

NYCHA Compliance Department:
12th 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
Covering Period of June 16, 2024 to December 15, 2024

| | |
|---|----|
| I. Introduction and Methodology | 2 |
| II. Summary of Compliance as of Last Paragraph 30(b) Certification (July 31, 2024) | 3 |
| 1. Paragraph 14:..... | 3 |
| 2. Paragraph 15:..... | 3 |
| 3. General Updates on Compliance | 3 |
| 4. Testing Results and Updates on Previously Identified Risks..... | 5 |
| 5. EHS Escalations | 5 |
| III. Updates on Other Significant Lead Matters | 9 |
| 1. IT Updates | 9 |
| 2. Abatement Progress | 9 |
| 3. Visual Assessments and Remediations | 11 |
| IV. Assessment of Compliance with Paragraph 8, 9, and 14 for the Covered Period at Converted RAD/PACT sites..... | 12 |
| 1. Regulatory Requirements for Paragraph 8: | 12 |
| 2. IT Controls for Paragraph 8, and other RAD/PACT sites: | 14 |
| 3. File Review for Paragraph 8 and Paragraph 14:..... | 14 |
| 4. Field Monitoring for Paragraph 8: | 17 |
| V. Overall Compliance Assessment for Paragraph 8: | 19 |
| VI. Assessment of Compliance with Paragraph 14 for the Covered Period | 20 |
| VII. Assessment of Compliance with Paragraph 15 for the Covered Period | 38 |

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 six (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 obligations that NYCHA must comply with concerning lead abatement projects. Paragraphs 14 and 15 represent ongoing compliance obligations for NYCHA under the Environmental Protection Agency (“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 12th 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 five (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, 2025, the Compliance Department conducted a review of NYCHA records and activities for the period between June 16, 2024 to December 15, 2024 (“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 six (6) months to address compliance shortfalls.

II. Summary of Compliance as of Last Paragraph 30(b) Certification (July 31, 2024)

On July 31, 2024, NYCHA was unable to certify to compliance with Paragraphs 14 and 15 and had provided the following update in its certification:

1. 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 534 jobs and observed a 98.88% 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 to substantial compliance with the following parts of Paragraph 14: (a), (b), (c), (f) and (g).
- With respect to Paragraph 14(d), EHS found a 100% rate of compliance in its field monitoring and Compliance found an 89% compliance rate in its document review, suggesting a high rate of compliance even if NYCHA cannot yet certify to compliance.
- With respect to Paragraph 14(e), EHS found a 100% rate of compliance in its field monitoring and Compliance found an 89% rate of compliance in its document review, suggesting a high rate of compliance even if NYCHA could not certify to compliance for 14e.
- With respect to Paragraph 14(g), NYCHA has now sustained its improvement in the production of Notices of Hazard Reduction. NYCHA Compliance found a 96% compliance rate in general when reviewing Notices of Hazard Reduction (NOHR).

2. 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.
- EHS's compliance rate increased from 87.68% in the July 2024 certification to an 90.76% compliance rate in January 2025 when observing whether NYCHA staff is properly responding to the RRP question in compliance with Paragraph 15(a).
- 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.
- Based on results from field monitoring and file review, Compliance recommended that NYCHA can certify substantial compliance in the following parts of Paragraph 15: (c), (d), and (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.

3. General Updates on Compliance

Paragraph 8: Under Paragraph 8, NYCHA was obligated to abate all lead-based paint at both Harlem River Houses and Williamsburg Houses, two sites highly contaminated with lead-based paint, by January 31, 2024. Both developments were designated for PACT with Williamsburg closing December 2021 and Harlem River closing February 2022. Since that time, the two developments have made significant progress on abatement. The PACT Partner at Williamsburg Houses has reported that they have completed all abatement activities, achieving compliance with the agreement's lead-based paint requirements. For Harlem River Houses, as of December 31, 2024, 645 units (93.1% of the total units) have been abated and cleared. Harlem River is expecting to complete abatement in February 2025. For the purpose of reporting progress in this report, NYCHA is using the “clearance end date” as provided by the PACT Partner in its Smartsheet tracker to identify units where abatement and clearance are completed. In addition, the report currently provides detail only on units abated, not common areas.

NYCHA will collaborate with the new Federal Monitor to determine the form in which they want to receive the clearance reports required under Section III – Applicability, paragraph 15 (Applicability) for Williamsburg Houses and Harlem River Houses.

During this quarter, NYCHA also responded to a specific issue at Harlem River Houses related to lead-based paint abatement. On November 19, 2024, HUD contacted NYCHA’s Compliance Department regarding a resident complaint at Harlem River Houses. The resident alleged that proper notifications related to lead evaluation and hazard reduction activities had not been shared with her and other residents. Compliance and Real Estate Development worked with the PACT Partner to investigate the matter, and on November 22, 2024, Compliance provided a response to HUD.

During the investigation, the PACT Partner acknowledged that staffing changes in 2023 had disrupted their standard operating procedures for distributing required notifications. This oversight, which affected approximately 250 units, was attributed to inadequate onboarding of new staff and a lack of established systems for maintaining consistent documentation during the transition. While the PACT Partner was unable to provide proof that notices were sent to every unit, email correspondence included in the response supported that the Notices of Evaluation had been delivered to residents via door drop. However, the PACT Partner was not able to provide similar correspondence supporting that the Notice of Hazard Reduction had been distributed.

To address these issues and ensure future compliance, corrective actions were initiated. As of January 14, 2025, the PACT Partner reported to NYCHA that all required hazard evaluation and hazard reduction notifications had been brought up to date and Compliance provided an update to HUD. Moving forward, notifications will be delivered as abatement progresses. The PACT Partner has committed to providing confirmation once these notices have been delivered following the completion of abatement.

Paragraph 14: NYCHA continues to work towards building a compliant abatement program. EHS completed 1,692 total oversight activities during field monitoring and found 94.29% compliance for 175 lead abatements, and 100% for 139 post-lead abatement clearances. NYCHA has made demonstrable progress and is in substantial compliance with the requirements of Paragraph 14 a, b, c, d, f, and g. To certify to Paragraph 14 e, NYCHA must improve recordkeeping practices.

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. EHS found that the compliance rate increased from 88.73% in the July 2024 certification to a 90.76% compliance rate when observing whether NYCHA staff is properly responding to the RRP question in compliance with Paragraph 15(a).

Based on results from field monitoring and file review, Compliance recommends that NYCHA can certify substantial compliance in Paragraph 15 c, d, and 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.

4. Testing Results and Updates on Previously Identified Risks

As of December 31, 2024, Lead Hazard Control (“LHC”) reports that NYCHA has received results for a total of 104,065 apartments based on the federal standard of 1.0 mg/cm². Based on the newer local standard of 0.5 mg/cm², LHC reports 95,033 apartments have been tested, with 51,594 negative and 43,289 positive. Based on the logic in the Maximo system, these positive units are flagged based on the unit results and will be flagged as (i) requiring RRP if work is performed on positive components, (ii) requiring annual visual assessments, and (iii) requiring inclusion in the abatement program if the resident agrees to relocate.

Second, Compliance has identified that, for 91.48% (59,240 out of 64,758) 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 0.18% increase relative to the last reporting period, when NYCHA renovators had indicated they were not performing work that requires RRP protocols in 91.30% 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 several factors, including X-ray fluorescence (“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 (2) square feet or more than 10 percent of a single component of presumed or known lead-based paint in a room.

As detailed below, EHS escalated several NYCHA staff members to Compliance who were not properly adhering to the RRP protocols in the handheld based on field oversight. Overall, however, EHS’ compliance rate on this item increased from 88.73% in the July 2024 certification to an 90.76% compliance rate.

5. EHS Escalations

While EHS observed high rates of compliance with RRP procedures and other lead-based paint requirements during the Covered Period, they escalated 21 observations to Compliance and LHC for further review, including one (1) RRP job, five (5) abatement jobs, and 15 developments which failed both their initial lead disclosure document inspection and reinspection. Compliance took the following actions in response to the EHS escalations:

| EHS Inspection # | EHS Escalation Report Description | Description | Action Taken |
|------------------|--|---|---|
| 129128742 | RRP inspection at Wald Houses | EHS observed an inadequately covered floor and paint chips on the floor in a bathroom where RRP work was underway. Items in the work area were not covered. There was no containment of the work area entrance. Additionally, workers failed to select the RRP job on their handheld. | Based on the report, the workers received immediate guidance on RRP requirements as per the SP. Lead Oversight Team Specialist (“LOTS”) notified the painters’ supervisor of the deficiencies observed, and corrections were made on-site, including properly removing the paint chips, adequately covering the floor and items left in the work area, and enclosing the work area entrance. |
| 127828027 | Abatement inspection at Smith Houses | EHS observed New York Environmental Services (“NYES”) workers performing abatement related clean-up activities without the presence of an abatement supervisor. Workers also left the work area unattended while LOT awaited the supervisor’s return. | Based on the report, the workers complied with EHS’ directive to stop work until the supervisor returned. The supervisor advised EHS that he left to supervise abatement work at another development. EHS waited on-site to ensure compliance, and the supervisor arrived on-site a half hour later. The LiRo consultant and LHC inspector were not on-site and were notified via phone of the deficiency. |
| 129587939 | Abatement inspection at Sotomayor Houses | A worker from Abatement Unlimited performed abatement related activities without adequately containing the work area. While removing paint in the kitchen, the worker failed to cover resident belongings in the living room, cover hallway closet adjacent to a bathroom work area, and cover the hallway entrance leading to other rooms in the unit. | Based on the report, LOT contacted the LiRo Project Inspector, who came on-site to observe the deficiencies. Lead Oversight Team Administrator (“LOTA”) advised that LOTS stay on-site until the observed deficiencies were corrected, and the LHC Lead Abatement Unit was notified about the incident. The abatement supervisor complied with LOTS’ directive, containing the work area adequately by erecting vertical containments to cover resident’s belongings, covering the hallway closet, and covering the hallway entrance while EHS was on-site. |

| EHS Inspection # | EHS Escalation Report Description | Description | Action Taken |
|------------------|---|--|--|
| 129770490 | Abatement Inspection at Red Hook West | A worker from Empire Control Abatement performed abatement activities without adequately containing the work area. While performing paint removal work in the bathroom, the worker failed to cover resident's belongings in the hallway, cover the hallway floor with 6-mil polyethylene sheeting, and cover the hallway entrance with vertical containment. | Based on the report, LOTS contacted the LiRo Project Inspector, who came on-site to observe the deficiencies. LOTA advised that LOTS stay on-site until the observed deficiencies were corrected, and the LHC Lead Abatement Unit was notified about the incident. The abatement supervisor complied with LOTS' directive, containing the work area adequately by erecting vertical containments to isolate the work area, covering the hallway with 6-mil polyethylene, and adding a longer flap on the door to improve the seal while EHS was on-site. |
| 131334916 | Abatement Inspection at LaGuardia | EHS observed NYES workers performing abatement related containment set-up without the presence of an abatement supervisor. The worker stated that the supervisor went to a neighboring development to observe another job. | <p>LHC Project Inspector instructed workers to stop further containment and await the return of their supervisor, and workers complied with this directive. LOTA advised that the job be flagged for the deficiency and that an escalation memo must be submitted. The Abatement Supervisor arrived on-site roughly half an hour later and work resumed.</p> <p>LHC raised the concerns in a letter to NYES, which addressed the issue by reinforcing the requirement for the lead abatement supervisor to be on-site during work area preparation and cleaning, with assurances that such oversight will not recur.</p> |
| 131388095 | Abatement Inspection at Douglass Houses | EHS observed an AGD worker performing abatement related containment set-up without the presence of an abatement supervisor. The worker stated that the supervisor went to a neighboring development to observe another job. Via phone, the supervisor informed LOTS that he | <p>The LHC Project Inspector was notified about the observed deficiency. LOTA advised that the job be flagged and that an escalation memo be submitted. The abatement worker complied with the directive to stop further containment set-up activity. LOTS waited on-site for about an hour, but the Abatement Supervisor did not arrive at the worksite.</p> <p>LHC issued a letter to the vendor outlining the concerns, prompting AGD to address the issue by</p> |

| EHS Inspection # | EHS Escalation Report Description | Description | Action Taken |
|------------------|--|--|---|
| | | would not return for multiple hours. | removing the supervisor from their position, conducting a toolbox talk with all supervisors to reinforce compliance requirements and expectations, and committing to provide EHS with a sign-in sheet for the session as confirmation of the corrective action taken. |
| N/A | Lead disclosure document re-inspection failures (4 ¹ sites, dated July 3, 2024) | EHS reviewed the Lead Disclosure binders at various developments. Four (4) developments failed both the initial inspection in May/June 2024 and the re-inspection in June of 2024. | <p>EHS emailed property management the Compliance Department's "Guidance for Lead Disclosure Rule Documentation" following the failed initial inspection to assist them with gathering the required documents. EHS requested corrective action against leadership teams of developments failing re-inspection.</p> <p>The Chief Compliance Officer and the Director for Technical Oversight and Special Projects held a training session with the Property Managers and the Neighborhood Administrator in July 2024. The training covered how properties should compile a binder for each property in their consolidation and addressed what was missing during each property's inspection.</p> |
| N/A | Lead disclosure document re-inspection failures (five (5) sites, dated September 4, 2024) | EHS reviewed the Lead Disclosure binders at various developments. Five (5) developments failed both the initial inspection and re-inspection in July 2024. | EHS emailed property management the Compliance Department's "Guidance for Lead Disclosure Rule Documentation" following the failed initial inspection to assist them with gathering the required documents. EHS requested corrective action against leadership teams of developments failing re-inspection. |
| N/A | Lead disclosure document re-inspection failures (six (6) sites, dated December 11, 2024) | EHS reviewed the Lead Disclosure binders at various developments. Six (6) developments failed both the initial inspection in October 2024 and the re-inspection in November 2024. | <p>EHS emailed property management the Compliance Department's "Guidance for Lead Disclosure Rule Documentation" following the failed initial inspection to assist them with gathering the required documents. EHS requested corrective action against leadership teams of developments failing re-inspection.</p> <p>The Chief Compliance Officer has scheduled one</p> |

¹ The escalation included one (1) additional development, Clason Point, but its re-inspection fell under the previous covered period.

| EHS Inspection # | EHS Escalation Report Description | Description | Action Taken |
|------------------|-----------------------------------|-------------|--|
| | | | training session for January 2025 to reinforce compliance and ensure proper documentation practices. |

III. Updates on Other Significant Lead Matters

1. IT Updates

During the Covered Period, NYCHA’s IT Department made the TEMPO owner group inactive and redistributed all related work orders. A new lead remediation flag and banner is now available in Maximo and iWM Mobile for any Paint Remediation WO created from Risk Assessment, Visual Assessment, or XRF inspection. These paint remediation tickets get assigned to Painter craft and Borough Painter owner group.

In addition, Compliance, Lead Hazard Control, and IT continued to revise the business requirements for which units receive the Unit Disclosure Summary Form for Lead-Based Paint. There will be distinct forms for units that were negative or abated, for those that were tested and have positive components, and for those where all the components in the unit are presumed to be positive. Lead Hazard Control anticipates that the forms and corresponding prepopulated information will be available in April 2025.

2. 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.

PACT Program: During the Covered Period, testing and abatement continued at PACT sites, including Harlem River Houses, Williamsburg Houses, Manhattan Bundle, Boulevard Houses, Fiorentino Plaza, Linden Houses, Penn Wortman, Audubon Houses, Bethune Gardens, Edenwald Houses, Union Avenue Consolidated, Reid Apartments and Park Rock Consolidated, Sack Wern, and West Brighton. The PACT Partner at Williamsburg Houses reported abatement as completed during the Covered Period and the PACT Partner at the Brooklyn Bundle reported abatement as completed prior to the Covered Period. NYCHA will collaborate with the new Federal Monitor to determine the form in which they want to receive the clearance reports required by Section III – Applicability, paragraph 15 of the Agreement.

For the purpose of reporting progress in this report, NYCHA is using the “clearance end date” as provided by the PACT Partner in its Smartsheet tracker to identify units where abatement and clearance are completed. In addition, the report currently provides detail only on units abated, not common areas. The Real Estate Development Department reports that as of December 31, 2024 report, 3,427 units out of

approximately 4,686 units based on current projections in the PACT program requiring abatement (73%) had been reported as abated and cleared among the PACT sites.

City Capital Action Plan, Move-Outs TEMPO Abatement: According to LHC, since the standard changed on December 1, 2021, from January 1, 2022 to December 31, 2024, NYCHA abated and cleared 12,016 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.

As discussed in the July 2024 certification report, LHC reports that it remains focused on the Verification Project, ensuring thorough quality assurance by conducting both desk reviews of documentation and field inspections of previously abated units. The Verification Project targets units that have not previously received a quality assurance inspection after the abatement was completed. As of December 31, 2024, LHC has completed quality assurance for 2,037 units and attempted 665 units out of the target universe of 3,592 units. LHC expects to complete the review and inspection phase of the remaining 890 units by the end of April 2025. Currently, 459 units have been identified as requiring additional work. The majority of these units involve a single component that needs to be abated, which typically requires simpler corrective actions. As of December 31, 2024, NYCHA has abated 86 of the units needing additional work and LHC is prioritizing and expediting the completion of the abatement work. Lead Hazard Control remains committed to ensuring that all abatement work meets the highest standards and that all deficiencies are addressed in a timely and efficient manner.

General Abatement Reporting: As reported by LHC, during NYCHA's 1.0 XRF initiative, NYCHA identified 25,836 units that were positive at the federal standard of 1.0 mg/cm² out of 104,065 units tested, which is a positivity rate of approximately 25% (4,182 units are pending results). At 0.5 mg/cm², as of December 31, 2024, NYCHA had 43,289 units out of 95,033 units test positive, a positivity rate of approximately 46%. 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.

Note that during NYCHA's 1.0 XRF initiative, NYCHA identified 25,836 units that were positive at the federal standard of 1.0 mg/cm² out of 108,247 units tested, which is a positivity rate of approximately 24% (more than 4,000 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 would have included approximately 26,000 units that would have needed to be abated at the 1.0 mg/cm² standard.

When combining the 3,378 units abated since December 1, 2021 as part of the PACT program with the 12,016 units abated by LHC since December 1, 2021, NYCHA has abated 15,394 units as of December 31, 2024 at the 0.5 mg/cm² standard.²

NYCHA continued to discuss amending the abatement benchmarks in the HUD Agreement with the new Federal Monitor, HUD, and the U.S. Attorney's Office so the metric better aligns with the City's new standard and with the agreed upon risk-based approach where NYCHA abates all units first and then would deliver lead-free buildings and developments, including all interior and exterior common areas. It is difficult, otherwise, to provide a percentage of completion that includes common areas as there is no simple unit of measure for calculating the denominator once common areas are included. Most

² This figure only counts the units abated at 0.5 for PACT. This is 49 units less than the 3,427 reported elsewhere for PACT because 49 units were abated only at 1.0.

importantly, 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, A&CM continued reporting each quarter to NYCHA Compliance on projects that required lead remediation, pursuant to the A&CM White Paper. According to A&CM, from July 1, 2024 through December 31, 2024, there was one (1) capital project at Van Dyke that impacted positive or presumed positive components.

3. Visual Assessments and Remediations

As of September 2024, the Federal Monitor approved NYCHA's request to adjust the frequency of visual inspections for units occupied by children under six (6) years old ("CU6") from biannual to annual. NYCHA has undertaken a comprehensive testing initiative using XRF technology, covering 65% of units as of December 31, 2024. NYCHA is on track to complete testing in all units by the end of 2025. This extensive effort ensures thorough monitoring and identification of lead hazards. NYCHA is successfully abating lead at a rate of 80-100 units per week.

According to the LHC through December 31, 2024, there was a total of 12,771 visual assessment inspections for Phase 1³, and 11,468 (91.6%) of these visual assessments were completed. 4,772 (41.61%) were completed with deficiencies. For Phase 2, a total of 34,945 inspection work orders were generated. All viable inspection⁴ Visual Assessment Phase 2 work orders were attempted.

Out of these, 22,843 inspections were successfully completed, yielding a completion rate of 65%. This included 1,471 CU6 inspections and 21,372 non-CU6 inspections. Of the completed inspections, 500 CU6 inspections and 5,877 non-CU6 inspections identified deficiencies. NYCHA attributes the 65% access rate to a minor delay in creating the inspection work orders in order to incorporate necessary changes to the inspection protocols, and possible inspection fatigue by residents.

Compliance, LHCD, and Property Management Operations are now also working together on a plan for the new Federal Monitor, HUD, and the U.S. Attorney's Office to prioritize and address the backlog of remediation work orders as they have been re-assigned to a borough-based structure. According to LHC, this plan consists of the following:

- With approval from the federal stakeholders, NYCHA administratively closed 8,682 remediation work orders in 4,783 units. These work orders were eligible for closure due to the units testing negative or having been abated after the work order was created. NYCHA will continue to administratively close remediation work orders that meet these criteria on a quarterly basis.
- NYCHA is taking a new approach to addressing remediation work orders. While NYCHA continues to address newly generated work orders, NYCHA has also begun addressing the backlog of CU6 and non CU6 remediation work orders accumulated between 2022 and 2024, totaling 20,374 work orders (CU6 - 12,029, Non CU6 - 8,345). This effort, Operation: Lead the Way, has resulted

³ Phase 1 testing universe (created prior to March 2024 was determined based on units that were occupied by a CU6, units that never received XRF testing before, or units that had previously tested positive at the 1.0 standard.

⁴ Viable inspections are inspection work orders that were not closed or cancelled due to move out/RAD/off rent roll.

in the closure of 7,620 overall work orders (37.4%), including 6,247 CU6 work orders (51.9% of the CU6 backlog over this time period). NYCHA has now assigned responsibility for this effort, along with additional staff, to each of its 29 Neighborhoods to ensure more consistent attention to these work orders.

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. To assess compliance at RAD/PACT sites with Paragraphs 8, 9, and 14, NYCHA employs various tools, described in the following sections. These tools include documenting abatement progress in Smartsheets for each RAD/PACT site, reviewing documents uploaded into the same Smartsheet to demonstrate that partners have adhered to the requirements established under Paragraph 14, and conducting field visits by contracted third parties to verify compliance with the requirements listed under Paragraph 14.

1. Regulatory Requirements for Paragraph 8:

Exhibit A, Paragraph 8, requires NYCHA to abate all lead-based paint within five (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 conducted under Exhibit A, Paragraph 8, must meet the EPA standards established under Exhibit A, Paragraph 14. Additionally, the biannual certifications required under Exhibit A, Paragraph 30(b), must cover the work performed under Paragraphs 8 and 14.

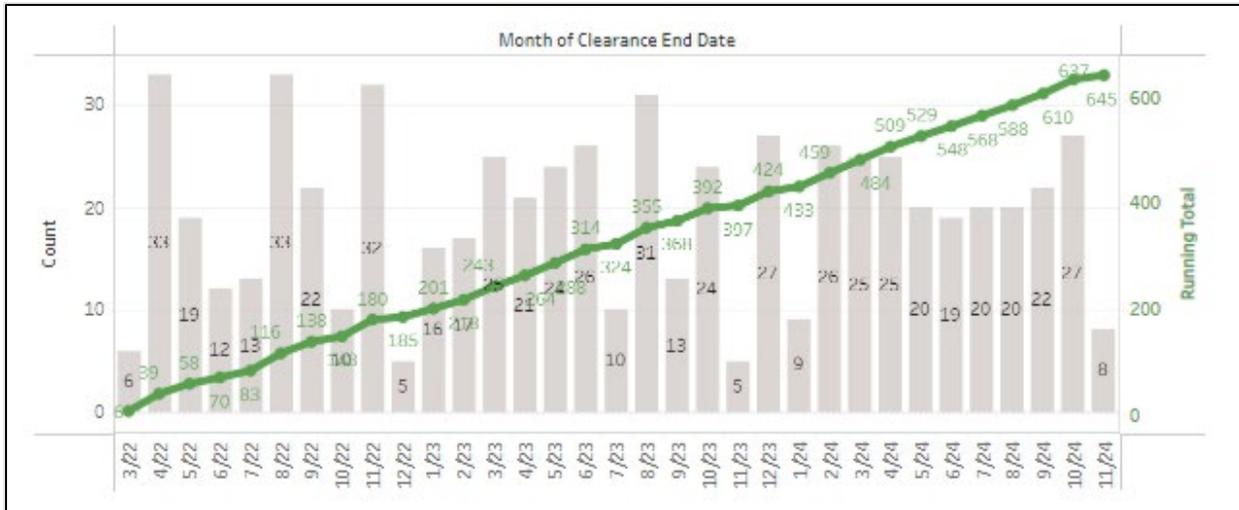
This is the sixth update concerning abatement at Harlem River Houses, Williamsburg Houses, and additional PACT program Project Sites. The graphs below present the abatement progress to date, showing the monthly abatements and respective clearances completed per month since abatement began for Harlem River and Williamsburg Houses, respectively. This provides a clear visualization of the abatement progress at each of these developments.

Compliance used information provided in the Smartsheets as of December 15, 2024, by the PACT Partners to report on the abatement and clearance performed during this period.

Harlem River Houses

Harlem River Houses (“HRH”) and Harlem River II (“HRII”) consists of 693 total units and abatement is expected to be required in each unit. Abatement activities began on March 7, 2022. As of December 31, 2024, 645 units (93.1% of the total units) have been abated and cleared at Harlem River Houses. This is an increase of 103 units relative to the previous reporting period.

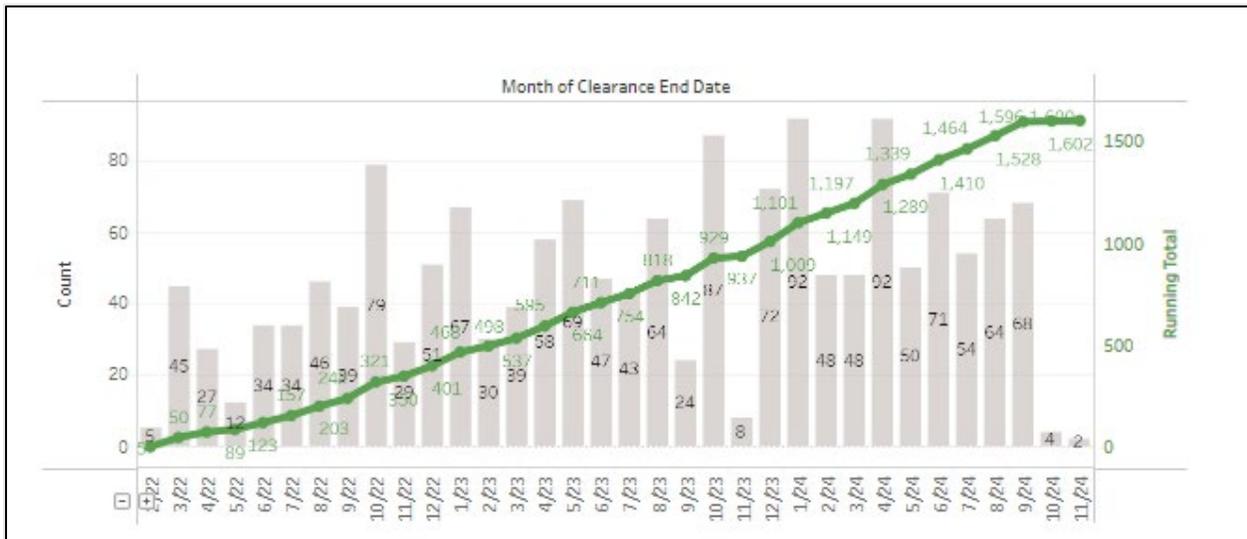
Harlem River Abatement/Clearance Progress



Williamsburg Houses

Williamsburg Houses consists of 1,622 units. One unit at Williamsburg Houses is a combined unit meaning that other PACT reporting may show there to be 1,621 units but for abatement purposes, the PACT Partner’s Smartsheet tracks the combined unit as two separate units. Twenty (20) units have been reported to test negative for lead-based paint which means 1,602 units are expected to require abatement. Abatement activities began on February 18, 2022. As of December 31, 2024, 1,602 units (100% of the total units) are reporting to have been abated and cleared at Williamsburg.⁵ This is an increase of 262 units compared to the previous reporting period.

Williamsburg Abatement/Clearance Progress



⁵ In the last report, Williamsburg was reported to consist of 1,621 units and each unit was expected to be eligible for abatement. In October 2024, REDD corrected the unit count to 1,622 and was notified by the PACT partner that 20 units had tested negative for lead-based paint which is why the count now is 1,622 total units with 1,602 expected for abatement.

2. IT Controls for Paragraph 8, and other RAD/PACT sites:

Since PACT Partners do not use one (1) system to collect documentation and information on each abatement project, NYCHA’s Compliance and 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 by routinely 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.

3. 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 nine (9) sites based on the total number of units that had been abated at a site: Williamsburg (21 units reviewed), Harlem River (nine (9) units reviewed), Linden Houses (one (1) unit reviewed), Sack Wern (one (1) unit reviewed), Boulevard Houses (two (2) units reviewed), Edenwald (12 units reviewed), Union Avenue Consolidated (one (1) unit reviewed), West Brighton I, II (two (2) units were reviewed), and Reid-Park Rock Consolidated (one (1) unit reviewed). Compliance shared the deficiencies with Real Estate Development who followed up with each PACT Partner to communicate the errors identified to ensure correction on the identified deficiencies and ensure proper documentation going forward.

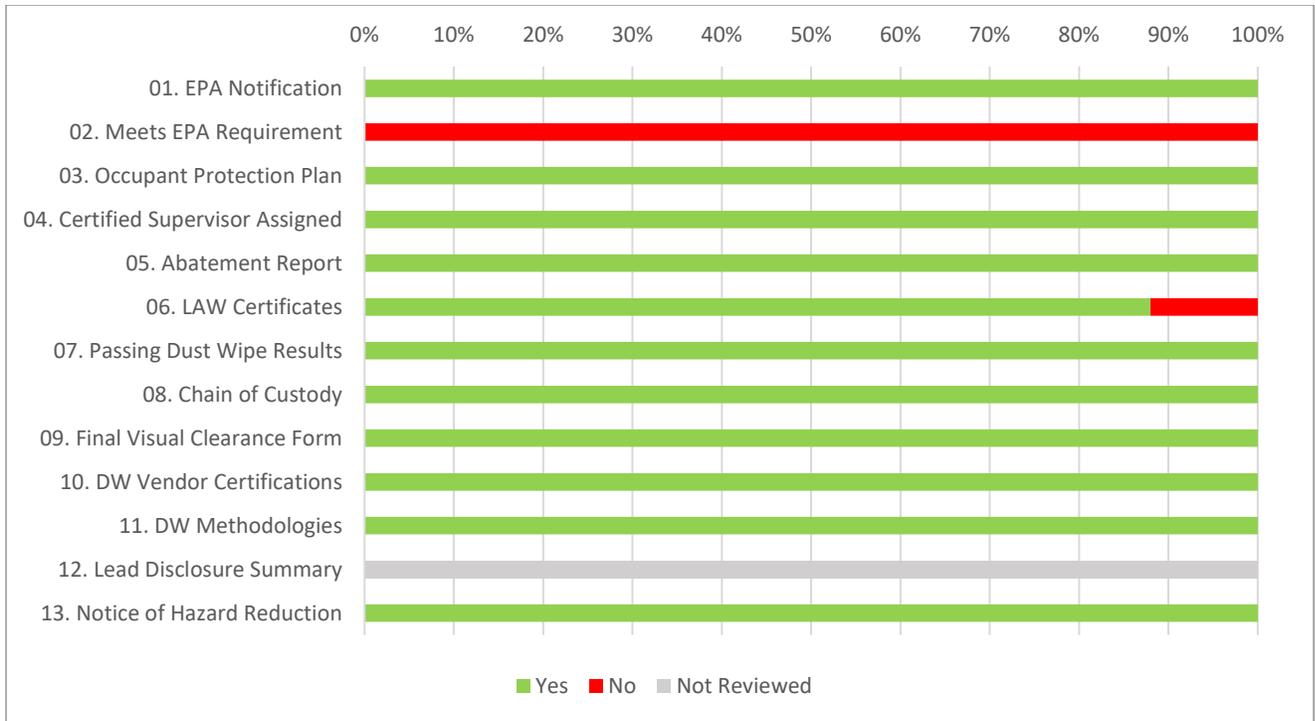
Documents were evaluated for compliance with regulatory requirements listed under Paragraph 14 including the presence of:

| Indicator | Evidence of Compliance (in Maximo or Smartsheet) | Regulations | Agreement Section Referenced |
|--|--|---------------------------------|------------------------------|
| 1. EPA Notification | EPA was notified of abatement | 40 C.F.R. § 745.227(e)(4) | 14(b) |
| 2. Meets five (5)-Day EPA Requirement | EPA must be notified five (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) |

| Indicator | Evidence of Compliance (in Maximo or Smartsheet) | Regulations | Agreement Section Referenced |
|---------------------------------------|---|---------------------------------|-------------------------------------|
| 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 | Notice produced for each abated occupied unit and common area | 24 CFR § 35.125 | 14(g) |

Harlem River Houses

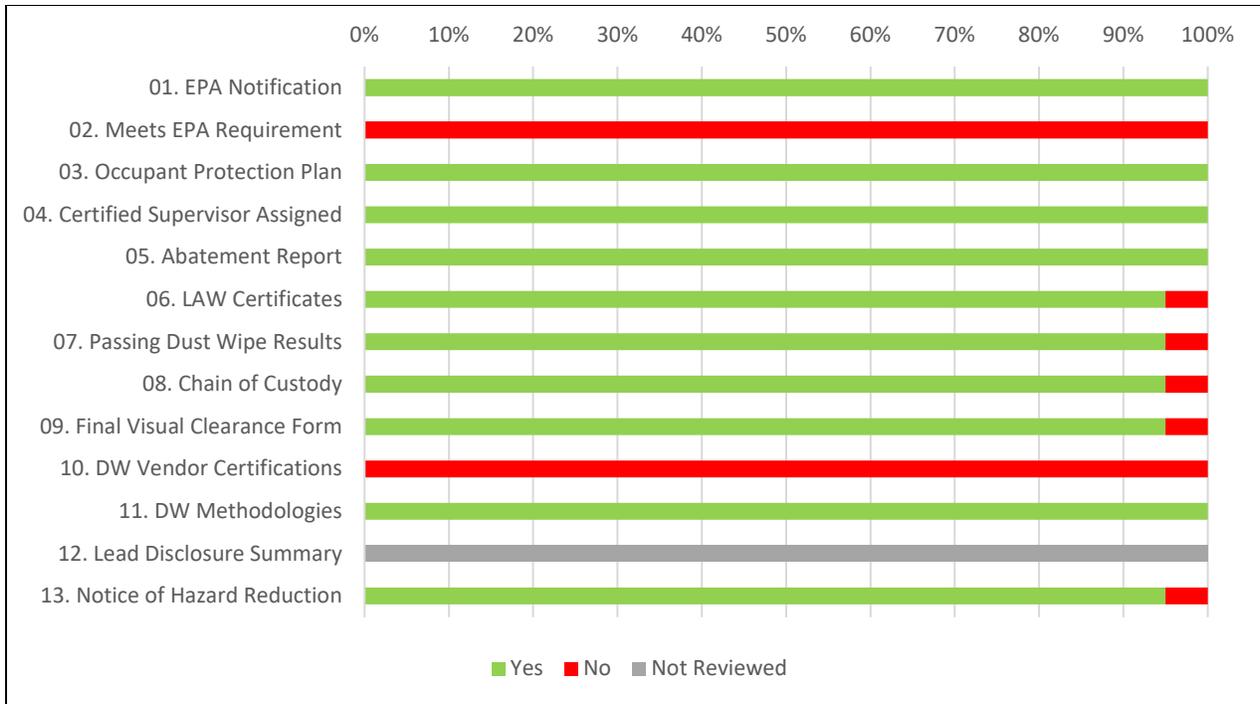
NYCHA reviewed the supporting documents for nine (9) units that had been abated and cleared. NYCHA Compliance noted the following items:



- **Paragraph 14(a):** Eight (8) of the nine (9) abatements contained the certifications for the lead abatement supervisor and workers. One (1) abatement did not have the attached certifications; however, the workers' certifications were uploaded to other abatements with valid expiration dates.
- **Paragraph 14(b):** EPA notifications were found for all nine (9) units, but there was no documentation showing the PACT partner notified the EPA within five (5) business days.
- **Paragraph 14(c):** All nine (9) Occupant Protection Plans were uploaded to the file.
- **Paragraph 14(d):** All nine (9) abatements contained a dust wipe clearance report including passing dust wipe results, visual clearance forms, chain of custody, and dust wipe methodologies.
- **Paragraph 14(e):** Dust wipe vendor certifications were uploaded for all nine (9) abatements reviewed.
- **Paragraph 14(f):** In all nine (9) abatements reviewed, an abatement report was uploaded to the Smartsheet.
- **Paragraph 14(g):** A Notice of Hazard Reduction was uploaded to the Smartsheet for all nine (9) abatements. NYCHA is not tracking the obligation to provide Lead Disclosure Summaries as part of this file review.

Williamsburg Houses

NYCHA reviewed the supporting documents for 21 units abated and cleared. NYCHA Compliance noted the following items:



- **Paragraph 14(a):** All 21 abatements contained current certifications for the lead abatement supervisor, and 20 of 21 contained the certifications for the abatement workers.
- **Paragraph 14(b):** All 21 abatements contained EPA notifications. However, the submission date forms needed to determine if the notifications meet the EPA’s required timeline were not in the files.
- **Paragraph 14(c):** Occupant Protection Plans were uploaded for all 21 of the reviewed abatements.
- **Paragraph 14(d):** 20 of 21 units reviewed had dust wipe clearance reports.
- **Paragraph 14(e):** All 21 reviewed abatements had the dust wipe vendor certifications. However, the certifications were expired, at the time of the dust wipe clearance.
- **Paragraph 14(f):** All 21 units reviewed contained an abatement report.
- **Paragraph 14(g):** 20 of 21 abatements contained the Notice of Hazard Reduction. NYCHA is not tracking the obligation to provide Lead Disclosure Summaries as part of this file review.

4. 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.

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.

The tables below present the results of the field observations conducted during abatement and clearance activities at Williamsburg and Harlem River during the Covered Period. A total of 62 field observations were conducted at Williamsburg and 12 at Harlem River for abatement activities. The observed controls for abatement and clearance are presented in two (2) separate tables because not all inspections included both abatement and clearance and some of the tasks may not be applicable to the particular period when the inspection is taking place. The tables list the total number of discrete observations made in the field for each control. Green and zero indicate no deficiencies found, while non-compliant observations are shown in red and in parentheses, if applicable.

| Compliance Task | Williamsburg | Harlem River |
|--|---------------------|---------------------|
| Administrative Controls | | |
| Resident Notification Posted | 62 (0) | 12 (0) |
| LBP Contractor's EPA/NYC Notification Posted | 62 (0) | 12 (0) |
| LBP Supervisor's EPA/NYC Certifications Posted | 62 (0) | 12 (0) |
| LBP Worker's EPA/NYC Certifications Posted | 62 (0) | 12 (0) |
| NYCHA Approved Work Plan Posted | 62 (0) | 12 (0) |
| Log Book On-site with Current Entries | 62 (0) | 12 (0) |
| Equipment Manufacturer's Specification/Cut Sheet | 62 (0) | 12 (0) |
| Engineering Controls | | |
| Warning Tape & Signs Present | 62 (0) | 12 (0) |
| Moveable Objects Cleaned & Removed | 62 (0) | 12 (0) |
| Critical Barriers Established & Maintained | 57 (0) | 12 (0) |
| Containment Established | 57 (0) | 12 (0) |

Similarly, STV performed clearance inspections for completed abatement activities at these developments. 11 clearance observations were performed at Williamsburg and 14 at Harlem River. However, based on timing, not all tasks could be observed in all units inspected, so the numbers might differ from one task to another. The tables list the total number of discrete observations made in the field for each control, with the number of non-compliant observations indicated in red and in parentheses.

STV identified one (1) deficiency at Williamsburg on August 22, 2024. During clearance flooring sampling, duct tape was used instead of blue tape, and the tape did not cover the entire perimeter of the sampling area. These issues, including the incorrect measurement of the sampling area and the use of an improper

sampling template, were communicated to the clearance inspectors to prevent recurrence in future inspections. At Harlem River, on August 13, 2024, the visual inspection was not passed by the clearance inspector and STV inspector, resulting in no sampling being conducted. In December 2024, improper sampling techniques were observed, where the technician failed to fold the wipes inward properly. These deficiencies were addressed with the responsible personnel to ensure adherence to proper sampling protocols moving forward.

| Compliance Task | Williamsburg | Harlem River |
|---|--------------|--------------|
| Clearance Controls | | |
| Met Minimum 1 Hour Waiting Period | 11 (0) | 14 (0) |
| Inspector Clearance Certification Available (and Not Expired) | 11 (0) | 14 (0) |
| Visual inspection Performed | 11 (0) | 14 (0) |
| Visual Inspection Results Recorded | 11 (0) | 14 (0) |
| Visual Inspection Passed | 11 (0) | 14 (1) |
| Sample Collection Observed by STV/Matrix | 11 (0) | 14 (0) |
| Unused Gloves for Each Dust Wipe Sample | 11 (0) | 14 (0) |
| Template or Acceptable Alternative Used | 11 (0) | 14 (0) |
| Template Cleaned Between Samples | 11 (0) | 14 (0) |
| Correct Sampling Collection Technique - Floors | 11 (1) | 14 (2) |
| Correct Sampling Collection Technique - Windows/Narrow Areas | 11 (0) | 14 (0) |
| Correct Wipe Sample Packaging | 11 (0) | 14 (0) |
| Hard Shell Sealable Centrifuge Tube for Container | 11 (0) | 14 (0) |
| Sample Collection Vials Correctly Labeled | 11 (0) | 14 (0) |
| Sample Container Label Matches Sample Location | 11 (0) | 14 (0) |
| Sample Area Correctly Measured | 11 (0) | 14 (0) |
| Correct Number of Field Blanks | 11 (0) | 14 (0) |
| One Dust Sample Taken from Floor for Each Room | 11 (0) | 14 (0) |
| Dust Samples Taken from Windows if Present | 11 (0) | 14 (0) |
| Sample Collected Outside/Within 10 Ft of Containment Area | 11 (0) | 14 (0) |
| Chain of Custody Form | 11 (0) | 14 (0) |

V. 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, Williamsburg is reporting to have completed 100% of the abatement and clearance for all units, while Harlem River is reporting to have achieved approximately 93.1% abatement. However, Harlem River has faced challenges that have delayed full completion. Initially, there was optimism about accelerating the apartment renovation schedule to finish by the end of December 2024, but progress was constrained by the limited availability of temporary units for relocation. Additionally, the remaining stair halls to be renovated are large and include many two (2)- and three (3)-bedroom units, which are more challenging to relocate. Furthermore, the change in the lead standard in New York City from 1.0 mg/cm² to 0.5 mg/cm² required additional testing after the properties closed, contributing to delays. The closings for Williamsburg Houses in December 2021 and Harlem River

Houses in February 2022 under the PACT program, which were delayed from earlier schedules, also pushed back the start of abatement work.

Field monitoring performed by STV indicates that both PACT Partners are substantially in compliance with the requirements of Paragraph 14.

Other Converted RAD/PACT Developments:

This section provides a status update for developments subject to Paragraph 9 of the agreement but converted to RAD/PACT. The evaluation method for these developments aligns with the methodology used for Harlem River and Williamsburg. PACT partners are required to track their abatement progress using Smartsheets, and compliance with Paragraph 14 is assessed through random field inspections performed by STV and selective document reviews of the lead abatement documents uploaded into Smartsheets.

Details on the documentation review and site-based inspection findings related to other PACT sites where abatement took place during the Covered Period are provided in Attachment K.

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

General Statement

NYCHA Compliance uses two (2) 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 MU performed file⁶ reviews of 75 abatements, including 40 abatements in vacant units (“moveouts”) and 35 abatements in occupied units. The MU selected a random sample of moveout abatement work orders out of a total of 594 work orders that had an “Actual Finish” date between June 16, 2024 and December 15, 2024 (“Covered Period”), and a work order status of “CLOSE” as of December 15, 2024. The MU selected 17 closed abatements in CU6 units occupied, all of which were completed by vendors. Finally, the MU reviewed 18 elevated blood lead level (“EBLL”) abatements closed during the Covered Period. The results of this review are set forth in Attachment C.

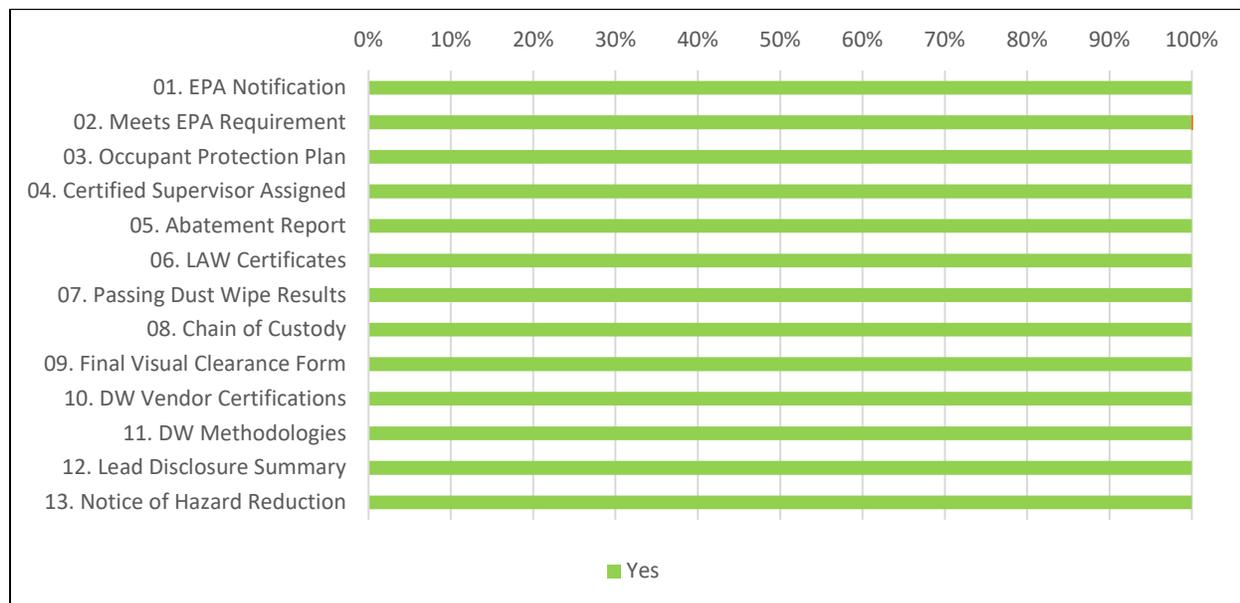
| Indicator | Description | Regulations | Agreement Section Referenced |
|--------------------------------|--|---------------------------|------------------------------|
| 1. EPA Notification | EPA was notified of abatement, and original notification is uploaded to Maximo | 40 C.F.R. § 745.227(e)(4) | 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) |
| 3. Occupant Protection Plan | Completion of the Occupant Protection Plan | 40 C.F.R. § 745.227(e)(5) | 14(c) |

⁶ For the purposes of this review, “files” refers to Maximo work orders associated with a particular abatement.

| Indicator | Description | Regulations | Agreement Section Referenced |
|----------------------------------|--|---------------------------------|------------------------------|
| 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 residents 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 resident detailing components abated in unit | 24 CFR § 35.125 | 14 (g) |

Summary of File Review for Abatements Performed in 40 Moveout Units

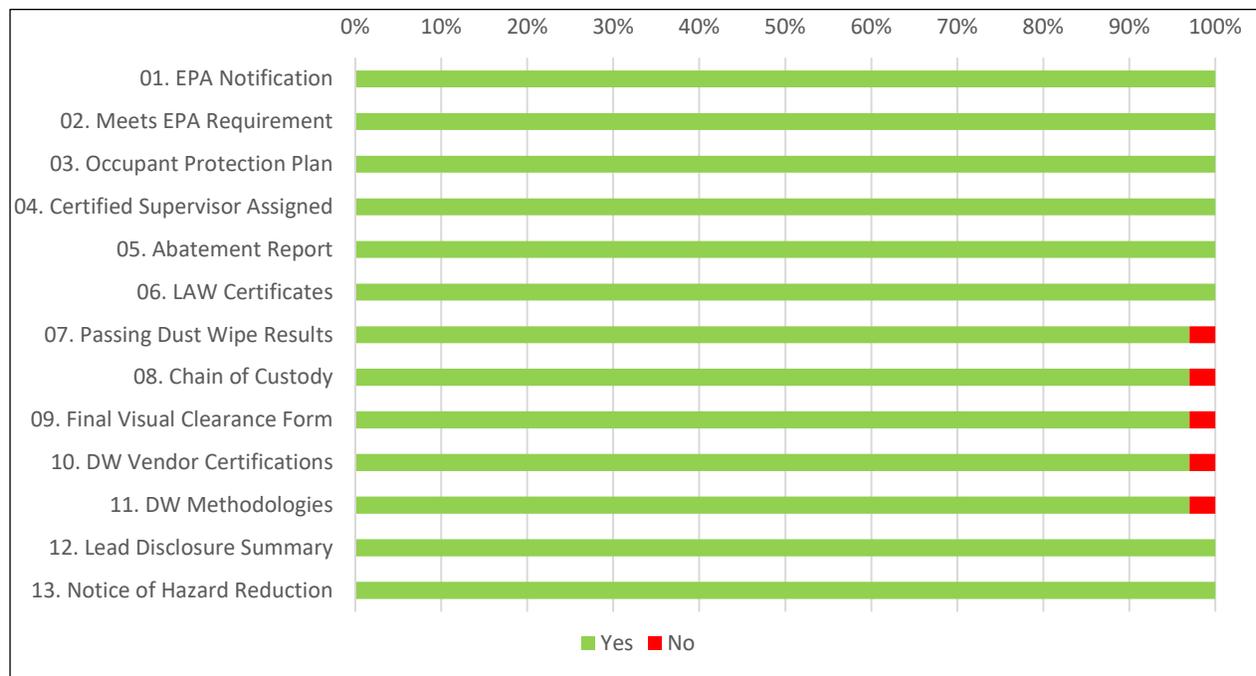
The MU reviewed a sample of 40 total moveouts with an “Actual Finish” date between June 16, 2024 and December 15, 2024 (“Covered Period”), and a work order status of “CLOSE” as of December 15, 2024.



NYCHA has achieved 100% compliance with the requirements set forth in Paragraph 14, relating to filing evidence of EPA notification, Occupant Protection Plans, abatement reports, lead supervisor and abatement worker certifications, passing dust wipe result, chains of custody, visual clearance forms, vendor certifications, dust wipe methodologies, lead disclosure summaries, and hazard reduction notices.

Summary of File Review for Abatements Performed in 35 Occupied Units

The MU also selected 17 abatements in units abated as part of the TEMPO Abatement Program, which are occupied by children under the age of six (6), and 18 EBLL abatements closed during the covered period. The results of this review are set forth in Attachment C.



In one (1) out of 35 reviewed abatements, in an occupied CU6 unit, the wrong dust wipe clearance report was uploaded to the work order including the wrong passing dust wipe results, chain of custody, final visual clearance form, and dust wipe methodologies. The correct documents were subsequently uploaded by LHC upon request.

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 (2) 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 six (6) vendors to perform abatements.

The packages provided to Compliance for review for two (2) of these vendors, which are highlighted below, were missing language providing for contract specifications that detail out specifications regarding supervisors but do cite the appropriate and relevant CFR governing this work.

The specifications for the contracts (annexed in Attachment E) are described below:

| Vendor Name | Agreement to comply with 40 CFR § 745.227 (e) |
|-----------------------------------|--|
| Linear | <i>See</i> Attachment E.00, § 1.1.6; <i>Id</i> , § 1.2.1; <i>Id</i> , § 2.7.2.2.2. |
| Joseph Environmental ⁷ | <i>See</i> Attachment E.01, § 1.1.6; <i>Id</i> , § 1.2.1; <i>Id</i> , § 2.7.2.2.2. |
| AGD | <i>See</i> Attachment E.02 § 1.1.6; <i>Id</i> § 1.2.1; <i>Id</i> § 1.2.2; <i>Id</i> § 2.7.2.2.2. |
| Abatement Unlimited | <i>See</i> Attachment E.03 § 1.1.6; <i>Id</i> § 1.2.1; <i>Id</i> § 1.2.2; <i>Id</i> § 2.7.2.2.2. |
| Empire Control | <i>See</i> Attachment E.04, § 1.1.6; <i>Id</i> § 1.2.1; <i>Id</i> § 1.2.2; <i>Id</i> § 2.6.7; <i>Id</i> § 2.7.2.2.2. |
| New York Environmental Systems | <i>See</i> Attachment E.05, § 1.1.6; <i>Id</i> § 1.2.1; <i>Id</i> § 1.2.2; <i>Id</i> § 2.7.2.2.2. |

[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;

⁷ This contract expired during the Covered Period and LHC is no longer using this vendor.

- 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 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 175 abatement jobs. A certified supervisor was present for 171 (97.71%) of these jobs. The EHS 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, Occupant Protection Plan (“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. All 35 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 35 cases. 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 175 abatement jobs, 97.7% 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 six (6) 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 Attachment E.00, § 1.4.2; Id § 1.5.2; Id 2.4.2; Id § 2.6.3.</i> |
| Joseph Environmental | <i>See Attachment E.01, § 1.4.2; Id § 1.5.2; Id 2.4.2; Id § 2.6.3.</i> |
| AGD | <i>See Attachment E.02 § 1.4.2; Id § 1.5.2; Id § 2.4.3, Id § 2.6.3; Id § 3.3.2.</i> |
| Abatement Unlimited | <i>See Attachment E.03 § 1.4.2; Id § 1.5.2; Id § 2.4.3, Id § 2.6.3; Id § 3.3.2.</i> |

| Vendor Name | Agreement to comply with 40 CFR § 745.227 (e)(4)(vi) |
|--------------------------------|--|
| Empire Control | See Attachment E.04 § 1.4.2; <i>Id</i> § 1.5.2; <i>Id</i> § 2.4.3, <i>Id</i> § 2.6.4; <i>Id</i> § 3.3.2. |
| New York Environmental Systems | See Attachment E.05 § 1.4.2; <i>Id</i> § 1.5.2; <i>Id</i> § 2.4.2, <i>Id</i> § 2.6.3. |

[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 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 175 inspections and 172 (98.3%) had proper NOCs with no deficiencies identified. 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 (100%) included an EPA notification. See Attachment C.

For Occupied Units:

The MU reviewed a total of 35 occupied work orders completed during the Covered Period and found that 100% of these work orders included the EPA notification. 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 move-out abatements and 100% of occupied abatements reviewed contained EPA notifications. For move-out abatements, 100% of the notifications were sent at least five days prior to commencement.
- 98.3% of the field observations had complete and accurate NOCs.

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 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 six (6) vendors to perform abatements. The specifications for the contracts are described below.

The packages provided to Compliance for review for two (2) of these vendors, which are highlighted below, were missing language providing for contract specifications that detail out specifications regarding OPP forms. These contracts did not mention any language regarding an OPP but do require that work be

conducted in accordance with the applicable provisions of Federal, State, City and Agency laws and regulations.

| Vendor Name | Agreement to comply with 40 CFR § 745.227 (e)(5) |
|--------------------------------|---|
| Linear | See Attachment E.00. |
| Joseph Environmental | See Attachment E.01. |
| AGD | See Attachment E.02, § 1.4.3; § 3.3.3. |
| Abatement Unlimited | See Attachment E.03 , § 1.4.3; § 3.3.3. |
| Empire Control | See Attachment E.04 § 1.4.3; § 3.3.3. |
| New York Environmental Systems | See Attachment E.05 § 1.4.3. |

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 EHS LOT reviewed 175 OPPs during abatement oversight inspections. 173 (98.86%) 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, 100% of which contained a complete OPP. See Attachment C.

For Occupied Units:

The MU reviewed a total of 35 occupied work orders, 100% of which contained a complete OPP. See Attachment C.

Overall Compliance Assessment for 14(c):

- 100% of moveout abatements and 100% of occupied abatements reviewed contained a complete OPP.
- EHS observed 175 abatement work orders, and 98.86% 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 seven (7) 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) |
|--------------------------------------|--|
| Lead By Example Environmental | See Attachment E.06, § III.1-2 § IV.1-2. |
| Airtek Environmental, LLC | See Attachment E.07, § I.I.1-2 § III. |
| Genesis Environmental Services, Inc. | See Attachment E.08, § III.1-2 § IV.1-2. |
| SAI Environmental Consultants, Inc. | See Attachment E.09, §III.1.A §IV.1.AI.iii §IV.1.A.i.-iii §IV3.B.iv.1-10 |
| Athenica Environmental Services | See Attachment E.10, § I.1-4 § III. |

| Vendor Name | Agreement to comply with 40 CFR § 745.227(f) |
|---------------------------------|--|
| Athenica Environmental Services | See Attachment E.11, § III.1-2 § IV.1-2. |
| Accredited Lead Inspection Inc. | See Attachment E.12, § I.I.1.i §I.III.A-C § I.III.E |
| ATC Group Services, LLC | See Attachment E.013, §III.1.A, § IV.1.A.i-iii, §IV.B.iv.1 |

[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 302 abatements. Out of 165 NYCHA personnel certification observations, 163 had their personnel certifications (98.79%). Out of the 137 vendor personnel certifications observations, 100% had their personnel certifications. 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 100% 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 34 contained documented methodologies for the collection and lab analysis of dust wipes. For the one remaining case, a corrected clearance report with the correct documentation has since been uploaded. 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:

- 100% of moveout abatements and 97.1% of occupied abatements reviewed contained documented methodologies for the collection and lab analysis of dust wipes.
- EHS observed 165 NYCHA personnel certifications and found a 98.8% compliance. EHS observed 137 vendor personnel certifications for clearance examinations and found 100% compliance rate.

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

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 $\mu\text{g}/\text{ft}^2$ for floors, 250 $\mu\text{g}/\text{ft}^2$ for interior windowsills, and 400 $\mu\text{g}/\text{ft}^2$ for window troughs.”⁸

[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 seven (7) active contracts with vendors that perform dust wipe sampling. The specifications for the contracts for vendors that

⁸ On June 1, 2021, the city reduced the lead dust standards for floors to 5 $\mu\text{g}/\text{ft}^2$ for floors and to 40 $\mu\text{g}/\text{ft}^2$ for windowsills. The standard for window wells (troughs) remained at 100 $\mu\text{g}/\text{ft}^2$.

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.

The packages provided to Compliance for review for two (2) of these vendors, which are highlighted below, were missing language providing for contract specifications that detail out qualification requirements for dust wipe inspectors and risk assessors and laboratories. Compliance will continue to will work with LHC to ensure this is included in the contracts.

| Vendor Name | Agreement to comply with 40 CFR § 745.227(f) |
|--|--|
| Lead By Example Environmental | See Attachment E.09, § III.1-2 § IV.1-2. |
| Airtek Environmental, LLC | See Attachment E.10, § I.I.1-2 § III. |
| Genesis Environmental Services, Inc. | See Attachment E.11, § III.1-2 § IV.1-2. |
| SAI Environmental Consultants, Inc. | See Attachment E.09, §III.1.A §IV.1.AI.iii §IV.1.A.i.-iii §IV3.B.iv.1-10 |
| Athenica Environmental Services (PO # 2022435) | See Attachment E.13, § I.1-4 § III. |
| Athenica Environmental Services (PO # 2110331) | See Attachment E.14, § III.1-2 § IV.1-2. |
| Accredited Lead Inspection | See Attachment E.12, § I.I.1.i §I.III.A-C § I.III.E |

[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. Since December 2023, 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.

As of December 15, 2024, NYCHA IT has enhanced the Dust Wipe Work Log to streamline entries by consolidating multiple individual records into a single comprehensive summary. Instead of numerous entries with partial details, all relevant information for locations in now included in the main work log, providing a complete, standardized, and cohesive overview.

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

EHS personnel observed 139 post abatement clearance jobs. 117 were performed by a vendor and 22 were performed by NYCHA. 98.79% of observed NYCHA clearance examinations and 100% of observed vendors clearance examinations were conducted by a certified risk assessor or certified lead paint inspector.

EHS observed that the timing between cleanup completion and the clearance examination was proper in all 302 clearance jobs observed (100%). EHS observed that the visual inspection was performed properly in 301 out of 302 observed clearance jobs (99.67%). EHS observed that sample collections were performed properly in all 278 observed clearance jobs (100%).

[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 100% contained passing dust wipe results and the chain of custody. All 40 of the work orders contained both the visual clearance form and certifications for both the risk assessor and laboratory. See Attachment C.

For Occupied Units:

The MU reviewed 35 occupied abatement work orders and found that 34 contained passing dust wipe clearance results. 34 contained the chain of custody, the visual clearance form, and certifications for both the risk assessor and laboratory. For the one (1) remaining case, a corrected clearance report with the correct documentation has since been uploaded to the abatement work order. See Attachment C.

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

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

- 100% of moveout abatements and 97.1% of occupied abatements reviewed contained passing dust wipe results and the chain of custody.
- 100% of moveout abatements contained the visual clearance form; 84% contained certifications for both the vendor and the risk assessor.
- 97.1% of occupied abatements contained the chain of custody and visual clearance form; 97.1% contained certifications for both the risk assessor and laboratory.
- EHS found 98.79% of NYCHA employees and 100% vendors performing clearance examinations were certified and 99.67% of post abatement clearance exams had visual inspections performed correctly, and 100% compliance across other clearance related tasks.

Based on the file review and field oversight during the Covered Period, NYCHA is not yet 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.1.9. 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 six (6) vendors to perform abatements. The specifications for the contracts are described below.

The packages provided to Compliance for review for two (2) of these vendors, which are highlighted below, were missing language providing for contract specifications that detail out requirements for abatement reports. For the remaining four (4) vendors that did have language requiring abatement reports, there was no specifications of what must be detailed within the abatement report. However, these vendors included a sample abatement report in the contract appendix in lieu of detailed specifications.

| Vendor Name | Agreement to comply with 40 CFR § 745.227 (e)(5) |
|--------------------------------|---|
| Linear | See Attachment E.00 |
| Joseph Environmental | See Attachment E.01 |
| AGD | See Attachment E.02, § 1.4.5; § 4.4.9.5 |
| Abatement Unlimited | See Attachment E.03 § 1.4.5; § 3.3.9.5; §3.3.1.5 |
| Empire Control | See Attachment E.04 § 1.4.5; § 3.3.10.7; § 3.3.1.6 |
| New York Environmental Systems | See Attachment E.05 § § 1.4.4 |

[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 that all work orders 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 all work orders 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 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 (6) 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 (3)-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 all work orders contained Lead Disclosure Summaries. As previously reported in the January 2023 HUD Certification, LHC reported Lead Disclosure Summaries are not required for EBLL cases.

The MU reviewed all 75 abatement work orders and found that all work orders contained the NOHR. See Attachment C.

According to LHC, hazard reduction letters continue to be 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 occupied abatements contained the Lead Disclosure Summary.
- 100% of moveout abatements and 100% of occupied abatements reviewed contained the NOHR.
- LHC demonstrated maintenance of all work orders in Maximo to the Compliance Department
- Lead SP including the requirements set forth in Paragraph 14(g).

Compliance recommends certifying to substantial compliance with paragraph 14(g) related to abatement documentation and the ability to keep records of NOHRs and Lead Disclosure Summaries.

VII. [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 six (6) live or visit for ten (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.

[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 (3) 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 DISTURBINGPAINTED 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, LHC, 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 LHC 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 249 RRP work orders during the Covered Period.

In sum, EHS field monitoring found a higher rate of compliance where the RRP work order enforcement questions are appropriately followed than in the previous reporting period. In particular, when workers answered the question, “Are you performing RRP work?” compliance rose to 90.76% (from 87.68% as reported in the July 2024 HUD Certification). EHS attributes this to LOT consistently educating staff at the job sites and the Compliance Department’s training for Skilled Trades supervisors on the importance of accurate responses.

[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 91.48% (59,240 out of 64,758) of work orders closed between June 16, 2024 to December 15, 2024 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, 2024 to December 15, 2024](#)

| Year-Month | No Count | % No | Yes Count | % Yes | Did Not Answer Yes or No | % Null Answer | Total |
|--|---------------|------------------|------------|-----------------|--------------------------|-----------------|---------------|
| June 2024 (beginning June 16, 2024) | 4,793 | 90.64% | 59 | 1.12% | 436 | 8.25% | 5,288 |
| July 2024 | 10,650 | 90.09% | 97 | 0.82% | 1,075 | 9.09% | 11,822 |
| August 2024 | 10,859 | 90.12% | 133 | 1.10% | 1058 | 8.78% | 12,050 |
| September 2024 | 10,490 | 91.70% | 117 | 1.02% | 832 | 7.27% | 11,439 |
| October 2024 | 10,641 | 91.77% | 91 | 0.78% | 863 | 7.44% | 11,595 |
| November 2024 | 8,112 | 93.13% | 46 | 0.53% | 552 | 6.34% | 8,710 |
| December 2024 (ending December 15, 2024) | 3,695 | 95.87% | 1 | 0.03% | 158 | 4.10% | 3,854 |
| Grand Total | 59,240 | 91.48% (average) | 544 | 0.84% (average) | 4,974 | 7.68% (average) | 64,758 |

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 LHC 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 373 NYCHA workers observed performing RRP work were RRP certified. In other words, for 249 jobs, a least one worker present had a valid Certified Renovator credential.

Despite this sample size, there were no vendor jobs observed.

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

The Compliance Department randomly selected 35 work orders each month to verify whether employees and staff were certified. All 35 work orders for December 2024 are included in this January 2025 Lead Certification Report. Further, only 18 closed RRP work orders were reviewed from June 16 to June 30, 2024.⁹ This effort resulted in a review of 228 work orders for work performed during the Covered Period (June 16, 2024 to December 15, 2024). The Compliance Department compared data from closed RRP work orders in Maximo with training results from the Learning & Development Department. Upon review, all 228 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).

⁹ 17 of 35 work order forms for June 2024 were completed prior to June 16, 2024 and reviews were included in the last lead report.

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, NYCHA’s Materials Management Department (“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 (2) separate NYCHA SPs govern storeroom management procedures: (1), 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. NYCHA SP 006:19:1, Operations of Development Storerooms – MMD Locations, governs storerooms management procedures for locations under MMD control.

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 188 total storeroom inspections for RRP supplies, 18 failed inspections, resulting in a compliance rate of 90.43%.

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 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 90.43% compliance for RRP storerooms.

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.

In May 2024, the Compliance Department published Compliance Advisory Alert 61 – RRP Renovation Checklist, which detailed findings from the January 2024 certification report and provided reminders to staff on the importance of completing all fields in the RRP Renovator Checklist available digitally.

[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 249 observations of RRP work orders:

- Among all the RRP work phases, the “Worksite Preparation” phase achieved 98.51% compliance rates. 134 “Worksite Preparations” activities were observed.
- 148 “Work Activities” were observed, with a 99.32% compliance rate.
- 55 “Cleanup Activities” were observed, with a 100% compliance rate.
- 74 “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 228 work orders (completed between June 16, 2024 to December 15, 2024) for the required attachments and confirmed whether the work orders had the RRP Renovation Checklist. 207 of the 228 work orders (91%) had staff that completed the RRP Renovation Checklist. The remaining work orders had either blank or partially completed RRP Renovation Checklists. A spreadsheet documenting this file review is annexed as Attachment J.

[RRP Checklists June 16, 2024 to December 15, 2024](#)

| | June* | July | August | September | October | November | December |
|---|-------------|------------------|------------------|-------------|------------|------------------|------------------|
| RRP Checklists Present | 18 | 25 ¹⁰ | 34 ¹¹ | 35 | 31 | 32 ¹² | 32 ¹³ |
| Partially Completed RRP Checklists | 0 | 10 | 1 | 0 | 3 | 3 | 3 |
| Non-Completed RRP Checklists | 0 | 0 | 0 | 0 | 1 | 0 | 0 |
| Total Work Orders Reviewed | 18 | 35 | 35 | 35 | 35 | 35 | 35 |
| Compliance Rate | 100% | 71% | 97% | 100% | 89% | 91% | 91% |

***17 of 35 work order forms for the month of June were completed prior to June 16, 2024.**

¹⁰ 4 work orders were logged “on behalf of” other painters by a Queens/SI Skilled Trades Supervisor during this month (WO #114354109, 127053339, 103351056, and 64621522).

¹¹ 3 work orders were logged “on behalf of” other painters by a Queens/SI Skilled Trades Supervisor during this month (WO #125865535, 112486401, and 96451525).

¹² 1 work order was logged “on behalf of” other painters by a Queens/SI Skilled Trades Supervisor during this month (WO #85437090).

¹³ 5 work orders were logged “on behalf of” other painters by a Queens/SI Skilled Trades Supervisor during this month (WO # 65530889, 91763819, 85436927, 80094056, and 70137999).

In 21 cases, MU identified partially completed or non-completed RRP checklists. In 9 of 21 cases, the skilled tradesperson did not confirm whether they contained waste on-site and/or contained waste while it was transported off-site. In 12 of 21 cases, the skilled tradesperson did not confirm whether 1) doors in the work area were covered, closed, or sealed, 2) work site was properly cleaned after renovation, 3) floors in the work area were covered, 4) all chips and debris were picked up, protective sheeting was misted, folded dirty side inward, and was taped for removal, 5) a HVAC ducts in the work area were closed and covered with tape-down plastic, or 6) work area was contained to prevent spread of dust and debris.

When the Compliance Department 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 one (1) of 21 instances. In this instance, a Manhattan painter who did not complete the checklist for one (1) work order explained that the omission from the checklist was made due to no scraping being necessary for the work. For this reason, the checklist was not fully completed. For the remaining 20 instances, the MU did not receive responses from skilled trades personnel despite outreach to the respective borough Operation Administrator as of January 15, 2025.

The Compliance Department is investigating an issue with completing RRP checklists after work is complete and will report on this in the next Certification.

Overall Description of Compliance for 15(e):

During the Covered Period, NYCHA meets 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 ranging from 98.51% to 100% for the 4 work phases (worksite preparation, work activities, cleanup activities, cleanup verification);
- File review showing an upward trend of compliance to 91% (compared to 89% in the last certification) for completion of the renovator's checklist. However, when the checklists were incomplete, the answers were blank in key areas such as closing doors, properly cleaning the worksite after renovation, covering floors, collecting chips and debris, misting and properly disposing of the protective sheeting, and properly containing the work area.

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 completes the renovator checklist more accurately and supervisors monitor for completeness.

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 249 work orders.
- 244 residents confirmed they received the information, resulting in a 97.99% compliance rate.

File Review for 15(f):

The MU assessed 228 work orders (completed between June 16, 2024 and December 15, 2024) for the required attachments and confirmed if the pre-renovation acknowledgement form indicated the pamphlet was offered to the resident. 100% (228 out of 228) of the work orders indicated in the pre-renovation acknowledgment 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, 2024 and December 15, 2024

| | June* | July | August | September | October | November | December |
|---------------------------------|-------|------|--------|-----------|---------|----------|----------|
| Acknowledge Form Present | 18 | 35 | 35 | 35 | 35 | 35 | 35 |

| | June* | July | August | September | October | November | December |
|------------------------------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| Acknowledge Form Incomplete | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Total Work Orders Reviewed | 18 | 35 | 35 | 35 | 35 | 35 | 35 |
| Compliance Rate | 100% |

***17 of 35 work order forms for the month of June were completed prior to June 16, 2024.**

[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 acknowledgment form before they can close an RRP work order;
- 97.99% (244 of 249) of residents confirmed they had received the Renovate Right Pamphlet;
- File review showing a rate of compliance of 100% 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.¹⁴ If a case 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.¹⁵

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

No field monitoring for the paragraph.

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

¹⁴ **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

¹⁵ **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

Notices of Evaluation:

The Compliance Department reviewed XRF inspection work orders in Maximo completed between June 16, 2024 and December 15, 2024. Based on data as of December 17, 2024, 15,928 of 29,913 (53%) completed XRF inspection work orders contained the required NOE in Maximo. 956 of the 13,985 work orders received the required NOE between December 17, 2024 and December 26, 2024, when LHC conducted their analysis. According to LHC, 12,789 of the 13,895 work orders without the NOE are in their Dynamics Tracker, 128 of the work orders are in their SharePoint Tracker, and the remaining 112 work orders have no data present. Of the 112 work orders with no data, 6 work orders were never scheduled from Phase 1 and 106 never scheduled from Phase 2 according to LHC.

Notices of Hazard Reduction:

Between June 16, 2024 and December 15, 2024, the IT data reflected 10,353 work orders. The MU selected a sample of 89 of these work orders and found that all 89 of these work orders had an associated NOHR. The MU confirmed the presence of these NOHRs as attachments in Siebel, attachments in Maximo, and by requesting evidence of emails sent from LHC to developments.

The MU attempted to review the sampled work orders by case type, whether as a non-exception (auto) case or exception (manual) case. In non-exception cases, NOHRs are automatically generated through the Siebel system, and in exception cases, the NOHR must be manually generated by LHC. In previous reports, the MU has reviewed exception (manual) cases separately to determine the presence of NOHRs and evidence of email delivery of NOHRs from LHC within the 15-day window in Maximo. However, after review, the MU determined that there is an error in the Data Warehouse database for exception work orders, resulting in multiple work orders being present in both the non-exception and exception databases. As a result, the MU was unable to conduct separate reviews for exception and non-exception cases at this time. The MU escalated this issue to LHC on January 7, 2025, and LHC and Compliance are working with IT to fix this error in Data Warehouse.

Overall Description of Compliance for 15(g):

For the Covered Period, the Compliance review of the sample selection of 89 work orders exhibited a positive result for 100% of the notices. The MU was unable to conduct separate reviews for non-exception (auto) and exception (manual) cases due to an IT issue in Data Warehouse.

Based on the results for 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. 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 lead 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 134 EHS observations of worksite preparation activities, 98.51% 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 98.51% for worksite preparation activities and 99.32% for work activities;
- File review showing an upward trend of compliance to 91% (compared to 89% in the last certification) for completion of the renovator’s checklist.

In the July 31, 2024 Lead Certification Report, EHS reported that it experienced difficulties in identifying RRP vendor jobs. During the period covered by the January 31, 2025 Lead Certification Report, EHS did not observe any vendor RRP jobs.

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 55 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 an upward trend of compliance to 91% (compared to 89% 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 did not observe any 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:

- 302 dust wipe sample collection jobs were observed. 163 were for RRP clearance and 139 were for lead abatement clearance.
- There was a 98.77% compliance rate in the RRP clearance jobs observed. *See Attachment A.*
- EHS reviewed 302 clearance examinations, covering both abatement and RRP projects. EHS noted that 98.79% of NYCHA clearance examiners and 100% of vendor personnel had proper credentials for their job type; that 100% of 302 jobs adhered to the 1-hour wait time between clearance and cleaning activities; that 99.67% of 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, 2024 to December 15, 2024). 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.

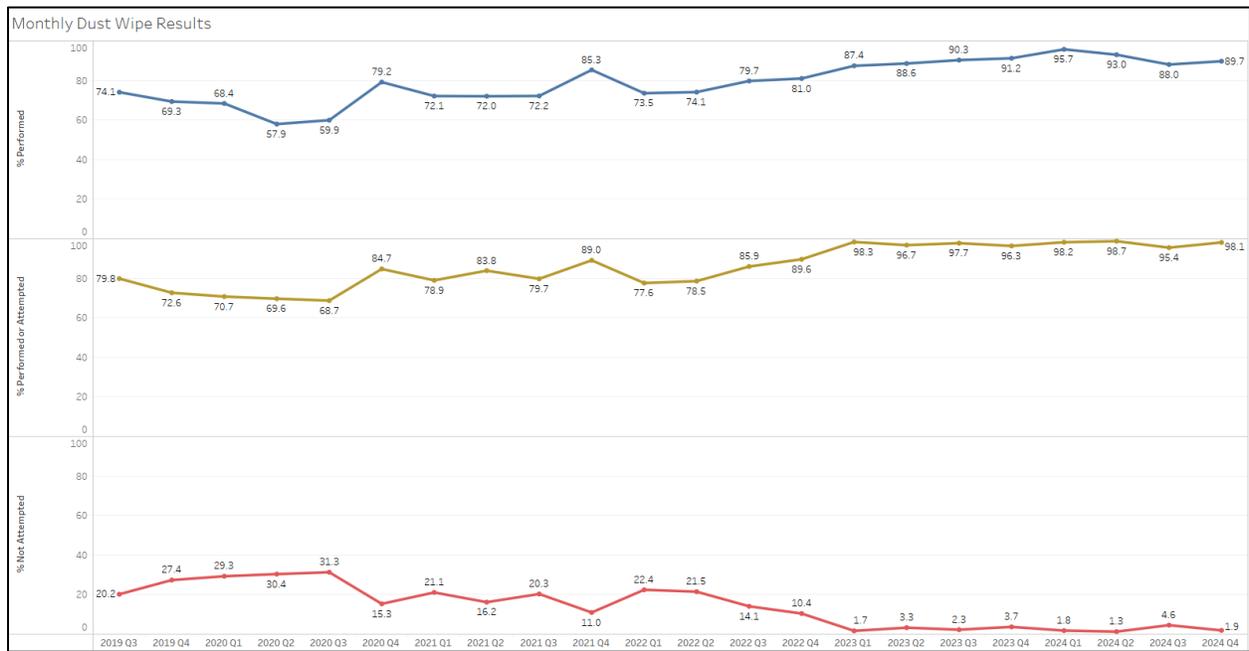
Timing of Initial Clearance Examinations and Overall Performance (June 16, 2024 - December 15, 2024)

| Month | Total # of CM Work Orders | Total # of DW Performed in Reporting Week | Dust Wipes Performed in 24 Hours | % of 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 | 183 | 144 | 108 | 75% | 16 | 163 | 5 |
| July | 669 | 576 | 464 | 81% | 46 | 608 | 7 |
| August | 631 | 546 | 446 | 82% | 51 | 591 | 9 |
| September | 681 | 568 | 439 | 77% | 62 | 596 | 3 |
| October | 738 | 663 | 552 | 83% | 55 | 673 | 8 |
| November | 585 | 490 | 401 | 82% | 43 | 510 | 5 |
| December | 310 | 285 | 243 | 85% | 18 | 262 | 2 |
| Total | 3,797 | 3,272 | 2,653 | 81% | 291 | 3,403 | 39 |

Analysis: During the reporting period, NYCHA completed 3,272 of 3,797 (86.2%) of clearance examinations within the weekly reporting cycle used to examine clearance examinations. NYCHA completed 2,653 of 3,272 (81.1%) of these clearance examinations within 24 hours of the last labor transaction on the Corrective Maintenance work order. NYCHA completed 2,944 of 3,272 (90.0%) of these clearance examinations within 48 hours of the last labor transaction on the Corrective Maintenance work order. These rates are all improvements 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

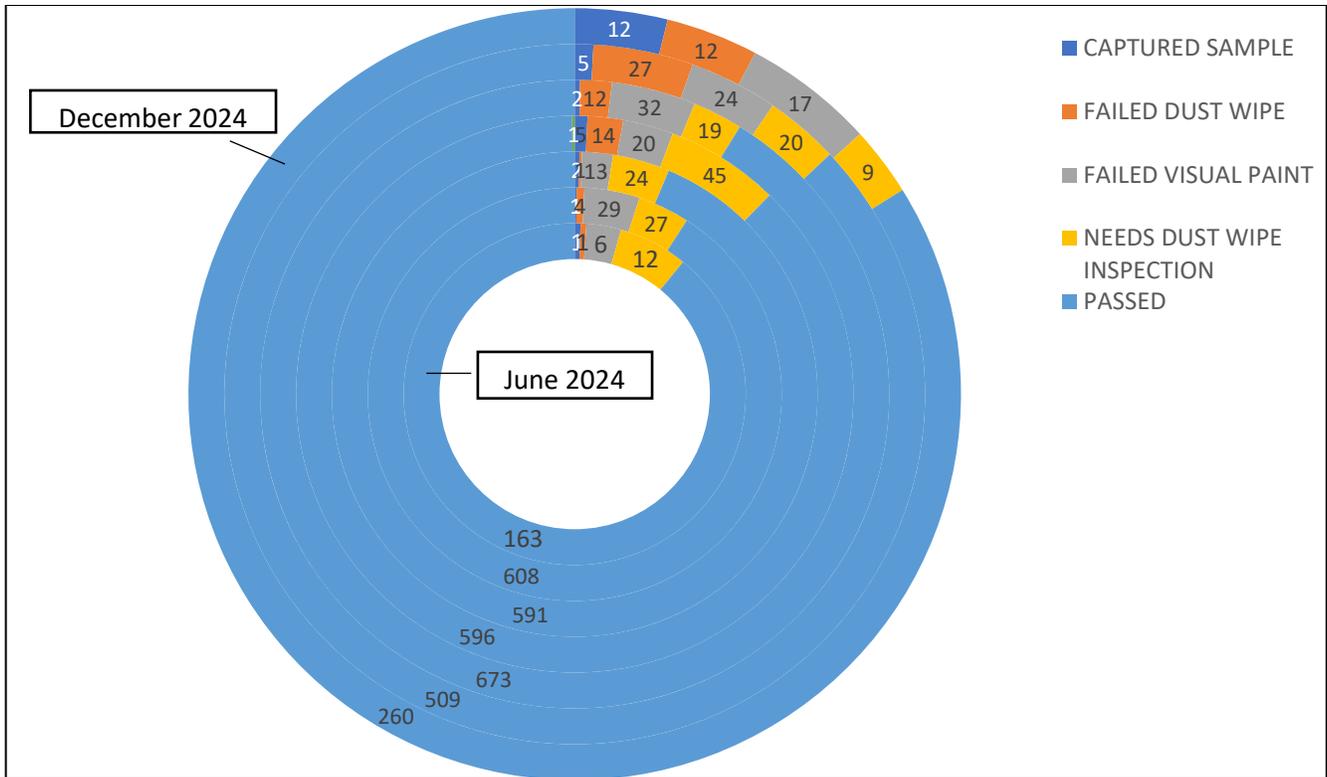


↑
December 2024

Analysis: Throughout the reporting period, LHC had consistently high performance both in terms of samples collected and attempted beginning in June 2024 through December 2024, typically ranging from nearly 90% to above 95%. 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, 2024 to December 15, 2024. 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 2024 as the inner most ring and December 2024 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 | 1 | 1 | 2 | 5 | 2 | 5 | 12 | 28 |
| FAILED DUST WIPE | 1 | 4 | 1 | 14 | 12 | 27 | 12 | 71 |
| FAILED VISUAL PAINT | 6 | 29 | 13 | 20 | 32 | 24 | 17 | 141 |
| NEEDS DUST WIPE INSPECTION | 12 | 27 | 24 | 45 | 19 | 20 | 9 | 156 |
| PASSED | 163 | 608 | 591 | 596 | 673 | 509 | 260 | 3,400 |
| REOPEN | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 1 |
| TOTAL | 183 | 669 | 631 | 681 | 738 | 585 | 310 | 3,797 |

Analysis:

- 89.5% of the clearance examinations performed over the reporting period are in “pass” status (vs. 90.4% in the prior period);
- 4.1% have not had clearance examinations yet (vs. 4.7% in prior period);
- 0.7% have been collected and are pending lab analysis (vs. 0.7% in prior period);

- 1.9% remain in fail status (vs. 1.7% in prior period); and
- 3.7% failed the visual phase of the clearance examination (vs. 2.5% 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 10.5% of dust wipe clearance examinations are not in passed status.

The number that are in fail status at the end of the reporting period is 1.9%. 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.

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.

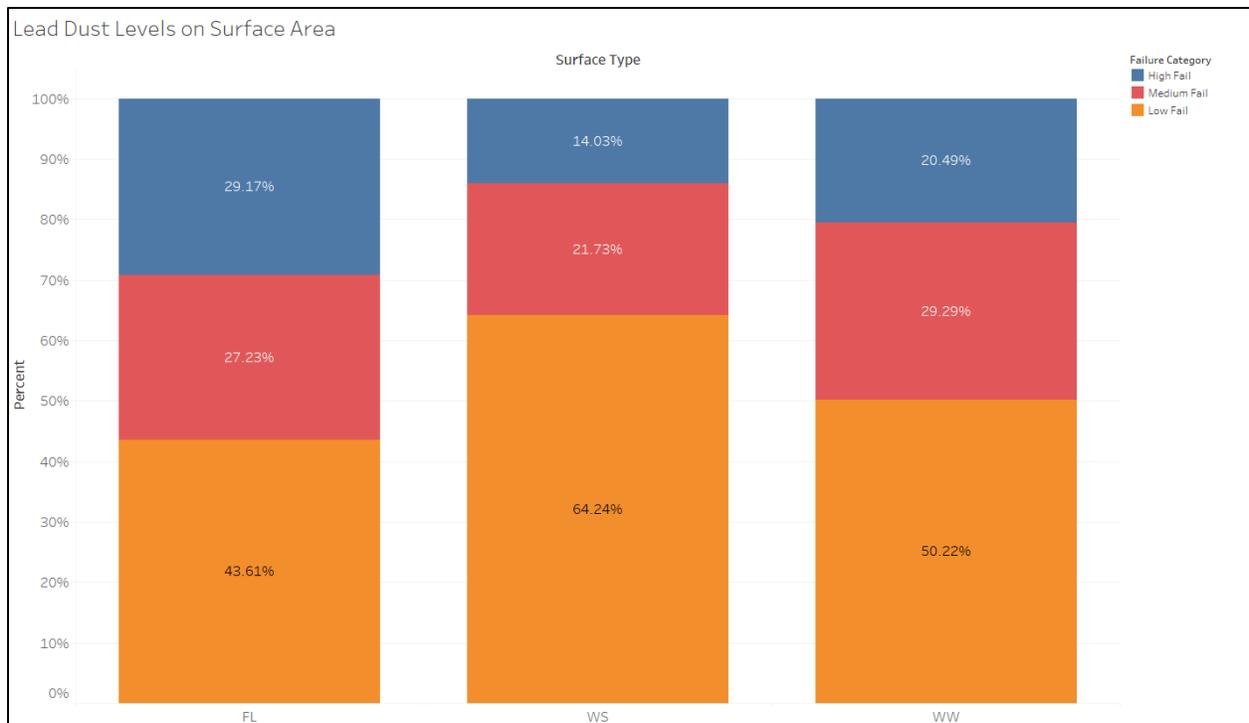
The current New York City and federal dust wipe thresholds are different for floors, window sills and window wells. NYCHA applies the New York City standards because they are more stringent than the federal standards. The below chart shows the difference between the two standards:

| 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, 2024 to December 15, 2024. 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 64.24% 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 43.61% 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 79.51% 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 25.80% in the July 2024 HUD Certification report to 29.17% in this Certification report. For window sills, the percentage of high fail dust wipes increased, shifting from 10.00% in the July 2024 HUD Certification report to 14.03% in this Certification report. For window wells, the percentage of high fail dust wipes decreased from 24.50% in the July 2024 HUD certification report to 20.49% in this Certification report. Compliance plans to continue to increase its efforts to reinforce the importance of following cleaning protocols 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 time to complete dust wipes. 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 2025 Lead Certification Report (FINAL)]

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

[Available Upon Request]

Attachment K

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 Partners are abating all lead-based paint in units, and in interior and exterior common areas via removal, unless approved by NYCHA, and the Partner must ultimately remove all lead-based paint that test positive at the 0.5 mg/cm² standard to ensure the development is “lead-free” under the NYC definition of lead-based paint. A PACT Partner may delay the abatement of a unit at the 0.5 mg/cm² threshold until after the construction period if the unit has a Lead-Free exemption granted by NYC’s Department of Housing Preservation and Development (“HPD”) at 1.0 mg/cm² until the unit turns over unless a child under the age of 6 resides in or regularly visits the unit.

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 to abate at the 0.5 mg/cm² threshold or to upload information to the Smartsheets.

For the deficiencies noted below, REDD has followed up on each field observation and record deficiency with the PACT Partner.

1. Manhattan Bundle

This PACT project consists of approximately 1,718 apartment units. Based on 1.0 mg/cm² random sampling, no units required abatement. However, abatement was required in some common areas.

NYCHA did not perform a review of the documents in Smartsheet. Document reviews have been conducted on a unit/apartment basis and on a ratio based on the number of units cleared, with a maximum of 50 file reviews per covered period. However, since this work was performed in the common areas, compliance was assessed based on field observations, as discussed below.

Field Monitoring at Manhattan Bundle

The tables below present the results of the field observations conducted during abatement and clearance activities at the Manhattan Bundle during this Covered Period. A total of 11 field observations were performed for abatement activities and 1 for clearance activities. The observed controls for abatement and clearance are presented in two separate tables because not all development inspections included both abatement and clearance. Some inspections included either one or both. The tables list the total number of discrete observations made in the field for each control. Green and zero indicate no deficiencies found, while non-complaint observations are shown in red and in parentheses, if applicable.

| Compliance Task | Number of inspections observed (# non-compliant) 6/16/24-12/15/24 |
|--------------------------------|--|
| Administrative Controls | |
| Resident Notification Posted | 11(0) |

| | |
|--|---------|
| LBP Contractor's EPA/NYC Notification Posted | 11(0) |
| LBP Supervisor's EPA/NYC Certifications Posted | 11(0) |
| LBP Worker's EPA/NYC Certifications Posted | 11(0) |
| NYCHA Approved Work Plan Posted | 11(0) |
| Log Book On-site with Current Entries | 11(0) |
| Equipment Manufacturer's Specification/Cut Sheet | 11 (11) |
| Engineering Controls | |
| Warning Tape & Signs Present | 11(0) |
| Moveable Objects Cleaned & Removed | 11(0) |
| Critical Barriers Established & Maintained | 11 (3) |
| Containment Established | 11 (3) |

| Compliance Task | Number of inspections observed (# non-compliant) 6/16/24-12/15/24 |
|---|---|
| Clearance Controls | |
| Met Minimum 1 Hour Waiting Period | 1 (0) |
| Inspector Clearance Certification Available (and Not Expired) | 1 (0) |
| Visual inspection Performed | 1 (0) |
| Visual Inspection Results Recorded | 1 (0) |
| Visual Inspection Passed | 1 (0) |
| Sample Collection Observed by STV/Matrix | 1 (0) |
| Unused Gloves for Each Dust Wipe Sample | 1 (0) |
| Template or Acceptable Alternative Used | 1 (0) |
| Template Cleaned Between Samples | 1 (0) |
| Correct Sampling Collection Technique - Floors | 1 (0) |
| Correct Sampling Collection Technique - Windows/Narrow Areas | 1 (0) |
| Correct Wipe Sample Packaging | 1 (0) |
| Hard Shell Sealable Centrifuge Tube for Container | 1 (0) |
| Sample Collection Vials Correctly Labeled | 1 (0) |
| Sample Container Label Matches Sample Location | 1 (0) |
| Sample Area Correctly Measured | 1 (0) |
| Correct Number of Field Blanks | 1 (0) |
| One Dust Sample Taken from Floor for Each Room | 1 (0) |
| Dust Samples Taken from Windows if Present | 1 (0) |
| Sample Collected Outside/Within 10 Ft of Containment Area | 1 (0) |
| Chain of Custody Form | 1 (0) |

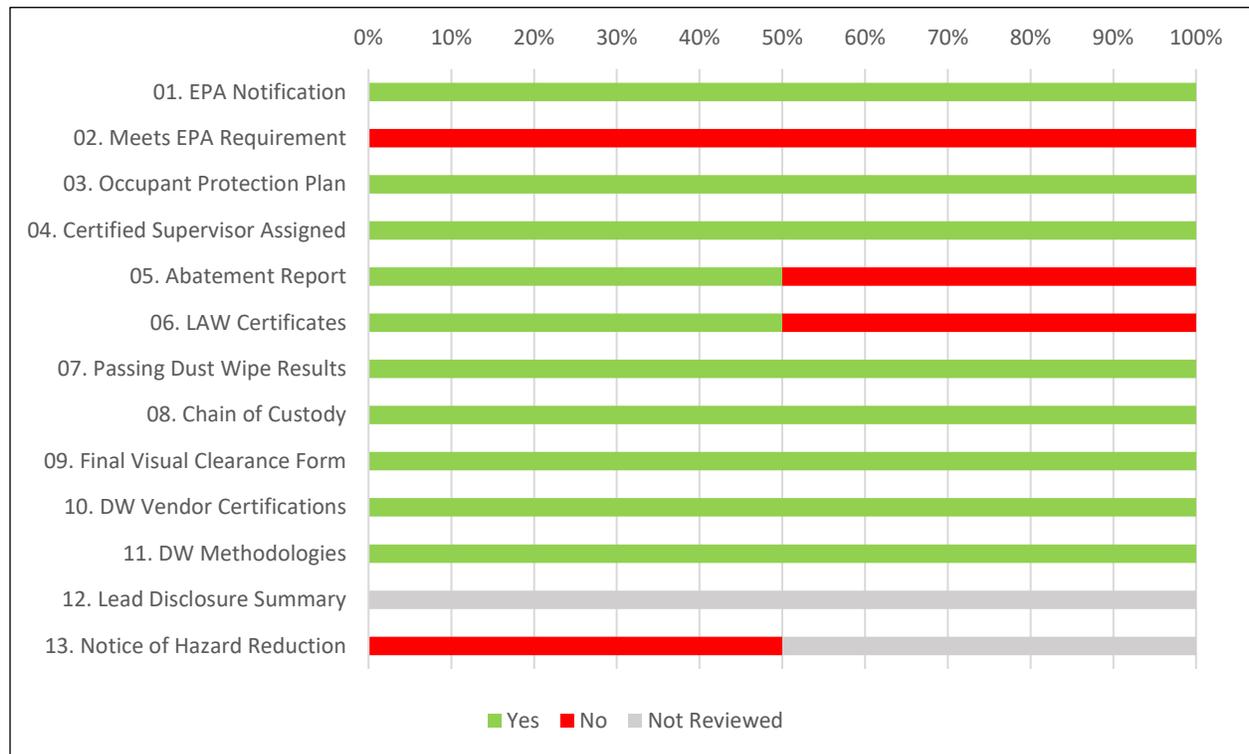
Summary of Field Observations

On August 7 and 28, 2024 STV, conducted inspections in two common areas, with a clearance inspection performed on August 7 in one common area. During the abatement activities, power tools without a HEPA shroud were observed in use. On August 28, a disk grinder was used during the abatement of an elevator door frame, and it was noted that the interior of the elevator was not adequately protected with poly covering. This issue was brought to the contractor’s attention, emphasizing that only approved power tools or manual methods should be used for abatement. On September 5, STV observed that several components associated with the standpipes still had residual paint. To address this, the abatement contractor returned to the location on September 24 and encapsulated these surfaces in the presence of STV.

2. Boulevard | Belmont Sutter Area | Fiorentino Plaza

This PACT project consists of approximately 1,673 apartment units. Based on the 0.5 mg/cm² positivity rate to date, new testing reveals that 789 units are presumed lead positive. As of December 31, 2024, 440 units (approximately 55.8% of the total presumed lead positive units) have been abated and cleared.

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



- Evidence that the EPA notification timeline requirement was not found in either file reviewed.
- 1 of the 2 reviewed files contained Abatement Reports.
- 1 of the 2 reviewed files contained LAW certifications.
- NYCHA is not tracking the obligation to provide Lead Disclosure Summaries as part of this file review.

- The NOHR was not located in 2 of the 2 files reviews. For 1 of the 2 files reviewed, the Abatement Report and OPP mark the unit as vacant and therefore, NYCHA is not tracking the obligation to provide a NOHR as part of this file review. For 1 of the 2 files reviewed, there was no Abatement Report in the file reviewed to determine if the unit was vacant.

Field Monitoring at Boulevard

The tables below present the results of the field observations conducted during abatement and clearance activities at Boulevard during this Covered Period. A total of 30 field observations were conducted for abatement activities and 3 for clearance activities. The observed controls for abatement and clearance are presented in two separate tables because not all development inspections included both abatement and clearance. Some inspections included either one or both. The tables list the total number of discrete observations made in the field for each control, with the number of non-compliant observations indicated in red and in parentheses, where applicable.

| Compliance Task-Abatement - Boulevard | Number of inspections observed (# non-compliant) 6/16/24-12/15/24 |
|--|--|
| Administrative Controls | |
| Resident Notification Posted | 30 (0) |
| LBP Contractor's EPA/NYC Notification Posted | 30 (0) |
| LBP Supervisor's EPA/NYC Certifications Posted | 30 (0) |
| LBP Worker's EPA/NYC Certifications Posted | 30 (0) |
| NYCHA Approved Work Plan Posted | 30 (0) |
| Log Book On-site with Current Entries | 30 (0) |
| Equipment Manufacturer's Specification/Cut Sheet | 30 (0) |
| Engineering Controls | |
| Warning Tape & Signs Present | 30 (0) |
| Moveable Objects Cleaned & Removed | 30 (0) |
| Critical Barriers Established & Maintained | 30 (0) |
| Containment Established | 30 (0) |

| Compliance Task- Clearance | Number of inspections observed (# non-compliant) 6/16/24 – 12/15/24 |
|---|--|
| Clearance Controls | |
| Met Minimum 1 Hour Waiting Period | 7 (0) |
| Inspector Clearance Certification Available (and Not Expired) | 7 (0) |
| Visual inspection Performed | 7 (0) |
| Visual Inspection Results Recorded | 7 (0) |
| Visual Inspection Passed | 7 (0) |

| Compliance Task- Clearance | Number of inspections observed (# non-compliant) 6/16/24 – 12/15/24 |
|--|--|
| Sample Collection Observed by STV/Matrix | 7 (0) |
| Unused Gloves for Each Dust Wipe Sample | 7 (0) |
| Template or Acceptable Alternative Used | 7 (0) |
| Template Cleaned Between Samples | 7 (0) |
| Correct Sampling Collection Technique - Floors | 7 (0) |
| Correct Sampling Collection Technique - Windows/Narrow Areas | 7 (0) |
| Correct Wipe Sample Packaging | 7 (0) |
| Hard Shell Sealable Centrifuge Tube for Container | 7 (0) |
| Sample Collection Vials Correctly Labeled | 7 (0) |
| Sample Container Label Matches Sample Location | 7 (0) |
| Sample Area Correctly Measured | 7 (0) |
| Correct Number of Field Blanks | 7 (0) |
| One Dust Sample Taken from Floor for Each Room | 7 (0) |
| Dust Samples Taken from Windows if Present | 7 (0) |
| Sample Collected Outside/Within 10 Ft of Containment Area | 7 (0) |
| Chain of Custody Form | 7 (0) |

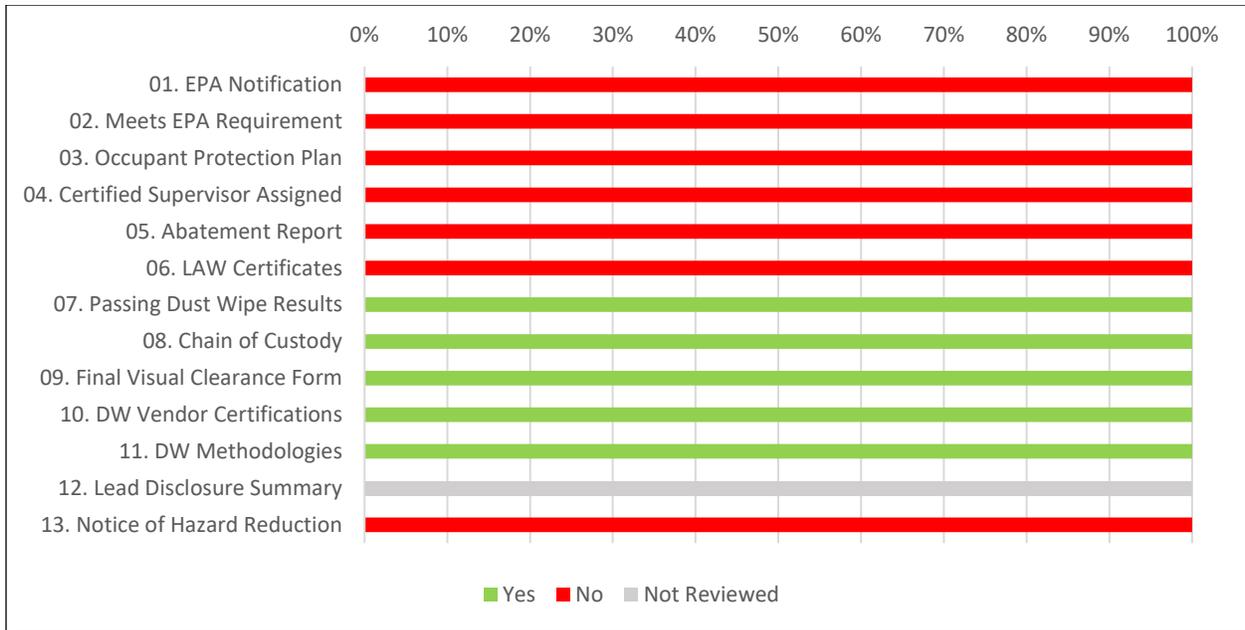
Summary of Field Observations

STV did not observe any issues in the field for abatement or clearance during this reporting period.

3. Linden Penn Wortman

Lead abatement started in June 2022. This PACT project encompasses a total of 1,922 units. According to REDD, the newly adjusted number of lead-positive units is 213, down from the previously reported (in the July 31, 2024 certification) 314 units. During this covered period 10 units were abated. As of December 31, 2024, 155 units (72.8% of the identified lead units) have been abated and cleared. 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 reviewed the supporting documents for 1 unit abated and cleared. NYCHA Compliance noted the following items



- An EPA notification was not found in the reviewed file and evidence that the EPA notification timeline requirement was not found.
- The OPP was not located in the reviewed file.
- The abatement report and LAW certificates were not available in the reviewed file.
- NYCHA is not tracking the obligation to provide Lead Disclosure Summaries as part of this file review.
- The NOHR was not located in the file review. With no Abatement Report or OPP, it was unable to be determined if the unit was vacant or occupied. If a unit is vacant, NYCHA is not tracking the obligation to provide a NOHR as part of this file review.

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

The tables below present the results of the field observations conducted during abatement and clearance activities at Linden during this covered period. A total of 11 field observations were conducted for abatement activities and two for clearance activities. The observed controls for abatement and clearance are presented in two separate tables because not all development inspections included both abatement and clearance. Some inspections included either one or both. The tables list the total number of discrete observations made in the field for each control, with the number of non-compliant observations indicated in red and in parentheses.

| Compliance Task-Abatement | Number of inspections observed (# non-compliant) 6/16/24 – 12/15/24 |
|--|---|
| Administrative Controls | 11 (3) |
| Resident Notification Posted | 11 (0) |
| LBP Contractor's EPA/NYC Notification Posted | 11 (0) |
| LBP Supervisor's EPA/NYC Certifications Posted | 11 (0) |

| | Number of inspections observed (# non-compliant) 6/16/24 – 12/15/24 |
|--|---|
| Compliance Task-Abatement | |
| LBP Worker's EPA/NYC Certifications Posted | 11 (0) |
| NYCHA Approved Work Plan Posted | 11 (3) |
| Log Book On-site with Current Entries | 11 (0) |
| Equipment Manufacturer's Specification/Cut Sheet | 11 (0) |
| Engineering Controls | |
| Warning Tape & Signs Present | 11 (0) |
| Moveable Objects Cleaned & Removed | 11 (0) |
| Critical Barriers Established & Maintained | 11 (0) |
| Containment Established | 11 (0) |

| | Number of inspections observed (# non-compliant) 6/16/24 12/15/24 |
|---|---|
| Compliance Task- Clearance | |
| Clearance Controls | |
| Met Minimum 1 Hour Waiting Period | 2 (0) |
| Inspector Clearance Certification Available (and Not Expired) | 2 (0) |
| Visual inspection Performed | 2 (0) |
| Visual Inspection Results Recorded | 2 (0) |
| Visual Inspection Passed | 2 (0) |
| Sample Collection Observed by STV/Matrix | 2 (0) |
| Unused Gloves for Each Dust Wipe Sample | 2 (0) |
| Template or Acceptable Alternative Used | 2 (0) |
| Template Cleaned Between Samples | 2 (0) |
| Correct Sampling Collection Technique - Floors | 2 (0) |
| Correct Sampling Collection Technique - Windows/Narrow Areas | 2 (0) |
| Correct Wipe Sample Packaging | 2 (0) |
| Hard Shell Sealable Centrifuge Tube for Container | 2 (0) |
| Sample Collection Vials Correctly Labeled | 2 (0) |
| Sample Container Label Matches Sample Location | 2 (0) |
| Sample Area Correctly Measured | 2 (0) |
| Correct Number of Field Blanks | 2 (0) |
| One Dust Sample Taken from Floor for Each Room | 2 (0) |
| Dust Samples Taken from Windows if Present | 2 (0) |
| Sample Collected Outside/Within 10 Ft of Containment Area | 2 (0) |
| Chain of Custody Form | 2(0) |

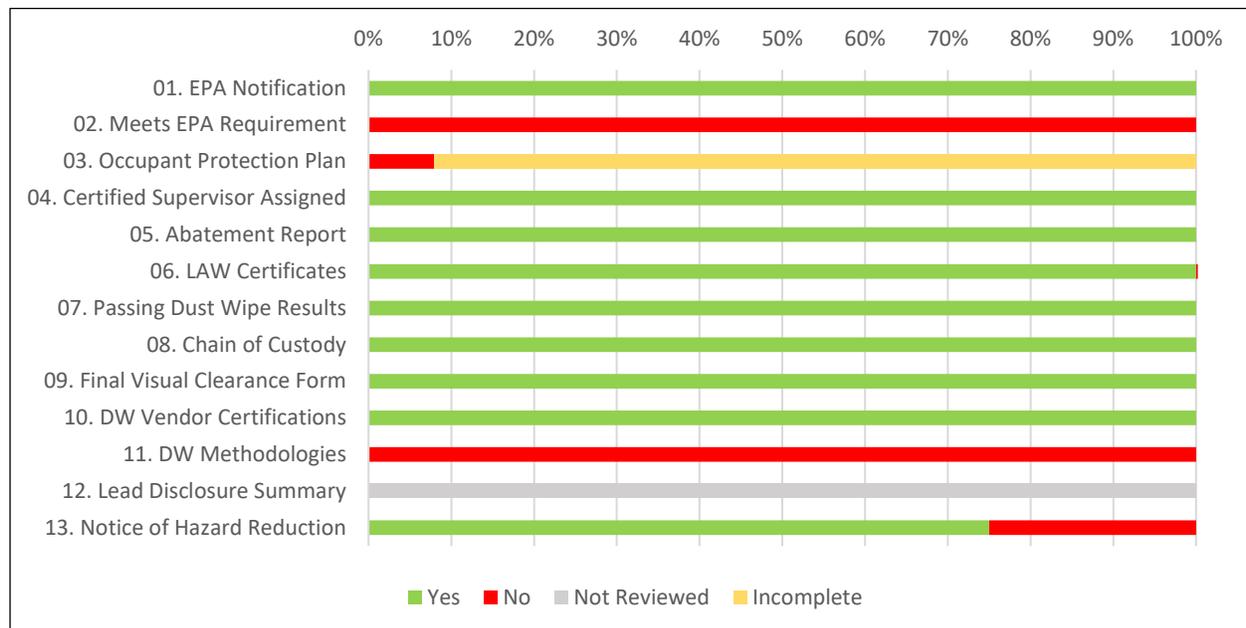
Summary of Field Observations

On September 11, 2024, STV identified several deficiencies related to abatement, including the absence of resident notifications, a work plan, and a logbook. These issues were brought to the contractor's attention. No clearance deficiencies were found.

4. Edenwald

Lead abatement commenced in July 2023. Edenwald comprises 2,035 units, of which NYCHA estimates 879 will test positive for lead based on the current positivity rate. As of December 31, 2024, 422 units have already been abated and cleared, representing approximately 48% of the estimated total. During this covered period alone, the PACT Partner abated and cleared 184 units.

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



- Evidence that the EPA notification timeline requirement was met was not found in any files reviewed.
- 1 out of the 9 files reviewed did not have the OPP. 8 out of 9 files reviewed had OPP reports that conflicted with information with the Abatement Report. 8 OPPs reported the unit to be “vacant” while the Abatement Report reported the unit to be “occupied”.
- NYCHA is not tracking the obligation to provide Lead Disclosure Summaries as part of this file review.
- 3 out of the 9 files reviewed did not contain NOHRs. The file review was unable to determine if the unit was vacant or occupied. If a unit is vacant, NYCHA is not tracking the obligation to provide a NOHR as part of this file review.

[Field Monitoring at Edenwald](#)

During this period, STV performed 44 discrete field observations for each of the abatement controls and 12 observations for clearance controls. However, there were instances where not all controls could be observed in all units inspected; thus, the numbers might differ from one control to another (i.e., not all controls were observed during all inspections; therefore, the numbers may not match exactly between abatement and clearance). Observed controls for abatement and clearance are presented in two separate tables because not all development inspections included both abatement and clearance. Some inspections included either one or both. The tables list the total number of discrete observations made in the field for each control, with the number of non-compliant observations indicated in red and in between parentheses.

| Compliance Task-Abatement | Number of inspections observed (# non-compliant) 6/16/24 12/15/24 |
|--|--|
| Administrative Controls | 44 (0) |
| Resident Notification Posted | 44 (0) |
| LBP Contractor's EPA/NYC Notification Posted | 44 (0) |
| LBP Supervisor's EPA/NYC Certifications Posted | 44 (0) |
| LBP Worker's EPA/NYC Certifications Posted | 44 (0) |
| NYCHA Approved Work Plan Posted | 44 (0) |
| Log Book On-site with Current Entries | 44 (0) |
| Equipment Manufacturer's Specification/Cut Sheet | 44 (0) |
| Engineering Controls | |
| Warning Tape & Signs Present | 44 (0) |
| Moveable Objects Cleaned & Removed | 44 (0) |
| Critical Barriers Established & Maintained | 44 (0) |
| Containment Established | 44 (1) |

| Compliance Task- Clearance | Number of inspections observed (# non-compliant) 6/16/24 12/15/24 |
|---|--|
| Clearance Controls | |
| Met Minimum 1 Hour Waiting Period | 12 (0) |
| Inspector Clearance Certification Available (and Not Expired) | N/A |
| Visual inspection Performed | 12 (0) |
| Visual Inspection Results Recorded | 12 (0) |
| Visual Inspection Passed | 12 (0) |
| Sample Collection Observed by STV/Matrix | 12 (0) |
| Unused Gloves for Each Dust Wipe Sample | 12 (0) |
| Template or Acceptable Alternative Used | 12 (0) |
| Template Cleaned Between Samples | 12 (0) |
| Correct Sampling Collection Technique – Floors | 12 (4) |

| Compliance Task- Clearance | Number of inspections observed (# non-compliant) 6/16/24 12/15/24 |
|--|--|
| Correct Sampling Collection Technique - Windows/Narrow Areas | 12 (0) |
| Correct Wipe Sample Packaging | 12 (0) |
| Hard Shell Sealable Centrifuge Tube for Container | 12 (0) |
| Sample Collection Vials Correctly Labeled | 12 (0) |
| Sample Container Label Matches Sample Location | 12 (0) |
| Sample Area Correctly Measured | 12 (0) |
| Correct Number of Field Blanks | 12 (0) |
| One Dust Sample Taken from Floor for Each Room | 12 (0) |
| Dust Samples Taken from Windows if Present | 12 (0) |
| Sample Collected Outside/Within 10 Ft of Containment Area | 12 (0) |
| Chain of Custody Form | 12 (0) |

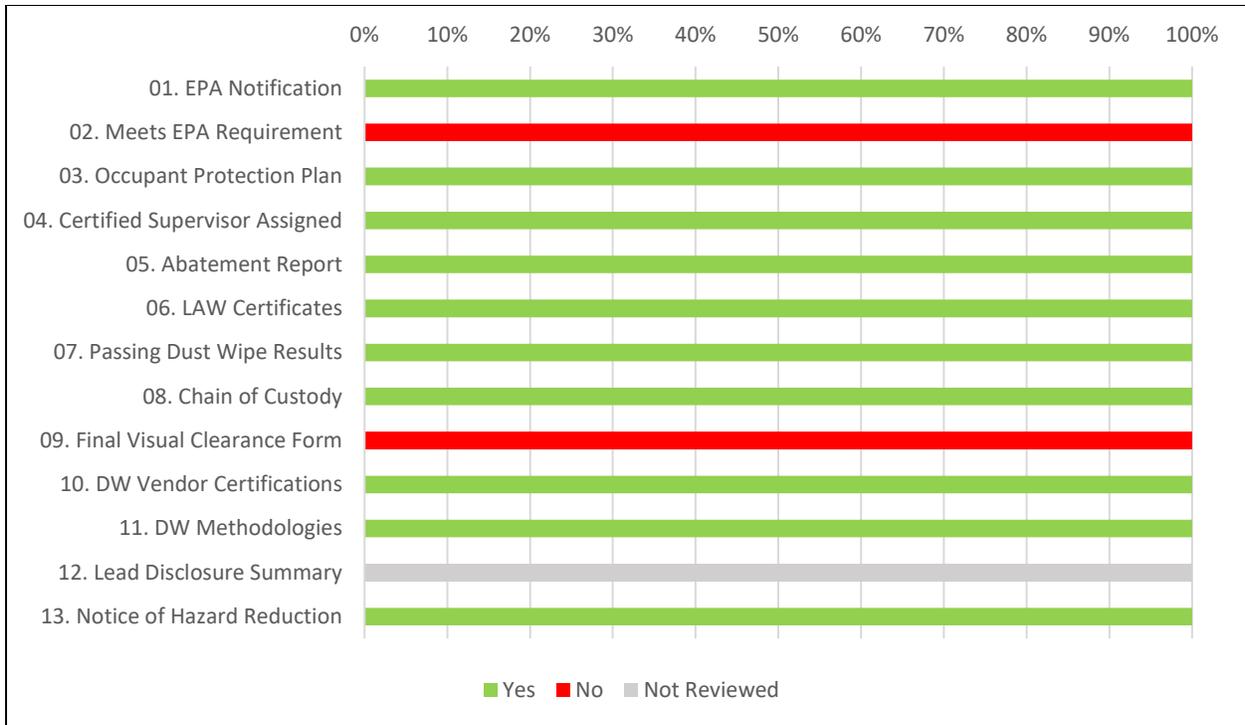
Summary of Field Observations

On September 17, 2024, an abatement deficiency was observed as the floor covering did not extend fully to the tread edges, leaving small strips of the stair tread exposed to lead dust. However, it was noted that the poly on the ground floor adequately covered the area, effectively catching all lead dust from above. This issue was brought to the contractor’s attention via email. STV also found that during clearance sampling on August 8 and 20, 2024, the template used for flooring sampling was not taped down properly, as only the center was taped while the edges were left loose. This issue was communicated to the clearance sampling contractor.

5. Union Avenue Consolidated

Union Avenue Consolidated comprises 983 units, of which 8 units tested positive for lead at 0.5 mg/cm². As of December 31, 2024, the PACT Partner has reported that all 8 units have been abated and cleared, representing 100% of the lead-positive units identified.

NYCHA reviewed the supporting documents for 1 unit abated and cleared. NYCHA Compliance noted the following items:



- In the 1 file reviewed, there was proof that the EPA notice was submitted, but proof that it was submitted 5 days prior to the start of the work, as required, was not found.
- The final visual clearance form was missing from the file.
- NYCHA is not tracking the obligation to provide Lead Disclosure Summaries as part of this file review.

[Field Monitoring at Union Avenue Consolidated](#)

The tables below present the results of the field observations conducted during abatement and clearance activities at Union Avenue Consolidated during this Covered Period. A maximum of 16 field observations were conducted for abatement activities and 3 for clearance activities. The observed controls for abatement and clearance are presented in two separate tables because not all development inspections included both abatement and clearance. Some inspections included either one or both. The tables list the total number of discrete observations made in the field for each control, with the number of non-compliant observations indicated in red and in parentheses.

| Compliance Task | Number of inspections observed (# non-compliant) 6/16/24-12/15/24 |
|--|---|
| Administrative Controls | |
| Resident Notification Posted | 14 (0) |
| LBP Contractor's EPA/NYC Notification Posted | 14 (0) |
| LBP Supervisor's EPA/NYC Certifications Posted | 14 (0) |

| | |
|--|--------|
| LBP Worker's EPA/NYC Certifications Posted | 16 (4) |
| NYCHA Approved Work Plan Posted | 14 (0) |
| Log Book On-site with Current Entries | 15 (2) |
| Equipment Manufacturer's Specification/Cut Sheet | 16 (2) |
| Engineering Controls | |
| Warning Tape & Signs Present | 14 (0) |
| Moveable Objects Cleaned & Removed | 14 (0) |
| Critical Barriers Established & Maintained | 14 (0) |
| Containment Established | 14 (0) |

| Compliance Task | Number of inspections observed (# non-compliant) 6/16/24-12/15/24 |
|---|---|
| Clearance Controls | |
| Met Minimum 1 Hour Waiting Period | 3 (0) |
| Inspector Clearance Certification Available (and Not Expired) | 3 (0) |
| Visual inspection Performed | 3 (0) |
| Visual Inspection Results Recorded | 3 (0) |
| Visual Inspection Passed | 3 (2) |
| Sample Collection Observed by STV/Matrix | 3 (0) |
| Unused Gloves for Each Dust Wipe Sample | 3 (0) |
| Template or Acceptable Alternative Used | 3 (0) |
| Template Cleaned Between Samples | 3 (0) |
| Correct Sampling Collection Technique - Floors | 3 (0) |
| Correct Sampling Collection Technique - Windows/Narrow Areas | 3 (0) |
| Correct Wipe Sample Packaging | 3 (0) |
| Hard Shell Sealable Centrifuge Tube for Container | 3 (0) |
| Sample Collection Vials Correctly Labeled | 3 (0) |
| Sample Container Label Matches Sample Location | 3 (0) |
| Sample Area Correctly Measured | 3 (0) |
| Correct Number of Field Blanks | 3 (0) |
| One Dust Sample Taken from Floor for Each Room | 3 (0) |
| Dust Samples Taken from Windows if Present | 3 (0) |
| Sample Collected Outside/Within 10 Ft of Containment Area | 3 (0) |
| Chain of Custody Form | 3 (0) |

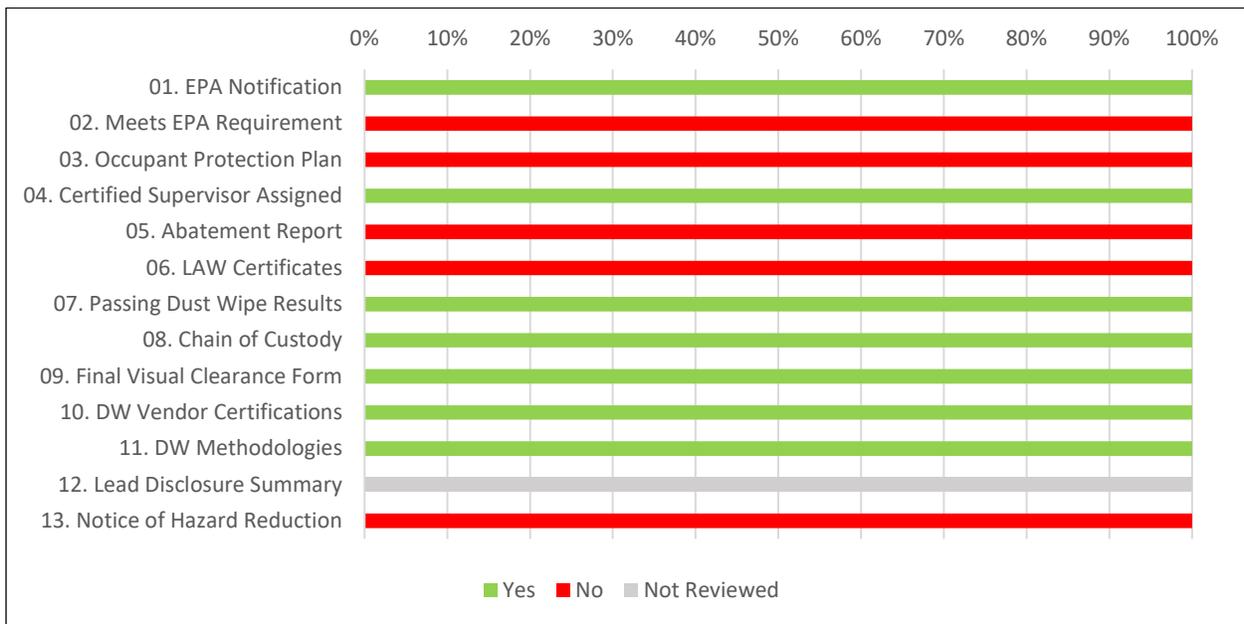
Summary of Field Observations

During abatement and clearance activities at Union Avenue Consolidated, several inspections were conducted across units and common areas. On June 17 and 18, 2024, an abatement inspection in the common areas revealed that some abatement workers lacked proper EPA licenses and had only completed lead awareness training. The abatement contractor was notified, and the workers without proper licenses were removed from future abatement activities. Additionally, equipment cut sheets for the power tools were not available onsite. Subsequent inspections on July 11 and 16 in one unit and a common area, as well as on September 26 in a common area, found no issues. However, inspections on October 1 and 3 noted a failed visual inspection due to standing water in the work area, preventing sampling on those days.

6. Sack Wern

Sack Wern closed on June 26, 2024, transitioning into the PACT program. The development comprises 413 units, of which 200 have been identified as requiring lead abatement based on the current positivity rate at 0.5 mg/cm². As of December 31, 2024, 32 units have been abated and cleared, representing 16% of the units identified for abatement.

NYCHA reviewed the supporting documents for 1 unit abated and cleared. NYCHA Compliance noted the following items:



- An EPA notification was found in the reviewed file, however evidence that the EPA notification timeline requirement was met was not found.
- The OPP was not located in the reviewed file.
- The Abatement Report and LAW certificates were not available in the reviewed file.
- NYCHA is not tracking the obligation to provide Lead Disclosure Summaries as part of this file review.

- The NOHR was not located in the file review. With no Abatement Report or OPP, it was unable to be determined if the unit was vacant or occupied. If a unit is vacant, NYCHA is not tracking the obligation to provide a NOHR as part of this file review.

[Field Monitoring at Sack Wern](#)

The tables below present the results of the field observations conducted during abatement and clearance activities at Sack Wern during this Covered Period. A total of seven field observations were conducted for abatement activities and nine for clearance activities. The observed controls for abatement and clearance are presented in two separate tables because not all development inspections included both abatement and clearance. Some inspections included either one or both. The tables list the total number of discrete observations made in the field for each control, with the number of non-compliant observations indicated in red and in parentheses, where applicable.

| Compliance Task-Abatement | Number of inspections observed (# non-compliant) 6/16/24-12/15/24 |
|--|--|
| Administrative Controls | 7 (0) |
| Resident Notification Posted | 7 (0) |
| LBP Contractor's EPA/NYC Notification Posted | 7 (0) |
| LBP Supervisor's EPA/NYC Certifications Posted | 7 (0) |
| LBP Worker's EPA/NYC Certifications Posted | 7 (0) |
| NYCHA Approved Work Plan Posted | 7 (0) |
| Log Book On-site with Current Entries | 7 (0) |
| Equipment Manufacturer's Specification/Cut Sheet | 7 (0) |
| Engineering Controls | |
| Warning Tape & Signs Present | 7 (0) |
| Moveable Objects Cleaned & Removed | 7 (0) |
| Critical Barriers Established & Maintained | 7 (0) |
| Containment Established | 7 (0) |

| Compliance Task- Clearance | Number of inspections observed (# non-compliant) 6/16/24-12/15/24 |
|---|--|
| Clearance Controls | |
| Met Minimum 1 Hour Waiting Period | 9 (0) |
| Inspector Clearance Certification Available (and Not Expired) | 9 (0) |
| Visual inspection Performed | 9 (0) |
| Visual Inspection Results Recorded | 9 (0) |
| Visual Inspection Passed | 9 (0) |
| Sample Collection Observed by STV/Matrix | 9 (0) |
| Unused Gloves for Each Dust Wipe Sample | 9 (0) |

| Compliance Task- Clearance | Number of inspections observed (# non-compliant) 6/16/24-12/15/24 |
|--|--|
| Template or Acceptable Alternative Used | 9 (0) |
| Template Cleaned Between Samples | 9 (0) |
| Correct Sampling Collection Technique – Floors | 9 (0) |
| Correct Sampling Collection Technique - Windows/Narrow Areas | 9 (0) |
| Correct Wipe Sample Packaging | 9 (0) |
| Hard Shell Sealable Centrifuge Tube for Container | 9 (0) |
| Sample Collection Vials Correctly Labeled | 9 (0) |
| Sample Container Label Matches Sample Location | 9 (0) |
| Sample Area Correctly Measured | 9 (0) |
| Correct Number of Field Blanks | 9 (0) |
| One Dust Sample Taken from Floor for Each Room | 9 (0) |
| Dust Samples Taken from Windows if Present | 9 (0) |
| Sample Collected Outside/Within 10 Ft of Containment Area | 9 (0) |
| Chain of Custody Form | 9 (0) |

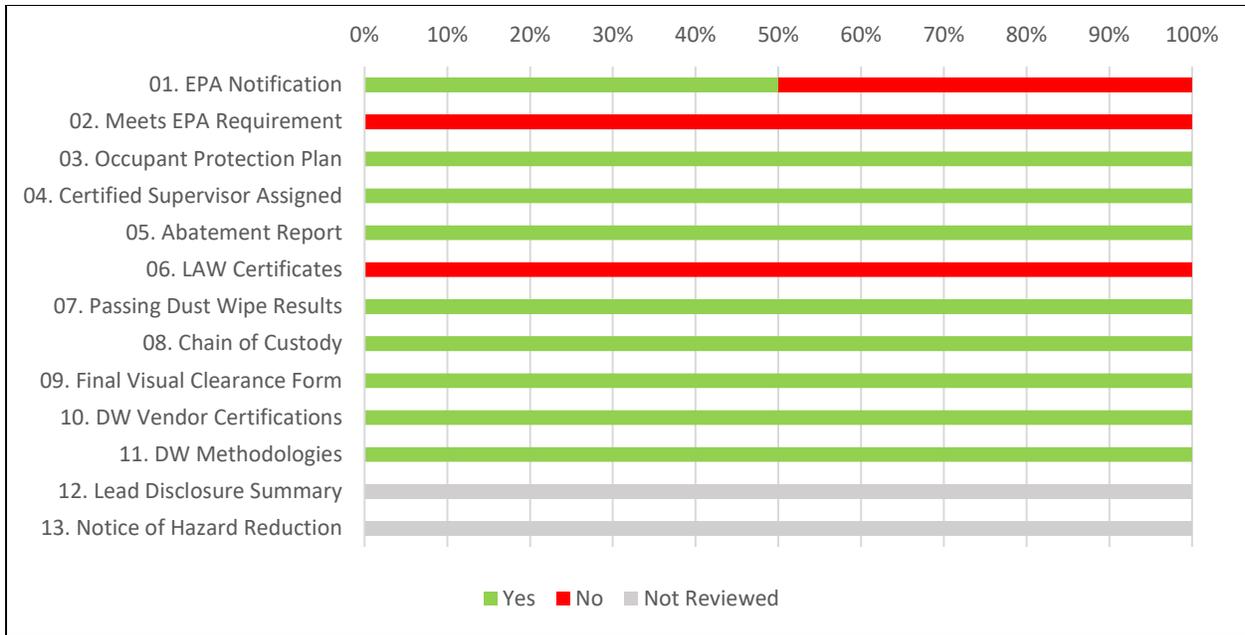
Summary of Field Observations

Several inspections were conducted at Sack Wern to monitor abatement and clearance activities. During the August 21, 2024 clearance inspection, it was noted that the clearance inspector initially failed to wear gloves while taking the first-floor wipe sample. Upon realizing the error, the inspector discarded that sample, and all subsequent samples were collected while wearing gloves. Other than this, no additional issues were observed.

7. West Brighton

West Brighton closed on June 26, 2024, transitioning into the PACT program. The development is composed of 586 units, of which 69 have been identified as requiring lead abatement based on the current positivity rate at 0.5 mg/cm². As of December 31, 2024, 29 units were abated and cleared, representing 42% of the lead-positive units identified.

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



- 1 of the 2 units reviewed did not contain an EPA notification. Evidence that the notification was submitted 5 days prior to the start of the work, as required, was not found for either of the units reviewed.
- LAW certifications were missing from both reviewed files.
- NYCHA is not tracking the obligation to provide Lead Disclosure Summaries as part of this file review.
- The abatement reports and OPPs show the two units reviewed were vacant. If a unit is vacant, NYCHA is not tracking the obligation to provide a NOHR as part of this file review.

Field Monitoring at West Brighton

The table below presents the results of the field observations conducted during abatement and clearance activities at Boulevard during this covered period. A total of eight field observations were conducted for abatement activities. Some inspections included one or both activities. The table lists the total number of discrete observations made in the field for each control, with the number of non-compliant observations indicated in red and in parentheses, where applicable.

| Compliance Task | Number of inspections observed (# non-compliant) 6/16/24-12/15/24 |
|--|---|
| Administrative Controls | |
| Resident Notification Posted | 8 (0) |
| LBP Contractor's EPA/NYC Notification Posted | 8 (0) |
| LBP Supervisor's EPA/NYC Certifications Posted | 8 (0) |
| LBP Worker's EPA/NYC Certifications Posted | 8 (0) |

| | |
|--|-------|
| NYCHA Approved Work Plan Posted | 8 (0) |
| Log Book On-site with Current Entries | 8 (0) |
| Equipment Manufacturer's Specification/Cut Sheet | 8 (0) |
| Engineering Controls | |
| Warning Tape & Signs Present | 8 (0) |
| Moveable Objects Cleaned & Removed | 8 (0) |
| Critical Barriers Established & Maintained | 8 (0) |
| Containment Established | 8 (0) |

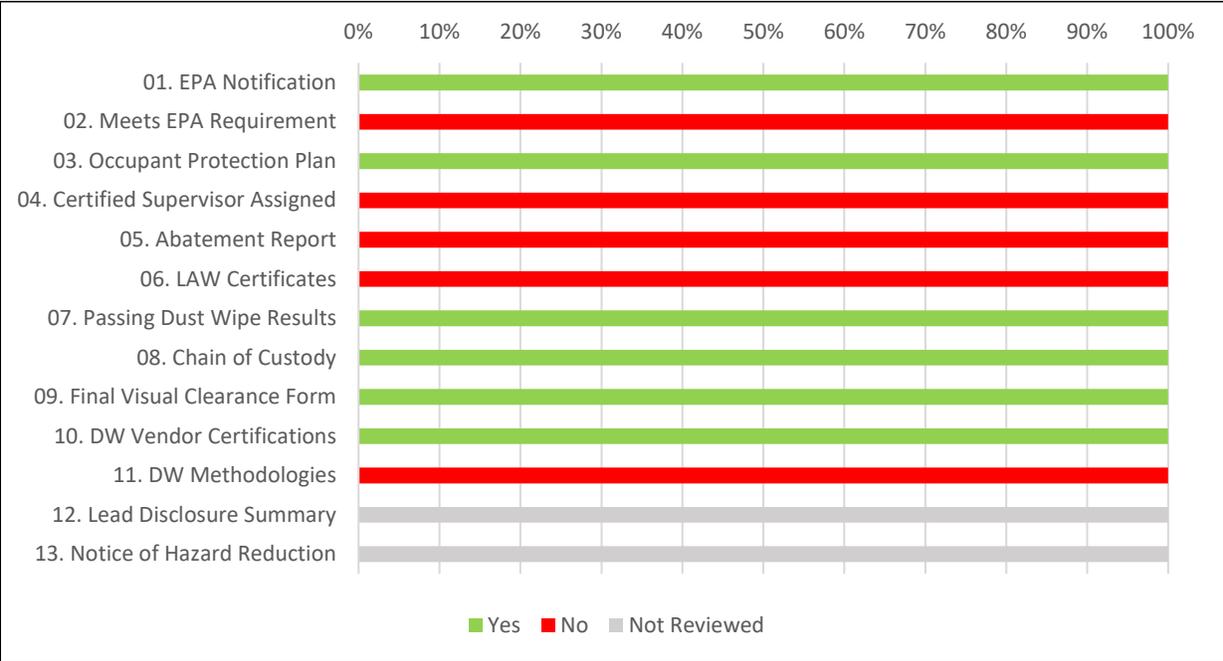
Summary of Field Observations

Eight lead abatement inspections were performed, and no issues were reported.

8. Reid-Park Rock

Reid-Park Rock Consolidated comprises 1,696 units, of which 146 units have been identified as requiring lead abatement based on the current positivity rate at 0.5 mg/cm². As of December 31, 2024, 9 units have been abated.

NYCHA reviewed the supporting documents for 1 unit abated and cleared. NYCHA Compliance noted the following items:



- An EPA notification was found in the reviewed file, however evidence that the EPA notification timeline requirement was met was not found.

- Supervisor and LAW certifications were not found in the file.
- The abatement report was not found in the file.
- A dust wipe methodology report was not found in the file.
- NYCHA is not tracking the obligation to provide Lead Disclosure Summaries as part of this file review.
- Although no abatement report was found in the file, the OPP shows the unit reviewed was vacant. If a unit is vacant, NYCHA is not tracking the obligation to provide a NOHR as part of this file review.

Field Monitoring at Reid-Park Rock

The tables below present the results of the field observations conducted during abatement and clearance activities at Reid-Park Rock during this Covered Period. A maximum of 16 field observations were conducted for abatement activities and 2 for clearance activities. The observed controls for abatement and clearance are presented in two separate tables because not all development inspections included both abatement and clearance. Some inspections included either one or both. The tables list the total number of discrete observations made in the field for each control, with the number of non-compliant observations indicated in red and in parentheses, if applicable.

| Compliance Task | Number of inspections observed (# non-compliant) 6/16/24-12/15/24 |
|--|--|
| Administrative Controls | |
| Resident Notification Posted | 16 (0) |
| LBP Contractor's EPA/NYC Notification Posted | 16 (0) |
| LBP Supervisor's EPA/NYC Certifications Posted | 16 (0) |
| LBP Worker's EPA/NYC Certifications Posted | 16 (0) |
| NYCHA Approved Work Plan Posted | 16 (0) |
| Log Book On-site with Current Entries | 16 (0) |
| Equipment Manufacturer's Specification/Cut Sheet | 16 (0) |
| Engineering Controls | |
| Warning Tape & Signs Present | 16 (0) |
| Moveable Objects Cleaned & Removed | 19 (0) |
| Critical Barriers Established & Maintained | 16 (0) |
| Containment Established | 16 (0) |
| Compliance Task | Number of inspections observed (# non-compliant) 6/16/24-12/15/24 |
| Clearance Controls | |

| | |
|---|-------|
| Met Minimum 1 Hour Waiting Period | 2 (0) |
| Inspector Clearance Certification Available (and Not Expired) | 2 (0) |
| Visual inspection Performed | 2 (0) |
| Visual Inspection Results Recorded | 2 (0) |
| Visual Inspection Passed | 2 (0) |
| Sample Collection Observed by STV/Matrix | 2 (0) |
| Unused Gloves for Each Dust Wipe Sample | 2 (0) |
| Template or Acceptable Alternative Used | 2 (0) |
| Template Cleaned Between Samples | 2 (0) |
| Correct Sampling Collection Technique - Floors | 2 (0) |
| Correct Sampling Collection Technique - Windows/Narrow Areas | 2 (0) |
| Correct Wipe Sample Packaging | 2 (0) |
| Hard Shell Sealable Centrifuge Tube for Container | 2 (0) |
| Sample Collection Vials Correctly Labeled | 2 (0) |
| Sample Container Label Matches Sample Location | 2 (0) |
| Sample Area Correctly Measured | 2 (0) |
| Correct Number of Field Blanks | 2 (0) |
| One Dust Sample Taken from Floor for Each Room | 2 (0) |
| Dust Samples Taken from Windows if Present | 2 (0) |
| Sample Collected Outside/Within 10 Ft of Containment Area | 2 (0) |
| Chain of Custody Form | 2 (0) |

Summary of Field Observations

No issues were identified by STV during this reporting period.