Staff: Committee on Housing & Buildings

Austen Brandford, Senior Counsel

Audrey Son, Counsel

Genan Zilkha, Counsel

Jose Conde, Senior Policy Analyst

Charles Kim, Policy Analyst

Sarah Gastelum, Principal Financial Analyst

Luke Zangerle, Financial Analyst

Committee on Health

Ze-Emanuel Hailu, Senior Counsel

Sara Liss, Senior Counsel

Emily Balkan, Policy Analyst

Lauren Hunt, Financial Analyst

Committee on Education

Malcom M. Butehorn, Senior Counsel

Jan Atwell, Senior Policy Analyst

Kalima Johnson*,* Senior Policy Analyst

Chelsea Baytemur*,* Financial Analyst

Committee on Public Housing

Madiba Dennie, Counsel

Jose Conde, Senior Policy Analyst

Ricky Chawla, Policy Analyst

Sarah Gastelum, Principal Financial Analyst



**The New York City Council**

Jeffrey Baker, Legislative Director

**Committee Report of the Infrastructure and Human Services Divisions**

Terzah Nasser, Deputy Director, Infrastructure Division

Andrea Vazquez, Deputy Director, Human Services Division

**Committee on Health**

Hon. Mark Levine, Chair

**Committee on Housing and Buildings**

Hon. Robert E. Cornegy, Jr., Chair

**COMMITTEE ON EDUCATION**

Hon. Mark Treyger, *Chair*

**COMMITTEE ON PUBLIC HOUSING**

Hon. Alicka Ampry-Samuel, Chair

**November 13, 2019**

**Oversight: LeadFreeNYC and The City’s Enforcement of Existing Lead Laws**

**Introduction**

On November 13, 2019, the Committee on Housing and Buildings, chaired by Council Member Robert Cornegy, Jr., the Committee on Health, chaired by Council Member Mark Levine, the Committee on Education, chaired by Council Member Mark Treyger, and the Committee on Public Housing, chaired by Council Member Alicka Ampry-Samuel will hold a joint oversight hearing on LeadFreeNYC and the City’s Enforcement of Existing Lead Laws. The Committees expect to receive testimony from the Department of Health and Mental Hygiene (“DOHMH”) and the Department of Housing Preservation and Development (“HPD”), as well as other relevant agencies, health and environmental advocates, real estate industry representatives, tenant advocates, and members of the public.

**Background**

1. *Existing Lead Laws*
   1. *Local Law 1 of 2004*

The use of lead-based paint in residential buildings was first banned in New York City in 1960.[[1]](#footnote-1) It was subsequently banned by the federal government in 1978.[[2]](#footnote-2) Despite these bans, exposure to this toxic substance, which is especially harmful to children, continued. In response to this ongoing health crisis, and to protect children from potential lead hazards in their daily lives, the City Council passed Local Law 1 of 2004 (“Local Law 1”), also known as the Childhood Lead Poisoning Prevention Act.[[3]](#footnote-3)

Local Law 1 required, in part, that building owners investigate units and common areas in which lead-based paint may be present, with special attention paid to units where a child under age six resides.[[4]](#footnote-4) Any lead-based paint hazards or violations must be addressed using safe work practices to prevent additional exposure to lead, and detailed records of investigation and remediation efforts must be maintained.[[5]](#footnote-5) Owners must also inquire as to the presence of a child under six residing in the building, and to provide all tenants with information regarding the presence of lead-based paint (if applicable) and the owner’s responsibilities under Local Law 1.[[6]](#footnote-6)

In addition to the requirements placed on building owners, Local Law 1 creates a presumption that lead-based paint is present in any day care facility built before 1978.[[7]](#footnote-7) Any lead-based paint or paint of unknown lead content that is peeling or on a deteriorated, impact, or friction surface must be immediately remediated, and only lead-free paint can be used to paint equipment within the facility.[[8]](#footnote-8) The operator of a day care facility is required to conduct an annual survey to ensure that surface-coating material throughout the facility is in compliance.[[9]](#footnote-9)

HPD is primarily responsible for the implementation and enforcement of Local Law 1, with DOHMH also maintaining a significant role in the development of rules and procedures.[[10]](#footnote-10) Local Law 1 requires that the agencies provide training and create inspection and remediation standards as well as safe work practices.[[11]](#footnote-11) Further, Local Law 1 requires effective collaboration between the agencies throughout the process of conducting inspections and correcting violations by, among other things, requiring HPD to audit and/or inspect multiple dwellings for lead paint following a commissioner’s order to abate from DOHMH.[[12]](#footnote-12)

* 1. *September 2018 Hearing and Resulting Legislation*

Despite the banning of lead-based paint and the requirements of Local Law 1, exposure to lead remains a substantial health hazard in the City. In 2017, reports began to circulate describing frequent childhood lead poisoning, with elevated blood lead levels found in over 10% of children in some New York City census tracts.[[13]](#footnote-13) While Local Law 1 caused a substantial downward trend in the rates of childhood lead poisoning, the City’s failure to enforce Local Law 1 may be substantially contributing to the continuation of this health crisis.[[14]](#footnote-14) The stated goal of Local Law 1, which was to eradicate childhood lead poisoning, has not been realized, with nearly 4,000 children identified with elevated blood lead levels in 2018.[[15]](#footnote-15)

On September 27, 2018, the Committee on Housing & Buildings, the Committee on Health and the Committee on Environmental Protection held a joint hearing to analyze the City’s enforcement of Local Law 1 and determine where additional legislation could strengthen lead poisoning prevention efforts. Subsequently, on March 18, 2019, the Council passed 10 bills related to the prevention of lead poisoning..

Building upon the requirements of Local Law 1, these bills took a number of approaches to ensure the safety of children and spaces potentially overlooked by the City’s lead laws. One approach was requiring the investigation and remediation of lead hazards not only where children live, but also where they spend 10 or more hours per week.[[16]](#footnote-16) Another approach was to lower the blood lead reference level, the lead-based paint threshold and the lead dust threshold to more up-to-date standards that will trigger additional proactive investigations of lead poisoning and lead hazards.[[17]](#footnote-17) Further, annual investigation requirements were extended to preschools and nursery schools,[[18]](#footnote-18) and education, outreach, and reporting requirements were strengthened to effectively inform parents, guardians, and communities about lead hazards and lead poisoning prevention.[[19]](#footnote-19) Finally, requirements were added to increase awareness and testing of lead in water and soil.[[20]](#footnote-20)

1. *LeadFreeNYC*

Following the September 2018 hearing, Mayor Bill de Blasio announced that Kathryn Garcia, Commissioner of the Department of Sanitation, would be named Senior Advisor for Citywide Lead Prevention.[[21]](#footnote-21) Acknowledging that lead hazard mitigation will require greater coordination between relevant agencies, Commissioner Garcia was charged with developing a comprehensive plan for prevention and response.[[22]](#footnote-22) The resulting report, released in January 2019 and titled “A Roadmap to Eliminating Childhood Lead Exposure,” outlined the Administration’s proposed policies and operational changes, also known as LeadFreeNYC.[[23]](#footnote-23)

Similar to the legislation passed by the Council in March of 2019, many of the City’s commitments under LeadFreeNYC would ensure more proactive responses to lead hazards and childhood lead poisoning. Proposed policies include additional testing for lead hazards in public housing and shelter units, as well as more proactive blood level testing and care of at-risk or exposed children.[[24]](#footnote-24) Further, there would be more efforts to mitigate exposure to lead in water and soil, as well as during construction.[[25]](#footnote-25) The stated goal of LeadFreeNYC is to eliminate childhood lead exposure by 2029.[[26]](#footnote-26)

**Recent Developments and Enforcement of Existing Lead Laws**

Since the last joint hearing regarding the enforcement of existing lead laws on September 27, 2018, there has been extensive reporting on the presence of lead hazards citywide, with a new emphasis placed on lead hazards in public housing and schools.

1. *Citywide*

In September 2019, DOHMH submitted an annual report describing the City’s progress toward reducing blood lead levels citywide.[[27]](#footnote-27) While the report found that there has been a substantial decrease in the number of children with elevated blood lead levels, 3,866 children under six were found to have blood lead levels at or above 5 micrograms per deciliter (mcg/dL) in 2018, and 220 of those children had blood lead levels at or above 15 mcg/dL.[[28]](#footnote-28) In addition to illustrating that the annual decrease in lead exposed children has slowed since the years immediately following the enactment of Local Law 1, the report also found that the burden of lead exposure is highest among children of color and children living in high-poverty neighborhoods.[[29]](#footnote-29) Specifically, 66% of children under six with blood lead levels at or above 5 mcg/dL were from high-poverty neighborhoods, and 84% were Asian, Black, or Latinx.[[30]](#footnote-30) Unfortunately, the number of poisoned children is likely higher than the numbers presented in the report, as 20% of children under three in 2018 had never been tested for lead poisoning, as required by New York State law.[[31]](#footnote-31)

The reasoning behind the high number of lead exposed children was explored by Comptroller Scott Stringer, who released a report in September 2019 following a long-term investigation into child lead exposure.[[32]](#footnote-32) Among its many findings, the report highlights how “City agencies charged with eradicating childhood lead poisoning for years missed crucial opportunities to protect children from the immense harms associated with lead exposure.”[[33]](#footnote-33) Further, the report “exposes a clear failure by the City to leverage its own data related to lead exposure and utilize that data to precisely and methodically inspect buildings and areas most likely to pose a threat to children.”[[34]](#footnote-34)

1. *Public Housing*

NYCHA is the largest public housing authority in North America, and is home to at least 400,000 residents[[35]](#footnote-35), equaling 1 in 15 New Yorkers.[[36]](#footnote-36) In November 2017, the New York City Department of Investigation (DOI) revealed that there were approximately 4,200 units in NYCHA in which lead paint had not been ruled out with a resident child under the age of six. In 2018, federal prosecutors in Manhattan NYCHA of systematic misconduct, including presenting false reports to the government and to the public about its compliance with lead-paint regulations.[[37]](#footnote-37) These actions focused the public’s attention on the City’s lead poisoning prevention efforts, particularly with regards to individuals residing in public housing.

NYCHA subsequently admitted that, in more than half of NYCHA’s developments, NYCHA’s inspections (including statistical sampling) confirmed the presence of lead paint somewhere on the premises, and in at least ninety-two developments, the inspections (including statistical sampling) confirmed the presence of lead paint inside apartment units.[[38]](#footnote-38) NYCHA now has a federal monitor to ensure that NYCHA complies with its obligations under an agreement entered into on January 31, 2019 by HUD, NYCHA, and the City in order to resolve the federal lawsuit.[[39]](#footnote-39) The agreement imposes several deadlines to address lead-based paint hazards, among other health and safety issues.[[40]](#footnote-40)

Pursuant to the agreement, NYCHA must:

“1) take specific, exigent measures to protect children under six from the serious health risks of lead-based paint through assessment of units and the application of lead-based paint interim controls or abatement; 2) abate all lead-based paint in NYCHA properties (pursuant to detailed action plans executed over the course of twenty years); 3) strictly comply with federal regulations applicable to renovation, repair, and painting work done in apartments presumed to contain lead-based paint and take measures to ensure adherence to lead-safe work practices; 4) perform annual visual assessments and biennial risk assessment evaluations; and 5) take specific measures to detail, assess, investigate, and abate lead-based paint in units and common areas associated with children under six found to have elevated blood lead levels.”[[41]](#footnote-41)

The federal monitor has called for increased cooperation from NYCHA management in order to meet these goals.[[42]](#footnote-42)

According to the monitor team, they were “met with resistance” when they pressed NYCHA on NYCHA’s exclusive reliance on data known to be unreliable in order to calculate the number of non-exempt apartments where children under six reside or regularly visit and NYCHA’s failure to disclose that “certain contractors were not conforming to lead-safe work practices.”[[43]](#footnote-43) The monitor team has since initiated a weekly “lead process” meeting between itself and NYCHA in order to resolve these problems.[[44]](#footnote-44) Additionally, after reports that landlords were not complying with federal rules for removing or remediating potential lead paint, the City rushed to re-inspect 2,300 building common areas and 201 additional apartments.[[45]](#footnote-45)

Interestingly, lead poisoning rates are lower for children residing in public housing than they are for children living in private housing[[46]](#footnote-46) – even prior to the ban on lead paint in 1960, lead paint was not widely applied in NYCHA housing because it was prohibitively expensive.[[47]](#footnote-47) Moreover, DOHMH announced in July 2018 that it was inspecting all NYCHA apartments where children under 18 have been found to have blood lead levels of 5 mcg/dL or more, with plans to inspect units citywide.[[48]](#footnote-48)

On April 15, 2019, NYCHA began X-ray fluorescence (XRF) testing initiative of 134,084 units at NYCHA developments built before 1978 – the year the federal government banned lead-based paint. As of October 2019, 17,364 units (12.95%) had been inspected. Testing is scheduled to be completed by the end of 2020.[[49]](#footnote-49) The Committees are particularly interested in the current progress of the testing initiative.

1. *Schools*

The City’s Department of Education (DOE) has also faced scrutiny over reports of elevated lead levels detected in school water fountains. In September 2016, Governor Andrew Cuomo signed into law a bill that required the New York State Department of Health to develop regulations enforcing all school districts and boards of cooperative educational services to test all potable water outlets for lead contamination and to take responsive actions.[[50]](#footnote-50) Further, the law requires schools to provide parents and guardians with the test results.[[51]](#footnote-51)

In 2016, the City announced that it tested water in public schools and found that only one percent of outlets had lead levels higher than EPA’s action level of 15 parts per billion.[[52]](#footnote-52) However, in April 2017, *The New York Times* reported that the City’s low lead level results were due to the City running “the water in every outlet for two hours the night before taking the water samples, a process called flushing.”[[53]](#footnote-53) Under pressure from experts and advocates, the City committed to testing all school water fixtures twice by the end of 2020, which, to ensure accurate results, must be a first-draw sample pursuant to legislation passed by the Council in March.[[54]](#footnote-54) The testing is expected to take upwards of three years to complete, as there are 142,411 water fixtures throughout the City’s school system.[[55]](#footnote-55), [[56]](#footnote-56) According to DOE’s 2017-18 Water Remediation Update data, the City failed to fix more than 1,000 water fixtures in school kitchens, bathrooms, and classrooms that previously showed elevated lead levels.[[57]](#footnote-57) Recently DOE released data from the 2018 Cohort Citywide Results, which reports found that less than 5 percent of the 49,959 water fixtures tested had elevated lead levels[[58]](#footnote-58) and all but 15 had been remediated.[[59]](#footnote-59)

The New York City Health Code requires that rooms and areas in schools occupied by children under six-years of age be surveyed annually for lead-based paint.[[60]](#footnote-60) DOE claims that their existing protocol met the aforementioned mandate by “annually testing painted surfaces in pre-K and kindergarten classrooms using portable X-ray fluorescence analyzers, which can detect the lead content of paint.”[[61]](#footnote-61)

Despite the DOE’s protocol, a June 2019 WYNC and Gothamist investigation revealed high levels of lead-paint contamination in four New York City schools.[[62]](#footnote-62) Following the release of this investigation, New York City's Congressional delegation sent a letter to DOE and DOHMH urging them to conduct immediate lead testing in City public school buildings.[[63]](#footnote-63) In response, DOE announced accelerated summer inspections of classrooms occupied by 3-K, pre-K and kindergarten students in schools built prior to 1985.[[64]](#footnote-64) In addition, DOE announced plans to increase visual inspections for lead paint from once per year to three times per year and to develop a centralized database to monitor lead-based paint hazards in schools.[[65]](#footnote-65) City Council Speaker Corey Johnson and Education Committee Chair Council Member Mark Treyger sent a letter on August 4, 2019 to Chancellor Richard Carranza “reiterate[ing] the major concerns [of the Council] about the Department of Education’s response to lead contamination in public schools.”[[66]](#footnote-66) On August, 22, Council Member Treyger sent a follow-up letter to the Chancellor calling on the Department to also test and remediate common spaces in schools, including stairwells, resource rooms for special education services, art rooms, libraries, bathrooms, cafeterias, gymnasiums, and auditoriums.[[67]](#footnote-67)

The DOE announced in summer 2019 that lead remediation would be completed in all classrooms serving 3-K, Pre-K, kindergarten and first grade students prior to the first day of school. The completion of that remediation was announced on September 3 by the DOE and School Construction Authority (SCA).[[68]](#footnote-68) As part of that announcement, the Department indicated that by the start of the 2020-21 school year, independent contractors would inspect, test and remediate cafeterias and libraries serving 3-K, Pre-K, kindergarten and first grade students.[[69]](#footnote-69)

Finally, the fiscal year (FY) 2020-2024 Capital Plan includes $10 million for lead paint abatement “in buildings where no related major capital projects are planned,” and according to the Capital Plan “the DOE/SCA continues to remediate areas identified by lead inspections and DOHMH referrals.”[[70]](#footnote-70) Over FY 2015-2017, DOE spent $2.39 million in capital on lead paint abatement.[[71]](#footnote-71)

**Conclusion**

Despite a substantial decline in lead poisoning since the passage of Local Law 1, thousands of children are exposed to lead hazards every year. Exposure to lead can be devastating, resulting in lifelong health, developmental, and behavioral impediments. Unfortunately, we have learned that much of this continued lead poisoning is the result of inadequate enforcement of existing laws, which has resulted in children coming into contact with lead hazards throughout their daily lives. The Committees are eager to examine how the City is enforcing our lead laws and how the implementation of the LeadFreeNYC initiatives will finally eliminate childhood lead exposure.

1. N.Y.C. Department of Housing Preservation and Development, <https://www1.nyc.gov/site/hpd/owners/Lead-Based-Paint.page>. [↑](#footnote-ref-1)
2. U.S. Environmental Protection Agency, <https://www.epa.gov/lead/protect-your-family-exposures-lead>. [↑](#footnote-ref-2)
3. Local Law 1 for the year 2004, available at <https://www1.nyc.gov/assets/hpd/downloads/pdf/lead-local-local1-2004.pdf> [↑](#footnote-ref-3)
4. *Id.*  [↑](#footnote-ref-4)
5. *Id.*  [↑](#footnote-ref-5)
6. *Id.*  [↑](#footnote-ref-6)
7. *Id.*  [↑](#footnote-ref-7)
8. *Id.*  [↑](#footnote-ref-8)
9. *Id.*  [↑](#footnote-ref-9)
10. *Id.*  [↑](#footnote-ref-10)
11. *Id.*  [↑](#footnote-ref-11)
12. *Id.* [↑](#footnote-ref-12)
13. Joshua Schneyer and M.B. Pell, *Lead Poisoning Lurks in Scores of New York Neighborhoods*, Reuters (November 14, 2017), <https://www.reuters.com/investigates/special-report/usa-lead-newyork/>. [↑](#footnote-ref-13)
14. *Id*. [↑](#footnote-ref-14)
15. N.Y.C. DOHMH, Report to the New York City Council on Progress in Preventing Childhood Lead Poisoning in New York City, September 30, 2019, available at <https://www1.nyc.gov/assets/doh/downloads/pdf/lead/lead-rep-cc-annual-19.pdf>. [↑](#footnote-ref-15)
16. Local Law 64 for the year 2019, available at <https://nyc.legistar.com/LegislationDetail.aspx?ID=3343772&GUID=D826FA06-E66A-4ECD-BBF1-B30F7BE3C3C2&>. [↑](#footnote-ref-16)
17. Local Law 66 for the year 2019, available at <https://nyc.legistar.com/LegislationDetail.aspx?ID=3498451&GUID=32932F9A-CBB0-4413-95F3-4AFCCCE64F41&>. [↑](#footnote-ref-17)
18. Local Law 71 for the year 2019, available at <https://nyc.legistar.com/LegislationDetail.aspx?ID=3498552&GUID=4B027FB2-02C8-4571-9F3B-5DA56A4A1AF8&>. [↑](#footnote-ref-18)
19. Local Law 68 for the year 2019, available at <https://nyc.legistar.com/LegislationDetail.aspx?ID=3498487&GUID=AD975873-6473-4FC1-9DEE-4C3D4F3F6865&>; Local Law 69 for the year 2019, available at <https://nyc.legistar.com/LegislationDetail.aspx?ID=3498488&GUID=9BA70A4F-CC51-485F-B807-E68DEFBDCA50&>; Local Law 70 for the year 2019, available at <https://nyc.legistar.com/LegislationDetail.aspx?ID=3498572&GUID=AB24032F-962B-492E-AEEA-F1A9118CAEE7&>; [↑](#footnote-ref-19)
20. Local Law 65 of 2019, available at <https://nyc.legistar.com/LegislationDetail.aspx?ID=3371619&GUID=93548B9D-7C33-412B-BA48-781DF61B842F&>; Local Law 67 of 2019, available at <https://nyc.legistar.com/LegislationDetail.aspx?ID=3498485&GUID=294DE66F-633F-4587-85BF-AC52316861CC&>; Local Law 72 of 2019, available at <https://nyc.legistar.com/LegislationDetail.aspx?ID=3597657&GUID=AAFF22D0-1BD8-4E05-839F-F1E20FF97BE8&>; Local Law 73 of 2019, available at <https://nyc.legistar.com/LegislationDetail.aspx?ID=3683904&GUID=BEAFC322-DEFE-4780-BF47-3C6FE9D5BF72&>. [↑](#footnote-ref-20)
21. Mayor de Blasio Appoints Senior Advisor for Citywide Lead Prevention (October 18, 2018), available at <https://www1.nyc.gov/office-of-the-mayor/news/515-18/mayor-de-blasio-appoints-senior-advisor-citywide-lead-prevention>. [↑](#footnote-ref-21)
22. *Id*. [↑](#footnote-ref-22)
23. A Roadmap to Eliminating Childhood Lead Exposure, available at <https://www1.nyc.gov/assets/leadfree/downloads/pdf/Lead_Report_2019_Full.pdf> (last accessed October 29, 2019). [↑](#footnote-ref-23)
24. *Id*. [↑](#footnote-ref-24)
25. *Id*. [↑](#footnote-ref-25)
26. *Id*. [↑](#footnote-ref-26)
27. N.Y.C. DOHMH, Report to the New York City Council on Progress in Preventing Childhood Lead Poisoning in New York City, September 30, 2019, available at <https://www1.nyc.gov/assets/doh/downloads/pdf/lead/lead-rep-cc-annual-19.pdf>. [↑](#footnote-ref-27)
28. *Id*. [↑](#footnote-ref-28)
29. *Id*. [↑](#footnote-ref-29)
30. *Id*. [↑](#footnote-ref-30)
31. *Id*. [↑](#footnote-ref-31)
32. New York City Comptroller Scott Stringer’s Investigation into Child Lead Exposure (September, 2019), available at <https://comptroller.nyc.gov/wp-content/uploads/documents/Lead-Investigation.pdf>. [↑](#footnote-ref-32)
33. *Id*. [↑](#footnote-ref-33)
34. *Id*. [↑](#footnote-ref-34)
35. New York City Housing Authority, Accused of Endangering Residents, Agrees to Oversight, The New York Times (2018) available at https://www.nytimes.com/2018/06/11/nyregion/new-york-city-housing-authority-lead-paint.html?module=Uisil [↑](#footnote-ref-35)
36. New York City Housing Authority 2019 Fact Sheet, *available at* https://www1.nyc.gov/assets/nycha/downloads/pdf/NYCHA-Fact-Sheet\_2019\_08-01.pdf [↑](#footnote-ref-36)
37. *New York City Housing Authority, Accused of Endangering Residents, Agrees to Oversight,* The New York Times (2018) available at <https://www.nytimes.com/2018/06/11/nyregion/new-york-city-housing-authority-lead-paint.html?module=Uisil> [↑](#footnote-ref-37)
38. *United States of America v. New York City Housing Authority* Consent Decree 18 Civ. 5213 (Filed June 11, 2018) *available at* https://www.epa.gov/sites/production/files/2018-06/documents/nycha-cd.pdf [↑](#footnote-ref-38)
39. *More Than 1,100 School Faucets Still Have Lead, City Says*, The New York Times (2018) available at <https://www.nytimes.com/2018/09/11/nyregion/lead-nyc-schools.html> [↑](#footnote-ref-39)
40. *Id*. [↑](#footnote-ref-40)
41. Federal Monitor Bart M. Schwartz, “Monitor’s First Quarterly Report for the New York City Housing Authority Pursuant to the Agreement dated January 31, 2019 April-June 2019,” available at https://nychamonitor.com/wp-content/uploads/2019/07/NYCHA-First-Report-7.22.19.pdf [↑](#footnote-ref-41)
42. *Id*. [↑](#footnote-ref-42)
43. *Id*. [↑](#footnote-ref-43)
44. *Id*. [↑](#footnote-ref-44)
45. *NYC is frantically reinspecting buildings for lead*, The New York Post (2018) available at <https://nypost.com/2018/09/11/nyc-is-frantically-reinspecting-buildings-for-lead/> [↑](#footnote-ref-45)
46. N.Y.C. DOHMH, Report to the New York City Council on Progress in Preventing Childhood Lead Poisoning in New York City, September 30, 2019, available at <https://www1.nyc.gov/assets/doh/downloads/pdf/lead/lead-rep-cc-annual-19.pdf>. [↑](#footnote-ref-46)
47. New York City Housing Authority, “Lead-Based Paint and New York City Housing Authority (NYCHA): Facts,” *available at* <https://www1.nyc.gov/assets/nycha/downloads/pdf/lead-based-paint-dohmh-nycha-20160612.pdf> (June 12, 2016) [↑](#footnote-ref-47)
48. *820 Children Under 6 in Public Housing Tested High for Lead,* The New York Times (2018) available at <https://www.nytimes.com/2018/07/01/nyregion/nycha-lead-paint-children.html> [↑](#footnote-ref-48)
49. New York City Housing Authority, “Lead-Based Paint Report: XRF Testing Initiative,” available at <https://my.nycha.info/PublicSite/Transparency/XrfReport> (Data as of October 29, 2019) [↑](#footnote-ref-49)
50. Chapter 296 of the Laws of 2016. [↑](#footnote-ref-50)
51. *Id.* [↑](#footnote-ref-51)
52. Taylor, K., “Most New York City Schools Had High Lead Levels, Retests Find,” *The New York Times.* April 28, 2017. Accessed at: <https://www.nytimes.com/2017/04/28/nyregion/new-york-schools-lead-water.html?module=inline>. [↑](#footnote-ref-52)
53. *Id.* [↑](#footnote-ref-53)
54. Local Law 67 of 2019, available at <https://nyc.legistar.com/LegislationDetail.aspx?ID=3498485&GUID=294DE66F-633F-4587-85BF-AC52316861CC&> [↑](#footnote-ref-54)
55. Taylor, K., “Most New York City Schools Had High Lead Levels, Retests Find,” *The New York Times.* April 28, 2017. Accessed at: <https://www.nytimes.com/2017/04/28/nyregion/new-york-schools-lead-water.html?module=inline>. [↑](#footnote-ref-55)
56. Shapiro, E., “More Than 1,100 School Faucets Still Have Lead, City Says,” *The New York Times.* September 11, 2018. Accessed at: <https://www.nytimes.com/2018/09/11/nyregion/lead-nyc-schools.html>. [↑](#footnote-ref-56)
57. Viega, C., “Nearly 400 New York City schools still need remediation of water faucets that showed high lead levels,” *Chalkbeat.* September 11, 2018. Accessed at: <https://www.chalkbeat.org/posts/ny/2018/09/11/nearly-400-new-york-city-schools-await-remediation-of-water-faucets-that-showed-high-lead-levels/>. [↑](#footnote-ref-57)
58. New York City Department of Education, “Water Testing Results, 2018 Cohort,” *Water Safety*. Accessed at: <https://www.schools.nyc.gov/about-us/reports/water-safety>. [↑](#footnote-ref-58)
59. Amin, R., Zimmeran, A., and Veiga, C., “Over 900 NYC classrooms serving the city’s youngest children have deteriorating lead paint, new data show,” *Chalkbeat*. July 31, 2019. Accessed at: <https://www.chalkbeat.org/posts/ny/2019/07/31/over-900-nyc-classrooms-serving-the-citys-youngest-children-have-deteriorating-lead-paint-new-data-show/>. [↑](#footnote-ref-59)
60. §43.23 [↑](#footnote-ref-60)
61. WNYC and Werth, C., “WNYC Finds High Levels of Lead-Paint Contamination in Four NYC Schools,” June 24, 2019. Accessed at: <https://gothamist.com/news/wnyc-finds-high-levels-of-lead-paint-contamination-in-four-nyc-schools>. [↑](#footnote-ref-61)
62. *Id.* [↑](#footnote-ref-62)
63. WNYC and Werth, C., “NYC Congressional Delegation Calls For Additional Lead Tests In Schools,” June 27, 2019. Accessed at: <https://gothamist.com/news/nyc-congressional-delegation-calls-for-additional-lead-tests-in-schools>. [↑](#footnote-ref-63)
64. WNYC and Werth, C., “DOE Will Enhance Lead Paint Inspection Protocol In Schools,” July 6, 2019. Accessed at: <https://gothamist.com/news/doe-will-enhance-lead-paint-inspection-protocol-in-schools>. [↑](#footnote-ref-64)
65. *Id.* [↑](#footnote-ref-65)
66. Letter on file with the Council’s Legislative Division. [↑](#footnote-ref-66)
67. *Id.* [↑](#footnote-ref-67)
68. New York City Department of Education, “Chancellor Carranza Announces Classroom Remediation for Students Under Six Complete,” *DOE Announcements.* September 3, 2019. Accessed at: <https://www.schools.nyc.gov/about-us/news/announcements/contentdetails/2019/09/03/chancellor-carranza-announces-classroom-remediation-for-students-under-six-complete>. [↑](#footnote-ref-68)
69. *Id.* [↑](#footnote-ref-69)
70. New York City School Construction Authority and New York City Department of Education, “Proposed FY 2020 – 2024 Five-Year Capital Plan.” November 2018. Accessed at:

    <https://dnnhh5cc1.blob.core.windows.net/portals/0/Capital_Plan/Capital_plans/11012018_20_24_CapitalPlan.pdf?sr=b&si=DNNFileManagerPolicy&sig=UoDzgbPdHYLWX6MumIqH2i2ZkmoX9No%2BpGs6g%2FAZZoY%3D>. [↑](#footnote-ref-70)
71. *Id.* [↑](#footnote-ref-71)