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**Committee on Public Housing**

Hon. Alicka Ampry-Samuel, Chair

**December 10, 2020**

**Int. No. 1911-A:** By Council Members Torres, Ampry-Samuel, Ayala, Gibson, Rosenthal and Barron

**Title:** A Local Law in relation to the provision of information to tenants of the New York city housing authority regarding the mold ombudsperson

**Introduction**

On December 10, 2020, the Committee on Public Housing, chaired by Council Member Alicka Ampry-Samuel, held a hearing on Int. No. 1911-A, in relation to the provision of information to tenants of the New York city housing authority regarding the mold ombudsperson. The original bill was first heard on October 7, 2020. More information about this bill, along with the materials for that hearing, can be found at <https://go.usa.gov/x7SKT>.

**Int. No. 1911-A**

In 2013, a group of plaintiffs filed a class action lawsuit on behalf of New York City Housing Authority (NYCHA) residents and nonprofit organizations against NYCHA for NYCHA’s failure to make reasonable accommodations and modifications in its policies, practices, and procedures to effectively abate mold and excessive moisture in tenants’ apartments.[[1]](#footnote-1) On April 17, 2014, the case settled and the Court approved a Stipulation and Order of Settlement (“Consent Decree”) imposing certain mold, leak, and excessive moisture repair requirements on NYCHA.[[2]](#footnote-2) In November 2018, the Court approved a revised settlement agreement,[[3]](#footnote-3) extending the terms of the original Consent Decree, requiring the appointment of an independent ombudsperson, and removing the Consent Decree’s sunset provision.[[4]](#footnote-4) The Mold Ombudsperson is responsible for receiving complaints from NYCHA tenants through its Ombudsperson Call Center when NYCHA fails to comply with the terms of the Consent Decree, and after NYCHA tenants have exhausted ordinary channels to address mold and excessive moisture concerns.[[5]](#footnote-5)

Int. No. 1911-A would require an office or agency designated by the Mayor to distribute to each tenant of NYCHA a pamphlet or other printed document that contains information about the mold ombudsperson, the mold ombudsperson’s call center, and how to make a complaint to the mold ombudsperson. The office would also be required to communicate this information to each tenant by telephone. For tenants enrolled in electronic billing, the designated office can opt to send the information via e-mail instead of distributing a paper copy. Int. No. 1911-A also requires the designated office to distribute such pamphlet to certain elected officials and community representatives, and to hold a public briefing at least once a year to provide information about the mold ombudsperson.

This legislation would take effect immediately and would expire and be deemed repealed on the date that the mold ombudsperson or any subsequently appointed person with similar duties ceases to be appointed.

**Update**

On Thursday, December 10, 2020, the Committee adopted Int. No. 1911-A by a vote of ten in the affirmative, zero in the negative, and zero abstentions.

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Int. No. 1911-A

By Council Members Torres, Ampry-Samuel, Ayala, Gibson, Rosenthal and Barron

..Title

A Local Law in relation to the provision of information to tenants of the New York city housing authority regarding the mold ombudsperson

..Body

Be it enacted by the Council as follows:

Section 1. Definitions. For purposes of this local law, the following terms have the following meanings:

Call center. The term “call center” means the ombudsperson’s call center established pursuant to the court order.

City. The term “city” means the city of New York.

Court order. The term “court order” means the court order issued on September 20, 2019 in the case Baez et al. v. New York City Housing Authority by the United States district court in the southern district of New York.

Elected officials and community representatives. The term “elected officials and community representatives” means each council member, borough president and community board in the city, each state senator and state assembly member representing a district that is wholly or partly within the city, each United States congress member representing a district that is wholly or partly within the city, and each tenant organization and community-based organization identified by the office as providing services to tenants.

Mold ombudsperson. The term “mold ombudsperson” means the ombudsperson appointed pursuant to the court order or any subsequently appointed person with similar duties.

§ 2. Provision of information about the mold ombudsperson. The mayor shall designate an office or agency to distribute to each unit in a development of the New York city housing authority a non-electronic pamphlet, flyer or other printed material containing information about the mold ombudsperson and the right of a tenant of the New York city housing authority to contact the mold ombudsperson. Such pamphlet, flyer or other printed material shall include information in English and each of the designated citywide languages, as defined in section 23-1101 of the administrative code of the city of New York, about how to contact the mold ombudsperson, including through the call center, with a complaint about mold and what information to include in such complaint. Such pamphlet, flyer or other printed material shall be provided to each unit in a development of the New York city housing authority and to each elected official and community representative no later than 60 days after the effective date of this local law. Thereafter, such pamphlet, flyer or other printed material shall be provided to each unit in a development of the New York city housing authority and to each elected official and community representative at least annually. The designated office shall additionally communicate such information about the mold ombudsperson via telephonic communication at least once annually to each unit in a development of the New York city housing authority. For tenants who receive rent statements electronically, the designated office may distribute such pamphlet or flyer via electronic mail.

§ 3. Public briefing. No later than 60 days after the effective date of this local law, and at least annually thereafter, the office or agency designated pursuant to section two shall hold a public briefing for elected officials and community representatives for the purpose of providing information about the functions and responsibilities of the mold ombudsperson.

§ 4. This local law takes effect immediately and expires and is deemed repealed on the date that the mold ombudsperson or any subsequently appointed person with similar duties ceases to be appointed.

NAB/AS

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1. *Baez v. New York City Hous. Auth.,* 2013 WL 6632355 (S.D.N.Y.). [↑](#footnote-ref-1)
2. *Id.* [↑](#footnote-ref-2)
3. *Baez v. New York City Hous. Auth.*, No. 13CV8916, 2018 WL 6242224 (S.D.N.Y. Nov. 29, 2018). [↑](#footnote-ref-3)
4. *Id.* at 5. [↑](#footnote-ref-4)
5. Mold and Leak Ombudsperson Call Center (OCC) – For NYCHA Residents, *available at* <https://ombnyc.com/home> (last accessed Dec. 8, 2020). [↑](#footnote-ref-5)