

New York City Housing Authority Public Hearing
Proposed Amendment to FY 2015 Annual PHA Plan, FY 2015 Capital Fund Annual Submission
and 5-Year Action Plan

Monday, April 20, 2015, 5:30-8 pm
Murry Bergtraum High School - 411 Pearl Street, New York, NY 10038

Testimony of the Public Advocate for the City of New York, Letitia James

Federal law requires housing authorities to develop, with input from residents, elected officials and the general public, an Annual Plan that sets forth major initiatives for the coming year. In 2013, a group of New York City Housing Authority (NYCHA) residents made their priorities for the coming year clear when they entered into a class action lawsuit in response to NYCHA's failure to adequately remedy mold issues. As you know, moisture in public housing units led to recurring and uncontrolled mold and mildew growth, wet and rotted walls, foul musty odors, bubbling and peeling paint, airborne toxins, and increases in cockroaches and other vermin, all of which aggravate asthma.

I am here to today to reiterate the importance of meeting the terms of a settlement that was reached on April 8, 2014.

The Annual Plan states that NYCHA "is achieving its target service level expectation in a number of key areas, including addressing mildew...NYCHA has reduced the average time it takes to address key work to less than two weeks. The average response time for mildew averages eight days as of September, 2014, and the average number of days to respond to reports of leaks has fallen dramatically from 39 days in 2013 to six days in 2014."

While this data is welcomed news, according to *Baez* counsel, NYCHA has failed to live up to the core requirements of the *Baez v. NYCHA* Order – removing mold and the excess moisture that causes it. In fact, NYCHA's own reports indicate that there has been a recurrence of mold in 34% of the cases that were supposedly closed in the first quarter (May - July 2014) and a recurrence of mold in 41% of supposedly closed cases in the second quarter (Aug. – Sept. 2014). This is borne out by information my office has received from various tenant associations including Douglass Houses and Throggs Neck Houses along with complaints that have come into the Constituent Service Unit in the Office of the Public Advocate. I am gravely concerned over the progress being made to comply with this settlement.

I fully recognize that the *Baez* settlement needs significant funding because it requires NYCHA to make repairs that actually address the source of the problem as opposed to temporary cosmetic fixes like bleaching and painting over moldy walls. With government funding not meeting the demands of NYCHA, I am requesting an official determination by NYCHA on if the approximately \$3 billion dollars in federal funding that is being designated for repairs and resiliency measures at public housing developments that sustained severe damage during Hurricane Sandy can be utilized for mold/moisture abatement. In compliance with FEMA guidelines, federal funding can be used for this purpose if the mold contamination is a direct result of the disaster.

Finally, given the continued concerns over mold, I submitted a written request to NYCHA for records and documents. This was related to the training of NYCHA employees; the moisture meter pilot project to evaluate the efficacy of moisture meters, borescopes, and humidity gauges for mold and excessive moisture investigations to be conducted by NYCHA; documents related to planned capital improvements to plumbing and ventilation systems that cause systemic water leaks and mold problems; any and all engineers' reports or technical evaluations of the causes of mold in NYCHA developments including persistent water leaks; and the 2011 Physical Needs Assessment conducted by NYCHA and any updates to that report. I am currently awaiting these records.

As NYCHA works to fulfill its mission of continually providing better services to residents including housing and social services amidst dramatic reductions in traditional government funding, NYCHA must recognize that mold is an important trigger of respiratory problems. In low income communities, it's critical to intervene early to remove mold.