

Report to the City Council: The Department of Housing Preservation and Development's Implementation of Control of Pests and Other Asthma Allergen Triggers (January 2019 through June 2020)

The New York City Indoor Allergen Hazards Law, Local Law 55 of 2018 (Section 27-2017 et seq.), prescribes the responsibilities of owners of multiple dwellings to proactively keep apartments free of indoor allergen hazards. This report is submitted pursuant to Section 27—2017.11 of the law.

Allergens are substances in the environment that make indoor air quality worse. Environmental triggers can cause asthma attacks or make asthma symptoms worse; they are found inside and outside the home. Everyone's triggers are different, so it is important to keep track of what affects each person's asthma. Common indoor and outdoor triggers, besides pests and mold, include tobacco smoke, dust, pollen, cold and flu viruses, air pollution, pet dander, chemicals with strong smells and very cold/very hot weather.

Implemented in January 2019, Local Law 55 requires that owners of buildings with three or more units:

- annually inspect units for indoor allergen hazards
- make sure units are thoroughly cleaned and free of pests and mold before a new tenant moves in
- provide a notice and the Department of Health and Mental Hygiene's (DOHMH) fact sheet *What Tenants and Landlords Should Know About Indoor Allergens and Local Law 55* at the time a lease is offered to a tenant
- remediate pest and mold infestation using licensed professionals in many cases and prescribed work methods in all cases.

Under Local Law 55 the New York City Department of Housing Preservation and Development (HPD):

- responds to complaints of indoor allergens including mold, mice, and roaches
- proactively asks tenants on all inspections about the presence of mold, mice, and roaches
- provides the DOHMH fact sheet *What Tenants and Landlords Should Know About Indoor Allergens and Local Law 55* at the time of inspection
- issues violations where indoor allergen hazards are found

- notifies both owners and tenants about the issuance of mold, mice, roaches, or rat violations
- attempts to reinspect all Class B mold violations and class C mold violations regardless of whether the violation has been certified as corrected by the owner
- requires appropriate documentation for the correction of mold violations
- upgrades class A and class B mold violations based on criteria in the law

In response to Local Law 55, HPD hired 24 staff at a cost of approximately \$1.3 million, modified its inspection and violation protocols, procedures and technology, conducted outreach to property owners regarding the new requirements and updated its website to provide information to both tenants and owners on the changes to the law and process around allergen hazards.

Section I on Enforcement will reflect data before the implementation of Local Law 55 (FY18), half a year of LL55 implementation (FY19), and a full year after LL55 implementation (FY20). *Note, however, that the COVID-19 Pandemic affected the numbers in all the enforcement categories described below, as overall complaints filed were significantly decreased during the months of March, April, May and June 2020 and therefore FY20 may not be reflective of projections for future years. HPD non-complaint inspections were also reduced during the end of March, April, May, and June 2020.*

Section II on Other initiatives will provide some information on projects and programs related to HPD’s work to increase compliance and improve housing conditions through non-enforcement mechanisms or in coordination with DOHMH.

Section I: Enforcement

Complaints

Indoor allergen complaints, like other housing quality condition complaints, are called in to 311. Before an inspection is scheduled, HPD will notify the owner of the complaint and call back the tenant to determine whether the condition was corrected. If the tenant does not confirm correction, the complaint is forwarded for inspection.

TABLE 1: COMPLAINTS RECEIVED

Indoor Allergen Hazards Complaints	FY18	FY19	FY20
Complaints Received - ALL	52,128	61,389	52,006
Mold	22,746	28,278	20,538
Roaches	12,586	14,931	14,757
Mice	16,796	18,180	16,711

Inspections

At the time of an indoor allergen hazard complaint inspection, HPD Inspectors distribute a copy of the DOHMH information pamphlet on indoor allergen hazards, ***What Tenants and Landlords Should Know About Indoor Allergens and Local Law 55*** (<https://www1.nyc.gov/assets/doh/downloads/pdf/asthma/local-law-55.pdf>).

Inspections are categorized as being attempted and completed in direct response to the complaints identified above, or as being generated once a tenant who did not complain about mold or pests indicates that there are mold or pests during the inspection for another issue (line of sight inspection).

Complaint inspections

On complaint inspections, HPD may attempt access multiple times to complete the inspection. If there is no access, HPD sends a letter to the tenant. In the letter, the tenant is asked to contact HPD to schedule an appointment if the condition still exists.

TABLE 2: COMPLAINT INSPECTIONS

Inspection in response to complaints	FY18	FY19	FY20
Inspections Attempted	72,729	82,532	61,812
Mold Complaints	35,105	41,902	25,811
Pests Complaints	37,624	40,630	36,001
Mice	21,315	22,169	18,959
Roaches	16,309	18,461	17,042
Inspections Completed	43,768	48,500	36,070
Mold Complaints	20,887	24,597	14,975
Pests Complaints	22,881	23,903	21,095
Mice	13,012	13,042	11,121
Roaches	9,869	10,861	9,974

Line of sight inspections

As part of every inspection, beginning in January 2019, HPD Housing Inspectors ask the tenant if mold, mice, or roaches are present and if so, conduct an inspection for these conditions.

TABLE 3: LINE OF SIGHT INSPECTIONS

	FY18	FY19	FY20
Inspections Completed where tenant indicated mold (non-mold complaint)	N/A	6,990	12,053
Inspections Completed where tenant indicated pests (non-pest complaint)	N/A	14,552	26,767

Violations

Violation issuance

Mold

HPD issues class A (non-hazardous, 90-day correction period), class B (hazardous, 30-day correction period) and class C (immediately hazardous, 21-day correction period) violations for mold based on the criteria in the law; class A violations may also be upgraded to class B violations and class B violations to class C violations.

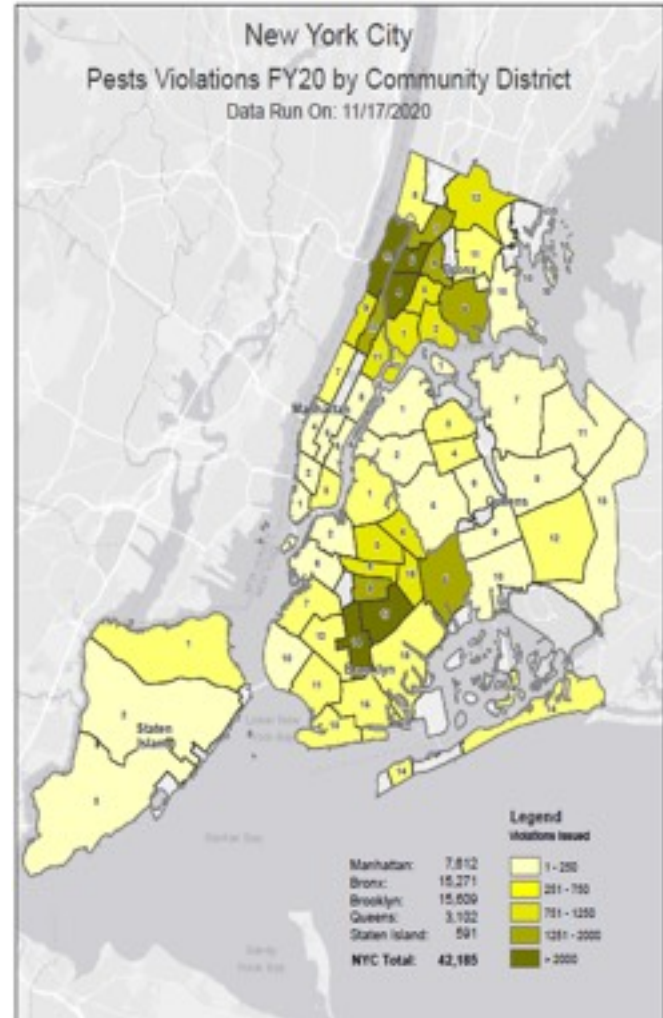
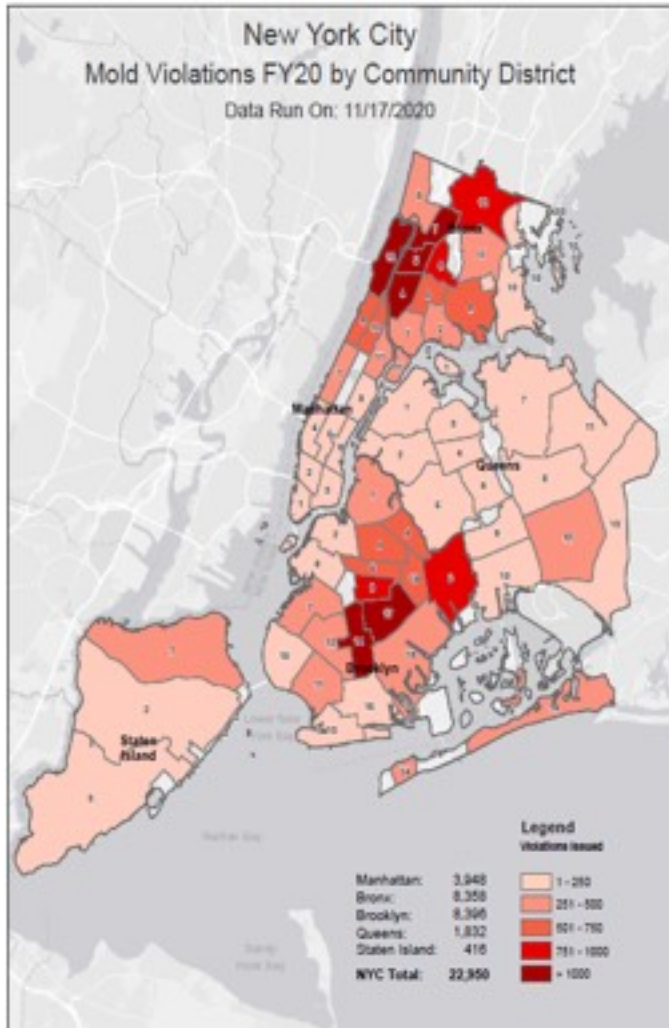
Mice and roaches

All violations for mice and roaches are class C violations. The owner has 21 days to correct the condition.

TABLE 4: VIOLATION ISSUANCE

Violations Issued	FY18	FY19	FY20
<i>Mold - Issued on Inspection</i>	13466	19920	15236
Class A	1945	6802	8622
Class B	10036	10890	5127
Class C	1485	2228	1487
<i>Mold - Issued as an upgraded violation</i>		362	7714
Upgraded Class B		76	6484
Upgraded Class C		286	1230
<i>Roaches</i>	11288	18393	22138
<i>Mice</i>	13751	18835	20047

1. Note that when a violation is upgraded, the originally issued violation is closed and the new violation is issued. Both violations originally issued and upgraded are counted independently as "issued" in the above chart.



Only an owner, managing agent, officer of the corporation that owns the property, or party otherwise responsible for the property listed on the property registration may certify correction of the violation. Property owners or their designated agents must complete and submit to HPD the appropriate Certification of Correction Form and provide the applicable documents. The procedure and paperwork required for clearing a Pest or Mold violation will depend on the type and class of the violation and the number of units in a dwelling. The Notice of Violation (NOV) package sent to owners contains customized instructions for clearing a pest or mold violation.

Notice of Violation and Certification

Once a violation is issued, an NOV is sent to the property owner. A notice also goes to both the owner and tenant regarding the issuance of the violation. The

owner is required to correct the conditions according to the specific requirements in the law (see *Appendix B*). There are two main objectives underlying these requirements:

2. Do not create another hazard while removing the original one.
 - a. Use dangerous chemicals safely and minimally.
 - b. Prevent the spread of contaminated debris while work is being done.
 - c. Thoroughly clean sites after work is done.
3. Address the problem at its source. Remove sources of moisture that allow mold to grow and that foster the proliferation of pests.

TABLE 5: VIOLATION CERTIFICATION OF CORRECTION

	FY18	FY19	FY20
Violations Certified	16,891	21,875	22,766
Total Mold	5,234	5,098	5,287
Mold Class A	1,011	2,642	3,592
Mold Class B	3,853	2,197	1,411
Mold Class C	370	259	284
Roaches	5,016	8,094	9,132
Mice	6,431	8,434	8,087
Rats	210	249	260
False Certifications			
Mold	357	227	486
Pests	2,490	3,255	5,102
Mice	1,465	1,764	2,455
Roaches	1,025	1,491	2,647
Civil actions against false certifications	305	228	165
Civil action for false certifications with penalties imposed (Amount Due)	\$ 212,434	\$ 173,920	\$ 89,326
Civil penalties imposed for false certifications (Payment Amount)	\$ 209,009	\$ 170,470	\$ 86,836

Violation Closure

Mold violations

Mold violations issued under Local Law 55 may be closed based on the following: (a) owner certification where the agency is unable to conduct a reinspection which results in access to observe the condition and 70 days have passed since the certification was received (“deemed complied”) (b) owner certification and an observation by an inspector that the condition was corrected (c) HPD completes

the work and (d) if an inspection has been completed and the owner provided an affidavit of correction post-certification (one of two different).

Mold violations which require the use of a certified contractor (class B and class C violations in buildings with more than 10 dwelling units) require confirmation that a certified contractor completed the work; therefore, even if an HPD inspector observes these conditions corrected, the violation **cannot be removed** if this documentation has not been provided. In these cases, the violation will be in a defect status, which means that the violation remains open even though the condition was observed corrected and no longer presents a clear hazard. A letter is generated to the owner indicating that the affidavit and any required contractor information is needed.

Pest violations

Overdue mice, cockroaches, and rat violations issued under Local Law 55 can be dismissed only if the owner submits a certification of correction or affidavit of correction. Property owners must follow integrated pest management practices (IPM) and correct any underlying defects (such as moisture) that may have caused the infestation. IPM requires:

- Removal of pest nests and thorough cleaning of pest waste and other debris by using a HEPA vacuum, washing surfaces, or otherwise collecting and discarding such debris, making sure to limit the spread of dust when cleaning.
- Elimination of points of entry and passage for pests by repairing and sealing any holes, gaps or cracks in walls, ceilings, floors, molding, base boards, around pipes and conduits, and around and within cabinets by using sealants, plaster, cement, wood, escutcheon plates, or other durable material.
- Removal of all sources of water for pests by repairing drains, faucets, and other plumbing materials that accumulate water or leak.
- Attachment of door sweeps to all doors that lead to hallways, basements, or outside.
- Using pesticides sparingly. Pursuant to Administrative Code section 27-2017.8 of Local Law 55, any pesticide applied to eradicate the presence of pests must be applied by a pest professional licensed by the New York State Department of Environmental Conservation (DEC).

Emergency Repairs

Inspections for non-certified Class C mold violations are conducted by the Emergency Operations Division (EOD) because failure to correct in these cases result in the issuance of work orders to complete the work by an HPD contracted vendor. HPD employs certified assessors and hires certified remediators to complete any emergency repairs.

CHART 6: EMERGENCY REPAIR ORDERS

Mold OMOs	FY18	FY19	FY20
Issued	239	396	569
Completed	249	335	383
	FY18	FY19	FY20
Dollars Vouchered for Mold	\$537,492	\$588,614	\$646,764
Apartments Associated with dollars vouchered	319	338	363
The average amount spent per dwelling unit for mold emergency repair	\$ 1,685	\$ 1,741	\$ 1,782

City-Owned Property

Mold

311, direct complaints from tenants and complaints from Tenant Associations (TA) (Tenant Interim Lease Program only) for city-owned buildings are handled by the appropriate monitoring program. For properties under Central Management and Tenant Interim Lease (TIL) /Affordable Neighborhood Cooperative Program (ANCP) programs, building management trainings for TA's are currently provided internally by the TIL Training Coordinator. HPD conducts visual inspections to confirm conditions and develop remediation scopes. HPD issues open market orders (OMOs) to procure vendors to perform remediation work. HPD works with vendors to resolve access issues. Where tenants do not provide access to their apartments, HPD issues no-access notifications and requests to reschedule.

Mold complaints for Multifamily Preservation Loan Program (MPLP) buildings are referred to the relevant Developers for handling.

	FY18	FY19	FY20
Mold Complaints received through 311	42	78	23
Mold work orders completed	5	7	6
Dollars spent on mold work order paid	\$13,190	\$24,550	\$29,210

Pests

Pest complaints for Central Management buildings are handled under a requirements contract. HPD Property Managers generate open market orders to procure remediation services through this contract. Pest complaints for MPLP buildings are referred to the relevant Developers for handling. TIL/ANCP TA's have exterminator contracts which cover pests such as mice, roaches, bed bugs etc. Contracts deliver IPM practices including basic monthly/quarterly visits for maintenance and for remediation jobs as needed.

	FY18	FY19	FY20
Pest complaints received (mice, roaches) through 311	46	73	30

Section II: Other Initiatives

Property Owner Training - Pests and Mold: An Owners' Guide to Indoor Allergen Laws

HPD had planned for a series of in-person trainings for 2020, one of which took place in February 2020 through a training series organized by HPD's Neighborhood Education and Outreach (NEO) unit. Due to COVID, additional in-person trainings were suspended. HPD switched to a webinar format and held two live webinars for property owners called ***Pests and Mold: An Owners' Guide to Indoor Allergen Laws*** during March and May 2020. HPD intends to offer additional webinars during Calendar Year 2021. Links to the 2020 webinars remain posted on HPD's website at <https://www1.nyc.gov/site/hpd/services-and-information/indoor-allergen-hazards-mold-and-pests.page> . The webinar topics include:

- Eliminating and preventing infestations of pests
- Identifying current and future sources of mold
- Proper work methods for eliminating mold conditions and pest infestations
- Reviewing the city and state laws that underlie the Asthma-Free Housing Act
- Annual notification and inspection requirements and the annual Bedbug Filing (Local Law 69 of 2017)
- Steps to correct and remove HPD violations for Indoor Allergen Hazards

Training Class	Date	Duration	Number of Attendees	Audience	Format
NEO Owners' Training: Indoor Allergens	February 18, 2020	2 hours	39	Landlords	In-person
Owner Webinar: Indoor Allergens	March 23, 2020	2 hours	22	Landlords	Webinar
Owner Webinar: Indoor Allergens	May 7, 2020	2 hours	8	Landlords	Webinar

Department of Health and Mental Hygiene Referrals

DOHMH may also issue violations for mold or pest conditions identified in any type of housing, including coops and condominiums, if there is a tenant diagnosed with moderate persistent or severe persistent asthma. If the owner does not comply with an order from DOHMH, the agency may certify the conditions for correction

to HPD. HPD may take enforcement action as necessary, including performing or arranging for the performance of work to correct the certified condition.

Healthy Homes

Preservation Finance's rehabilitation loan programs provide financing that allows building owners to address underlying conditions that can cause mold problems, such as deteriorated plumbing, leaking roofs, and moisture intrusion through the masonry/building envelope.

APPENDIX A: Violation Criteria and Correction Period

Mold Violation Criteria

Violation Class	Area of Mold Presence	Pest Presence	Days to Correct Violation
Class A	<ul style="list-style-type: none"> Less than 10 square feet in a room within a dwelling unit Less than 30 square feet or 50 square feet in the aggregate in any one level or a common area 	-	90
Class B	<ul style="list-style-type: none"> 10 to 29 square feet in a room within a dwelling unit Equal to or greater than 30 square feet or 50 square feet in the aggregate in any one level or a hallway or common area Class A mold violation has not been certified as corrected within the certification period Class A mold violation is falsely certified 	All other pests besides mice, rats, or cockroaches	30
Class C	<ul style="list-style-type: none"> Equal to or greater than 30 square feet in a room within a dwelling unit Class B mold violation has not been certified as corrected, HPD has re-inspected the violation within 70 days of certification period and the condition still exists Class B mold violation is falsely certified 	Mice, rats, or cockroaches in any dwelling unit or common area	21

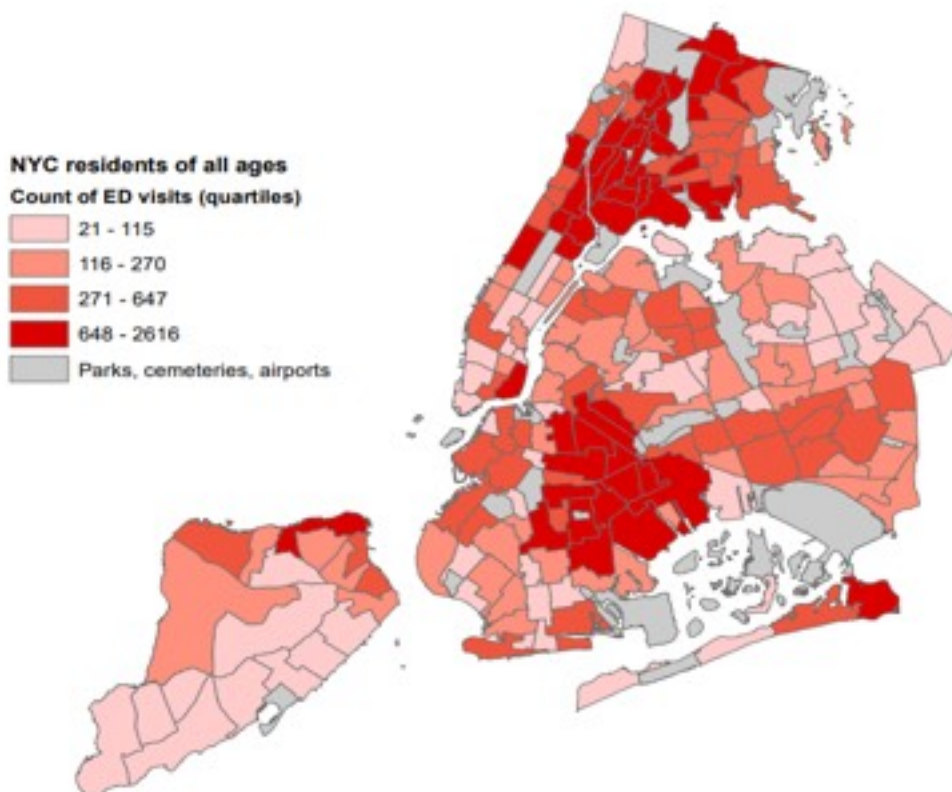
Multiple Dwellings Under 10 Units and Private Dwellings		
Violation Class	Remediation Work Must Be Completed By	Required Document(s)
A, B, and C	Owner/Managing Agent/Employee; OR	Certificate of Correction
	Mold Remediation Contractor and Mold Assessment Contractor	Certificate of Correction; Copy of Mold Assessment Contractor License; AND Copy of Mold Remediation License OR the Mold Remediation Supervisor License
Multiple Dwellings with 10 Units or Above		
Violation Class	Remediation Work Must Be Completed By	Required Document(s)
A (less than 10 square feet of visible mold per room)	Owner/Managing Agent/Employee; OR	Certificate of Correction
	Mold Remediation Contractor and Mold Assessment Contractor	Certificate of Correction; Copy of Mold Assessment Contractor License; AND Copy of Mold Remediation License OR the Mold Remediation Supervisor License
B and C (greater than or equal to 10 square feet of visible mold per room)	Mold Remediation Contractor and Mold Assessment Contractor	<ol style="list-style-type: none"> 1. Certificate of Correction 2. Copy of Mold Assessment Contractor License 3. Copy of Mold Remediation Supervisor License 4. Affidavit of Remediation 5. Affidavit of Assessment 6. Department of Environmental Protection's filing receipts for required notices (provided by Mold remediator and Mold assessor).

APPENDIX B: Requirements for the correction of mold violations¹

¹ If the owner misses the certification period, an alternative Affidavit is required to the Certificate of Correction. All other required documents remain the same. An inspection and the required paperwork are always required for the dismissal of a mold violation

Appendix C: Department of Health and Mental Hygiene Data on Asthma-Related Emergency Department Visits

Average annual number of asthma-related emergency department (ED) visits by Neighborhood Tabulation Area (NTA)



Source: New York State Statewide Planning and Research Cooperative System (SPARCS) Hospital Discharge Data for 2017-2019 discharges.