

NYCHA Compliance Department:
10th Assessment of Compliance with Requirements Of
Paragraphs 8, 14 and 15 of Exhibit A to the January 31, 2019 Agreement
Between NYCHA, HUD, SDNY and the City of New York

I. Introduction and Methodology

On January 31, 2019, the New York City Housing Authority (“NYCHA”), the United States Department of Housing and Urban Development (“HUD”), the Southern District of New York (“SDNY”), and the City of New York (“City”) entered into a settlement agreement (“HUD Agreement”) which sets forth specific requirements for NYCHA to remedy physical conditions in its developments, including lead-based paint. Exhibit A of the HUD Agreement sets forth the requirements pertaining to lead-based paint.

Paragraph 30(b) of Exhibit A requires NYCHA to provide, every 6 months, “the United States and the Monitor a certification describing its compliance with paragraph 8 through 15” of Exhibit A. Paragraphs 8 through 13 of Exhibit A set forth future obligations that NYCHA must comply with concerning long-term lead abatement projects. Paragraphs 14 and 15 represent ongoing compliance obligations for NYCHA under the EPA Abatement Rule (40 CFR § 745.227) (“Abatement Rule”), and the lead safe work practice requirements set forth in the Lead Safe Housing Rule (24 CFR Part 35, subparts B – R) (“Lead Safe Housing Rule”) and the Renovation, Repair, and Painting Rule (40 CFR Part 745, subpart E) (“RRP Rule”). This is NYCHA’s 10th report assessing compliance with Paragraphs 14 and 15. This report also includes an assessment of NYCHA’s progress with respect to Paragraph 8, which requires that NYCHA abate all lead-based paint at Harlem River and Williamsburg within 5 years of the agreement (2024).

To evaluate NYCHA’s ability to certify to the requirements of Paragraphs 8, 14 and 15 on January 31, 2024, the Compliance Department conducted a review of NYCHA records and activities for the period between June 16, 2023 through December 15, 2023 (“Covered Period”). Additionally, the NYCHA Environmental Health and Safety Department (“EHS”) issued a report (annexed as **Attachment A**) documenting field oversight activities that should be read in tandem with this Report.

The Compliance Department uses the following methodology to evaluate NYCHA’s compliance with Paragraphs 8, 14 and 15:

- **Existence of Written Policies, Procedures or Contract Specifications:** This criterion evaluates whether NYCHA has established specific written policies, procedures, contract specifications, trainings or instructional materials that required staff and/or vendors to perform the requirements set forth in the regulations during the Covered Period.
- **Existence of IT Controls:** This criterion evaluates whether NYCHA’s Maximo Work Order system (or other system) has established IT controls that strengthen compliance with the applicable regulatory requirement during the Covered Period.
- **Quality Assurance or Field Monitoring Protocols:** This criterion evaluates whether NYCHA has performed any quality assurance or any field monitoring during the Covered Period of abatement, interim control, or RRP projects to assess compliance with each specific regulatory requirement and the results of the quality assurance or field monitoring activities.

- **Recordkeeping/File Review:** This criterion evaluates whether project files for work orders closed during the Covered Period contain documentation required by and/or evidencing compliance with each specific regulatory requirement.
- **Overall Assessment of Compliance:** This overall assessment of NYCHA’s compliance during the Covered Period with each specific requirement is based upon the above-described criteria and any additional information provided by NYCHA staff. This shall also disclose any significant identified deficiencies with each specific regulatory requirement and, where available, provide action items that NYCHA must conduct in the next 6 months to address compliance shortfalls.

II. Update on Compliance-Related Activities Since Last Paragraph 30(b) Certification (July 31, 2023)

On July 31, 2023, NYCHA was unable to certify to compliance with Paragraphs 14 and 15 for the following main reasons.

- NYCHA needs to improve compliance with the Notice of Hazard Reduction (“NOHR”) and Lead Disclosure Summary requirement set forth in 40 CFR § 745.227(i) and 24 CFR § 35.125 (paragraph 14(g)) in occupied Child Under 6 (CU6) abatements.
- NYCHA had not yet completed an enhancement in Maximo to ensure units were properly flagged to trigger RRP protocols and there remained a potential for system users to improperly answer the RRP question which prevented compliance with 24 CFR §§ 35.1330, 35.1350 and 40 CFR § 745.85, 745.89 (paragraph 15(a)).
- NYCHA did not have enough controls on collecting and reviewing vendor firm and worker certification requirements under the RRP rule (paragraph 15(b)).
- NYCHA did not have adequate controls to collect RRP checklist and pre-work notice documentation from vendors, as required in 24 CFR § 35.1345, and 40 CFR § 745.84, 745.85, 745.86 (paragraphs 15(e), (f), (h), and (i)).
- NYCHA was generally not in compliance with the clearance examination requirements due to inadequate worksite controls while waiting for dust wipe results and missed or late clearance examinations, as required in 40 CFR § 745.85(a)(4) (paragraph 15(j)).

On July 31, 2023, NYCHA Compliance did determine that NYCHA had exhibited adequate controls or documentation to demonstrate compliance with the following sub-paragraphs:

- Paragraphs 14(a), (b), (c), (d), (e), (f): Completion of lead abatement activities pursuant to 40 C.F.R. § 745.227(e) (2), (4), (5), (10), 40 C.F.R. § 745.227(f), and 24 CFR § 745.227(e) (8)-(9).
- Paragraph 15(c): Maintaining status as a certified RRP firm pursuant to 24 CFR § 35.1350 and 40 CFR § 785.85.
- Paragraph 15(d): Confirming that its storerooms have sufficient supplies that can be used by NYCHA staff daily to fulfill the lead safe work practice requirements pursuant to 24 CFR § 35.1350 and 40 CFR § 785.85.
- Paragraph 15(g): Established and implemented adequate processes for issuing and retaining the NOHR pursuant to 24 CFR § 35.125 and 40 CFR § 745.84 (paragraph 15(g)).

- NYCHA had adequate controls to collect staff's certifications and to collect staff's RRP checklists and pre-work notice documentation, as required by 24 CFR § 35.1345, and 40 CFR § 745.84, 745.85, 745.86 (paragraphs 15(b), (e), (f), (h), and (i))

1. General Updates on Compliance

General Update on Compliance with Paragraph 8: NYCHA's PACT partners continued abatement activities at Harlem River and Williamsburg. For the purpose of reporting progress in this report, NYCHA is using the "clearance end date" as provided by the PACT partner to identify units where abatement and clearance are completed. In addition, the report currently provides detail only on units abated and not common areas. The denominator used for the purpose of reporting on progress is currently the total of all the units at the property, as testing at the 0.5 mg/cm² standard is ongoing so the number of positive, planned units is not yet known. During the Covered Period, STV, a third party environmental monitoring firm with the assistance of the NYCHA Real Estate Development Department (REDD) and the Compliance Department continued field monitoring of abatement and clearance vendors at PACT sites.

As of December 15, 2023, 384 units (approximately 55% of the 693 total units at Harlem River I and Harlem River II) have been abated at Harlem River Houses. At Harlem River, during STV's field inspections, compliance with lead abatement requirements was observed for virtually all compliance tasks, as laid out in detail in this report, and most non-compliant items have either been resolved or improved upon over time. STV did identify a deficiency related to clearance vendors' use of improper containers for dust wipes based on the HUD guidelines, but this has been communicated to the PACT partner and was subsequently observed as corrected by STV. In addition, the documents reviewed demonstrate a high degree of compliance with the requirements of Paragraph 14 except that certain certifications and occupant protection plans had not been uploaded initially but could be produced immediately upon request.

As of December 15, 2023, 964 units (approximately 59.5% of the total 1,621 units) have been abated and cleared at Williamsburg. At Williamsburg, during STV's field inspections, compliance during the Covered Period was observed for virtually all compliance tasks. A pending item from the last certification, which was the Williamsburg team not being able to provide the equipment manufacturer's specification for the HEPA attachments being utilized, was resolved during the Covered Period. Like at Harlem River, STV did also identify certain deficiencies related to clearance vendors' use of improper containers and templates but many of these issues were resolved during the Covered Period. Documents reviewed by NYCHA Compliance demonstrated a lack of compliance with abatement documentation requirements for some units with respect to uploading clearance related documentation and Notices of Hazard Reduction.

Under Paragraph 8, NYCHA was obligated to abate all lead-based paint at both Harlem River and Williamsburg by January 31, 2024. As discussed above, both PACT Partners have abated approximately 55% to 60% of the units at each property but have not yet completed the work to abate all lead-based paint at the property. The change in the standard in New York City from 1.0 mg/cm² to 0.5 mg/cm² has led to some delays as additional testing was required after the properties closed. In addition, the closing for Williamsburg Houses in December 2021 and Harlem River Houses in February 2022 was delayed from earlier schedules and pushed back the start of abatement.

At Harlem River, the PACT Partner hopes to complete abatement of all lead-based paint by December 2024. At Williamsburg, the PACT Partner hopes to complete abatement of all lead-based paint by April 2025. The work to abate all lead-based paint components via removal at the 0.5 mg/cm² is difficult, highly technical work and NYCHA's PACT Partners continue to make progress delivering lead-free units at these previously highly contaminated properties.

General Update on Compliance with Paragraph 14: NYCHA has made significant strides in building a compliant abatement program. Both documentary and field monitoring from the Covered Period show a high rate of compliance for abatement projects managed by the Lead Hazard Control Department. EHS observed 543 jobs and observed 99.79% compliance rate with various requirements. Compliance's documentary monitoring exhibited a high rate of compliance in most areas. Based on results from field monitoring and file review, Compliance recommends that NYCHA can certify compliance with the following parts of Paragraph 14: a, b, c, e, and f. With respect to Paragraph 14(d), EH&S found a 99.58% rate of compliance in its field monitoring and Compliance found a 91% compliance rate in its document review, suggesting a high rate of compliance even if NYCHA cannot yet certify to compliance.

NYCHA also sustained its improvement in the production of Notices of Hazard Reduction and Lead Disclosure Summaries. However, NYCHA Compliance found an 88% compliance rate in general when reviewing Notices of Hazard Reduction (NOHR), and this gap was generally due to the fact that 8 of the 9 EBLL abatement work orders reviewed contained the wrong version of the NOHR form, though a form was present. According to LHC, use of the incorrect NOHR form has since been corrected. A lack of IT controls to support this requirement when the Notices of Hazards Reduction must be manually generated continues to impact NYCHA's ability to certify compliance within Paragraph 14(g).

General Update on Compliance with Paragraph 15: NYCHA continues to make strides to improve compliance with the RRP Rule and the Lead Safe Housing Rule requirements set forth in Paragraph 15. Field monitoring performed by EHS continues to show that NYCHA renovators are generally adhering to their training in the field. The major issues preventing certification with Paragraph 15 are issues with staff adherence to the RRP protocols in the work order, the failure to establish better controls for vendor RRP documentation, and the need to improve performance with respect to clearance examinations. During the Covered Period, Operations began a pilot of a virtual contractor logbook. EHS will attempt to leverage this logbook to more easily identify vendor RRP jobs. During the Covered Period, EHS added a section to its field monitoring checklist to observe whether NYCHA staff were properly answering the RRP question in compliance with Paragraph 15(a). EHS's compliance rate fell from 95.67% in the July 2023 certification to a 78.18% compliance rate when this item was added to the field observation checklist. NYCHA staff is not identifying whether work requires adherence to RRP protocols at the beginning of the process in the NYCHA handheld, which prevents certifying to compliance under Paragraph 15(a).

Based on results from field monitoring and file review, Compliance recommends that NYCHA can certify substantial compliance in the following parts of Paragraph 15: c, d, g. To certify to Paragraph 15 a, b, e, f, h, i, and j, NYCHA must evaluate whether staff is properly answering the RRP question when a unit has been flagged for RRP, strengthen its oversight of vendors performing RRP work, ensure NYCHA staff is completing renovator checklists in the Maximo system and further improve its clearance protocols.

2. Updated on Previously Identified Risks

In addition, there are two separate areas of Compliance risk that have been reported in prior Certifications.

First, as of December 19, 2023, NYCHA has received results for a total of 60,182 apartments across 148 developments for buildings that were previously thought to be exempt based on the random sampling method based on the federal standard of 1.0 mg/cm². As of December 19, 2023, of the 60,182 apartments, 53,314 are negative under the federal standard and 6,868 are positive in buildings that were identified as being exempt. Additionally, 17,642 apartments in these developments remain untested, or have been tested but have results that are pending. As of December 19, 2023, LHCD has identified 6,329 positive apartments at the city standard of 0.5 mg/cm² in buildings previously considered exempt. Based on updated logic in the Maximo system, these units will now be flagged as requiring RRP if work is performed on positive components, will require annual visual assessments and will be included in the abatement program if the resident agrees to relocate.

Second, Compliance has identified that, for 91.65% (61,193 out of 66,768) of work orders flagged as potentially subject to RRP requirements, NYCHA renovators are indicating on the work order that they are not performing work that requires RRP protocols. This represents a 0.25% increase relative to the last reporting period, when NYCHA renovators had indicated they were not performing work that requires RRP protocols in 91.40% of flagged units. This does not necessarily mean these work orders are non-compliant. Indeed, renovators determine whether RRP work is required in a flagged unit based on a number of factors, including XRF component-level testing results, where applicable, and the square footage of presumed or known lead-based paint that the work will disturb. RRP work may have not been required in these units if the renovator was not performing work that disturbs more than two square feet or more than 10 percent of a single component of presumed or known lead-based paint in a room. To the extent testing results are available for that unit, renovators can know whether the work being performed is disturbing a known positive component in non CU6 units based on the component level testing at 1.0 mg/cm² and in CU6 units at component level testing at 0.5 mg/cm².

As mentioned above, EH&S added a component to its field oversight program to assess whether staff is properly answering the RRP question when a unit has been flagged for RRP. As detailed below, EH&S escalated several NYCHA staff members to Compliance who were not properly adhering to the RRP protocols in the handheld based on field oversight. Compliance also worked with the federal Monitor to identify staff using its data analytics tool.

3. Update on EH&S Escalations

EHS Escalations: While EHS observed high rates of compliance with RRP procedures and other lead requirements during the Covered Period, they escalated 12 observations to Compliance. Ten of these escalations were related to RRP. The remaining 2 escalations were related to observations of set-up or clean up, respectively, occurring without a certified abatement supervisor on site. Compliance took the following actions in response to the EHS escalations.

EHS Inspection #	EHS Escalation Report Description	Description	Action Taken
110822449	Abatement clean up at Glenwood Houses	EHS observed abatement workers from AGD performing abatement related clean-up activities without an Abatement Supervisor on site.	Based on the report, the employees complied with the directive for the individuals to stop work until the supervisor returned. Compliance also asked that Lead Hazard Control issue a notice to all abatement vendors reminding them that a certified Lead Abatement Supervisor must be on site at the start of activities and during the cleanup phase. Vendors were required to acknowledge receipt of the notice and confirm this was discussed with their staff.
112529798	Abatement preparation at Van Dyke Houses	EHS observed an Abatement Unlimited worker performing work area preparation for lead abatement related activities without the presence of an abatement supervisor.	Based on the report, the employee complied with the directive for the individual to stop work until the supervisor returned. The supervisor advised EHS that work would resume in that unit the following day. As mentioned above, Compliance asked that Lead Hazard Control issue a notice to all abatement vendors reminding them that a certified Lead Abatement Supervisor must be on site at the start of activities and during the cleanup phase. Vendors were required to acknowledge receipt of the notice and confirm this was discussed with their staff.
N/A	RRP jobs completed without dust wipes (10 Sites, Dated October 16, 2023)	EHS observed 31 of 165 jobs where NYCHA staff either failed to enter an answer or responded “no” to the RRP verification question, “Are you performing RRP work?” even though XRF data and onsite observations indicated they were performing RRP work. 10 of these jobs were escalated because EHS determined a dust wipe was not taken even after corrections were attempted on site.	Compliance asked that EHS work directly with the Lead Hazard Control dust wipe unit to create dust wipe work orders and dispatch technicians to these units. Compliance then also scheduled a training session with the 15 staff members who worked on these jobs and drafted instructional memos to be issued to each of these staff members by their supervisors. Compliance will continue to follow-up with this staff and their supervisors.

III. Updates on Other Significant Lead Matters

1. Abatement Progress

NYCHA continued to make significant progress during the Covered Period with respect to its obligation to abate the portfolio along timelines defined by Paragraphs 9 through 12 of Exhibit A of the HUD

Agreement. NYCHA is utilizing several sources of funds to abate the portfolio by January 2039 including (1) the PACT program, (2) a \$771.8 million program now managed by the Lead Hazard Control Department which is funded via the City Capital Action Plan, (3) utilization of recent HUD grants awarded to abate CU6 units and units at Red Hook Houses, (4) as part of the scope of its Comprehensive Modernization program and other capital projects, and (5) all vacant units are tested and abated if found to be positive, which is funded with Community Development Block Grant and other funds.

PACT Program: During the Covered Period, testing and abatement at 0.5 mg/cm² continued at PACT sites, including Harlem River Houses, Williamsburg Houses, Boulevard Houses, Fiorentino Plaza, Linden Houses, Penn Wortman, Audubon Houses, Bethune Gardens and Edenwald Houses. NYCHA has also been working with the Manhattan Bundle and the Brooklyn Bundle¹ to determine how many units have been and will still need to be abated at the prior 1.0 mg/cm² standard, since those transactions closed before the standard changed on December 1, 2021.

As of December 2023, 1,786 units had been reported as abated and cleared among the PACT sites.

City Capital Action Plan, Move-Outs TEMPO Abatement: During the Covered Period, NYCHA's Lead Hazard Control Department continued to scale up its abatement program. As part of the first phase of the program, NYCHA was abating occupied CU6 apartments that tested positive at 0.5 mg/cm² where children live or visit for more than 10 hours a week and where the family voluntarily agrees to relocate.

According to Lead Hazard Control, since the standard changed on December 1, 2021, from January 1, 2022 to December 31, 2023, NYCHA abated and cleared 5,992 units at 0.5 mg/cm² across the portfolio via a range of programs including its move-out program, TEMPO abatement program and other special projects. Importantly, the TEMPO abatement and moveout program picked up its pace of abatement substantially in calendar year 2023.

Some of these totals need to be further validated based on findings during the Covered Period. For example, Lead Hazard Control identified a series of data quality and quality control issues in the Covered Period as the program scaled up. First, some units were counted across both the moveout and occupied abatement program due to data control issues involving the use of moveout work orders for occupied apartments. Second, some units were determined, based on a quality assurance inspection, to not have been fully abated properly because components were missed or only partially abated and so more work is still required but the unit was counted as complete by the project manager or each separate job was counted. Third, Lead Hazard Control must establish consistent counting methodologies for units testing positive at the 1.0 mg/cm² standard that subsequently did not test positive at the 0.5 mg/cm² standard. Of these issues, the second is the most critical and Lead Hazard Control issued a failure to perform letter to the project manager during the Covered Period to ensure better quality assurance protocols and tracking are implemented as the program continues to scale up.

¹ Pre-1978 buildings for the Brooklyn bundle include 572 Warren Street, Armstrong I, Armstrong II, Independence, Weeksville Gardens, and Williams Plaza. Pre-1978 buildings for the Manhattan Bundle include 335 East 111th Street, 344 East 28th Street, Park Avenue-East 112th (123rd Street), Wise Towers, Fort Washington Avenue Rehab, Grampion, Manhattanville Rehab (Groups 2 and 3), Public School 139, Samuel (MHOP) I, II and III, and Washington Heights Rehab (Groups 1 and 2, Phase III, Phase IV(C) and Phase IV(D)).

General Abatement Reporting: NYCHA plans to create a single dashboard to track abatement across the portfolio so it can begin reporting on the metrics outlined in Paragraphs 9 through 12 of Exhibit A of the HUD Agreement with more precision. Note that during NYCHA's XRF initiative, NYCHA identified approximately 25,882 units that were positive at the federal standard of 1.0 mg/cm² out of 104,053 units tested, which is a positivity rate of approximately 24.9% (more than 4,183 units are pending results). Thus, NYCHA expects that the denominator for the purposes of Paragraphs 9 through 12 of Exhibit A of the HUD Agreement will include approximately 27,000 units that will need to be abated at the 1.0 mg/cm² standard. At 0.5 mg/cm², NYCHA's positivity rate is approximately 42.7%, and so NYCHA expects a significant number of additional units will need to be abated at the new standard, even if they did not need to be abated at the 1.0 mg/cm² standard.

When you combine the 1,786 units abated since December 1, 2021 as part of the PACT program with the more than 5,992 units abated by Lead Hazard Control since December 1, 2021, NYCHA has abated more than 7,778 units as of December 31, 2023. This represents approximately 29% of the estimated 27,000 units target. Under Exhibit A Paragraph 9 of the HUD Agreement, NYCHA must abate 50% of the units that contain lead-based paint and the interior common areas that contain lead-based paint in the same buildings as those units. Note that the 29% calculation is not a one-for-one calculation of progress against the Agreement's target as some of the units that have been abated at 0.5 mg/cm² since December 1, 2021, may not have required abatement at the 1.0 mg/cm² standard and the estimated 27,000 unit denominator uses the 1.0 mg/cm² standard that is included in the HUD Agreement. The HUD Agreement also requires that NYCHA abate interior common areas by the deadline in Paragraphs 9 through 12, and this calculation does not take common areas into account. Still, if NYCHA can sustain its increased pace of approximately 400 units abated per month at 0.5 mg/cm², it will meet the Agreement's target with the caveat that the data would have to be validated based on the standard applicable and that common areas were also accounted for in the denominator to be abated.

Abatement During Capital Projects: During the Covered Period, continued reporting each quarter to NYCHA Compliance on projects that disturbed lead-based paint or required abatement, pursuant to the A&CM white paper. According to A&CM, from July 1, 2023 through December 31, 2023 there were six unique capital projects that impacted positive or presumed positive components.

In the July 2023 certification, NYCHA Compliance identified concerns with some of the projects submitted by A&CM for review, namely that the scope of work may not comply with the requirements of the A&CM white paper and 24 CFR 25.1220(a). In the July certification, Compliance discussed the fact that certain positive components in public spaces (including a playground and a community center common area) that were impacted by the construction work were abated, while other components impacted or in the area of the work were wet-scraped using RRP protocols and stabilized by repainting even though they should have been abated. A&CM did update their reporting in this Covered Period to identify whether the components impacted were in a "common area" or a "non-public space." According to A&CM, there was only one modernization project of the six identified, a gymnasium renovation, where the impacted lead-based paint was in a public space. In this project, A&CM again used a wet scraping method, which Compliance contends is not consistent with the A&CM white paper. Compliance and A&CM will continue to discuss this issue in the coming months.

2. Trainings and Lead Safe Housing Procedure

Pursuant to the interim Lead Action Plan approved by the federal Monitor in January 2021, the Compliance Department worked with other NYCHA business units to launch an “RRP Refresher Course” that can be viewed in a series of online modules that lasts three hours. This course is not a method to renew an RRP certification, but it provides a set of lessons on adhering to RRP protocols and provides guidance based on NYCHA’s IT systems. As of January 2024, 569 of the 1,887 (30.1%) staff assigned the training had completed all of the coursework in this cycle. Compliance will review the list of staff that must take the refresher course and emphasize that it be completed by staff.

NYCHA Compliance also established a dashboard tool for tracking completion of the RRP: Renovation, Repair and Painting coursework. As of January 2024, 3,937 assigned staff members had completed the required coursework and 533 staff members must still take the course (88% completion rate). Compliance can now track, by title and location, which staff must take the course and follows up with staff that must take the course. During the Covered Period, the Chief Compliance Officer also held smaller virtual trainings with property and skilled trades staff identified as requiring additional guidance on lead-based paint related items, including trainings on the Lead Disclosure Rule and on adherence to RRP protocols.

3. Visual Assessments and Remediations

NYCHA continues to perform visual assessments on an annual basis and now performs two visual assessments per year for child under 6 apartments with known or presumed lead-based paint pursuant to the TEMPO program. While NYCHA has performed over 29,000 remediations over the past approximately five years (and attempted to perform remediation for thousands of other work orders) based on these visual assessments, NYCHA continues to have an ongoing backlog of open work orders for remediation arising from the 2019, 2020, 2021, 2022, and 2023 visual assessments.

During the Covered Period, Compliance, LHCD and Technical Services worked together on a plan that was submitted to the U.S. Attorney’s Office for the Southern District of New York, the federal Monitor and HUD related to the backlog of remediation work orders. In the end, NYCHA identified more than 61,435 lead-based paint interim control work orders among 44,661 unique apartments that NYCHA could administratively close based on certain demographic and lead-based paint related criteria having been verified for each work order and apartment.

The identified work orders were all generated between 2017 and 2023. These work orders were automatically generated by the Maximo system based on the results of a lead-based paint visual assessment, a risk assessment, or during an XRF testing inspection, as shown by the “subworktype” for each work order. The remediation work orders were being closed because either (i) the apartment tested negative at the 1.0 mg/cm² federal standard under the Lead Safe Housing Rule or the 0.5 mg/cm² local standard under Local Law 1, with the standard applicable to the unit being based on the presence of a Child Under 6 (CU6) in the apartment as of May 2023; and/or (ii) the apartment was subsequently abated via removal of all lead-based paint found at the 0.5 mg/cm² standard. These work orders fit squarely within the exemptions applicable to lead-based paint remediation work under both federal and local law and the federal stakeholders agreed that NYCHA could proceed with closing them.

Also during the Covered Period, as work was being completed on 2023 Phase 1 remediation work orders, the Compliance Department identified anomalies associated with one paint supervisor who was

systematically entering labor against a substantial number of these work orders with the resolution code of “Resident Not Home” until the work order had three attempts logged against it. The suspicious spike in labor entries under this supervisor’s name, the vast majority of which had the “Resident Not Home” resolution code, raised red flags for the Compliance Department. The issue was escalated to the U.S. Attorney’s Office for the Southern District of New York, HUD and the federal Monitor as well as senior NYCHA leadership.

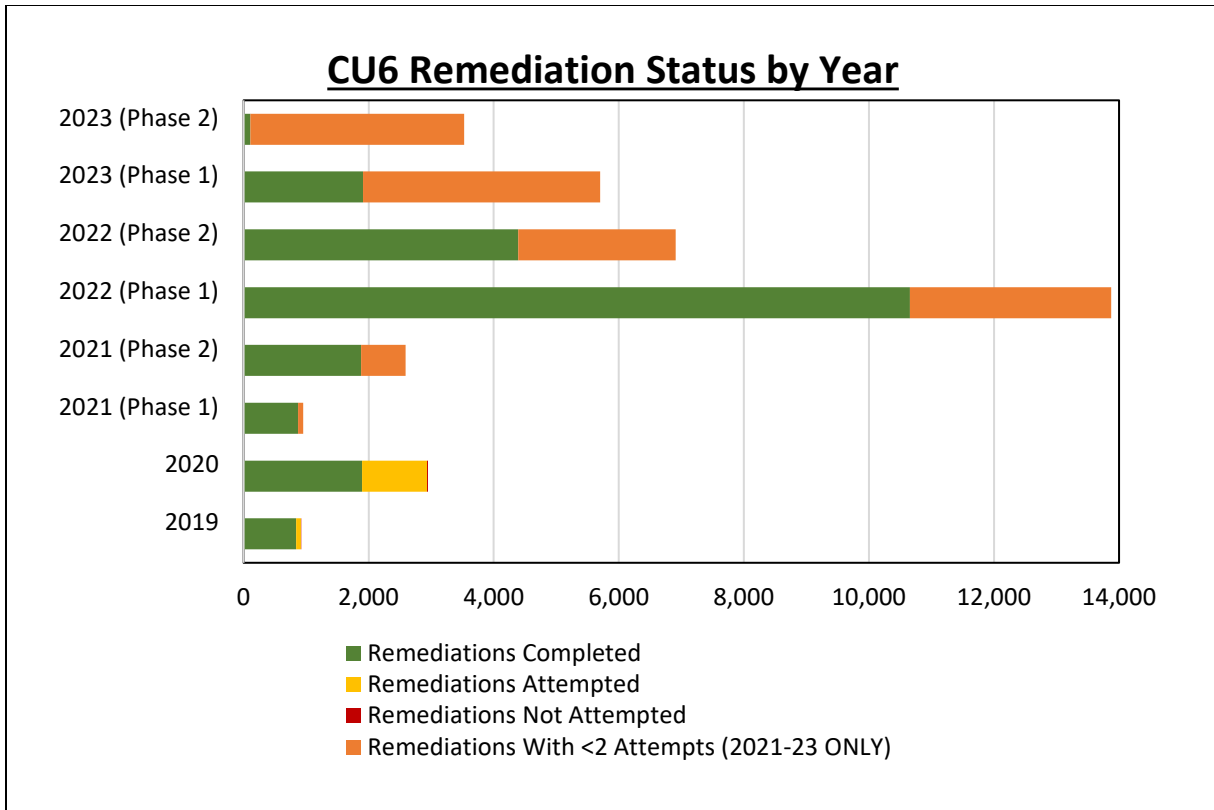
During the investigation, this paint supervisor subsequently was removed from his position and assigned to other work. In the end, the Compliance Department identified more than 630 work orders across 6 developments where the supervisor engaged in this practice. The Department of Special Repair Projects subsequently agreed to start work over again in these units.

Lastly, it is important to note that LHC required an extension for the Phase 2 2023 CU6 and Non CU6 visual assessment round to be completed. This round of visual assessments will not be completed until at least the end of February 2024. While LHC did conduct first attempts for all units belonging to this round of visual assessments, second attempts, which are critical to ensure a higher completion rate, were delayed beyond the calendar year. NYCHA Compliance’s next Exceptions Report will provide further detail on LHCD’s progress completing these visual assessments.

The total number of completed remediation work orders, open remediation work orders, remediations attempted², remediations not attempted, and remediations pending³ as of December 29, 2023 are below for 2019, 2020, 2021, 2022, and 2023.

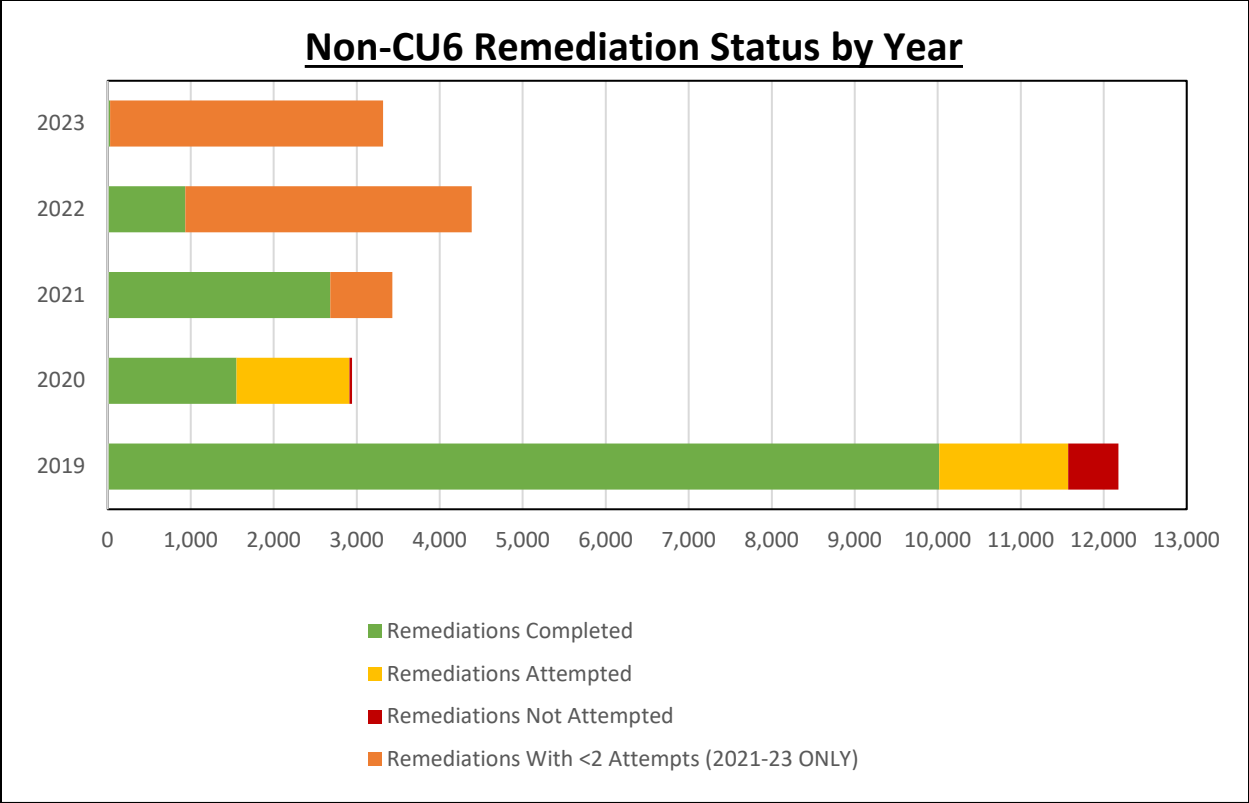
² For 2019 and 2020, Remediations Attempted refers to units with at least 1 attempt. Beginning in 2021, Remediations Attempted refers to units with 2 or more attempts.

³ The data for 2021 and 2022 does not have information regarding a breakdown showing which units had no attempts versus 1 attempt. It is all categorized as “<2 Attempts”.



In CU6 units, NYCHA completed or made attempts in 916 of 918 units in 2019 and 2,932 of 2,946 units in 2020. From the Phase 1 2021 visual assessments in CU6 units, NYCHA completed or made at least two attempts in 1,238 of 1,322 units. From the Phase 2 2021 visual assessments in CU6 units, NYCHA completed or made at least two attempts in 2,553 of 3,266 units. From the Phase 1 2022 visual assessments in CU6 units, NYCHA completed or made at least two attempts in 14,341 of 17,559 units. From the Phase 2 2022 visual assessments in CU6 units, NYCHA completed or made at least two attempts in 6,656 of 9,173 units. From the Phase 1 2023 visual assessments in CU6 units, NYCHA completed or made at least two attempts in 4,828 of 8,620 units. From the Phase 2 2023 visual assessments in CU6 units, NYCHA completed or made at least two attempts in 149 of 3,567 units.

It is important to note that NYCHA expected this large increase in the number of deficiencies identified during the 2022 and 2023 visual inspections. NYCHA increased the number of visual assessments that must be conducted because apartments that were exempt or tested negative using the 1.0 mg/cm² standard are now being presumed positive and assessed due to the change in standard to 0.5 mg/cm². Because many of these units have never been inspected and because all components in the units are being presumed positive, there has been an increase in the number of deficiencies identified.



As for non-CU6 units, NYCHA completed or made attempts in 11,571 of 12,180 units from the 2019 visual assessment round and 2,913 of 2,979 units from the 2020 visual assessment round.⁴ For non-CU6 units in 2021, NYCHA completed or made two attempts in 5,216 out of 5,963 units. For non-CU6 units in 2022, NYCHA completed or made two attempts in 2,345 out of 5,796 units. For non-CU6 units in 2023, NYCHA completed or made two attempts in 44 out of 3,333 units.

IV. Assessment of Compliance with Paragraph 8, 9 and 14 for the Covered Period at Converted RAD/PACT sites.

The HUD agreement sets forth specific requirements for abating lead-based paint across the portfolio, including for Project Site(s) that have converted under the PACT program if such conversions have occurred more than six (6) months after January 31, 2019, the effective date of the HUD Agreement. These obligations are set forth in Exhibit A of the HUD Agreement.

Regulatory Requirements for Paragraph 8:

Exhibit A Paragraph 8 requires that NYCHA abate all lead-based paint within 5 years of the execution of the HUD Agreement (January 31, 2024) at Harlem River Houses and Williamsburg Houses in accordance with 40 C.F.R. Part 745 Subpart L. Abatement that takes place under Exhibit A Paragraph 8 must meet the standards established under Exhibit A Paragraph 14, and the biannual certifications required under Exhibit

⁴ The data for 2021 and 2022 does not have information have a breakdown showing which units had no attempts versus 1 attempt. It is all categorized as “<2 Attempts”.

A Paragraph 30(b) must cover the work performed under Paragraphs 8 and 14. This is the fourth update pertaining to abatement at Harlem River Houses, Williamsburg Houses, and additional PACT program project sites.

1. Harlem River Houses

Harlem River Houses (HRH) and Harlem River II (HRII) consists of 693 total units. Abatement activities began on March 7, 2022. As of December 15, 2023, 384 units (55% of the total units) have been abated and cleared at Harlem River Houses. This is an increase of 11% relative to the previous reporting period.

2. Williamsburg Houses

Williamsburg Houses consists of approximately 1,621 apartment units. Abatement activities began on February 18, 2022. As of December 15, 2023, 964 units (59.5% of the total units) have been abated and cleared at Williamsburg. This is an increase of 16.7% compared to the previous reporting period.

[IT Controls for Paragraph 8, and other RAD/PACT sites:](#)

Because PACT Partners do not use one system to collect documentation and information on each abatement project, NYCHA's Compliance and Real Estate Development Department (REDD) established a uniform reporting system using Smartsheet. PACT Partners must upload information on a unit-by-unit basis into individual rows and attach documents to each row so that NYCHA can track the developers progress towards project completion by the deadline laid out in Paragraph 8. The Smartsheet also functions as a central repository to conduct file reviews and track compliance with the obligations under Paragraph 14.

Review and assessment of these uploaded documents is covered in the following section. REDD and Compliance do frequently need to remind PACT Partners to update the Smartsheet and upload documents in a timely manner. Some PACT Partners have improved their performance timely updating and uploading records in the Smartsheet, but the lack of an automated reporting structure has proven to be difficult as the number of units converted increases.

[File Review for Paragraph 8 and Paragraph 14:](#)

The Compliance Department conducted a review of the abatement documents for a random sample of units that were marked as having been abated and cleared during the Covered Period. NYCHA reviewed the documentation for 50 abated and cleared units across five sites based on the total number of units that had been abated at a site: Williamsburg (20 units reviewed), Harlem River (12 units reviewed), Linden Houses and Penn Wortman (5 units reviewed), Bethune Gardens (2 units reviewed), Boulevard Houses (6 units reviewed), and Edenwald (5 units reviewed).

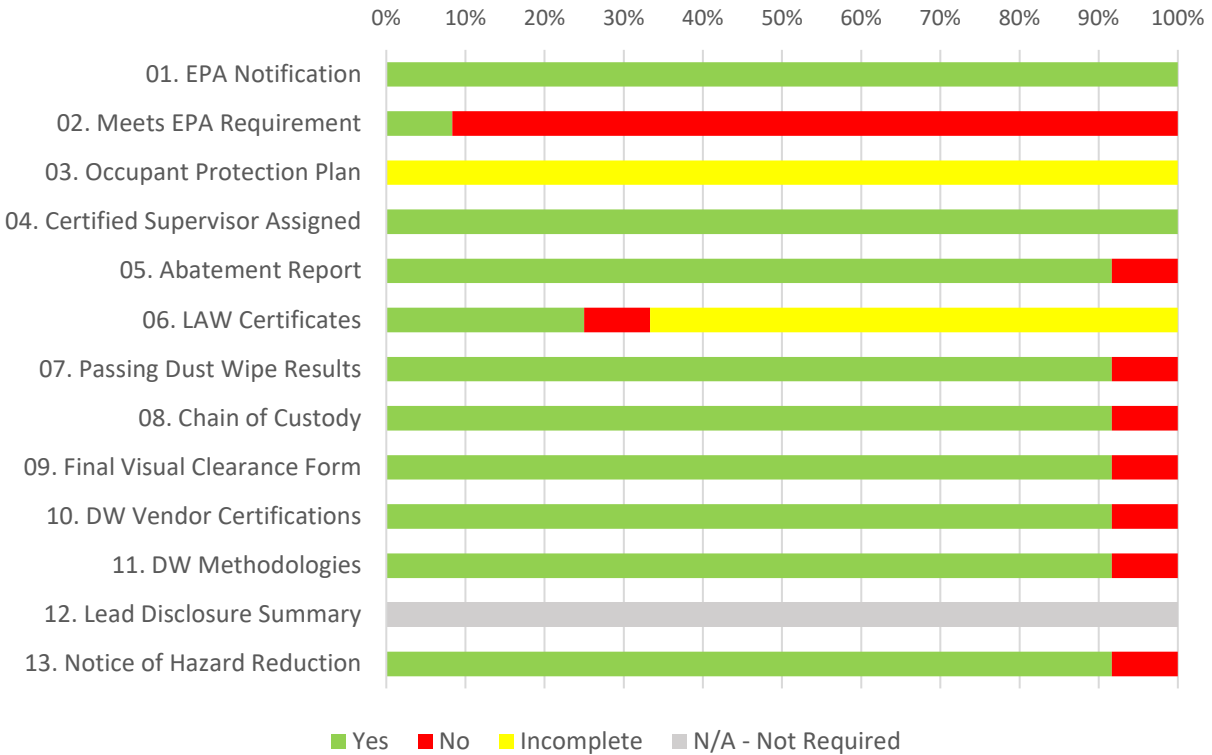
Some Partners will identify in the Smartsheet that a unit is cleared but then still be working to collect all final records/reports from the abatement and clearance subcontractors, resulting in a lag between when a unit is identified as "cleared" and when all documentation is present. Thus some, but not all, of the below deficiencies, may reflect this understandable lag in receipt of the documentation. Other deficiencies likely reflect a failure to upload documentation, even though that documentation was also, in some cases, quickly produced subsequent to NYCHA Compliance's review. It is critical that all PACT Partners consistently upload documentation when they receive it to improve rates of compliance with the

Agreement’s documentation requirements. Documents were evaluated for compliance with regulatory requirements listed under Paragraph 14 including the presence of:

Indicator	Description	Regulations	Agreement Section Referenced
1. EPA Notification	EPA was notified of abatement, and original notification is uploaded to Maximo	40 C.F.R. § 745.227(e)(4)	14(b)
2. Meets 5-Day EPA Requirement	EPA must be notified 5 full business days prior to the start of abatement	40 C.F.R. § 745.227(e)(4)	14(b)
3. Occupant Protection Plan	Completion of the Occupant Protection Plan	40 C.F.R. § 745.227(e)(5)	14(c)
4. Certified Supervisor Assigned	Certified lead abatement supervisor assigned to abatement with current certification on file	40 C.F.R. § 745.227(e)(1) – (3)	14(a)
5. Abatement Report	Completion of Abatement Report	40 C.F.R. § 745.227(e)(10)	14(f)
6. LAW Certificates	Certifications on file for each lead abatement worker assigned to abatement	40 C.F.R. § 745.227(e)(1) – (3)	14(a)
7. Passing Dust Wipe Results	Final passing dust wipe results	40 C.F.R. § 745.227(e)(8)	14(e)
8. Chain of Custody	Chain of Custody completed for final passing dust wipe results	40 C.F.R. § 745.227(e)(8).	14(e)
9. Final Visual Clearance Form	Visual Clearance form completed for final passing dust wipe results	40 C.F.R. § 745.227(e)(8).	14(e)
10. DW Vendor Certifications	ELLAP and NLLAP Certifications	40 C.F.R. § 745.227(e)(8)	14(e)
11. DW Methodologies	Specified methods of collection and lab analysis of dust wipes	40 C.F.R. § 745.227(f)	14(d)
12. Notice of Hazard Reduction	LHC sends to development for future or present tenants detailing components abated in unit.	24 CFR § 35.125	14(g)

1. Harlem River Houses

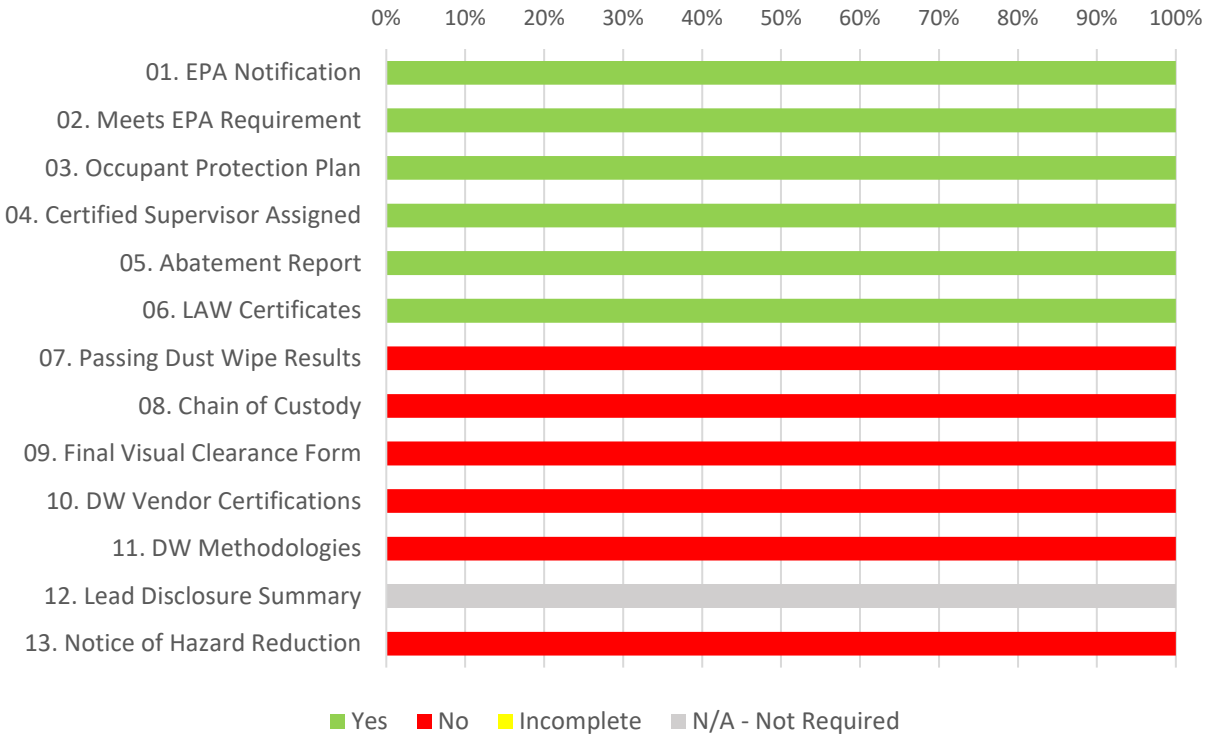
NYCHA reviewed the supporting documents for 12 units that had been abated and cleared. NYCHA Compliance noted the following items:



- Paragraph 14(a):** 3 of the 12 abatements contained the certifications for the lead abatement supervisor and workers. For files missing these certificates, LAW certificates were uploaded for all but one worker. In one case, the lead abatement supervisor certificate was also not uploaded.
- Paragraph 14(b):** The PACT Partner uploaded EPA notifications for all 12 units. However, in 11 of the 12 cases, the PACT partner failed to upload documentation showing they notified the EPA within 5 business days.
- Paragraph 14(c):** The Occupant Protection Plans were found to be incomplete for all 12 abatements. The length of the abatement was not reported by the lead abatement supervisor. Other portions of the Occupant Protection Plan were sufficient.
- Paragraph 14(d):** 11 of the 12 abatements contained a dust wipe clearance report including passing dust wipe results, visual clearance forms, chain of custody, and dust wipe methodologies. For the remaining abatement, no clearance forms were uploaded by the PACT Partner.
- Paragraph 14(e):** Dust wipe vendor certifications were uploaded for 11 of the 12 abatements reviewed.
- Paragraph 14(f):** In 11 of the 12 abatements reviewed, an abatement report was uploaded to the Smartsheet.
- Paragraph 14(g):** For 11 of 12 abatements, a Notice of Hazard Reduction was uploaded to the Smartsheet. NYCHA is not tracking the obligation to provide Lead Disclosure Summaries as part of this file review.

2. Williamsburg Houses

NYCHA reviewed the supporting documents for 20 units abated and cleared. NYCHA Compliance noted the following items:



- **Paragraph 14(a):** All 20 abatements contained current certifications for the lead abatement supervisor and abatement workers.
- **Paragraph 14(b):** EPA notifications were uploaded for all 20 abatements. All the reviewed notifications meet the EPA’s required timeline.
- **Paragraph 14(c):** Occupant Protection Plans were uploaded for all 20 of the reviewed abatements.
- **Paragraph 14(d):** All reviewed abatements were missing dust wipe clearance reports.
- **Paragraph 14(e):** All reviewed abatements were missing dust wipe vendor certifications.
- **Paragraph 14(f):** For 20 of 20 units reviewed, an abatement report was properly uploaded to the Smartsheet.
- **Paragraph 14(g):** All reviewed abatements were missing a Notice of Hazard Reduction. NYCHA is not tracking the obligation to provide Lead Disclosure Summaries as part of this file review.

For both Harlem River and Williamsburg, this report identifies NYCHA Compliance’s findings based on an initial review. Both PACT Partners were able to provide some of these documents upon request. Unlike prior efforts, NYCHA Compliance also reviewed all cleared units and did not allow the PACT Partner to color-code units in the Smartsheet with complete documentation, believing that this would be a more accurate portrayal of whether the PACT Partners were uploading documentation on a sustained basis throughout the Covered Period.

Field Monitoring for Paragraph 8:

NYCHA continued using STV Inc. as a third-party environmental monitoring firm to oversee compliance with lead abatement and clearance requirements at PACT sites. Field inspections focus on:

1. **Physical Abatement:** Lead abatement inspections include:
 - a. **Administrative Requirements:** For example, whether the abatement subcontractor properly posted lead abatement notifications to the resident and regulatory agencies, whether it posted current supervisor and worker certifications, and whether occupant protection plans are present at the job site.
 - b. **Engineering Controls:** For example, the presence of signage and warning tape, and controls around the work area, including established containment.
 - c. **Waste Management:** For example, whether the waste is segregated and containerized, among other items.

2. **Clearance:** Inspections focus on whether a thorough visual inspection of the abatement work area was conducted, and whether dust wipe samples were properly collected, stored and documented.

1. Harlem River Houses

As of December 15, 2023, STV has conducted 154 abatement inspections and 13 clearance inspections at Harlem River Houses. During the Covered Period, STV performed 14 site abatement inspections and 5 clearance inspections. Not all tasks listed in the table below can be reviewed in each inspection. Consequently, tasks marked as not applicable are excluded from the count, impacting the total number of associated inspections, and resulting in a figure less than 154 or 13 for abatement and clearance, respectively. Some tasks that are observed for compliance have also been removed if not relevant to Exhibit A Paragraph 14 of the Agreement.

Compliance Categories	Compliance Task	# in Compliance	# Inspected	Compliance Rate (%)
Administrative Controls	LBP Contractor's EPA/NYC Notification Posted	154	154	100%
Administrative Controls	LBP Supervisor's EPA/NYC Certifications Posted	154	154	100%
Administrative Controls	LBP Worker's EPA/NYC Certifications Posted	154	154	100%
Engineering Controls	Warning Tape & Signs Present	154	154	100%
Engineering Controls	Moveable Objects Cleaned & Removed	152	152	100%
Engineering Controls	Critical Barriers Established & Maintained	136	136	100%
Engineering Controls	Containment Established	136	136	100%
Engineering Controls	Mechanical Ventilation System Present	142	142	100%
Clearance Controls	Met Minimum 1 Hour Waiting Period	13	13	100%
Clearance Controls	Inspector Clearance Certification Available (and Not Expired)	13	13	100%
Clearance Controls	Visual inspection Performed	13	13	100%

Compliance Categories	Compliance Task	# in Compliance	# Inspected	Compliance Rate (%)
Clearance Controls	Visual Inspection Results Recorded	13	13	100%
Clearance Controls	Visual Inspection Passed	13	13	100%
Clearance Controls	Sample Collection Observed by STV/Matrix	13	13	100%
Clearance Controls	Template or Acceptable Alternative Used	13	13	100%
Clearance Controls	Template Cleaned Between Samples	5	5	100%
Clearance Controls	Correct Sampling Collection Technique – Floors	13	13	100%
Clearance Controls	Correct Sampling Collection Technique- Windows/Narrow Areas	13	13	100%
Clearance Controls	Correct Wipe Sample Packaging	13	13	100%
Clearance Controls	Hard Shell Sealable Centrifuge Tube for Container	6	13	46%
Clearance Controls	Sample Collected Outside/Within 10 Ft of Containment Area	12	12	100%
Clearance Controls	Chain of Custody Form	13	13	100%

Summary of Field Observations

STV's field inspections did not reveal any significant issues concerning lead abatement requirements, and no significant clearance issues were identified during the clearance inspections.

2. Williamsburg Houses

As of December 15, 2023, STV has completed 296 abatement field inspections since the monitoring program commenced in March 2022, along with 44 clearance inspections since January 2023. In the Covered Period, STV conducted 40 field abatement inspections and 5 clearance field examinations. It's important to note that not all tasks can be reviewed in each inspection. Consequently, tasks marked as not applicable are excluded from the inspection count, impacting the associated number of inspections, which is less than the total of 296. The results of aggregate inspections from the initiation of this monitoring program in March 2022 through December 15, 2023, are detailed in the table below. Some tasks that are observed for compliance have also been removed if not relevant to Exhibit A Paragraph 14 of the Agreement.

Compliance Categories	Compliance Task	# in Compliance	# Inspected	Compliance Rate (%)
Administrative Controls	LBP Contractor's EPA/ NYC Notification Posted	293	296	99%
Administrative Controls	LBP Supervisor's EPA/ NYC Certifications Posted	293	296	99%
Administrative Controls	LBP Worker's EPA/ NYC Certifications Posted	293	296	99%
Engineering Controls	Critical Barriers Established & Maintained	262	265	99%

Compliance Categories	Compliance Task	# in Compliance	# Inspected	Compliance Rate (%)
Engineering Controls	Containment Established	278	281	99%
Engineering Controls	Mechanical Ventilation System Present	263	270	97%
Clearance Controls	Met Minimum 1 Hour Waiting Period	44	44	100%
Clearance Controls	Inspector Clearance Certification Available (and Not Expired)	44	44	100%
Clearance Controls	Visual inspection Performed	44	44	100%
Clearance Controls	Visual Inspection Results Recorded	44	44	100%
Clearance Controls	Visual Inspection Passed	41	44	93%
Clearance Controls	Sample Collection Observed by STV/Matrix	41	43	95%
Clearance Controls	Template or Acceptable Alternative Used	30	41	73%
Clearance Controls	Template Cleaned Between Samples	30	30	100%
Clearance Controls	Correct Sampling Collection Technique – Floors	41	41	100%
Clearance Controls	Correct Sampling Collection Technique - Windows/Narrow Areas	41	41	100%
Clearance Controls	Correct Wipe Sample Packaging	41	41	100%
Clearance Controls	Hard Shell Sealable Centrifuge Tube for Container	30	41	73%
Clearance Controls	Sample Collection Vials Correctly Labeled	41	41	100%
Clearance Controls	Chain of Custody Form	41	41	100%

Summary of Field Observations

In August, field observations revealed a singular abatement deficiency, that had also previously been an issue, and Williamsburg was informed of the need for a mechanical ventilation system in the work area. This issue was not found in the most recent inspections at Williamsburg. The clearance issues identified in the table above were identified in prior Covered Periods and no deficiencies were identified during this Covered Period.

[Overall Compliance Assessment for Paragraph 8:](#)

Under Paragraph 8, NYCHA was obligated to abate all lead-based paint at both Harlem River and Williamsburg by January 31, 2024. As discussed above, both PACT Partners have abated approximately 55% to 60% of the units at each property but have not yet completed the work to abate all lead-based paint at the property. The change in the standard in New York City from 1.0 mg/cm² to 0.5 mg/cm² has led to some delays as additional testing was required after the properties closed. In addition, the closing for Williamsburg Houses in December 2021 and Harlem River Houses in February 2022 was delayed from earlier schedules and pushed back the start of abatement.

Field monitoring indicates that both PACT Partners are substantially in compliance with the requirements of Paragraph 14. Deficiencies identified during the abatement document review, primarily missing documents, were promptly addressed, uploaded, and confirmed for compliance with Paragraph

14. Some of these deficiencies are likely attributable to a lag in uploading the documents to each Smartsheet.

Other Converted RAD/PACT Developments:

Detail on the documentation review and site-based inspection findings related to the other PACT sites where abatement took place during the Covered Period is provided in Attachment I. The PACT Partners for Boulevard Houses and Linden Houses/Penn Wortman both had low rates of compliance with respect to the review of documentation in the Smartsheet. The PACT Partner at Boulevard Houses also had lower rates of compliance and several concerning incidents of non-compliance related to abatement and clearance that were identified during the Covered Period by NYCHA’s third-party field monitor. These lapses occurred in unit abatements and work associated with interior common area components. In addition, the Linden Houses has been slow to abate their units and has experienced other lapses with respect to their response to cases of Elevated Blood Lead Levels at the property. However, the Linden Houses PACT Partner has shown a high rate of compliance during STV’s field inspections of their abatement and clearance practices. The PACT Partners at Audubon Houses/Bethune Gardens and at Edenwald Houses had high rates of compliance on the both the documentation review and the field monitoring events.

V. Assessment of Compliance with Paragraph 14 for the Covered Period

1. General Statement

NYCHA Compliance uses two methods for tracking compliance against the requirements of Exhibit A Paragraph 14 of the HUD Agreement for work impacting the public housing portfolio:

1. **Field Monitoring Report:** Documentation of the abatement field monitoring performed by EHS that is described in this section is set forth in Attachment A.
2. **Abatement File Review:** The Compliance Department Monitoring Unit (“MU”) performed file⁵ reviews of 75 abatements, including 40 abatements in vacant units (“moveouts”) and 35 abatements in occupied units. The MU selected a random sample of 40 moveout abatement work orders out of a total of 1,197 work orders that had an “Actual Finish” date between June 16, 2023, and December 15, 2023 (“Covered Period”), and a work order status of “CLOSE” as of December 15, 2023. The MU selected 26 closed abatements in units occupied by children under the age of 6, all of which were completed by vendors. Finally, the MU reviewed 9 EBLL abatements closed during the Covered Period. The results of this review are set forth in Attachment C.

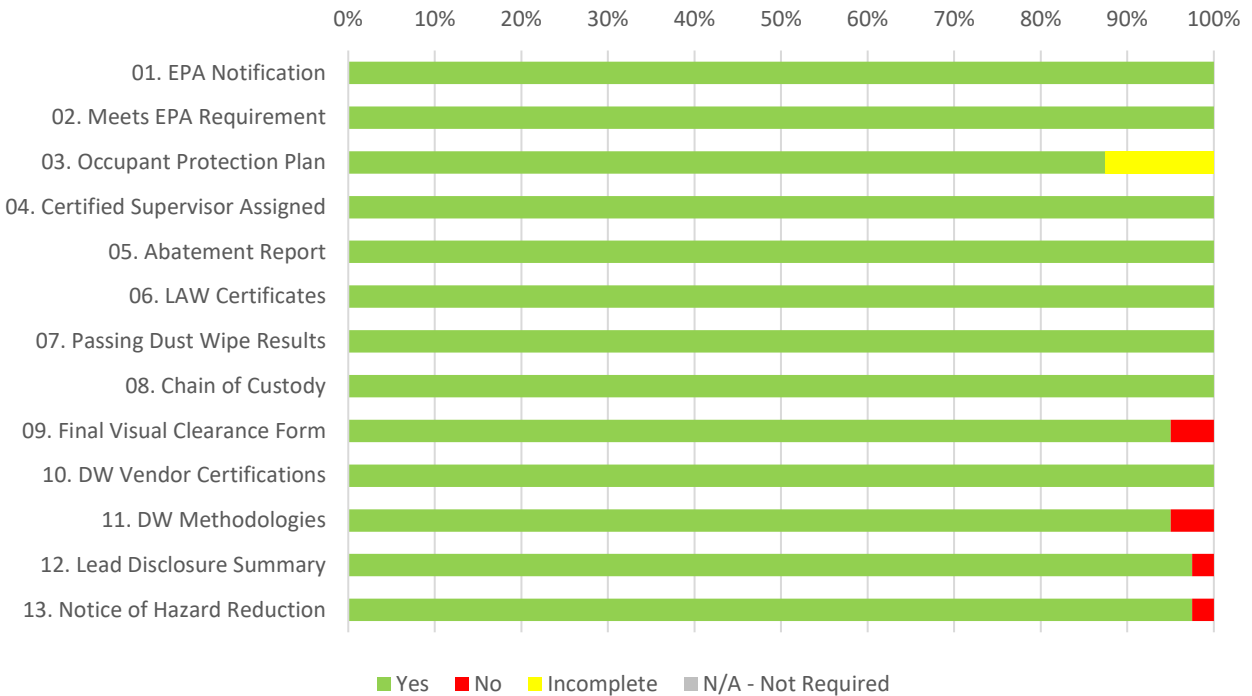
Indicator	Description	Regulations	Agreement Section Referenced
1. EPA Notification	EPA was notified of abatement, and original notification is uploaded to Maximo	40 C.F.R. § 745.227(e)(4)	14(b)
2. Meets 5-Day EPA Requirement	EPA must be notified 5 full business days prior to the start of abatement	40 C.F.R. § 745.227(e)(4)	14(b)

⁵ For the purposes of this review, “files” refers to Maximo work orders associated with a particular abatement.

Indicator	Description	Regulations	Agreement Section Referenced
3. Occupant Protection Plan	Completion of the Occupant Protection Plan	40 C.F.R. § 745.227(e)(5)	14(c)
4. Certified Supervisor Assigned	Certified lead abatement supervisor assigned to abatement with current certification on file	40 C.F.R. § 745.227(e)(1) – (3)	14(a)
5. Abatement Report	Completion of Abatement Report	40 C.F.R. § 745.227(e)(10)	14(f)
6. LAW Certificates	Certifications on file for each lead abatement worker assigned to abatement	40 C.F.R. § 745.227(e)(1) – (3)	14(a)
7. Passing Dust Wipe Results	Final passing dust wipe results	40 C.F.R. § 745.227(e)(8)	14(e)
8. Chain of Custody	Chain of Custody completed for final passing dust wipe results	40 C.F.R. § 745.227(e)(8).	14(e)
9. Final Visual Clearance Form	Visual Clearance form completed for final passing dust wipe results	40 C.F.R. § 745.227(e)(8)	14(e)
10. DW Vendor Certifications	ELLAP and NLLAP Certifications	40 C.F.R. § 745.227(e)(8)	14(e)
11. DW Methodologies	Specified methods of collection and lab analysis of dust wipes	40 C.F.R. § 745.227(f)	14(d)
12. Lead Disclosure Summary	LHC sends to development for future tenants to sign prior to move-in disclosing abatement of lead hazard	24 CFR Part 35 Subpart A	14(g)
13. Notice of Hazard Reduction	LHC sends to development for future or present tenants detailing components abated in unit	24 CFR § 35.125	14 (g)

Summary of File Review for Abatements Performed in 40 Moveout Units

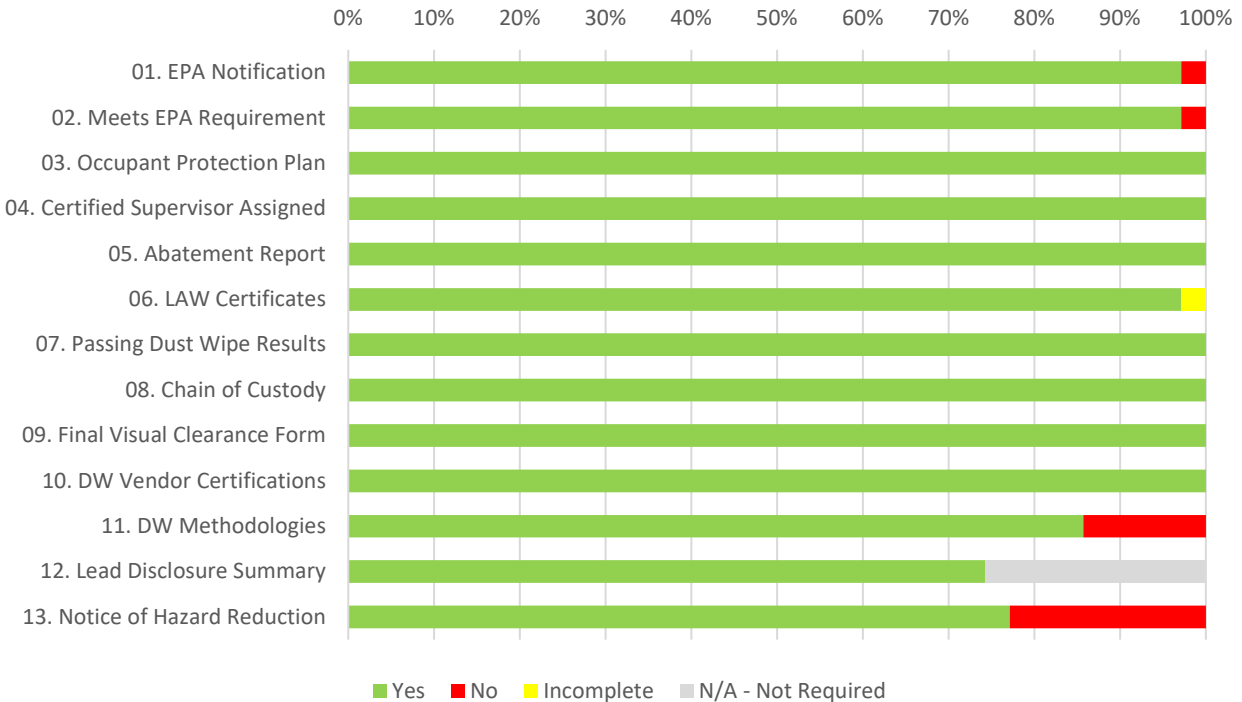
The MU reviewed a sample of 40 total moveouts with an “Actual Finish” date between June 16, 2023 and December 15, 2023 (“Covered Period”), and a work order status of “CLOSE” as of December 15, 2023.



In moveout abatements, NYCHA demonstrated progress in reaching full compliance with the requirements set forth in Paragraph 14. Overall performance on previous issues, including the submission of Lead Summary Disclosure letters and Notice of Hazard Reduction forms improved with only one case missing these two documents. However, NYCHA did not upload full and complete OPPs prior to closing five abatement work orders and, in two cases, the dust wipe vendor failed to upload a final visual clearance form.

Summary of File Review for Abatements Performed in 35 Occupied Units

The MU also selected 26 abatements in units abated as part of the TEMPO Abatement Program, which are occupied by children under the age of 6, and all 9 EBLL abatements closed during the covered period. The results of this review are set forth in Attachment C.



For occupied abatements, NYCHA continued to struggle with uploading NOHR forms. Some work orders were also closed without dust wipe vendor methodologies.

Paragraph 14(a): NYCHA shall ensure that a certified supervisor is onsite or otherwise available in accordance with 40 CFR § 745.227(e).

Regulatory Requirements for 14(a):

40 CFR §745.226(a) and (b)(1) sets forth the EPA-certification requirements for certified supervisors.

40 CFR §745.227(e)(2) states “A certified supervisor is required for each abatement project and shall be onsite during all work site preparation and during the post-abatement cleanup of work areas. At all other times when abatement activities are being conducted, the certified supervisor shall be onsite or available by telephone, pager or answering service, and able to be present at the work site in no more than 2 hours.”

Applicable NYCHA Written Policies, Procedures, and/or Contract Specifications for 14(a):

Written Policies and Procedures: The Lead SP (annexed as Attachment D) sets forth the following procedures related to the requirement set forth in paragraph 14(a):

- A certified abatement supervisor:
 - Must be onsite during all work area preparation. The certified abatement supervisor confirms they are on site by entering the actual start time in Maximo. See Lead SP, § VII.H.1.i.(1)(b)(i).
 - Must be onsite or available on call and able to be present at the work area in no more than two hours at all other times when abatement activities are being performed. The

certified abatement supervisor must post their telephone number at the abatement location to ensure they can be contacted. See Lead SP, § VII.H.1.i.(1)(b)(ii).

Contract Specifications: During the Covered Period, NYCHA utilized 7 vendors to perform abatements. The specifications for the contracts (annexed in **Attachment E**) are described below:

Vendor Name	Agreement to comply with 40 CFR § 745.227 (e)
Linear	See Attachment E.00, § 1.1.6; <i>Id</i> , § 1.2.1; <i>Id</i> , § 1.4.5.
Joseph Environmental	See Attachment E.01, § 1.1.6; <i>Id</i> , § 1.2.1; <i>Id</i> , § 1.4.5.
AGD	See Attachment E.02 § 1.1.6; <i>Id</i> § 1.2.1; <i>Id</i> § 1.4.7.
Abatement Unlimited	See Attachment E.03, § 1.1.6; <i>Id</i> , § 1.2.1; <i>Id</i> , § 1.4.7.
Empire Control	See Attachment E.04, § 1.1.6; <i>Id</i> , § 1.2.1; <i>Id</i> , § 1.4.8.
New York Environmental Systems	See Attachment E.05, § 1.1.6; <i>Id</i> , § 1.2.1; <i>Id</i> , § 1.4.6.
P.A.L. Environmental Safety Corporation	See Attachment E.06, § 1.1.6; <i>Id</i> , § 1.3.1; <i>Id</i> , § 1.3.2.

IT Controls for 14(a):

As reported in the July 2021 HUD Certification, in December 2019, NYCHA placed controls within Maximo to reinforce the requirement for the lead abatement supervisor to be onsite during the set up and clean-up phases for apartment work orders. The business requirements document (“BRD”) explaining the scope of this, and other abatement-related IT controls is annexed as **Attachment B**. Maximo now has the following requirements for NYCHA performed and vendor performed abatement work orders:

- The system maintains the list of vendor personnel and NYCHA personnel who are certified as Lead Abatement Supervisors;
- Adding a trade skill level that is set to “Supervisor”;
- The abatement work order must have at least one labor transaction where the craft is that of a lead abatement supervisor. If it does not, the system will not allow the work order to be closed;
- Lead abatement work orders now must be made visible on handheld devices to both lead abatement workers and lead abatement supervisors.

During the Covered Period, IT reported that these controls continued to be in place.

As reported in the July 2023 HUD Certification, abatement IT controls are enforced on follow-up abatement work orders generated from the XRF 0.5 testing 2022 initiative. IT reported all system enforcements, like auto-creation of dust wipes, internal abatement inspections, and abatement related documentation requirements, are being followed.

Field Monitoring/QA for 14(a):

During the Covered Period, EHS observed 543 abatement jobs. A certified supervisor was present for 540 (99.45%) of these jobs. The EHS Lead Oversight Team (“LOT”) evaluates whether the abatement supervisor is present on the jobsite during the required times, whether the individual present is the supervisor listed on the EPA Notice of Commencement (“NOC”), and if the supervisor’s credentials are available for review and valid. See EHS Report (Attachment A) for additional information.

File Review for 14(a):

The MU conducted a review of work order records in Maximo to determine if certified supervisors were identified for each abatement, either as indicated in the Labor Information field in Maximo, or consistently listed on the abatement report, OPP, and EPA notification.

For Moveout Units:

The MU found that certified supervisors were assigned on all 40 moveout work orders. All 40 of these supervisors had valid certifications which were uploaded to the Maximo work order. Certifications for all lead abatement workers were uploaded to the Maximo work order in all 40 cases. A detailed table documenting this file review is annexed as Attachment C.

For Occupied Units:

All 35 reviewed work orders included assigned supervisors with valid certifications. In 1 case, a LAW certificate was missing for 1 abatement worker, but the abatement report showed the supervisor and other workers were certified. LHC reported the missing LAW certificate was uploaded as of January 2, 2024. A detailed table documenting this file review is annexed as Attachment C.

Overall Description of Compliance for 14(a):

During the Covered Period, NYCHA demonstrated substantial compliance with the requirement set forth in Paragraph 14(a) of the HUD Agreement. Evidence of compliance consists of:

- 100% of moveout abatements and 100% of occupied abatements reviewed were assigned a Certified Supervisor.
- EHS observed 543 abatement jobs, 99.45% of which had certified supervisors present.

Based on this documentation, there is evidence supporting NYCHA's substantial compliance with the requirements set forth in 14(a).

Paragraph 14(b): "NYCHA shall notify EPA of lead-based paint abatement activities electronically using EPA's Central Data Exchange (CDX) in accordance with 40 CFR § 745.227(e)(4)(vii)."

Regulatory Requirements for 14(b):

40 CFR § 745.227(e)(4)(vii) states as follows: "Notification must be accomplished using any of the following methods: Written notification, or electronically using the Agency's Central Data Exchange (CDX). Written notification can be accomplished using either the sample form titled "Notification of Lead-Based Paint Abatement Activities" or similar form containing the information required in paragraph (e)(4)(vi) of this section. All written notifications must be delivered by U.S. Postal Service, fax, commercial delivery service, or hand delivery (persons submitting notification by U.S. Postal Service are reminded that they should allow 3 additional business days for delivery to ensure that EPA receives the notification by the required date). Instructions and sample forms can be obtained from the NLIC at 1-800-424-LEAD (5323), or on the Internet at <http://www.epa.gov/lead>."

Applicable Written Policies, Procedures, and Contract Specifications for 14(b):

Policies and Procedures: The Lead SP sets forth the following procedures related to requirements set forth in paragraph 14(b):

- A Lead Hazard Control Department assistant director ensures the EPA is notified at least five business days prior to the abatement using the EPA’s Central Data Exchange online portal. *See* Lead SP, § VII.H.2.b.(2)(b).
- If a vendor is performing the abatement, the vendor notifies the EPA at least five business days prior to the abatement using the EPA’s Central Data Exchange online portal. The vendor sends the EPA notice to a Lead Hazard Control Department assistant director. *See* Lead SP, § VII.H.2.b.(2)(b)(i).
- The EPA notice is printed and attached to the work order. *See* Lead SP, § VII.H.2.b.(2)(c).
- If an abatement start date is changed so it will start before the original start date provided to the EPA, the updated notification must be provided to the EPA at least 5 business days before the new start date. *See* Lead SP, § VII.H.2.g.(c).
- The updated notifications are attached to the work order. If a vendor performs these steps, they send the updated notifications to a Lead Hazard Control Department assistant director. *See* Lead SP, § VII.H.2.g.(e).

Contract Specifications: During the Covered Period, NYCHA utilized seven vendors to perform abatements. The specifications for the contracts are described below:

Vendor Name	Agreement to comply with 40 CFR § 745.227 (e)(4)(vi)
Linear	<i>See</i> Attachment E.00, § 1.4.2; <i>Id</i> § 1.5.2; <i>Id</i> 2.4.2; <i>Id</i> § 2.6.3.
Joseph Environmental	<i>See</i> Attachment E.01, § 1.4.2; <i>Id</i> § 1.5.2; <i>Id</i> 2.4.2; <i>Id</i> § 2.6.3.
AGD	<i>See</i> Attachment E.02 § 1.4.3; <i>Id</i> § 1.5.2; <i>Id</i> § 2.4.3, <i>Id</i> § 2.6.3.
Abatement Unlimited	<i>See</i> Attachment E.03 § 1.4.2; <i>Id</i> § 1.5.2; <i>Id</i> § 2.4.3, <i>Id</i> § 2.6.3.
Empire Control	<i>See</i> Attachment E.04 § 1.4.2; <i>Id</i> § 1.5.2; <i>Id</i> § 2.4.3, <i>Id</i> § 2.6.4.
New York Environmental Systems	<i>See</i> Attachment E.05 § 1.4.2; <i>Id</i> § 1.5.2; <i>Id</i> § 2.4.2, <i>Id</i> § 2.6.3.
P.A.L. Environmental Safety Corporation	<i>See</i> Attachment E.06 § 1.5.1; <i>Id</i> § 1.6.2; <i>Id</i> § 2.2, <i>Id</i> § 2.5.4.

IT Controls for 14(b):

As reported in the July 2021 HUD Certification, in December 2019, NYCHA IT instituted additional controls for abatement work orders. One of these controls requires LHC to upload a copy of the EPA notification as an attachment to the Maximo work order. Without this attachment, the work order cannot be closed. *See* Attachment B.

During the Covered Period, IT reported that these controls continued to be in place.

As reported in the July 2023 HUD Certification, abatement IT controls are enforced on follow-up abatement work orders generated from the XRF 0.5 testing 2022 initiative. IT reported all system enforcements, like auto-creation of dust wipes, internal abatement inspections, and abatement related documentation requirements, are being followed.

[Field Monitoring/QA for 14\(b\):](#)

EHS has developed field monitoring checklists for assessing compliance with abatement requirements, including the requirements set forth in Paragraph 14(b). *See Attachment A.* The Lead Abatement Inspection Work Order contains the following items:

- Is the EPA Notice posted at the entrance of the work area?
- Does the work location including the unit number match the location on the NOC?
- Is the abatement occurring within the timeframe specified on the NOC?
- Certified Abatement Supervisor: Does the abatement supervisor's name match the name on the EPA NOC?

The NOC must include when work will start and end, the form's EPA certification number, and the location where work will be conducted. During an Abatement observation, the EHS Lead Oversight Team Supervisor ("LOTS") verifies that the notice is present, the required information is documented and accurate, and work is occurring within the timeframe indicated on the notice.

EHS conducted 543 inspections and 541 had NOCs. 538 (99.08%) of the observed jobs also included proper signage in compliance with the NOC requirements. *See Attachment A* for more details.

[File Review for 14\(b\):](#)

The MU conducted a review of work order records in Maximo to determine if the EPA notification required by 40 CFR § 745.227(e)(4)(vii) was present in the relevant project files.

For Moveout Units:

The MU reviewed a total of 40 moveout work orders completed during the Covered Period and found that all 40 included an EPA notification. All 40 cases contained EPA notifications that were submitted at least five days prior to the abatement. *See Attachment C.*

For Occupied Units:

The MU reviewed a total of 35 occupied work orders completed during the Covered Period and found that 34 of these work orders included the EPA notification. In these 34 work orders, NYCHA or the abatement firm notified the EPA 5 or more business days ahead of the scheduled abatement or the abatement was an emergency case. *See Attachment C.*

[Overall Description of Compliance for 14\(b\):](#)

During the Covered Period, NYCHA demonstrated substantial compliance with the requirement set forth in Paragraph 14(b) of the HUD Agreement. Evidence of compliance consists of:

- 100% of moveout abatements and 98% of occupied abatements reviewed contained EPA notifications sent prior to commencement.
- 99.63% of the field observations had complete and accurate NOCs.
- 99.08% of the observed jobs had the proper signage posted throughout the work area in compliance with the NOC requirements.

Based on this documentation, there is evidence supporting that NYCHA is in substantial compliance with the requirements set forth in 14(b).

Paragraph 14(c): NYCHA shall prepare and implement written occupant protection plans for all abatement projects in accordance with 40 CFR § 745.227(e)(5).

Regulatory Requirements for 14(c):

40 CFR § 745.227(e)(5) states: “A written occupant protection plan shall be developed for all abatement projects and shall be prepared according to the following procedures: (i) The occupant protection plan shall be unique to each residential dwelling or child-occupied facility and be developed prior to the abatement. The occupant protection plan shall describe the measures and management procedures that will be taken during the abatement to protect the building occupants from exposure to any lead-based paint hazards. (ii) A certified supervisor or project designer shall prepare the occupant protection plan.”

Applicable Written Policies, Procedures, and Contract Specifications for 14(c):

Policies and Procedures: The Lead SP sets forth the following procedures related to the requirements set forth in paragraph 14(c):

- Requires lead abatement supervisor or vendor to prepare and sign the Occupant Protection Plan (“OPP”). *See* Lead SP, § VII.H.1.d. The Lead SP includes requirements on what must be included in the OPP. *Id.* The Lead SP includes a template OPP. *Id.*, Appendix F.
- Requires that the OPP be annexed to the abatement work order. *See* Lead SP, § VII.H.1.e.(1). The plan must be provided to the resident if the unit is occupied. *Id.*, § VII.H.1.f. It must be posted in common areas. *Id.* § VII.H.2.d.(3).

An updated Lead SP, effective July 5, 2022, was released and provided a new template for the OPP.

Contract Specifications: During the Covered Period, NYCHA utilized seven vendors to perform abatements. The specifications for the contracts are described below:

Vendor Name	Agreement to comply with 40 CFR § 745.227 (e)(5)
Linear	<i>See</i> Attachment E.00, § 3.6.1.
Joseph Environmental	<i>See</i> Attachment E.01, § 3.6.1.
AGD	<i>See</i> Attachment E.02, § 3.3.3.
Abatement Unlimited	<i>See</i> Attachment E.03 § 3.3.3.
Empire Control	<i>See</i> Attachment E.04 § 3.3.3.
New York Environmental Systems	<i>See</i> Attachment E.05 § 1.4.3.
P.A.L. Environmental Safety Corporation	<i>See</i> Attachment E.06 § 3.3.3.

IT Controls for 14(c):

In December 2019, IT enhanced Maximo to require that the OPP be attached to Maximo abatement work orders. *See* Attachment B. The work orders cannot be closed without this attachment. This enhancement was initially reported in the July 2021 HUD Certification. During the Covered Period, IT reported that these controls remain in place.

As reported in the July 2023 HUD Certification, abatement IT controls are enforced on follow-up abatement work orders generated from the XRF 0.5 testing 2022 initiative. IT reported all system enforcements, like auto-creation of dust wipes, internal abatement inspections, and abatement related documentation requirements, are being followed.

[Field Monitoring/QA for 14\(c\):](#)

EHS finalized its inspection work order for abatement projects. The inspection checklist includes the following items:

- Does the Occupant Location on the Occupant Protection Plan match the unit's occupancy status during the abatement i.e., Occupied vs Unoccupied?
- The abatement inspection work order also includes numerous items regarding specific lead safe work practices.

The LOTS reviewed 543 OPPs during abatement oversight inspections. 542 (99.82%) of the observed abatements had compliant OPPs. See Attachment A for more details.

[File Review for 14\(c\):](#)

The MU conducted a review of work orders in Maximo to determine if the written OPP required by 40 CFR § 745.227(e)(5) was uploaded in the relevant work orders.

For Moveout Units:

The MU reviewed a total of 40 moveout work orders. All 40 had uploaded OPPs, however only 35 were completed in full. In 4 of the cases with an incomplete OPP, the abatement supervisor did not indicate whether window work was needed. In the remaining case, a LAW certification contained a typo. On October 5, 2023, LHC re-uploaded corrected OPPs with a window work selection. See Attachment C.

For Occupied Units:

The MU reviewed a total of 35 occupied work orders, all of which contained a complete OPP. See Attachment C.

[Overall Compliance Assessment for 14\(c\):](#)

- 88% of moveout abatements and 100% of occupied abatements reviewed contained a complete OPP.
- EHS observed 543 abatement work orders, and 99.82% had OPPs.

Based on this documentation, there is evidence supporting the conclusion that NYCHA is in substantial compliance with the requirements set forth in 14(c).

Paragraph 14(d): NYCHA shall specify methods of collection and lab analysis in accordance with 40 CFR § 745.227(f).

Regulatory Requirements for 14(d):

40 CFR § 745.227(f) states: “Any paint chip, dust, or soil samples collected pursuant to the work practice standards contained in this section shall be: (1) Collected by persons certified by EPA as an inspector or risk assessor; and (2) Analyzed by a laboratory recognized by EPA pursuant to section 405(b) of TSCA as being capable of performing analyses for lead compounds in paint chip, dust, and soil samples.”

Applicable Written Policies, Procedures, and Contract Specifications for 14(d):

Policies and Procedures: The Lead SP contains the following procedures related to Paragraph 14(d):

- Clearance examinations following abatement must be performed by a certified risk assessor or lead inspector. *See* Lead SP, § VII.I.1. If the work is to be performed by a vendor, the LHC Assistant Director must ensure that the vendor submits the documentation meeting this requirement. *Id.*, § VII.I.3.
- Dust wipe samples following abatement must be submitted to an EPA National Lead Laboratory Accreditation Program (“NLLAP”) and New York State Environmental Laboratory Approval Program (“ELAP”) certified testing laboratory. *See* Lead SP, § VII.I.5.a.(1).
- Paint chip sampling, which is performed during lead paint inspections in advance of an abatement, must be performed by a certified risk assessor or lead inspector. *See* Lead SP, § VII.E.2. These samples must be submitted to an EPA NLLAP-recognized and NYS ELAP certified testing laboratory. *See* Lead SP, § VII.E.2.c.(4)(g).

Contract Specifications: During the Covered Period, NYCHA had three active contracts with vendors that perform dust wipe sampling. The specifications for the contracts are described below and contracts are annexed in Attachment E.

Vendor Name	Agreement to comply with 40 CFR § 745.227 (f)
Atlas Environmental Lab	<i>See</i> Attachment E.07, § I.A, § § II.C 1-2, § III.D 1-2.
Lead By Example Environmental	<i>See</i> Attachment E.08, § III.1.A § § III.2.B-D.
Kam Consultants Corporation	<i>See</i> Attachment E.09, § I.A, § § II.C 1-2, § III.D 1-2.

IT Controls for 14(d):

As reported in the July 2021 HUD Certification, in December 2019, NYCHA IT enhanced Maximo to require that the abatement report, which should include the credentials of individuals and laboratories performing sampling/testing, be uploaded to the work order. The work order cannot be closed without these attachments. *See* Attachment B. During the Covered Period, IT reported that these controls continued to be in place.

As reported in the July 2023 HUD Certification, abatement IT controls are enforced on follow-up abatement work orders generated from the XRF 0.5 testing 2022 initiative. IT reported all system enforcements, like auto-creation of dust wipes, internal abatement inspections, and abatement related documentation requirements, are being followed.

[QA/Field Monitoring Protocols for 14\(d\):](#)

EHS observed NYCHA and vendor personnel and requested certifications for dust wipe technicians, certified risk assessors, and/or LBP inspectors for 563 abatements. Out of 240 NYCHA personnel certifications and 323 vendor personnel certifications for clearance examinations, EHS identified 1 missing NYCHA personnel certification. See Attachment A.

[File Review for 14\(d\):](#)

The MU conducted a review of work orders in Maximo to determine if documented methodologies specifying certifications of inspectors, risk assessors, and laboratories are contained in each file, as well as copies of relevant EPA certifications in accordance with the Lead SP.

For Moveout Units:

- The MU reviewed a total of 40 moveout abatement work orders and found that 38 (95%) of the files contained documented methodologies for the collection and lab analysis of dust wipes. See Attachment C.

For Occupied Units:

- The MU reviewed a total of 35 occupied abatement work orders and found that 30 (86%) contained documented methodologies for the collection and lab analysis of dust wipes. See Attachment C.

[Overall Compliance Assessment for 14\(d\):](#)

During the Covered Period, NYCHA made demonstrable progress towards compliance with the requirement set forth in Paragraph 14(d) of the HUD Agreement. Evidence of progress towards compliance consists of:

- 95% of moveout abatements and 86% of occupied abatements reviewed contained documented methodologies for the collection and lab analysis of dust wipes.
- EHS observed 240 NYCHA personnel certifications and 323 vendor personnel certifications for clearance examinations and found 99.82% compliance rate.

Compliance does not yet recommend certifying to paragraph 14(d) until documented methodologies for the collection and lab analysis of dust wipes for occupied abatements are consistently issued and retained in each file.

Paragraph 14(e): “NYCHA shall ensure that a clearance examination is performed, and a clearance examination report provided by a lead paint inspector/risk assessor certified and licensed as applicable for the property location, in accordance with 24 CFR § 745.227(e) (8)-(9). The lead paint inspector/risk assessor must be independent of the lead-based paint abatement firm, supervisor, and contractors performing the abatement work.

[Regulatory Requirements for 14\(e\):](#)

40 CFR § 745.227(e)(8) states, in relevant part: The following post-abatement clearance procedures shall be performed only by a certified inspector or risk assessor.

“(i) Following an abatement, a visual inspection shall be performed to determine if deteriorated painted surfaces and/or visible amounts of dust, debris or residue are still present. If deteriorated painted surfaces or visible amounts of dust, debris or residue are present, these conditions must be eliminated prior to the continuation of the clearance procedures.

(i) Following the visual inspection and any post-abatement cleanup required by paragraph (e)(8)(i) of this section, clearance sampling for lead in dust shall be conducted. Clearance sampling may be conducted by employing single-surface sampling or composite sampling techniques.

(ii) Dust samples for clearance purposes shall be taken using documented methodologies that incorporate adequate quality control procedures.

(iii) Dust samples for clearance purposes shall be taken a minimum of 1 hour after completion of final post- abatement cleanup activities.

(iv) The following post-abatement clearance activities shall be conducted as appropriate based upon the extent or manner of abatement activities conducted in or to the residential dwelling or child-occupied facility:

(A) After conducting an abatement with containment between abated and unabated areas, one dust sample shall be taken from one interior windowsill and from one window trough (if present) and one dust sample shall be taken from the floors of each of no less than four rooms, hallways, or stairwells within the containment area. In addition, one dust sample shall be taken from the floor outside the containment area. If there are less than four rooms, hallways, or stairwells within the containment area, then all rooms, hallways or stairwells shall be sampled.

(B) After conducting an abatement with no containment, two dust samples shall be taken from each of no less than four rooms, hallways or stairwells in the residential dwelling or child-occupied facility. One dust sample shall be taken from one interior windowsill and window trough (if present) and one dust sample shall be taken from the floor of each room, hallway or stairwell selected. If there are less than four rooms, hallways or stairwells within the residential dwelling or child-occupied facility then all rooms, hallways or stairwells shall be sampled.

(C) [*Exterior abatement provision omitted*]

(v) The rooms, hallways or stairwells selected for sampling shall be selected according to documented methodologies.

(vi) The certified inspector or risk assessor shall compare the residual lead level (as determined by the laboratory analysis) from each single surface dust sample with clearance levels in paragraph (e)(8)(viii) of this section for lead in dust on floors, interior window sills, and window troughs or from each composite dust sample with the applicable clearance levels for lead in dust on floors, interior window sills, and window troughs divided by half the number of subsamples in the composite sample. If the residual lead level in a single surface dust sample equals or exceeds the applicable clearance level or if the residual lead level in a composite dust sample equals or exceeds the applicable clearance level divided by half the

number of subsamples in the composite sample, the components represented by the failed sample shall be recleaned and retested.

(vii) The clearance levels for lead in dust are 40 µg/ft² for floors, 250 µg/ft² for interior windowsills, and 400 µg/ft² for window troughs.”⁶

Applicable Written Policies, Procedures, and Contract Specifications for 14(e):

The Lead SP contains the following provisions on the requirements set forth in Paragraph 14(e):

- Requires that the clearance examination be performed by a certified risk assessor or lead paint inspector. *See* Lead SP, § VII.I.1.
- Requires the certified risk assessor or certified lead paint inspector perform a visual inspection and sets forth the protocols if the work area fails the visual inspection. *See* Lead SP, § VII.I.4.
- Sets forth the basic protocols for the certified risk assessor or lead inspector to follow for dust wipe sampling. *See* Lead SP, § VII.I.5. The Lead SP does not provide detailed means and methods on how the risk assessor and lead inspector needs to conduct the dust wipe samples.
- Requires that the clearance be documented in a dust wipe report. *See* Lead SP, § VII.I.5.
- Requires the dust wipe report be uploaded to Maximo. *See* Lead SP, § VII.I.6.

Contract Specifications: During the Covered Period, NYCHA had three active contracts with vendors that perform dust wipe sampling. The specifications for the contracts for vendors that perform dust wipe sampling are described below. The relevant parts of the specifications section of each contract are discussed below and found in Attachment E.

Vendor Name	Agreement to comply with 40 CFR § 745.227 (f)
Atlas Environmental Lab	<i>See</i> Attachment E.07, § I.A, § I.C. 1-2.
Lead By Example Environmental	<i>See</i> Attachment E.08, § III.1-2 § IV.1-2.
Kam Consultants Corporation	<i>See</i> Attachment E.09, § I.A, § I.C. 1-2.

IT Controls for 14(e):

As reported in the July 2021 HUD Certification, in December 2019, NYCHA IT implemented enhancements to the abatement work order. The creation of the abatement work order will now auto-generate a dust wipe work order and visual inspection. **See Attachment B.**

As reported in the July 2023 HUD Certification, abatement IT controls are enforced on follow-up abatement work orders generated from the XRF 0.5 testing 2022 initiative. IT reported all system enforcements, like auto-creation of dust wipes, internal abatement inspections, and abatement related documentation requirements, are being followed.

As of September 21, 2023, NYCHA IT implemented improvements to recordkeeping controls within Maximo. Dust wipe technicians can now record “WORKSTILLNEEDED” under labor transaction types within dust wipe work orders should the technician observe uncleaned debris or incomplete work.

⁶ On June 1, 2021, the city reduced the lead dust standards for floors to 5 µg/ft² for floors and to 40 µg/ft² for window sills. The standard for window wells (troughs) remained at 100 µg/ft².

Field Monitoring/QA for 14(e):

EHS personnel observed 291 post abatement clearance jobs. 240 were performed by a vendor and 51 were performed by NYCHA. All clearance examinations observed were conducted by a certified risk assessor or certified lead paint inspector. NYCHA received permission from DOHMH to utilize its own certified personnel to clear an abatement job in July 2022, and NYCHA submitted the annual attestation to DOHMH in August 2022 and again in August 2023.

EHS observed that the timing between cleanup completion and the clearance examination was proper in all 563 clearance jobs observed (100%) across all RRP and abatement clearance jobs observed. EHS observed that the visual inspection was performed properly in all 563 observed clearance jobs (100%) across RRP and abatement clearance jobs observed. EHS observed that sample collections were performed properly in all 534 observed clearance jobs (100%) which includes RRP and abatement clearance jobs observed.

File Review for 14(e):

The MU conducted a review of work orders in Maximo to determine whether a clearance examination was performed, and if a clearance examination report was provided by a licensed lead paint inspector/risk assessor, independent of the contractors performing the abatement work. The MU ensured that the clearance examination report included passing dust wipe results, a chain of custody, a visual clearance form, and certifications for the risk assessor and laboratory.

For Moveout Units:

The MU reviewed 40 moveout abatement work orders and found that 40 (100%) contained passing dust wipe results and the chain of custody. 38 of the 40 work orders (95%) contained both the visual clearance form, and certifications for both the risk assessor and laboratory (100% contained the certifications). **See Attachment C.**

For Occupied Units:

The MU reviewed 35 occupied abatement work orders and found that all 35 (100%) contained passing dust wipe clearance results. All 35 (100%) also contained the chain of custody, the visual clearance form, and certifications for both the risk assessor and laboratory. **See Attachment C.**

Overall Compliance Assessment for 14(e):

During the Covered Period, NYCHA demonstrated substantial compliance with the requirement set forth in Paragraph 14(e) of the HUD Agreement. Evidence of compliance consists of:

- 100% of moveout abatements and 100% of occupied abatements reviewed contained passing dust wipe results and the chain of custody.
- 95% of moveout abatements contained the visual clearance form; 100% contained certifications for both the vendor and the risk assessor.
- 100% of occupied abatements contained the chain of custody and visual clearance form; 100% contained certifications for both the risk assessor and laboratory.
- EHS found 99.58% of NYCHA employees and 100% vendors performing clearance examinations were certified and 100% compliance across other clearance related tasks.

Based on the file review and filed oversight during the Covered Period, NYCHA is in substantial compliance with the requirements referenced in Paragraph 14(e).

Paragraph 14(f): NYCHA shall ensure that the certified supervisor on each abatement project prepares an abatement report in accordance with 40 CFR § 745.227(e)(10).

Regulatory Requirements for 14(f):

40 CFR § 745.227(e)(10) states as follows: “An abatement report shall be prepared by a certified supervisor or project designer. The abatement report shall include the following information: (i) Start and completion dates of abatement. (ii) The name and address of each certified firm conducting the abatement and the name of each supervisor assigned to the abatement project. (iii) The occupant protection plan prepared pursuant to paragraph (e)(5) of this section. (iv) The name, address, and signature of each certified risk assessor or inspector conducting clearance sampling and the date of clearance testing. (v) The results of clearance testing and all soil analyses (if applicable) and the name of each recognized laboratory that conducted the analyses. (vi) A detailed written description of the abatement, including abatement methods used, locations of rooms and/or components where abatement occurred, reason for selecting abatement methods for each component, and any suggested monitoring of encapsulants or enclosures.”

Applicable Written Policies, Procedures, and Contract Specifications for 14(f):

Policies and Procedures: The Lead SP sets forth the following procedures related to the requirements set forth in Paragraph 14(f):

- Requires that the certified abatement supervisor for each abatement project prepare an abatement report within 30 days of clearance. *See* Lead SP, § VII.I.9. The report must contain all of the items set forth in 24 CFR § 745.227(e)(10). *Id.*
- LHC adopted a template for certified supervisors to use in preparing the report. A copy of this template is annexed as **Attachment F**.

Contract Specifications: During the Covered Period, NYCHA utilized seven vendors to perform abatements. The specifications for the contracts are described below:

Vendor Name	Agreement to comply with 40 CFR § 745.227 (e)(5)
Linear	<i>See</i> Attachment E.00, § 1.1.6
Joseph Environmental	<i>See</i> Attachment E.01, § 1.1.6
AGD	<i>See</i> Attachment E.02, § 1.1.6
Abatement Unlimited	<i>See</i> Attachment E.03 § 1.1.6
Empire Control	<i>See</i> Attachment E.04 § § 1.1.6
New York Environmental Systems	<i>See</i> Attachment E.05 § § 1.1.6
P.A.L. Environmental Safety Corporation	<i>See</i> Attachment E.06 § § 1.1.6

IT Controls for 14(f):

As reported in the July 2021 HUD Certification, in December 2019, NYCHA IT enhanced Maximo to require staff to upload the abatement report to the abatement work order. The work order cannot be closed without this attachment. [See Attachment B.](#)

During the Covered Period, IT reported that these controls continued to be in place.

As reported in the July 2023 HUD Certification, abatement IT controls are enforced on follow-up abatement work orders generated from the XRF 0.5 testing 2022 initiative. IT reported all system enforcements, like auto-creation of dust wipes, internal abatement inspections, and abatement related documentation requirements, are being followed.

[Field Oversight/QA for 14\(f\):](#)

There are no field oversight protocols in place or expected to monitor the creation of this final report.

[File Review for 14\(f\):](#)

The MU conducted a review of work orders in Maximo for an abatement report in accordance with 40 CFR § 745.227(e)(10) and prepared by a certified supervisor.

For Moveout Units:

The MU reviewed 40 moveout abatement work orders and found all 40 (100%) files contained the abatement report prepared by a certified supervisor. [See Attachment C.](#)

For Occupied Units:

The MU reviewed 35 occupied abatement work orders and found that 35 (100%) contained the complete abatement report prepared by a certified supervisor. [See Attachment C.](#)

[Overall Compliance Assessment for 14\(f\):](#)

During the Covered Period, NYCHA demonstrated substantial compliance with the requirement set forth in Paragraph 14(f) of the HUD Agreement. Evidence of compliance consists of:

- 100% of moveout abatements and 100% of occupied abatements reviewed contained an abatement report prepared by a certified supervisor.

Based on this documentation, there is evidence supporting that NYCHA is in substantial compliance with the requirements set forth in 14(f).

[Paragraph 14\(g\): NYCHA shall maintain records in accordance with 40 CFR § 745.227\(i\) and 24 CFR § 35.125.](#)

[Regulatory Requirements for 14\(g\):](#)

40 CFR § 745.227(i) states “All reports or plans required in this section shall be maintained by the certified firm or individual who prepared the report for no fewer than 3 years. The certified firm or individual also shall provide copies of these reports to the building owner who contracted for its services.”

24 CFR §35.125 states, “The designated party ... shall keep a copy of each notice, evaluation, and clearance or abatement report required by subparts C, D, and F through M of this part for at least three years. Those

records applicable to a portion of a residential property for which ongoing lead-based paint maintenance and/or reevaluation activities are required shall be kept and made available for the Department's review, until at least three years after such activities are no longer required.”

Applicable Written Policies, Procedures, and Contract Specifications for 14(g):

Policies and Procedures: The Lead SP sets forth the following procedures related to the requirements set forth in paragraph 14(g):

- “A Lead Hazard Control Department assistant director ensures all records related to this Standard Procedure are retained in the Lead Hazard Control Department central office for the life of the building while under NYCHA ownership, plus an additional three years.” See Lead SP, § VIII.C.
- Requires issuance of the hazard reduction letter following abatement activities. See Lead SP, § VII.D.2.

IT Controls for 14(g):

As reported in the January 2022 HUD Certification, NYCHA does not have IT controls that support this requirement, although as of December 2019, the OPP, the EPA notification, and abatement reports are to be attached to the Maximo work orders. During the Covered Period, IT reported that these controls continued to be in place and that no additional system changes were implemented in the last six months.

Field Monitoring/QA for 14(g):

There are no field oversight protocols in place or expected to monitor the creation and storage of the post-abatement NOHR documentation for a particular job.

File Review for 14(g):

The MU has performed a comprehensive review of required reports for abatements performed in NYCHA units since January 31, 2019 and has been performing a digital review of required reports in Maximo starting January 16, 2020. Reports in Maximo are presently retained indefinitely and in accordance with the three-year minimum as specified in 40 CFR § 745.227(i) and 24 CFR §35.125.

The MU performed a file review of the Lead Disclosure Summaries and NOHRs for moveout and occupied units.

The MU reviewed all 75 abatement work orders and found that 65 (87%) contained Lead Disclosure Summaries. 9 EBLI abatement work orders did not have the Lead Disclosure Summary. As previously reported in the January 2023 HUD Certification, LHC reported Lead Disclosure Summaries are not required for elevated blood lead level (“EBLI”) cases.

The MU reviewed all 75 abatement work orders and found that 66 (88%) of the 75 work orders contained the NOHR. 8 of the 9 EBLI abatement work orders reviewed contained a manually generated NOHR form that is not the official NYCHA Form 060.852. **See Attachment C.**

Hazard reduction letters continue to present a compliance challenge for NYCHA, especially for occupied units. According to LHC, hazard reduction letters are being uploaded to each abatement work order and delivered to property management. However, LHC is using a different form than the required NYCHA Form 060.852, Notice of Hazard Reduction Activity. Instead, LHC uses an alternative, manually created version of the NYCHA NOHR. The Lead SP specifically requires NYCHA to upload NYCHA Form 060.852. See Lead

SP, § VII.D.2. As first reported in the January 2023 HUD Certification, Compliance continues to recommend the use of NYCHA Form 060.852, Notice of Hazard Reduction Activity.

Overall Compliance Assessment for 14(g):

During the Covered Period, NYCHA made demonstrable progress towards compliance with the recordkeeping requirement set forth in Paragraph 14(g) of the HUD Agreement. Evidence of progress towards compliance consists of:

- 100% of reviewed moveout abatements and 100% of the reviewed CU6 non-EBLL occupied abatements contained the Lead Disclosure Summary. The 9 EBLL occupied apartment abatements did not contain or require a separate Lead Disclosure Summary.
- 98% of moveout abatements, 100% of CU6 non-EBLL occupied abatements, and 11% of EBLL abatements reviewed contained the NOHR.
- LHC demonstrated maintenance of all work orders in Maximo to the Compliance Department (although a small number of work orders were missing required documentation).
- EHS performed 321 inspections for the required Property Management Lead Disclosure Files, and 277 (86.29%) were in compliance.
- Lead SP including the requirements set forth in Paragraph 14(g).

Compliance does not yet recommend certifying to paragraph 14(g) until the NOHRs and Lead Disclosure Summaries are consistently issued for occupied units in the required timeframe using the official, approved form.

VI. Assessment of Compliance with Paragraph 15 for the Covered Period

Paragraph 15(a): Establishing and maintaining sufficient information in NYCHA's renovation and maintenance computer systems to readily identify renovation and maintenance projects involving work to which lead-safe work practices regulations apply in accordance with 24 CFR §§ 35.1330, 35.1350 and 40 CFR §§ 745.85, 745.89.

Regulatory Requirements for 15(a):

NYCHA interprets this requirement as ensuring that its computerized work order system, Maximo, can identify developments in which paint disturbing projects require adherence to lead safe work practices, as those requirements are defined in the above-cited regulations.

Effective December 1, 2021, New York City has a new standard for defining the presence of lead in paint, in accordance with Local Law 66 of 2019. The new standard changed the manner in which NYCHA classifies apartments for purposes of RRP enforcement controls. In general terms, NYCHA now requires RRP enforcement controls for all apartments in pre-1978 buildings where children under 6 live or visit for 10 or more hours per week. RRP enforcement will be in place even if the CU6 unit previously tested negative at the 1.0 mg/cm² standard or is considered exempt under federal or City requirements. For non-CU6 apartments, NYCHA continues to follow the federal RRP guidelines, and utilizes the XRF data taken at 1.0 mg/cm², which is integrated into the Maximo work orders.

Additionally, the IT controls previously being used were configured to classify XRF results as lead positive only when components are detected as positive at the 1.0 mg/cm² standard. In December 2021, a new

design was implemented to perform XRF testing and upload XRF results using the 0.5 mg/cm² standard to classify any component as lead positive.

As was reported in the July 2023 HUD certification, the unit level flags previously implemented in December 2021 to accommodate the new standard were also adjusted to correspond with the City's change in standard but Compliance, IT and other stakeholders identified a series of issues related to the transfer of CU6 data and bugs in the logic used to flag units based on the new standard over time. During the Covered Period, after work with Compliance and Lead Hazard Control, IT placed into production changes to the code used to flag units as requiring RRP and these changes were successfully tested prior to production in the August build. Additional smaller enhancements that could not be completed in the August build for certain scenarios were then put in production in the October build.

[Written Policies, Procedures, and/or Contract Specifications for 15\(a\):](#)

Policies and Procedures: The Lead SP sets forth the following procedures related to requirements set forth in paragraph 15(a):

- “Maximo flags locations in which lead-based paint is or may be present and identifies when RRP requirements must be met. If a Maximo work order identifies that RRP is required and there are no results of an XRF test in that apartment available in Maximo, all painted surfaces in an apartment or component must be presumed to be lead-based paint.” See Lead SP, § VII.J.3.a.(1).
- Details the use of three messages or banners (the “RRP flags”) on a work order, depending on the demographic status and testing associated with the unit. See Lead SP, § VII.J.3.a.(2).

Compliance Advisory Alert: NYCHA published Compliance Advisory Alert #22 titled “Lead-Based Paint Standard Change” on December 1, 2021 ([Attachment G](#)), which states that “Starting December 1, 2021, NYCHA staff and vendors must follow RRP for any work that disturbs more than “de minimis” amounts of paint in all apartments with a child under 6 in a pre-1978 building, and in common areas in these buildings... All painted components in these apartments and common areas must be presumed to have lead-based paint until further notice. Work orders in apartments with children under the age of 6 now have the following warning banner on the handheld device:

“CHILD UNDER 6 APARTMENT OR COMMON AREA – YOU MUST FOLLOW RRP RULES WHEN DISTURBING PAINTED SURFACES” (referred to as the “BLUE BANNER”)

Quick Reference Guide: NYCHA Compliance also published a “Quick Reference Guide” on Lead Safe Work Practices: Renovation, Repair, and Painting in 2023 ([Attachment H](#)), which includes a table outlining how staff should answer the RRP question based on the scenarios they find in the Maximo work order with respect to the banner present, the demographic status of the unit, whether there are XRF results at either the 1.0 or 0.5 mg/cm² in the Maximo system for the location, and other information.

[IT Controls for 15\(a\):](#)

Compliance, LHCD, and IT worked together to design the logic which would address the bug identified in January 2023. The RRP design was enhanced to streamline the process, considering all information available from different XRF testing results, abatement records, exemption records, and CU6 status as recorded by LHCD in Maximo or as generated from other systems. All existing open workorders were re-

evaluated for RRP based on the updated logic, and the “RRP flags” on the open workorders were updated to reflect that a unit should be flagged accordingly. This logic is also applicable for any newly created work orders that qualify for RRP. This was rolled out in Maximo production in August 2023.

[Field Monitoring/QA for 15\(a\):](#)

Please refer to the EHS report (Attachment A) for a description of RRP-related field monitoring activities during the Covered Period. Additionally, it should be noted that EHS uses Maximo to identify work orders that might require RRP procedures for their onsite monitoring. EHS conducted onsite monitoring of 341 RRP work orders during the Covered Period. On December 11, 2023, Operations began a pilot of a virtual contractor logbook. EHS will attempt to leverage this logbook to more easily identify vendor RRP jobs.

In sum, EHS field monitoring found a lower rate of compliance where the RRP work order enforcement questions are appropriately followed than in previous reports. In particular, when workers answered the question, “Are you performing RRP work?”, which was added this reporting period by LOT, compliance fell to a rate of 79.18% (from 95.67% as reported in the July 2023 HUD Certification). These risks can be reduced with improved vendor and staff supervision, IT enhancements to fill gaps, and more consistent training and guidance to staff on RRP work order protocols.

[File Review for 15\(a\):](#)

Potential RRP work orders contain a “flag” in Maximo signifying the presence of presumed or known LBP in the apartment. This “RRP flag” then requires that any paint-disturbing work in the unit requires renovators to follow RRP protocols, including a clearance examination.

The table below shows that, for 91.95% (61,193 out of 66,768) of work orders closed between June 16, 2023 to December 15, 2023 where renovators must answer the RRP enforcement questions, renovators indicated that they were not performing RRP work. This trend requires continued monitoring of whether the workers’ selection of “No” or “No Components Selected” to the RRP enforcement questions is appropriate.

RRP Selection from June 16, 2023 to December 15, 2023

Year-Month	No Count	% No	Yes Count	% Yes	Did Not Answer Yes or No	% Null Answer	Total
June 2023 (beginning June 16, 2023)	5,245	90.06%	73	1.25%	506	8.69%	5,824
July 2023	10,899	90.38%	104	0.86%	1,056	8.76%	12,059
August 2023	11,146	90.45%	150	1.22%	1,027	8.33%	12,323
September 2023	10,319	91.17%	107	0.95%	893	7.89%	11,319
October 2023	11,018	92.42%	74	0.62%	830	6.96%	11,922
November 2023	8,703	93.91%	64	0.69%	500	5.40%	9,267
December 2023 (ending December 15, 2023)	3,863	95.29%	5	0.12%	186	4.59%	4,054

Year-Month	No Count	% No	Yes Count	% Yes	Did Not Answer Yes or No	% Null Answer	Total
Grand Total	61,193	91.65%	577	0.86%	4,998	7.49%	66,768

Importantly, answering “No” to the RRP enforcement question does not necessarily indicate non-compliance and, indeed, can be entirely appropriate in several circumstances. For instance, NYCHA has a growing volume of XRF data showing that apartments are either negative or have a limited number of lead components at 1.0 and 0.5 mg/cm². If a renovator is performing work in a negative apartment or working on components that do not contain LBP, the renovator is correct to answer “No” to the RRP enforcement question. Additionally, for some work orders, the renovators are not performing work at all or are not performing work that disturbed paint above the de minimis thresholds, such as painting with no surface preparation or drilling small holes to install new cabinets on a wall. In these circumstances, renovators would also be correct to select “No.”

Overall Description of Compliance for 15(a):

NYCHA has established a sophisticated work order system that can identify the lead status of the apartment on a component-by-component basis. The system uses this information to prompt staff with RRP enforcement questions. Maximo was updated in December 2021 to address the City’s change of the standard for LBP, and further updated in August 2023 to account for all information available from different XRF testing results, abatement records and exemptions received, as recorded by LHCD in Maximo as well as the CU6 status of a unit.

While the work order system meets the requirements of the certification set forth in Paragraph 15(a), additional training, supervision, and monitoring is needed to ensure that the system users (i.e., NYCHA staff) are properly following the required protocols. Compliance will continue to take steps to ensure that the system is used appropriately and hold staff accountable for deviations from the requirements.

Paragraph 15(b): Ensuring that only properly trained and certified firms and workers are assigned to perform work to which lead-safe work practices apply in accordance with 24 CFR §§ 35.1330, 35.1350 and 40 CFR §§ 745.85, 745.90.

Regulatory Requirements for 15(b):

NYCHA interprets this paragraph, and the regulations cited therein, as requiring that NYCHA have policies, procedures, controls, and practices to only permit RRP-certified staff or vendors to perform paint-disturbing work in lead paint developments.

Written Policies, Procedures, and/or Contract Specifications for 15(b):

Policies and Procedures: The Lead SP sets forth the following procedures related to requirements set forth in paragraph 15(b):

- Regarding vendors, the Lead SP states: “Property maintenance supervisors ensure vendor employees have a physical or electronic copy of their valid RRP certification with them when the

vendor is onsite and the information is entered into the log book, follow lead-safe work practices under federal and local law and regulations, and provide the required notifications.” See Lead SP, § XV.A.2.I.(7). Developments using vendors must also provide the vendor with the “Lead Safe Practices Vendor notice.” See Lead SP, § VII.J.2.c.(2) and Appendix E.

- Regarding NYCHA staff, the Lead SP states as follows: “Only Certified Renovators can perform Renovation, Repair, and Painting (RRP) work that requires RRP certification.” See Lead SP, § VII.J.2. The Lead SP further states, “Supervisors are not permitted to assign work that requires a Certified Renovator to employees who are not Certified Renovators. If an employee who is not a Certified Renovator is assigned to complete a work order that has the ACTION REQUIRED message noted above, the employee must tell their immediate supervisor that they are not certified to complete the work order. In Assignment Manager and ESD Dispatching, the Labor List has a field to indicate which employees are Certified Renovators. The RRP certification information is imported from the Human Resources Database daily.” See Lead SP, §§ . VII.J.3.a.2.d through VII.J.3.a.2.e.

IT Controls for 15(b):

As reported in the July 2021 HUD Certification, NYCHA has IT controls that ensure that NYCHA assigns potential RRP work orders in lead paint developments to RRP certified NYCHA staff. During the Covered Period, IT reported that these controls continued to be in place, and no further controls were implemented. A document describing this IT control is annexed as **Attachment B**.

At present, Maximo does not identify the vendor or vendor staff assigned to perform RRP work at the lead paint developments. NYCHA instead relies upon either development staff or NYCHA paint supervisors to manually check the qualifications of the vendor and vendor staff at the development.

Field Monitoring/QA for 15(b):

A full description of field monitoring activities for RRP projects is set forth in the EHS Report, annexed as Attachment A. All 520 NYCHA workers observed performing RRP work were RRP certified. In other words, for 341 jobs, a least one worker present had a valid Certified Renovator credential.

Despite this sample size, there were no vendor jobs observed. On December 11, 2023, Operations began a pilot of a virtual contractor logbook. EHS will attempt to leverage this logbook to more easily identify vendor RRP jobs, to the extent they exist.

File Review for 15(b):

The Compliance Department randomly selected approximately 35 work orders each month to verify whether employees and staff were certified. This effort resulted in a review of 210 work orders for work performed during the Covered Period (June 16, 2023 to December 15, 2023). The Compliance Department compared data from closed RRP work orders in Maximo with training results from the Learning & Development Department. All 210 work orders were completed by RRP certified NYCHA employees.

Overall Description of Compliance for 15(b):

During the Covered Period, NYCHA made demonstrable progress towards compliance with the requirement set forth in Paragraph 15(b) of the HUD Agreement. Evidence of progress towards compliance consists of:

- The existence of policies and procedures addressing the requirements of Paragraph 15(b);
- The existence of IT controls for work orders performed by NYCHA staff to ensure that only RRP

- certified workers can be assigned to RRP work orders;
- Strong evidence (100% compliance in the field and 100% compliance in file reviews) that these requirements are being followed for NYCHA staff.

Based on the documentation, NYCHA is showing significant progress on compliance with this paragraph but must still further strengthen its controls on vendors prior to certifying compliance.

Paragraph 15(c): Obtaining and Maintaining certification as a certified renovation firm if any of the workers described in this paragraph are NYCHA employees, and the work they do is covered by 40 CFR part 745, subpart E ... in accordance with 40 CFR §§ 745.81, 745.89.

Overall Description of Compliance for 15(c):

NYCHA is a certified RRP firm. Proof of the certification is annexed as **Attachment H**. Based on this documentation, there is evidence supporting NYCHA's certification that it is in compliance with the requirements set forth in 15(c).

Paragraph 15(d): Ensuring supplies necessary to perform lead-safe work practices in accordance with 24 CFR § 35.1350 and 40 CFR § 785.85 are readily available to trained and certified workers.

Regulatory Requirements for 15(d):

NYCHA interprets this requirement as ensuring that its storerooms have sufficient supplies that can be used by NYCHA staff daily to fulfill the lead safe work practice requirements.

Written Policies, Procedures, and/or Contract Specifications for 15(d):

The Lead SP sets forth the mandatory materials that must be included in the standard RRP kit and available at the developments. See Lead SP, § VII.J.9.

On April 1, 2019, MMD implemented an initiative to improve RRP storeroom supplies management at developments by establishing a visible model display of each item that is required to conduct RRP work. The Storeroom Caretaker at each development is responsible for RRP item monitoring, and reports to the MMD supervisor any issues or items that need replenishment.

As of December 2020, two separate NYCHA SPs govern storeroom management procedures: (1) NYCHA SP 006:19:1, Operations of Development Storerooms – MMD Locations, for locations under MMD control, and (2) NYCHA SP 040:04:2, Operation of Development Storerooms, for locations under development control.

As of November 30, 2022, MMD controlled all development storerooms. For storerooms under MMD control, MMD monitors and distributes all maintenance work related materials out of the storeroom, including RRP required supplies.

IT Controls for 15(d):

IT reported as of January 17, 2023, the IT enhancement allowing the Storeroom Caretaker to order materials at set min/max levels at each site was released to all storerooms across NYCHA. Auditors and Supervisors have access to make any changes to min/max levels based on reorder point (“ROP”) and overstock data showing usage rates.

Field Monitoring/QA for 15(d):

A full description of field monitoring activities for RRP projects is set forth in the EHS Report, annexed as **Attachment A**. This section briefly summarizes EHS’s findings relevant to Paragraph 15(d).

- Out of 311 total storeroom inspections for RRP supplies, 12 failed inspections, resulting in a compliance rate of 96.14%.
- EHS inspected all 130 of NYCHA’s storerooms at least once.
- The most common failure points were missing 6-mil polyethylene sheeting and utility knives.
- 12 of the 12 (100%) storerooms that failed due to missing supplies were re-inspected and passed. Escalation to the Compliance Department was not required.

File Review for 15(d):

The Compliance Department does not conduct any file review to evaluate compliance with paragraph 15(d).

Overall Description of Compliance for 15(d):

During the Covered Period, NYCHA made demonstrable progress towards compliance with the requirement set forth in Paragraph 15(d) of the HUD Agreement. Evidence of progress towards compliance consists of:

- The existence of policies and procedures addressing the requirements set forth in 15(d);
- Field monitoring data showing an overall rate of 96.14% compliance for RRP storerooms, and 100% compliance upon re-inspection, for the storerooms which failed an initial inspection due predominantly to the failure to maintain stock of 6-mil polyethylene sheeting and utility knives.

Based on this documentation, there is evidence supporting NYCHA’s certification that it is substantially in compliance with the requirements set forth in 15(d).

Paragraph 15(e): Ensuring that firms and workers assigned to perform the renovation or maintenance work to which lead safe work practices apply use the RRP Renovation Checklist and establish and maintain records necessary to demonstrate compliance with the RRP Rule in accordance with 40 CFR § 745.86.

Regulatory Requirements for 15(e):

The relevant portion of 40 CFR § 745.86 states as follows:

“Documentation of compliance with the requirements of § 745.85, including documentation that a certified renovator was assigned to the project, that the certified renovator provided on-the-job training for workers used on the project, that the certified renovator performed or directed workers who performed all of the tasks described in § 745.85(a), and that the certified renovator performed the post-renovation cleaning verification described in § 745.85(b). If the renovation firm was unable to comply with all of the requirements of this rule due to an emergency as defined in § 745.82, the firm must document the nature of the emergency and the provisions of the rule that were not followed. This documentation must include a copy of the certified renovator's training certificate, and a certification by the certified renovator assigned to the project that:

- (i) Training was provided to workers (topics must be identified for each worker).
- (ii) Warning signs were posted at the entrances to the work area.
- (iii) If test kits were used, that the specified brand of kits was used at the specified locations and that the results were as specified.
- (iv) The work area was contained by:
 - (A) Removing or covering all objects in the work area (interiors).
 - (B) Closing and covering all HVAC ducts in the work area (interiors).
 - (C) Closing all windows in the work area (interiors) or closing all windows in and within 20 feet of the work area (exteriors).
 - (D) Closing and sealing all doors in the work area (interiors) or closing and sealing all doors in and within 20 feet of the work area (exteriors).
 - (E) Covering doors in the work area that were being used to allow passage but prevent spread of dust.
 - (F) Covering the floor surface, including installed carpet, with taped-down plastic sheeting or other impermeable material in the work area 6 feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to contain the dust, whichever is greater (interiors) or covering the ground with plastic sheeting or other disposable impermeable material anchored to the building extending 10 feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to collect falling paint debris, whichever is greater, unless the property line prevents 10 feet of such ground covering, weighted down by heavy objects (exteriors).
 - (G) Installing (if necessary) vertical containment to prevent migration of dust and debris to adjacent property (exteriors).
- (v) If paint chip samples were collected, that the samples were collected at the specified locations, that the specified NLLAP-recognized laboratory analyzed the samples, and that the results were as specified.

- (vi) Waste was contained on-site, and while being transported off-site.
- (vii) The work area was properly cleaned after the renovation by:
 - (A) Picking up all chips and debris, misting protective sheeting, folding it dirty side inward, and taping it for removal.
 - (B) Cleaning the work area surfaces and objects using a HEPA vacuum and/or wet cloths or mops (interiors).
- (viii) The certified renovator performed the post-renovation cleaning verification (the results of which must be briefly described, including the number of wet and dry cloths used).

[Written Policies, Procedures, and/or Contract Specifications for 15\(e\):](#)

The Lead SP sets forth the required procedures for lead safe work practices, and for completing the required renovator's checklist. See Lead SP, §§ VII.J.1. through VII.J.14. A template renovator's checklist, NYCHA Form 088.181, Renovation Recordkeeping Check List, is available on the FRL for vendors and staff.

In November 2019, NYCHA created digital versions of the post renovator checklists for use in the handheld and desktop versions of Maximo. Screenshots of the digitized checklists are located in **Attachment I**, Slides 11 and 12.

[IT Controls for 15\(e\):](#)

As of November 2019, the pre-acknowledgment form and renovator's checklist were digitized and added into the Maximo work ticket. RRP work orders cannot be closed without completing these forms with required signatures and user-provided information about the renovation. Since vendors do not have handhelds, this control does not apply to their work.

[Field Monitoring/QA for 15\(e\):](#)

A full description of field monitoring activities for RRP projects is set forth in the EHS Report, annexed as Attachment A. With respect to overall compliance with RRP work practices, EHS made the following overall observations based on 341 observations of RRP work orders:

- Among all the RRP work phases, the "Worksite Preparation" phase achieved 98.72% compliance rates. 234 "Worksite Preparations" activities were observed.
- 270 "Work Activities" were observed, with a 99.26% compliance rate.
- 60 "Cleanup Activities" were observed, with a 100% compliance rate.
- 60 "Cleanup Verification Activities" were observed, with a 100% compliance rate.
- During the reporting period, EHS did not observe any RRP jobs performed by a vendor.

[File Review for 15\(e\):](#)

The Compliance Department assessed 210 work orders (completed between June 16, 2023 and December 15, 2023) for the required attachments and confirmed whether the work orders had the RRP Renovation

Checklist. 184 of the 210 work orders (88%) had staff that completed the RRP Renovation Checklist. The remaining work orders had partially completed RRP Renovation Checklists. A spreadsheet documenting this file review is annexed as [Attachment J](#).

[RRP Checklists June 16, 2023 to December 15, 2023](#)

	June*	July	August	September	October	November	December
RRP Checklists Present	0	25	30	31	33	32	33
Partially Completed RRP Checklists	0	10	5	4	2	3	2
Total Work Orders Reviewed	0	35	35	35	35	35	35
Compliance Rate	-	71%	86%	89%	94%	91%	94%

***All work order forms for the month of June were completed prior to June 16, 2023**

In 26 cases, MU identified partially completed RRP checklists. In 7 of 26 cases, the skilled tradesperson did not confirm whether they contained waste on-site and/or contained waste while it was transported off-site. In 15 of 26 cases, the skilled tradesperson did not confirm whether doors in the work area were covered, objects were removed or covered in the work area, floors in the work area were covered, or a HVAC ducts in the work area were closed and covered with tape-down plastic. In the remaining 4 cases, the skilled tradesperson did not confirm selections from either of the categories listed above.

When Compliance identifies these issues, the skilled tradesperson is given an opportunity to explain the reason for not following RRP procedures and Compliance informs them on how to properly complete the requirements in the future. Compliance asked Skilled Trades Supervisors for explanations and received an explanation in 1 of 26 instances. In this one instance, the Bronx Skilled Trades Deputy Director confirmed speaking with their employee. The Skilled Trades Deputy Director explained that the employee did not check off “waste contained off-site” as the waste was transported by a different employee. Given this, the plasterer completing RRP work did not check off this box.

[Overall Description of Compliance for 15\(e\):](#)

During the Covered Period, NYCHA made demonstrable progress towards compliance with the requirements set forth in Paragraph 15(e) of the HUD Agreement. Evidence of progress towards compliance consists of:

- The existence of policies and procedures addressing the requirements set forth in 15(e);
- Successful application of IT controls that require workers to complete the Renovator’s Checklist before they can close the RRP work order;
- Field monitoring data providing a rate of compliance between 98.72% to 100% for the 4 work

- phases (worksite preparation, work activities, cleanup activities, cleanup verification);
- File review showing a downward trend of compliance to 88% (compared to 95% in the last certification) for completion of the renovator’s checklist.

However, NYCHA currently does not have a system for remotely monitoring/controlling vendors performing RRP work.

Overall, the Compliance Department recommends not certifying to this requirement until (1) field monitoring shows a period of consistent compliance for vendors and NYCHA strengthens policies on vendor record- keeping and (2) until NYCHA staff improves their performance completing the renovator’s checklist in the Maximo system.

Paragraph 15(f): Ensuring that residents of units and developments in which renovation or maintenance work to which lead-safe work practices apply will be performed are informed of the work to be performed and the risks involved in accordance with 24 CFR § 35.1345 and 40 CFR §§ 745.84, 745.85.

[Regulatory Requirements for 15\(f\):](#)

The regulations cited in paragraph 15(f) require NYCHA to distribute the U.S. Environmental Protection Agency (“EPA”) Renovate Right Pamphlet, and to obtain acknowledgment from an adult occupant of the unit.

[Written Policies, Procedures, and/or Contract Specifications for 15\(f\):](#)

The Lead SP sets forth the required procedure for distributing the required pre-renovation materials and obtaining the acknowledgment form from the resident. *See* Lead SP, § VII.J.5.

[IT Controls for 15\(f\):](#)

As of November 1, 2019, the pre-renovation acknowledgment form and renovator’s checklist were digitized and added into the Maximo work ticket. A screenshot of the pre-renovation checklist as it appears in Maximo is located in Attachment I, Slide 8. RRP work orders cannot be closed without completing these forms with required signatures and user-provided information about the renovation. Since vendors do not have handhelds, this control does not apply to their work. During the Covered Period, IT reported that these controls continued to be in place, and no further controls were implemented.

[Field Monitoring/QA for 15\(f\):](#)

A full description of field monitoring activities for RRP projects is set forth in the EHS Report, annexed as Attachment A. EHS made the following observations about the Lead Safe Certified Guide to Renovate Right:

- To assess compliance with this requirement, EHS asked residents if they had received this guide for 341 work orders.
- 334 residents confirmed they received the information, resulting in a 97.95% compliance rate.

[File Review for 15\(f\):](#)

The MU assessed 210 work orders (completed between June 16, 2023 and December 15, 2023) for the required attachments and confirmed if the pre-renovation acknowledgement form indicated the pamphlet was offered to the resident. 99.5% (209 out of 210) of the work orders indicated in the pre-renovation acknowledgement form that the pamphlet was offered to the resident. See the table below for details regarding completion of the renovator’s checklist and **Attachment J** for complete a list of the individual work orders:

[Pre-Renovation Acknowledgement Form June 16, 2023 and December 15, 2023](#)

	June*	July	August	September	October	November	December
Acknowledge Form Present	0	35	35	34	35	35	35
Acknowledge Form Incomplete	0	0	0	1	0	0	0
Total Work Orders Reviewed	0	35	35	35	35	35	35
Compliance Rate	-	100%	100%	97%	100%	100%	100%

***All work order forms for the month of December were completed prior to June 16, 2023.**

[Overall Description of Compliance for 15\(f\):](#)

During the Covered Period, NYCHA made demonstrable progress towards compliance with the requirements set forth in Paragraph 15(f) of the HUD Agreement. Evidence of progress towards compliance consists of:

- The existence of policies and procedures addressing the requirements set forth in 15(f);
- Successful application of IT controls that require workers to complete the pre-renovation acknowledgement form before they can close an RRP work order;
- 97.95% (334 of 341) of residents confirmed they had received the Renovate Right Pamphlet;
- File review showing a rate of compliance of 99.5% across the Covered Period.

Despite this progress, NYCHA is still developing a more cohesive policy on monitoring vendor performance and ensuring that residents receive the pre-acknowledgment forms when vendors complete work in their apartments.

Overall, the Compliance Department recommends not certifying to this requirement until field monitoring shows a period of consistent compliance for vendors and NYCHA strengthens policies on vendor record-keeping. With respect to NYCHA’s internal staff, there is evidence supporting NYCHA’s certification that it is substantially in compliance with the requirements set forth in 15(f).

Paragraph 15(g): Retaining records demonstrating compliance with the regulations set forth at 24 CFR § 35.125 and 40 CFR § 745.84.

Regulatory Requirements for 15(g):

Paragraph 15(g) requires compliance with 24 CFR § 35.125, which, among other things, sets forth the requirements for issuing notices of evaluation (“NOE”) following lead testing, inspections, and risk assessments, and notices of hazard reduction (“NOHR”), which must occur upon the completion or abatement or interim controls. 40 CFR § 745.84 sets forth the work notification requirements for RRP projects in residences and common areas. Compliance with section 40 CFR § 745.84 is also referenced in Paragraph 15(f) and this section shall focus on compliance with 24 CFR § 35.125.

Written Policies, Procedures, and/or Contract Specifications for 15(g):

Policies and Procedures: The Lead SP contains policies and procedures on the NOE and the NOHR.

- For policies and procedures for the NOE, see Lead SP, § VII.D.1.c. (NOE following XRF inspection); *Id.*, § VII.D.1.d. (NOE for biennial re-evaluations); see also NYCHA Form 060.851, Notice of Evaluation.
- For policies and procedures for the NOHR, see Lead SP, § VII.D.2.b.(1) (NOHR following hazard reduction activities performed in an apartment); Lead SP, § VII.D.2.b.(2) (NOHR following hazard reduction activities performed in a common area or exterior); see also NYCHA Form 060.852, Notice of Hazard Reduction Activity.

Contract Specifications: The contract specifications for the NYCHA XRF initiative require vendors performing the XRF testing to perform the following:

- (a) Each dwelling unit that is found to contain lead-based paint is to receive a “Notice.”
- (b) The Notice shall be in a single page format that is approved by NYCHA.
- (c) The Notice is to be received by the resident within 15 calendar days of knowledge that lead-based paint is present.
- (d) Notices are to be mailed directly to the Resident’s address.

IT Controls for 15(g):

IT has developed a system to automate the sending of the NOHR through Siebel. This automated process generates a hard copy NOHR after a passing clearance examination. The letter is then mailed to the resident. An electronic version of the letter (in 4 languages) is also stored in the resident’s digital folder. The process auto-generates letters for “non-exception cases,” meaning that all necessary criteria for the work order matches in Maximo and no manual review is necessary to resolve discrepancies.⁷ If a case

⁷ **Non-Exception (auto) NOHR:** Hazard Reduction Notice that is automatically generated by Siebel and mailed out by General Services Department, if any 1 of the following categories is satisfied:

- Dust wipes taken matched exactly to the dust wipes that were planned
- Dust wipes planned at apartment level but were taken at the room level
- Dust wipes taken were more than dust wipes planned but contained all dust wipes that were planned

does not meet these criteria, the process auto-generates a list of “exception” cases, which LHC must review, resolve discrepancies, and if necessary, manually generate the NOHR.⁸

[Field Monitoring/QA for 15\(g\):](#)

No field monitoring for the paragraph.

[File Review for 15\(g\):](#)

Notices of Evaluation:

The Compliance Department reviewed XRF inspection work orders in Maximo completed between June 16, 2023 and December 15, 2023. Based on data as of December 15, 2023, of 15,224 completed XRF inspections, 9,326 work orders contained the required NOE in Maximo. According to LHC, the remaining 5,898 work orders, which did not have a required NOE, were provided by the vendor to LHC, and LHC is still conducting QA for these work orders. The work orders must clear QA before the NOE can be approved for upload to Maximo.

Notices of Hazard Reduction – Non-Exception Cases:

Between June 16, 2023 and December 15, 2023, the IT data reflected 4,655 “Non-Exception” cases (meaning the NOHRs were automatically generated through the Siebel system). The MU selected a sample of 50 of these cases and found that all 50 of these cases contained a copy of the NOHR attached in Siebel.

Notices of Hazard Reduction – Exception Cases:

For “Exception” cases (where the NOHR must be manually generated by LHC), the Compliance Department obtained a list of RRP work orders that were closed and passed dust wipe clearance between June 16, 2023 and December 15, 2023. The list contained 440 exception work orders, and the Compliance Department randomly selected a sample of 39 work orders for review.

The Compliance Department requested evidence of email delivery from LHC to the developments with the NOHR attached in the email to the development. Upon review on December 28, 2023, the Compliance Department found that 35 of 39 work orders sampled had the respective emails and NOHR uploaded in Maximo. The remaining 4 work orders did not have the NOHR in Maximo. This is a decrease in performance of 10% from the July 31, 2023 certification when 100% of exception related work orders had emails and NOHRs uploaded in Maximo.

LHC conducted a review of the work orders that were missing the NOHR from the Compliance Department’s review. LHC clarified that the NOHRs were sent to the development within the required 15 calendar day deadline, but they were not uploaded to Maximo. After receiving notice that the NOHRs were not in Maximo, LHC attached the missing notices to the respective work orders. LHC also attached the email threads that shows when they were sent to the development.

⁸ **Exception (manual) NOHR:** Hazard Reduction Notice that is manually generated by the LHC Dust Wipe Unit and mailed out, if any 1 of the following categories is satisfied, indicating further investigation is needed:

- Dust wipes taken were less than dust wipes planned
- Dust wipes taken were more than dust wipes planned but did not include all dust wipes planned

Overall Description of Compliance for 15(g):

NYCHA launched the automated IT process for generating the NOHR through Siebel on November 18, 2020. For the Covered Period, the Compliance review of the sample selection of 50 non-exception work orders exhibited a positive result for 100% of the notices. For manually generated and e-mailed NOHRs, the Compliance review of the sample selection of 39 exception work orders exhibited a positive result for 89.74% of the notices based on having the respective emails and NOHR uploaded in Maximo. When verifying for whether the NOHR was emailed to the development within the required 15 days, the Compliance review indicates a positive result for 100% of the notices, which is a 5% increase from the previous Covered Period.

Based on the foregoing, during the Covered Period, Compliance believes NYCHA was substantially compliant with the requirements under 24 CFR § 35.125 with respect to work performed using the handheld where Notices of Hazard Reduction could be tracked in the Maximo system.

Though not explicitly required under 24 CFR § 35.125, there is still not a process for notifying residents in writing following a failed dust wipe. Instead, upon a failed clearance, residents are notified by telephone or email about the need for the development to reschedule a re-cleaning of the work area and a second clearance examination and the Notice of Hazard Reduction is only generated when the unit passes clearance. Now that an automated system is in place for NOHRs, NYCHA needs to work on a method to auto-generate written notice to the resident following a failed clearance examination.

Paragraph 15(h): Containing or causing to be contained any work area to which lead safe work practices will apply by isolating the work area and waste generated so that no dust or debris leaves the work area in accordance with 24 CFR § 35.1345 and 40 CFR § 745.85(a).

Regulatory Requirements for 15(h):

24 CFR § 35.1345(b)(1) states as follows: “The worksite shall be prepared to prevent the release of leaded dust and contain lead-based paint chips and other debris from hazard reduction activities within the worksite until they can be safely removed. Practices that minimize the spread of leaded dust, paint chips, soil and debris shall be used during worksite preparation.”

40 CFR § 745.85(a)(2) states as follows: “Containing the work area. Before beginning the renovation, the firm must isolate the work area so that no dust or debris leaves the work area while the renovation is being performed. In addition, the firm must maintain the integrity of the containment by ensuring that any plastic or other impermeable materials are not torn or displaced and taking any other steps necessary to ensure that no dust or debris leaves the work area while the renovation is being performed. The firm must also ensure that containment is installed in such a manner that it does not interfere with occupant and worker egress in an emergency.”

Written Policies, Procedures, and/or Contract Specifications for 15(h):

The Lead SP sets forth the containment and worksite isolation requirements. See Lead SP, §§ VII.J.10. through VII.J.12.

IT Controls for 15(h):

The RRP containment requirements referenced in this paragraph are addressed in the renovator's checklist. As of November 1, 2019, the pre-acknowledgment form and renovator's checklist were digitized and added into the Maximo work ticket. RRP work orders cannot be closed without completing these forms with required signatures and user-provided information about the renovation. Since vendors do not have handhelds, this control does not apply to their work.

[Field Monitoring/QA for 15\(h\):](#)

A full description of field monitoring activities for RRP projects is set forth in the EHS Report, annexed as Attachment A. With respect to overall compliance with RRP work practices, EHS made the following overall observations:

- Out of 234 EHS observations of worksite preparation activities, 98.72% were found to be in compliance.

[File Review for 15\(h\):](#)

The results of the file review are discussed in the description of compliance with paragraph 15(e), which identifies the work orders where the RRP checklist was completed.

[Overall Description of Compliance for 15\(h\):](#)

During the Covered Period, NYCHA made progress towards compliance with the requirement set forth in Paragraph 15(h) of the HUD Agreement. Evidence of progress towards compliance consists of:

- The existence of policies and procedures addressing the requirements set forth in 15(h);
- Successful application of IT controls that require workers to complete the Renovator's Checklist before they can close the RRP work order;
- Field monitoring data providing observed compliance rates of 98.72% for worksite preparation activities and 99.26% for work activities;
- File review showing a downward trend of compliance to 88% (compared to 95% in the last certification) for completion of the renovator's checklist.

Despite this progress, NYCHA still needs to develop a more cohesive policy for monitoring vendor work and collecting required RRP documentation from vendors. EHS reported that it continues to experience difficulties in identifying RRP vendor jobs. EHS observed zero vendor RRP job during the covered period.

Overall, the Compliance Department recommends not certifying to this requirement until NYCHA strengthens policies on vendor record-keeping and monitoring.

Paragraph 15(i): Containing, collecting, and transporting waste from the renovation in accordance with 40 CFR § 745.85(a)(4).

[Regulatory Requirements for 15\(i\):](#)

40 CFR § 745.85(a)(4) states as follows: "(i) Waste from renovation activities must be contained to prevent releases of dust and debris before the waste is removed from the work area for storage or disposal. If a chute is used to remove waste from the work area, it must be covered. (ii) At the conclusion of each work day and at the conclusion of the renovation, waste that has been collected from renovation activities must

be stored under containment, in an enclosure, or behind a barrier that prevents release of dust and debris out of the work area and prevents access to dust and debris. (iii) When the firm transports waste from renovation activities, the firm must contain the waste to prevent release of dust and debris.”

[Written Policies, Procedures, and/or Contract Specifications for 15\(i\):](#)

The Lead SP sets forth the protocols for managing waste for RRP projects. See Lead SP, §§ VII.H.1.j. and VII.J.12.

[IT Controls for 15\(i\):](#)

The waste control requirements referenced in this paragraph are included in the renovator’s checklist. As of November 1, 2019, the renovator’s checklist was digitized and added into the Maximo work ticket. RRP work orders cannot be closed without completing this form with required signatures and user-provided information about the renovation. Since vendors do not have handhelds, this control does not apply to their work.

[Field Monitoring/QA for 15\(i\):](#)

A full description of field monitoring activities for RRP projects is set forth in the EHS Report, annexed as Attachment A. With respect to overall compliance with RRP work practices, EHS made the following overall observations:

- EHS conducted 60 Cleanup work phase observations and found an overall compliance rate of 100%.

[File Review for 15\(i\):](#)

The results of the file review are discussed in the Description of Compliance with paragraph 15(e), which indicates which work orders had the RRP checklist.

[Overall Description of Compliance for 15\(i\):](#)

During the Covered Period, NYCHA made progress towards compliance with the requirement set forth in Paragraph 15(i) of the HUD Agreement. Evidence of progress towards compliance consists of:

- The existence of policies and procedures addressing the requirements set forth in 15(i);
- Application of IT controls that require workers to complete the Renovator’s Checklist before they can close the RRP work order;
- Field monitoring data providing an observed compliance rate of 100% for cleanup activities;
- File review showing a downward trend of compliance to 88% (compared to 95% in the last certification) for completion of the renovator’s checklist.

Despite this progress, NYCHA still needs to develop a more cohesive policy for monitoring vendor work and collecting required RRP documentation from vendors. EHS observed zero vendors during its field monitoring.

Overall, the Compliance Department recommends not certifying to this requirement until NYCHA strengthens policies on vendor record-keeping and monitoring.

Paragraph 15(j): Performing cleanup of any work area to which lead safe work practices apply until no debris or residue remains in accordance with 24 CFR § 35.1345, 35.1335 and 40 CFR § 745.85(a) and (b) and conducting and passing a clearance examination in accordance with 24 CFR § 35.1340 (including any follow-up as required by that section's subsection (e) after clearance failure(s)), as provided by 40 CFR § 745.85(c).

Regulatory Requirements for 15(j):

The above regulations set forth the mandated cleaning requirements and clearance examination requirements. Due to the number and length of these requirements, they are not reproduced in this section.

Written Policies, Procedures, and/or Contract Specifications for 15(j):

Policies and Procedures: The Lead SP sets forth the protocol for cleaning, cleaning verification, and clearance examinations. See Lead SP, §§ VII.H.1.j, and VII.I.1. through VII.I.10. Over a period of about six months, from June 16 to December 15, 2021, NYCHA integrated 2 significant new protocols into its clearance examination process. First, before cleaning activities begin, NYCHA requires the renovator to call into a newly established centralized dispatcher to request a dust wipe technician to be routed to the worksite. The purpose of this new dispatcher function is to improve communications between field staff and LHC. Second, NYCHA requires certified renovators to perform the EPA cleaning verification after final cleaning.

IT Controls for 15(j):

With respect to clearance examinations, the creation of an RRP or remediation off a visual assessment (interim control) work order automatically generates a work order for a clearance examination.

In addition, the requirements referenced in this paragraph are included in the RRP checklist. As of November 1, 2019, the RRP checklist was digitized and added into the Maximo work ticket. RRP work orders cannot be closed without completing this form with required signatures and user-provided information about the renovation. Since vendors do not have handhelds, this control does not apply to their work.

Field Monitoring/QA for 15(j):

A full description of field monitoring activities for RRP projects is set forth in the EHS Report, annexed as Attachment A. With respect to cleaning activities, EHS makes the following overall observations:

- 563 dust wipe sample collection jobs were observed. 272 were for RRP clearance and 291 were for lead abatement clearance.
- There was a 99.63% compliance rate in the RRP clearance jobs observed. See Attachment A.
- EHS reviewed 563 clearance examinations, covering both abatement and RRP projects. EHS noted that all clearance examiners had proper credentials for their job type; that 563 of 563 jobs adhered to the 1-hour wait time between clearance and cleaning activities; that all clearance examiners conducted the visual inspection phase of the clearance examination; and

that the clearance examiners adhered to dust wipe sample collection protocols 100% of the time.

[File Review for 15\(j\):](#)

Compliance, NYCHA IT, and LHC have developed a series of dashboards and reports to evaluate overall compliance with clearance examination requirements for interim controls and other RRP work orders. This section provides an overview of these dashboards and the trends that they are currently showing for the reporting period (June 16, 2023 to December 15, 2023). It should be noted that NYCHA still needs to perform additional validation of the data from the dashboards, however, the below tables represent the best available information at this time. Compliance examines the following indicators to better understand the current compliance rate for clearance examinations:

- **Timing of Initial Clearance Examination:** Compliance evaluates whether NYCHA is performing or attempting to perform the clearance examination within 24 hours, 48 hours, or after 48 hours of the final labor transaction on the Corrective Maintenance work order. Compliance also assesses whether the clearance was performed before the end of each weekly reporting cycle.
- **Pass/Fail/Pending Status of Dust Wipe Batches:** Compliance examines the trends exhibited each month for the number of dust wipe batches that (i) have passed (ii) have passed after the initial dust wipe failed; (iii) remain in fail status; (iv) have failed based on a visual clearance; and (v) have results pending at the laboratory. Compliance also evaluates the levels of failed dust wipe samples to distinguish between minor exceedances and more significant exceedances.
- **Re-Cleaning and Re-Clearance:** Compliance examines the timing of recleaning following a failed clearance examination.

Timing of Initial Clearance Examinations and Overall Performance (June 16, 2023 - December 15, 2023)

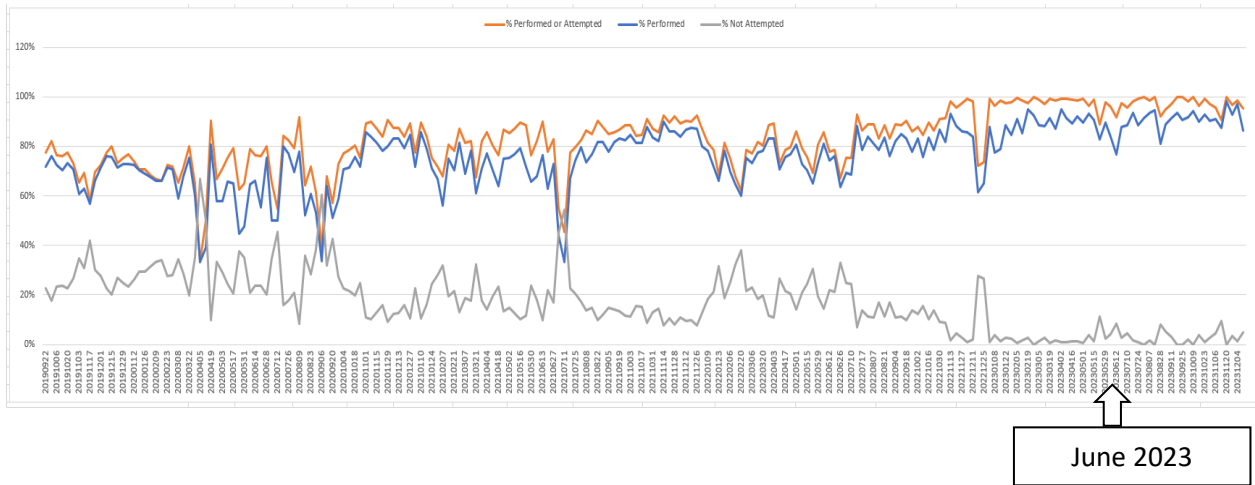
Month	Total # of CM Work Orders	Total # of DW Performed in Reporting Week	Dust Wipes Performed in 24 Hours	Dust Wipes Performed in 48 Hours	Dust Wipe Batch Currently in Passed Status	DW 2 Attempts in 48 Hours for Dust Wipe Not Performed
June	290	227	165	24	261	2
July	617	411	301	44	521	4
August	653	501	357	73	547	4
September	585	460	335	54	499	7
October	517	441	322	54	448	4
November	569	461	343	44	478	3
December	285	243	194	13	243	0
Total	3,516	2,744	2,017	306	2,997	24

Analysis: During the reporting period, NYCHA completed 2,744 of 3,516 (78.0%) of clearance examinations within the weekly reporting cycle used to examine clearance examinations. NYCHA

completed 2,017 of 2,744 (73.5%) of these clearance examinations within 24 hours of the last labor transaction on the Corrective Maintenance work order. NYCHA completed 2,323 of 2,744 (84.7%) of these clearance examinations within 48 hours of the last labor transaction on the Corrective Maintenance work order. These rates are all an improvement relative to the last reporting period.

NYCHA maintained its prior improvements in clearance performance time from the previous reporting period. NYCHA attributes its increased performance to the strong coordination between Lead Hazard Control and the Department of Management and Planning, which oversees the interim control work.

Dust wipe trends performed or attempted by end of the weekly reporting cycle

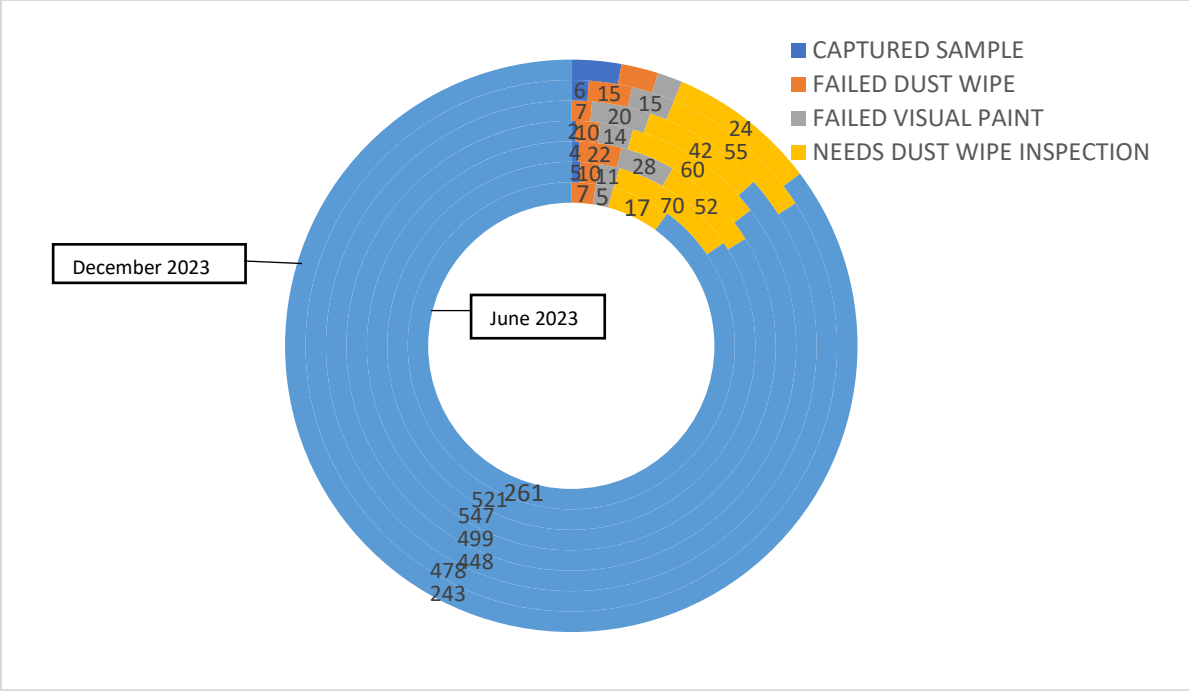


Analysis: Throughout the reporting period, LHC had consistently high performance both in terms of samples collected and attempted beginning in June 2023 through December 2023, typically ranging from at least 80% to above 90%. In some weeks, LHC approached or achieved a 100% rate with respect to attempts.

Passed/Failed/Pending/Unperformed Statuses at the End of the Sixth Month Reporting Cycle:

Compliance conducted a review of the current status of all clearance examinations from June 16, 2023 to December 15, 2023. This analysis shows whether the clearance examination passed, remains in a failed status (and requires re-clearance), is still pending with the laboratory, or remains unperformed at this time. Note, the below visualization does not include the “fail history,” i.e., clearance examinations that initially failed but were re-tested and have now passed. Those clearance examinations are included in the “passed category.”

Each ring represents a calendar month, with June 2023 as the inner most ring and December 2023 as the outer most ring. The term “captured sample” means that the sample has been collected and is likely pending with the laboratory.



	JUNE	JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER	TOTAL
CAPTURED SAMPLE	0	5	4	2	0	6	8	25
FAILED DUST WIPE	7	10	22	10	7	15	6	77
FAILED VISUAL PAINT	5	11	28	14	20	15	4	97
NEEDS DUST WIPE INSPECTION	17	70	52	60	42	55	24	320
PASSED	261	521	547	499	448	478	243	2,997
TOTAL	290	617	653	585	517	569	285	3,516

Analysis:

- 85.2% of the clearance examinations performed over the reporting period are in “pass” status (vs. 85.4% in prior period). This sustained improvement is notable, given that NYCHA uses New York City’s clearance standards, which are more stringent than the federal standards;
- 9.1% have not had clearances examinations yet (vs. 8.2% in prior period);
- 0.7% have been collected and are pending lab analysis (vs. 0.6% in prior period);
- 2.1% remain in fail status (vs. 1.6% in prior period); and
- 2.8% failed the visual phase of the clearance examination (vs. 4.2% in prior period).

While NYCHA mostly sustained the improved performance reported in the last the six-month reporting period, there are still some compliance shortfalls that NYCHA needs to address, as 14.8% of dust wipe clearance examinations are not in passed status.

First, the number that are in fail status at the end of the reporting period is 2.1%. Some of these failed samples are several months old. This shows that NYCHA still has work to do in improving the re-cleaning and re-clearance process. While Compliance and LHC did build dashboards and trackers to monitor development responsiveness on re-cleaning needs, some lead clearance projects still remain in fail status for months.

Second, the number of unperformed clearance examination has increased from 8.2% to 9.1%. It should be noted that this table does not account for attempts, which is critical to evaluate NYCHA’s efforts. It should also be noted that there have been continuing internal discussions on whether the clearance dashboards may overreport the number of unperformed samples.

Lead Dust Levels of Individual Failed Samples by Surface Area

The below analysis accounts for changes in June 2021 in New York City’s lead dust standards and is instructive to evaluate NYCHA’s performance under Paragraph 15(j). NYCHA will continue to report on these findings.

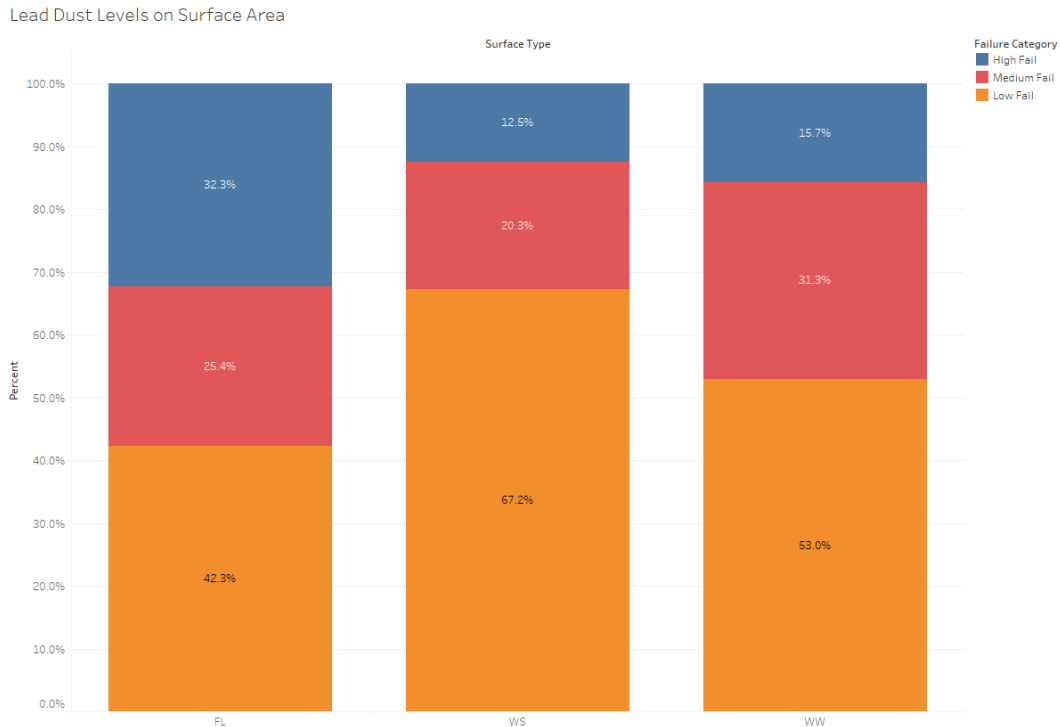
The current New York City and federal dust wipe thresholds are different for floors, window sills and window wells. NYCHA applies the New York City standards because they are more stringent than the federal standards. The below chart shows the difference between the two standards:

Surface	Federal	NYC (which NYCHA uses)
Floor	10 µg/ft ²	5 µg/ft ²
Window Sill	100 µg/ft ²	40 µg/ft ²
Window Well	400 µg/ft ²	100 µg/ft ²

The chart and dashboard below show the lead levels of individual failed samples within pre-defined ranges, broken down by a range of low, medium, or high fail categories from June 16, 2023 to December 15, 2023. This analysis has been updated to match New York City’s revised lead dust standards in June 2021. In addition, regardless of the category, any failed sample requires re-cleaning and re-clearance.

NYCHA’s dashboards currently uses the following ranges (in µg/ft²):

Result	Floor	Window Sill	Window Well
Pass	<5	<40	<100
Low Fail	5 to <10	40 to <100	100 to <200
Medium Fail	10 to <20	100 to <200	200 to <400
High Fail	20+	200+	400+



Analysis: The above-chart shows that many failed samples for all three surface areas is in the lower fail range. The (i) Low Fail samples for window sills that fall between 40-100 $\mu\text{g}/\text{ft}^2$ (accounting for 67.2% of the failed window sill samples), (ii) Low Fail samples for floors that fall between 5-10 $\mu\text{g}/\text{ft}^2$ (accounting for 42.3% of the failed floor samples), and (iii) Low and Medium Fail samples for window wells that fall between 100-400 $\mu\text{g}/\text{ft}^2$ (accounting for 84.3% of the failed window well samples) would all be below the current EPA standards. Thus, the stricter NYC standards are driving the majority of fails.

It is important to note that for floors, the percentage of high fail dust wipes increased from 27.5 in the July 2023 HUD Certification report to 32.3% in this Certification report. For window sills the percentage of high fail dust wipes stayed consistent, shifting from 12.78% in the July 2023 HUD Certification report to 12.5% in this Certification report. For window wells, the percentage of high fail dust wipes decreased from 19.09% in the July 2023 HUD certification report to 15.7% in this Certification report. Compliance plans to continue to increase its efforts to reinforce the importance of following cleaning protocols, especially on floors, among staff that are consistently failing at high rates.

[Overall Description of Compliance for 15\(j\):](#)

With respect to clearance, during the Covered Period, NYCHA made progress towards compliance with the requirement set forth in Paragraph 15(j) of the HUD Agreement. Evidence of progress towards compliance consists of:

- The existence of policies and procedures;
- The improvement of IT controls and reporting on clearance examinations;
- Field monitoring observed high rate of compliance with cleaning verification and clearance protocols;
- Improving metrics with respect to collection and clearance performance.

However, a review of the Maximo data still shows that NYCHA needs to improve the timing of initial clearance examinations and the performance of re-clearance examinations. NYCHA also needs to reduce the number of projects without clearance examinations and improve the lab turnaround time. NYCHA has also not instituted worksite protections after cleaning but pending final clearance results, which is a very significant aspect of the clearance requirements. NYCHA also still faces implementation challenges in operationalizing same day clearance or temporary relocation efforts.

NYCHA cannot certify to compliance with this paragraph until these shortfalls are addressed.

Attachment A

[See attached – EHS January 2024 Lead Certification Report (FINAL)]

Attachments B, C, D, E, F, G, H

[Available Upon Request]

Attachment I

PACT Abatement and Documentation Oversight

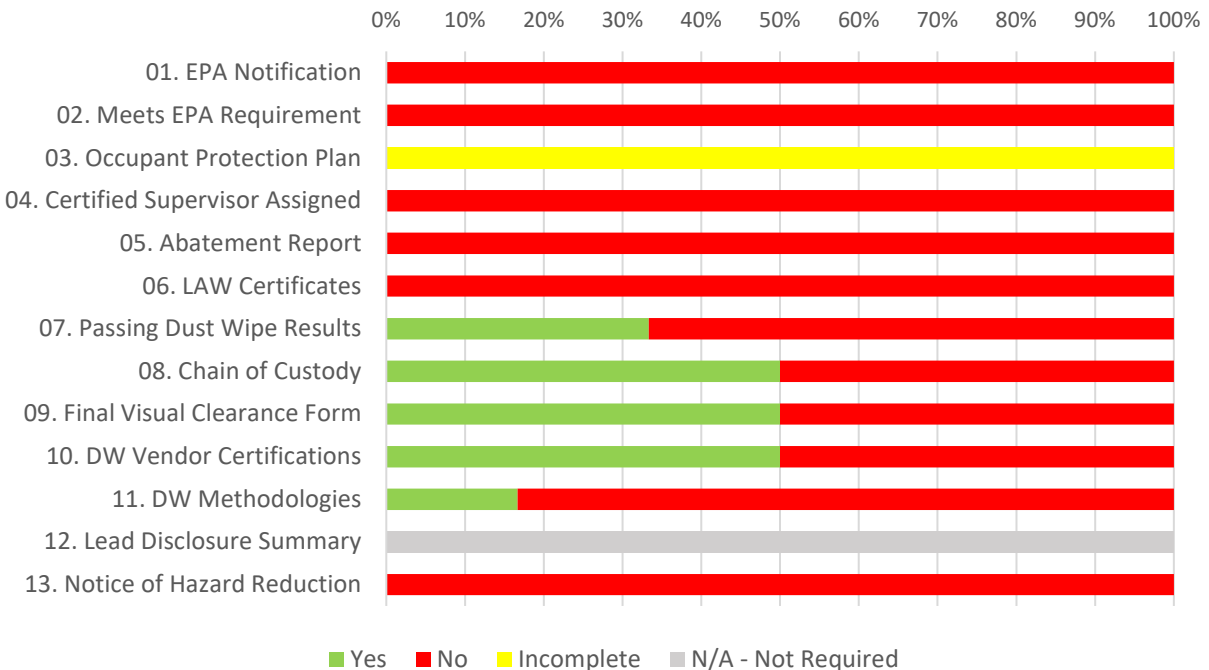
PACT Partners performing modernization activities at sites that closed after December 2021 are obligated under the transaction documents to abate all lead-based paint in units and interior and exterior common areas available for use by residents. The PACT Partner is abating all lead-based paint in units, and in interior and exterior common areas unless approved by NYCHA, via removal and the Partner must remove all lead-based paint that test positive at the 0.5 mg/cm² standard to ensure the development is “lead-free”.

NYCHA has collaborated with the Manhattan Bundle and the Brooklyn Bundle to assess the number of units that require abatement at the prior 1.0 mg/cm² standard. Notably, these transactions closed before the standard changed on December 1, 2021 and they were not covered by requirements that they upload information to the Smartsheets.

1. Boulevard | Belmont Sutter Area | Fiorentino Plaza

This PACT project consists of approximately 1,673 apartment units and based on the 0.5 mg/cm² positivity rate to date, about 669 units are presumed to be lead positive. As of December 15, 2023, 290 units (approximately 43.3% of the total presumed lead positive units) have been abated and cleared. This is an increase of 12.6 % compared to the previous reporting period.

NYCHA reviewed the supporting documents for 6 units abated and cleared. NYCHA Compliance noted the following items:



- The MU could not verify compliance with OPP requirements because the uploaded forms were not readable. The PACT developments were instructed to re-upload these OPPs for Compliance to verify.
- None of the 6 abatements reviewed contained EPA notifications.
- Passing dust wipe results were available for only 2 of the 6 (33%) reviewed abatements.
- NYCHA is not tracking the obligation to provide Lead Disclosure Summaries as part of this file review.

The PACT Partner seemed to misunderstand the requirement that documentation be uploaded and maintained throughout the Covered Period and they were not prepared for NYCHA to review more recent records. The PACT Partner will be provided additional consistent instructions on the importance of consistently uploading documentation as the unit cleared.

[Field Monitoring at Boulevard](#)

As of December 15, 2023, STV has conducted 164 field inspections since the monitoring program started in September 2022 and 66 clearance examinations since January 2023. During the Covered Period, STV conducted 66 field inspections of abatement activities and 18 inspections related to clearance examinations, in part because of prior deficiencies identified at the site. The results of the aggregate inspections since the beginning of this monitoring program in September 2022 through December 15, 2023, are detailed in the below table:

Compliance Categories	Compliance Task	# in Compliance	# Inspected	Compliance Rate (%)
Administrative Controls	LBP Contractor's EPA/NYC Notification Posted	160	164	98%
Administrative Controls	LBP Supervisor's EPA/NYC Certifications Posted	157	164	96%
Administrative Controls	LBP Worker's EPA/NYC Certifications Posted	161	164	98%
Engineering Controls	Critical Barriers Established & Maintained	124	132	94%
Engineering Controls	Containment Established	119	130	92%
Engineering Controls	Mechanical Ventilation System Present	49	62	79%
Clearance Controls	Met Minimum 1 Hour Waiting Period	63	66	95%
Clearance Controls	Inspector Clearance Certification Available (and Not Expired)	62	66	94%
Clearance Controls	Visual inspection Performed	61	65	94%
Clearance Controls	Visual Inspection Results Recorded	42	66	64%
Clearance Controls	Visual Inspection Passed	62	66	94%
Clearance Controls	Sample Collection Observed by STV/Matrix	61	63	97%
Clearance Controls	Template or Acceptable Alternative Used	34	60	57%
Clearance Controls	Template Cleaned Between Samples	25	28	89%
Clearance Controls	Correct Sampling Collection Technique - Floors	49	61	80%
Clearance Controls	Correct Sampling Collection Technique - Windows/Narrow Areas	34	40	85%
Clearance Controls	Correct Wipe Sample Packaging	55	61	90%
Clearance Controls	Hard Shell Sealable Centrifuge Tube for Container	31	62	50%
Clearance Controls	Sample Collection Vials Correctly Labeled	62	62	100%
Clearance Controls	Chain of Custody Form	61	61	100%

Summary of Field Observations

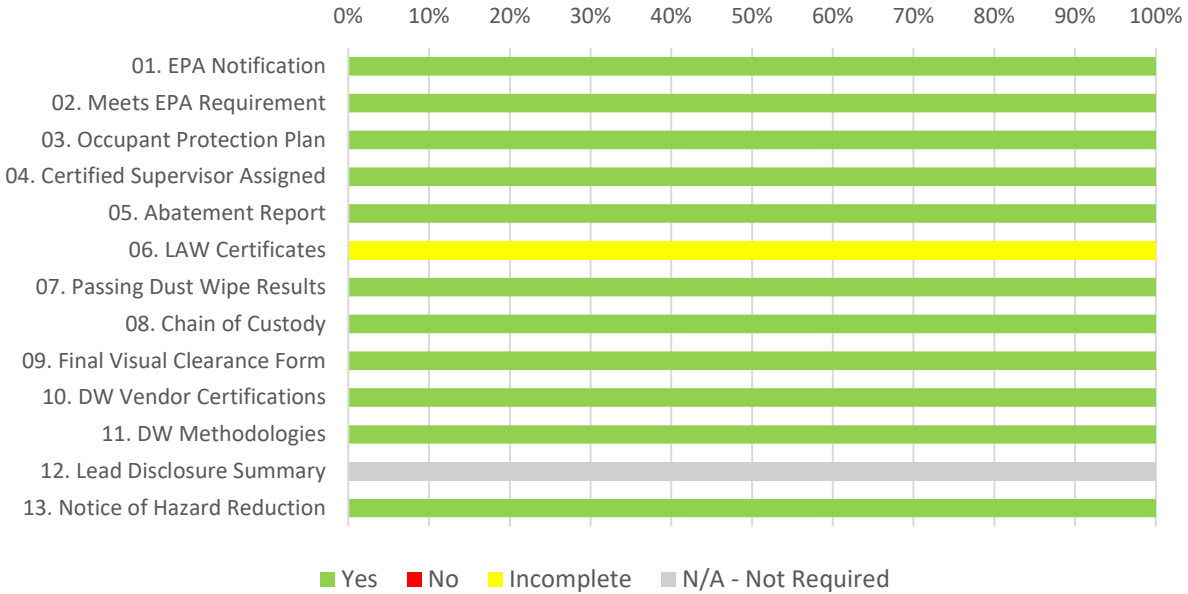
In September, both abatement and clearance deficiencies were found: two post-abatement units lacked warning tape and signs, and the clearance technician omitted a logbook for recording results during the visual inspection. In October, STV identified that critical barriers were incomplete for certain abatement work and that clearance procedures lacked proper documentation. And in November STV identified issues with clearance logbook delays. After the clearance issues were identified and persisted, NYCHA Compliance and REDD held a call with the Boulevard team, including the clearance vendor, and one of the dust wipe technicians was removed from the job and a prohibition from working at other NYCHA lead abatement sites was imposed. NYCHA Compliance and REDD also required that certain areas be re-cleaned and re-cleared, with results sent to NYCHA for validation.

During the first two weeks of December, several abatement deficiencies were identified for a complex, common area abatement of historic glass partition components. Visible dust was observed due to inadequate wetting methods and improper, unapproved methods of paint removal were identified. During the abatement of the glass partition components, the STV inspector found the abatement vendor was using unapproved mechanical equipment to remove paint, and when using the approved methods they were doing so without proper dust control attachments. When observing clearance after abatement had concluded on the glass partition components, the STV inspector noted in one instance that the dust wipe technician should have failed the visual because positive lead-based paint remained on the component and, in other instances, that visible dust and debris remained in the work area. NYCHA Compliance and REDD met with the PACT Partner, the lead abatement vendor and the clearance vendor again to ensure a pause in work on the glass partitions until proper controls were put in place. STV is continuing its field inspections to ensure Boulevard maintains stringent abatement controls and inspection protocols for clearance technicians.

2. Audubon | Bethune | Marshall

Audubon Houses, Bethune Gardens and Marshall Plaza (ABM) closed in January 2023 and began lead abatement in July 2023. ABM consists of 557 total units of which 35 are presumed to be lead positive. Marshall Plaza is a post 1978 development. As part of the PACT transaction, Dantes Partners (the “PACT Partners”) is the lead developer of the project. TLD Services Inc was retained to abate lead-based paint at the property. In conformance with local and federal requirements, abatement clearance activities are being independently certified by another entity, Airtek Environmental Corp. As of December 15, 2023, 24 units (68.6% of the total presumed lead positive units) have been abated.

NYCHA reviewed the supporting documents for 2 units abated and cleared. NYCHA Compliance noted the following items:



- The PACT developer uploaded OPPs, abatement reports, and informed the EPA of abatement work within the required timeframe for both abatements that were reviewed.
- While LAW certificates were uploaded to the Smartsheet, the abatement report did not state who was working at each job, and therefore the MU cannot verify if these certificates match those present during the abatement.
- Passing dust wipe results, including a visual clearance form and chain of custody, were available for 2 of the 2 reviewed abatements.
- NYCHA is not tracking the obligation to provide Lead Disclosure Summaries as part of this file review.

[Field Monitoring at ABM](#)

As of December 15, 2023, STV has conducted 10 field abatement inspections and 5 clearance examinations, all within this reporting period, even though abatement at ABM began in June 2022. The outcomes of these inspections are detailed in the table below:

Compliance Categories	Compliance Task	# in Compliance	# Inspected	Compliance Rate (%)
Administrative Controls	LBP Contractor's EPA/NYC Notification Posted	10	10	100%
Administrative Controls	LBP Supervisor's EPA/NYC Certifications Posted	10	10	100%
Administrative Controls	LBP Worker's EPA/NYC Certifications Posted	10	10	100%
Engineering Controls	Critical Barriers Established & Maintained	9	9	100%
Engineering Controls	Containment Established	9	9	100%
Engineering Controls	Mechanical Ventilation System Present	7	7	100%
Clearance Controls	Met Minimum 1 Hour Waiting Period	0	0	N/A
Clearance Controls	Inspector Clearance Certification Available (and Not Expired)	5	5	100%
Clearance Controls	Visual inspection Performed	5	5	100%

Compliance Categories	Compliance Task	# in Compliance	# Inspected	Compliance Rate (%)
Clearance Controls	Visual Inspection Results Recorded	5	5	100%
Clearance Controls	Visual Inspection Passed	5	5	100%
Clearance Controls	Sample Collection Observed by STV/Matrix	5	5	100%
Clearance Controls	Template or Acceptable Alternative Used	5	5	100%
Clearance Controls	Template Cleaned Between Samples	0	0	N/A
Clearance Controls	Correct Sampling Collection Technique - Floors	5	5	100%
Clearance Controls	Correct Sampling Collection Technique - Windows/Narrow Areas	5	5	100%
Clearance Controls	Correct Wipe Sample Packaging	5	5	100%
Clearance Controls	Hard Shell Sealable Centrifuge Tube for Container	5	5	100%
Clearance Controls	Sample Collection Vials Correctly Labeled	5	5	100%
Clearance Controls	Chain of Custody Form	5	5	100%

Summary of Field Observations

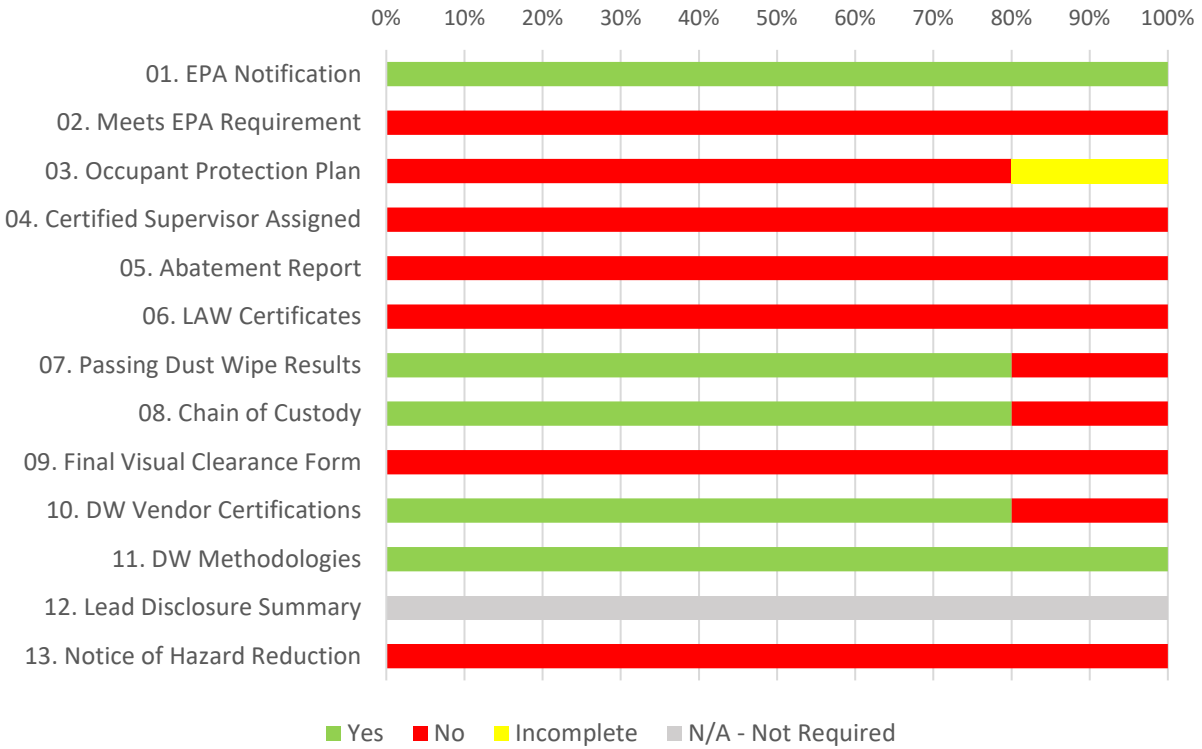
No issues were identified during the field observations at ABM, showing a high rate of compliance.

3. Linden Penn Wortman

Linden Houses and Penn Wortman closed on December 28, 2021. The lead developers in the PACT transaction are Douglaston Development, L&M Development Partners, Dantes Partners, and SMJ Development Corp (the "PACT Partners"). AGD is overseeing the lead-based paint abatement, with Airtek Environmental Corp independently certifying abatement clearance activities to comply with local and federal regulations.

Lead abatement started in June 2022. This PACT project encompasses a total of 1,922 units, and the PACT Partner has initially identified a positivity rate when testing that suggests approximately 314 units with lead-based paint. As of December 15, 2023, 57 units (18.2% of the initially identified lead units) have been abated and cleared at Linden. Linden Houses and Penn Wortman, relative to other PACT Partners that closed in late 2021 or early 2022, has been slow to abate units even though construction has been ongoing. NYCHA Compliance and REDD also worked with the PACT Partner to address concern related to Elevated Blood Lead Level cases at the property, and has been tracking the PACT Partner’s collection of information on units with children under six and their completion of a risk assessment in those units. NYCHA Compliance and REDD have been engaged with the PACT Partner to ensure the pace of abatement is increased and an analysis of potential dust hazards across the property is completed.

NYCHA reviewed the supporting documents for 5 units abated and cleared. NYCHA Compliance noted the following items:



- The PACT developer informed the EPA of abatement work for all reviewed files but failed to inform the EPA within the required timeline.
- LAW certificates and the abatement report were not available for all the reviewed abatements.
- Passing dust wipe results were available for 4 of the 5 (80%) reviewed abatements.
- Dust wipe methodologies were uploaded for all 5 (100%) reviewed abatements.
- NYCHA is not tracking the obligation to provide Lead Disclosure Summaries as part of this file review.

[Field Monitoring at Linden Houses and Penn Wortman](#)

As of December 15, 2023, STV has conducted 19 field abatement inspections and 3 clearance examinations. 17 of the abatement inspections were during the Covered Period and all of the clearance inspections were within this reporting period. The compliance challenges identified in these inspections are detailed in the table below:

Compliance Categories	Compliance Task	# in Compliance	# Inspected	Compliance Rate (%)
Administrative Controls	LBP Contractor's EPA/NYC Notification Posted	19	19	100%
Administrative Controls	LBP Supervisor's EPA/NYC Certifications Posted	19	19	100%
Administrative Controls	LBP Worker's EPA/NYC Certifications Posted	19	19	100%
Engineering Controls	Critical Barriers Established & Maintained	19	19	100%
Engineering Controls	Containment Established	19	19	100%

Compliance Categories	Compliance Task	# in Compliance	# Inspected	Compliance Rate (%)
Engineering Controls	Mechanical Ventilation System Present	14	14	100%
Clearance Controls	Met Minimum 1 Hour Waiting Period	3	3	100%
Clearance Controls	Inspector Clearance Certification Available (and Not Expired)	3	3	100%
Clearance Controls	Visual inspection Performed	3	3	100%
Clearance Controls	Visual Inspection Results Recorded	3	3	100%
Clearance Controls	Visual Inspection Passed	3	3	100%
Clearance Controls	Sample Collection Observed by STV/Matrix	3	3	100%
Clearance Controls	Template or Acceptable Alternative Used	3	3	100%
Clearance Controls	Template Cleaned Between Samples	0	0	N/A
Clearance Controls	Correct Sampling Collection Technique - Floors	3	3	100%
Clearance Controls	Correct Sampling Collection Technique - Windows/Narrow Areas	0	0	N/A
Clearance Controls	Correct Wipe Sample Packaging	3	3	100%
Clearance Controls	Hard Shell Sealable Centrifuge Tube for Container	3	3	100%
Clearance Controls	Sample Collection Vials Correctly Labeled	3	3	100%
Clearance Controls	Chain of Custody Form	0	3	0%

Summary of Field Observations

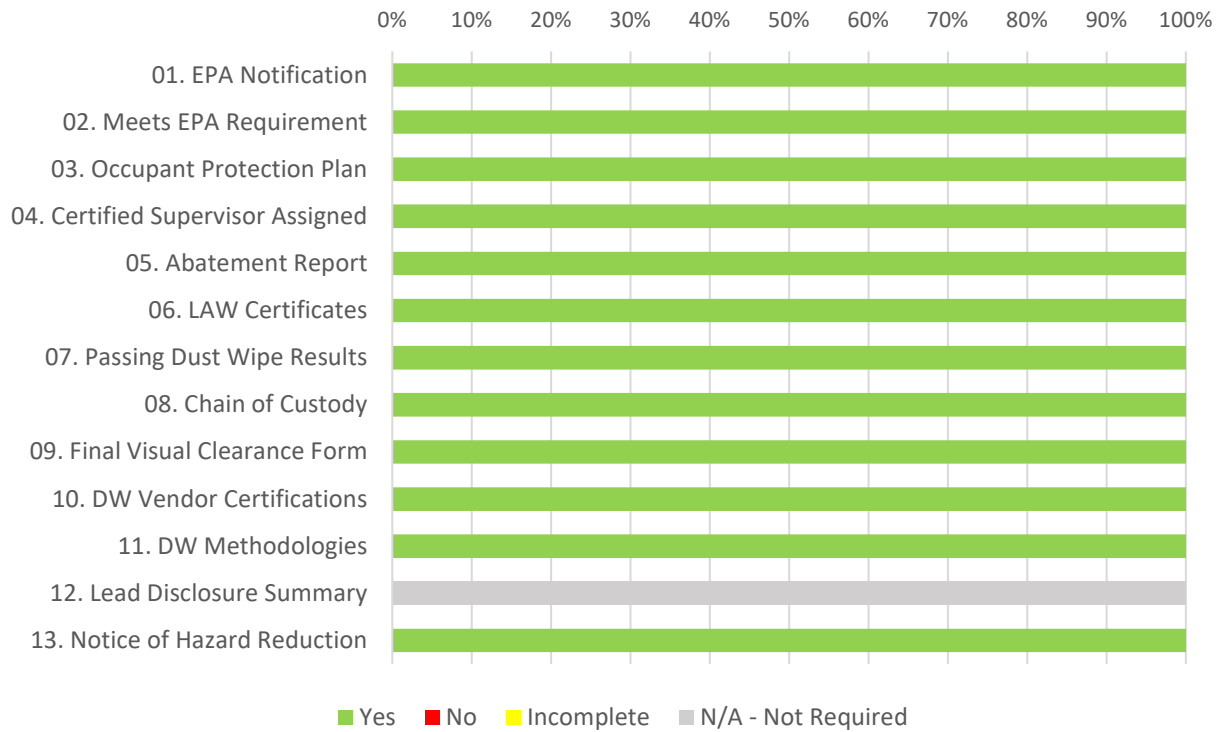
In August, STV observed the clearance technician's dust wipe sample area was measured improperly, and the chain of custody was completed hours after samples were collected. STV recommended ensuring the clearance technician has the chain of custody during sampling, and that they fill it out immediately after sample collection. STV highlighted the significance of using a sampling template or measuring carefully with tape for accurate sample sizes. Notably, Linden's team used plastic bags as dust wipe containers, with a letter of acceptance from their lab, Accurate Analytical Testing LLC, provided upon request and approved by NYCHA/STV as an acceptable alternative to rigid hard-shell containers.

In October, past deficiencies, such as issues with the clearance technician's procedures, were acknowledged and rectified.

4. Edenwald

Edenwald closed on June 27, 2023. The lead developer in the PACT transaction are Camber Property Group (the "PACT Partners"). GM Enterprise Corp. and Meridian are overseeing the lead-based paint abatement, with Exceptional Inspection independently certifying abatement clearance activities to ensure compliance with local and federal regulations. Edenwald promptly began abating vacant units immediately after closing, in part because they had been conducting testing prior to closing.

Lead abatement commenced in July 2023. Edenwald comprises 2,035 units, of which, based on the current positivity rate when testing, NYCHA estimates 879 will be lead positive. As of December 15, 2023 68 units have already been abated and cleared, representing approximately 7.7% of the current total. NYCHA reviewed the supporting documents for 5 units abated and cleared. NYCHA Compliance noted the following items:



- The PACT developer uploaded all required documentation including full and complete OPPs, abatement reports. LAW certificates, passing dust wipe results and DW vendor certifications.
- NYCHA is not tracking the obligation to provide Lead Disclosure Summaries as part of this file review.

[Field Monitoring at Edenwald](#)

As of December 15, 2023, STV has conducted 8 field abatement inspections and 3 clearance examinations, all within this reporting period. The compliance challenges found in these inspections are detailed in the table below:

Compliance Categories	Compliance Task	# in Compliance	# Inspected	Compliance Rate (%)
Administrative Controls	LBP Contractor's EPA/NYC Notification Posted	8	8	100%
Administrative Controls	LBP Supervisor's EPA/NYC Certifications Posted	8	8	100%
Administrative Controls	LBP Worker's EPA/NYC Certifications Posted	8	8	100%
Engineering Controls	Critical Barriers Established & Maintained	8	8	100%

Compliance Categories	Compliance Task	# in Compliance	# Inspected	Compliance Rate (%)
Engineering Controls	Containment Established	8	8	100%
Engineering Controls	Mechanical Ventilation System Present	8	8	100%
Clearance Controls	Met Minimum 1 Hour Waiting Period	3	3	100%
Clearance Controls	Inspector Clearance Certification Available (and Not Expired)	3	3	100%
Clearance Controls	Visual inspection Performed	3	3	100%
Clearance Controls	Visual Inspection Results Recorded	3	3	100%
Clearance Controls	Visual Inspection Passed	3	3	100%
Clearance Controls	Sample Collection Observed by STV/Matrix	3	3	100%
Clearance Controls	Template or Acceptable Alternative Used	3	3	100%
Clearance Controls	Template Cleaned Between Samples	3	3	100%
Clearance Controls	Correct Sampling Collection Technique - Floors	3	3	100%
Clearance Controls	Correct Sampling Collection Technique - Windows/Narrow Areas	1	1	100%
Clearance Controls	Correct Wipe Sample Packaging	3	3	100%
Clearance Controls	Hard Shell Sealable Centrifuge Tube for Container	3	3	100%
Clearance Controls	Sample Collection Vials Correctly Labeled	3	3	100%
Clearance Controls	Chain of Custody Form	3	3	100%

Summary of Field Observations

During the October field inspection at Edenwald, a single, but significant clearance shortfall involved neglecting dust wipe samples for windows. The inspector's misconception that sealed windows in the containment area alleviated the necessity for dust wipe samples to be taken from windowsills and troughs contributed to this lapse. The Edenwald team was informed of this deficiency and has been working with NYCHA Compliance and REDD to produce documentation showing the issue has been rectified.