

## **Report to the City Council: The Department of Housing Preservation and Development's Implementation of Control of Pests and Other Asthma Allergen Triggers (July 2020 through July 2021)**

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

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

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

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

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

- responds to complaints of indoor allergens including mold, mice and roaches
- proactively asks tenants on all inspections about the presence of mold, mice and roaches
- provides the DOHMH fact sheet *What Tenants and Landlords Should Know About Indoor Allergens and Local Law 55* at the time of inspection
- issues violations where indoor allergen hazards are found
- notifies both owners and tenants about the issuance of mold, mice, roaches, or rat violations
- attempts to reinspect all Class B mold violations and class C mold violations regardless of whether the violation has been certified as corrected by the owner
- requires appropriate documentation for the correction of mold violations
- upgrades class A and class B mold violations based on criteria in the law

Section I on Enforcement will reflect data from July 2020 through June 2021. *Note that the COVID-19 Pandemic affected the numbers in all the enforcement categories described below, as overall complaints filed, and inspections conducted were significantly decreased during the end of FY20 and the beginning of FY21*

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

## Section I: Enforcement

### Complaints

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

**TABLE 1: COMPLAINTS RECEIVED**

Indoor Allergen Hazard Complaints	FY18	FY19	FY20	FY21
<b>Complaints Received</b>	<b>52,128</b>	<b>61,389</b>	<b>52,006</b>	<b>61,230</b>
Mold	22,746	28,278	20,538	23,933
Roaches	12,586	14,931	14,757	17,325
Mice	16,796	18,180	16,711	19,972

### Inspections

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

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

#### **Complaint inspections**

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

**TABLE 2: COMPLAINT INSPECTIONS**

	FY18	FY19	FY20	FY21
<b>Inspections Attempted</b>				
Inspections Attempted in response to complaints	72,729	82,532	61,812	70,600
Mold complaints	35,105	41,902	25,811	28,732
Pests Complaints	37,624	40,630	36,001	41,868
Mice	21,315	22,169	18,959	22,524
Roaches	16,309	18,461	17,042	19,344
<b>Inspections Completed</b>				
Inspections Completed in response to complaints	43,768	48,500	36,070	42,790
Mold complaints	20,887	24,597	14,975	17,270
Pests Complaints	22,881	23,903	21,095	25,520
Mice	13,012	13,042	11,121	13,748
Roaches	9,869	10,861	9,974	11,772

**Line of sight inspections**

As part of every inspection, beginning in January 2019, HPD Housing Inspectors ask the tenant if mold, mice or roaches are present and if the tenant indicates that any of these conditions exist, the Inspector will do a visual inspection for the condition. Of the 141,171 tenants who were asked if mold, mice, or roaches were present, 19% (28,656) answered yes; and at least one pest violation was issued to 63% of that population.

**TABLE 3: LINE OF SIGHT INSPECTIONS**

	FY18	FY19	FY20	FY21
Inspections Completed where tenant indicated mold (non-mold complaint)	N/A	6,990	12,053	13,172
Inspections Completed where tenant indicated pests (non-pest complaint)	N/A	14,552	26,767	28,557

**Violations****Violation issuance***Mold*

HPD issues class A (non-hazardous, 90-day correction period), class B (hazardous, 30-day correction period) and class C (immediately hazardous, 21-day correction period) violations for

mold based on the criteria in the law; class A violations may also be upgraded to class B violations and class B violations to class C violations if the owner fails to certify and/or correct.

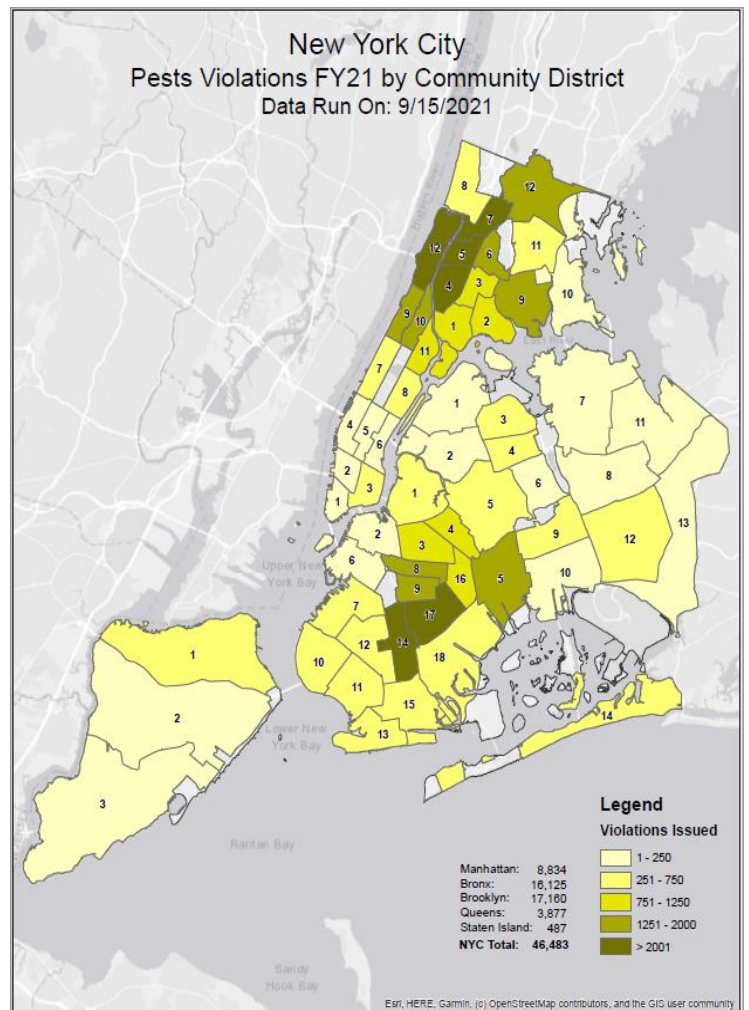
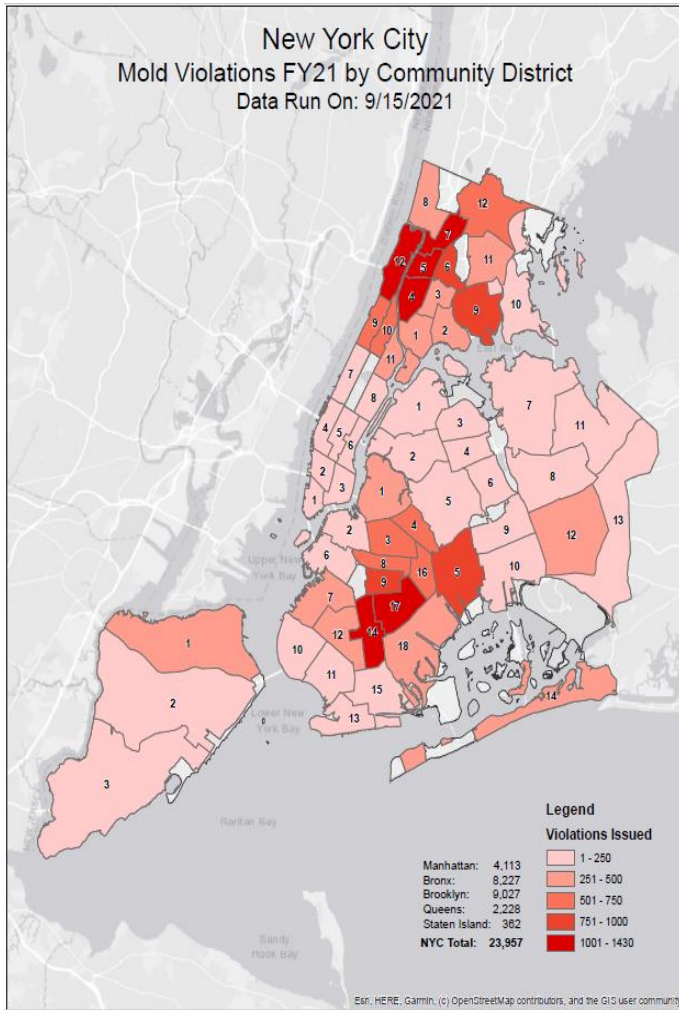
*Mice and roaches*

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

**TABLE 4: VIOLATION ISSUANCE**

<b>Violations Issued</b>	<b>FY18</b>	<b>FY19</b>	<b>FY20</b>	<b>FY21</b>
<i>Mold - Issued on Inspection</i>	13,466	19,920	15,236	17,311
<i>Class A</i>	1,945	6,802	8,622	10,206
<i>Class B</i>	10,036	10,890	5,127	5,566
<i>Class C</i>		2,228	1,487	1,539
<i>Mold - Issued as an upgrade violation</i>		362	7,714	6,648
<i>Upgraded Class B</i>		76	6,484	5,457
<i>Upgraded Class C</i>		286	1,230	1,191
<i>Roaches</i>	11,288	18,393	22,138	24,232
<i>Mice</i>	13,751	18,835	20,047	22,252

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



### **Notice of Violation and Certification**

Once a violation is issued, a Notice of Violation (NOV) is sent to the property owner. Only an owner, managing agent, officer of the corporation that owns the property, or party otherwise responsible for the property listed on the property registration may certify correction of the violation. Property owners or their designated agents must complete and submit to HPD the appropriate Certification of Correction Form and provide the applicable documents. The procedure and paperwork required for clearing a pest or mold violation will depend on the type and class of the violation and the number of units in a dwelling. The Notice of Violation (NOV) package sent to owners contains customized instructions for clearing a pest or mold violation the owner is required to correct the conditions according to the specific requirements in the law (*see Appendix B*). There are two main objectives underlying these requirements:

1. Do not create another hazard while removing the original one.
  - a. Use dangerous chemicals safely and minimally.
  - b. Prevent the spread of contaminated debris while work is being done.

- c. Thoroughly clean sites after work is done.
- 2. Address the problem at its source. Remove sources of moisture that allow mold to grow and that foster the proliferation of pests.

**TABLE 5: VIOLATION CERTIFICATION OF CORRECTION**

	FY18	FY19	FY20	FY21
<b>Violations Certified</b>	<b>16,891</b>	<b>21,875</b>	<b>22,766</b>	<b>25,429</b>
<b>Total Mold</b>	<b>5,234</b>	<b>5,098</b>	<b>5,287</b>	<b>4,735</b>
Mold Class A	1,011	2,642	3,592	2,557
Mold Class B	3,853	2,197	1,411	1,796
Mold Class C	370	259	284	382
Roaches	5,016	8,094	9,132	10,583
Mice	6,431	8,434	8,087	9,780
Rats	210	249	260	331
<b>False Certifications</b>				
Mold	357	227	486	324
Pests	2,490	3,255	5,102	5,171
Mice	1,465	1,764	2,455	2,500
Roaches	1,025	1,491	2,647	2,671
<b>Civil actions against false certifications</b>	<b>305</b>	<b>228</b>	<b>165</b>	<b>3</b>
<b>Civil action for false certifications with penalties imposed (Amount Due)</b>	<b>\$212,434</b>	<b>\$173,920</b>	<b>\$ 89,326</b>	<b>\$2,700</b>
<b>Civil penalties imposed for false certifications (Payment Amount)</b>	<b>\$209,009</b>	<b>\$170,470</b>	<b>\$ 86,836</b>	<b>\$0</b>

A notice also goes to the tenant regarding the issuance of the violation. A notice also goes to the tenant if the owner certifies correction; the tenant is instructed to contact HPD via phone or mail if the condition was not corrected so that HPD may schedule a reinspection of the conditions.

**Violation Closure**

*Mold violations*

Mold violations issued under Local Law 55 may be closed based on the following:

- (a) owner certification where the agency is unable to conduct a reinspection which results in access to observe the condition and 70 days have passed since the certification was received (“deemed complied”)
- (b) owner certification and an observation by an inspector that the condition was corrected
- (c) HPD completes the work

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

HPD may reinspect a mold violation without an affidavit indicating how the work was done. If the Inspector observes that mold violations which require the use of a certified contractor (class B and class C violations in buildings with more than 10 dwelling units) has been corrected but HPD does not have the required affidavit and paperwork, the violation **cannot be removed**. In these cases, the violation will be in a defect status, which means that the violation remains open even though the condition was observed corrected and no longer presents a clear hazard. A letter is generated to the owner indicating that the affidavit and any required contractor information is needed.

### ***Pest violations***

Mice, cockroaches, and rat violations issued under Local Law 55 can be dismissed only if the owner submits a certification of correction during the certification period or an affidavit of correction once the certification period expires. Violations may be closed based on the following integrated pest management practices (IPM) and the correction of any underlying defects (such as moisture) that may have caused the infestation. IPM requires:

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

## **Emergency Repairs**

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

**TABLE 6: EMERGENCY REPAIR ORDERS**

	FY18	FY19	FY20	FY21
<b>Mold Work Orders</b>				
Issued	239	396	569	792
Completed	249	335	383	598
	FY18	FY19	FY20	FY21
Dollars Vouchered for Mold	\$537,492	\$588,614	\$646,764	\$1,031,594
Apartments Associated with dollars vouchered	319	338	363	603
<b>The average amount spent per dwelling unit for mold emergency repair</b>	\$1,685	\$1,741	\$1,782	1,711

## City-Owned Property

### Mold

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

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

**TABLE 7: CITY-OWNED PROPERTY COMPLAINTS**

	FY 18	FY19	FY20	FY21
Mold Complaints Received through 311	42	78	23	22
Mold work orders completed	5	7	6	4
Amount spent on mold work orders paid	\$13,190	\$24,550	\$29,210	\$13,330



## Pests

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

**TABLE 8: CENTRAL MANAGEMENT BUILDING COMPLAINTS**

	FY 18	FY19	FY20	FY21
Pest complaints received (mice, roaches) through 311	42	78	23	43

## Section II: Other Initiatives

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

Due to COVID, in-person trainings were suspended. HPD switched to a webinar format and held two live webinars for property owners called ***Pests and Mold: An Owners' Guide to Indoor Allergen Laws*** during 2020. Two additional sessions in 2021 (March and May 2021) served over 100 participants in total. HPD intends to offer additional webinars during Calendar Year 2022. Links to future webinars remain posted on HPD's website at <https://www1.nyc.gov/site/hpd/services-and-information/indoor-allergen-hazards-mold-and-pests.page>. The webinar topics include:

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

### Department of Health and Mental Hygiene Referrals

DOHMH may also issue violations for mold or pest conditions identified in any type of housing, including coops and condominiums, if there is a tenant diagnosed with moderate persistent or severe persistent asthma. If the owner does not comply with an order from DOHMH, the agency may certify the conditions for correction to HPD. HPD may take enforcement action as necessary, including performing or arranging for the performance of work to correct the certified condition.

**TABLE 9: DOHMH REFERRALS**

DOHMH	FY21
# of Referrals	38
# of Referrals Completed	28
Dollar Amount Invoiced/Vouchered	\$77,723

## APPENDIX A: Violation Criteria and Correction Period

### Mold Violation Criteria

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

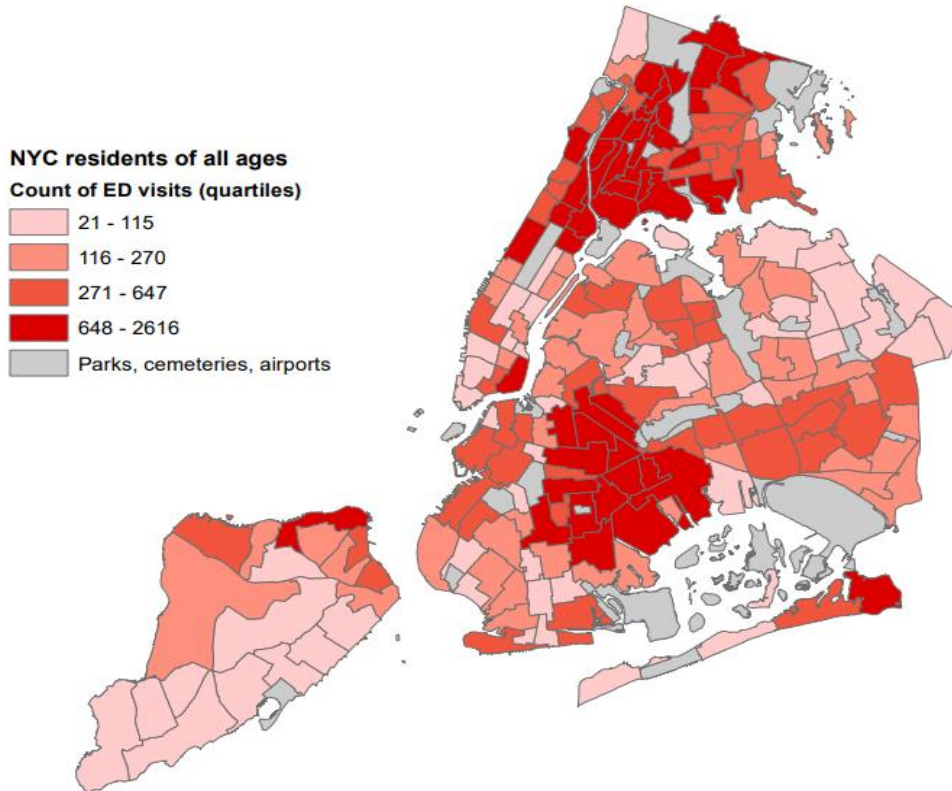
**APPENDIX B: Requirements for the correction of mold violations<sup>1</sup>**

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

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

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

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



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

Note: 2020 data was not available by the time of submission of this report.