

Report to the City Council: The Department of Housing Preservation and Development's Implementation of Control of Pests and Other Asthma Allergen Triggers (July 2021 through June 2022)

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 and defines the role of enforcement for the Department of Housing Preservation and Development. Under this law, indoor allergen hazards are defined as indoor mold hazards, and indoor infestations of roaches, mice, and rats.

This report is submitted to the City Council pursuant to the requirements of Section 27—2017.11. *Note that the COVID-19 pandemic affected the numbers in all the enforcement categories described below for both FY20 and FY21.*

The New York City Department of Housing Preservation and Development (HPD) enforces Local Law 55 as follows:

- responds to complaints of indoor allergens including mold, mice, rats, and roaches
- proactively asks tenants on all inspections about the presence of mold, mice, rats, and roaches
- provides the Department of Health and Mental Hygiene (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 violations to class B violations and class B mold violations to class C violations based on criteria in the law

Section 1: Enforcement

Complaints

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

TABLE 1: COMPLAINTS RECEIVED

Indoor Allergen Hazard Complaints	FY19	FY20	FY21	FY22
Complaints Received¹	61,389	52,006	61,230	78,893
Mold	28,278	20,538	23,933	32,141
Roaches	14,931	14,757	17,325	20,882
Mice	18,180	16,711	19,972	25,870

Inspections

Inspections are categorized as being attempted and completed in direct response to the complaints received as identified above (complaint inspections), 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).

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>).

Complaint inspections

On complaint inspections for mold or pests, if there is no access on an initial inspection attempt, HPD sends a letter to the tenant. The letter advises the tenant that HPD has attempted an inspection and advises the tenant to contact HPD to schedule an appointment if the condition still exists.

TABLE 2: COMPLAINT INSPECTIONS

Inspections Attempted	FY19	FY20	FY21	FY22
Inspections Attempted in response to complaints	82,532	61,812	70,600	94,360
Mold complaints	41,902	25,811	28,732	40,230
Pests Complaints	40,630	36,001	41,868	54,130
Mice	22,169	18,959	22,524	29,744
Roaches	18,461	17,042	19,344	24,386
Inspections Completed				
Inspections Completed in response to complaints	48,500	36,070	42,790	56,198
Mold complaints	24,597	14,975	17,270	23,592
Pests Complaints	23,903	21,095	25,520	32,606
Mice	13,042	11,121	13,748	17,949
Roaches	10,861	9,974	11,772	14,657

¹ Complaints to 311 regarding rats are not directed to HPD for inspection and, therefore, are not included for reporting purposes in this table. HPD Housing Inspectors do issue violations for rats during inspection upon observation of evidence.

Line of sight inspections

As part of every inspection, beginning in January 2019, HPD Housing Inspectors ask the tenant if mold or pests, including mice, roaches, and rats, are present and if the tenant indicates that any of these conditions exist, the Inspector will do a visual inspection for the condition.

TABLE 3: LINE OF SIGHT INSPECTIONS

	FY19²	FY20	FY21	FY22
Inspections Completed where tenant indicated mold (non-mold complaint)	6,990	12,053	13,172	18,751
Inspections Completed where tenant indicated pests (non-pest complaint)	14,552	26,767	28,557	39,533

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.³

Pests

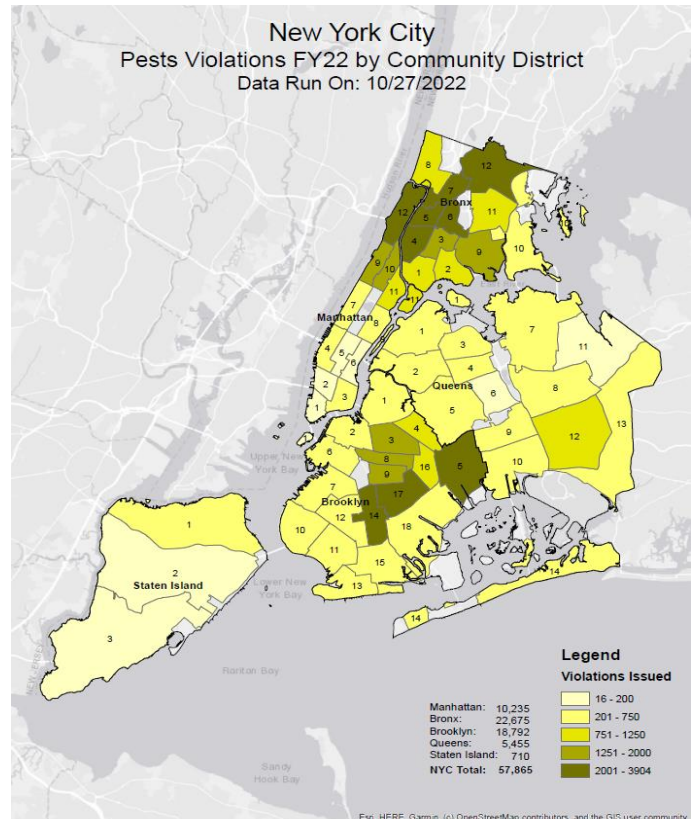
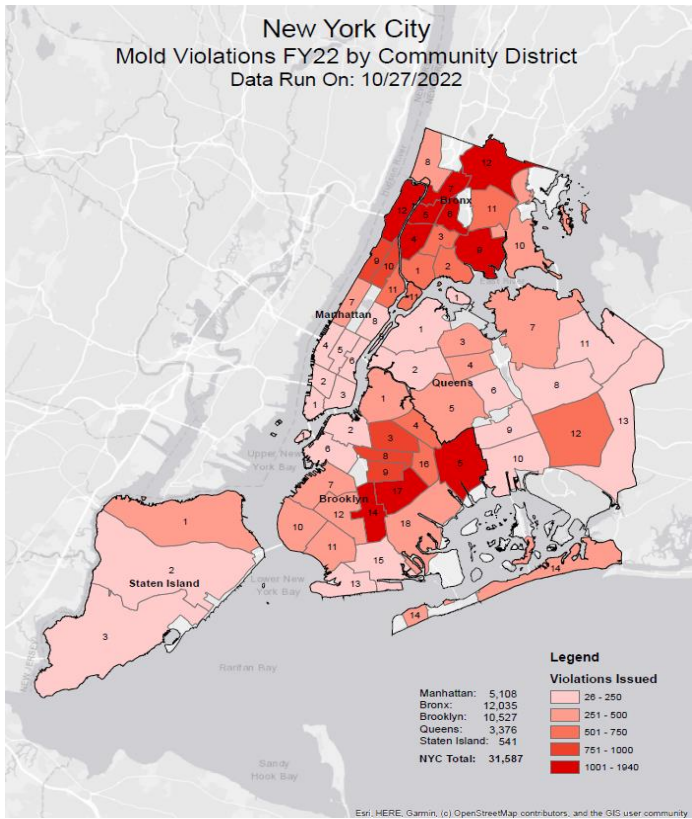
All violations for pests are class C violations. The owner has 21 days to correct the condition. This time period may not be sufficient to completely eradicate the pest infestation. It may take several treatments of a pest condition over the course of months in order to eliminate pests and so an owner working in good faith may not have adequate time to address the condition by the violation correction date, leading to an inflated number of false certifications. A statutory amendment to the 21-day correction period would be required to allow more time for correction that would include multiple treatments.

² Implementation for Local Law 55 began January 2019.

³ 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 chart.

TABLE 4: MOLD AND PEST VIOLATION ISSUANCE

Violations Issued	FY19	FY20	FY21	FY22
<i>Mold - Issued on Inspection</i>	19,920	15,236	17,311	22,066
Class A	6,802	8,622	10,206	13,113
Class B	10,890	5,127	5,566	7,001
Class C	2,228	1,487	1,539	1,952
<i>Mold - Issued as an upgrade violation</i>	362	7,714	6,648	9,520
Upgraded Class B	76	6,484	5,457	8,470
Upgraded Class C	286	1,230	1,191	1,050
<i>Roaches</i>	18,393	22,138	24,232	29,266
<i>Mice</i>	18,835	20,047	22,252	27,134
<i>Rats⁴</i>	684	630	841	1,274



⁴ Complaints to 311 regarding rats are not directed to HPD for inspection. HPD Housing Inspectors only issue violations for rats during inspection upon observation of evidence.

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, which may include mold assessor and mold remediator filings with the New York City Department of Environmental Protection. The procedure and paperwork required for clearing a mold violation will depend on the type and class of the violation and the number of units in a dwelling.⁵ The 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 law⁶. 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.

A notice is mailed by HPD to the tenant regarding the issuance of the violation. A notice also is mailed 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.

TABLE 5: VIOLATION CERTIFICATION OF CORRECTION

Violations Certified	FY19	FY20	FY21	FY22
Total Mold	5,098	5,287	4,735	6,810
Mold Class A	2,642	3,592	2,557	3,575
Mold Class B	2,197	1,411	1,796	2,730
Mold Class C	259	284	382	505
Roaches	8,094	9,132	10,583	17,595
Mice	8,434	8,087	9,780	15,843
Rats	249	260	331	688
False Certifications				
Mold	227	486	324	310
Pests	3,255	5,102	5,171	4,013
Mice	1,764	2,455	2,500	1,925

⁵ See Appendix B.

⁶ See Appendix B.

Roaches	1,491	2,647	2,671	2,030
Rats	57	56	63	58
Civil actions against false certifications	228	165	3	108
Civil action for false certifications with penalties imposed (Amount Due)	\$173,920	\$ 89,326	\$2,700	\$62,405
Civil penalties imposed for false certifications (Payment Amount)	\$170,470	\$ 86,836	\$0	\$58,655

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 gain access to conduct a reinspection to observe the condition and 70 days have passed since the certification was received (“deemed complied”).

(b) owner certification and a reinspection by an inspector identified that the condition was corrected.

(c) HPD completes the work (class C violations only).

(d) No owner certification is filed, but the work is observed to have been completed by HPD **AND** the owner provides 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 a mold violation which requires 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 **will not 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 in order to close the violation. When the owner subsequently provides the affidavit, that is when the violation is closed.]

Pest violations

Mice, cockroaches, and rat violations issued under Local Law 55 will 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 (IPM) practices 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.
- Minimal use of pesticides. 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: Mold

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 mold assessors and hires certified mold remediators to complete any emergency repairs.

TABLE 6: MOLD EMERGENCY REPAIR ORDERS

	FY19	FY20	FY21	FY22
Mold work orders with work completed	335	383	598	379
Dollars vouchered for completed mold remediation work	\$588,614	\$646,764	\$1,031,594	\$1,044,941
Apartments Associated with dollars vouchered	338	363	603	353
Average amount spent per dwelling unit for completed mold emergency repair	\$1,741	\$1,782	\$1,711	\$2,960

Section 2: Department of Health and Mental Hygiene Referrals

DOHMH may also issue violations for mold or pest conditions identified in any type of housing, including co-ops 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 7: DOHMH REFERRALS TO HPD FOR EMERGENCY REPAIR

DOHMH - MOLD	FY21	FY22
# of Referrals	20	43
# of Referrals Completed	12	17
Dollar Amount Invoiced/Vouchered	\$111,580	\$185,240
DOHMH – PEST	FY21	FY22
# of Referrals	34	79
# of Referrals Completed	24	38
Dollar Amount Invoiced/Vouchered	\$32,275	\$64,275

Section 3: HPD-Owned Property

Mold

Direct complaints received through 311 from tenants and Tenant Associations (TA) (Tenant Interim Lease Program only) for HPD-owned buildings are handled by the appropriate monitoring program. HPD conducts visual inspections to confirm conditions and develop remediation scopes. HPD issues open market orders (OMOs) to procure certified mold remediators 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 8: HPD-OWNED PROPERTY MOLD COMPLAINTS

	FY 19	FY20	FY21	FY22
Mold Complaints Received through 311	78	23	22	28
Mold work orders completed ⁷	7	6	4	4
Amount spent on mold work orders paid	\$24,550	\$29,210	\$13,330	\$16,775

Pests

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

⁷ HPD-owned housing, excluding the MPLP program.

TABLE 9: HPD-OWNED PROPERTY PEST COMPLAINTS

	FY 19	FY20	FY21	FY22
Pest complaints received (mice, roaches, rats) through 311	78	23	43	35

Section 4: Training and Outreach

During FY22, HPD held six live webinars for property owners called ***Pests and Mold: An Owners’ Guide to Indoor Allergen Laws***. For property owners unable to join the live webinar, the recording of the most recent webinar is available 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

APPENDIX A: Violation Criteria and Correction Period

Mold Violation Criteria

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

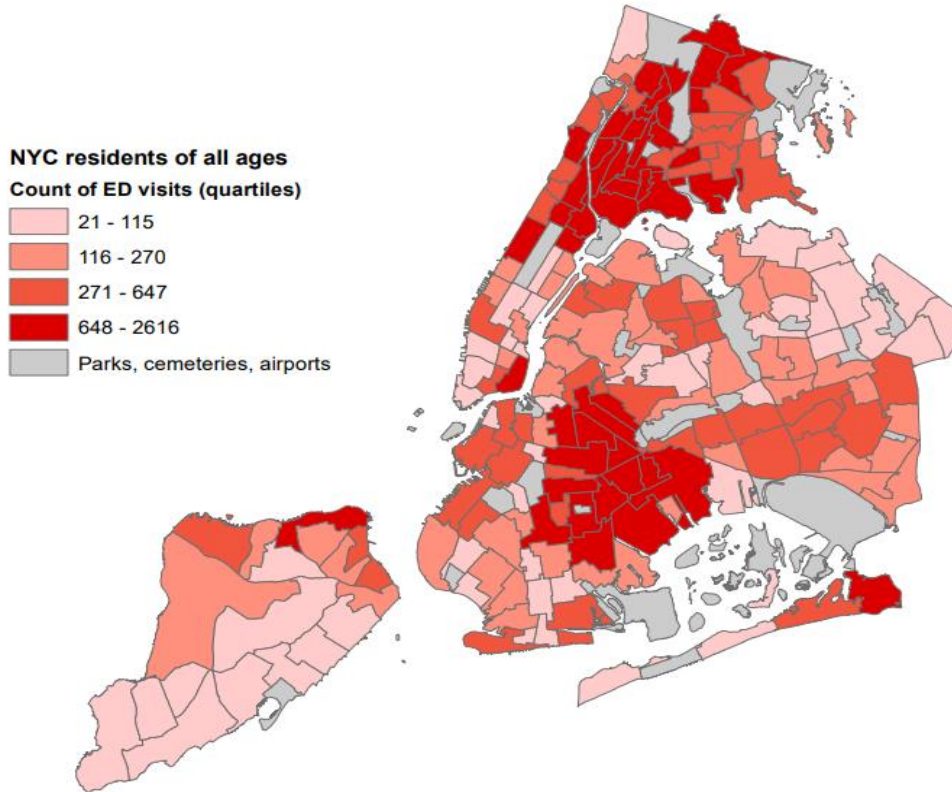
APPENDIX B: Requirements for the correction of mold violations⁸

Multiple Dwellings Under 10 Units and Private Dwellings		
Violation Class	Remediation Work Must Be Completed By	Required Document(s)
A, B, and C	Owner/Managing Agent/Employee; OR	Certificate of Correction
	Mold Remediation Contractor and Mold Assessment Contractor	Certificate of Correction; Copy of Mold Assessment Contractor License; AND Copy of Mold Remediation License OR the Mold Remediation Supervisor License
Multiple Dwellings with 10 Units or Above		
Violation Class	Remediation Work Must Be Completed By	Required Document(s)
A (less than 10 square feet of visible mold per room)	Owner/Managing Agent/Employee; OR	Certificate of Correction
	Mold Remediation Contractor and Mold Assessment Contractor	Certificate of Correction; Copy of Mold Assessment Contractor License; AND Copy of Mold Remediation License OR the Mold Remediation Supervisor License
B and C (greater than or equal to 10 square feet of visible mold per room)	Mold Remediation Contractor and Mold Assessment Contractor	1. Certificate of Correction 2. Copy of Mold Assessment Contractor License 3. Copy of Mold Remediation Supervisor License 4. Affidavit of Remediation 5. Affidavit of Assessment 6. Department of Environmental Protection's filing receipts for required notices (provided by Mold remediator and Mold assessor).

⁸ 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 Visits⁹

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.

⁹ The most current data is still under review by DOHMH and was not yet available at the time of the publication of this report.