

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON HOUSING AND
BUILDINGS

Jointly with

COMMITTEE ON HEALTH

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HELD AT: Council Chambers - City Hall

B E F O R E: Pierina Ana Sanchez
Chairperson

Lynn C. Schulman
Chairperson

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A P P E A R A N C E S (CONTINUED)

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Shannon Burkett

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Community Organizer in Lower Manhattan

Ernestine Corbit
Brooklyn Resident

Mbacke Thiam
CIDNY

Ernestine Corbit [sp?]
Brooklyn Resident

Ashley Saunders

2 SERGEANT AT ARMS: Good morning and
3 welcome today's New York City Council hearing for the
4 Committee on Housing and Buildings jointly with
5 Health. At this time, we ask that you silence all
6 cellphones and electronic devices to minimize
7 disruptions throughout the hearing. If you have
8 testimony you wish to submit for the record, you may
9 do so via email at testimony@council.nyc.gov. Once
10 again, that is testimony@council.nyc.gov. At any
11 time throughout the hearing, please do not approach
12 the dais. We thank you for your cooperation.
13 Chairs, we are ready to begin.

14 [gavel]

15 CHAIRPERSON SANCHEZ: thank you,
16 partnership. Good morning everyone. First and
17 foremost, I just want to apologize for a tardy start
18 on my behalf, but thank you all so much for being
19 here today. I am Council Member Pierina Sanchez,
20 Chair of the Committee on Housing and Buildings. I
21 want to thank you all for attending today's joint
22 hearing with the Committee on Health on led-based
23 paint hazards. Thank you to my Co-chair, Chair
24 Schulman, for holding this hearing with me today.
25 I'd also like to acknowledge my colleagues from the

2 City Council who are present, Council Member Carr,
3 Council Member Abreu, Council Member Ariola. For
4 over 60 years, New York City has been a leader in
5 lead-exposure hazard regulations, banning the use of
6 lead-based paint in the 1960s prior to New York State
7 or the Federal Government, passing stringent
8 regulations in 1982, again in 1999, though litigated,
9 also Local Law One of 2004, and most recently reforms
10 in 2019 and 2021. Each attempt was met with steep
11 resistance, but bullish in the assertion and goal
12 that lead poisoning in children is entirely
13 preventable, New York City and the advocacy community
14 pushed forward. While these efforts have met some
15 success in preventing lead-based poisoning. Lead
16 poisoning today is a hazard faced by child in New
17 York City truly depending on their zip code and their
18 race. According to the 2022 DOHMH report, 2,557
19 children under the age of six had high blood lead
20 levels in 2021. From the sample, 81 percent were
21 Asian, Black or Latino; 88 percent of these children
22 were from moderate to high-poverty neighborhoods, and
23 for me it's striking, although unfortunately not
24 surprising that 65 percent of these children poisoned
25 reside in just a few neighborhoods in the Bronx.

2 These are unacceptable realities. Despite what's
3 been required by state law, not every child age one
4 and two is tested for elevated blood lead levels.

5 What's more, COVID-19 lock-down measures meant
6 children were spending more time in their homes,
7 potentially increasing the risk of poisoning, and at
8 the same time making them much less likely to get
9 their lead levels tested. We must do better. The
10 dangers of lead poisoning are well-established. Lead
11 can have devastating life-long health consequences
12 for children, even at low levels of exposure.

13 Children should be safe to explore and grow in their
14 own homes without the danger of ingesting or inhaling
15 toxic lead paint chips or dust. When the City Council
16 passed the Childhood Lead Poisoning Prevention Act in
17 2004 or Local Law One of 2004, the goal was to
18 eliminate child lead poisoning by 2010. That
19 deadline came and has long passed. Acknowledging
20 that failure at a 2018 hearing, the City Council
21 subsequently passed two packages of legislation to
22 tighten existing lead laws to help the City reach our
23 goal. Because absolutely no level-- we must be clear
24 and assertive about that. No level of lead exposure
25 is acceptable. These laws lowered the threshold for

2 blood lead levels in lead paint and required
3 remediation in spaces where a child spends 10 or more
4 hours per week, even if it's not their home. These
5 laws also increase outreach in education requirements
6 and created more rigorous testing for lead-based
7 paint hazards. In acknowledgement that the City
8 failed, failed in response to previous legislation to
9 inspect and hold landlords accountable, the
10 legislation also created a proactive inspection
11 program at HPD. Those laws addressed some key
12 problems, but they were not enough. There are still
13 loopholes that allow lead hazards to persist, and
14 today the Committees will hear a package of bills
15 designed to address those loopholes and to get the
16 City to its goal of zero childhood lead poisoning
17 once and for all. These bills are Intro. Number 5,
18 sponsored by Council Member Ayala, relating to
19 records of lead-based paint investigations. Number
20 6, sponsored by Council Member Ayala, relating to the
21 permanent removal of lead-based on friction surface
22 in child-occupied dwellings. Number 193, sponsored
23 by Council Member Rivera who may join us today,
24 relating to lead-based paint hazards in common areas
25 of dwellings. Intro. Number 200, sponsored by

2 Council Member Salamanca, relating to quarterly
3 reporting on objections to orders for the abatement
4 or remediation of lead conditions. Number 750 by
5 Ayala relating to proactive identification and
6 inspection of dwellings where children are at-risk of
7 lead poisoning. Pre-considered Introduction,
8 sponsored by Council Member Rivera, relating to a
9 declaration of public nuisance by the Department of
10 Housing Preservation and Development in connecting
11 with lead hazards, and Pre-considered Intro sponsored
12 by Council Member Schulman, related to the assessment
13 of certain children with elevated blood lead levels.
14 I would like to thank my staff, Sam Cardenas, Kadeem
15 Robinson, as well as the Housing and Buildings
16 Committee Staff, Audrey Son, Taylor Zelony, Jose
17 Conde, Charles Kim, Dan Kroop, and Brooke Frye. I
18 will now pass it to Chair Schulman for her opening
19 remarks.

20 CHAIRPERSON SCHULMAN: Good morning.

21 Thank you, Chair Sanchez, for holding this important
22 hearing today. I am Council Member Lynn Schulman,
23 Chair of the Committee on Health. The purpose of
24 today's hearing is to consider a package of
25 legislation designed to eliminate the risk of lead

2 paint poisoning in New York City. For far too long,
3 lead paint hazards have plagued our city's most
4 vulnerable communities. Each instance of lead paint
5 poisoning in our city is a completely avoidable
6 tragedy. The only acceptable number of exposures to
7 lead paint is zero, and it is incumbent on policy
8 makers, the Administration and building owners to
9 make that number a reality. Today, we are here to
10 say for our parents, for our children, and for the
11 health of our city, enough is enough. In New York
12 City, lead-based paint hazards remain a significant
13 public health concern, particularly for children.
14 Many older buildings in the city still contain lead
15 paint. When lead paint deteriorates or it's
16 disturbed, it can release toxic lead dust or chips
17 which can be ingested or inhaled leading to lead
18 poisoning. Adult exposure to lead can cause health
19 problems, in particular to pregnant women. For
20 children six and under, lead poisoning can have
21 serious health consequences as their developing
22 brains and bodies are especially vulnerable to
23 exposure. Even low levels of exposure can cause
24 irreversible neurological damage leading to
25 developmental delays, learning disabilities and

2 behavior problems. Long-term exposure has been
3 linked to other health issues including headaches,
4 stomach aches, hypertension, nausea, kidney damage
5 and reproductive health problems, and DOHMH reporting
6 shows that these devastating health impacts are
7 overwhelmingly and disproportionately felt by
8 communities of color. In 2021, Asian, Black and
9 Latino children represented 81 percent of children
10 under age six newly identified with elevated lead
11 blood levels. This is a horrifying statistic. When
12 exposed to lead, young children may not exhibit any
13 symptoms, which is why early screening evaluations is
14 so important. My bill being considered today would
15 directly address this issue by requiring DOHMH to
16 provide a referral for any child determine to have
17 elevated blood lead levels to the Committee on
18 Special Education within the Department of Education
19 for a comprehensive evaluation to determine the
20 child's eligibility for Special Education services,
21 including the development of an individualized
22 education program. We must do everything in our
23 power to proactively identify lead exposure as early
24 in a child's live as possible and connect them with
25 the service and support they need so that they are

2 not left behind. Let me be clear, lead paint
3 poisoning is an insidious form of an environmental
4 bias and discrimination and one of the longest and
5 most damaging public health disasters that our city
6 has ever faced. We must do everything in our power
7 to end this crisis once and for all. I want to
8 conclude by thanking the advocates who worked
9 tirelessly on this issue, and I look forward to your
10 testimony. Additionally, I'd like to thank the
11 Health Committee Staff for their work on this
12 hearing, Committee Counsel Sara Sucher and Chris
13 Pepe, Policy Analyst Mahnoor Butt, as well as my
14 team, Chief of Staff Jonathan Boucher, and
15 Legislative Director Kevin McAleer. I will now turn
16 it over to the Committee Counsel to administer the
17 oath. Thank you.

18 CHAIRPERSON SANCHEZ: Alright, so we're
19 first going to be starting with a pre-panel of an
20 impacted family and one of our leading advocates.

21 COMMITTEE COUNSEL: Thank you. The
22 initial panel will consist of Cooper Burkett, Shannon
23 Burkett, Jill Samuels [sp?], Nat Shashear [sp?]. If
24 you could-- fi you're here in-person, if you could
25 make your way up to the table, and if you're joining

2 via Zoom, please be ready to accept the prompt to
3 unmute. And once you're seated, you may begin when
4 you're ready.

5 COOPER BURKETT: Hello? Okay. Hi, my
6 name is Cooper Burkett. I'm 15 years old, and I grew
7 up here in lower Manhattan. I was diagnosed with
8 lead poisoning when I was nine months old. A
9 construction site below our apartment contaminated
10 our apartment with lead dust and I got sick. My
11 parents were told repeatedly by the contractor that
12 there was nothing in the dust, and the building told
13 my parents that there was nothing they could do about
14 the dust. But any debris or uncontrolled dust
15 outside of a construction site is illegal. I've had
16 to live with multiple side effects from my lead
17 exposure as a baby. Shortly after my lead levels
18 shot up to 19, I lost the ability to speak. I had
19 processing issues, short-term memory loss, anemia,
20 asthma, and I also have the worst case of Pica my
21 pediatrician has seen her 20-year history. I ate
22 sheetrock off the wall. I ate the wood off my crib,
23 books, clothes, foam, cardboard, you name it. The
24 GERD and pain in my stomach became so bad that I
25 barely ate and became failure to thrive. I had an

2 ulcer when I was five, and an endoscopy biopsy
3 revealed that I had scarring in the lining of my
4 stomach. The processing issues, difficulty
5 regulating my emotions and short-term memory loss
6 still haunt me today. I get my memories confused.
7 Someone can tell me something that happened to them,
8 and I'll confuse it and retell that story as if it
9 happened to me, because my mind will mix it up and
10 I'll think it actually did happen to me. It's really
11 hard not to trust your own memory. The fact is lead
12 poisoning is a perfectly preventable disease and no
13 kid should ever suffer the way I did. You have the
14 power to stop this from happening, and I hope by
15 sharing my story I can help end lead poisoning.
16 Please support the bills being proposed and enforce
17 all the current laws in place. Thank you for your
18 time.

19 CHAIRPERSON SANCHEZ: Thank you so much.

20 SHANNON BURKETT: Hello. My name is
21 Shannon Burkett. I am Cooper's mother. From December
22 2006 through May of 2007 lead dust permeated our
23 apartment from construction work occurring in the
24 store below our apartment. The lead dust was never
25 properly cleaned and my son was exposed and tested

2 positive for lead at nine months old. This
3 neurotoxin was detrimental to his development as well
4 as his physical and mental health. As a toddler, his
5 reflux was so intense that he would wake up most
6 mornings crying from the pain in the stomach and he
7 would throw up what looked like battery acid in my
8 hand. I would have no-- I would have to coax him to
9 eat. The reactive asthma sent him to the ER, and
10 during a particularly bad bout of pneumonia the
11 radiologist said that his lung x-ray looked the same
12 as a kid with cystic fibrosis. And he's had major
13 behavioral challenges. He became filled with rage.
14 As a toddler he would have these violent temper
15 tantrum several times a day. He had no understanding
16 of his safety. He would escape our apartment
17 starting at two years old. He would push a chair
18 against the door and unlock the multiple old-school
19 locks on our door and escape. When we would go on
20 vacation, my husband would have to sleep with him in
21 a separate room. He would have to push furniture up
22 against the door to make sure that he didn't leave.
23 One time at his grandparents' home, he actually did
24 escape and we found him seven houses away. Since he
25 was one years old, he has received multiple services

2 form the City: OT, SI, counseling, speech. He is
3 currently in an ICT class which has 15 general
4 education students and 10 IEP students. My husband
5 and I have scaffold [sic] him with multiple tutors,
6 and he's under the care of professionals at NYU's
7 Child Study Center to help him regulate his emotions.
8 No kid should ever suffer the way Cooper has. We as
9 a society and as a community need to commit to doing
10 everything we can eradicate lead exposure and take
11 care of those kids who have been decimated by this
12 neurotoxin. Please support the proposed bills and
13 enforce the current laws in place, making sure that
14 no other child suffers from this perfectly
15 preventable disease. Thank you so much for your
16 time.

17 JILL SAMUELS: Good morning. Thank you
18 for letting me testify before you. My name is Jill
19 Samuels. I am the Program Administrator for the Lead
20 Poisoning Prevention and Treatment Program at
21 Montefiore Medical Center. We treat children and
22 pregnant individuals poisoned with lead. Patients
23 with elevated blood lead levels are referred to our
24 program for medical management and resource
25 assistance. Currently, the Lead Poisoning Prevention

2 and Treatment Program Clinic averages at least three
3 new lead-poisoned children each week, and that's how
4 many we can take in our clinic per week. So we do
5 have more than that, but we average three per week,
6 and we consult with other healthcare providers in New
7 York City, New York State and across the United
8 States about additional children with elevated blood
9 lead levels. One lead-poisoned child is too many.
10 The current reference level for lead in the blood is
11 3.5 micrograms per deciliter, recently reduced from
12 five. At the present time in New York City, the
13 Department of Health and Mental Hygiene receives the
14 results of lead blood tests from labs and initiates
15 public health action for all results at a three and a
16 half microgram per deciliter level or above. No safe
17 blood level has been identified. Lead is a naturally
18 occurrent [sic] toxic elements found in the earth's
19 crust. Lead is not only not required by the body to
20 function, but also a poison for any organism. The
21 lead effects are even more severe in children,
22 including developing fetuses who are exposed to lead
23 through the placenta during pregnancy and newborns
24 from breast-feeding whose developing brains and
25 bodies are especially susceptible to this harmful

2 neurotoxin. It only takes the size of one granule of
3 sugar to poison a child. When lead is absorbed into
4 the body, it only takes-- it can result in damage to
5 the brain, nervous system, learning and behaviors
6 problems including violent tendencies, slow growth
7 and development. All of you have heard a lot of
8 this. I'm not going to go over more. I'm out of
9 time, but these bills are very important. There
10 should be no child exposed to lead.

11 CHAIRPERSON SANCHEZ: Thank you. Thank
12 you so much. Ms. Cooper, in 2006 and 2007 when your
13 son was exposed what recourse did you take? It
14 sounds like you brought complaints and you weren't
15 listened to. Who were you speaking with at that
16 time?

17 SHANNON BURKETT: We actually owned our
18 apartment. So we were taking our complaints to our
19 building management. We were taking it to the
20 construction contractor. We were taking it to the
21 landlord of the space below our apartment. So it was
22 a store space below that-- it's actually right across
23 the street. The store space below was being
24 renovated and turned into a bank, and we -- they
25 literally came into our apartment, and this was for

2 month. This was for months and months and months,
3 and I was actually pregnant with Cooper, and this is
4 something that's very, very important to understand,
5 is that lead doesn't come out of fabrics and it
6 doesn't come out of floors unless it's properly
7 cleaned. So this was left a year before Cooper was
8 born. After Cooper was born and he started crawling
9 around on the ground and putting things in his hand
10 sin this mouth, that's when he got the exposure from
11 lead. So you can renovate-- if you renovate a space
12 in a way that leaves the dust there, it-- lead
13 doesn't break down, it can sicken a child months,
14 years afterwards. That's the importance. That is
15 how important it is t abatement lead property.

16 COMMITTEE COUNSEL: Thank you. Thank you
17 so much.

18 SHANNON BURKETT: Yeah, sure.

19 COMMITTEE COUNSEL: Thank you. Thank you
20 call so much, and I think we also hear Matthew
21 Chachere on the Zoom. If you can unmute?

22 MATTHEW CHACHERE: Yep. Yes, I'm here.
23 Can you hear me? Good. Thank you for giving me the
24 opportunity to testify today. I apologize I cannot
25 be present in-person. I'm an attorney emeritus at

2 Northern Manhattan Improvement Corporation, a
3 nonprofit community-based legal services provider in
4 Washington Heights, and for the last 30 years I've
5 worked in the field of childhood lead poisoning
6 prevention. As counsel to the New York City
7 Coalition to End Lead Poisoning, I've been involved
8 in key state and federal class actions that have
9 defined the parameters of government in real estate
10 responsibilities to prevent lead poisoning in
11 children. And since 2009, I've also served on the
12 New York State Advisory Council on Lead Poisoning
13 Prevention. I worked very closely in the drafting of
14 New York City's current lead poisoning law, Local Law
15 One of 2004 and a number of the amendments to that
16 law that were enacted in the prior council in the
17 years 2019 through 21. I've already submitted to the
18 Committees 23 pages of written testimony for today's
19 hearing that cover the history of New York City's
20 lead laws, the intent behind them, and probably most
21 importantly the data that I've compiled from the New
22 York City Open Data database demonstrating the lack
23 of compliance and enforcement, and rather than try to
24 summarize all of that in the brief time in my opening
25 statement, I'll yield that time to questions from the

2 committee regarding that data. But the bottom line
3 is this, while New York City has indeed made
4 significant strides in some respects, the data
5 indicates there's still widespread non-compliance
6 with key aspects of Local Law One, even with the
7 amendments, and that children continue to be
8 needlessly poisoned. In fact, the Health Department
9 data shows that the rate of poisoning has remained
10 flat for the last three years. In other words, it's
11 not declining anymore, and that's completely
12 unprecedented in the decades of data on lead poisoning
13 rates in New York City. So, clearly more needs to be
14 done. And I think some of the various introductions
15 before the Council today are essential to that task.
16 I just want to touch on two key aspects of Local Law
17 One and why we see that these are still not working
18 as they ought to be. The old law in New York City,
19 Law of 1982 was interpreted by the courts to say
20 basically landlords must debate every molecule of
21 paint that contains lead, regardless of whether a
22 child is poisoned, regardless of whether it's intact
23 or peeling. That's what the court said. There was
24 enormous pushback on that, and a compromise came out
25 in the Local Law One of 2004 which said, okay, as the

2 landlord were arguing don't make us take it out, we
3 can manage it in place. So what the statute said
4 was, okay, you can leave the lead paint there, but
5 you have to actively inspect your own dwellings at
6 least once a year, more often as necessary, and
7 safely remove the lead hazards and document this in
8 writing. Why? Because we the Council-- and this is
9 in the statement of intent-- make it the
10 responsibility of owners to inspect their premises
11 and remove the lead hazards before we find out, and
12 it was an acknowledgement that any time 300,000 units
13 of older housing stock with lead paint and young
14 children living in them, there's no way the City can
15 inspect them all. And a second key aspect of the law
16 was that we're going to require that the highest-risk
17 surfaces be abated at vacancy. The friction surface
18 is on doors and windows. So when we came in front of
19 the Council four years ago to discuss the data, we
20 had discovered that the City had placed absolutely
21 zero violations for either of these two aspects of
22 Local Law One, except in five instances where I
23 personally as an attorney had taken the City and the
24 landlord to court. So that was it. The Council then
25 amended the laws to say, okay, the City's going to

2 actually do some audits, 200 buildings a year to see
3 what landlords are doing about this. And you know
4 what the results of those audits are? They're in my
5 testimony, but basically the City has found that of
6 the buildings it audited, over 90 percent of the
7 landlords had not done their annual inspections, and
8 the same issues came up with the abatement and
9 vacancy. The City's audits also found no one's been
10 complying where the City audits. So, some of these
11 proposals here would help advance that agenda.

12 Particular Local Law-- Intro 5 would require that
13 every time HPD finds a peeling lead paint violation,
14 it's going to ask the landlord to cough up their
15 records to show whether or they've been inspecting
16 their own apartment. Because it stands to reason
17 that if HPD's finding peeling lead paint, then the
18 landlord failed to do it which was its
19 responsibility. HPD will no doubt tell you today
20 that we're doing a great job. We're writing more
21 lead paint violations than ever, and my point is that
22 20 years after this law went effect, we shouldn't
23 still be seeing so many peeling lead paint
24 violations. Obviously, the band landlords are not

2 inspecting their apartments. Obviously, we need to
3 make them do it. And whatever--

4 CHAIRPERSON SANCHEZ: [interposing] thank
5 you.

6 MATTHEW CHACHERE: effort it's going to
7 take to make the City-- by the City to make landlords
8 do it is in the long-run going to save us money both
9 in terms of the cost--

10 CHAIRPERSON SANCHEZ: [interposing] Thank
11 you.

12 MATTHEW CHACHERE: of poisoning children.

13 CHAIRPERSON SANCHEZ: Thank you so much,
14 Matt. And just Matthew, just to-- I think it would
15 be helpful to hear it in this way. You've been a
16 part of probably all litigation relating to lead
17 poisoning and lead reference standards in the City of
18 New York over the past 30 years and all of the
19 legislation and reforms it had passed. And you know,
20 I think in your testimony it's-- you say the good
21 news is that the data indicates that at long last,
22 the City is finally doing some proactive inspection.
23 And you just mentioned that what is alarming and what
24 is the bad news is the high failure rate. And so
25 just to ask you this pointed question, and then I do

2 want to turn it over to Council Member Rivera while
3 we have a quorum in the room. What should the trends
4 look like? What should the numbers look like if we
5 were going in the wrong direct-- in the right
6 direction with respect to our proactive inspections
7 outcomes?

8 MATTHEW CHACHERE: Yes, well thank you
9 for that question. If you look on page 15 of my
10 testimony, I actually graft out every year of lead
11 violations issued since the first law went into
12 effect in 1982. And you'll see that when Local Law
13 One came into effect in 2004, late 2004, the numbers
14 spiked up because the City was doing a better job of
15 inspecting. Then it kind of dropped, and then it's
16 continued to increase. We should have seen instead,
17 if the law was working as it should, and if the law
18 was going to achieve the goal of ending lead
19 poisoning by 2010, which obviously hasn't happened.
20 We should have seen that number go down. Instead, it
21 keeps going up every year, and I would submit it's
22 because the Administration of HPD has never taken
23 seriously the requirement that landlords self-inspect
24 their own apartments and document in writing. It's
25 the only part of Local Law One that actually creates

2 a misdemeanor punishable by up to six months in jail
3 of landlord fails to do this. The audit concept
4 which was-- which we developed and which was enacted
5 by the prior Council, said let's look at 200
6 buildings a year and see how we're doing. Well, we
7 now know the answer to that. The answer is when you
8 audit and you find over 90 percent non-compliance,
9 obviously that sample can be presumed to be
10 indicative of the overall pattern in the City. So
11 again, I think Intro 5 would help remedy this by
12 really putting some teeth into the self-inspection
13 requirements. I mean, this was the real estate
14 industries argument all along. Don't make us take it
15 off. We can manage it. We'll take care of our
16 apartments. But obviously the bad landlords aren't,
17 and instead the City keeps having to do landlords'
18 job and inspect for lead. That's pretty
19 straightforward. The other piece of this again is
20 the vacancy abatement. This was again a major
21 compromise in Local Law one where the draft of the
22 bill said we're going to make all that lead paint on
23 friction surfaces get abated by I think it was 2007,
24 period, sunset. The pushback from the Bloomberg
25 Administration on the real estate lobby back then was

2 no, that's too rigorous, but we'll make them do it at
3 vacancy because it's cheaper and safer to do it at
4 vacancy. So what have we found? We found that now
5 that the City is starting to look at that, that
6 landlords weren't doing it. You know, we kept saying
7 to the Administration, you know, you need to look at
8 this, and they kept saying, well, we don't know when
9 the tenants moved in. We don't know if there's been
10 a vacancy, and I kept saying to Vito Mustaciuolo at
11 HPD, why don't you just ask the tenants, they can
12 tell you when they moved in. So they started doing
13 that, and guess what? We now know that landlords
14 haven't been doing this. So we've basically lost 20
15 years of the fight of permanently removing--

16 CHAIRPERSON SANCHEZ: [interposing] Thank
17 you. I'm so sorry, Mr. Chachere, just we're a little
18 behind schedule and short on time. But this is
19 extremely helpful. I want to thank you so much for
20 your testimony. I want to acknowledge that we've
21 been joined by Council Members Hudson, Avilés, and
22 Narcisse, and Council Member Feliz. And I would now
23 like to turn it over to Council Member Carlina Rivera
24 who is joining us remotely.

2 COUNCIL MEMBER RIVERA: Good morning
3 everyone. I just want to thank Matt Chachere,
4 because every time he is at the dais on a panel, I
5 know that I learn something and it just further-- you
6 know, it just ignites this fire, this passion that we
7 should all have to address this finally. We as
8 legislators have that responsibility. Good morning
9 everyone. I'm Council Member Carlina Rivera
10 representing the vibrant communities of the east side
11 of Manhattan. Thank you to the Chairs for being so
12 gracious and allowing me to speak very briefly. So
13 just to say a few words about my bills being heard
14 today. First one regarding lead-based paint hazards
15 in common areas of dwellings, and second a building
16 relation to the declaration of a public nuisance by
17 HPD in connection with lead hazards. Children in New
18 York City continue to needlessly suffer permanent
19 neurological damage from exposure to lead in old
20 paint, dust and drinking water in their homes. And
21 for the family that is here today, thank you for your
22 testimony. Thank you for allowing us a little bit
23 of insight into what you have been going through and
24 how your family has been impacted. I hope that we
25 can serve you and do something to really make sure

2 this does not happen to another family again. And
3 moreover, as you've heard, nearly 70 percent of these
4 lead poisoned children come from underserved
5 neighborhoods. Black, Latino and Asian children
6 account for more than 80 percent of newly-identified
7 cases of lead poisoning in children under six years
8 old. Exposure to even low levels of lead can result
9 in severe repercussions of children under the age of
10 six. The City has made great strides over the past
11 century to reduce exposure to lead, but there is more
12 work to do. Since my days as a community organizer
13 and housing advocate on the east side, I've
14 continuously advocated for stronger regulations for
15 testing enforcement and remediation and through my
16 work in my public service. I want to thank the
17 advocates as well who are here. They've all helped
18 strengthen landmark legislation that was passed
19 decades ago. So we have lost time. We have to build
20 the momentum back up again, and we must pass these bills,
21 improve interagency coordination and empower city
22 agencies to intervene faster and more effectively. My
23 legislation would further empower HPD to intervene in
24 situations where lead-based hazards are present or
25 suspected. So the package of legislation we're

2 hearing today is about getting lead out of homes once
3 and for all and to stand up for those who are still
4 being exposed to and impacted by lead. Thank you
5 very much.

6 CHAIRPERSON SANCHEZ: Thank you so much,
7 Council Member Rivera. And might I say, as a fellow
8 new mom, you look great. [inaudible] the baby.
9 Thank you so much, Council Member. And now we'll
10 turn it over to the Administration. Thank you so
11 much for being here today.

12 COMMITTEE COUNSEL: I'll just administer
13 the oath. Please raise your right hand. Do you
14 affirm to tell the truth, the whole truth and nothing
15 but the truth in your testimony before these
16 committees and to respond honestly to Council Member
17 questions? Thank you. You may begin when ready.

18 ASSISTANT COMMISSIONER FACIANO: Good
19 morning Chair Schulman and Chair Sanchez and persons
20 of the Committee on Health and Housing and Buildings.
21 I'm Andrew Faciano, Assistant Commissioner for the
22 Bureau of Environmental Disease and Injury Prevention
23 at the New York City Department of Health and Mental
24 Hygiene. I appreciate the opportunity to testify
25 today. the Health Department has long been at the

2 vanguard of efforts nationally to reduce elevated
3 blood lead levels, or EBLs, in children beginning in
4 1960 when the New York City Board of Health made us
5 the first jurisdiction in the country to prohibit the
6 use of lead paint in residential settings, which was
7 18 years before it was banned by the Federal
8 Government in 1978. I would like to provide some
9 background about how EBLs occur and describe the
10 City's current, multi-pronged approach in preventing
11 and responding to EBLs. Lead paint remains the most
12 commonly-identified potential exposure source for New
13 York City children. The mechanism for lead exposure
14 is typically ingestion. So it is very young
15 children, especially those under the age of three who
16 are most at-risk. Because young children are at a
17 critical stage of physical development and absorb
18 lead at higher rates than older children and adults,
19 nutritional deficits and developmentally appropriate
20 hand-to-mouth activity can put them at risk. It is
21 also important to understand EBLs are treated in
22 children. Except at very high levels rarely seen in
23 New York City today, the body naturally excretes lead
24 over time on its own. Typically, the only treatment
25 is to remove the ongoing sources of lead exposure so

2 that the body can do its work. The City's robust
3 approach to protecting children from EBLs is two-
4 fold. First, prevent lead exposure, and second, when
5 a child has an EBL, respond quickly and
6 comprehensively. The response begins with the Health
7 Department receives notification of a child with an
8 EBL via a daily electronic download from New York
9 State, and we respond quickly with a detailed and
10 thoughtful intervention to ensure the safety of that
11 child. This intervention begins with a Health
12 Department nurse quickly coordinating ongoing care
13 with the family and the child healthcare provider,
14 working in tandem until the child's blood lead level
15 adequately declines. At the same time we dispatch an
16 inspector, conduct a thorough risk assessment and
17 inspection of the child's home. The inspectors who
18 are highly trained and EPA-certified begin with a
19 comprehensive interview with the family to better
20 understand the child's risk factors for lead
21 exposure. They then inspect the apartment for lead-
22 based paint hazards using a piece of equipment called
23 an X-ray fluorescence, or XRF device. If the device
24 detects lead in paint, the Health Department issues
25 the property owner or commissioners order to abate,

2 and we will follow up to ensure compliance. Our
3 focus regardless of whether the child lives in public
4 or private housing is to identify and assess every
5 address where a child spends at least five hours per
6 week so that we can mitigate any and all potential
7 sources of lead exposure. The dual focus on primary
8 and secondary prevention is in large part due to the
9 leadership of the City Council with the Childhood
10 Lead Poisoning Prevention Act, also known as Local
11 Law One of 2004, being one of the most important and
12 impactful laws on lead in the country. Because of
13 the City's multifaceted approach in preventing EBLs
14 in children, there's been a 93 percent decline since
15 2005 in the number of children under the age of six
16 with a blood lead levels at or above five micrograms
17 per deciliter. In 2021, there were almost 35,000
18 fewer children with EBL's than in 2005. This
19 decrease is a testament to the council's passage of a
20 strong Local Law that helps prevent childhood lead
21 exposure to lead-based paint and the dedicated work
22 of the City agencies represented here today. Despite
23 this progress, we recognize that there is no safe
24 level of lead and that we must continue our
25 collective work to further reduce the number of

2 children with EBLs. Over the last few years, the
3 City has not lost focus on this goal despite all of
4 the challenges that the COVID-19 public health
5 emergency has presented, including a drop in blood
6 lead testing among children. To address this issue,
7 the Department has implemented a multi-faceted
8 approach to raise awareness about the importance of
9 timely blood lead screening. On an ongoing monthly
10 basis, the Health Department matches birth records to
11 its blood lead database to determine which children
12 up to the age of three are due to get their blood
13 tested for lead as required by law. We reach out to
14 these families individually to remind them of the
15 need to get a lead test both by text message and by
16 mail. The Department also sends guidance to over
17 30,000 healthcare providers annually reminding them
18 of the testing requirements. We conduct outreach and
19 education for families and we collaborate with
20 Medicaid-managed care programs to identify children
21 due for lead testing, alerting their healthcare
22 providers. we also conduct a-- we've also conducted
23 a blood lead testing media campaign in multiple
24 languages aimed at raising awareness among parents
25 and healthcare providers on testing children, and we

2 are currently developing reports that healthcare
3 providers can use to identify which patients are due
4 for a blood lead test. They'll be able to send text
5 messages and recall letters to these patients,
6 notifying them of the need for lead testing. We are
7 eager to work with Council on additional mechanisms
8 to reach providers, parents, and caregivers to
9 further increase blood lead testing. Over the last
10 few years, the Department has worked hard to
11 implement new Local Laws and Lead-Free NYC
12 initiatives in collaboration with other city agencies
13 that will help drive further progress in eliminating
14 childhood lead exposure. The Department continues to
15 act instead of waiting for the Federal Government
16 using our power under the health code to establish
17 the most protective thresholds for lead-based paint
18 and lead in dust that triggers lead abatement in the
19 country. These changes allow the Department to order
20 the permanent elimination of more lead hazards,
21 furthering our efforts to help drive children's blood
22 lead levels down. We continue to take proactive
23 steps to reduce lead exposure including offering
24 inspections to families with newborns and conducting
25 sweeps to remove hazardous consumer products

2 contaminated with lead. The Department recently took
3 another important step by further lowering the blood
4 lead level that triggers home investigations for all
5 children under the age of 18, lowering the blood lead
6 threshold to 3.5 micrograms per deciliter. We
7 proactively started this work in March 2022 while
8 simultaneously petitioning the Board of Health to
9 update the Health Code to reflect this new lower
10 threshold. We are happy to report that the Board
11 adopted the change in October 2022, making New York
12 City one of the few jurisdictions in the country to
13 act at such a low threshold. We're proud that we've
14 been able to achieve so much during these especially
15 difficult times. We've made great progress and we're
16 ready and eager to continue to drive down the number
17 of children with EBLs. I would now like to turn to
18 the bills under consideration today. Introduction
19 200 would require the Department to submit to the
20 Mayor and the Speaker of the Council and make
21 publicly available on the Health Department's website
22 a quarterly report of the number of objections filed
23 by multiple dwelling owners to Health Department led
24 abatement orders. While fewer than 10 percent of all
25 our orders are contested, the Health Department

2 supports the intent of this bill and would like to
3 work with Council to identify the best approach and
4 frequency for providing this information to the
5 public. Introduction 750 would direct the Department
6 to work with HPD to identify at least 200 residential
7 buildings each year that may pose a risk of lead
8 exposure to children. The Department already works
9 with HPD in this regard, helping them to prioritize
10 200 buildings using a building lead index. Pre-
11 considered Bill 3347 would require HPD to declare a
12 lead hazard a public nuisance when the Health
13 Department issues a Commissioner's order to correct
14 or remediate a condition related to lead hazards.
15 The Health Department works closely with HPD to
16 ensure building owner compliance with our
17 Departmental orders. We are currently reviewing this
18 bill with HPD and look forward to discussions after
19 the hearing. Pre-considered Bill 3348 would require
20 the Health Department to provide a referral for any
21 child to determine-- determined to have an elevated
22 blood lead level to the Committee on Special
23 Education at the Department of Education for a
24 neuropsychological or neurodevelopmental evaluation
25 in order to determine the child's eligibility for

2 Special Education services, including the development
3 of an individualized education program. The Health
4 Department currently provides information to families
5 about the Committee on Special Education. We are
6 reviewing the bill with our DOE colleagues and look
7 forward to discussions after the hearing. Having
8 spent my entire 25-year career focused on reducing
9 childhood lead exposures, I'm committed to keeping
10 this as a priority. I look forward to working with
11 City Council and city partners to ensure that we
12 remain at the forefront of efforts to protect our
13 youngest New Yorkers. Thank you for the opportunity
14 to testify. I would be happy to address your
15 questions.

16 DEPUTY COMMISSIONER SANTIAGO: Good
17 morning, Chair Sanchez and Schulman and members of
18 the Committees on Housing and Buildings and Health.
19 My name is AnnMarie Santiago, and I am the Deputy
20 Commissioner of the Office of Enforcement and
21 Neighborhood Services at the New York City Department
22 of Housing, Preservation, and Development. Thank you
23 for the invitation to testify today on the City's
24 implementation of laws related to lead that were
25 passed over the past several years, and to provide

2 comments on newly introduced legislation regarding
3 lead-based paint compliance. Local Law One of 2004
4 which focuses on lead in paint, is the country's most
5 stringent lead enforcement law. The most common
6 source, lead-based paint exposure, is in the home
7 which is why the most robust lead-based paint
8 obligations in Local Law One rest on property owners
9 of older residential buildings in New York City. For
10 residential buildings built before 1960, Local Law
11 One presumes that there is lead-based paint in
12 dwelling units where a child under six resides, and
13 in the common areas of such buildings. Although the
14 regulations do not apply to owner-occupied units in
15 one or two-family homes. While some sections of
16 Local Law One apply only where a child under the age
17 of six resides, those most vulnerable to the negative
18 effects of lead, other obligations apply to all units
19 and common areas of such buildings. Since 2019, HPD
20 has implemented at least 10 major changes to enhance
21 both reactive and proactive enforcement of Local Law
22 One. This includes meeting the new requirements
23 passed under Local Law 64, 66, and 70 of 2019, and
24 Local Laws 28, 29, and 31 of 2020. Due to the
25 breadth of the changes, I will not be able to speak

2 in-depth about each change today, but hope to provide
3 information on the most significant ones. For a
4 description of our general processes of HPD
5 inspections and data about these topics, I would
6 refer you to the annual lead report available on
7 HPD's website. First, the City expanded the number
8 of children protected by lead laws. This expansion
9 of the protection was accomplished by two changes:
10 extending protections to families renting in one and
11 two-family homes, and expanding protections to
12 children who routinely spend at least 10 hours a week
13 in an apartment that they may not live in. Second,
14 the City lowered the levels at which lead in paint
15 triggers remediation and appropriate cleaning. Lead-
16 based paint was defined before December 1st, 2021 as
17 paint with a lead content of 1.0 milligrams per
18 centimeter squared. Based on federal approval of an
19 x-ray fluorescence machine, and XRF, able to
20 accurately test for lead in paint of 0.5, HPD
21 implemented a change required by Local Law that
22 changed this definition. Lead-based paint is now
23 defined as paint with a lead content of 0.5, which
24 means that paint with a lower level of lead will now
25 test positive. Together, these two changes have

2 resulted in an increase in the number of lead-based
3 paint hazard violations issued by HPD. A violation
4 is issued for each room that has a hazard, which
5 means that the paint is peeling. In Fiscal Year 22,
6 HPD issued 15,448 lead-based paint hazard violations,
7 an increase of approximately 2,000 over Fiscal Year
8 19, the last pre-COVID Fiscal Year, and an increase
9 of approximately 6,000 violations over Fiscal Year
10 21. Of the violations issued in Fiscal Year 22, 12
11 percent were issued in one and two-family homes, and
12 16 percent were issued in apartments where no child
13 lives, but a child routinely spends 10 or more hours
14 in the unit. More than 4,000 violations have been
15 issued for lead-based paint readings only in the 0.5
16 to 0.9 range. This is 35 percent of the total number
17 of tested violations issued. Taken in context then,
18 this increase in the number of violations does not
19 reflect a worsening of the problem of lead-based
20 paint hazards, but an increase in our protection of
21 the children from lead. Again, New York City now has
22 the most protective standard of any city in the
23 United States. In addition to these changes related
24 to child-occupied units, HPD began to audit
25 properties for lead-based paint records based on the

2 building lead index in addition to the audits we
3 already conducted related to the Department of Health
4 and Mental Hygiene, DOHMH's, Commissioner's order to
5 abate or COTA's. we have conducted audits and
6 proactive inspections of over 500 buildings just this
7 Fiscal Year, sending out a six-page record production
8 order to properties identified through the BLI as
9 having some level of risk of lead-based paint hazards
10 or due to a COTA. Owners are expected to have 10
11 years of records when we conduct these audits as
12 required by the law. While we are finding that it is
13 rare that owners have records dating back 10 years,
14 we have recently updated our database to be able to
15 collect information so we can determine if compliance
16 is improving. We will also soon have two years'
17 worth of data, or three years about selecting
18 buildings for the Building Lead Index, and hope to
19 analyze how effective that index is at identifying
20 buildings that actually have lead-based paint
21 hazards. Focusing our resources on ensuring owners
22 are complying right now and going forward is key to
23 our current enforcement. We acknowledge that rules
24 on notices, investigations, turnover, and record
25 keeping are complex and require significant

2 administrative work from property owners, and so we
3 committed significant time and effort to providing
4 information and making educational opportunities
5 available to owners and managing agents. Since 2019,
6 we have created webinars which cover details of eight
7 distinct topics ranging from the basics to specific
8 topics regarding the changes such as a webinar
9 targeted to owners of one and two-family homes, to
10 how to comply with the annual notice, investigation,
11 and turnover requirements, how to keep records of
12 that compliance, how to comply with HPD violations
13 and how to ensure safe work practices. Since
14 initiating the webinars, we have had over 3,000
15 participants attend the live trainings with extremely
16 positive feedback. On May 2nd, we will be starting a
17 new cycle of webinars presenting lead-based paint
18 basics, an overview of New York City's requirements
19 for buildings owners. Within days of announcing the
20 webinar, over 500 participants had registered. We
21 encourage all of you to take a live webinar or watch
22 one of the recordings on our website. In addition to
23 education, we also realized that owners required
24 additional resources. We added a link to the
25 Department of Housing and Urban Development's visual

2 assessment training. We sent and continue to send
3 multiple email bulletins each year as new
4 requirements are implemented and to remind owners of
5 their annual obligations. These are translated into
6 multiple languages and are available on our website
7 we have developed and provided sample record-keeping
8 documents. We engaged in an outreach campaign around
9 the theme "Get Ahead of Lead" which launched in
10 November 2019 for multiple dwelling properties and
11 continued in early 2020 with a particular focus on
12 one and two-family properties. This campaign ran in
13 eight languages on bus shelters, store fronts,
14 newspapers, and social media in 19 zip codes with
15 high rates of children with elevated blood levels.
16 We ran the campaign again in 2022 for all properties,
17 and we're always open to ideas from our partners at
18 the Council about additional avenues to communicate
19 with property owners. We have also invested in
20 education and outreach for residents, including
21 through tenants resource fairs, our HPD mobile
22 outreach van, and lead information in our ABC's of
23 Housing. In October 2022, we tried something new,
24 partnering with DOHMH and the Department of
25 Environmental Protection. We initiated the first

2 multiagency outreach campaign for National Lead
3 Poisoning Prevention Week. We are planning for a
4 more successful event this year. As always, we are
5 willing to meet people where they are, including
6 working with Council Members to schedule a mobile van
7 and co-sponsored events in your districts to help
8 educate tenants. Although HPD's direct litigation of
9 lead-based paint requirement has been limited by both
10 the challenges facing Housing Court in general and
11 the staffing challenges that city agencies are facing
12 in hiring and retaining attorneys, we have through
13 the end of June 2022 obtained consent orders and
14 civil penalties against almost 100 buildings for the
15 failure to comply with record-keeping requirements of
16 Local Law One. In one settlement agreement with a
17 major landlord, months of litigation resulted in
18 \$82,000 in civil penalties, a consent order to
19 correct over 80 lead-based paint violations across
20 six Brooklyn buildings impacting 285 homes, and an
21 order to comply with all other lead-based paint
22 requirements. We have supported legal action
23 initiated by the New York City Law Department which
24 included lead-based paint compliance requirements.
25 We have also supported and continued to support

2 actions by the New York State Attorney General's
3 Office which negotiated settlements with two major
4 landlords covering more than 16,000 apartments to
5 bring landlords into compliance and to resolve
6 existing lead-based paint hazard violations. As a
7 result of one settlement, the AG is supporting the
8 work of the Center for New York City Neighborhoods to
9 conduct outreach to property owners, one and two-
10 family homes, to inform them about the new lead
11 compliance requirements that apply if they rent their
12 units. An important component to removing the risk
13 of lead exposures for landlords to remove or
14 permanently cover lead paint or replace components or
15 fixtures painted with lead paint when a tenant
16 vacates and before the unit is re-rented, also
17 referred to as turnover. The work is required in
18 between occupancies because it is the time when such
19 work presents the least risk of exposure to tenants.
20 Generally, this work requires replacing painted doors
21 and windows, although paint removal is an acceptable
22 method as well if the surfaces are not deteriorated.
23 Anyone can perform the turnover visual inspection to
24 look for lead-based paint hazards such as
25 deteriorated paint or teeth mark on chewable

2 surfaces, but appropriate certified professionals
3 must use safe work practices to conduct any abatement
4 work. Any XRF testing performed to determine if a
5 painted surface is or is not lead-based paint must be
6 performed by an EPA-certified lead inspector or risk
7 assessor. HPD issues two types of violations related
8 to turnover. In one case, only as a result of an
9 audit inspection, the violation is issued because HPD
10 has confirmed that a tenant has moved in within the
11 past 10 years, and the owner has not provided any
12 documentation to support that any investigational
13 work was completed upon turnover to identify and
14 remove lead-based paint as required. There is no
15 requirement that a child under six resides in the
16 unit for HPD to issue this type of turnover
17 violation. In the second instance, a violation is
18 issued when HPD finds on any components either test
19 positive for lead or is presume-- I'm sorry. In the
20 second instance, a violation is issued when HPD finds
21 on any type of inspection that there is a lead-based
22 paint hazard and one of the door or window components
23 either tests positive for lead or is presumed to have
24 lead. In Fiscal Year 21 and 22, 12,500 violations
25 were issued related to turnover of which 87 percent

2 were related to audit inspections and issued because
3 the owner failed to provide the documents and 13
4 percent were issued to a finding of a hazard. Local
5 Law 31 of 2020 expanded the obligation of owners to
6 perform investigations. Within one year of occupancy
7 by a child under six, the owner must have all painted
8 surfaces tested for lead-based paint. In units where
9 there is no child, the testing must be completed
10 before August 2025. The law requires the property
11 owner to provide the results to the tenant. HPD
12 continues to try to educate owners about this and
13 prepare for August 2025. At that time, if the
14 property owner is unable to provide the XRF testing
15 when audited, appropriate violations will be issued.
16 Everything I have discussed this morning is about
17 changes over the past four years. During that time,
18 including throughout COVID, except for a brief period
19 after March 2020, HPD has continued to conduct
20 inspections, issue violations as criteria for those
21 violations changed as I've discussed, process
22 certifications and correction, postponement requests,
23 and contestations of these violations. We continue
24 to work hand in hand, especially with DOHMH on lead-
25 based paint related issues, even as they expand their

2 reach of their interventions, as Assistant
3 Commissioner Faciano just described. When landlords
4 don't act and tenants allow HPD access, we have
5 continued to conduct emergency repairs in response to
6 HPD violations and DOHMH Commissioner's orders,
7 hiring appropriately certified firms and conducting
8 dust wipes to ensure that areas remain free of lead
9 dust. As with all emergency repairs, any work
10 completed by an HPD vendor is billed to the property.
11 We continue to encourage and process lead-based paint
12 exemptions submitted by property owners. I would
13 like to recognize our staff, some of who are sitting
14 here today, for the work they have continued to do
15 each day to protect our children. Now, to turn to
16 the legislation being proposed here today. Intro. 5
17 requires additional records related to XRF testing be
18 provided whenever an owner certifies a lead-based
19 paint hazard violation. When certifying a lead-based
20 paint hazard violation, owners are already required
21 to provide HPD with six documents, including sworn
22 statements, certification showing the firm was
23 approved by the Federal Government to do lead-based
24 paint abatement, and dust wipe results, requiring
25 more documentation which is not directly related to

2 the hazard for which HPD has issued the violation
3 will distract from the main goal of the violations
4 being issued, which is to address-- immediately
5 address the hazard at-hand. The additional documents
6 will not assist with addressing the hazard.

7 Considering these factors, HPD is not supportive of
8 this legislation. Intro 6 which requires property
9 owners to complete turnover requirements while a unit
10 is still occupied runs the risk of creating active
11 lead hazards where none exist at the time of such
12 inspection. When the turnover requirement was
13 created, the intent was that meeting such requirement
14 would be safest and most efficient when an apartment
15 was vacant. HPD is not aware of any factors that
16 would have changed that assessment. So our concern
17 around doing this work with tenants and occupancy
18 remains the same. Intro 193 which requires owners to
19 conduct XRF testing in common areas and requires HPD
20 to inspect an issue lead-based paint hazard
21 violations for common areas. Paint in public areas
22 in pre-1960 buildings is presumed to be lead-based
23 paint unless an owner can provide evidence otherwise,
24 which means that owners are required to address any
25 peeling paint in common areas using safe work

2 practice. Paint in these areas where children
3 generally do not spend a significant amount of time
4 is not generally identified as a significant source
5 of lead exposure. Requiring testing from owners will
6 not increase their existing responsibilities to
7 maintain paint in common areas, and the resource that
8 would be required for HPD to inspect, issue
9 violations for, and correct peeling paint in public
10 areas would be one of the largest new needs HPD would
11 face, and raises concerns about focusing resources on
12 an area which will not yield a high return in terms
13 of the impact on reducing exposure. Regarding Intro
14 750, we believe that the goals of this bill can be
15 met by enhancing existing processes that can be
16 modified or expanded. At this point in time, given--
17 especially given the fact that COVID not only delayed
18 enforcement resources, but also affected the ability
19 of owners to address and comply with requirements
20 like turnover and apartment XRF testing from most of
21 2020 and much of 2021, we are focused on trying to
22 assist owners to come into compliance with all of the
23 existing rules and regulations. We want to ensure
24 that our enforcement resources and owners' financial
25 resources remain targeted to conditions and

2 circumstances that reduce the most immediate
3 exposures to lead-based paint hazards. Some of the
4 goals of Intro 750 can be met by enhancing existing
5 HPD processes, and we are committed to working with
6 the Council to continue to reduce exposure to lead-
7 based paint, and I look forward to productive
8 conversations as we explore new ways to protect
9 children. We are still reviewing Pre-considered
10 Intro T2023-3347, as we received late notice on the
11 language. On initial review, the bill proposes to
12 impose on HPD's discretion by mandating that HPD
13 declare a public nuisance when DOHMH issues a COTA.
14 HPD is already responsible to audit the property,
15 inspect the building for lead-based paint hazards,
16 and if the owner doesn't address the hazards
17 identified by DOHMH or HPD, to do the necessary lead-
18 based paint work. As I mentioned, HPD may also seek
19 enforcement in Housing Court for existing violations
20 issued in response to these audits, and we will work
21 our city-- and we work with our city and state
22 partners to enforce that. Under this bill, HPD would
23 have to additionally create an administrative process
24 that would drain agency resources without improving
25 our enforcement capability. As I conclude my

2 testimony today, we want to make two messages clear.

3 One, as a property owner of a building built prior to

4 1960, you are a vital partner we rely on to make New

5 York City lead-based paint free. Know your

6 responsibilities, seek assistance if you need

7 guidance on how to comply with the law, and work with

8 your tenants to ensure their safety. To tenants, if

9 you have a child under six and you see cracked,

10 chipped, peeling, chewed on, or otherwise compromised

11 painted surfaces in your apartment, let the landlord

12 know and call 311 if the condition is not corrected

13 safely or quickly. Learn what you can do to keep your

14 child safe, including getting your one and two year

15 olds tested, and please seek assistance from any of

16 the agencies here today if you have additional

17 questions. I want to thank the Council for

18 continuing to keep this important issue at the

19 forefront of our work, and trust that we can continue

20 to engage productively in using our resources in the

21 most efficient way possible. Thank you, and we look

22 forward to your questions.

23 CHAIRPERSON SANCHEZ: Thank you. Thank

24 you so much Deputy Commissioners. Thank you both for

25 your testimony today. Okay, to begin with questions,

2 you know, first up is hot off the press. The
3 Administration has released an update to the Lead-
4 Free NYC report that was released several years ago
5 and announced the creation of a new position of a
6 Lead Czar, which will be served by Jasmine Blake. So
7 the first question that I have to ask on behalf of
8 the public is one about trust. The 2019 and 2020
9 reforms came about because despite Local Law One of
10 2004 requiring owner self-inspection, requiring lead
11 abatement at vacancy, and requiring safe work
12 practices, the agencies, the Administration have not
13 been inspecting these units, and exposure had been
14 rampant and continued to be rampant. But
15 additionally, the context in which lead reforms came
16 in several years ago was in the context of NYCHA,
17 falsifying documents, lying to the public about the
18 training and qualifications of workers within the
19 agency. So, in this context there is a lot of
20 mistrust, and Jasmine Blake who has been appointed as
21 the new Lead Czar was a part of that previous
22 administration. And so the first question is how
23 will the Administration be able to gain the public's
24 trust in the context of this new announcement?

2 DEPUTY COMMISSIONER SANTIAGO: Thank you,
3 Council Member. So, I, you know, from everything
4 that Assistant Commissioner Faciano has said today,
5 from everything that I've said today, and I know you
6 will have questions from the other agencies that have
7 implemented laws related to lead recently, you will
8 hear a lot of the dedication that all of these
9 players have to making sure that our children are
10 safe. I think we've come a long way, again, even
11 through COVID to have implemented so many changes,
12 and again, not just HPD but across the agencies. We
13 are really moving forward and are dedicated to this.
14 The appointment of a Lead Czar, I think, will move us
15 forward to continue the previous Administration's
16 focus on lead and we don't need a-- you know, you've
17 referenced some scandals that happened. We don't
18 need a scandal to keep us going. I think we are all
19 fully 100 percent behind this mission.

20 CHAIRPERSON SANCHEZ: Thank you so much,
21 and I have great personal respect for Jasmine Blake.
22 I think she is one of the smartest most brilliant
23 public servants that we have, but it's important that
24 we talk about these issues, and make sure that the
25 public is aware that we're mindful, we're paying

2 attention and we want to have a transparency and
3 accountability from our agencies as we strive to keep
4 our children safe. So, moving from there, do we have
5 information-- I know this is an announcement that
6 came at 9:56 a.m. this morning, but do we have
7 information about how this new-- how the Czar is
8 going to interact with agencies? Is it someone-- I
9 know she presently works for the Chief Housing
10 Officer. Is it going to-- is the role going to sit
11 in the Mayor's Office? How is the coordination
12 going to work, and will there be staff resources
13 allocated for this work?

14 DEPUTY COMMISSIONER SANTIAGO: Thank you
15 for the question, Chair. I am not privy to the
16 details of the creation of the office. However, Ms.
17 Blake is in touch with all of us, and as we move
18 forward, I'm sure we will keep the Council apprised
19 of the answers for your questions.

20 CHAIRPERSON SANCHEZ: Thank you. Thank
21 you so much. And it is-- this is I think in general
22 in sum a positive announcement. We need focused
23 attention on lead prevention, on lead hazard
24 abatements. We know that this is an issue that
25 expands many, many agencies, DEP, DOP, DOE, you know,

2 and every-- almost every city agency, right, has the
3 responsibility of keeping our children safe, and so
4 it's going to be very important to have this
5 coordination. So I want to turn now to audits, and
6 particularly, you know, the first question I have is
7 regarding the 200 buildings per year on the Building
8 Lead Index. How are these selected? What is the
9 current methodology? I know you're going to be
10 assessing the success of the identification of
11 buildings here, but can you share a little bit about
12 the methodology?

13 DEPUTY COMMISSIONER SANTIAGO: Certainly.

14 So thank you, Council Member. The law itself
15 indicates four categories of buildings that we look
16 for in the Building Lead Index. Most of the
17 buildings, more than 50 percent of the buildings are
18 selected because they have had previous HPD lead-
19 based paint violations issued to them. so we take
20 that group of buildings within a certain period of
21 time and we select-- of the 200 each year, about 60
22 percent come from a pool of buildings, again, where
23 the base criteria is that they have had lead-based
24 paint hazard violations previously issued. The
25 second category is buildings that have had a lot of

2 mold and leak violations issued. Again, we're only
3 looking at pre-1960 buildings, because the thought
4 there is that, you know, a lot of deteriorated
5 surfaces are associated with mold and leaks, and so
6 it would be quite common in those buildings as well
7 to find peeling paint. The second and third
8 categories-- I'm sorry, the third and fourth
9 categories have to do with the whole pool of
10 buildings built before 1960, and we work with the
11 Department of Health to prioritize based on areas
12 that have high incidences of elevated blood lead
13 levels. So, those are the four categories we choose
14 from to make up the entire pool. I think we have
15 some new information over the years now that we're
16 doing more audits, now that we're issuing turnover
17 violations, other types of things that we may want to
18 consider in selecting buildings for that index.

19 CHAIRPERSON SANCHEZ: What are some of
20 those other factors that you are considering to add?

21 DEPUTY COMMISSIONER SANTIAGO: As I
22 mentioned, the turnover violations is one. So,
23 currently that initial pool of 60 percent is based on
24 the hazard violations, so where we actually find
25 peeling paint. Where we issue turnover for

2 especially in cases where there are children under
3 six and it's peeling on the doors or windows, those
4 are the buildings I think we might want to consider
5 adding. You know, hearing from the Council a lot of
6 the concern about location might be something else
7 that we would like to factor in in selecting the
8 buildings. Again, we already work closely with the
9 Health Department to try and narrow to the areas that
10 they believe are high incidences of elevated blood
11 lead levels, but we may want to do that more
12 strategically.

13 CHAIRPERSON SANCHEZ: Thank you. And
14 it's necessary, right, the concentration? I said 65
15 percent earlier, I meant 45 percent of elevated blood
16 lead levels. Being in the Bronx, coming from
17 children in the Bronx. You know, these
18 concentrations that are racialized, that are income
19 based, you know, we have to make sure that we're
20 factoring that in and protecting those children who
21 are still at greatest risk. I want to acknowledge
22 that were joined by Council Member Dinowitz and
23 Menin. Okay, so again, so per Local Law 70 of 2019
24 you are auditing 200 buildings per year, and these
25 are separate from the audits mandated after a DOHMH

2 Commissioner ordered to abate. So these audits are
3 required for self-inspection and for turnover
4 abatement requirements. So, you know, one of the
5 things that we heard earlier in the testimony from
6 Matthew Chachere, you know, a leading expert in lead
7 prevention, is that 92 percent of buildings subject
8 to the BLI audit resulted in violations for failure
9 to conduct any inspections. Doesn't this indicate
10 compliance citywide is still extremely poor? And
11 what are other measures do you believe are needed to
12 improve this compliance with annual self-inspection
13 requirements?

14 DEPUTY COMMISSIONER SANTIAGO: Thank you,
15 Council Member. So, as I mentioned in my testimony,
16 the violations that we issue are because owners do
17 not have 10 years' worth of records. That does not
18 indicate that the owner is not currently or recently
19 doing the annual notice or inspections, and I think
20 this is where, you know, we would like to explore how
21 we can either capture the data better, report it
22 differently or work on that 10-year requirement. You
23 know, requiring documents to be kept for that long,
24 they maybe lost in transfer of the property. They
25 may just not have been doing it 10 years ago, but as

2 of now they are, after all of our education, after
3 all of our outreach. That is unfortunately not going
4 to be reflected in the number of violations because
5 we do take the 10-year requirement so seriously, and
6 it's got to be every documents. And understand that
7 record-keeping requires documents on annual notice,
8 annual investigation, any lead work you've done in
9 the past 10 years, any violations you've had in the
10 past 10 years. It's quite a voluminous amount of
11 documents that we require from owners, and not
12 everyone who may be doing the work is that great at
13 record-keeping.

14 CHAIRPERSON SANCHEZ: So what are we
15 seeing with record-keeping? Is it a yes or no
16 question that HPD is tracking, or do we know that
17 they have three years or four years of records?

18 DEPUTY COMMISSIONER SANTIAGO: Thank you.
19 And as I mentioned again in my testimony, we have
20 recently put in place the ability to capture more
21 granular data about how long people have been keeping
22 records. And so we hope to be looking at that data
23 soon to answer exactly that question to see are
24 people coming in with at least the most recent years'
25 worth of records, or are we still in a place where no

2 records are being provided? So I think that will
3 inform us into next steps about how to move forward
4 to improve this-- to improve this process both for us
5 in terms of information and for property owners so
6 that they understand how-- when they can have
7 violations dismissed. When a violation is issued for
8 record-keeping right now, they can't have that
9 violation dismissed until they provide us with 10
10 years of records, which means you shouldn't expect to
11 see a lot of cases being closed, violations be closed
12 soon if 10 years ago owners weren't keeping those
13 records.

14 CHAIRPERSON SANCHEZ: That's really
15 interesting because that's one of the data points
16 that stuck out is how many notice of violations are
17 still open. And so with respect to the document
18 retention or the document requirements, what
19 recommendations does HPD have to get a more realistic
20 sense of improvement?

21 DEPUTY COMMISSIONER SANTIAGO: We're
22 discussing a few internally, ideas about how to
23 address that, and I think we would love to come to
24 the Council hear any ideas that you might have and
25 try to be able to move forward with a way to both

2 kind of be able to publicly report this better and
3 show that owners are complying if indeed that has
4 happened which due to all the education and outreach
5 that I indicated, you know, we're hoping to see an
6 improvement there. So we-- you know, that's
7 something on our agenda to speak with you about in
8 the future.

9 CHAIRPERSON SANCHEZ: Okay. Thank you.

10 Of 790 buildings subject to the BLI audits in the
11 last three years, 758 were issued a violation for
12 failure to provide documents. HPD, as you alluded to
13 in your testimony, pursued litigation in the 118
14 cases in that time. So what happens with the
15 properties that do not face civil action, and what
16 are the ways that HPD is trying to ascertain
17 compliance?

18 DEPUTY COMMISSIONER SANTIAGO: So, the
19 118 cases included buildings audited through both the
20 BLI and the Commissioner's order to abate, just to
21 clarify. So 33 cases specifically were related to a
22 BLI audit. Those violations will remain open for the
23 properties. As I mentioned, we are in the process of
24 on-boarding additional attorneys, and I'm happy to
25 report that actually two were just approved by OMB.

2 We're waiting for an additional two, and with these
3 attorneys on board and as we continue to work with
4 our city and state partners, we're going to continue
5 to bring litigation against owners to make sure that
6 they are providing those documents, doing those
7 processes.

8 CHAIRPERSON SANCHEZ: Thank you. Thank
9 you so much. I'd like to acknowledge that we've been
10 joined by Council Member Cabán and-- allergies by the
11 way, that's the sniffles. I'm going to ask one more
12 question and then turn it over to my co-chair. And
13 so this question is-- in the annual Local Law One
14 report, HPD reports the number of buildings audited
15 and the number of apartments in audited buildings
16 that were issued violations for turnover, and the
17 violations for lead-based paint hazards. Why doesn't
18 HPD provide the total number of buildings among those
19 audited in which turnover violations have been
20 issued? Can you provide these numbers?

21 DEPUTY COMMISSIONER SANTIAGO: Yes, we
22 can provide those numbers, Council Member. Thank
23 you.

24 CHAIRPERSON SANCHEZ: Great, thank you.
25

2 CHAIRPERSON SCHULMAN: Okay, thank you
3 Chair Sanchez. So my questions mostly are for the
4 Department of Health, but either one of you can
5 respond. So the first question I have is, we heard
6 from a member of the public today that lead is
7 airborne. So, and then I'm hearing also that you can
8 only get it from picking up something and ingesting
9 it. So, can you provide further explanation?

10 ASSISTANT COMMISSIONER FACIANO: Sure,
11 thank you for the question, Chair. So when we talk
12 about lead-based paint hazards, what we're really
13 talking about is the dust that is created when those
14 paint chips become like pulverized and they become
15 ground up. So, there's a direct relationship between
16 lead-based paint and lead dust. So, the typical
17 route of ingestion for lead from construction dust or
18 from unsafe work is still ingestion. So, children--
19 the dust settles on the floor. Very young children
20 explore the world via hand to mouth activity, and
21 they're also just crawling and putting their hands in
22 their mouth. So it's not atypical that children are
23 eating paint chips, just to clarify that. So, for us
24 it's really-- it's not necessarily inhalation hazard
25 where people are breathing in lead. It's more of the

2 settled dust that results from construction
3 activities or just failure to maintain paint.

4 CHAIRPERSON SCHULMAN: So, if there is
5 construction like Ms. Cooper who was here earlier, is
6 it possible that that lead is in the air and can be
7 taken into somebody's body?

8 ASSISTANT COMMISSIONER FACIANO:
9 Certainly there's potential for exposure, but that's
10 if they were to enter a worksite. Lead being a metal
11 is relatively heavy and settles quickly in the air.
12 So the-- our bigger concern is the residual dust that
13 remains after work stops, and if there's improper
14 containment of that dust or improper clean-up at the
15 end of a job.

16 CHAIRPERSON SCHULMAN: So, alright. So,
17 now this question is for HPD. So, if there's
18 construction right on top of a residential property
19 similar to what was described earlier today, do you
20 conduct oversight of that?

21 DEPUTY COMMISSIONER SANTIAGO: Thank you,
22 Council Member. I will defer that to the Department
23 of Buildings which would respond or to the Department
24 of Health may respond if the complaint is
25 specifically about dust.

2 ASSISTANT COMMISSIONER FACIANO: So, I
3 can start with a response, because--

4 CHAIRPERSON SCHULMAN: [interposing] Go
5 ahead.

6 ASSISTANT COMMISSIONER FACIANO:
7 Department of Health does respond to resident/tenant
8 complaints related to unsafe work, meaning that the
9 contractor is either creating dust hazards in common
10 areas or their apartment, and we will do an
11 inspection if a child less than 18 resides in that
12 building. And if we identify settled dust, we will
13 collect samples to determine if that dust has above
14 the threshold allowed for lead and dust. So we do do
15 enforcement. We respond to hundreds of complaints a
16 year from constituents reporting on safe work
17 practices. In addition, we do a lot of other
18 proactive work to try to monitor work that is
19 ongoing.

20 CHAIRPERSON SCHULMAN: Okay, thank you.
21 So, Doctor in your testimony, you said that-- to
22 address the issue of number of children with EBLL's
23 you've-- let's see. I'm sorry. You've implemented a
24 multifaceted approach to raise awareness about the
25 importance of timely blood lead screenings. So, my

2 question is do you send letters to providers to ask
3 them to do that?

4 ASSISTANT COMMISSIONER FACIANO: SO, we
5 send-- we provide messaging related about the
6 importance of blood lead testing to providers through
7 the Citywide Immunization Registry. The Immunization
8 Registry is a portal that healthcare providers use to
9 report immunization. So there's widespread usage
10 among the healthcare provider community, and every
11 time they pull up a child's record to report-- to add
12 a shot or an immunization, they are given information
13 about whether or not that child is overdue for a
14 blood lead test. In addition, we actually sent
15 letters and we actually have conversations with
16 healthcare providers who manage children with
17 elevated blood lead levels, reminding them of the
18 frequency which they should recall the child for
19 blood lead level monitoring.

20 CHAIRPERSON SCHULMAN: Has the City-- has
21 the City done an assessment of the cost of having
22 children ingest lead and having to treat them in
23 terms of what that costs the City as opposed to the
24 abatement pieces of it? Has there been any cost
25 evaluation done?

2 ASSISTANT COMMISSIONER FACIANO: We have-
3 - as part of some of our grants requirements, we have
4 done a cost benefit analysis in terms of childhood
5 lead exposure, in terms of the-- there are a lot of
6 different inputs to those costs. So we have done
7 those. Those are not-- we've not done public-facing
8 documents, but we have run those--

9 CHAIRPERSON SCHULMAN: [interposing] Can
10 we ask that you submit those to the committee? We'd
11 like to see that information?

12 ASSISTANT COMMISSIONER FACIANO: We can
13 take it back and discuss.

14 CHAIRPERSON SCHULMAN: Thank you. How
15 many permanent positions are dedicated to lead
16 abatement programs at DOHMH?

17 ASSISTANT COMMISSIONER FACIANO: We have
18 a program budgeted for over 129 full-time positions.

19 CHAIRPERSON SCHULMAN: Are there any
20 vacancies in those programs?

21 ASSISTANT COMMISSIONER FACIANO: There
22 are vacancies in the programs. We have a vacancy
23 rate that are similar to other city programs, but we
24 are actually making good progress recently in filling
25 those vacancies, attending job fairs, a lot of

2 different events. I'd say once a week we're going in
3 attempts to recruit individuals to fill those
4 vacancies.

5 CHAIRPERSON SCHULMAN: Can you tell us
6 how many vacancies there are?

7 ASSISTANT COMMISSIONER FACIANO: We have
8 39 vacancies, about 20 to 25 percent which is similar
9 to vacancy rates.

10 CHAIRPERSON SCHULMAN: And so you said
11 you're doing job fairs. Do you have an-- do you have
12 a thought on how long it'll take to ramp up on those
13 positions, or?

14 ASSISTANT COMMISSIONER FACIANO: To be
15 clear, the vacancies we have are spread throughout--

16 CHAIRPERSON SCHULMAN: [interposing] Okay.

17 ASSISTANT COMMISSIONER FACIANO: the
18 program, and they're not impacting our ability to
19 rapidly respond to children with elevated blood lead
20 levels. But we-- the Health Department's programs
21 have vacancies in nurse lines and inspector lines,
22 but we are-- we are making good progress in filling
23 those vacancies.

24 CHAIRPERSON SCHULMAN: Okay. DOHMH--
25 thank you. DOHMH reports that the rate of children

2 with elevated blood lead levels has remained
3 essentially flat for the last three years, an average
4 of 10.9 per thousand tested. In contrast,
5 immediately following Local Law One there was a
6 decline from 120.4 per thousand tested in 2005 to
7 13.6 per thousand tested in 2018. If steps are being
8 taken to remediate lead hazards, shouldn't that
9 number be decreasing, and why hasn't the decrease
10 continued?

11 ASSISTANT COMMISSIONER FACIANO: Thank
12 you for the question. So the timeframes you're
13 referencing, the last three years, were at the--
14 during the COVID-19 public health emergency, and the
15 way there were extensive changes in healthcare
16 utilization in which makes it very difficult to-- for
17 us to say whether or not those are real trends, real
18 flat lining, or whether or not those are just a
19 byproduct of that time period. We would need a
20 couple more years of data to see if we are truly flat
21 lining, but we're not waiting to collect that data.
22 We-- as I mentioned in my testimony, we are taking
23 proactive steps. We've reduced the threshold that
24 which we'll act in children's blood lead levels to
25 3.5. We are now conducting-- we're proactively go to

2 buildings with lead hazards that have newborns, and
3 often those families' inspections in the hopes of
4 trying to prevent exposure. And we've instituted the
5 most protective thresholds for lead and paint and
6 lead and dust in the nation.

7 CHAIRPERSON SCHULMAN: Okay. In 2022,
8 after pressure from public health advocates, DOHMH
9 adopted the CDC's new reference level of 3.5
10 micrograms, many any test results at or above that
11 level automatically trigger an investigation.
12 However, the 2022 DOHMH annual report to the New York
13 City Council on elevated blood lead levels still
14 cites five micrograms per deciliter as the standard
15 as well as on the DOHMH website. When will DOHMH
16 update the reference level to 3.5 micrograms as
17 promised?

18 ASSISTANT COMMISSIONER FACIANO: To be
19 clear, the 2022 report to the City Council reflects
20 2021 data. We implemented this change in March 2022,
21 and so our expectation is to provide data on the
22 children identified at this new blood level threshold
23 in future reports.

24 CHAIRPERSON SCHULMAN: Okay. Is the
25 reference level-- has already been implemented. Has

2 DOHMH seen the number of children eligible for city-
3 funded services increase?

4 ASSISTANT COMMISSIONER FACIANO: Yes, we
5 have seen an increase in the number of children who
6 are-- become eligible since we've lowered that blood
7 level to 3.5. We've not seen it to the same
8 magnitude of when we drop from a blood level of 15 to
9 five. This is a smaller increment in blood lead
10 level, but we have seen an increase in number of
11 children who now receive care coordination and
12 environmental services from the Health Department.

13 CHAIRPERSON SCHULMAN: So, as a result of
14 COVID, how many children have been identified to have
15 lead poisoning following the end of lock-down
16 measures?

17 ASSISTANT COMMISSIONER FACIANO: So,
18 again, it's difficult for us to make any broad
19 statements based on the data reported during the
20 COVID-19 public health emergency, but we've not seen
21 an increase in the number of rate or rate of children
22 in 2021 compared to 2019. So, but without making any
23 statements to whether or not those numbers are trend
24 data going forward, so-- we will-- we continue to

2 monitor on a daily and monthly basis all reports of
3 children with elevated blood lead levels.

4 CHAIRPERSON SCHULMAN: When do you expect
5 the next round of data to be available?

6 ASSISTANT COMMISSIONER FACIANO: That
7 report will be submitted to the City Council in
8 September 2023.

9 CHAIRPERSON SCHULMAN: Okay. In 2018,
10 New York State required all-- this is a semi-DOE
11 question, but the New York State required all public
12 schools to test their drinking water sources at the
13 tap. The initial properly conducted New York City
14 assessment found that the vast majority of schools
15 had at least one tap yielding water contaminated with
16 lead above the EPA threshold for homes at 15 parts
17 per million. The DOE largely remediated this problem
18 over the next several years. Do you know-- are you
19 working with DOE on this issue, or does that-- should
20 I wait for them to respond to this?

21 ASSISTANT COMMISSIONER FACIANO: I would
22 direct that question--

23 CHAIRPERSON SCHULMAN: [interposing] Okay.

24 ASSISTANT COMMISSIONER FACIANO: and
25 specific numbers to John Shea.

2 CHAIRPERSON SCHULMAN: Yeah, come on. So
3 then I'll finish asking the question then. What is
4 DOE currently doing to maintain compliance with this
5 old standard which is not based on health risk?

6 COMMITTEE COUNSEL: [inaudible] Do you
7 affirm to tell the truth, the whole truth and nothing
8 but the truth in your testimony before these
9 committees and to respond honestly to Council Member
10 questions?

11 JOHN SHEA: I do.

12 COMMITTEE COUNSEL: Thank you.

13 CHAIRPERSON SCHULMAN: Thank you.

14 JOHN SHEA: Good afternoon, Council
15 Member. John Shea, CEO of School Facilities for the
16 Department of Education. So we have a very rigorous
17 lead and water testing program. We actually come
18 under the State Law that covers all schools in New
19 York State, and our action levels and the new updates
20 have lower thresholds than under the previous law.
21 So we now test all of our fixtures to five parts per
22 billion and all of our buildings on a three-year
23 cycle, which is now for a five-year cycle, and that
24 is all of the testing that we do for water.

2 CHAIRPERSON SCHULMAN: Do you plan to
3 move to two parts per billion at some point?

4 JOHN SHEA: If the law changes, we will
5 certainly follow what the new law requires.

6 CHAIRPERSON SCHULMAN: Okay, those are--
7 those are all the question that I have for right now.
8 Thank you.

9 CHAIRPERSON SANCHEZ: Thank you. Thank
10 you so much, Madam Co-Chair. So I want to follow up.
11 We-- we're asking a lot of questions about document
12 retention, but self-inspection is also an issue, and
13 the self-inspection audit, audits of self-inspection
14 show a really high failure rate of over 90 percent.
15 So, why-- I want to preface this by saying that it is
16 landlord's responsibility to ensure that there is no
17 lead in the units, right? We are on the same page
18 about that, but we rely on, you know-- HPD is almost
19 like the police for housing quality, right? We rely
20 on you to hold them accountable. And so we're not
21 seeing document retention. We're not seeing self-
22 inspection. How does HPD understand that failure to
23 self-inspect?

24 DEPUTY COMMISSIONER SANTIAGO: Thank you,
25 Council Member, and they really are the sides of the

2 same coin, right? Because the only way that we know
3 whether owners self-inspect is if they keep records
4 that they did so, and that is a very detailed that
5 we're looking for. So, if you look on our website,
6 we have a sample record-keeping document for keeping
7 track of your inspections. That requires that you
8 have kept track of all the annual notices you sent
9 out, that you know who responded to your annual
10 notice, that if a tenant responded that they have a
11 child under six, that you did the investigation and
12 what you found on that investigation, if the tenant
13 did not respond to the annual notice-- many tenants
14 do not-- that you went and you knocked on the door,
15 you attempted to get access. We ask for generally at
16 least two times that you've tried to that, and that
17 you've documented who did that, when they did it, so
18 that we know that you've done it, and if we receive
19 those documents, of course, we can verify that with
20 tenants, but without receiving those documents from
21 the owner, we can't independently verify whether or
22 not they've attempted to do the investigation. So,
23 this is a difficult job for us. I think, you know,
24 again, record keeping is not everyone's strong suit
25 in terms of especially for smaller property owners.

2 I think we have, you know, concerns about them
3 keeping all of these records. And so they're closely
4 tied. You'll see that the number of violations for
5 failure to inspect is probably pretty close to the
6 number for violations for failure to keep records.

7 CHAIRPERSON SANCHEZ: Thank you. And I
8 do want to push back on record keeping not being
9 everyone's strong suit. Deal with it. Right? We
10 have-- we're owners of properties and you don't lose
11 your title, right? We all file taxes every year. We
12 all keep various kinds of records. This is as
13 important as anything else-- more important.

14 DEPUTY COMMISSIONER SANTIAGO: And we
15 absolutely agree with you, Council Member, which is
16 why we've tried to make this easier for owners by
17 indicating exactly what it is, what type of records
18 we're looking for.

19 CHAIRPERSON SANCHEZ: Thank you. I want
20 to turn it over to the Co-Chair for--

21 CHAIRPERSON SCHULMAN: [interposing]
22 Yeah, I just want to-- DOHMH, I just want to move
23 back for a second that-- I want to say that the DOHMH
24 website should be updated with the 3.5 micrograms
25 figure which is separate from the reports that you

2 submit. So it's important for the public to know the
3 correct figure.

4 ASSISTANT COMMISSIONER FACIANO: On our
5 website?

6 CHAIRPERSON SCHULMAN: Yeah, on the
7 website.

8 ASSISTANT COMMISSIONER FACIANO:
9 [inaudible]

10 CHAIRPERSON SCHULMAN: Yes. Thank you.

11 CHAIRPERSON SANCHEZ: Thank you. Thank
12 you, Council Member Schulman. Okay, so yes, let's
13 absolutely hold folks accountable for the record
14 retention and for, you know, record keeping and all
15 of that because we need to know this information. We
16 need to make sure that we're driving down these
17 rates. So, a couple of other questions about
18 turnover. The City's lead laws require that on
19 turnover pre-1960 apartments the owner must take
20 certain measures to remediate or remove lead paint in
21 the apartment, and failure to do so is a Class C
22 immediately hazardous violation. According to Open
23 Data records, HPD issued 12,771 violations in about
24 3,800 buildings either for failure to document the
25 turnover work or failure to complete the remediation

2 itself, and only about 42 percent of those violations
3 have been closed. What is happening with the
4 violations that are still opening-- still open?

5 DEPUTY COMMISSIONER SANTIAGO: Thank you,
6 Council Member. I believe the turnover documentation
7 violations based on our audit, so based primarily on
8 the record keeping, I think those are Class B
9 violations. The violations issued for turnover
10 related to when we find a hazard, those are Class C
11 violations. And again, these are the violations
12 which as we are-- have the ability to ramp up our
13 litigation, some of the violations that we will be
14 focusing on in terms of ensuring compliance by the
15 owners.

16 CHAIRPERSON SANCHEZ: Got it. Thank you.
17 Okay. So I want to-- I want to follow up on one of
18 Council Member Schulman's questions, Chair Schulman's
19 questions about the change in DOHMH's reference level
20 to 3.5 micrograms per deciliter. So, understanding
21 that you have updated the reference level, has DOHMH
22 seen the number of children eligible for city-funded
23 services changed or increased?

24 ASSISTANT COMMISSIONER FACIANO: We have
25 seen the number of children now eligible for city

2 services increase. I don't have that number in front
3 of us, but it has-- as previously mentioned is not in
4 the order of the magnitude that we saw when we
5 decreased the blood lead level to five.

6 CHAIRPERSON SANCHEZ: Got it. What-- do
7 you have numbers? Do you have figures on this?

8 ASSISTANT COMMISSIONER FACIANO: We will
9 provide those data as part of our report to the City
10 Council in September.

11 CHAIRPERSON SANCHEZ: Got it. Okay,
12 great. Thank you. then just following Ms. Cooper
13 and her son's harrowing testimony about the impacts
14 of lead poisoning as a nine-month-old, for her child,
15 which by the way, Ms. Cooper, my baby is nine months
16 old and you know, to hear what your son has been
17 through is just really-- it's really touching, and
18 thank you for your testimony. We just-- we have to
19 make sure that we do better. So, on one of the
20 requirements that we understand is that owners are
21 required to pre-notify the Department of Health and
22 Mental Hygiene of work that would disturb a certain
23 minimum threshold of paint so that DOHMH can spot
24 check for mandated safe work practices. Since Local
25

2 Law 40 of 2021 went into effect, how many pre-
3 notifications per year has DOHMH received?

4 ASSISTANT COMMISSIONER FACIANO: So, since
5 Local Law 40 went into effect on the first year of
6 implementation we saw about 500 notifications
7 received, and more recently in 2023 we've actually
8 seen a marked increase of an additional 500
9 notifications received.

10 CHAIRPERSON SANCHEZ: And if DOB can share
11 what us the total amount of construction work that
12 DOB is privy to in the City of New York in a given
13 year? Or is there data sharing between the
14 Department of Buildings and Department of Health?

15 ASSISTANT COMMISSIONER FACIANO: So, we
16 do data sharing, not necessarily on the total number
17 of buildings that are maybe applicable for this Local
18 Law 40, but we do share instances where each
19 respective agency sees instances of unsafe work. So,
20 if DOB is, of course, in course of their doing their
21 tenant protection inspections, notices, lack of
22 containment of dust, they'll make a referral. And we
23 have-- when we encounter issues related to owner
24 compliance or maybe continued lack of change in
25 behavior in contractors and owners, we will ask-- we

2 will refer to DOB so that they can see if this is a
3 permitted job and where they can take additional
4 actions if they're able to confirm our findings.

5 CHAIRPERSON SANCHEZ: Thank you. There
6 are one million buildings in the City of New York, as
7 we well know, and any-- you know, multiply that by
8 the number of units and individual spaces that are
9 residential and that there could be children in and
10 around, 500 or even 1,000 notifications for DOHMH
11 does not seem like a high number. And so what are
12 some ways that you believe DOHMH can more effectively
13 monitor these safe work practices?

14 ASSISTANT COMMISSIONER FACIANO: Sure.
15 So we use a variety of approaches to proactively
16 monitor safe work practices. It starts really with
17 the work that we order. So the Department orders
18 abatement for lead poisoned children, but also for
19 some of our primary prevention work. We also respond
20 to hundreds, many hundreds of complaints from
21 constituents who notice work in their building being
22 done unsafely. We also, on a monthly basis, do
23 proactive inspections with DOB where we go out on
24 jobs that are just starting up, where there are--
25 they have tenant protection plans in place, and they

2 are reporting that the commence-- the work is
3 commencing. So we're doing proactive work based on
4 that data. And what we try to do often is work with
5 EPA. EPA is the federal agency who is tasked with
6 certifying construction professionals to make sure
7 that they're aware of the dangers of lead-based paint
8 when they do this type of work, and we routinely
9 refer to EPA instances where we find a contractor is
10 not working safely.

11 CHAIRPERSON SANCHEZ: Thank you. Thank
12 you, Doctor. One thing that has always struck me is
13 the depth of investigation that DOHMH takes once a
14 child has been identified as having an elevated blood
15 lead level. And so can you share with us what is the
16 trends in terms building size, single-family homes,
17 one, two-family, three-family homes versus larger
18 buildings, where are we seeing more-- higher rates of
19 exposure in children?

20 ASSISTANT COMMISSIONER FACIANO: So, I
21 don't have the breakdown in front of me. What I can
22 say is the issue we're seeing is a large percentage
23 of children live in privately-owned housing. Just to
24 make it clear that most children with lead exposure
25 reside in privately-owned housing. And the breakdown

2 of the size of the building, we've not looked at it
3 recently, but in the past is used-- it was consistent
4 with the distribution of building size in New York
5 City. so, I think 65 percent were in multiple
6 dwellings, 35-- we will get back to you with more up-
7 to-date information to see if those trends have
8 changed over time, but we are seeing cases in owner-
9 occupied buildings as well, one, two families, but
10 also privately-owned dwellings is generally where
11 we're finding lead poisoned children.

12 CHAIRPERSON SANCHEZ: Thank you so much.
13 And that's exactly where I wanted to go next is how
14 are we reaching single family homeowners, the small
15 homeowners or the co-op owners? What outreach do we
16 do to help them understand the dangers of lead-based
17 paint and hazards for children, and what supports can
18 we offer or do we offer?

19 ASSISTANT COMMISSIONER FACIANO: So, and
20 when it comes to building owner engagement we work
21 closely with HPD because they are the subject matter
22 experts in terms of how to engage building owners.
23 So we've worked collaboratively with HPD to update a
24 lot of our materials for building owners and
25 contractors recently with all the different

2 legislation that's been passed over the last few
3 years. It's a lot of new requirements, and there's a
4 lot of regulatory changes that we have put forth as
5 well. So we've worked hand-in-hand with HPD to
6 update those materials and we work with HPD to
7 provide trainings. Like AnnMarie had said, we worked
8 with them on the National Lead Poisoning Prevention
9 Week, but we also as an agency provide webinars,
10 monthly trainings on lead, lead prevention is also--
11 and also Local Law One requirements.

12 DEPUTY COMMISSIONER SANTIAGO: And I
13 thank you for that question, Council Member because
14 it gives me a chance to expound on something I said
15 in the testimony which was that some of the money
16 that the Attorney General's Office received in
17 settlement for a lead case was put towards supporting
18 CNYCN, and you know them, that they are primarily
19 focused on one to four family homes, supporting them
20 in outreach to property owners around lead-based
21 paint, and they started doing that really when the
22 law changed and included those properties, and we can
23 provide more information to you about, you know,
24 exactly what that outreach is and how many homeowners
25 they've reached and intend to reach. So, thank you.

2 CHAIRPERSON SANCHEZ: Thank you. And I
3 was also going to ask about the Homeowner Health Desk
4 and whether they-- that's a resource for homeowners?

5 DEPUTY COMMISSIONER SANTIAGO: Correct.

6 CHAIRPERSON SANCHEZ: Great. Thank you so
7 much for that. And so next question is about
8 remediation costs. As the Chair of Housing and
9 Buildings, one of the most common things that I hear
10 from the real estate industry is the cost of
11 remediating units at turnover, and so what is-- does
12 HPD have an understanding of what it takes to
13 remediate at turnover the typical unit in the City of
14 New York?

15 DEPUTY COMMISSIONER SANTIAGO: Thank you
16 for that question, Council Member. And we don't
17 really. Most of the work we do is emergency repair
18 work, so it's spot work, right? It's addressing
19 where the hazards are, and we have seen a steep
20 increase in those costs, almost doubling, a little
21 more than doubling since before COVID for the work
22 that we do. No, of course, you know, we may be
23 issuing for more components because of the drop in
24 the level of lead. So it may not be exactly
25 comparable, but our vendors who do lead work have

2 come to us discussing increases in labor cost and
3 material costs for doing the lead work that's
4 required.

5 CHAIRPERSON SANCHEZ: Thank you. So in
6 Fiscal Year 2022, HPD spent \$1,005,596 dollars of
7 spending-- excuse me, correcting lead-based paint
8 violations. How much of that did HPD recover?

9 DEPUTY COMMISSIONER SANTIAGO: Thank you
10 for that question, Council Member, and we are
11 currently working with the Department of Finance to
12 obtain an answer for you on that question. As you
13 know, we do the collections for HPD, and I don't
14 have that readily available.

15 CHAIRPERSON SANCHEZ: Okay, thank you.
16 We'll look-- we'll look forward to that update, and
17 of course, that-- those unpaid RFP charges end up in
18 the overall buildings-- municipal areas, correct?

19 DEPUTY COMMISSIONER SANTIAGO: Correct.

20 CHAIRPERSON SANCHEZ: Okay, so another--
21 this question is for the Department of Education
22 regarding lead paint in schools. A 2019 report
23 revealed the presence of hazardous lead paint in
24 classrooms of first graders in New York City public
25 schools. The DOE responded with a survey of all

2 elementary schools built before 1985 confirming the
3 presence of lead paint in 20 percent of kindergarten
4 and first grade classrooms. DOE then modified the
5 protocol for assessment and remediation, and so now
6 that the schools are back in-person, what are the
7 2022 results of the new protocol? Are schools being
8 assessed three times per year? What are the
9 findings, and of classrooms found to contain lead
10 paint, what is the remediation rate?

11 JOHN SHEA: Sure. Thank you for the
12 question, Chair. So the DOE does, as we do with
13 water, have a very strong lead paint inspection
14 protocol, and we do test-- we do inspect all of our
15 classrooms three times a year, and we inspect all
16 common spaces once a year, and I can share with you
17 the latest round of the results that for the cycle
18 that just concluded in April. We inspected 17,362
19 rooms. Of those, only 62 required lead paint
20 abatement, and the remediation rate on all of those
21 was 100 percent. We have made those repairs as of
22 today.

23 CHAIRPERSON SANCHEZ: Thank you. Thank
24 you so much. So moving to NYCHA. And my first
25 question here-- hello [inaudible]. As they-- they

2 make their way up I'll ask the question and then our
3 counsel will administer the oath. So, per the HUD
4 agreement, the NYCHA HUD agreement requires NYCHA to
5 abate lead in its properties by 2039, with 50 percent
6 of the abatement to be finished by 2029. As of
7 today, can you provide us with a status report on
8 where we are with the lead abatement work? What
9 percentage has been abated? And 2039, frankly, just
10 is a really long time from now. We're losing a lot
11 of-- children will grow, right? And they may
12 potentially have exposure. Has NYCHA had
13 conversations with City Hall to improve the timeline
14 to abate lead sooner?

15 COMMITTEE COUNSEL: do you affirm to tell
16 the truth, the whole truth and nothing but the truth
17 in your testimony before these committees and to
18 respond honestly to Council Member questions?

19 SENIOR VICE PRESIDENT GREENE: I do.

20 COMMITTEE COUNSEL: Thank you.

21 SENIOR VICE PRESIDENT GREENE: Thank you,
22 Council Member. My name is Daniel Greene. I'm Senior
23 Vice President for Healthy Homes at NYCHA and I
24 oversee the Lead Hazard Control Department. So, the
25 question is about abatement, and I'm pleased to state

2 that we have begun abatement in earnest at NYCHA.

3 Before I get into the numbers, I want to explain a

4 little bit about our abatement policies and how we're

5 achieving a lead-free NYCHA. So first, we

6 aggressively test at the new standard. So all of our

7 apartments will be abated lead-free to the 0.5

8 standard. We have two primary abatement programs.

9 First, we have our Tempo Abatement Program, which is

10 the abatement of occupied apartments, which I'll talk

11 about in some detail, and then we have our abatement

12 of vacant apartments upon turnover. When we abate

13 vacant apartments-- all of our abatements, we abate

14 all components, 0.5 and 1.0 positive. We go beyond

15 the City's turnover requirements. We abate every

16 single surface, friction, non-friction. We abate all

17 components making it a lead-free apartment upon

18 turnover if it tests positive. So, all the numbers

19 I'm going to give today for abatement are from

20 December 2021 and on, which is when the standard

21 changed. I don't want to talk about the prior

22 abatements at 1.0 because we're really focused on 0.5

23 abatements. That is the-- that is the threshold that

24 we are using to define lead-free. I also note on the

25 Tempo Abatement Program, I'm happy to report this

2 week that we've had over 1,000 residents participate
3 in this program since last July. This program is
4 funded by the City through City capital funds. We
5 have the CP approved for \$144 million dollars from
6 OMB just for Fiscal Year 23 and Fiscal Year 24. And
7 this program not only offers full abatement, but we
8 relocated residents to hotels during the abatement.
9 That's mandatory. We do not perform abatement in
10 occupied apartments anymore. The resident must
11 relocate to a temporary hotel. We provide case
12 managers. We find hotels that are nearby their
13 developments, and then we-- we also provide meals and
14 transportation costs while they are in the hotel
15 waiting-- awaiting abatement. So the numbers also I
16 want to describe today are an estimate, because we
17 are still testing at the 0.5 standard. We began
18 testing at 0.5 immediately in December of 2021, and
19 last year we tested approximately 37 to-- around
20 37,000 apartments. We have results for about 28,000
21 of those apartments so far. And this year up until--
22 from this year into a little bit of next we'll test
23 an additional 40,000 apartments. And we prioritize
24 apartments where children under six live or visit for
25 more than 10 hours per week. The reason why these

2 numbers are estimates is because I'm basing it on the
3 positivity threshold for 0.5. Since we haven't
4 tested every apartment at 0.5, we don't know what the
5 denominator will be ultimately, because we are still
6 testing. Right now, based on results from over
7 28,000 apartments, the positivity threshold for at
8 least one positive component above 0.5 in a household
9 is about 35 percent. So that means 35 percent of the
10 apartments are testing positive at 0.5 and 65 percent
11 of them are testing negative at 0.5. So when you
12 look at that denominator, NYCHA has 156,723 pre-1978
13 dwelling units under its portfolio, and that includes
14 apartments in the RAD/PACT program. So I'm including
15 both public housing units and apartments in the
16 RAD/PACT program. So we have 156,723 apartments. If
17 you assume a 23 percent-- excuse me, a 35 percent
18 positivity threshold we estimate that there's going
19 to be around 55,000 apartments that will test
20 positive at 0.5. And so to-date as of today, we have
21 abated 3,754 apartments at the 0.5 threshold since
22 December of 2021, and the pace of our abatement is
23 getting more and more rapid. This year has been all
24 about scale up, scale up of the Tempo Abatement
25 Program, scale up of our vacant apartments testing

2 program. So we are now in 2023 abating 306
3 apartments on average per month, and as I said, we've
4 already had over 1,000 residents voluntarily relocate
5 for participation in the occupied or Tempo Abatement
6 Program. Some of those abatements that I described
7 are also done by our PACT partners. So our PACT
8 agreements that were signed, you know, that were
9 signed after that threshold change, mandate the lead-
10 free abatement at the 0.5 standard. Importantly that
11 includes key developments such as Williamsburg Houses
12 and Harlem River Houses, which were two of the most
13 lead contaminated properties in NYCHA portfolios.
14 I'm very proud of NYCHA to state that those
15 abatements are going on in earnest right now and also
16 involve full relocation of residents during the
17 course of the full abatement. So we take lead
18 seriously here. We know our history with lead.
19 We're here to improve it. Are we perfect? No. we
20 actually issue every six months a report that's
21 public on our website which is submitted to not only
22 the public but also to our Federal Monitor and to the
23 Southern District of New York outlining NYCHA's
24 strengths and also some of the areas that we still
25 need to work on. That's publicly available on

2 NYCHA's website. It's like a 60 or so page report.

3 It also has a report from our Environmental Health

4 and Safety Department on field monitoring of the

5 activities such as certified workers, lead safe work

6 practices and so forth.

7 CHAIRPERSON SANCHEZ: Thank you. Thank

8 you so much for that. And we know, we know as DOHMH

9 or Doctor has said, you know, the biggest problem

10 with lead exposure is in private dwelling units, so

11 it's heartening to hear the protocols that NYCHA has

12 in place. But like I said, it's still-- 2039 is

13 still a long time from now, and so we'll be looking

14 forward to additional ways that NYCHA can get even

15 faster, even better at remediating units. And so

16 what-- how much will it cost to abate all NYCHA-- for

17 NYCHA to abate lead in all of its properties, and

18 what's the cost per unit that you're seeing at this

19 time.

20 SENIOR VICE PRESIDENT GREENE: So, let

21 me-- let me start with the per unit cost, because

22 that'll give-- there's some larger cost estimates

23 that have a couple different factors but I want to

24 start with the per unit cost. So just give me a

25 moment to flip through my notes here. Okay, so the

2 per unit cost right now for abatement of an apartment
3 is \$9,400. And that's based on actual costs for the
4 couple thousand abatements that we've done. I don't
5 know-- that includes a significant number of those in
6 that cost number. So it's \$9,400. And then for
7 relocation costs for occupied apartments it's \$3,500
8 approximately per family right now for the relocation
9 during the course of abatement. Typical relocation
10 lasts for nine and a half days. Testing costs about
11 \$1,000. So for a vacant unit, the sort of all-in
12 cost is \$10,500 for testing and abatement. And then
13 for occupied apartments which we mandate relocation,
14 it's about \$13,900 currently. And we monitor those
15 costs on a regular basis.

16 CHAIRPERSON SANCHEZ: And is it fair to
17 say, in your perspective, or HPD can also respond to
18 this, that NYCHA-- NYCHA has more stringent
19 requirements for abatement of units. You are looking
20 at all services. You're-- you know, whether they're
21 friction or not, whether it's peeling or not, you're
22 testing every single thing, and so these costs might
23 be higher in NYCHA than in a private dwelling unit
24 per the current requirements?

2 SENIOR VICE PRESIDENT GREENE: Yeah, I
3 mean, there's a lot of different factors that come
4 with doing business for a public agency like NYCHA,
5 prevailing wage requirements, etcetera, but-- so I
6 can't say. I don't know what it costs for private
7 dwelling. I only know what it costs for NYCHA.

8 CHAIRPERSON SANCHEZ: Thank you. Thank
9 you so much.

10 SENIOR VICE PRESIDENT GREENE: And the
11 overall cost is much higher than that, but that also
12 includes remediation, and that amount gets monitored
13 on a regular basis. So, the overall cost is-- as
14 reported in NYCHA's financial statements, is 3.1
15 billion dollars, but that number includes all
16 RAD/PACT developments. So that number is sort of a--
17 is an estimate based on the facts. That was from
18 2021. We'll revise the estimate this year in our
19 financial statements. So, yeah, so I just wanted to
20 make sure I provided the complete answer there.

21 DEPUTY COMMISSIONER SANTIAGO: And I
22 think, Council Member, just in comparing it to that,
23 the work of private landlords, you know, we would
24 always encourage private landlords to do full
25 abatements as well if they're in there doing the

2 work. But the cost that NYCHA incurs are also
3 scalable from-- you know, they're doing thousands and
4 thousands of units. When you're doing one unit at a
5 time, you may not get that same cost savings that
6 comes with doing this kind of work in bulk. So I
7 think just to-- you know, what a private landlord
8 could get on the market might be actually higher in
9 cost than what NYCHA would pay per unit. So I would
10 just-- you know, I don't know that to be true, and
11 the landlords folks can obviously speak for
12 themselves, but I think, you know, we get some
13 benefit from the requirements contracts, or the type
14 of contracting that we do to do work.

15 CHAIRPERSON SANCHEZ: For private owners
16 that eng-- that do remediation, do you find that
17 they're doing full remediation, or that they're more
18 likely to engage in spot remediation?

19 DEPUTY COMMISSIONER SANTIAGO: In
20 response to HPD violations, I would say that owners
21 are doing the work in response to the violation.

22 CHAIRPERSON SANCHEZ: Do-- okay. So,
23 spot remediation. Do you have data that you can
24 share with the Council regarding what work the
25

2 buildings that receive notice of violations, what
3 work they're undertaking?

4 DEPUTY COMMISSIONER SANTIAGO: I'm not
5 sure that that would include anything relevant to the
6 whole apartment. Again, we can tell you where the
7 owners are doing the work if that's your question,
8 what--

9 CHAIRPERSON SANCHEZ: [interposing] That
10 is, yeah.

11 DEPUTY COMMISSIONER SANTIAGO: type of
12 components they're doing work on, we can provide
13 that.

14 CHAIRPERSON SANCHEZ: Okay, thank you.
15 No, and of course, the 2004 law contemplated full
16 remediation in every case, right? The presumption is
17 that lead is everywhere in pre-1960 and pre-1978
18 buildings. So, it's interesting to know that they're
19 only doing what they're sort of caught for.

20 DEPUTY COMMISSIONER SANTIAGO: No-- well,
21 but again, Council Member, the idea is that in-tact
22 lead paint is not the hazard that we want the owner
23 to address, and we don't want them creating new
24 hazards with tenants in place. So I think, you know,
25 that is not-- when I say that, I'm not saying that to

2 fault private owners. I think especially in the case
3 of turnover, you know, it would be beneficial for an
4 owner to do all of the work while the apartment is
5 vacant in a way. But when they're responding to
6 violations they're-- the idea is to-- they're doing
7 the annual notice. They're doing the annual
8 investigation to make sure that there is no hazard,
9 and then they're addressing the hazard in response to
10 the violation.

11 CHAIRPERSON SANCHEZ: But to be clear,
12 they should never be creating new hazards in the
13 sense that--

14 DEPUTY COMMISSIONER SANTIAGO:
15 [interposing] Correct.

16 CHAIRPERSON SANCHEZ: they should be
17 practicing safe work practices.

18 DEPUTY COMMISSIONER SANTIAGO: Absolutely.

19 CHAIRPERSON SANCHEZ: Thank you. So I
20 now want to turn it over to Council Member Schulman.

21 CHAIRPERSON SCHULMAN: So, I was asked to
22 give some questions from my colleague Carlina Rivera.
23 So, I will be asking those. Intro 193 would classify
24 peeling lead paint in the common areas of buildings
25 where children under the age of six reside, not just

2 in individual units where young children live as a
3 Class C hazardous violation. It would also ensure
4 that common areas inspections are required under the
5 City's lead laws. While we recognize that children
6 will likely spend significantly less time in common
7 areas than their own unit, my colleagues and I firmly
8 agree that no children should be exposed to lead and
9 any actions the City can take to make this happen are
10 critical. What resources or support does the
11 Administration anticipate needing to meet the
12 requirements set forth in this bill?

13 DEPUTY COMMISSIONER SANTIAGO: Thank you,
14 Council Member. And again, you know, from our
15 perspective there is a low risk associated with
16 exposure in the common areas. The way the bill is
17 currently written would require HPD on every
18 inspection where we find a child under six in the
19 building, and again, correct me if this is not the
20 right interpretation of the bill, to then have the
21 inspector walk the full building, all of the common
22 areas looking for and documenting peeling paint.
23 That is a significant amount of time, especially in
24 New York City buildings-- some buildings having
25 hundreds of units-- to do this inspection. And I

2 can't-- I know way to know how much peeling paint
3 they're going to find on that inspection. But if
4 we're doing testing on that inspection as well,
5 again, this could take more than a day to do an
6 inspection of a common area. Writing all of those
7 violations, following up with the owners on all of
8 those conditions, potentially having to do emergency
9 repair work as well, you know, it is difficult for me
10 to even estimate what the cost associated with that
11 type of requirement would be.

12 CHAIRPERSON SCHULMAN: Okay. What
13 information and outreach does the Administration
14 believe would be necessary to ensure the bill's
15 impact is communicated across boroughs and buildings?
16 You sort of alluded to it.

17 DEPUTY COMMISSIONER SANTIAGO: Thank you,
18 Council Member. So, again, property owners are
19 already required to maintain their common areas of
20 their buildings. So this would be, you know, I guess
21 strengthening that message around common areas, which
22 we could certainly do at any time. And again, as I
23 said, we're constantly doing outreach to property
24 owners about different aspects of the lead
25 requirements, and certainly we could do for example a

2 webinar on maintaining your common areas, or do
3 additional bulletins to owners reminding them about
4 the importance of handling any peeling paint in their
5 common areas. So that's something we can do now.

6 CHAIRPERSON SCHULMAN: Okay. So, T2023-
7 3347 would require the Department of Housing
8 Preservation and Development to declare a lead hazard
9 a public nuisance where the Department of Health and
10 Mental Hygiene issues a Commissioner's order to
11 correct or remediate a condition related to lead
12 hazards. What administrative challenges do you
13 foresee with declaring a lead hazard a public
14 nuisance?

15 DEPUTY COMMISSIONER SANTIAGO: Thank you,
16 Council Member. So, currently when we receive a
17 Commissioner's order to abate from the Department of
18 Health, we already have major responsibilities to
19 respond and enforce there. So we conduct an audit of
20 the building. We conduct a full inspection of the
21 building. We issue violations in both of those cases
22 regarding record keeping and turnover and hazards,
23 obviously. We do emergency repair work if the
24 Department of Health can't get the owner to do the
25 repair work. So we do extensive enforcement around

2 and following the Commissioner's orders to abate. We
3 can go into court, and as I've said, we're ramping up
4 our own litigation team to seek correction of the
5 violations we already issue, and I think those will
6 provide us with the enforcement mechanism we need.

7 We currently do not issue public nuisance-type
8 violations in any cases. So it would require the
9 building of a whole infrastructure in order to get us
10 that ability and this involved-- would involve a
11 hearing potentially with a property owner. I'm not
12 sure how much more enforcement it would really give
13 us at the end of the day to what we do today. And we
14 do actually the emergency repair, right? So, we feel
15 that we have a pretty deep and extensive enforcement
16 apparatus in place, and we would love to continue
17 working on, you know, enhancing that rather than
18 creating a whole new type of enforcement mechanism.

19 CHAIRPERSON SCHULMAN: You referenced
20 Housing Court as an option. How many times have you
21 taken that action?

22 DEPUTY COMMISSIONER SANTIAGO: And thank
23 you, Council Member. So, as the Chair pointed out,
24 we've done that over 100 times in terms of response
25 to both COTA's and our own audit process, and as I

2 mentioned, we just have hired two new attorneys who
3 are supposed to be coming on board which is wonderful
4 and we have two more vacancies to fill, and we expect
5 to be very active in housing court already as a
6 matter of our process.

7 CHAIRPERSON SCHULMAN: Okay, thank you
8 very much.

9 DEPUTY COMMISSIONER SANTIAGO: Thank you.

10 CHAIRPERSON SANCHEZ: Thank you so much,
11 Chair Schulman. Do we still have DEP in the room?
12 Okay, so it-- we sent these questions in advance but
13 I would really want to hear from DEP updated work on
14 the lead service line, so Local Law-- I'll just state
15 it for the record. Local Law 65 of 2019 required DEP
16 to track all lead water supply mains and service
17 lines and provide that information to the public in
18 the form of an online interactive map. So, we just
19 want to make sure that we're receiving that
20 information, and if DEP can send that over that would
21 be helpful. Thank you. Okay. For DOB regarding
22 construction dust and pre-notifications, we-- I asked
23 a couple of questions about this with Department of
24 Health and Mental Hygiene earlier, but when a
25 property owner is going to do work that will disturb

2 a certain threshold of paint, whether lead-based or
3 not, pre-notification work is required, or pre-
4 notification work to Department of Health is
5 required. Local Law 40 of 2021 requires work permit
6 applicants to DOB to state whether they have complied
7 with this requirements. In 2022 and 2023 to-date of
8 the work permit applications DOB has received, how
9 many have indicated compliance with this requirement,
10 and how many did not? Does DOB cross-reference this
11 information, these statements with the Department of
12 Health, and has the requirement in the Local Law
13 resulted in an increase in pre-notifications?

14 COMMITTEE COUNSEL: Do you affirm to tell
15 the truth, the whole truth and nothing but the truth
16 in your testimony before these committees and respond
17 honestly to Council Member questions?

18 ASSISTANT COMMISSIONER AGOSTINO: I do.

19 COMMITTEE COUNSEL: Thank you.

20 ASSISTANT COMMISSIONER AGOSTINO: Good
21 morning, my name is Salvatore Agostino, Department of
22 Buildings Assistant Commissioner for Enforcement
23 Bureau. In response to your question about the
24 number of applications that have been received-- so
25 in 2022 and 2023 the Department implemented new

2 measures on the intake of applications and permits
3 requiring certain data to be prescribed by the
4 applicant. So building owners are required to notify
5 DOHMH prior to starting the work if would disturb
6 lead paint. Notification to DOB is an additional
7 notification. DOB shares this information with DOH
8 so that they can cross-reference it with
9 notifications they receive and take appropriate
10 enforcement action. That's done through a automated
11 data feed that we provide to them. I think that was
12 the answer to your first question. Can you repeat
13 your second question?

14 CHAIRPERSON SANCHEZ: The other question
15 was about the numbers, how many work permit
16 applications has DOB received indicating compliance,
17 and how many did not?

18 ASSISTANT COMMISSIONER AGOSTINO: I don't
19 have that number for you off-hand. I believe the
20 number was in the low hundreds. I don't have a
21 specific number for you, but we believe that number
22 was under-reported due to this being a new
23 requirement.

24

25

2 CHAIRPERSON SANCHEZ: And what steps is
3 DOB taking to increase compliance with that under-
4 reporting?

5 ASSISTANT COMMISSIONER AGOSTINO: So, we
6 put out bulletins and notices to the industry. Our
7 applications are filed online. So architects and
8 engineers must follow our protocols as they file. So
9 this is something that we believe they are not used
10 to yet. It has been implemented recently in the last
11 six months. So, we do expect it to uptick as more
12 applications come in as it becomes more routine.

13 CHAIRPERSON SANCHEZ: Thank you. And
14 regarding any penalties? Reportedly a very small
15 percentage of penalties assessed are actually
16 collected with respect to these requirements. What
17 has DOB's collection rate been and how can it improve
18 the collection rate?

19 ASSISTANT COMMISSIONER AGOSTINO: So,
20 these questions are not a-- something that would
21 result in a violation. What happens is these are
22 questions on our filing application, if the
23 applications are not filed or if the questions are
24 not answered, the application can't be filed, right?
25 So the applicant has to either answer yes or no. So

2 there is a stop in the system if the question is not
3 answered, but this is not an item that would result
4 in a violation. There's no penalty or fee structure
5 for this specific requirement.

6 CHAIRPERSON SANCHEZ: Thank you. Does
7 DOB follow up, do a spot check of construction sites
8 to check whether they-- if they selected no, that
9 they actually should have selected yes for DOHMH
10 notification?

11 ASSISTANT COMMISSIONER AGOSTINO: So, the
12 concept of lead and existence of lead through the
13 Department of Buildings is a difficult one for us to
14 answer. Lead is not specifically in the building
15 code in the City of New York. It exists under DOH.
16 It exists under HPD. So, the answer to your question
17 is that our inspectors do not have the knowledge,
18 skills, ability, or training to detect lead during
19 their inspections. It's not something that we are
20 looking for.

21 CHAIRPERSON SANCHEZ: But does DOB share
22 the information with DOHMH so that DOHMH could, as
23 the expert in doing these tests-- so that DOHMH can
24 check whether in fact any no answers were really no?

2 Right? That they were not disturbing that amount of
3 wall or whatever?

4 ASSISTANT COMMISSIONER AGOSTINO: So,
5 what we do share is when we-- our inspectors go out
6 every day looking at active construction sites and
7 occupied buildings. When they do detect dust,
8 they'll issue a violation for failure to comply with
9 the Tenant Protection Plan. So every job in an
10 occupied multiple dwelling has to have a Tenant
11 Protection Plan describing how the contractor and
12 owner will protect the tenants from dust escaping,
13 debris, and different-- various different conditions
14 during construction. If we do detect dust, our
15 inspectors would issue a violation. We also would
16 then refer to DOH, the fact that we issued and that
17 it was a site that they could potentially inspect as
18 well. We also do it during inspections with DOH at
19 various different intervals to be able to attack the
20 issue from both sides, DOH through the lead test, and
21 DOB to inspect for construction conditions.

22 CHAIRPERSON SANCHEZ: Thank you. Thank
23 you so much. And DOHMH, when you receive
24 notification of these dust violations, what is your
25 action?

2 ASSISTANT COMMISSIONER FACIANO: So, when
3 we receive a referral from DOB, often from the Office
4 of the Tenant Advocate, we will actually dispatch an
5 inspector to go and see if they are-- if they
6 continue to work unsafely. Often is the case that
7 DOB's initial response is sufficient, but we will
8 still accept those complaints as we would for any
9 member of the public and follow up.

10 CHAIRPERSON SANCHEZ: Thank you. Thank
11 you so much. And this is in 100 percent of
12 instances.

13 ASSISTANT COMMISSIONER FACIANO: A
14 hundred percent of instances where we get a referral,
15 yes, we will follow up. We will call the
16 constituent-- we'll first, sorry. We will first call
17 the constituent. We will go and if the work--
18 sometimes the work has already been completed, but--
19 or it also will confirm the presence of a child as
20 well, so. In rare situations, some buildings don't
21 have children, and then they would not necessarily
22 require lead testing.

23 CHAIRPERSON SANCHEZ: Okay, thank you so
24 much. I'd like to acknowledge that we were joined,
25 have been joined by Council Member Velázquez from the

2 boogie down Bronx. Alright. Okay. So, with that,
3 that concludes the questions from this council. I
4 look forward to DEP's follow-up, and there were a
5 number of questions that required some follow-up.
6 But I want to thank the Administration for your
7 efforts. I'm looking forward to hearing of the work
8 from the Lead Czar and the coordination within the
9 agencies, and we will look forward to moving these
10 bills forward, because no blood lead level is
11 acceptable. No amount of lead in our environment is
12 acceptable, and so we have to continue to find
13 solutions and find ways to drive down these rates all
14 the way to zero, and I look forward to collaborating
15 with you all on that.

16 DEPUTY COMMISSIONER SANTIAGO: Thank you,
17 Council Member.

18 CHAIRPERSON SCHULMAN: I also want to
19 thank the Admin for being here today and for waiting.
20 I know it's a long hearing. This is a really
21 important topic. So thank you.

22 ASSISTANT COMMISSIONER FACIANO: Thank
23 you for the opportunity.

24 COMMITTEE COUNSEL: We will now turn to
25 testimony from members of the public. Just as a

2 reminder for those who are joining via Zoom and in-
3 person, in the interest of time, each member of the
4 public will be set to a clock of two minutes per
5 person. If you're joining via Zoom, you will receive
6 a prompt to unmute. Please accept it before you
7 begin. And before we move to it, we are going to
8 take a quick five-minute recess, and then we'll
9 resume. And the first panel will consist of Alia
10 Soomro, Lonnie J. Portis, Christine Ruga [sp?], and
11 Jessica Bellinder. Thank you.

12 [break]

13 CHAIRPERSON SANCHEZ: So, we will begin
14 shortly. I just want to take a moment to
15 congratulate someone who is putting away her bags. I
16 want to congratulate Audrey Sun [sp?] who's just been
17 promoted to Assistant Deputy Director of the
18 Infrastructure Division within the City Council.
19 Thank you so much for all your help on this
20 committee. So, we're going to swap here and we'll
21 begin with the public testimony. Okay, we will now
22 be beginning-- we will now begin public testimony.

23 COMMITTEE COUNSEL: Calling up again,
24 Alia Soomro, Lonnie Portis, Christine Ruga [sp?], and
25 Jessica Bellinder.

2 CHAIRPERSON SANCHEZ: Whoever's ready can
3 begin.

4 ALIA SOOMRO: Good afternoon. My name is
5 Alia Soomro and I'm the Deputy Director for New York
6 City Policy at the New York League of Conservation
7 Voters. Thank you Chairs Sanchez and Schulman and
8 members of the Committees on Housing and Buildings
9 and Health for the opportunity to testify today. We
10 have submitted longer comments. As a member of the
11 New York City Coalition to End Lead Poisoning, NYLCV
12 stands with advocates calling for the elimination of
13 lead poisoning in New York City. The City must do
14 more to eliminate all sources of lead exposure,
15 because no level of lead exposure is safe, as even
16 small amounts can cause neurological damage and other
17 health problems. Lead is highly toxic and can
18 encroach into our bones, bloods, tissues as we heard
19 earlier today. Lead exposure is particularly
20 damaging for children under six as their bodies are
21 still developing. Sadly, lead exposure continues to
22 disproportionately affect children in low-income and
23 communities of color. Nearly 70 percent of lead
24 poisoned children come from underserved
25 neighborhoods. Despite the enactment of Local Law

2 One of 2004, the most ambitious lead poisoning
3 prevention law in the country, lead poisoning is
4 still a major concern because city agencies have
5 consistently failed to enforce this law. The fact
6 that lead poisoning continues to exist in New York
7 City, 18 years after the enactment of Local Law One,
8 exemplifies the need for action. We appreciate that
9 the City Council is holding a multi-agency oversight
10 hearing on lead-based paint hazards. However, we must
11 continue pushing to pass legislation that would boost
12 prevention, enhance early identification of lead
13 exposure, and create better enforcement of existing
14 laws. NYLCV supports all the bills being considered
15 today. They were identified as priorities in the
16 coalition's 2022 lead agenda and will help our city
17 to follow through on its commitment to end lead
18 poisoning. Lastly, we would be remiss if we did not
19 mention the importance of investing and funding in
20 city programs that protect children from lead
21 poisoning. While the state has implemented a program
22 to reduce lead in school drinking water, the City
23 must enact its own program to replace lead service
24 line made of lead. There are various sources of
25 funding that the City should leverage including the

2 New York State Environmental Bond Act which has at
3 least \$650 million dedicated towards water quality
4 improvement and resilient infrastructure. That
5 includes lead service line replacements. And
6 finally, we also want to emphasize the importance of
7 funding and staffing city agencies to enforce
8 existing laws and hopefully future laws. No person
9 should fall victim to lead poisoning and it's up to
10 the City to ensure that it doesn't happen. We will
11 look forward to working with the City Council, the
12 Administration and fellow advocates. Thank you.

13 LONNIE PORTIS: Alright, I'll go. Good
14 afternoon. My name is Lonnie Portis. I'm the New York
15 City Policy and Advocacy Manager at WE ACT for
16 Environmental Justice, and I kind of want to start
17 and say well, you know, thank so much both Chair
18 Sanchez and Chair Schulman for holding this oversight
19 hearing. You know that it's been such a struggle for
20 us to try to get this together, so we're so glad that
21 we're put together. And unfortunately, you know,
22 it's kind of-- I would be remiss if I can't point out
23 the fact that it's kind of sad that we have to give
24 this public testimony and none of the city agencies
25 are no longer here to kind of hear what we have to

2 say. But with that said, I-- you know, I still think
3 was really important for us to have this hearing to
4 really see the intersectionality of the problem that
5 is lead poisoning and lead paint exposure, as well.
6 And so we hope, you know, this very timely hearing
7 because of the announcement made earlier about the
8 Lead Compliance Officer position being created will--
9 it will help kind of pull together some of these
10 siloed agencies when it comes to this work. I won't
11 reiterate a lot since I only have so much time, but I
12 really want to put something in perspective and the
13 magnitude and the problem into perspective. So
14 between January 2005 and December 2022 there were
15 169,556 children under the age of six who had a blood
16 lead level of five microgram per deciliter or
17 greater. Symbolically, that would represent a
18 population of poisoned children larger than the city
19 of Syracuse or Springfield, Massachusetts, or
20 Alexandria, Virginia, Savannah, Georgia, or
21 Charleston, South Carolina. So I really want that
22 visual to just kind of sink in of that's how big this
23 problem is, is that there's a whole city population
24 worth of children who are impacted by something that
25 is as we've already said before, lead poisoning is an

2 entirely preventable problem that has long-term
3 effects on children and their wellbeing, and with the
4 causes and prevention methods being so well-
5 established, New York City must take all the urgent
6 steps to completely eliminate childhood lead
7 poisoning, as well as adult lead exposure. I'll wrap
8 by just saying that WE ACT is here testifying in
9 support of all the bills being heard today, and we
10 love to hear that the introduction of both bills by
11 Council Member Rivera and Schulman respectively have
12 gotten through and is now part of this larger bill
13 package to end lead poisoning. And again, to
14 reiterate, funding is necessary. Staffing is
15 necessary, as we saw and heard from this hearing
16 today. So the City would be-- need to make sure that
17 they are accurately funding all of these efforts that
18 they have.

19 CHRISTINE RUCCI: Hello. My name is
20 Christine Rucci and I reside in the East Village. In
21 spring 2017 without my knowledge, lead dust and other
22 toxins were seeping into my apartment. Construction
23 was taking place in a neighboring apartment with the
24 approval of the building's management. It had been
25 taking place without proper permits or proper

2 protection plan in place. They did not cover walls
3 or safeguard my apartment according to the standard
4 practices required by the Tenants Protection Plan and
5 Local Law One. All that separated my apartment from
6 the neighboring apartment was a quarter inch of wood
7 paneling. Lead dust became trapped in the walls and
8 floors and seeped into all the cloth furnishings. I
9 want to add that at the time my son lived me. I made
10 the decision as a mother that it was unsafe and I let
11 him go. I gave up custody so he could go live with
12 his father. In 2017, I reported these issues and had
13 multiple filings with the HPD and Department of
14 Health and Mental Hygiene. It took court orders,
15 fines, major clean-ups and repairs to only partially
16 seal up the toxic walls and floors. Only partial
17 repairs were made, and I was not made aware of the
18 lead results until after the fact, and since have
19 learned the health risks. Even 2023 I continue to
20 live with these issues under a new owner/landlord who
21 refuses to follow Local Law One and Tenants
22 Protection Plan and continues these reckless
23 construction practices. I have spent many years
24 consistently sick with unexplained symptoms, and I
25 continue to suffer with rashes, severe joint aches,

2 asthma, hypertension, and anxiety which studies have
3 shown in women over 40 who are exposed to any level
4 of lead. Lead settles inside the bone and is
5 released into the body as estrogen levels drop. Each
6 time my body is being re-exposed. Even my pets
7 became ill. Sadly, one died, and the veterinarian's
8 believe that exposure to toxin released during
9 construction was a contributing factor. She was the
10 canary in the coal mine. I have been to multiple
11 specialists and hospitalized looking for answers to
12 my debilitating health. To date, no organic reason
13 for my health and my subjective ill health and
14 suspect and my doctors suspect concluded that the
15 time coincidence between the construction and my
16 subjective ill health and suspect the exposure of
17 lead and other toxins including arsenic and silica
18 from construction dust are related to these symptoms.
19 It should be noted that the CDC states that any level
20 of lead is toxic, and lead doesn't stop being toxic
21 at age six or 10, or 20, or in my case, 60. Lead is
22 a poison and should be treated as such. In 2020, my
23 building was sold, and again in 2021 without proper
24 Tenant Protection Plan lead abatement, the owners
25 gutted six units while six units of tenants we

2 reliving there, and despite stop work orders,
3 multiple agency taskforce visits and violations, the
4 construction has continued. And on January 30th,
5 2023 without warning and despite HPD violations to
6 seal my unit, full gutting to the subfloor took place
7 above me, raining down toxic dust for 35 days. I
8 self-sealed my unit and have been living under a
9 canopy of toxic dust since January 30th. The new
10 owners were given the test, lead test results and
11 medical letters to stop construction, but they
12 refused.

13 CHAIRPERSON SANCHEZ: I just want to make
14 sure you know, you can summarize your testimony and
15 we'll--

16 CHRISTINE RUCCI: [interposing] Okay. I'm
17 sorry, if you could just-- anyway. Despite
18 everything, sadly owners can self-certify that they
19 cured these things, and often times the agencies who
20 left the building do not follow up, and despite
21 violating Local Law One and the Tenant Protection
22 Plan, these violations were issued but no fines were
23 ordered to be paid according to public records. By
24 telling my story for the third time before Council, I
25 hope that others will be able to know their rights,

2 know how to report these issues, and to strengthen
3 the enforcement of Local Law One. I ask the Council,
4 you all to support the NYLCV lead agenda and pass
5 through Intro's 5, 6, 193, 200, and 72-- 750, excuse
6 me, towards ending lead poisoning. It's my hope that
7 the Department of Health, HPD, and Department of
8 Buildings streamline communication, issue stop work,
9 follow up to ensure these violations are cured
10 according to Local Law One and actually hold--

11 CHAIRPERSON SANCHEZ: [interposing] Thank
12 you.

13 CHRISTINE RUCCI: the contractors and
14 landlords responsible.

15 CHAIRPERSON SANCHEZ: I'm sorry, we're at
16 time. Thank you so much for your testimony and for
17 sharing your story. And I just want to appreciate
18 the work-- well, your testimony and the work of the
19 NYLCV coalition and being here today.

20 JESSICA BELLINDER: Thank you. Good
21 afternoon. My name is Jessica Bellinder. I'm an
22 attorney with the Legal Aid Society. I am part of the
23 Housing Justice Unit Group Advocacy and our attorneys
24 represent tenants in groups addressing problems with
25 violations of the housing laws, including violations

2 related to lead paint, and we work with a lot of
3 clients in low-income communities. A lot of our
4 clients are women of color with small children who
5 have been exposed to lead. And we are here today to
6 support all of the bills that are before the Council.
7 I wanted to take a moment to emphasize our interest
8 in Intro 750 which we wanted to sort of clarify. In
9 the testimony that was heard earlier it made it sound
10 like this was unnecessary, but are concerned that--
11 the City has data that it is not really using to
12 trigger inspections, that it's still relying on the
13 tenants to complain about either work conditions or
14 possible exposure, and that in fact, it should be
15 proactively triggering its own inspections when it
16 sees patterns of high lead exposure for children. And
17 so the Intro 750 would just sort of operationalize
18 that and make it something that the City is routinely
19 doing rather than waiting for tenants to take the
20 initiative, or waiting for DOHMH to report it. The
21 testimony that we've heard today from the agencies
22 made clear that there's a lot of complexity with
23 respect to the oversight and the protection of the
24 public, and it does not feel like they are
25 communicating effectively with each other. So to the

2 extent that all of these bills increase transparency
3 and accountability and give us tools for holding the
4 city accountable for doing the work that it should
5 have been doing for the past 20 years. We believe that
6 this is a step forward. Obviously, there may be
7 additional resources that are needed, but we think
8 that those are a high priority. Thank you.

9 CHAIRPERSON SANCHEZ: Thank you. Thank
10 you so much, Jessica. Thank you so much to this
11 panel.

12 CHAIRPERSON SCHULMAN: So, before you
13 leave, I just want to say that-- a couple things. One
14 is, usually the agencies do leave somebody here to
15 listen, but what I will tell you is that this is live
16 streamed, and they do have-- they do have staff
17 looking at it. That's number one. Number two, is
18 that we do a comprehensive report and we do follow up
19 on questions that are asked that they don't have the
20 answers to so that we have that for the record.
21 That's a lot of times why we ask the questions so
22 that we get something on the record that we could
23 either follow up on or get from them directly. I want
24 to thank all of you for your testimony today. We're
25 going to push on these bills, and I think it's really

2 important that we get-- that we make sure that lead
3 is not anywhere near anybody. I mean, it's just--
4 you know, it's ridiculous. So, but we-- both of us,
5 me and Chair Sanchez, this is very important to us. I
6 also want to acknowledge that we've been joined by
7 Council Member Yeger. So, thank you very much and
8 just know that we will be following up. And I know
9 that this is-- you mentioned that this is like the
10 third time you've testified, but the first time in
11 front of this particular council, right? Yeah. So
12 I'm very proud of the fact that we are a female
13 majority led City Council and that we're trying to
14 get as much done as we can for families and children.
15 So, just know that. Thank you.

16 COMMITTEE COUNSEL: We'll next be calling
17 up Marian Perkins and Elizabeth Reyes.

18 ELIZABETH REYES: Hello? Okay. Thank
19 you for having me everyone. I'm Elizabeth. I'm a
20 Cecil Corbin-Mark Fellow at We ACT for Environmental
21 Justice. But today I'll be testifying on behalf of
22 myself and my own personal experiences. So I'm 23.
23 I moved to the United States when I was 20. I've
24 lived in the Bronx my entire life each time. We
25 moved around six or seven times, and each of those

2 times I've lived in a building that's been older
3 than-- that was construction prior to 1900's, and
4 each of those instances I can recall me being lead
5 poisoned, not just by the dust in the paint, but also
6 by the water. Okay, so I guess I'll start. So
7 before I was born my father didn't have a job and we
8 would walk around the streets begging someone to give
9 him a job, and he finally landed one as a
10 construction worker, and he's been a construction
11 worker for the past 20 years. Not one of those times
12 has he ever been given any lesson, any safe
13 procedures, any type of training in regards to lead
14 poisoning, lead toxins in general, and each of those
15 times he's come home from remediating or just working
16 in a lot of old housing, and he's come home with all
17 of that dust and all of his work equipment. And I
18 say this to say that the children of construction
19 workers are six times more likely to be lead poisoned
20 than other children. I was 12 when my family-- I
21 actually was the one that asked my parents to order a
22 lead testing kit after our water had been orange from
23 moving. We had just moved houses, and I was the one
24 that actually tested my lead-- my water for lead at
25 12 years old, not understanding any of the-- any of

2 the results. So for the past 10 years my family has
3 only been drinking water from water bottle-- bottled
4 water, sorry. People say that New York has the
5 cleanest water. That's total BS to me and it's never
6 been my reality. I have ADHD. I have OCD. I have
7 severe anxiety. Yeah.

8 CHAIRPERSON SCHULMAN: You can summarize.
9 Go ahead.

10 ELIZABETH REYES: I say this to say that,
11 yeah, I joined the environmental justice work, I
12 joined this field to fight a lot of the very harms
13 and environmental racisms that I've faced my entire
14 life, and I think that it's-- we should be protecting
15 New Yorkers. We should be protecting children, the
16 children here, and yes, the people are live streaming
17 this and the various agencies are watching us, but I
18 have to go home to my lead-poisoned house, and
19 they're live streaming it and probably are not living
20 in the same conditions as us. So thank you.

21 CHAIRPERSON SANCHEZ: Thank you for
22 sharing your story.

23 MARION PERKINS: Good afternoon. My name
24 is Marion Perkins and I work as a nurse at Harlem
25 Hospital which is part of the New York City Health +

2 Hospitals system. I am also a proud union member of
3 the New York State Nurses Association. NYSNA
4 represents 42,000 nurses across New York State,
5 including 25,000 RN in New York City; 9,000 of these
6 New York City RN's work for New York City Health +
7 Hospitals. As a nurse on the front line of patient
8 care, we see firsthand the harm that lead poisoning
9 cause children, especially low-income and Black and
10 Brown children in environmental justice communities
11 where environmental hazards contribute to
12 unacceptable health disparities. Fortunately, the
13 New York City Council can address this injustice and
14 improve the lifelong health of residents by closing
15 the loopholes in existing lead laws. Within public
16 health we talk as-- talk a lot about the social
17 determinants of health. These are the social and
18 economic conditions that influence differences in
19 health outcomes. The fact regarding lead poisoning
20 clearly shows the health obstacle that low-income
21 Black and Brown children face. Nearly 70 percent of
22 lead poisoned children are from underserved
23 neighborhoods. Black, Latino, and Asian children
24 make up more than 80 percent of newly identified lead
25 poisoning cases in children under the age of six.

2 New York has more known cases of children with
3 elevated blood levels than any other state. This is
4 certainly not something New York wants to or should
5 be number one at. It is important to note that the
6 public sector nurses at NYC HHC are the ones who are
7 most likely to end up giving care to those
8 environmental justice communities. We are the ones
9 who see chronic health disparities caused by
10 environmental contaminants like lead poison and
11 asthma up close. In our patient's health the effects
12 of lead poisoning include neurological problem,
13 kidney damage, cardiovascular problems, and
14 reproductive issues. These are serious issues that
15 demand quality care and attention. Nurses and allies
16 are also calling for pay equity for Health + Hospital
17 nurses as a model of health equity and racial
18 justice. We think it's not coincidence that the
19 public hospital nurses who provide the lion's share
20 of care for the New Yorkers with the worst health are
21 also the lowest paid hospital nurses in the City.
22 Low pay for us worsens health disparities for our
23 patient. Unequal pay for the mostly Black and Brown
24 nurses who work in the public sector drive
25 understaffing and unequal care for New York's

2 predominantly working-class Black and Brown
3 communities. We see public health issues such as
4 environmental racism and H+H nurses fighting for a
5 fair contract and pay parity with the private sector
6 as going hand in hand in order for health disparities
7 to improve in our most vulnerable communities. We
8 need a workforce that is treated fairly. We are
9 proud to stand with our allies like WE ACT in
10 demanding change. We urge the City Council to pass
11 the package of bills now to protect our children
12 against effects of lead in their water. We also urge
13 you to support pay parity for the nurses of New York
14 City Health + Hospitals. Thank you for this time and
15 consideration.

16 CHAIRPERSON SANCHEZ: Thank you so much.
17 Thank you for the work that you do, and absolutely,
18 we support you.

19 MARION PERKINS: Thank you.

20 CHAIRPERSON SCHULMAN: Thank you both.

21 COMMITTEE COUNSEL: Our next panel will
22 be Frank Ricci, Joseph Condon, and Ryan Monnell.

23 CHAIRPERSON SANCHEZ: You may begin,
24 yeah.

2 FRANK RICCI: Yeah, I think-- I think
3 Ryan Monell had to leave. So I'm joined by Kelly
4 Farrell [sp?] from RSA. My name's Frank Ricci. I'm
5 the Executive Vice President of the Rent
6 Stabilization Association that represents
7 approximately 25,000 owners which consists of about a
8 million units of housing in New York City. My
9 testimony today is limited to opposition of Intro. 6,
10 5, and 193. I'll start with the most important one
11 for us which is Intro. 6. I'm not going to recite
12 what it would do other than it would impose
13 requirements that are now only due on vacant
14 apartments to occupied apartments and we think-- we
15 know that that would actually be counterproductive to
16 the goal of lessening the incidents of elevated blood
17 lead levels in children as well as residents in the
18 City. Often times that remediation that takes place
19 would require first of all a lot of encapsulation of
20 living areas which would be a problem for a lot of
21 tenants. So, relocation would be an issue, and in
22 doing so children would be disrupted from their
23 school programs, and it would actually be more
24 exposure to tenants in those apartments. So, I'm not
25 going to read my testimony because I know the time's

2 limited, but you know, we can-- we actually recite a
3 number of the things that might take place should you
4 have to do it with tenants in place, and we think
5 that's not productive. We'd also like to point out
6 that on Intro. 5, as you heard from HPD, it's kind of
7 redundant in terms of maintaining those records, and
8 if I could just go into a few minutes about-- I know
9 there's a lot of discussion earlier about owner
10 notification to tenants and that often times that
11 it's produced 10 years' worth of records, they been
12 receive a violation. I just-- when it comes to
13 notifications to tenants, the biggest complaint we
14 hear from our members-- and we actually provide a
15 service for our members to notify tenants asking them
16 to respond if there's a child under six in the
17 apartments, and we do this-- it's an automated
18 service in terms of there's a first notice that goes
19 out. If the tenant doesn't respond two weeks later,
20 a second notice goes out, and two weeks later a third
21 notice goes out. Then there's actually a phone call
22 to the tenant, and then there's actually someone who
23 knocks on the doors to the tenant, and I think if
24 want to really reduce the incidents of blood lead
25 levels, we have to acknowledge and recognize that

2 this is just like abating rats, just like making sure
3 window guards get put up, it's a cooperative effort.
4 And tenants need to cooperate and let owners know if
5 there's a child under six, and often times, people
6 may say, "Well, I don't have a child under six," but
7 there might be a child who's spending 10 hours a week
8 there, because the caregiver-- they need to be
9 cooperating with owners on this to respond, but the
10 biggest complaint we get and the vast majority of
11 tenants do not respond to these notices. And it also
12 goes for the window guard notices, and obviously now
13 we have a big issue with fire hazards and cooperating
14 with that, too. Those notices all go out the first
15 week of January, but I think that we need to put a
16 little bit more emphasis on the part of tenants to
17 cooperate with owners to solve these problems.

18 CHAIRPERSON SANCHEZ: Thank you. Thank
19 you so much, Mr. Ricci. Have you-- have you tried
20 anything like making-- you would-- I don't know,
21 tying it to rent or anything like that? Any other
22 incentives? Are you only doing paper notices?

23 FRANK RICCI: well, we do what's required
24 by the law, and the law says it can't be part of the
25 rent notice. It has to be a separate notice, goes

2 out-- has to be served by January 15th. If there's
3 no response, two weeks later a second notice goes
4 out, and then as part of our service which is
5 enhanced, we do a third notice. We do a phone call,
6 and then we actually-- the owners can choose to
7 either knock on the door themselves, or they can have
8 someone do it, and we catalog all that. We have
9 records going back to-- at least on window guard
10 notices, back to 1988, and I don't recall the exact
11 year that the lead notices started being required,
12 but when we do that service for owners, which they
13 pay us an extra fee for, we retain all those notices.

14 CHAIRPERSON SANCHEZ: Thank you, but--

15 FRANK RICCI: [interposing] And a proof of
16 mailing.

17 CHAIRPERSON SANCHEZ: Got it. Thank you.
18 Thank you for that.

19 JOSEPH CONDON: Good afternoon. Thank
20 you for the opportunity to testify. My name is Joseph
21 Condon and I'm presenting this testimony on behalf of
22 the Community Housing Improvement Program, also known
23 as CHIP. CHIP is a trade association. We also
24 represent rent stabilized housing providers
25 throughout New York City. Most of our members

2 provide housing and outer borough working-class
3 neighborhoods. They are aware that lead paint is a
4 serious issue for New York City. They're also aware
5 that New York City is leaps and bounds ahead of other
6 jurisdictions in terms of lead paint safety. We
7 heard many of the recent additions to the law that
8 strengthened not only enforcement but lower
9 thresholds that were adopted over the last four
10 years. We believe that those recent changes, in
11 particular the requirement to XRF all apartments by
12 2025 should be given time to make an impact and
13 reported by agencies to this Council to determine if
14 additional legislative steps are necessary. However,
15 if the Council does believe there is a need to act,
16 we do-- we would like to work with the Council and
17 the bill sponsors to ensure that the laws that do get
18 adopted work in practice. We do have several
19 practical concerns regarding some of the bills being
20 heard today, in particular, the burdens that will be
21 placed on both tenants and housing providers under
22 Intro. 6. Our main concern is that Intro. 6 will
23 lead to displacement of existing tenants. As you
24 heard throughout the day, turnover work was designed
25 to occur on turnover because it is disruptive to

2 tenants who are at occupancy, potentially creates
3 additional lead paint hazards, lead dust, and other
4 unsafe conditions for tenants to remain while this
5 work is happening. There is also access needed to
6 the apartment, not just to the walls, but to the
7 floor areas. Turnover work requires owners to make
8 bare all floor areas. So not only the tenants in
9 occupancy would have to be relocated, but furniture
10 as well. Just to summarize, we are also concerned
11 about some unintended consequences that may occur
12 from Intro. 6. This was turnover work that was done
13 before changes to the lead laws that were mentioned.
14 So turnover work before 2021 may no longer be in
15 compliance with the stricter definitions of lead
16 paint that were recently adopted. So because of
17 these lower thresholds, paint on doors and door
18 frames that was considered lead-free at 0.6 or 0.7
19 micrograms per centimeter squared under an XRF test
20 would now be considered lead paint. And under Intro.
21 6, an owner would be forced to re-perform turnover
22 work in these units for a second time and displace
23 the current tenants to do so. We also think that
24 better targeted enforcement is a useful tool rather
25 than adopting broad-based legislation. First of all,

2 for apartments that are not accessed by owners, the
3 Department of Health is notified by owners of that
4 inability to gain access. So the Department of
5 Health should have a list of apartments that were
6 not-- that did not undergo the annual investigation.
7 So that's an easy place to start to look at targeted
8 enforcement. The other part of this is the
9 Department of Health's report on elevated blood
10 levels in children. That report assumes that every
11 single child has been poisoned by the apartment in
12 which they're living. There's no data or statistics
13 about the sources of those-- of the lead poisoning
14 for those children. There's a presumption that it
15 all comes from where they live. That's not
16 necessarily the case, and it would also help target
17 enforcement and ultimately the goal of preventing
18 lead poisoning in any child. Thank you for the
19 opportunity to testify.

20 CHAIRPERSON SANCHEZ: Thank you. Thank
21 you so much, and I will double-check on that with
22 DOHMH. They do an extensive review and I don't think
23 they assume just one source. They search many-- they
24 ask many questions about potential exposure.

2 JOSEPH CONDON: Right, but the-- those
3 apartments that don't get the investigation because
4 there's no access, the Department of Health is
5 notified of those, so they should be-- they should be
6 checking those apartments, because those are the
7 apartments that the owners were not able to get into.

8 CHAIRPERSON SANCHEZ: Got it. Okay, thank
9 you for the clarification.

10 COMMITTEE COUNSEL: Next will be a Zoom
11 panel, Edward Rudick [sp?], and then followed by
12 Brandon Kielbasa, then Alopa Saratupac [sp?].

13 EDWARD RUDICK: Yeah, I guess I'm first
14 up.

15 SERGEANT AT ARMS: Starting time.

16 EDWARD RUDICK: My name's Ed Rudick from
17 Lead Dust Free NYC. I support the new proposed lead
18 laws. I want to preface my testimony to say that laws
19 that are not enforcement are meaningless, and present
20 laws meant to protect people from these toxins are
21 routinely ignored. To great fanfare, Mayor Adams
22 appointed a Rat Czar to get rid of rats plaguing our
23 city. It seems that someone read my testimony. How
24 about we appoint the czar to tackle lead poisoning?
25 They would be responsible to coordinate actions for

2 all the appropriate city agencies in omitting [sic]
3 lead hazards. This should have been done long ago,
4 since there's a direct link between lead exposure and
5 the incurable ailments as [inaudible] suffered by our
6 children. A main task of this czar would include
7 overseeing the [inaudible] remediation laws were
8 followed and disturbing more than 100 square feet of
9 lead paint, replacing windows, or fixing violations
10 issued by New York City HPD. Furthermore, HPD has a
11 number of record-keeping forms that landlords must
12 submit to keep in compliance with Local Law One
13 requirements. The question is why are these being
14 filed? Perhaps landlords should have to sign the
15 aforementioned forms which would make them personally
16 responsible for information provided. The forms have
17 to be closely inspected to ensure that any lead
18 testing is performed by certified EPA inspector or
19 risk assessor. The tests need to be independent
20 tests, not connected to [inaudible] mediator. These-
21 - this is one of the work practices that landlords
22 must follow to adhere to Local Law One and EPA
23 regulations. Use lead-safe work practices and
24 trained workers in fixing lead paint hazards and when
25 doing general repair work that disturbs lead paint.

2 Multiple unannounced inspections, stop work orders,
3 and follow-ups would be a rule. My colleagues can
4 attest of the many cases they are aware of, some
5 personal, you will not find required posted tenants
6 protection claims, sealed off work areas, properly
7 trained or retired [sic] workers who quite often
8 carry lead dust to their homes and children.

9 SERGEANT AT ARMS: Time expired.

10 EDWARD RUDICK: You'll not find HEPA
11 filters on the site. A comprehensive approach needs
12 to be implemented to end the scourge [sic] of using
13 construction as harassment need to be [inaudible]
14 dealt with. Appropriate fines or violations that are
15 non-negotiable, and paid [sic] promptly, and hiding
16 behind LLC's should end. People--

17 CHAIRPERSON SANCHEZ: [interposing] If you
18 can--

19 EDWARD RUDICK: of all ages--

20 CHAIRPERSON SANCHEZ: If you could
21 summarize? If you could summarize the remainder?

22 EDWARD RUDICK: Yes, I am. I'm almost
23 finished here. People of all ages are being
24 assaulted every day because of wanton disregard for
25 their health. A tenant dealing with these toxins

2 [inaudible] home, they're worn down, disheartened,
3 overwhelmed, depressed, and in the end they can't
4 find a way out of that maze. I support the new bills
5 and strong enforcement of them and others already
6 enacted. Thank you very much for allowing me to
7 testify.

8 CHAIRPERSON SANCHEZ: Thank you.

9 COMMITTEE COUNSEL: Brandon Kielbasa?

10 SERGEANT AT ARMS: You may begin.

11 BRANDON KIELBASA: Good afternoon. Thank
12 you so much for taking the time to hold this hearing,
13 to hear my testimony today. I'm Brandon Kielbasa and
14 I'm the Director of Organizing at the Cooper Square
15 Committee. The Cooper Square committee is a tenants'
16 rights organization in Lower East Side. We're a
17 proud member of New York City's Coalition to End Lead
18 Poisoning, and also the coordinators of the Lead Dust
19 Free NYC Coalition, the Coalition that Ed Rudick who
20 just spoke is a member of and Christine Rucci and
21 others. In one of the main things that LDFNYC is
22 calling for is comprehensive reforms to end lead
23 poisoning and especially around enforcement of safe
24 work practices and construction work being done in
25 buildings built before 1960. So our members are

2 folks who've experienced these toxic dust

3 bombardments because their buildings have been worked

4 on and safe work practices have not been followed.

5 So, I'm here today to testify and say that we're very

6 much in favor of all five of the bills that are being

7 heard today, including the other two that were

8 introduced as well today for the first time. These

9 bills have the capacity to reform the way New York

10 City agencies perform enforcement in buildings

11 related to lead poisoning prevention. Lead

12 contamination due to uncontrolled construction dust

13 is absolutely not uncommon in the neighborhood I work

14 in. Shoddy work practices are frequently employed by

15 the most aggressive speculators-- unspeculative

16 landlords in the Lower East Side. Construction work

17 has contaminated buildings in the neighborhood I work

18 in up to sometimes as high as 210 times the legal

19 level threshold for lead in dust. So, for most of

20 the bills that are being heard today actually don't

21 take on the issue of construction dust and safe work

22 practices squarely, with the exception of Local-- of

23 Introduction 193. We are really in favor of all the

24 other ones because of the aspects that they bring

25 with them which are critically important in

2 [inaudible] pressure on landlords to do the right
3 thing and having additional enforcement measures in
4 place. So, Local Law-- or Introduction 193 which
5 looks like common areas is a particular--

6 SERGEANT AT ARMS: [interposing] Your time
7 has expired.

8 BRANDON KIELBASA: Thank you for your
9 time today, and please concentrate on oversight as
10 much as the new legislation. It's really important
11 to get the laws that are in place as effective as
12 possible. Thank you.

13 CHAIRPERSON SANCHEZ: Thank you so much.

14 COMMITTEE COUNSEL: Next is Illapa
15 Sairitupac.

16 SERGEANT AT ARMS: You may begin.

17 ILLAPA SAIRITUPAC: Hi, everyone. How's
18 it going? My name is Illapa Sairitupac. I live in
19 lower Manhattan. I'm a community organizer who has
20 spent extensive time working with tenants who have
21 experienced exposure to lead dust over the years,
22 tenants whose lives were severely impacted by
23 construction dust because of careless of work
24 practices and inattentive landlords. When conducting
25 lead exposure surveys with these tenants, many of

2 them would detail their stories, how much they
3 suffered and how they hoped no other tenant would
4 ever experience what they went through. I'm here to
5 express support for the five bills being heard today.
6 We need to empower New York City agencies performing
7 enforcement in such buildings. We need peeling lead
8 paint to become an immediate C violation, and we need
9 HPD and the Department of Health and Mental Hygiene
10 to develop a program to inspect high-risk lead
11 poisoned buildings. As more tenants become poisoned
12 by lead dust in our city, it is the duty of our
13 government to pass these bills. Thank you so much.

14 CHAIRPERSON SANCHEZ: Thank you.

15 COMMITTEE COUNSEL: Our next panel will
16 be a hybrid panel on Zoom, Ernestine Corbit [sp?],
17 Mbacke Thiam, and then in person, Ashley Saunders.
18 So, first, Ernestine Corbit, if you get the
19 notification to unmute, please do.

20 SERGEANT AT ARMS: You may begin.

21 ERNESTINE CORBIT: Okay, hold on one
22 second. I want to talk about the molds and the mildew
23 that's going on in people's apartments. Also, the
24 water that's being contaminated, smelling like dead
25 mice. I live out here in Brooklyn in Atlantic

2 Terminal, and there's been an issue with the molds
3 and the mildew, and when they paint in here, they
4 just paint over a leak and it comes back bubbled up.
5 The mold and mildew in the closet and on the ceiling
6 walls-- also the water, when it comes out in the
7 morning, it smells just like dead mice through the
8 pipes. So there's a ongoing issue that's been going
9 on for a long time, and nobody has done nothing about
10 it at all. So, where do I go from here with these
11 issues?

12 CHAIRPERSON SANCHEZ: Where did you say
13 you lived?

14 ERNESTINE CORBIT: Atlantic Terminal in
15 Brooklyn.

16 CHAIRPERSON SANCHEZ: And your landlord is
17 a private landlord?

18 ERNESTINE CORBIT: It's a management
19 [sic] rent, yeah, because my friend owns this
20 apartment, but this has been ongoing issue for a very
21 long time.

22 CHAIRPERSON SANCHEZ: Okay. Okay, well
23 thank you. Thank you so much for sharing your
24 testimony and your story today. We'll try to follow
25 up with your contact information and follow up with

2 you directly if that's okay. Just in case, if you
3 can email my office, district14@council.nyc.gov,
4 that's district14@council.nyc.gov, and we can follow
5 up with you.

6 COMMITTEE COUNSEL: Next on Zoom, Mbacke
7 Thiam.

8 SERGEANT AT ARMS: You may begin.

9 MBACKE THIAM: Hello everyone. My name
10 is Mbacke Thiam. I'm the Housing Health and Action
11 Network Community Organizer at CIDNY, Center for the
12 Independence of the Disabled in New York. So, I'm
13 here today, and I'm happy to share about my support
14 of this new bill and also I'm happy to see the work
15 that you guys are doing in order to enable [sic] the
16 children who are living with disabilities or may
17 encounter this hindrance that would have a
18 developmental impact in their lives. So, I'll be
19 very short in my testimony, and I'm sharing that I
20 support the new bills and also-- and I'm happy to be
21 here and join into the process. Thank you.

22 COMMITTEE COUNSEL: Thank you. Ashley
23 Saunders, if you're here, please come up.

24 ASHLEY SAUNDERS: I apologize, but my
25 testimony is not aligned with the day's agenda, but I

2 do think I will get a proper opportunity to formally
3 introduce this unique housing and health issue. I am
4 a resident of 315 Amber Street in an area or
5 community that may know as "The Hole." It is located
6 in East New York. Council Member Charles Barron is
7 actually the representative for our area. For those
8 who are unfamiliar with the area, it is a community
9 below street level severely neglected by the City.
10 With me today are some of the tenants from 315 Amber.
11 Peter [sic] our representative from Tenant's Union
12 Flatbush, and on Zoom Ms. Deborah Ack [sic] from the
13 East New York Land Trust. We are here to inform the
14 Council that the area known as "The Hole" is
15 deteriorating at a rapid pace to the point where it
16 is uninhabitable. Currently, the tenants in my
17 building and the residents in my community are
18 experiencing extreme flooding of the streets, which
19 is preventing us from entering and leaving our homes.
20 It is also affecting the sanitation and postal
21 services to the area. The water is ankle-deep, and
22 yet the area is not zoned as a flood zone. Due to
23 the low-lying area of the community, many homes do
24 not have cesspits including ours. Cesspits cannot be
25 built in certain areas due to the existence of

2 underground water and the fear that the cesspits
3 would cause contamination. We have a cesspool of raw
4 sewage accumulating in our back yard, and with the
5 constant flooding the sewage spreads into our yards,
6 streets, and more alarmingly into our homes. Due to
7 the floods, the cesspool is being backed up into the
8 structure of our building, into the walls especially.

9 At this moment I have pockets of raw sewage in my
10 ceiling. The entire back yard is saturated with raw
11 sewage and has been like that since 2008. The raw
12 sewage has caused both my building and surrounding
13 buildings to become infested with roaches and rats.
14 Every morning I wake up to 10 to 15 roaches on my
15 counter, roaches in my refrigerator. The rats are
16 eating from my clothes, my refrigerator. A swarm of
17 roaches and bugs attacked a housing inspector when
18 they attempted to access the back yard of the sewage.

19 The building smells of methane which seeps through
20 the plumbing. We are also experiencing aggressive
21 black mold due to the extreme moisture of the area.

22 The mold is growing into mushrooms in various spots
23 of the home. Sanitation does not collect garbage for
24 weeks at a time. Yesterday with the rain and the
25 flooding we lost electricity in our entire building

2 and the water had gotten into the electrical wiring
3 of the house. To top that off, tenants are becoming
4 physically ill due to these health hazards. My
5 sister developed an upper respiratory infection.
6 Every time repairs are made to the-- every time
7 repairs are made, the issues reoccur, sometimes worse
8 than before. Now the City has approved for streets
9 to be constructed in front our homes. Because we are
10 below street level, this newly constructed street
11 would run parallel to the second floor of our homes.
12 Our front yards are going to turn into wells
13 containing water. The luxury apartments being
14 erected [inaudible] that slope goes downwards which
15 cannot run off to enter into the road and block off
16 the building entrance. The landlord and other
17 companies are--

18 SERGEANT AT ARMS: [interposing] Your
19 time--

20 ASHLEY SAUNDERS: using this to monetize.
21 We have reported these incidents to various agencies
22 with no help. I was told by the Health Department
23 that I can clean the black mold with mushrooms-- the
24 black mold and mushrooms with Clorox and a washcloth.
25 Just to summarize, the City actually has a plan for

2 the area, but has been dragging their feet for the
3 past 20 years. The plan is now outdated since the
4 issues have gotten progressively worse. Currently,
5 there is a need not only for infrastructure repairs,
6 but also the rehousing of residents. the community
7 is relieved since the Council [inaudible] time.

8 CHAIRPERSON SANCHEZ: Thank you. Thank
9 you so much for sharing your testimony. You've
10 mentioned that you've connected with Council Member
11 Barron?

12 ASHELY SAUNDERS: I wrote to him.

13 CHAIRPERSON SANCHEZ: If it's okay, I'd
14 like to follow up and get your contact information so
15 that we can continue to talk about your situation
16 after this.

17 ASHLEY SAUNDERS: Thank you.

18 CHAIRPERSON SANCHEZ: Thank you.

19 COMMITTEE COUNSEL: Jane Jang [sp?]?

20 This concludes the public testimony. If we have
21 inadvertently forgotten to call on someone to
22 testify, please raise your hand using the Zoom raise
23 hand function and we will try to hear from you now.

24 CHAIRPERSON SCHULMAN: I want to thank
25 everyone who testified today and let you know as the

2 Chair of the Health Committee, I am committed to
3 ensuring that everyone no matter what zip code you
4 live in has access to affordable healthcare and able
5 to live in an environment that is free of lead and
6 other toxins. Thank you.

7 CHAIRPERSON SANCHEZ: Thank you so much
8 Council Member Schulman, Chair Schulman, for your
9 partnership on this hearing. Thank you so much to
10 NYCLEP and advocates and everyone who gave up their
11 time to shed light on the situations that you are
12 individually facing and that our city is facing.
13 Lead poisoning is a situation that children face on
14 the basis of their zip codes, on the basis of their
15 income, on the basis of their situation in life, and
16 it is unacceptable that we still have lead poisoning
17 today. And I've also-- we've also heard a lot of
18 concerns around construction dust and construction
19 realities. So we want-- we're going to continue to
20 follow up on these topics, on these bills. Thank you
21 so much Council Member Schulman and to the committee
22 staff. This hearing is now adjourned.

23 [gavel]

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1 COMMITTEE ON HOUSING & BUILDINGS WITH COMMITTEE ON HEALTH 153

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1 COMMITTEE ON HOUSING & BUILDINGS WITH COMMITTEE ON HEALTH 154

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C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date May 7, 2023