This presentation is for informational purposes only and is not intended as legal advice or as a statement of the law. For more information about what is required, see the Multiple Dwelling Law, Housing Maintenance Code, and the Rules of the City of New York.
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- **Handouts**
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- **Handouts: 5**
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**NYC Housing Preservation and Development**

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For those joining us for the video recording only, you can find all the handouts we reference at the HPD website.
DISCLAIMER

• This presentation is for informational purposes only and does not constitute legal advice or a statement of the law. For more information about what is required, see the Multiple Dwelling Law, the Housing Maintenance Code, and the Rules of the City of New York.

• This presentation is not a complete statement of building owners’ responsibilities relating to basic maintenance, tenant notices, HPD filings, or any other topic.

• Our target audience: Building Owners who want to know more about Local Law 55 of 2018 and related laws.

• Additional information can be found on the HPD website at www.nyc.gov/hpd
Agenda

1. Summary of Recent Laws for Pests and Mold
2. Basic Themes of Recent Laws for Pests and Mold
3. Pests:
   a. Identify the Problem: Indoor Allergens
   b. Identify the Problem: Bedbug Filing
   c. Required Work Methods
   d. Contractor Controls
   e. Clearing HPD Violations
4. Mold:
   a. Identify the Problem
   b. Required Work Methods
   c. Contractor Controls
   d. Clearing HPD Violations
5. Additional Resources
Part 1: Summary of Recent Laws for Pests and Mold
These Laws Aim to Eliminate Indoor Allergen Hazards

- Allergens are substances in the environment that make indoor air quality worse. They can cause asthma attacks or make asthma symptoms worse.

- The laws we will discuss here define certain indoor allergen hazards that, when present, create conditions that pose a health danger.
## Recent Laws

<table>
<thead>
<tr>
<th>Pests</th>
<th>Mold</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>NYC Local Law 55 of 2018</strong></td>
<td><strong>New York State Labor Law Article 32</strong></td>
</tr>
<tr>
<td><em>(Mold and Pests)</em></td>
<td></td>
</tr>
<tr>
<td><strong>NYC Local Law 69 of 2017</strong></td>
<td><strong>NYC Local Law 61 of 2018</strong></td>
</tr>
<tr>
<td><em>(Bedbug Filing)</em></td>
<td></td>
</tr>
</tbody>
</table>
Broadest New Law: Local Law 55 of 2018
The Asthma-Free Housing Act

Main features:

▪ **Purpose:** To remove indoor environmental triggers in the home

▪ **Buildings affected:** Only covers Multiple Dwellings (buildings with 3 or more dwelling units) or any type of housing where a tenant with asthma lives (enforced by NYC Health Dept).

▪ **Areas of Concern:** Identifies Mold/Mice/Rats/Roaches as ‘Indoor Allergens’.

▪ **Required**
  – **Owner Inspections:** Owners must inspect occupied units and common areas for Mold/Mice/Rats/Roaches at least every year.
  – **HPD questions:** HPD Inspectors must ask tenants about Mold/Mice/Rats/Roaches at every unit inspected.
  – **Work methods:** Introduces required work methods to remediate pest and mold violations.

▪ **Additional clearance procedures:** Introduces stricter standards for reinspection and violation clearance in keeping with new required work methods.
Additional New Laws:
NY State Labor Law Article 32 – Mold remediation

Main Features:

- Applies to any mold remediation being conducted by a third party.

- **Contractor Standards:** Requires Mold Assessors and Remediators to be properly trained, licensed, and adhere to minimum work standards.

- **Independence:** Requires separate Mold Assessment, Remediation, and Post-Remediation Assessment for each job, and requires the Assessor and Remediator to be independent of each other.

- **Exception:** Provides an exception where owners or their agents who perform the work themselves do not have to follow the above standards.
**Additional New Laws: Local Law 61 of 2018 – Mold Remediation**

**Main features:**

- For buildings with 10 or more residential units:
  - *Requires* owners or their agents to hire outside Mold Assessor and Remediator contractors for all mold projects greater than 10 square feet (regardless of whether or not HPD issues a violation).
  - *Requires* Mold Assessors and Remediator contractors to file reports with NYC Dept. of Environmental Protection for each project.
Part 2: Basic Themes of Recent Laws for Pests and Mold
The New Laws Affect Rules for Pests and Mold in Four Main Ways:

- New requirements for **Identifying the Problem**

- Stricter **Required Work Methods**

- New **Contractor Controls**

- Additional steps for **Violation Clearance**
Various laws require Owners to notify tenants of their rights, inquire periodically about specific conditions, and make inspections based on tenant responses:

- Lead-based paint (child under 6);
- Window guards (child under 11);
- Stove knob covers;
- Mice, rats, roaches, mold and bedbugs.

Beyond the specific requirements above, the best way to keep apartments in good repair and avoid HPD violations is to *always* maintain good communications with tenants wherever possible and address conditions in a timely fashion.
Work Methods

There are two main themes to the required work methods for both Pests and Mold:

(1) Do not create *another* hazard while removing the original one
   - Use dangerous chemicals safely and minimally.
   - Prevent the spread of contaminated debris while work is being done.
   - Thoroughly clean sites after work is done.

(2) Address the problem at its source
   - Restrict pests’ movement and access to food and water.
   - Remove sources of moisture that allow mold to grow.
Work Method Spotlight: HEPA vacuum

- “High-Efficiency Particulate Air” vacuum
- Local Law 55 requires the use of HEPA vacuums for cleaning up pest and mold sites. HEPA vacuums have:
  - A HEPA filter, which captures an extremely high percentage of very small particles.
  - An airtight body, to prevent the small particles from immediately recirculating through openings in the vacuum body back into the air.
- A regular vacuum, even if using a HEPA filter, may not meet the stricter standards set by LL55.
Contractor Controls

The new laws contain several provisions intended to help ensure that contractors are qualified and behave with integrity.

(1) Licensing: Licenses are now generally required for contractors working with mold and pesticides.

(2) Checks and Balances (Mold Only): The firm that assesses the mold condition must be independent from the firm that Remediates the mold condition, and each firm must file written reports of their work with the Department of Environmental Protection.
What’s our best advice for clearing HPD violations?
Read and save your Notice of Violation package!

▪ The procedure and paperwork required for clearing an HPD Mold or Pest violation will depend upon the type and class of violation and the number of units in a dwelling.

▪ The Notice of Violation (NOV) package you receive in the mail from HPD will contain *customized* instructions for clearing the referenced violations.
Do’s & Don’ts of Local Law 55

**DO**
- Proactively speak with tenants and address issues immediately
- Use approved work methods if completing work on your own
- Check the NOV (Notice of Violation) for deadlines or there will be additional steps necessary to clear violations

**DON’T**
- Assume you can fix all Indoor Allergen work without a license
- Fill out your NOV (Notice of Violation) packet without carefully reading the instructions
Part 3: Pests
Identify the Problem
Indoor Allergens

Mice

Rats

Cockroaches

*Mold is also defined as an Indoor Allergen and will be discussed in the next section.
Other Pests (not considered Indoor Allergens by LL55)

- Ants
- Spiders
- Bees
- Moths
- Flies
- Bed Bugs
Owner Inspection and Notification: Local Law 55 requires owners of Multiple Dwellings to *proactively* address Pest issues

- Inspect each occupied apartment and all common areas for Indoor Allergen Hazards *at least* once a year.
  - There is no specific training required in order to conduct this inspection.

- In addition, inspect whenever you receive indications that an Indoor Allergen Hazard may exist, such as:
  - Occupant request for maintenance.
  - Occupant complaint to a City agency.
  - Receiving an HPD violation for a condition, such as a leak, that is likely to cause an Indoor Allergen Hazard.
Owner Inspection and Notification (Continued)

- Use approved work methods to remediate Indoor Allergen Hazards:
  1. Upon apartment turnover.
  2. Anytime your inspection identifies an Indoor Allergen Hazard.

- Provide two notices to tenants with every lease signing: **DOHMH Pamphlet** and **Indoor Allergens Notice** (see next page).
Owner Inspection and Notification: Documents to Provide at Every Lease Signing

**What Tenants Should Know About Indoor Allergens**

(Official Law 55 of 2018)

Allergens are things in the environment that make indoor air quality worse. They can cause asthma attacks or make asthma symptoms worse. Common indoor allergens trigger include cockroaches and mice; mold and mildew; and chemicals with strong smells, like some cleaning products. Environmental and structural conditions, like leaks and cracks in walls found in poorly maintained housing, lead to higher levels of allergens.

New York City law requires that property owners take steps to keep their tenants' homes free of pests and mold. This includes safely fixing the conditions that cause these problems. Tenants also play a role in preventing indoor allergens.

**TENANTS SHOULD:**

- Keep homes clean and dry.
- Avoid using pesticides and chemicals with strong smells (for example, cleaning products, air fresheners).
- Place food in sealed containers.
- Keep counters and sinks clean.
- Get rid of clutter such as newspapers and paper bags.
- Use garbage cans with tight-fitting lids.
- Tell property owners or building superintendents (also known as superintendents) right away if there are pests, water leaks, or holes or cracks in the walls and floors.
- Let building staff into homes to make any needed repairs.
- Take garbage and recycling out every day, and tie up garbage bags before putting them in compactor chutes.

If you are a tenant and you or your child has moderate or severe persistent asthma, and there are pests or mold in your home, your doctor can request a free home environmental inspection for you through the New York City Health Department’s Online Registry. Talk to your doctor or call 311 to learn more.

For more information about property owner responsibilities and safely fixing indoor allergen hazards, see the reverse side of this fact sheet.

For more information about safely controlling asthma, visit nyc.gov/health/asthma.

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**LEASE/COMMENCEMENT OF OCCUPANCY NOTICE FOR INDOOR ALLERGEN HAZARDS**

1. The owner of this building is required, under New York City Administrative Code section 27-2017.1 et seq., to make an annual inspection for indoor allergen hazards (such as mold, mice, rats, and cockroaches) in your apartment and the common areas of the building. The owner must also inspect if you inform him or her that there is a condition in your apartment that is likely to cause an indoor allergen hazard, or you request an inspection, or the Department has issued a violation requiring correction of an indoor allergen hazard for your apartment. If there is an indoor allergen hazard in your apartment, the owner is required to fix it, using the safe work practices that are provided in the law. The owner must also provide new tenants with a pamphlet containing information about indoor allergen hazards.

2. The owner of this building is also required, prior to your occupancy as a new tenant, to fix all visible mold and pest infestations in the apartment, as well as any underlying defects, like leaks, using the safe work practices provided in the law. If the owner provides carpeting or furniture, he or she must thoroughly clean and vacuum it prior to occupancy. This notice must be signed by the owner or his or her representative, and state that he or she has complied with these requirements.

I, ______________________ (owner or representative name in print), certify that I have complied with the requirements of the New York City Administrative Code section 27-2017.5 by removing all visible mold and pest infestations and any underlying defects, and where applicable, cleaning and vacuuming any carpeting and furniture that I have provided to the tenant. I have performed the required work using the safe work practices provided in the law.

Signed:
Print Name:
Date:

---

DOHMH Pamphlet  Indoor Allergens Notice
Pests:
Identify the Problem
Bedbug Inquiry and Filing
Bedbug Filing: 3 questions for each unit

Local Law 69 of 2017 requires owners to report building infestation history to HPD. Owners must inquire with each unit and ask the three below questions and record the answers. This will be used to create a “summary” of the results.

<table>
<thead>
<tr>
<th>During the latest reporting period</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Did the unit have bedbugs?</td>
</tr>
<tr>
<td>2. Were extermination measures taken in the unit?</td>
</tr>
<tr>
<td>3. Did the bedbugs come back after the last extermination attempt?</td>
</tr>
</tbody>
</table>

How to find out?
(1) Use your own records;
(2) Use HPD records (were any violations issued?); and
(3) Inquire with tenants each year and record their answers.
Bedbug Filing: More Details

▪ Only required for Multiple Dwellings (buildings with 3 or more dwelling units)

▪ Annual Filing Period: December 1 – 31st (for the previous November 1\textsuperscript{st} – October 31\textsuperscript{st})

▪ DOs:
  – Report a \textit{summary} of the info to HPD using the electronic filing system.
  – Share the \textit{summary} w/ tenants, either by including the receipt of HPD filing with each new lease or lease renewal, or posting a copy of the summary in a building public area.
  – Arrange for extermination for tenants who report current infestations, using Integrated Pest Management.

▪ DON’T:
  – Share identifying information of specific units with a bedbug problem in your \textit{summary}. 
Pests

Required Work Methods
Integrated Pest Management (IPM) focuses on:

- Eliminating pests’ access to food and water.
- Eliminating pests’ ability to travel within a building.
- Using low toxicity pesticides* and apply them in a manner that minimizes secondary exposure.

IPM is the safest and most effective way to fix an infestation problem.

*Pesticides can only be administered by a licensed professional.
HPD and DOHMH recommend IPM for all pest infestations.

LL 55 now requires:
- Owners to use IPM when addressing all pest infestations in Multiple Dwellings.
- Owners to specifically swear to the use of IPM when clearing a violation for Mice/Rats/Roaches.
IPM Work Methods required by Local Law 55: Address the problem at its source

Examples of how to do this:

- Eliminate points of entry and passage
  - Repair and seal holes and cracks that allow pests to move;
  - Install door sweeps to reduce gaps to \( \frac{1}{4} \) inch;
- Eliminate sources of water for pests by repairing drains, faucets, and other plumbing materials that accumulate water or leak.
IPM work methods required by Local Law 55: Do not create another hazard while remediating the pest condition

- Thoroughly remove pest remains (nests, waste, etc.) by washing and/or HEPA vacuum because:
  - Pest remains decompose into dust that can contribute to asthma.
  - Pest markings/nests/trails can also serve as pathways, making it easier for pests to re-infest an apartment.

- Use of pesticide cannot substitute for the methods described on the previous slide.

For more detailed info on IPM work methods or on finding a pest professional who practices IPM, consult the NYC Department of Health and Mental Hygiene.
Contractor Controls: License required by Local Law 55

Local Law 55 stipulates that ‘any pesticide applied shall be applied by a pest professional licensed by New York state department of environmental conservation (DEC).’

Note There is no license or certification required to practice IPM, but a license *is* required to use any pesticide.
Finding a licensed Pest Management Professional (PMP)

NY State Department of Environmental Conservation website: https://www.dec.ny.gov/nyspad/?0
Pests
Clearing HPD Pest Violations
QUICK REVIEW: Violations

- A citation issued to a building for not being in compliance with the law. Violations become the responsibility of whoever owns the building.

<table>
<thead>
<tr>
<th>Violation Class</th>
<th>Type</th>
<th>Time owner has to correct from notice before civil penalties begin to accrue</th>
</tr>
</thead>
<tbody>
<tr>
<td>Class A</td>
<td>Not Hazardous</td>
<td>90 days</td>
</tr>
<tr>
<td>Class B</td>
<td>Hazardous</td>
<td>30 days</td>
</tr>
<tr>
<td>Class C: Lead-Based Paint, Mold, Mice/Rats/Roaches or Window Guards</td>
<td>Immediately Hazardous</td>
<td>21 days</td>
</tr>
<tr>
<td>Class C: Heat or Hot Water</td>
<td>Immediately Hazardous</td>
<td>Immediately</td>
</tr>
<tr>
<td>Class C: (all others)</td>
<td>Immediately Hazardous</td>
<td>24 hours</td>
</tr>
</tbody>
</table>
QUICK REVIEW: Certification of Correction

- Once an Inspector has written a violation, HPD sends the building owner a Notice of Violation (NOV).
  - The NOV includes a document called a Certification of Correction.

- The Certification of Correction is a paper or electronic document filed with HPD by property owners or managing agents to affirm that the violation conditions cited on a Notice of Violation have been corrected within the legally required timeframe.

- Certification is FREE and will result in the dismissal of the violation if the condition was properly corrected.

*In order to receive a Notice of Violation as soon as possible and to begin work and certify the violation in a timely manner, register your address and contact information with HPD.*
Summary: HPD Requirements for Clearing Pest Violations

<table>
<thead>
<tr>
<th>Violation Class</th>
<th>Integrated Pest Management?</th>
<th>Violation Clearance Docs</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Certification</td>
</tr>
<tr>
<td>Multiple Dwelling (3 or more units)</td>
<td>Rats</td>
<td>C</td>
</tr>
<tr>
<td></td>
<td>Mice</td>
<td>C</td>
</tr>
<tr>
<td></td>
<td>Roaches</td>
<td>C</td>
</tr>
<tr>
<td></td>
<td>All Other Pests</td>
<td>B</td>
</tr>
<tr>
<td>Private Dwelling (1-2 units)</td>
<td>Rats</td>
<td>C</td>
</tr>
<tr>
<td></td>
<td>Mice</td>
<td>B</td>
</tr>
<tr>
<td></td>
<td>Roaches</td>
<td>B</td>
</tr>
<tr>
<td></td>
<td>All Other Pests</td>
<td>B</td>
</tr>
</tbody>
</table>

Reminder:
- Multiple Dwelling – Building with 3 or more residential units
- Private Dwelling – Building with 1-2 residential units
Notice of Violation (NOV) for Mice/Rats/Roaches in Multiple Dwellings

"Pest" label

Owner must swear to use of Integrated Pest Management
General ‘Non-Heat’ NOV is used for all other pests and for Mice/Rats/Roaches in Private Dwellings.

“Non-heat” label

No statement swearing that IPM was used. (However, IPM is still required for all pests in Multiple Dwellings.)
General ‘Non-Heat’ NOV is used for all other pests and for Mice/Rats/Roaches in Private Dwellings.

Pest violations other than Mice/Rats/Roaches in Multiple Dwellings are still included in the general ‘non-heat’ NOV, grouped with other violations of the same class.

In this example from 2018, a bedbug violation is included in a group of other ‘B’ class violations.
Integrated Pest Management and Reinspections

For reinspections of **mice, rat and roach** violations, the Inspector will attempt to verify that the IPM methods required by Local Law 55 were used to remediate the condition.

For instance, an Inspector will ‘**Not Comply**’ a violation if:

- Holes and cracks that allow pest entry have not been covered;
- Entrance doors that permitted pest entry have a gap of more than \( \frac{1}{4} \) inch;
- Pest waste, droppings and debris have not been cleaned;
- Leaks and other water sources for pests have not been fixed.
Evidence of Roaches

- Cockroach eggs
- Cockroach dropping ("frass") under cabinets

Evidence of Mice/Rats

- Mouse/Rat droppings
- Chewed through household items
- Urine stains
Even if a Landlord has already submitted a valid Certificate of Correction, once the certification deadline has passed they must fill out this new Affidavit before HPD can clear the violations.
Clearing Pest Violations

Overdue Violations: Defect Letter

HPD sends this ‘Mice, Cockroaches and Rats Defect Letter’ to an Owner when:

- An HPD Inspector has reinspected the condition and found that it has been corrected AND...
- HPD has still not received the AF6 Affidavit.

The AF6 Affidavit is required before an overdue violation can be closed. If you have already submitted a properly-completed AF6, then the violation will be closed as soon as HPD processes your submission.
KEY TAKEAWAYS

1. Ask tenants about presence of Mice/Rats/Roaches on a regular basis.

2. Submit report on bedbug infestation history annually.

3. Use Integrated Pests Management if there are any infestations of Mice/Rats/Roaches.

4. Only licensed professionals can apply pesticides.

5. Mice/Rat/Roach violations require both prompt attention and affirmation that safe work practices were used to fix the problem.
Questions on Pests?
Part 4: Mold
Examples of Mold
What is Mold?

- A type of microorganism in the fungi kingdom
- Natural part of the environment and always in the air and on surfaces
- Cannot make its own food, so absorbs food from surroundings
- Reproduces and creates spores
  - **Spores release toxins which are allergenic to humans.**
- Needs the following to grow and reproduce:
  - Temperature
  - Organic material (Food Source)
  - Water/Moisture
What can be considered an organic material in apartments?

- Paper facing of drywall
- Lumber products
- Textiles of Natural fibers
- Latex backing/adhesive in carpets
- Binder in fiberglass insulation
- Moist, dirty surfaces on concrete/ceramic tiles

*The type of nutrients available will influence the type of microbial growth*
Have you considered these moisture sources?

- Poor bathroom/kitchen ventilation
- Uninsulated components of building which can support condensation
- Wet clothes drying inside home
- HVAC system issues
- High humidity months
- Roof leaks
- Plumbing leaks
Water leaks travel path of least resistance

A roof leak will not necessarily travel down an apartment line. It may move downward through different rooms and different apartments!
How long will it take for mold to grow on a wet surface?

24 – 48 hours!

If you can dry the surface within this time frame or replace drywall, you may be able to prevent mold growth.
Owner Inspection and Notification: Local Law 55 requires owners of Multiple Dwellings to *proactively* address Mold issues

- Similar to the requirements for pests, Building Owners must inspect each occupied apartment and all common areas for Indoor Allergen Hazards *at least* once a year.
  - There is no specific training required in order to conduct this inspection.

- In addition, inspect whenever you receive indications that an Indoor Allergen Hazard may exist, such as:
  - Occupant request for maintenance.
  - Occupant complaint to a City agency.
  - Receiving an HPD violation for a condition, such as a leak, that is likely to cause an Indoor Allergen Hazard.
Owner Inspection and Notification (Continued)

- Use approved work methods to remediate Indoor Allergen Hazards:
  1. Upon apartment turnover.
  2. Anytime your inspection identifies an Indoor Allergen Hazard.

- Provide two notices to tenants with every lease-signing: DOHMH Pamphlet and Indoor Allergens Notice (shown previously in Pests section).
Mold
Required Work Methods
Work Practices Required by Local Law 55

- **Investigate and correct any underlying defect**, including moisture or leak conditions, that are causing or may cause mold violations.

- **Remove or securely cover with plastic sheeting** any furniture or other items in the work area that cannot be removed.

- **Minimize** the dispersion of **dust and debris** from the work area to other parts of the dwelling unit **through methods such as:**
  - Sealing ventilation ducts/grills and other openings in the work area with plastic sheeting;
  - Isolating the work area with plastic sheeting and covering egress pathways;
  - Cleaning or gently misting surfaces with a dilute soap or detergent solution prior to removal;
  - The use of approved HEPA vacuum-shrouded tools at the point of dust generation.
Plastic Sheeting

Source: http://www.valormold.com/eight-steps-to-proper-mold-removal/
Misting Surfaces

Source: https://www.servicemasterdallas.com/how-to-remove-mold-bleach-vs-vinegar/
HEPA Vacuum

Source: https://manualzz.com/doc/11862859/v8000wd-wet-dry-hepa-vacuum
Work Practices Required by Local Law 55 (Continued)

▪ Clean mold with soap or detergent and water.

▪ Remove and discard materials that cannot be cleaned properly.

▪ Properly remove and discard plastic sheeting, cleaning implements, and contaminated materials in sealed, heavy-weight plastic bags.

▪ Clean any remaining visible dust from the work area using wet cleaning methods or HEPA vacuuming.

▪ Leave the work area dry and visibly free from mold, dust, and debris.
Mold Contractor Controls
Who is a Mold Assessor?

- Contractor who identifies mold

- According to law: “‘Mold Assessment’ means an inspection or assessment of real property that is designed to discover mold, conditions that facilitate mold, indicia of conditions that are likely to facilitate mold or any combination thereof.”

- Key Terms:
  - Visual Inspection
  - Mold Remediation Plan
  - Post-Remediation Assessment
Mold Assessor Equipment

Moisture Meters

Infrared Camera
Who is a Mold Remediator?

- Contractor who removes mold
- According to law: “‘Mold Remediation’ means conducting the business of removal, cleaning, sanitizing, or surface disinfection of mold, mold containment, and waste handling of mold and materials used to remove mold from surfaces...”
- Key terms
  - Team of Mold Abatement workers
  - Personal Protective Equipment (PPE)
  - Mold Remediation Workplan
Remediator Worker Protections

PPE (Personal Protective Equipment)

PPE recommendations per job will vary depending on extent of mold growth.

Owner can wear PPE if completing work themselves.

Source: https://www.servpromariettawest.com/blog/post/42662/mold-removal-remediation/does-your-house-have-a-mold-issue
Article 32 requires Mold Contractors to follow a set of procedures when remediating a Mold condition.

(1) **MOLD ASSESSOR:** A Mold Assessment Contractor must observe the Mold Condition, and create a Mold Remediation Plan, which specifies the scope of work and work methods that are necessary to remediate the Mold Condition. At the completion of the work, a Mold Assessment Contractor must then review the work that was done and complete a Mold Post-Remediation Assessment, confirming that the Mold Remediation Plan was followed.

(2) **MOLD REMEDIATOR:** A Mold Remediation Contractor (who must be independent from the Mold Assessment Contractor) must create and carry out a Mold Remediation Workplan. In this Workplan, the Remediation contractors specifies *how* they will follow the instructions of the Mold Remediation Plan.
Your Role as Owners

- Mold Assessor
- Mold Remediator
- Owner

Occasionally
NY State Labor Law Article 32 requires Mold Contractors and Firms to be licensed with the New York State Department of Labor. License-seekers must:

- Complete NYS Dept. of Labor-approved Training
- Firm must have Insurance: Liability and Workers’ Compensation
- Workers and firm owner must be 18 years old
- Display their license at work site
Finding a licensed Mold Contractor

New York State Department of Labor website: https://dol.ny.gov/mold-program
Contractor Control: 10 or more units

Local Law 61 of 2018 requires the use of a licensed mold assessor and remediator:

– For buildings with **10 or more units**, and
– Whenever there is **more than 10 square feet** of mold.
Contractor Control: DEP Filing

Local Law 61 of 2018 requires Mold contractors to file documents with the NYC Department of Environmental Protection (DEP) when doing work on buildings with 10 or more units.

- This ensures transparency and accountability. DEP is required to make each filing available to the public on its website.

- The **Mold Remediator** must file the **Mold Remediation Workplan** with DEP at least two days before the start of work.*Exceptions include: Certain court-ordered work and certain emergency repairs.

- The **Mold Assessor** must file the **Mold Post-Remediation Assessment** with DEP no later than seven days after the Post-Remediation Assessment is completed.
Contractor Filing Process

DEP’s website contains a portal for Mold contractors to file plans as required. [https://www1.nyc.gov/site/dep/environment/mold-abatement.page](https://www1.nyc.gov/site/dep/environment/mold-abatement.page)

Mold Abatement

Local Law 61 of 2018 established minimum standards for carrying out mold assessment, mold abatement and mold remediation for buildings that contain 10 or more dwelling units or are located on a zoning lot that contains 25,000 or more square feet of non-residential floor area. The law also requires the person holding a mold remediation license to file a Mold Remediation Work Plan Notification Form and the Mold Remediation Work Plan. The person holding a mold assessment license is required to file a Post-Remediation Assessment Form and Mold Post-Remediation Certification. **These forms are available below and you must be file them online.** If you have any problems submitting these forms, please contact [moldhelp@dep.nyc.gov](mailto:moldhelp@dep.nyc.gov).

- File a [Mold Remediation Work Plan and Notification Form](https://www1.nyc.gov/site/dep/environment/mold-abatement.page)
- File a [Mold Post Remediation Assessment Form and Certification](https://www1.nyc.gov/site/dep/environment/mold-abatement.page)
The contractor receives these hard copies after filing these forms online. These copies with a DEP logo should be provided by the contractor to DEP.
1. Ask tenants about presence of Mold on a regular basis.

2. Look for water source (underlying condition) and fix this as mold needs water to grow.

3. For certain buildings where Owners can do work themselves, use plastic sheeting minimize spread of dust, discard all materials affected by mold and thoroughly clean with a HEPA filtered vacuum.

4. For certain buildings where Owners need contractors, use NYS licensed companies to find Mold Assessors and Mold Remediators.

5. The Mold Assessor will come before work begins to identify mold and after work ends to confirm the job was done correctly. The Mold Remediatior will actually perform the mold removal.
Mold
Clearing Mold Violations
HPD Mold Violation Criteria

Dwelling Unit:

- **A class:**
  - Less than 10 square feet in a room

- **B class:**
  - Between 10 square feet and 29 square feet in a room

- **C class:**
  - 30 square feet or more in a room

Public Areas:

- **A class:**
  - Less than 30 square feet in a room or hallway level OR
  - Less than 50 square feet in the aggregate

- **B class:**
  - 30 square feet or more in a room or hallway level OR
  - 50 square feet or more in the aggregate
<table>
<thead>
<tr>
<th>Buildings under 10 Units - Class A, B, C violations and Buildings 10 or more Units - Class A violations</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Contractor Documents</strong></td>
</tr>
<tr>
<td>If owner or agents choose to do work themselves:</td>
</tr>
<tr>
<td>If owner chooses to hire outside contractors:</td>
</tr>
<tr>
<td>None</td>
</tr>
<tr>
<td>2 licenses</td>
</tr>
<tr>
<td><strong>Owner's Sworn Statement</strong></td>
</tr>
<tr>
<td><strong>During Certification Period</strong></td>
</tr>
<tr>
<td>Complete the customized paperwork you receive with your Notice of Violation package</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Buildings 10 or more Units - Class B and C violations</th>
</tr>
</thead>
<tbody>
<tr>
<td>(No choice: owner MUST hire outside contractors)</td>
</tr>
<tr>
<td>2 licenses</td>
</tr>
<tr>
<td>2 affidavits</td>
</tr>
<tr>
<td>2 DEP filing receipts</td>
</tr>
<tr>
<td>Complete the customized paperwork you receive with your Notice of Violation package</td>
</tr>
</tbody>
</table>
Contractor Documents
Buildings under 10 Units (Class A, B, C violations) or 10 or More Units (Class A violations)
Mold NOV for
Buildings under 10 Units (Class A, B, C violations) or 10 or More Units (Class A violations)

CIV 194 MOLD (REV. 1/2019) Under 10 Units (Class A, B, and C Violation) or 10 or More Units (Class A Violation)  AGENCY COPY

CERTIFICATION OF CORRECTION OF VIOLATION(S)
Complete entire form and sign below.

State of New York

)SS:

County of ________________

I, ____________________________ (PRINT NAME), swear or affirm under penalty of perjury as follows:

1. _____ That the building is a multiple dwelling, or is a one- or two-family house and neither I nor any family member occupies it, and, I am currently registered with the Division of Code Enforcement for the subject property in

2. _____ That I have examined the area(s) identified on the Notice of Violation # ________________ by violation(s) number(s) ________________________, to my knowledge such violation(s) whose number(s) I have listed was (were) corrected, including the source of the mold condition, in accordance with the safe work practices outlined in Administrative Code §27-2017.9 and 28 RCNY §54-04 on ________________ (dates) by (check ONE):

  ______ Myself, an employee, or managing agent

  ______________________________________________________ (name)

OR

_____ That if a firm was used to perform mold assessment and mold remediation or abatement all work was performed in accordance with Article 32 of New York State Labor Law using safe work practices as outlined in Administrative Code §27-2017.9 and 28 RCNY §54-04. And I have attached the following:

  ■ the mold assessment contractor license ________________________ (firm name)
  ■ the mold remediation license ________________________ (firm name) or the mold remediation worker supervisor license ________________________ (firm name)
Mold NOV

Buildings under 10 Units (Class A, B, C violations) or 10 or More Units (Class A violations)

- **IF** this item from Section 2 of CIV is checked:

  OR

  ___That if a firm was used to perform mold assessment and mold remediation or abatement all work was performed in accordance with Article 32 of New York State Labor Law using safe work practices as outlined in Administrative Code §27-2017.9 and 28 RCNY §54-04. And I have attached the following:

  - the mold assessment contractor license ___________________________ (firm name)
  - the mold remediation license _________________________________ (firm name) or the mold remediation worker supervisor license ________________________ (firm name)

  THEN required documents must be submitted:

  - Is the firm’s mold assessment contractor license provided?
  - Is the firm’s mold remediation license or the supervisor’s mold abatement worker license provided?
Mold NOV

Buildings with 10 or More Units (Class B and C violations)
Mold NOV
Buildings with 10 or More Units
(Class B and C violations)

CIV 194 MOLD (REV. 1/2019)10 or More Units (Class B and C)

CERTIFICATION OF CORRECTION OF VIOLATION(S)
Complete entire form and sign below.

State of New York

AGENCY COPY

89 Violations covered under this NOV MUST be accompanied by:

6 Listed Documents

listed was (were) corrected, including the source of the mold condition, in accordance with the safe work practices outlined in Administrative Code §27-2017.9 and 28 RCNY §54-04 on _________________________(dates) by firms licensed to perform mold assessment and mold remediation or abatement in accordance with New York State Labor Law Article 32. Accordingly, I have attached:

- the mold assessment contractor license _________________________(firm name); and
- the mold remediation license _________________________(firm name) or the mold remediation worker supervisor license _________________________(firm name);
- Affidavit of Mold Assessment;
- Affidavit of Mold Remediation;
- Department of Environmental Protection’s (DEP) mold remediation’s filing receipt;
- DEP’s mold assessor’s filing receipt.
Mold NOV

Buildings with 10 or More Units
(Class B and C violations)

All six documents listed on the ClV must be provided!

- For buildings with 10 or more units, the Owner MUST ALWAYS use licensed contractors, and all listed documents are always required.

Article 32. Accordingly, I have attached:
- the mold assessment contractor license _____________________________ (firm name); and
- the mold remediation license _________________________________ (firm name) or the mold remediation worker supervisor license _____________________________ (firm name);
- Affidavit of Mold Assessment;
- Affidavit of Mold Remediation;
- Department of Environmental Protection’s (DEP) mold remediator’s filing receipt;
- DEP’s mold assessor’s filing receipt.

3 documents from Mold Assessor

3 documents from Mold Remediator
Contractor Documents
FIRST Required Document
PROVIDE: Assessment Firm’s Mold Assessor License
NYS Dept. of Labor also issues Mold Assessor licenses to individual workers, but the only kind of Mold Assessor license HPD accepts is the firm’s Mold Assessor license shown previously.

Example: DO NOT PROVIDE Individual Workers’ Mold Assessor License

Look out for title on license!
Contractor Documents
SECOND Required Document Detail:
Remediation Firm’s Mold Remediation License OR Remediation Firm’s Mold Abatement Worker Supervisor’s License

Remediation Firm’s Mold Remediation License

Remediation Firm’s Mold Abatement Worker – Supervisor License

Note: HPD only accepts the ‘Mold Abatement Worker Supervisor License.’ HPD will never require, and will not accept, the ‘Mold Abatement Worker License’.
Contractor Documents
THIRD Required Document
Affidavit of Mold Assessment

Affidavit of Mold Assessment

Dated: ______________________

Licensed Mold Assessor’s Firm Name: ________________________________

Mold Assessor’s Firm License #: ____________________ Expiration Date: ________________

Firm’s Address: ________________________________

Tel: ____________________ Email: ________________________________

Property Address: ________________________________ Apt: ____________

Violation Number(s): ________________________________

I, ____________________, the licensed mold assessor for the abovementioned
address, hereby swear that I prepared the mold remediation plan on _______ 20___
I completed the post-remediation assessment on _______ 20____ and determined that
the licensed mold remediation performed the mold hazard violation(s) using methods consistent
with the mold remediation plan; the safe work practices outlined in Administrative Code
§27-2017.9 and 28 RCNY §54-04; and the minimum work standards pursuant to Title 2 of Article
32 in the New York State Labor Law. I have provided the owner with a copy of the Post-
Remediation Assessment Form. A copy of my mold assessment license in effect when the work
was completed is attached, along with a filing receipt from the Department of Environmental
Protection indicating submission of the Post-Remediation Assessment pursuant to Administrative
Code §24-154.1.

Sworn to me this:

___________ day of __________

________________________________________________

Notary Public

Signature

Print Name

Phone Number

*THE MAKING OF A FALSE STATEMENT IS A CRIME
PUNISHABLE BY A FINE AND/OR IMPRISONMENT

Rev. 5/2019
Sworn Statement from the Mold Assessor

*Buildings with 10 or More Units
(Class B and C violations)
Contractor Documents
FOURTH Required Document
Affidavit of Mold Remediation

Information must match whichever document was provided:

Remediation Firm’s License  OR  Remediation Firm’s Supervisor’s License

*Buildings with 10 or More Units  (Class B and C violations)
Contractor Documents
FIFTH Required Document
Mold Assessor’s NYC Department of Environmental Protection (DEP) Filing Receipt

This ‘receipt’ is in the form of an email: provide a printed copy for HPDs records.

*Buildings with 10 or More Units (Class B and C violations)*
**Contractor Documents**

**SIXTH Required Document**

**Mold Remediator’s NYC Department of Environmental Protection (DEP) Filing Receipt**

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<table>
<thead>
<tr>
<th>Date: 2019-02-12 21:23:36</th>
</tr>
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<tbody>
<tr>
<td>Property Address:</td>
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<tr>
<td>Property Apt. #: 24f</td>
</tr>
<tr>
<td>Property City: bronx</td>
</tr>
<tr>
<td>Property Borough: Bronx</td>
</tr>
<tr>
<td>Property State: NY</td>
</tr>
<tr>
<td>Property Zip Code: 10475</td>
</tr>
</tbody>
</table>

**Applicant Name:**
**Applicant DOL License Number:**

**Mold Remediation Work Plan Background Info**

<table>
<thead>
<tr>
<th>Type of Notification *</th>
<th>Original</th>
</tr>
</thead>
<tbody>
<tr>
<td>Emergency Notification*</td>
<td>Yes</td>
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<tr>
<td>Property Street Address *</td>
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<tr>
<td>Property Apartment Number</td>
<td>24f</td>
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<td>Property City *</td>
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<tr>
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<td>Type of Facility *</td>
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<td>Bin *</td>
<td></td>
</tr>
<tr>
<td>Block *</td>
<td></td>
</tr>
<tr>
<td>Lot *</td>
<td></td>
</tr>
</tbody>
</table>

*Is the Activity Conducted in a Government Owned Building?* No

**Building Owner Name:** Subash Thomas

**Building Owner Contact Person:** Subash Thomas

---

This ‘receipt’ is in the form of an email: provide printed copy for HPDs records.

*Buildings with 10 or More Units (Class B and C violations)*
Mold Upgrades
New Feature of LL55

Local Law 55 introduced a unique feature for Mold Violations in Multiple Dwellings: violation upgrades for violations that are not corrected.

- Each time a Mold violation is upgraded from $A \rightarrow B$ or $B \rightarrow C$, the violation number will change. The old violation will be closed and a ‘new’ violation with be issued.

- **Tip:** Keep careful track of mailings from HPD and/or visit HPDOntline to ensure that any paperwork you submit to HPD references the current violation number for the condition.
Mold upgrades, A→B

Class A Mold violations will upgrade to Class B Mold violations if:

- Owner fails to correct and certify on time

or

- Owner submits false certification

The Owner will receive a new Notice of Violation for a Class B Mold Violation, with a new correction deadline. The Class A Violation Number will be referenced in the violation description. The Class A violation will be ‘closed’ and replaced with the Class B violation that will have a new violation number.

Note For dwellings with 10 units or more, this upgrade to Class B will now require the use of licensed contractors, where for Class A violations in dwellings with 10 units or more the Owner would retain the option to have his or her own employees do the work.
Mold upgrades, B→C

Class B Mold violations will upgrade to Class C Mold violations if:

- HPD reinspects after the certification period is over and finds the violation is not complied

  or

- Owner submits a false certification

The Owner will receive a new Notice of Violation for a Class C Mold Violation, with a new certification deadline. The Class B Class Violation Number will be referenced in the violation description.

Note: The new Class C violation will be referred to Emergency Repair if not certified.
Overdue Mold Violations

Post-certification, HPD requires two additional steps before a Mold violation can be removed.

1. As with all overdue HPD violations, HPD must reinspect the violation and find the condition corrected (“Complied”) before the violation can be removed.

2. The Owner must submit a new affidavit, named the AF7 or AF8, in which the Owner swears that proper work methods were used to correct the condition.
Even if a Landlord has already submitted a valid Certificate of Correction, once the certification deadline has passed they must fill out this new Affidavit before HPD can clear the violations.
LL 55 Work Methods and Reinspections

For reinspections of mold violations, the Inspector will attempt to verify that proper work practices were used to remediate the condition.

For instance, an Inspector will ‘Not Comply’ a violation if:

- Leaks or other sources of moisture have not been fixed.
- Debris, dust and work materials relating to the Mold Remediation work have not been removed.
Clearing Mold Violations

Overdue Violations: Defect Letter

HPD sends ‘Mold Defect Letters’ to an Owner when:

▪ An HPD Inspector has reinspected the condition and found that it has been corrected AND...

▪ HPD has still not received the required paperwork:
  – AF7 or AF8
  – All of the same Contractor documents required by the NOV

▪ The proper paperwork is required before an overdue violation can be closed. If you have already submitted proper paperwork, then the violation will be closed as soon as HPD processes your submission.
KEY TAKEAWAYS

1. Certain buildings require the use of contractors to remove mold.

2. Whenever a Mold Contractor is used, specific documents must be submitted (regardless of whether use of the contractor was required by law).

3. Use your Notice of Violation (NOV) to determine the required paperwork when certifying a violation.

4. Reference this presentation for example documents.

5. Mold Violations that are not certified on time will be upgraded to the next violation class, which will require extra steps for the Owner.
Questions on Mold?
Part 5: Additional Resources
More Resources on HPD’s Website
www.nyc.gov/hpd

Highlights:
1. HPDOonline – Look up building-specific complaints, violations, repair charges, and more
2. Property registration
3. Information about specific maintenance topics, including Indoor Allergens, and a link to the ABCs of Housing
Housing Preservation and Development (HPD):

- **Bedbugs:** [https://www1.nyc.gov/site/hpd/services-and-information/bedbugs.page](https://www1.nyc.gov/site/hpd/services-and-information/bedbugs.page)

Department of Health and Mental Hygiene (DOHMH):

- **Mold:** [https://www1.nyc.gov/site/doh/health/health-topics/mold.page](https://www1.nyc.gov/site/doh/health/health-topics/mold.page)
- **Pests and Pesticides:** [https://www1.nyc.gov/site/doh/health/health-topics/pests-and-pesticides.page](https://www1.nyc.gov/site/doh/health/health-topics/pests-and-pesticides.page)
- **Bedbugs:** [https://www1.nyc.gov/site/doh/health/health-topics/bedbugs.page](https://www1.nyc.gov/site/doh/health/health-topics/bedbugs.page)
Thank you for joining our Presentation!

For more information, visit nyc.gov/hpd or call 311