

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON PUBLIC HOUSING

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October 21, 2020
Start: 12:15 p.m.
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HELD AT: Remote Hearing

B E F O R E: Alicka Ampry-Samuel
CHAIRPERSON

COUNCIL MEMBERS:
Diana Ayala
Laurie Cumbo
Ruben Diaz, Sr.
Vanessa Gibson
Mark Gjonaj
Carlos Menchaca
Donovan Richards
Rafael Salamanca, Jr.
Ritchie Torres
Mark Treyger
Jimmy Van Bramer

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

Sergio Galvez, Community Health Worker and
Supervisor
LSA Family Health Service

Getulio Cruz, Pastor
Monte Sion Christian Church

Michelle Holmes, NYCHA Resident

1 COMMITTEE ON PUBLIC HOUSING

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2 SERGEANT-AT-ARMS: Sergeant Sudowski,
3 please start your recording.

4 SERGEANT-AT-ARMS: PC recording has
5 started.

6 SERGEANT-AT-ARMS: Cloud recording has
7 started. Good afternoon, everyone, and welcome to
8 today's remote New York City Council hearing recessed
9 from the Committee on Public Housing. At this time,
10 what all panelists please turn on their video for
11 verification purposes. And, to minimize disruption,
12 we ask everyone to please place electronic devices
13 on silent or vibrate. If you wish to submit
14 testimony, you may do so at
15 testimony@council.nyc.gov. Again, that is
16 testimony@council.nyc.gov. Thank you, Chair. We are
17 ready to begin.

18 [gavel]

19 CHAIRPERSON AMPRY-SAMUEL: This hearing
20 is called to order. I am Alicka Ampry-Samuel, Chair
21 of the Committee on Public Housing. This is a
22 continuation of the committee's October 7th oversight
23 hearing which was titled An Update on NYCHA's Plan to
24 address chronic mold conditions in NYCHA which was
25 recessed due to technical issues. Today, we will

2 hear testimony from members of the public on the
3 issues of mold in NYCHA developments. Thank you,
4 again, for your patience and for taking the time to
5 return today to present your testimony before this
6 committee. I will now turn it over to committee
7 counsel to go over some procedural items.

8 COMMITTEE COUNSEL: Thank you. I am
9 Audrey Sun, counsel to the city councils Committee on
10 Public Housing. Before we begin, I want to remind
11 everyone that you will be on mute until you are
12 called on to testify. When it is your turn, you will
13 receive a prompt to unmute and the Sergeant-at-arms
14 will set the timer and announced that you may begin.
15 Each witness will have five minutes. I would now
16 like to welcome Sergio Galvez to testify followed by
17 Getulio Cruz.

18 SERGEANT-AT-ARMS: Time starts now.

19 COMMITTEE COUNSEL: Please unmute
20 yourself.

21 SERGIO GALVEZ: I apologize. My name is
22 Sergio Galvez. I am the community health worker,
23 supervisor at LSA Family Health Services, a CBO in
24 East Harlem. Thank you to Chairwoman Ampry-Samuel,
25 Council member Torres, and the rest of the committee

2 for giving us an opportunity to testify in favor of
3 INT number 1911 to ensure that all tenants are
4 notified about the independent mold and leak
5 ombudsperson. I have worked at LSA for five years
6 visiting people in their homes who suffer from asthma
7 that is made worse by housing conditions. Over the
8 last two decades, my colleagues and I have inspected
9 thousands of apartments. More than half of those
10 apartments have been in NYCHA buildings. I am also a
11 leader with Metro IAF working with NYCHA residents
12 and other leaders citywide. We helped to push for
13 repairs to hundreds of apartments and barter
14 improvements, however, court appointed [inaudible
15 00:03:36] person established through the buys versus
16 NYCHA consent decree, Rev. Cruz will discuss this.
17 The court appointed independent ombudsperson, Cesar
18 de Castro, is supported by the independent court
19 appointed mold and leak ombudsperson call center, or
20 the OCC. The OCC opened in November of 2019 and,
21 since July 2020, all NYCHA tenants can make their
22 appeal to the ombudsperson by contacting the OCC at
23 888-341-7152 or at ombnyc.com. If NYCHA does not
24 properly or adequately fix their mold or leak
25 conditions. The OCC helps and pushes NYCHA to take

2 effective action to identify the root cause of mold
3 and leaks and to effectively remediate it. The
4 ombudsperson even has the authority to hire
5 independent contractors at NYCHA's expense to make
6 mold and leaks the related repairs, if necessary.
7 While the ombudsperson person hasn't yet had to take
8 enforcement action, he and the OCC have made
9 significant positive progress. While we in Metro IAF
10 want repairs at about 700 units across the city and
11 seven years, between November 1st, 2019 and October
12 15th of 2020, the ombudsperson and the OCC has
13 already had the following impacts in just a few
14 months that they have been responding to resident
15 complaints. As of October 15th, according to the
16 recent information by the OCC, the OCC has received
17 mold and leak complaints for almost 4000 residents.
18 All mold and leak related problems have been resolved
19 for 1420 apartments. Some work has been done in 1035
20 apartments. Most of the work has been done in 1160
21 apartments. The ombudsperson in the OCC has the
22 authority of the federal court, the access to all of
23 NYCHA's data related to mold and leaks, and in direct
24 line of communication with key staff to help push
25 NYCHA to significantly improve conditions, identify

2 NYCHA's operational pinpoints, and other patterns in
3 NYCHA's work that can be improved. Most importantly,
4 the OCC models of effective communication with NYCHA
5 tenants who finally have [inaudible 00:06:28] if they
6 are left waiting at home for workers who don't show
7 up. Scores of tenants we work with have gotten real
8 help from the ombudsperson and the OCC. A leader
9 from LSA who lives in Jefferson Houses has submitted
10 testimony about their positive experience with the
11 OCC. I will also share to other examples. A
12 resident from Metro North Houses experienced frequent
13 leaks that severely damaged her bathroom and bedroom.
14 The resident first reported the problem on January
15 2nd, 2019. She submitted several complaints from
16 NYCHA and housing courts. NYCHA workers would fix
17 the walls, but failed to identify the source of the
18 leak, causing the leak to keep coming back. Over a
19 year later, on the 6th of February 2020, the resident
20 called the OCC to report the leaks and damages in
21 their home. The OCC quickly got in touch with the
22 management at Metro North and coordinated repairs--

23 SERGEANT-AT-ARMS: Time expired.

24 SERGIO GALVEZ: dates with the resident
25 and even got NYCHA workers to show up when they

2 missed the first appointment. As of yesterday, the
3 resident happily reported no leaks had returned. The
4 OCC has worked so well that Metro IAF attorneys plan
5 to make a motion to the court to extend the OCC for
6 at least another year and will work to ensure it
7 continues as long as NYCHA needs this outside
8 oversight. Unfortunately, far too many tenants still
9 are not aware of the ombudsperson and the OCC. It's
10 important that every tenant who suffers from mold and
11 leak issues can benefit from the valuable oversight.
12 This is why Metro IAF strongly endorses this bill,
13 1911. We think Council member Torres for writing
14 this bill and to Council members Ampry-Samuel, Ayala,
15 and Gibson for supporting it. We are eager to work
16 with the city Council to ensure the passage and that
17 it is properly implemented. Thank you.

18 CHAIRPERSON AMPRY-SAMUEL: Thank you so
19 much. Also wanted to just recognize my colleagues
20 who are on. Council member Menchaca, Council member
21 Dias, and Council member Gjonaj. Thank you for
22 joining us.

23 COMMITTEE COUNSEL: Thank you. I would
24 now like to welcome Getulio Cruz to testify, followed
25 by Michelle Holmes.

2 SERGEANT-AT-ARMS: Time starts now.

3 SERGEANT-AT-ARMS: Mr. Cruz, you are having
4 audio issues. We can't hear you. You might have to
5 adjust your volume settings.

6 GETULIO CRUZ: Can you hear me now?

7 SERGEANT-AT-ARMS: Yes. We can.

8 GETULIO CRUZ: Okay. I apologize for
9 that. Whatever you say. Good afternoon. I am
10 Reverend Getulio Cruz Junior, pastor of Monte Sion
11 Christian Church located on the lower East side.
12 Thank you to the Chairwoman Ampry-Samuel, Council
13 member Torres, and the rest of the committee for
14 allowing us to testify. I am here with Metro IAF to
15 discuss our effort to hold NYCHA accountable to
16 really fixing mold in general and to strongly endorse
17 the city Council member Torres' bill to ensure
18 everyone knows about the great services of the mold
19 ombudsperson. New York City Metro IAF is made up of
20 Manhattan together, South Bronx churches, East
21 Brooklyn congregations, and Queens power and is the
22 largest network of faith-based institutions, schools,
23 and community organizations leading our city forward
24 for everyone. We connect people from within our
25 diverse groups to act together to push for concrete

2 improvements in their communities and beyond because
3 tens of thousands of our members, including half of
4 my congregation, listed public housing. We have been
5 working with tenant leaders for over 20 years to
6 document problems, to fight for repairs, and
7 improvements. Because of NYCHA's continued neglect
8 of asthma causing mold, we took them to federal court
9 and, in December 2013, forced them to sign a historic
10 consent decree in Baez versus NYCHA that required
11 them to fix almost all mold cases in 15 days or less.
12 After four long years of continued breach, we and our
13 legal team, with the support of the 2016 appointed
14 special Master, got them to sign a revised consent
15 decree in 2018 that brought in strong, independent
16 oversight via an independent data analyst, an
17 independent mold analyst, and the mold ombudsperson.
18 The important work done by the June 2019 court
19 appointed data analyst, IDA Neil Steincamp, and mold
20 expert, IMA Bill Southern, demonstrated how much
21 NYCHA was still falling short on fixing mold and
22 leaks properly and identified specific things that
23 NYCHA could do that would solve most mold and leak
24 problems. The effective work of these independent
25 experts has been instrumental in creating what

2 progress has occurred. Further, as my colleague
3 discussed, Cesar de Castro, the independent mold
4 ombudsperson has helped thousands of families get
5 real repairs. Unfortunately, far too many tenants
6 are still suffering from mold and leaks. Four of the
7 most important steps NYCHA needs to take to address
8 this crisis are as follows: number one, replacing all
9 roof fans. The Baez versus NYCHA revised consent
10 decree requires NYCHA to fix or replace all
11 nonfunctional roof fans by May 2019. Unfortunately,
12 most of the 65 percent of NYCHA units that depend on
13 roof fans still do not have enough ventilation.
14 After we and others kept pushing this, in August of
15 2019, NYCHA finally agreed to replace all of the
16 roughly 10,000 old belt driven fans with direct drive
17 fans. In the HUD action plan, they committed to
18 having this completed by June 2021. Recently, NYCHA
19 reported some positive news. Since 2018, they
20 replaced 1174 belt driven fans with direct drive
21 fans. If this is accurate, tenants living in
22 buildings covered by those fans may be a big step
23 closer to adequate ventilation and NYCHA may have
24 fewer fans to replace. Unfortunately, given past
25 performance of belt driven fans, there is no evidence

2 from NYCHA that the 487 new belt driven fans will not
3 break as easily as those they replaced. We share
4 similar concerns with the roughly 1111 roof fans
5 NYCHA reports to have repaired over the same period.
6 Since the last hearing, NYCHA said that they had
7 reached agreements with companies that can replace
8 roof fans on a large-scale. If this is accurate, it
9 is progress. However, the work must actually begin
10 immediately if NYCHA has any chance of completing its
11 work by the deadline and preventing more tenants from
12 suffering from asthma or other respiratory ailments.
13 Overall, on the crucial subject of ventilation, NYCHA
14 needs to completely disclose immediately to the
15 public what work they have done and what they have
16 left to do and when it will be completed. As
17 important as this has always been, the added risk of
18 COVID-19 has made it even more critical. The other
19 three points more mold remediation workers, resolving
20 scheduling problems through the creation of resident
21 coordinators and an automated scheduling system, and
22 a revised leak standard procedure. There is more to
23 my testimony, but I want to end with this. However,
24 some real progress had continued over this period,
25 particularly thousands of tenants who have contacted

2 the independent mold and leak ombudsperson call
3 center have seen real relief. Thank you.

4 COMMITTEE COUNSEL: Thank you very
5 much. I will now call Michelle Holmes.

6 SERGEANT-AT-ARMS: Time starts now.

7 MICHELLE HOLMES: Good afternoon, Chair
8 Ampry-Samuel and members of the committee. Thank you
9 for the opportunity to testify today regarding mold
10 conditions and NYCHA. I am going to read a little
11 and then I'm going to look at the screen, as well.
12 My name is J. Michelle Holmes and I am a resident of
13 NYCHA Polo Grounds Towers. I've been a resident in a
14 mold infested apartment for over 26 years. I was
15 downsized from a beautiful apartment that I inhabited
16 as a child to an apartment that was already mold
17 laden, however, the critical part is the mold was
18 just covered up with a paint job and that is how it
19 is in most departments here. I am also a member of
20 We Act for Environmental Justice and, together, we
21 are fighting for healthy housing in NYCHA. I am
22 testifying today in support of increasing efforts to
23 address chronic mold conditions in NYCHA. This
24 includes increasing transparency to tenants about how
25 these issues are being addressed. Most importantly,

2 we need action. We have been dealing with chronic
3 mold conditions for decades, even though this issue
4 is 100% preventable. As I previously stated, 1993, I
5 downsized to an apartment that was covered in mold
6 and the mold was simply painted over. NYCHA did not
7 address the issue at all between 1993 and 2011.

8 Although, I had regular apartments inspections, it
9 wasn't even written down. It wasn't noted at all.

10 In 2011-- or actually the end of 2010, I withheld my
11 rent and I was dragged into court and I was

12 threatened with eviction. After winning the case,

13 NYCHA went ahead, chaffed myself, the judge, and

14 thousands of others residents by simply wiping over

15 the mold and painting again. My daughter, grandson,

16 and I have asthma. At the time, my grandson lived

17 here and we stayed in the emergency room. With We

18 Act's help, we were able to get our apartment

19 partially remediated in 2015. However, the issue

20 still exists because they just banded the problem.

21 Mold has been a major public health issue in NYCHA

22 for decades. It affects residents and employee's

23 health. Mold exacerbates respiratory and

24 cardiovascular issues. It triggers asthma, a

25 condition for which not only children of color and

2 adults are disproportionately affected, asthma has
3 major implications for the lifespan. Not only is it
4 a direct threat to life and safety, but asthma
5 attacks lead children to missing school and adults
6 missing work. This impacts not only health, but also
7 finances. Asthma attacks in New York City amount to
8 over 100,000 missed days of school and work. You can
9 imagine this has a huge impact on the long-term
10 success of our children. Now, the policy for NYCHA
11 to come in and address the mold usually is the
12 assistant superintendent comes and visits your
13 apartment to tell you whether what you have is mold
14 or not. Then, the superintendent follows to discuss
15 a solution, but they, in turn, they blame the
16 resident for the mold issue. Then a contractor,
17 rules, suits up, covers his full face, and then wipes
18 something on the ceiling and then they come back at
19 the pain over it. That's it. That's what happens
20 and every time this happens, they tell you they're
21 going to use a new procedure and it never happens.
22 The resident is told, if it comes back within six to
23 nine months, put in a new ticket. Unfortunately,
24 NYCHA remains its own--

25 SERGEANT-AT-ARMS: Time expired.

2 MICHELLE HOLMES: executive, judicial, and
3 legislative body. It creates tickets, inspects, and
4 closes the tickets and determines on it's own what
5 residents have. What we need today is-- and I am at
6 my wits end as a resident of public housing. What we
7 just need is more strength. You, as the city
8 Council, are standing behind us. I beg of you to
9 help up. No more asthma attacks should happen. I
10 think, at 59 years old, I don't look forward to dying
11 before 60 because of another attack. And these
12 attacks are getting worse. I implore you to have
13 NYCHA no longer cover up, but get in, fix and clean
14 up and stop blaming the resident for what is going
15 on. Thank you for your time today.

16 COMMITTEE COUNSEL: Thank you. If
17 there any other members of the public we have not yet
18 called on to testify, please use the zoom raise hand
19 function and we will hear from you now. Seeing nine,
20 we will now conclude public testimony for this
21 hearing. As a reminder, the Council will continue to
22 accept written testimony up to 72 hours after today's
23 hearing. Anyone who wishes to submit written
24 testimony can send it to testimony@council.nyc.gov.

2 I will now turn it back to Chair Ampry-Samuel to
3 close the hearing.

4 CHAIRPERSON AMPRY-SAMUEL: Thank you,
5 counsel. I also want to recognize that we were
6 joined by our Majority Leader Laurie Cumbo, as well.
7 As I, you know, just begin to in this hearing, I just
8 want you to know, Ms. Holmes, that your story and the
9 stories that we hear, it breaks my heart. You know,
10 I can hear the same story a thousand times a day and
11 each and every time, it is just heart wrenching and
12 you should not have to go through this. No one. No
13 person in this country are in this world should have
14 to live like that and the purpose of these hearings
15 is to heal your voice. To hear your testimony and to
16 question the authority. The question the city
17 agencies and put them on the spot to find out what
18 are they doing? What is happening? And, you know,
19 the comet and they testify and we hear the same
20 excuses over and over and over about money, but we
21 know there is money to fix. And so, I thank you. I
22 thank you, Mr. Cruz. I thank everyone who testified,
23 Mr. Galvez, for just coming in today and letting us
24 hear your voice. But I have to say that, please,
25 keep doing what you're doing. Please continue to

2 fight. Please continue to hold government
3 accountable because, like you said, Ms. Holmes, we
4 are standing and your behind us, but we are only as
5 strong as the voices that we represent and so, please
6 continue to fight so that we can go into City Hall
7 and push that fight on your behalf because we are
8 working really hard. And I am also thankful that we
9 do have a federal monitor that is also listening and
10 also doing what he is supposed to do. So, with that,
11 I want to say thank you for coming back and, you
12 know, returning and I, again, apologize for the
13 inconvenience and the technology from two weeks ago.
14 And I also want to thank committee staff for all of
15 your hard work and dedication to the families of
16 public housing. I want to thank Audrey Sun, Jose
17 Condi, Rickie Chala, Terza Nassar, Sarah Gosalum, and
18 all of the Sergeants-at-arms who make this happen
19 during every hearing and to Stephanie Allen and also
20 my team and staff, Everton Smith and Naomi Hopkins.
21 So, this concludes the continued public housing
22 hearing on the update of NYCHA's plan to address
23 chronic mold conditions in NYCHA developments. Thank
24 you so much, everyone, and have a safe and blessed
25 day and rest of the year.

2 [gavel]

3 SERGEANT-AT-ARMS: And, Council members,
4 just a reminder that the link for the 1 o'clock
5 hearing is different from this one. This one is
6 going to be closed down. If you are looking to go
7 into the 1 o'clock hearing, the joint committee,
8 please use the new link that was sent. Thank you and
9 have a good afternoon.

10 CHAIRPERSON AMPRY-SAMUEL: Thank you. Be
11 safe.

12 SERGEANT-AT-ARMS: You, as well.

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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 October 30, 2020