing NYCHA and its residents have been a consistent focus in our research and advocacy agenda. We work closely with NYCHA resident leaders and have issued a series of research reports intended to strengthen public housing and its residents.

The acknowledged NYCHA lapses in inspecting for toxic lead-based paint hazards are shocking and serious infractions. We cannot condone the failure to conduct inspections, compounded by false certifications. How the authority came to disregard the well-being of residents—particularly the health of at-risk children—is inexplicable. Furthermore, the Department of Inspection (DOI) found that these lapses have been ongoing since 2012, well before the current administration. That is unacceptable.

To her credit, NYCHA Chair and CEO Shola Olatoye reported the problem to HUD and the mayor when she uncovered it and has been in discussion with the Southern District on its resolution. NYCHA has since accelerated inspections in the 4,200 units in target buildings where young children may be at risk. But the key question now is what we do about it, so that it does not happen again.

**Independent Monitoring of NYCHA Inspections**

This past week, NYCHA announced the creation of an internal compliance unit; the mayor has appointed someone to lead it. We do not agree that an internal monitoring unit is the answer—the failure of the authority to self-police compliance is at the heart of the present problem. If monitoring is to be done, it should be independent of NYCHA.

It needs to be recognized that toxic lead-based paint risks are not only a NYCHA problem, they are a citywide problem. Indeed, we understand from the Health Department that most of the risks are in the private rental market. The extent to which private landlords are complying with annual inspections required by Local Law 1 is an open question. **We recommend the city consider creating a special unit—at HPD, or in the Health Department, or in the Comptroller’s Office—that oversees compliance in all multiple dwellings, including NYCHA public housing.**

## **Additional Funding Needed**

NYCHA is starved for the capital it needs to address its \$17 billion backlog in major infrastructural improvements to its aging buildings. The 10-year NextGeneration NYCHA plan is, in large part, geared toward generating needed revenue. If NYCHA is to carry out the remediation of apartments where lead risks are found, further state and city funding may be necessary. The city has already made substantial capital commitments to NYCHA preservation—close to \$2 billion over ten years—but more may be needed for NYCHA to fulfill its responsibilities for lead-based paint risks. The state has also registered concern about the problem—if so, it should make a comparable commitment. **We recommend the state and city consider special NYCHA funding allocations to address toxic lead-based paint risks where young children are at risk.**

## **Overcoming NYCHA Insularity**

As a para-governmental authority, NYCHA enjoys a degree of insulation from direct city control and oversight. Although the mayor appoints the Chair and members of its governing board, NYCHA operations are largely “interior” to the authority, thereby lessening its transparency and accountability. The lead-based paint issue not only threatens NYCHA’s credibility, it is a signal example of the potential consequences of the authority’s interiority.

In what ways is NYCHA insulated? There are several key examples:

Unlike private owners of multiple dwellings, NYCHA—the largest landlord in the city—is exempt from having its housing code violations listed in the public data bases maintained by the NYC Housing Department (HPD) and the Department of Buildings (DOB). As a result, it is difficult to make an external assessment of conditions in NYCHA buildings or determine the extent to which the authority has resolved outstanding code violations. NYCHA code violations and their resolution should be part of the public record.

Secondly, NYCHA residents are at a disadvantage in obtaining repairs. Tenants in private multiple dwellings can call the city’s 311 Citizen Service Center to register complaints about conditions in their apartments. The timing and nature of the complaint is recorded and HPD is notified, so that it can follow up with an inspection as appropriate. NYCHA residents have no comparable rights—they must call an internal NYCHA Customer Complaint Center to register their concerns—if they try 311, it will turn them down. The on-site NYCHA manager is supposed to conduct an inspection and, if necessary, set up a work order. There is no external record of the problem or its resolution. Despite the aggregate “metrics” the authority releases on its repair record, the details and the process remain interior to NYCHA. The integration of NYCHA into the 311 system was promised as part of the NextGeneration NYCHA plan, but so far we have seen no forward movement.

**To assure greater compliance with local laws and housing codes, and greater accountability and transparency on the part of the authority, we recommend that NYCHA be integrated**

**into existing citywide code compliance and enforcement mechanisms that have been established to respond to and protect tenants.**

### **NYCHA Leadership**

This is a critical period for NYCHA as it attempts to maintain operations under reduced federal funding and address its \$17 billion capital backlog. With 177,000 units and a resident population of over half a million, NYCHA is a city in its own right. In the best of times, the authority, a bureaucracy of 11,000 employees, is a hard ship to turn around. It needs a steady hand at the helm. This is no time to be playing musical chairs with its leadership.

Chair Olatoye has proved to be an able leader in setting NYCHA's course over the next decade in the NextGeneration plan. She has also been responsible for major management reforms: the transition to decentralized on-site housing management, the modernization of management technology, and hard-won negotiations with labor that extended management shift coverage morning to evening. Upon learning of the lapses in lead-based paint compliance, which had been going on for years since the Bloomberg administration, she responded quickly by sounding an alert and focusing authority efforts on coming into compliance.

**In our view, Chair Shola Olatoye deserves the chance to continue to lead NYCHA through this crucial period. And we believe many NYCHA resident leaders would agree.**



**Testimony by The Legal Aid Society**

**Before the New York City Council Committee on Public Housing**

**Oversight Hearing: DOI Investigation into Lead-Based Paint Conditions at NYCHA**

**Apartments**

**December 5, 2017**

**Introduction**

The Legal Aid Society, (the Society) is the nation's oldest and largest not-for-profit legal services organization advocating for low-income individuals and families across a variety of civil, criminal and juvenile rights matters, while also fighting for legal reform. The Society has performed this role in City, State and federal courts since 1876. With a staff of more than 2,000 lawyers, social workers, investigators, paralegals and support and administrative staff; and through a network of borough, neighborhood, and courthouse offices in 26 locations in New York City, the Society provides comprehensive legal services in all five boroughs of New York City for clients who cannot afford to pay for private counsel. The Legal Aid Society's unique value is an ability to go beyond any one case to create more equitable outcomes for individuals and broader, more powerful systemic change for society as a whole. In addition to the annual caseload of 300,000 individual cases and legal matters, the Society's law reform representation for clients benefits more than 1.7 million low-income families and individuals in New York City and the landmark rulings in many of these cases have a State-wide and national impact.

The Society is counsel on numerous class-action cases concerning the rights of public housing residents and is a member of the New York City Alliance to Preserve Public Housing, a local collaboration of New York City Housing Authority ("NYCHA") resident leaders, advocates and concerned elected officials.

We appreciate the opportunity to testify before the City Council's Public Housing Committee on this important issue. The gravity of the situation surrounding NYCHA's illegal failure to conduct mandatory inspections for toxic lead paint and its falsification of records in connection therewith cannot be overstated. NYCHA is obligated by law to provide safe, decent and habitable housing and NYCHA has failed. The health and wellbeing of thousands of young children have been put at risk and NYCHA needs to comprehensively fix the situation.

Conditions in NYCHA's 178,000 aging apartments, home to over 500,000 New Yorkers are deteriorating at a rapid rate. While decades of inadequate funding have forced NYCHA to make cost-cutting measures to its property management and services that impact the quality of life for NYCHA residents, NYCHA also has a long history of systemic mismanagement and deceptive practices that have a real, negative impact on thousands of residents and put thousands of lives at risk— demonstrated by the recent findings of multiple investigations by different government agencies into NYCHA's lead-based paint practices.

It is important that in fixing the current situation, NYCHA ensures that it respects each resident's right to privacy in his/her home and that any necessary abatement of lead paint is completed in a way that does not further harm the health or safety of its residents. Moving forward, NYCHA needs to put in place systems that ensure compliance with laws concerning environmental hazards, including lead, and guarantee transparency and accountability to its residents and other interested parties.

We greatly appreciate the leadership of Chair Ritchie Torres and his unwavering commitment to public housing residents.

### **Background on NYCHA's Financial Crisis and Deteriorating Conditions in NYCHA Apartments**

Any discussion of current conditions within NYCHA buildings requires an understanding of the financial pressures that NYCHA faces. The fundamental mission of NYCHA is to provide *safe, decent, affordable housing* for low-income people. In recent years, NYCHA's ability to fulfil this mission has been severely affected by starvation funding from all levels of government. This chronic underfunding has saddled NYCHA with annual structural operating deficits and billions of dollars in deferred capital repairs, which in turn has led to cost-cutting measures and the accelerated deterioration of conditions for the hundreds of thousands of New York City residents who call NYCHA home. However, a lack of funding alone cannot be relied

on by NYCHA to excuse all its troubles— the Authority has suffered from widespread mismanagement for decades and it has deliberately shied away from transparency in its operations that would lead to greater public accountability. Public housing in New York City is a vital and vibrant source of stable and affordable housing for low-income New Yorkers and NYCHA needs to implement a new preservation plan to ensure a positive future for NYCHA’s residents.

### Decades of Disinvestment at All Levels of Government

After years of operating deficits, NYCHA finally ended 2016 with a \$21 million operating surplus, the first surplus in a decade— which suddenly evaporated in March, 2017 after HUD announced \$35 million cut to funding for 2017. As of today, NYCHA has \$17 billion of unmet capital needs to its aging buildings. NYCHA did not get into this troubled financial state by itself. Over the last few decades, NYCHA has experienced a decline in funding on which it is dependent, from all levels of government— Federal, State and City.

At the federal level— the amount of operating and capital subsidies that NYCHA receives from HUD has not been sufficient to cover its costs and needs for over a decade. In March, 2017, the Trump administration proposed a \$4.7 billion, or 15% cut to HUD’s total budget for FY2018. NYCHA estimates that its capital subsidies would be cut by \$210 million, or 67%, impairing its ability to make major capital improvements and reduce its \$17 billion backlog in infrastructural needs. Operating subsidies would be cut by \$130 million, or 11%, setting NYCHA back more than a decade when it ran annual deficits to the order of \$100-235 million.

Decades ago, the State and City built 26 developments and provided operating funding for them for many years. In 1995, five developments were transferred to the public housing program and received federal subsidies. The State and City continued to provide funding to the remaining 21 developments— until 1998, when the State eliminated its operating subsidy and 2003— when the City followed suit. In 2010, the majority of City and State developments were federalized, but NYCHA continues to operate 4,902 units without subsidies. These developments currently “share” in the federal funds provided for NYCHA’s public housing— this costs NYCHA more than \$23 million a year.

While we thank Mayor de Blasio for his unprecedented support of public housing and for taking an active role in expanding NYCHA resources, by relieving NYCHA in 2014 of the \$73

million annual payments for police services; the \$32 million annual PILOT payments in lieu of property taxes; and the \$1.5 billion capital commitment over 10 years for infrastructure repairs—the City needs to do more to fund and ensure the preservation of NYCHA. The State’s investment in NYCHA preservation has been far less generous. Since 2015, the State committed only \$300 million for NYCHA improvements— \$100 million of which was used for “quality-of-life” improvements rather than for infrastructure which is so badly needed.

### Conditions in NYCHA Apartment Buildings

NYCHA’s buildings are aging and in need of major repair. NYCHA’s capital needs are substantial because more than 60% of its buildings are 50 years or older. Today, residents suffer with leaks, mold and mildew, broken elevators, inadequate plumbing and a lack of building security. While much of the blame for this dire situation can be placed on a lack of adequate funding— NYCHA’s mismanagement and bureaucracy is also costly and its habit of taking measures to prevent oversight and transparency has also contributed to NYCHA’s poor conditions. NYCHA can no longer put cost-cutting above its obligations to address environmental hazards that pose risks to residents’ health and wellbeing.

On a day-to-day basis, in recent years residents have experienced a decline in building services that has a negative impact on their quality of life. Fewer maintenance staff on site result in long delays to get repairs. A lack of adequate capital subsidies means that NYCHA is unable to upgrade or repair brickwork, roofs, elevators, heating and plumbing systems. Based on a 2011 Physical Needs Assessment, NYCHA’s current unmet capital need is \$17 billion.

Headlines in the news media about fatal accidents and deaths that could have been avoided involving NYCHA residents in NYCHA buildings are sadly all too familiar. In many of these cases, contributing factors include the neglect of buildings and lack of basic building services, together with failures within NYCHA to communicate and properly manage. For example, in 2014, 6 year old PJ Avitto was stabbed to death in the elevator of his building by a man who had entered the building without a need for a key because the lock on the front door had been broken for weeks. Within 24 hours after his death, NYCHA had fixed the lock<sup>1</sup>. On December 24, 2015, 84 year old Olegario Pabon suffered fatal injuries after he stepped into an

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<sup>1</sup> <http://www.nydailynews.com/new-york/nyc-crime/brooklyn-woman-trusts-nypd-catch-madman-stabbed-great-granddaughter-7-killed-6-year-old-boy-elevator-article-1.1813910>

elevator that suddenly lurched up with the door open. An investigation after the fact found that the brake monitor had been deliberately disabled in violation of the law. In 2016, siblings died in an apartment fire where the smoke detector was faulty despite the NYCHA inspector certifying that it worked only hours before<sup>2</sup>.

While many of these deplorable conditions in the buildings cannot be fixed absent a major capital investment, NYCHA has also historically mismanaged what it does have. This negligence and dysfunction has undoubtedly contributed to deteriorating conditions. In its Report issued in 2012, the Boston Consulting Group found that millions of dollars of inventory had to be disposed of because it was unusable and out of date; millions more couldn't be accounted for<sup>3</sup>. Additionally, an audit by the City's Comptroller revealed that NYCHA lost out on \$692 million in revenue and cost savings opportunities— "the culture of incompetence at NYCHA is an insult to residents and New Yorkers ..." NYCHA cannot not be allowed to continue to excuse its failure to protect health and safety of residents on a lack of funding- when there is so much evidence of mismanagement and a waste of resources<sup>4</sup>.

### **The DOI's Report into NYCHA's Failure to Conduct Lead Paint Testing**

On November 14, 2017, the New York City Department of Investigation ("DOI") released its Report— "Investigations into False Certification of NYCHA Lead Paint Inspections."<sup>5</sup> The Report and the findings in it confirm those discovered in a parallel investigation led by the United States Attorney for the Southern District of New York into the same issue<sup>6</sup>. The investigations and a series of reported news stories about incidences of lead paint and poisoning in NYCHA apartments has forced NYCHA to come clean about the years of its egregious failures to comply with both federal and City laws that have potentially put thousands of our most vulnerable New Yorkers at risk<sup>7</sup>.

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<sup>2</sup> <http://www.nydailynews.com/new-york/bronx/kids-badly-injured-bronx-housing-complex-fire-article-1.2600261>  
<http://www.nydailynews.com/new-york/probe-finds-public-housing-workers-file-false-safety-reports-article-1.2816911>

<sup>3</sup> <http://www.nydailynews.com/new-york/nycha-lost-track-13m-worth-taxpayer-funded-equipment-article-1.2922701>

<sup>4</sup> <http://www.nydailynews.com/new-york/city-investigators-pose-nycha-workers-test-security-article-1.3607953>

<sup>5</sup> [http://www1.nyc.gov/assets/doi/press-releases/2017/nov/27NYCHALeadPaint11-14-2017\\_UL.pdf](http://www1.nyc.gov/assets/doi/press-releases/2017/nov/27NYCHALeadPaint11-14-2017_UL.pdf)

<sup>6</sup> <http://www.nydailynews.com/new-york/u-s-attorney-investigating-nycha-federal-health-claims-article-1.2567290>

<sup>7</sup> <http://www.nydailynews.com/new-york/feds-probing-questionable-nycha-statistics-lead-tainted-apartments-article-1.2671120> <http://www.nydailynews.com/new-york/city-doi-head-slams-nycha-systemic-mismanagement-article-1.3643959>



Lead-based paint was banned from residential housing in New York City in 1960. The City's Childhood Lead Poisoning Prevention Act, also known as "Local Law 1" was enacted in 2004 and requires the annual inspection of apartment units, including public housing built before 1960 or those built between 1960-1978 where the owner knows there to be lead-based paint and a child under the age of 6 resides in the apartment. HUD Regulations require annual inspections of public housing units built before 1978, the year lead-based paint was banned nationwide.

Federal law requires that public housing authorities inspect each public housing project annually to ensure it is maintained in accordance with federal Housing Quality Standards. The annual inspection of each unit in a project was part of the Public Housing Assessment Systems (PHAS) management operations score until HUD revised PHAS in February, 2011 when the physical inspection of each unit was no longer part of the PHA score. Even though inspection of each unit no longer forms part of the PHAS score, NYCHA is obligated to inspect for lead in buildings built before 1978.

Starting in March, 2016, through a series of articles in the New York Daily News, the public learned of an investigation being carried out by the United States Attorney's office for the Southern District of New York into NYCHA's failure to carry out lead inspections in violation of Federal law.<sup>8</sup> In August, 2017, the public learned that NYCHA had submitted false certifications to HUD concerning lead inspections<sup>9</sup>

In November, 2017, the DOI released its Report- "Investigation into Lead" in which it confirmed that NYCHA had not conducted lead-based paint inspections from 2012-2016<sup>10</sup>. The DOI's investigation also found that NYCHA filed false certifications in those years, including in 2016, after the Chair had been notified and was aware of its failure to conduct inspections.

### **Recommendations:**

#### **(1) NYCHA should be subject to the same code enforcement system as private landlords in NYC**

NYCHA is required by federal Housing Quality Standards, New York State Multiple Dwelling Law, the City's Housing Maintenance Code, Building Code and Health Code to

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<sup>8</sup> <http://www.nydailynews.com/new-york/u-s-attorney-investigating-nycha-federal-health-claims-article-1.2567290>

<sup>9</sup> <http://www.nydailynews.com/new-york/nycha-lied-inspecting-homes-lead-paint-probe-finds-article-1.3361166>

<sup>10</sup> <http://www.nydailynews.com/new-york/nycha-gave-false-lead-paint-certifications-thousands-homes-article-1.3632012>

maintain certain housing standards. These laws delineate minimum standards for light and air, fire protection and safety, sanitation and health. The laws also set forth an owner's and tenant's responsibility concerning compliance, registration requirements and enforcement mechanisms, including the imposition of civil penalties.

In New York City, the agency responsible for housing code enforcement is the Department of Housing and Preservation ("HPD"). A tenant in a privately owned building who has conditions in his/her apartment can call "311" to report the conditions and if necessary, an HPD inspector will be scheduled to come and inspect the apartment. If conditions are found that violate the code, a violation is placed, classified into non-hazardous ("A"), hazardous ("B") or immediately hazardous ("C"). Once a violation is placed, the landlord is notified and given a date by which the violation has to be repaired. Fines accrue based on a schedule set out in the law. Significantly, violations are made public and are accessible on HPD's website for the tenant and public at large to see.

A "gentleman's" agreement between NYCHA and HPD has meant that NYCHA is not subject to code enforcement by HPD. NYCHA residents who need repairs made, call NYCHA's internal Customer Contact Center ("CCC") and work-orders are placed and access dates scheduled by NYCHA. None of the information recorded by CCC concerning complaints, repair orders and responses, or outstanding, potentially serious violations is available outside of NYCHA. NYCHA's lack of HPD code enforcement and oversight enables NYCHA to self-report on the way it handles violations. This has proven problematic and has had serious consequences for residents. Indeed, it became an issue in the DOI's investigation where NYCHA has acknowledged that due to an initiative to reduce NYCHA's backlog of open work orders, NYCHA shifted from inspecting apartments every year to once every two years.<sup>11</sup>

Residents need to have greater transparency and accountability concerning complaints, repairs and code violations in their homes. As Victor Bach from the Community Service Society points out in his report from July, 2014 entitled "Strengthening New York City's Public Housing— Directions for Change": "Once the facts are known— NYCHA has greater incentive to

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<sup>11</sup> <http://www.nydailynews.com/new-york/nycha-lied-inspecting-homes-lead-paint-probe-finds-article-1.3361166>

reform its housing management practices, even within current funding constraints to better serve residents.”<sup>12</sup>

The Legal Aid Society and the Alliance to Preserve Public Housing have been calling on HPD and NYCHA to bring NYCHA under the umbrella of HPD’s code enforcement for a number of years- but the City and NYCHA have refused. The time has come for this to happen. City code enforcement and open records on code violations would put NYCHA residents on parity with tenants in private multiple dwellings and would give them greater leverage over NYCHA to get repairs and improvements.

**(2) In fixing this situation, NYCHA must carry-out inspections and make repairs in a respectful and thorough manner**

Everyone in New York City has a right to be safe in their homes. This right applies to residents of both public and private housing. The recent news about NYCHA’s unlawful failure to inspect apartments for lead-based paint has made people feel unsafe and NYCHA needs to restore residents’ trust in its ability to manage its 328 developments. The experiences of residents whose apartments were recently inspected for lead-based paint indicate that NYCHA has a lot of work to do in making sure that fixing this situation goes well, is effective and puts NYCHA on the right path going forward.

Once NYCHA came clean about violating the law, it hired an environmental health vendor to perform visual inspections in apartments where the presence of lead-based paint has not been ruled out. However, the efforts to get back into compliance have been handled poorly by NYCHA and are causing chaos for residents. First, residents are not given adequate notice of the timing of the scheduled inspection or a reasonable opportunity to reschedule the appointment. Second, the vendor performing the inspections has been aggressively drilling out locks to apartment doors where a tenant is not home and entering apartments without a NYCHA employee present. My client, Ms. H will testify today about her experience with the lead inspection and a recent article in the New York Daily News confirms that this is indeed happening.<sup>13</sup>

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<sup>12</sup> [http://lghhttp.58547.nexcesscdn.net/803F44A/images/nycss/images/uploads/pubs/CSS\\_NYCHA\\_FinalWeb.pdf](http://lghhttp.58547.nexcesscdn.net/803F44A/images/nycss/images/uploads/pubs/CSS_NYCHA_FinalWeb.pdf)

<sup>13</sup> <http://www.nydailynews.com/new-york/embarrassed-nycha-break-locks-remove-toxic-lead-paint-article-1.3659243>

NYCHA has to fix the lead inspection issue and it needs to make it a priority to do so. However, completing the inspections should not come at the expense of a resident's right to privacy in his/her own home. NYCHA should not be entering people's homes when they are not present by drilling out locks and should stop this practice immediately. Additionally, there needs to be greater transparency and accountability around the work that is being done to get back into compliance with the law- including a list of the buildings that need to be inspected; the dates of the inspections; findings from inspections including the results of any testing; and information about remediation.

### **CONCLUSION**

Thank you again for the opportunity to testify.

Respectfully Submitted:

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FOR THE RECORD

**Testimony of Rafael E. Cestero  
President & Chief Executive Officer  
The Community Preservation Corporation**

**Hearing before the New York City Council Committee on Public Housing  
Regarding NYCHA Oversight – DOI Investigation into Lead-Based Paint Conditions at NYCHA  
Apartments  
December 5, 2017**

Good morning. Thank you Chairman Torres and other distinguished members of the New York City Council. My name is Rafael Cestero and I am the President and CEO of the Community Preservation Corporation (CPC), a nonprofit affordable housing and community revitalization company that was formed in the early 1970s to help New York City restore and rebuild communities that had been devastated by deterioration and abandonment. Today we help neighborhoods across the state meet their housing and revitalization challenges. I am also a former commissioner of the New York City Department of Housing Preservation and Development (HPD), serving in that capacity from 2009 – 2011.

I appreciate the opportunity to be here today to speak about the issues NYCHA is facing, as well as my support for the Housing Authority's Chair and CEO, Shola Olatoye. I have known Shola for many years, and she is a person that I respect and trust both personally and professionally. She has spent her career in the public and private sectors working to make housing more affordable, to help revitalize underserved communities, and to give a voice to our most vulnerable citizens.

I believe now, as I did when she was nominated in 2014, that Shola Olatoye is the best person to lead NYCHA and affect the change that the agency badly needs.

In only a few years Shola has done remarkable work strategically deploying NYCHA's limited resources, finding new revenue sources, and working to tackle their operational shortcomings. Just as important, we are starting to see an institutional change in the culture and trajectory of the agency. I would argue that today's harshest critics would tell you that despite its deep-rooted challenges, NYCHA and its leadership were making progress where it hadn't been made in years.

In 2014 the de Blasio Administration inherited a Housing Authority whose budget and resources had long been decimated by Congress, and which had an entrenched bureaucracy, ill-suited for innovation and change. While the NYCHA NextGeneration plan was only implemented in 2015, the Authority has already made significant progress.

Innovative thinking and critical investments across a host of their strategic priorities have led to improvements in technology and infrastructure, better and faster repairs, a decrease in crime and an increase in revenue - making our public housing safer and more stable for the families who call it home.





New technology has helped NYCHA handle nearly two million work orders, repair times are now at four days instead of 12, and it has turned a \$2 billion deficit into a \$20 million surplus. Being smarter and more efficient about their energy consumption and utility costs has allowed them to save millions annually, and better rent collection is generating more than \$30 million in revenue that can be put back into addressing the needs of the Authority.

NYCHA's commitment to bringing new opportunities and better the lives of its residents is being felt in earnest as well. More than 5,600 residents have found new employment opportunities and hundreds more in training programs. More than 1,400 units of affordable housing is in development. And importantly, ongoing investments in security and upgrades in infrastructure have led to a drop in crime – particularly at the developments that have historically experienced the highest crime rates.

As a former city housing commissioner I understand the concerns regarding the lead paint report and the seriousness of the situation. I also understand the pressures and expectations of overseeing a large, highly visible city agency, and I do not believe that what happened was a result of malicious intent or an attempt to deceive. The character attacks and questioning of Shola's integrity are wildly misdirected.

The head of NYCHA oversees a staff of more than 11,000 spread across multiple locations. With more than 176,000 units, it's 400,000 residents eclipse the combined populations of Syracuse and Rochester. You have to depend on your top people and their experts to give you accurate information so you can make informed decisions. When that chain breaks down or mistakes are made, the focus must be on identifying the situation and addressing it.

It's my understanding that is exactly what happened. When it was discovered that there were gaps in compliance with federal regulations, NYCHA leadership quickly informed HUD and it took action to ensure that it's residents were safe and protected.

At its core, this is an issue of resources - or rather a chronic lack thereof. This is not to diminish the situation – there are lessons to be learned, trust that needs to be earned back and steps taken to ensure this doesn't happen again. But, if NYCHA was funded at a level necessary to be a good landlord and respond to the needs and concerns of its tenants, things like this wouldn't happen.

It's not a secret that NYCHA housing is old, extremely distressed and in need of extensive maintenance and upgrades. Over the years, we have all watched as our Housing Authority has been slowly starved to death while congress has doled out massive cuts to HUD's budget, which in turn became massive cuts to NYCHA's budget. Since 2001, NYCHA's budget has been slashed by nearly \$3 billion, and the president's proposal this past year sought to reduce HUD's budget by another 11%.



Confronting problems and maintaining a commitment to NYCHA's residents has been the hallmark of Chair Olotoye's leadership. Even in the absence of federal support she has found innovative ways to use the Authority's existing resources more efficiently and effectively. She sees the potential in NYCHA to do good, and the opportunity that is there to continue to point the agency in the right direction.

NYCHA is literal a city within a city which has been massively underfunded for decades. It's unrealistic to expect that there won't continue to be challenges, that as we've seen, will need to be addressed and owned by current leadership. But abandoning innovative leadership that has shown itself capable of producing real results will only serve to set back the city's efforts to save this critical and irreplaceable housing resource.

Thank you.

###

Good morning Chairperson Torres and members of the Public Housing Committee. I am Dr. Herminia Palacio, Deputy Mayor for Health and Human Services. Thank you for the opportunity to testify on the City's childhood lead poisoning prevention work.

New York City has been a leader in the effort to protect children from lead exposure since 1960, when the New York City Board of Health banned lead-based paint for interior residential use -- 18 years before it was banned nationally. Because of the City's protective laws, policies and programs, there has been a dramatic decline in childhood lead poisoning in New York City over the past several decades. **In 2005**, 2,705 children under six years old were newly identified with a blood lead level of 10 mcg/dL or greater. **Last year** that number was 702, **a more than 70%** (seventy percent) **decline** in the number and rate of children with lead poisoning. For children under six **with a blood lead level of 5 mcg/dL or greater, the drop has been even sharper, decreasing by 87%** (eighty-seven percent) **between 2005 and 2016**. The number of children with elevated blood lead levels has decreased across all racial and ethnic groups, and across all neighborhoods, though the burden remains higher for children of color and children living in high poverty neighborhoods.



Lead-based paint remains the primary source of childhood lead exposure in New York City. Lead-based paint *hazards* result when lead paint *peels or chips*, creating lead dust that is then ingested. This creates a hazard especially for young children, who often use their hands and mouths to explore their world.

Children living in NYCHA housing typically have **even lower rates of elevated blood lead levels, and fewer lead paint hazards are identified in their homes** than in the types of housing in which other children live. Citywide, in 2016, fewer than **2%** (two percent) of children younger than 18 years old had blood lead levels of 5 mcg/dL or greater. Whereas, in NYCHA, it was fewer than **1%** (one percent).

Though here in New York City, and across the nation, we endeavor to drive the number of children with elevated blood lead levels even lower, it bears repeating that New York City has been, and remains, a national leader in protecting children from lead exposure. And again, thank you for the opportunity to testify.

Testimony of Dr. Nicholas Dagen Bloom

FOR THE RECORD

To the Committee on Public Housing

The Council of the City of New York

December 5, 2017

Associate Professor, New York Institute of Technology

The overwhelming focus on oversight is obscuring the serious financial problems underlying NYCHA's various shortcomings. Indeed, the New York City Housing Authority will not be "monitored" or "inspected" into a better housing landlord without a dramatic change in the way that the Authority is funded.

Public housing is a national policy in freefall. Federal officials of both parties have not delivered adequate subsidies to renovate or upgrade the system. Most city and state leaders elsewhere, former NYCHA allies, consider public housing to be a social policy failure or low priority. To expect that federal officials will suddenly reverse course on disinvestment is politically naïve given the collapse in broader support for public housing. The practical result of this negative national consensus for the New York City Housing Authority is that it is now unable to operate its apartments and buildings at a high standard, threatening the wellbeing of 400,000 official residents of New York City public housing.

The time for rethinking the relationship of the City of New York and NYCHA is long overdue. For over sixty years (1934-ca. 2000), the City enjoyed billions of dollars of federal operating and capital fund for NYCHA. From the 1970s to 2000, for instance, as tenant incomes stagnated and operating costs skyrocketing, new federal operating subsidies proved crucial to maintaining NYCHA apartments and buildings. These funds allowed NYCHA to grow into an agency of 14,600 employees, tasked with a growing list of compliance and management duties.

The decline in federal support since 2000, however, has revealed in the starkest terms the importance of federal dollars to a system with low rents, high wages, and major capital needs. NYCHA has lost thousands of staff, deferred capital investments, and economized on operations. The result has been the loss of NYCHA's designation as a high performing authority, tenant dissatisfaction, waves of skilled retirements, weakened internal oversight, and a growing list of other problems that were not endemic or identified before 2000. Federal cash, it turns out, was the key to sustaining a system under stress.

During the past two decades of disinvestment we have read many distressing studies of NYCHA management or maintenance issues on subjects such as mold, elevators, public safety, apartment

repair quality, building maintenance, and more. Some of the reports have resulted in short-term improvements, but in total they have failed to remedy either the highlighted issue or secure the sufficient additional funds for permanent upgrades. For instance, is the problem compliance with federal lead inspections or the continued existence of NYCHA apartments that need fundamental lead abatement? Providing a monitor is much cheaper than fully abating apartments, but it will not provide peace of mind to families living in those apartments.

One exception illustrates the difference between low-cost band aids and expensive transformation. The RAD initiative is, for instance, already working miracles with a troubled NYCHA project in the Rockaways. Thanks to federal and private money, the developer has renovated the apartments and buildings, enhanced security, and more. Whether you agree with the private sector role or not in this process, we can agree that NYCHA projects shine up nice when you start putting money into them. RAD projects are expensive, however, and reliant on various federal funds and tax credits—all of which are likely to be in short supply in the years to come.

The only realistic solution for upgrading more of NYCHA housing, and creating long term rather than band aid approaches to lead and other hazards, is for the city government to increase its financial role in NYCHA. The Authority has limited access to the City's enormous capital or operating budget process despite documented problems that money could solve. I cite this committee's own finding that "at about \$81.9 million, or 2.5 percent, only a small portion of NYCHA's Fiscal 2017 Operating Budget is comprised of City tax-levy funds." NYCHA is also forced, by labor-friendly contracts it does not control, to accept rigid work rules and pay its workers with salaries and benefits on par with those in other city agencies despite its low rents and declining subsidies. NYCHA is thus forced to operate as a city agency, including accepting many new families with very low incomes to reduce homelessness, despite lacking the resources available to other city agencies.

A greater financial commitment by the City needs to start now, including the possibility of NYCHA becoming a city agency so that it can be part of the annual budget process. We should be discussing how the City will take greater responsibility for NYCHA personnel costs, pioneer high-impact renovation and maintenance programs (including lead abatement), reduce homelessness, convert additional projects to private-sector management, and deliver better family and community services. A strong city commitment could still turn around the system.

It will be hard to explain to federal officials, moreover, why they should spend more for NYCHA when the city apparently has funds and talent for building additional affordable units. Remarkably, NYCHA is not included in the Mayor's various affordable housing preservation plans. To build/preserve 300,000 units (most for

residents with income levels above NYCHA tenants) while losing 175,000 apartments (most inhabited by low-income, minority residents) is a distinct possibility. If the Mayor wants to demonstrate to the nation the power of liberal/progressive policies, he needs to save NYCHA first. Defending the Chair from critics is just the beginning.

The Chair of NYCHA, Shola Olatoye, has done much within the current structure to turn the Authority around. She was not a public housing insider when she took the job and has consistently sought new ways of organizing, managing, renovating, and financing public housing. I have seen missteps, but also positive action including attempts to take a harder line on service quality, extensive resident contact, renovation of units under public/private management, and more. Yet the resources available to her are limited.

It is up to the Mayor and City Council to make the job of NYCHA Chair about positive change rather than managed decline. Oversight *plus* funding holds tremendous promise as a remedy, but oversight *without* funding will not create the public housing system either this committee or residents desire. At some point, you simply must "throw money at a problem" to get the desired results.

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I have been engaged in research and writing about NYCHA since 2003. My findings are available in articles and books such as *Public Housing That Worked: New York in the Twentieth Century* (2008), *Public Housing Myths* (2015), and *Affordable Housing in New York* (2015).



FOR THE RECORD

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**WE ACT Testimony for NYCHA Lead DOI Hearing**

**December 5<sup>th</sup>, 2017**

My name is Genesis Abreu, and I am a community organizer at WE ACT for Environmental Justice, a grassroots organization that works to combat environmental racism and build healthy communities in northern Manhattan. I want to thank the Committee on Public Housing for allowing WE ACT to be part of this process.

As many others today will testify, NYCHA has compromised the health and safety of its residents by its failure to adequately test for lead inside thousands of residents' homes. But I also want to point out they have also compromised the trust residents have in the agency itself. Christina Brugess, a WE ACT member and Dyckman Houses tenant shared with me that while she was notified about testing in her building, she was left out of the process because she doesn't have children. She told me, *"I am fearful because where does that leave me? I am being forgotten."*

The trauma associated with lead poisoning creates a burden on communities. And once again, this burden is weighing heaviest on the minds and bodies of poor New Yorkers. This is why WE ACT is calling on the New York City and NYCHA to do these three things:

1. **Provide free on-site blood tests for every child under 6 years old on every NYCHA campus.** Childhood lead exposure at any level can reduce IQ and is associated with ADHD and other behavioral issues. Every parent deserves the right to know whether their child has been poisoned by lead, no matter their economic status.
2. **Ensure that all workers are properly certified to inspect and cleanup lead.** A recent NY Daily News investigation found that untrained workers have been completing lead inspections and cleanups for years. This leads to serious concerns about the agency's handle on the situation. All works must be properly certified.
3. **Hold NYC agencies and the Mayor accountable.** Since the NYCHA story broke, less attention has been paid to the city's lack of enforcement of NYC Local Law 1 of 2004, the New York City Childhood Lead Poisoning Prevention Act. We are calling on the Mayor and city agencies to better enforce the two key provisions that require landlords to find and fix hazards, instead of waiting until children get poisoned to take action.

Thank you for your time and consideration of our recommendations.

Testimony  
NYC Council Committee on Public Housing – Oversight Hearing  
Lead Based Paint Conditions at NYCHA Apartments  
December 5<sup>th</sup> 2017

**FOR THE RECORD**

Good afternoon Chair Torres and members of the City Council Committee on Public Housing.

My name is Scott Short and I am the CEO of RiseBoro Community Partnership. RiseBoro is a 41 year old nonprofit community development corporation based in Brooklyn. We have an affordable housing portfolio of over 2,000 units and we serve over 30,000 low-income New Yorkers each year.

RiseBoro currently operates 7 Senior Centers within NYCHA community facilities and serves hundreds of NYCHA residents daily through our various nutrition, empowerment, education, senior, youth, and health programs. In addition, many of our 2,500 employees reside in NYCHA housing. The communities we serve depend on the critically important foundation that NYCHA provides for so many low-income New Yorkers.

When I started out as a project manager at RiseBoro 16 years ago, I saw firsthand the detrimental impacts to residents who live in housing in need of fundamental repair and basic services. Mold, lead, and neglect have been the hallmarks of criminal landlords in our city and have robbed our communities of the safety and wellbeing they deserve. However, it is important to distinguish willful negligence by profit driven landlords from the vast challenges of running the nation's largest public housing portfolio with extremely constrained resources. This is the task faced by NYCHA daily, and I believe that the agency and Chair Shola Olatoye are doing an excellent job.

I respect the City Council's need to understand the conditions at NYCHA that led to a gap in compliance, and my hope is that we all emerge from this hearing with a better understanding of the incredible difficulty of NYCHA's job, and the admirable intentions of the leadership there that faces daunting circumstances with courage and creativity. It is important to state that gaps in compliance do not necessarily equate to negligence, misconduct, or incompetency.

The issue at hand today is the story of a leadership failure at the national level, not the story of a leadership failure at NYCHA. It is the story of racist federal policies and politicians willing to write off poor urban communities. It is the story of how federal disinvestment has jeopardized the infrastructure that over 400,000 New Yorkers count on every day.

For over 40 years RiseBoro has supported and facilitated the engagement of Public Housing residents in organizing, advocating, and participating in city processes. Through this engagement we understand that NYCHA communities overwhelmingly support the job that Chair Shola Olatoye has done. She has improved housing conditions, increased access to services, leveraged important partnerships, and has not shied away from honest conversations about NYCHA's needs and deficiencies. While it may be argued that an improvement to NYCHA's compliance systems are needed, it is clear to me that the significant improvements the agency has made in these other areas are far more important to the quality of life of NYCHA residents and the future of New York City neighborhoods.

Thank you for the opportunity to testify today.

## FOR THE RECORD

Good ~~to hear~~ My name is Maria Viera, I'm currently the Vice President for Community Affairs at Riseboro Community Partnership in Brooklyn. For over 15 years, I oversaw both the Interim Lead Safe House and Lead Paint Prevention and Education Programs at RiseBoro. But most importantly, I am a proud product of NYCHA's Marble Hills Houses in the Bronx.

I am proud to share this information with the City Council as many Council Members may not realize that public housing in New York City is credited with being the best in the country (despite its financial constraints.)

I am here to testify that of the thousands of children and families served by the programs I administered, none of those affected by lead paint were NYCHA families. This is especially noteworthy since RiseBoro's main office is adjacent to the Bushwick-Hylan Houses, a 1700 unit NYCHA high-rise development. RiseBoro also offered these services and programs at Hope Gardens, a 1200 unit scattered site low rise NYCHA development in Bushwick.

Through the lead paint prevention program, via workshops and presentations conducted by DOH experts and our trained staff, thousands of families received information about lead paint, lead based products, poisoning prevention, and testing children for lead poisoning before registering for school. Workshops were offered to daycares, schools, and community centers, including NYCHA centers at Bushwick Houses, Williamsburg Houses, Hope Gardens and Cooper Park Houses to name a few.

Our Interim Lead Safe House program provided temporary, lead safe housing for families whose permanent homes were undergoing lead remediation repairs. This program assisted hundreds of families from Brooklyn, Queens and the Bronx.

It's worth repeating, that during my tenure, none of the families in need of these programs were NYCHA residents.

We are dealing with a legacy of lead that precedes NYCHA developments. Prior to 1978 it was common practice to use materials



## FOR THE RECORD

and products that contained lead in our homes. Today, we are still uncovering hidden lead remnants in our gardens, our plumbing, and our imported merchandise. Let's not make NYCHA a scapegoat, lead is an element that predates our existence. Eliminating or reducing the amount of lead in our environment has been a challenge to all levels of government and administrations for many years. NYCHA is not alone in addressing this legacy and deserves our support in their approach to this challenge.

The end of the lead legacy will not be determined by NYCHA's administration. Frankly, lead abatement, education, and remediation are ongoing ~~global~~ concerns.

Thank you for your time.

### IF QUESTIONED:

*This* ~~A~~ gap in compliance does not indicate a lack of concern for the safety & habitability of NYCHA homes/residents. Also doesn't indicate the proactivity of NYCHA in addressing improvements and these related concerns.



August 3, 2017

Ms. Nydia M. Velazquez  
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Phone: (212) 619-2606

FOR THE RECORD  
FOR THE RECORD

RE: Environmental Health and Safety Concerns at A.E. Smith Houses

Dear Ms. Velazquez,

The New York Environmental Law and Justice Project (Law Project) has written this letter on behalf of the Tenants' Association at A.E. Smith Houses, which is a NYCHA-owned housing development located in the Lower East Side of Manhattan. Environmental health risks abound. Although the EPA and OSHA are willing to assess and potentially enforce mitigation of the imminent health dangers present, responses by city agencies have been insufficient, outdated, and/or misleading. Claims of lack of jurisdiction by city agencies leave vulnerable NYCHA residents with UNEQUAL PROTECTION.

Four Smith apartment buildings (Buildings 1, 2, 4, and 5) are currently undergoing approximately 56 million dollars-worth of renovations as part of a federally-funded, post-Sandy recovery project, and rehabilitation objectives include the replacement of roofs.

On June 30, 2017, as scariying work, or the removal of existing roofing material such as tar paper, reached the center of the roof at Building 1 (20 Catherine Slip) toward the bulkhead, a small chunk of concrete fell from the ceiling in a 17<sup>th</sup>-floor apartment unit. No one was injured. All work was immediately stopped, and repair work was initiated. Initially, only the breach in one apartment unit was noticed, but seven apartment units were, in fact, affected. The contractors subsequently performed an investigation of the concrete roof slab at Building 1, as well as a structural stability inspection, on July 3, 2017.

According to the contractors' reports, the ceilings of Units 17A, 17F, 17G, and 17H presented localized cracks at the slab underside, areas of "bubbling" and peeling paint, exposed steel bars, as well as patchwork in the areas of fallen concrete.<sup>1</sup> Similar incidents also reportedly occurred in Units 17D, 17I, and 17J.<sup>1</sup> A total of seven apartment units were reportedly damaged on June 30, 2017.<sup>1</sup> Additionally, in the 17<sup>th</sup>-floor hallways surrounding both Staircases A and B, although there were no reports of fallen concrete, areas of cracked and spalled concrete were observed at the underside of the existing slab and beam encasements, which sounded hollow during a hammer test.<sup>1</sup> The aforementioned conditions were believed to have been caused by years of water migrating through the roofing assembly to the supporting building elements and their steel reinforcements.<sup>1</sup> More specifically, the spalled or detached portions of concrete appeared to have resulted from the loss of bond between the concrete and steel reinforcement interface, which was likely caused by corrosion.<sup>1</sup> It was suggested that the aforementioned conditions may have existed for many years prior to the June 30<sup>th</sup> incidents.<sup>1</sup> The following are photographs extracted from the contractors' reports<sup>1</sup>:

---

<sup>1</sup> See *Concrete Slab Roof Condition Report*, dated July 5, 2017 and prepared by The VSA Group, and *Structural Stability Special Inspection Report*, dated July 5, 2017 and prepared by D&B Engineers and Architects, P.C.

Sincerely,

Joel R. Kupferman

Joel R. Kupferman, Esq.  
Executive Director

Amy Lee  
Legal Intern

FOR THE RECORD

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August 3, 2017

FOR THE RECORD

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RE: Environmental Health and Safety Concerns at A.E. Smith Houses

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Photo 5: Close up view of a location at 17<sup>th</sup> floor underside where the incident occurred on June 30<sup>th</sup>.



Photo 7: Close up view of a typical slab underside at 17<sup>th</sup> floor units showing the localized slab cracking and areas where the moisture infiltration caused the paint peeling off.



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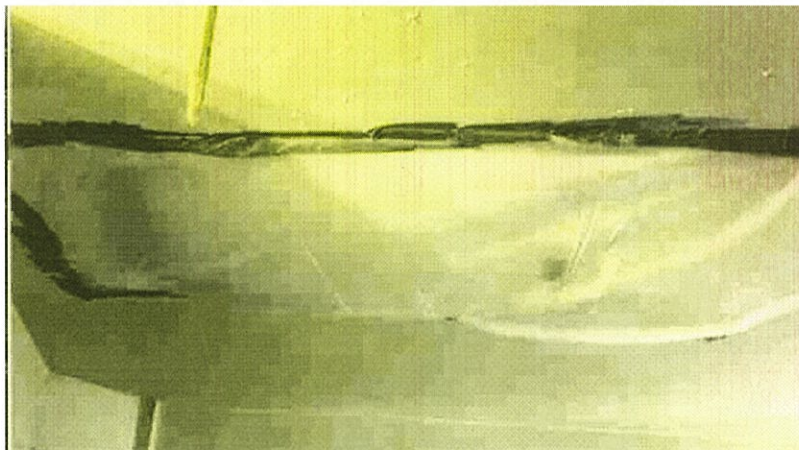


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Photo 9: Close up view of a typical slab underside at 17<sup>th</sup> floor hallways where the hammer tests revealed several areas of unsound concrete.

On July 19, 2017, the Law Project requested, from NYCHA, copies of all asbestos assessment reports, asbestos sampling results, and air clearance test results that had been received for Buildings 1 (20 Catherine Slip), 2 (10 Catherine Slip), 3 (182 South Street), 4 (180 South Street), and 5 (7 Saint James Place) during the period of January 1, 2014 to July 19, 2017. This request was made in order to determine whether potential environmental health hazards, particularly asbestos, were being properly assessed, handled, and abated during repair work.

While NYCHA was in the process of gathering the requested data, a ceiling leak was identified in Unit 17D at Building 2, on July 24, 2017, during roofing work. A temporary make-shift drip pan was reportedly used to collect the water. The Law Project and the Tenants' Association visited Unit 17D, on July 25, 2017, in order to assess the condition of the material breach and to check on the tenants. An elderly couple, who spoke very little English, resided in Unit 17D. They decided to remain in their apartment unit as roofing work proceeded, despite being inconvenienced by the ceiling leak, due to the husband's illness. A sufficient assessment of the potential, imminent health threats present would have likely persuaded them to vacate their unit. Mitigation of the breached ceiling merely consisted of temporarily taping two layers of plastic onto the ceiling. The following is a photograph of the breached ceiling:



## FOR THE RECORD

Then, on July 28, 2017, NYCHA responded to the Law Project's file request for ALL asbestos-related records with a 16-page, compiled document containing analytical results of asbestos sampling activities that were completed by Cardno ATC at Buildings 1, 2, 4, and 5 in 2015 and 2016. No records were provided for 2017. According to Cardno ATC's reports, only the following non-top floor apartment units were tested: Unit 1E at Building 1; Unit 14C at Building 1; Unit 14H at Building 1; Unit 2F at Building 2; Unit 11G at Building 2; Unit 10E at Building 4; Unit 12J at Building 4; and, Unit 5J at Building 5. In addition, the following materials were tested: ceiling popcorn texture/coating; wall plaster; 12" x 12" beige floor tiles; and, mastic with 12" x 12" beige floor tiles. Based on the analytical results, anthophyllite asbestos was detected in the popcorn ceilings of three of the tested units, and chrysotile asbestos was detected in the popcorn ceiling, as well as in the floor tile mastic, of one of the tested units. The wall plasters in all tested units were found to be negative for asbestos.

We consulted our professional industrial hygienist and toxicologist, Dr. Robert K. Simon, Ph.D., RPIH, DABB, regarding the analytical results. According to Dr. Simon, "While the official USEPA definition for positive asbestos is 1%, this definition was originally based on the use of polarized light microscopy with dispersion staining (PLM-DS)[,] which limited findings in the trace area below 1%. With the use of TEM[,] this 1% is no longer meaningful, in my opinion, since asbestos related diseases do not discriminate based on the 1% definition." As such, Dr. Simon made the following recommendations: "(A) Apartments 14H, 2F, 11G and 10E should be tested by air sample testing and microvac dust testing for the levels of asbestos. A qualified industrial hygienist [...] should be retained to conduct this testing. It is important to test both the air and the surface dust levels since popcorn ceiling dust can settle and then be re-suspended upon living or renovation type activities. (B) With the testing of 14H, 2F, 11G and 10E for asbestos[,] I recommend that the apartments found negative for popcorn ceiling asbestos (1E, 14C, 12J, 5J) also be tested as negative controls versus those ceilings found positive. (C) With the current Navillus [(main subcontractor) removal of the existing roofing around the bulkhead of [B]uilding 2 (and perhaps other buildings)[,] it is important to test any top floor apartments that could be affected by this work that contain popcorn ceilings."

The Smith apartment buildings were built in the 1950s. Therefore, given their age, existing building materials that have not been analyzed should be treated as suspect asbestos-containing materials (ACMs) and should be presumed to contain lead-based paint (LBP). Sampling should be completed prior to renovation and/or repair work, and proper abatement measures should be taken, if necessary, pursuant to applicable local, state, and federal<sup>2</sup> regulations. It appears that asbestos sampling was not conducted within the aforementioned water- and vibration-impacted units prior to ceiling repair. Moreover, according to a letter dated July 26, 2017 and issued by Ms. Shola Olatoye at NYCHA, after fully cooperating with the U.S. Attorney's Office for the Southern District of New York's investigation into conditions in public housing in coordination with the U.S. Department of Housing and Urban Development (HUD), NYCHA's compliance on certain LBP regulations were deemed inadequate and incomplete.

We are concerned that suspect ACMs and LBP at A.E. Smith Houses are not being properly handled and/or removed during repairs, whether the cause of damage is of an accidental nature or within the scope of a renovation or maintenance project.

In addition to asbestos and lead, we have concerns about the workers' and tenants' potential exposures to dust and contaminated roof leaks. Dusts pose a range of hazards from simple nuisance to explosion hazards.<sup>3</sup> Minor hazards may include reduced visibility and slippery surface conditions.<sup>3</sup> Some dusts such as asbestos and crystalline silica pose serious respiratory hazards and long-term health effects such as pneumoconiosis.<sup>3</sup> Concrete is an extremely important part of infrastructure and must be replaced as it ages.<sup>4</sup>

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<sup>2</sup> Asbestos NESHAP Regulations for Demolition and Renovation Subpart f, 40 CFR Part 763 Section 1.

<sup>3</sup> North Carolina Department of Labor, *A Guide to Occupational Exposure to Wood, Wood Dust and Combustible Dust Hazards*. Retrieved July 2017 from <http://www.nclabor.com/osha/etta/indguide/ig19.pdf>.

<sup>4</sup> Linch, Kenneth D., *Respirable Concrete Dust-Silicosis Hazard in the Construction Industry*, Vol. 17, 2002-Issue 3, November 30, 2010. Retrieved July 2017 from <http://www.tandfonline.com/doi/abs/10.1080/104732202753438298>.

## FOR THE RECORD

Methods of removing, repairing, or altering existing concrete structures have the potential for producing vast quantities of respirable dust.<sup>4</sup> Crystalline silica in the form of quartz is a major component of concrete, and airborne respirable quartz dust may be produced during construction work involving the disturbance of concrete, thereby producing a silicosis hazard for exposed workers and nearby tenants.<sup>4</sup> Silicosis is a debilitating and sometimes fatal lung disease that results from breathing microscopic particles of crystalline silica.<sup>4</sup>

Further, according to an article published in *The New England Journal of Medicine (NEJM)*, although evidence is limited for levels of air pollution below the most recent National Ambient Air Quality Standards (NAAQS), “[s]tudies have shown that long-term exposure to air pollution increase mortality.”<sup>5</sup> According to analytical results, “[i]ncreases of 10 micrograms per cubic meter in PM<sub>2.5</sub> [which refers to atmospheric particulate matter (PM) that have a diameter of less than 2.5 micrometers] and of 10 ppb [(parts per billion)] in ozone were associated with increases in all-cause mortality of 7.3% [95% confidence interval (CI) 7.1 to 7.5] and 1.1% (95% CI, 1.0 to 1.2), respectively. When the analysis was restricted to person-years with exposure to PM<sub>2.5</sub> of less than 12 micrograms per cubic meter and ozone of less than 50 ppb, the same increases in PM<sub>2.5</sub> and ozone were associated with increases in the risk of death of 13.6% (95% CI, 13.1 to 14.1) and 1.0% (95% CI, 0.9 to 1.1), respectively. For PM<sub>2.5</sub>, the risk of death among men, blacks, and people with Medicaid eligibility was higher than that in the rest of the population.”<sup>5</sup> There was reportedly significant evidence of adverse effects related to exposure to PM<sub>2.5</sub> and ozone at concentrations below current national standards in the entire Medicare population.<sup>5</sup> This effect was most pronounced among self-identified racial minorities and people with low income.<sup>5</sup>

Regarding roof leaks, Dr. Simon explained that water which migrates from the roof may contain bacteria, fungi (particularly, *Histoplasma capsulatum*, which is commonly found in bird feces), mold, asbestos, lead, volatile organic compounds (VOCs), semi-volatile organic compounds (SVOCs), and polyaromatic hydrocarbons (PAHs).

We have repeatedly informed NYCHA of our concerns. We have also urged NYCHA to consult with the NYCDOB, NYCDOH, NYCDEP, EPA, OSHA, and NYSDOL/PESH to perform an inspection or survey of the site and to assist NYCHA with an impartial assessment of the level of health risk posed to the tenants, NYCHA staff, and construction workers, the initiation of an improved Health and Safety Plan, as well as the implementation of better management and rebuild practices. However, NYCHA has not yet responded to this demand.

It appears that NYCHA has been insolently treating the tenants at A.E. Smith Houses as second-class citizens by delaying responses to requests made by the Tenants’ Association and ignoring the gravity of these environmental health and safety issues. We are reaching out to you to assist us in enforcing NYCHA’s responsibilities and obligations to practice forethought in matters concerning its vulnerable residents, many of whom are elderly and have disabilities, as well as to ensure that NYCHA conducts proper response measures, in the event of unforeseen incidents, in a timely manner by requesting federal agencies (namely, the EPA and OSHA) to continue with necessary investigations that would benefit the health and safety of the tenants, staff, and construction/rebuild workers at the A.E. Smith Houses. Should you have any questions or concerns, please do not hesitate to contact me by phone or via email.

Link to Dropbox Folder containing pertinent data and documents:

<https://www.dropbox.com/sh/cat2bxc5iyey?isll=1&dl=1&isfs=1&ml=1&u=9L5d1jya?dl=0>

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<sup>4</sup> Linch, Kenneth D., *Respirable Concrete Dust-Silicosis Hazard in the Construction Industry*, Vol. 17, 2002-Issue 3, November 30, 2010. Retrieved July 2017 from <http://www.tandfonline.com/doi/abs/10.1080/104732202753438298>.

<sup>5</sup> Di, Qian, Wang, Yan, Zanobetti, Antonella, et al., *The New England Journal of Medicine*, Vol. 376, No. 26, June 29, 2017.



Then, on July 28, 2017, NYCHA responded to the Law Project's file request for ALL asbestos-related records with a 16-page, compiled document containing analytical results of asbestos sampling activities that were completed by Cardno ATC at Buildings 1, 2, 4, and 5 in 2015 and 2016. No records were provided for 2017. According to Cardno ATC's reports, only the following non-top floor apartment units were tested: Unit 1E at Building 1; Unit 14C at Building 1; Unit 14H at Building 1; Unit 2F at Building 2; Unit 11G at Building 2; Unit 10E at Building 4; Unit 12J at Building 4; and, Unit 5J at Building 5. In addition, the following materials were tested: ceiling popcorn texture/coating; wall plaster; 12" x 12" beige floor tiles; and, mastic with 12" x 12" beige floor tiles. Based on the analytical results, anthophyllite asbestos was detected in the popcorn ceilings of three of the tested units, and chrysotile asbestos was detected in the popcorn ceiling, as well as in the floor tile mastic, of one of the tested units. The wall plasters in all tested units were found to be negative for asbestos.

We consulted our professional industrial hygienist and toxicologist, Dr. Robert K. Simon, Ph.D., RPIH, DABB, regarding the analytical results. According to Dr. Simon, "While the official USEPA definition for positive asbestos is 1%, this definition was originally based on the use of polarized light microscopy with dispersion staining (PLM-DS)[,] which limited findings in the trace area below 1%. With the use of TEM[,], this 1% is no longer meaningful, in my opinion, since asbestos related diseases do not discriminate based on the 1% definition." As such, Dr. Simon made the following recommendations: "(A) Apartments 14H, 2F, 11G and 10E should be tested by air sample testing and microvac dust testing for the levels of asbestos. A qualified industrial hygienist [...] should be retained to conduct this testing. It is important to test both the air and the surface dust levels since popcorn ceiling dust can settle and then be re-suspended upon living or renovation type activities. (B) With the testing of 14H, 2F, 11G and 10E for asbestos[,], I recommend that the apartments found negative for popcorn ceiling asbestos (1E, 14C, 12J, 5J) also be tested as negative controls versus those ceilings found positive. (C) With the current Navillus [(main subcontractor) removal of the existing roofing around the bulkhead of [B]uilding 2 (and perhaps other buildings)[,], it is important to test any top floor apartments that could be affected by this work that contain popcorn ceilings."

The Smith apartment buildings were built in the 1950s. Therefore, given their age, existing building materials that have not been analyzed should be treated as suspect asbestos-containing materials (ACMs) and should be presumed to contain lead-based paint (LBP). Sampling should be completed prior to renovation and/or repair work, and proper abatement measures should be taken, if necessary, pursuant to applicable local, state, and federal<sup>2</sup> regulations. It appears that asbestos sampling was not conducted within the aforementioned water- and vibration-impacted units prior to ceiling repair. Moreover, according to a letter dated July 26, 2017 and issued by Ms. Shola Olatoye at NYCHA, after fully cooperating with the U.S. Attorney's Office for the Southern District of New York's investigation into conditions in public housing in coordination with the U.S. Department of Housing and Urban Development (HUD), NYCHA's compliance on certain LBP regulations were deemed inadequate and incomplete.

We are concerned that suspect ACMs and LBP at A.E. Smith Houses are not being properly handled and/or removed during repairs, whether the cause of damage is of an accidental nature or within the scope of a renovation or maintenance project.

In addition to asbestos and lead, we have concerns about the workers' and tenants' potential exposures to dust and contaminated roof leaks. Dusts pose a range of hazards from simple nuisance to explosion hazards.<sup>3</sup> Minor hazards may include reduced visibility and slippery surface conditions.<sup>3</sup> Some dusts such as asbestos and crystalline silica pose serious respiratory hazards and long-term health effects such as pneumoconiosis.<sup>3</sup> Concrete is an extremely important part of infrastructure and must be replaced as it ages.<sup>4</sup>

<sup>2</sup> Asbestos NESHAP Regulations for Demolition and Renovation Subpart f, 40 CFR Part 763 Section 1.

<sup>3</sup> North Carolina Department of Labor, *A Guide to Occupational Exposure to Wood, Wood Dust and Combustible Dust Hazards*. Retrieved July 2017 from <http://www.nclabor.com/osh/etta/indguide/ig19.pdf>.

<sup>4</sup> Linch, Kenneth D., *Respirable Concrete Dust-Silicosis Hazard in the Construction Industry*, Vol. 17, 2002-Issue 3, November 30, 2010. Retrieved July 2017 from <http://www.tandfonline.com/doi/abs/10.1080/104732202753438298>.



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December 5<sup>th</sup>, 2017

## Testimony from Davon Lomax, Political Director, District Council 9, IUPAT

Everyone here has been reading a lot about NYCHA, specifically about issues with the presence of lead paint – an issue that the members of District Council 9, International Union of Painters and Allied Trades know a lot about. I am the Political Director of District Council 9.

I started out in the field as a painter and refined crafted over seven years before stepping into the role I am now to represent our members.

And, today some of the most underserved residents in the City, folks living in NYCHA housing, are experiencing what should be considered a health crisis related to lead paint. This Administration is receiving a lot of the blame for the issue.

However, as experts in this field, I am here on behalf of District Council 9, IUPAT to tell you that they are really not the ones at blame here. In 2006, under an entirely different Administration, NYCHA abandoned a program that required NYCHA apartments to be re-painted every three years.

NYCHA abided by the three-year obligation to paint apartments for at least 50 years before abandoning it in 2006.

In those 50 years, NYCHA never had the magnitude of apartments it has today with peeling and crumbling paint, a condition which exposes residents including children to harmful and poisonous lead dust.

In 2008, again under a different Administration than ours today, NYCHA laid off 70 Supervisor Painters. This decimated NYCHA's paint program and the apartments and public spaces continued to decay rapidly which brings us to the crisis we have today.

Since the previous Administration laid off the Paint Supervisors/Inspectors, NYCHA has allowed contractors to self-supervise including the supervision over dust control procedures that are required under the Lead Repair and Renovation Program and NYCHA Paint Contracts.

Paint is not for just beautification and cleanliness, but it plays a crucial role in maintaining and containing the old plaster and lead filled walls and surfaces in these NYCHA buildings that are 60 plus years old.

All of the news articles out there now are talking about the failure to do lead inspection on over 55,000 apartments. The truth is, you can do all the inspections you want, but what NYCHA really needs is a viable Paint Inspection and paint program and I have confidence this Administration will work on that.

In fact, for the last four months, District Council 9 has already provided emergency training for NYCHA and contractors performing work on these buildings at the request of NYCHA. And at no cost to the city, District Council 9 is still ready, willing and able to continue to do this work and provide training.

Nov. 5, 2017  
Sheila Smalls O'dwyer Gardens Resident Leader  
2940 west 33<sup>rd</sup> street apt 3B  
Brooklyn, New York 11224

FOR THE RECORD

The problem with NYCHA started way before Ms Shola came into this position. She has not done anything to help O'dwyer that I know anything about. We have had scaffolds around our buildings going on 8 years long before hurricane Sandy. So you can't blame the nonexistent brick work on SANDY. We have had no major infrastructural work done on our grounds since this development has been built in 1968.

When our walkways would get sinkholes, the holes remained until a foss inspection was about to take place on our development then miraculously the hole would get a band-aid type tar patch up hours before the inspection would take place. Foss is the one sure way to get a repair fix and by going to the news to shame NYCHA to do repairs that they are well aware of but neglect to fix problems swiftly and efficiently.

1. The question is how to fix this problem? It's so simple (you pay for what you get) if you hire the cheapest contractor, he will use cheap products that will in the long run, be a temporary fix, then you will have to do the same repair over again. That is cost waste, if you pay the price to get it done right and not cheap in the first place you will get better quality for not cutting cost by looking for the lower bidder.
2. The question "why are the so many turn overs in your administration? The turnover rate in NYCHA is another way for NYCHA perpetuate fraud without any accountability. It is a fact the NYCHA has it's share of missing funds accusations, and what happens? Someone resigns, and no one is accountable to replace whatever funds disappeared. Proof O'dwyer Gardens was ear marked 2.9 million dollars from Ms. Gloria Finkelman in the 2009 budget for playgrounds, we never got our playgrounds, and no one can account what happened to that money. Not even our politicians, who suffers our residents, our youth had no playground for a decade. No one wants to be held accountable. Our Controller did a investigation on NYCHA after the Sandy storm and reported that Yes fraud was a big issue people without I.D. Signing their names as bugs bunny etc. stealing equipment that belong NYCHA, none returned no one arrested nothing replaced. New York Times 2 Housing Authority Officials Resign after false lead paint reports Nov 17, 2017 By David Goodman
3. We need more Indians and less chiefs, NYCHA has too many employees making 6 figures salaries for misleading the public, Yes lying read this weeks article about lies and the name NYCHA will appear  
Nov 14, 2017 by Yoav and Bruce Golding (the New York Post) "NYCHA lied about doing lead paint inspections, shocking report" shocking I'm not surprise NYCHA has been lying for a YEARS and revelation is on the way. Less high paid so called administrators and MORE maintenance and care takers to keep up the maintenance and cleanliness that the chair talks about, in her next generation article.
4. NYCHA is in breach of the federal reg 964.1 resident leaders are to welcome New residents.
5. There is a whole in the ceiling of my building that my Councilman my Assemblywomen and reps from the Mayor's office have witnessed in person and photos that have not been addressed in over 8 months.





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Testimony before the New York City Council  
Tuesday December 5, 2017

FOR THE RECORD

Good morning. My name is Ismene Speliotis and I am the Executive Director of MHANY. I am joined this morning by Paul Freitag, the Executive Director of the West Side Federation for Senior and Supportive Housing, known as WSFSSH.

We are here to testify in support of Shola Olatoye as Chairperson of the New York City Housing Authority (NYCHA). She has been an excellent leader and steward of the New York City Housing Authority since she agreed to take on this daunting task in early 2014. All of her efforts have been singly focused on physically and financially stabilizing a multi-thousand, scatter-site, maintenance deferred, under-funded group of buildings housing more residents than any single landlord in the City or the Country. As she has developed and implemented plans, some more popular than others, she has always maintained a keen focus on the impact her efforts and programs will have on the lives of the current residents within the NYCHA developments. With this in mind she has spearheaded short and long term development plans that not only impact the day-to-day lives of residents but lay the foundation for a sound and secure public housing authority well into the future.

Ms. Olatoye has undertaken this formidable task without assistance from the Federal and only recently with infusion of some State and City funding. Ms. Olatoye's efforts have all been implemented under the critical attention of NYCHA residents as well as members of the surrounding communities. There has been much focus and sometimes controversy regarding Next Generation RFP's, development proposals for open space on current NYCHA developments and conversions from NYCHA to RAD.

However, there has been much less focus on the management changes that Ms. Olatoye has worked unceasingly made to improve operations. Imagine, Ms. Olatoye has final responsibility for the operations and management of 179,000 apartments in all five boroughs. Under her tenure, repair times have been shorted from an average of 12 days to an average of 4 days, a \$2 billion deficit has turned to a \$20 million surplus. She has instituted highest accountability and standards for all NYCHA staff including maintenance workers in all developments including use of smart phones, hand held electronics and other technology to improve accountability and service.

The articles recently written and focused on one unfortunate situation, not unimportant, but presented as if Ms. Olatoye and the NYC Housing Authority were placing residents in dangerous situations and that she is single handedly to blame. This seems very unfair and not useful, given that residents of NYCHA have suffered not for four years, but for decades as a result of disinvestment and deferred maintenance. Not to say that there aren't situations that require immediate attention and they should get the very attention that they need. But calling for the resignation of the person who agreed to lead what some may have believed to be a "sinking ship" seems completely misdirected.

## Response To Lead Noncompliance Issue Has Been Expeditious & Transparent; Patience & Partnership Is Needed

We applaud the appointment of a Chief Compliance Officer reporting directly to the Chair. We are pleased that NYCHA has pledged that all apartments requiring lead inspections per Local Law 1 will be completed by the end of the year and that necessary repairs will be completed by the end of the first quarter of 2018. Further, we are pleased that NYCHA is also working closely with health experts and federal regulators, including HUD and the US District Attorney for the Southern District, to implement a long-term federal compliance plan.

In our view, appointment of an independent monitor may be redundant and duplicate efforts already underway and could ultimately add more complications to the implementation of much needed solutions.

As owners, managers and developers of affordable housing MHANY and WSFSSH have a combined portfolio of almost 200 buildings, with approximately 3,600 units of scatter-site, and congregate housing for some of the poorest and most at-risk New Yorkers. We can therefore fully appreciate the challenges faced by NYCHA to maintain its vast, scattered, aging housing stock.

Preserving and maintaining roofs, elevators, facades, windows, and interior conditions in apartments free from mold and lead paint not only requires a committed and smart management team, but also financial resources. For many organizations, resources come in the form of rental increases which are typically modest for low-income tenants but critically important for day-to-day operations, as well as through financing from the City, banks, CDFIs, and foundations to implement capital repairs. Until recently, NYCHA was not effectively positioned to maximize benefits from such resources.

As we all know, the federal government provides the majority of NYCHA's operating and capital support. Since 2001, the federal government has reduced its contribution to NYCHA by roughly \$3 billion. The resulting deferred maintenance coupled with the natural wear and tear of major systems has resulted in an accumulated capital repair need of \$17 billion. Despite reduced federal funding under Ms. Olatoye's unceasing determination changes and improvements are being implemented and will hopefully be noticeable in the near future:

- **Repairs** - Since the launch of NextGeneration NYCHA, NYCHA has gone from a \$2 billion budget deficit to a \$20 million surplus and repair times have dropped from 12 days to 4 days.
- **Technology** – handheld technology has allowed the Housing Authority to electronically address almost 2 million work orders, saving over \$8 million dollars
  - \$1.2 million in savings resulting from deployment of smart phones to property management staff
  - 677,000 work orders closed using smart phones
  - \$960,000 in savings from launch of MyNYCHA app
- **NextGen Operations** – rolling out a new property management program that allows development staff to better serve residents. This has been piloted in Queens and Staten Island, demonstrating that by empowering frontline staff one can improve the day-to-day operations and improve services for residents.
- **Energy** - \$3.5 million in annual utility cost savings from the first phase of a large-scale Energy Performance Contract (EPC), benefitting over 45,000 residents at 16 developments
- **New Affordable Housing** - 1,419 units of 100 percent affordable housing in development



- **Resident Jobs** - 5,663 residents placed in jobs, 646 residents enrolled in NYCHA Resident Training Academy
- **Better Rent collection** - 3.2% increase in rent collection equaling \$32 million in new revenue
- **Safety/Crime** - 2014 to 2016, NYC had 1 percent decrease in violent crime, while violent crime in the 15 MAP developments dropped by 7 percent and shooting incidents decreased by 38 percent.
  - \$171 million installing and upgrading 4,000 CCTV cameras
  - Installed LAC doors at 32 developments.
  - Installed 4,500 LED lighting fixtures at 11 of 15 MAP sites, and work is underway at 3 sites. By the end of this year, 14 of the 15 sites will have brand new lighting.

Is this enough? NO! Is it a start? YES! Has every NYCHA resident experienced the benefit of Ms. Olatoye's changes on a daily basis? NO. Does that mean that she should stop? NO.

Let us step back and look at the direction Ms. Olatoye has steered the New York City Housing Authority, despite continued under-funding by the Federal government, the verdict is very clear. Instead of calling for Ms. Olatoye's resignation, let us acknowledge the enormity of the task. We must work together to identify the necessary resources to continue the work that has been initiated by Ms. Olatoye and her team.

Let us acknowledge that the Success of NYCHA Depends on City & State Financial Support as well as continued transparency, communication and oversight for which the Council has been instrumental in providing. The accomplishments to date would not have been possible without the ongoing support from the City and State and improvements will not continue without ongoing and increased financial support.

We applaud the City's decision to suspend the practice of charging NYCHA for the costs incurred by the NYPD to provide security within NYCHA sites as well the requirement that NYCHA pay to the City Payments In Lieu of Taxes (PILOTS) has allowed NYCHA to retain more than \$100 million in its operating budget. Since 2015, the City has infused NYCHA with over \$1.5 billion to repair roughly 1,000 roofs and 400 facades. In its fiscal 2018 budget, the State committed \$200 million for repair and replacements of boilers and elevators.

These commitments have allowed Ms. Olatoye to move NYCHA in a new direction. We encourage the City Council to continue partnering with the NYCHA team to explore further ways to provide fiscal support particularly with respect to capital repair needs. Please support her as she continues to implement the ideas and continue the changes she has started to put in place over the past few years.

*Ismene Speliotis is the Executive Director of MHANY Management Inc.; a not-for-profit community and housing development organizations that owns and manages over 1600 apartments for very low income New Yorkers in Brooklyn, The Bronx, Manhattan and Queens.*

*Paul Freitag is the Executive Director of the West Side Federation for Senior and Supportive Housing (WSFSSH), a not-for-profit community and housing development organizations that owns and manages approximately 2000 apartments for very low income New Yorkers in Manhattan and the Bronx.*

FOR THE RECORD

GREEN  
CITY  
FORCE

Monday, December 4, 2017

To whom it may concern,

I write to you today to express my support for Chair Shola Olatoye.

Green City Force's programs are comprised entirely of public housing residents; many of our staff reside in NYCHA or are NYCHA alums; and our service and social enterprise initiatives are located in public housing communities and reach thousands of residents each year in all five boroughs. Ensuring the health and safety of NYCHA residents is of the utmost importance to Green City Force. We have full confidence in the Chair's leadership and her capacity to fully rectify the Authority's compliance with mandatory safety inspections for lead paint and other safety hazards.

We have observed her dedication to the health and well-being of NYCHA's residents first-hand. During her tenure, through our multi-faceted partnership with NYCHA, we have expanded our programs: recruited over 200 young adults residing in NYCHA into our program, with intensive focus on recruiting from NYCHA's highest-crime developments and built 4 new urban farms in public housing through Farms at NYCHA.

NYCHA, and public housing as a whole, is at a critical moment and we are inspired by the clarity of vision, integrity, and perseverance with which the Chair has lead the nation's largest housing authority. Green City Force supports Chair Olatoye, and we are honored to work with her.

Sincerely,



Lisbeth Shepherd  
Founder and Executive Director  
Green City Force

FOR THE RECORD

December 4, 2017

To Whom It May Concern:

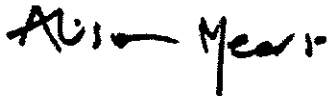
We are writing from the Healthy Materials Lab (HML) at Parsons School of Design on behalf of the New York Housing Authority (NYCHA) and their visionary leader Shola Olatoye.

In the summer of 2016 the HML partnered with NYCHA to prototype and test the impact of using better building products for renovations in NYCHA daycare centers. In the spring 2017, a collaboration between Mount Sinai's Community Engagement Core, HML and Parsons graduate design students worked with a group of high-risk youth from the Publicolor organization to design and renovate a community space in NYCHA housing close to Mount Sinai in East Harlem. The result of this collaboration was a newly designed and renovated community room that leveraged better building products (in particular very low VOC paint) and has become a new hub for community activities.

We have first-hand experience working with the NYCHA team and Shola Olatoye and know her to be a thoughtful, dedicated and impassioned leader. We are certain she will undertake every effort to ensure the problem of lead-based paint is fully addressed now and that every precaution is put in place to make sure the issue continues to be addressed for future generations.

At HML, we are dedicated to creating a world in which people's health is placed at the center of all design decisions. We do this by raising awareness about toxics in building products and creating resources for the next generation of designers and architects to make healthier places for all people to live. We are proud to partner with NYCHA now and in the future.

Yours sincerely,



Alison Mears AIA LEED AP  
Director, Healthy Materials Lab



JONSARA RUTH  
DESIGN DIRECTOR, HEALTHY MATERIALS LAB

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 12/5/17

(PLEASE PRINT)

Name: Tejahn Duckworth, Inspector

Address: DOT General

I represent: \_\_\_\_\_

Address: \_\_\_\_\_

*Please complete* **THE COUNCIL** *Sergeant-at-Arms*  
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in favor  in opposition

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Name: Ralph Januzzi, Inspector General

Address: DOT

I represent: \_\_\_\_\_

Address: \_\_\_\_\_

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in favor  in opposition

Date: 12/5/17

(PLEASE PRINT)

Name: Commissioner Mark Peters

Address: DOT

I represent: \_\_\_\_\_

Address: \_\_\_\_\_

*Please complete this card and return to the Sergeant-at-Arms*

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

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in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: FELICIA GORDON

Address: 189 ALLEN ST

I represent: HERNANDEZ HOUSE (T.A.)

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 12/5/2017

(PLEASE PRINT)

Name: Sheila Smalls

Address: 2953 W 33rd Street

I represent: O'Dwinn Gardens Resident Leader

Address: 2940 W 33rd St.

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: TOM MERRILL

Address: General Counsel

I represent: DOHMH

Address: \_\_\_\_\_



**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 12/5/17

(PLEASE PRINT)

Name: Paul Freitag

Address: \_\_\_\_\_

I represent: WSFSSA

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 12/5/17

(PLEASE PRINT)

Name: Ismene Spiliotis

Address: \_\_\_\_\_

I represent: Natural Housing New York

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 12/5/17

(PLEASE PRINT)

Name: DANIEL BARBER

Address: 765 Courtlandt ave

I represent: Bronx South District Council of Presidents

Address: same - -

Please complete this card and return to the Sergeant-at-Arms



**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 12/5/2017

(PLEASE PRINT)

Name: J. Michele Holmes

Address: 2991 Frederick Douglass Blvd #6C  
NY 10039

I represent: myself + We Act

Address: 1854 Amsterdam Ave NY 10032

Please complete this card and return to the Sergeant-at-Arms  
**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Dr. Alvin Ronder

Address: 140 Bellamy Loop, Bx

I represent: myself

Address: \_\_\_\_\_

Please complete this card and return to the Sergeant-at-Arms  
**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. Lead Res. No. \_\_\_\_\_

in favor  in opposition

Date: 12/5/17

(PLEASE PRINT)

Name: Michael Higgins

Address: 621 Degraw St

I represent: FUREE / 73

Address: \_\_\_\_\_

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

[ ]

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 11-5-2017

(PLEASE PRINT)

Name: Jessie Smith

Address: 467 Columbia St BK

I represent: \_\_\_\_\_

Address: \_\_\_\_\_

*Please complete this card and return to the* **THE COUNCIL** *Sergeant-at-Arms*  
**THE CITY OF NEW YORK**

Appearance Card

[ ]

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 12/5/17

(PLEASE PRINT)

Name: Sherron Paige

Address: 791 Hicks Street SA

I represent: \_\_\_\_\_

Address: \_\_\_\_\_

*Please complete this card and return to the* **THE COUNCIL** *Sergeant-at-Arms*  
**THE CITY OF NEW YORK**

Appearance Card

[ ]

I intend to appear and speak on Int. No. Lead Res. No. \_\_\_\_\_

in favor  in opposition

Date: 12/5/17

(PLEASE PRINT)

Name: Karen Blondel

Address: 621 Douglass St

I represent: Turning the Tide E.S. Group

Address: Red Hook/Gowanus



**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 12/5/2017

(PLEASE PRINT)

Name: Genesis Abreu

Address: \_\_\_\_\_

I represent: WE ACT for Environmental Justice

Address: 1854 Amsterdam Ave 2nd floor

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 12/5/17

(PLEASE PRINT)

Name: Shirreen Razi Kermani

Address: \_\_\_\_\_

I represent: NUCHA

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 12/5/17

(PLEASE PRINT)

Name: Suola Du Joye

Address: \_\_\_\_\_

I represent: NUCHA

Address: \_\_\_\_\_

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 12/5/2017

(PLEASE PRINT)

Name: Deputy Carinne Schiff

Address: \_\_\_\_\_

I represent: DOHMH

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: RAFAEL CASTRO

Address: 0 28 EAST 28th ST NY NY

I represent: COMMUNITY PRESERVATION CORPORATION

Address: 28 EAST 28th ST NY NY

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 12/5/2017

(PLEASE PRINT)

Name: Senior Advisor Shereen Biazzi Korman

Address: 250 Broadway

I represent: NYCHA

Address: \_\_\_\_\_



**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 12/5/2017

(PLEASE PRINT)

Name: Deputy Mayor Dr. Herminia Palacios

Address: City Hall

I represent: \_\_\_\_\_

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 12/5/2017

(PLEASE PRINT)

Name: NYCHA Char. Sholar Alatorre

Address: 250 Broadway

I represent: NYCHA

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

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in favor  in opposition

Date: 12/5/17

(PLEASE PRINT)

Name: MARIA Forbes

Address: 1236 Clay Ave 1A Box N.Y. 10456

I represent: Clay Ave Tenants Association

Address: Same as above

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Audrey Henry

Address: 1128 Findlay Ave #2H Bx NY 10456

I represent: My household + Findlay Ave T.A.

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

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in favor  in opposition

Date: 12/5/17

(PLEASE PRINT)

Name: Aixa Torres

Address: 75T JAMES PL

I represent: AFred Smith R.A.

Address: 17 St James Pl NYC 10038

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 11/5/17

(PLEASE PRINT)

Name: Maria Viera

Address: 555 BUSHWICK Ave Brooklyn

I represent: RISEBoro Community Partnership

Address: \_\_\_\_\_



**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. NYCHA Res. No. \_\_\_\_\_  
 in favor  in opposition

Date: 11/5/2017

(PLEASE PRINT)

Name: Scott Short

Address: 555 Busiawick Ave Brooklyn

I represent: Riseboro Community Partners/HP

Address: \_\_\_\_\_

*Please complete this card and return to the Sergeant-at-Arms*  
**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_  
 in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: William Kitcher

Address: 2430 7th Ave

I represent: NYCHA Resident - Global North

Address: \_\_\_\_\_

*Please complete this card and return to the Sergeant-at-Arms*  
**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_  
 in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Joe Rikupferman

Address: 225 12th 2625

I represent: Residents Assoc - Smith Houses

Address: 115 E Smith Houses

*Please complete this card and return to the Sergeant-at-Arms*

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_  
 in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: JUDI KENDE

Address: ONE WHITEHALL ST. NY NY

I represent: ENTERPRISE COMMUNITY PARTNERS

Address: ONE WHITEHALL ST NY NY

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_  
 in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: MARQUEE JOHNSON

Address: 515 CALHOUN AVE #5C

I represent: THOMAS MACH TRADENT

Address: COUNCIL

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

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 in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: LUCY NEWMAN & ANDREW HENRY

Address: 1

I represent: THE LEGAL AID SOCIETY

Address: 199 WARR ST. 2d Flr.



**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

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in favor  in opposition

Date: 12/1/17

(PLEASE PRINT)

Name: Tony HERBERT

Address: 1656 E. 93<sup>rd</sup> ST Bklyn

I represent: NAACP - NYCHA Branch

Address: Chan of Civic Engagemt.

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 12/5/17

(PLEASE PRINT)

Name: Charlene Simmons

Address: 272 W. 130<sup>th</sup> Street

I represent: Public Housing Communities, Inc

Address: 1767B Sterling Place

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

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in favor  in opposition

Date: 11/5/17

(PLEASE PRINT)

Name: Davon Lomax

Address: 45 W 14<sup>th</sup> Street

I represent: DC9 Painters Union

Address: 45 West 14<sup>th</sup>

**THE COUNCIL  
THE CITY OF NEW YORK**

*Appearance Card*

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Corinne Schiff

Address: Deputy Commissioner, DOTMTH

I represent: \_\_\_\_\_

Address: \_\_\_\_\_

◆ Please complete this card and return to the Sergeant-at-Arms ◆

**THE COUNCIL  
THE CITY OF NEW YORK**

*Appearance Card*

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in favor  in opposition

Date: 12/5/17

(PLEASE PRINT)

Name: Sixto J. Martinez

Address: 320 E. 156 St Bx N.Y.

I represent: \_\_\_\_\_

Address: \_\_\_\_\_

◆ Please complete this card and return to the Sergeant-at-Arms ◆



**THE COUNCIL  
THE CITY OF NEW YORK**

**Appearance Card**

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor     in opposition

Date: 12/5/17

**(PLEASE PRINT)**

Name: VICTOR BACH

Address: \_\_\_\_\_

I represent: COMMUNITY SERVICE SOCIETY

Address: 633 Third Ave, NYC 10017

*Please complete this card and return to the Sergeant-at-Arms*

**THE COUNCIL  
THE CITY OF NEW YORK**

**Appearance Card**

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor     in opposition

Date: 12-5/17

**(PLEASE PRINT)**

Name: Bishop Mitchell Taylor

Address: \_\_\_\_\_

I represent: Urban Upbound

Address: \_\_\_\_\_

*Please complete this card and return to the Sergeant-at-Arms*