

Report to the City Council: The Department of Housing Preservation and Development's Implementation of Control of Pests and Other Asthma Allergen Triggers (July 2023 through June 2024)

The New York City Indoor Allergen Hazards Law, Local Law 55 of 2018 (Section 27-2017 et seq.), prescribes the responsibilities of owners of multiple dwellings to proactively keep apartments free of indoor allergen hazards and defines the role of enforcement for the Department of Housing Preservation and Development. Under this law, indoor allergen hazards are defined as indoor mold hazards, and indoor infestations of roaches, mice, and rats. This report is submitted to the City Council pursuant to the requirements of Section 27-2017.11.

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

- responds to complaints of indoor allergens including mold, mice, rats, and roaches
- asks tenants on all inspections about the presence of mold, mice, rats, and roaches
- provides the Department of Health and Mental Hygiene (DOHMH) fact sheet ***What Tenants and Landlords Should Know About Indoor Allergens and Local Law 55*** at the time of inspection
- issues violations where indoor allergen hazards are found
- notifies both owners and tenants about the issuance of mold, mice, roaches, or rat violations
- attempts to reinspect all class B mold violations and class C mold violations regardless of whether the violation has been certified as corrected by the owner
- requires appropriate documentation for the correction of mold violations
- upgrades class A mold violations to class B mold violations and class B mold violations to class C violations based on criteria in the law
- attempts to conduct emergency repairs in response to class C immediately hazardous violations when property owners fail to do so

This report provides information related to HPD's activities regarding allergen hazards in five important areas:

- **Section 1** presents data on HPD's enforcement activities for FY24. Complaints and violations for mold, roaches and mice increased. HPD spent slightly more on mold emergency repairs.
- **Section 2** presents information on allergen hazards related to HPD owned properties, which remains relatively stable from FY23.
- **Section 3** presents information related to HPD activities as a result of Department of Health and Mental Hygiene referrals. Mold referrals remained relatively steady and fewer pest referrals were received.

- **Section 4** presents information related to HPD’s Underlying Conditions Program, which is an enhanced enforcement program targeted to buildings with mold and leaks.
- **Section 5** presents information on HPD activities related to training and outreach.
- **Section 6** identifies future initiatives related to Allergen Hazards.

Section 1: Enforcement

Complaints

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

TABLE 1: COMPLAINTS RECEIVED

Indoor Allergen Hazard Complaints	FY20	FY21	FY22	FY23	FY24
Complaints Received¹	52,006	61,230	78,893	82,925	100,381
Mold	20,538	23,933	32,141	31,135	41,835
Roaches	14,757	17,325	20,882	23,356	27,908
Mice	16,711	19,972	25,870	28,434	30,638

Inspections

At the time of an indoor allergen hazard complaint inspection, HPD Inspectors distribute a copy of the DOHMH information pamphlet on indoor allergen hazards, ***What Tenants and Landlords Should Know About Indoor Allergens and Local Law 55***

(<https://www1.nyc.gov/assets/doh/downloads/pdf/asthma/local-law-55.pdf>).

Complaint Inspections are attempted and completed in direct response to the complaints identified above. Line of sight inspections are inspections completed once a tenant who did not complain about mold or pests indicates that there is mold or pests during the inspection for another issue after being asked about their presence by the Inspector.

Complaint inspections

On complaint inspections for mold or pests (roaches and mice), if there is no access on an initial inspection attempt, HPD leaves a card at the time of the inspection and sends a letter to the

¹ Complaints to 311 regarding rats are directed to the Department of Health and Mental Hygiene (DOHMH) for response and, therefore, are not included for reporting purposes in this table. HPD Housing Inspectors do issue violations for rats during inspection upon observation of evidence.

tenant. Both the card and the letter advise the tenant that HPD has attempted an inspection and that the tenant should contact HPD to schedule an appointment if the condition still exists.

TABLE 2: COMPLAINT INSPECTIONS

Inspections Attempted	FY20	FY21	FY22	FY23	FY24
Mold complaints	25,811	28,732	40,230	42,001	58,638
Pest complaints	36,001	41,868	54,130	59,996	69,477
Roaches	17,042	19,344	24,386	27,062	33,178
Mice	18,959	22,524	29,744	32,934	36,299
Inspections Completed	FY20	FY21	FY22	FY23	FY24
Mold complaints	14,975	17,270	23,592	25,311	36,087
Pest complaints	21,095	25,520	32,606	38,175	45,398
Roaches	9,974	11,772	14,657	17,244	21,771
Mice	11,121	13,748	17,949	20,931	23,627

Line of sight inspections

As part of every inspection regardless of complaint type, beginning in January 2019, HPD Housing Inspectors ask the tenant if mold or pests, including mice, roaches, and rats, are present and if the tenant indicates that any of these conditions exist, the Inspector will conduct a visual inspection for the condition. When asked, tenants indicated that there was mold on 20% of inspections completed unrelated to mold; 43% percent of the time when the tenant indicated that there is a mold condition, HPD issued a violation for mold. When asked, tenants indicated that there were pests on 30% of inspections completed unrelated to pests; 49% of the time a pest violation was issued.

TABLE 3: LINE OF SIGHT INSPECTIONS

	FY20	FY21	FY22	FY23	FY24
Inspections Completed where tenant indicated mold (non-mold complaint)	12,053	13,172	18,751	21,535	30,021
Inspections Completed where tenant indicated pests (non-pest complaint)	26,767	28,557	39,533	44,604	58,776

Violations

Violation issuance

Mold

HPD issues class A (non-hazardous, 90-day correction period), class B (hazardous, 30-day correction period) and class C (immediately hazardous, 21-day correction period) violations for mold based on the criteria in the law; class A violations may also be upgraded to class B violations and class B violations to class C violations if the owner fails to certify and/or correct.²

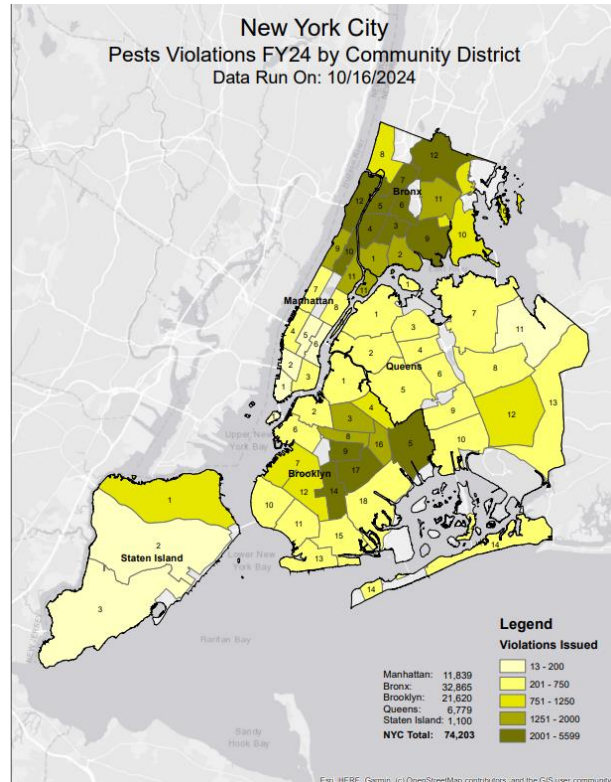
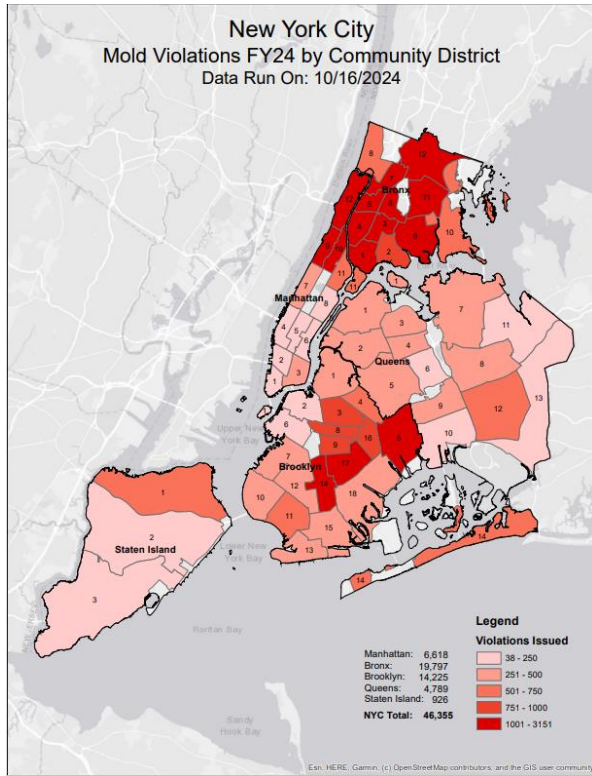
Pests

All violations for roaches, mice and rats are class C violations. The owner has 21 days to correct the condition. Note that this time period may not be sufficient to completely eradicate the pest infestation. It may take several treatments of a pest condition over the course of months in order to eliminate pests and so an owner working in good faith may not have adequate time to address the condition by the violation correction date, leading to an inflated number of conditions that still exist when the violation certification is reinspected “false certifications”.

TABLE 4: VIOLATION ISSUANCE

Violations Issued	FY20	FY21	FY22	FY23	FY24
Mold (all)	22,950	23,759	31,586	31,180	46,355
<i>Mold - Issued on Inspection</i>	15,236	17,311	22,066	21,492	33,319
<i>Class A</i>	8,622	10,206	13,113	13,071	19,262
<i>Class B</i>	5,127	5,566	7,001	6,595	11,039
<i>Class C</i>	1,487	1,539	1,952	1,826	3,018
<i>Mold - Issued as an upgrade violation</i>	7,714	6,648	9,520	9,688	13,036
<i>Upgraded Class B</i>	6,484	5,457	8,470	8,260	11,103
<i>Upgraded Class C</i>	1,230	1,191	1,050	1,428	1,933
Roaches	22,138	24,232	29,266	31,036	40,097
Mice	20,047	22,252	27,134	27,807	32,306
Rats³	630	841	1,274	1,372	1,800

² Note that when a violation is upgraded, the originally issued violation is closed and the new violation is issued. Both violations originally issued and upgraded are counted independently as “issued” in the chart.



Notice of Violation and Certification

Once a violation is issued, a Notice of Violation (NOV) is sent to the property owner. Only an owner, managing agent, officer of the corporation that owns the property, or party otherwise responsible for the property listed on the property registration may certify correction of the violation. Property owners or their designated agents must complete and submit to HPD the appropriate Certification of Correction Form and provide the applicable documents, which may include mold assessor and mold remediator filings with the New York City Department of Environmental Protection. The procedure and paperwork required for clearing a mold violation will depend on the class of the violation and the number of units in a dwelling.³ The NOV package sent to owners contains customized instructions for clearing a pest or mold violation. The owner is required to correct the conditions according to the specific requirements in the law⁴. There are two main objectives underlying these requirements:

³ See Appendix B.

⁴ See Appendix B.

1. Do not create another hazard while removing the original one.
 - a. Use dangerous chemicals safely and minimally.
 - b. Prevent the spread of contaminated debris while work is being done.
 - c. Thoroughly clean sites after work is done.
2. Address the problem at its source. Remove sources of moisture that allow mold to grow and that foster the proliferation of pests.

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

TABLE 5: VIOLATION CERTIFICATION OF CORRECTION

Violations Certified	FY20	FY21	FY22	FY23	FY24
Total Mold	5,287	4,735	6,810	6,670	10,540
Mold Class A	3,592	2,557	3,575	3,802	6,011
Mold Class B	1,411	1,796	2,730	2,404	3,876
Mold Class C	284	382	505	464	653
Pests	17,479	20,694	34,126	28,181	35,463
Mice	8,087	9,780	15,843	12,876	15,428
Roaches	9,132	10,583	17,595	14,712	19,202
Rats	260	331	688	593	833
False Certifications					
Mold	486	324	310	311	485
Mold Class A	374	172	157	164	261
Mold Class B	89	118	130	110	180
Mold Class C	23	34	23	37	44
Pests	5,102	5,171	4,013	5,042	8,991
Mice	2,455	2,500	1,925	2,337	3,975
Roaches	2,647	2,671	2,030	2,609	4,802
Rats	56	63	58	96	214
Civil actions against false certifications	165	3	108	37	5
Civil action for false certifications with penalties imposed (Amount Due)	\$89,326	\$2,700	\$62,405	\$50,130	\$12,000
Civil penalties imposed for false certifications (Payment Amount)	\$ 86,836	\$0	\$58,655	\$40,380	\$12,000

Violation Closure

Mold violations

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

- (a) owner certification and a reinspection by an inspector identified that the condition was corrected.
- (b) owner certification where the agency is unable to gain access to conduct a reinspection to observe the condition and 70 days have passed since the certification was received (“deemed complied”).
- (c) HPD completes the work (class C violations only).
- (d) No owner certification is filed, but the work is observed to have been completed by HPD **AND** the owner provides an affidavit of correction post-certification. HPD may reinspect a mold violation without an affidavit indicating how the work was done. If the Inspector observes that a mold violation which requires the use of a certified contractor (original class B and class C violations in buildings with more than 10 dwelling units) has been corrected but HPD does not have the required affidavit and paperwork, the violation **will not be removed**. In these cases, the violation will be in a defect status, which means that the violation remains open even though the condition was observed corrected and no longer presents a clear hazard. A letter is generated to the owner indicating that the affidavit and any required contractor information is needed in order to close the violation. When the owner subsequently provides the affidavit, that is when the violation is closed.

Pest violations

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

- Removal of pest nests and thorough cleaning of pest waste and other debris by using a HEPA vacuum, washing surfaces, or otherwise collecting and discarding such debris, making sure to limit the spread of dust when cleaning.
- Elimination of points of entry and passage for pests by repairing and sealing any holes, gaps or cracks in walls, ceilings, floors, molding, base boards, around pipes and conduits, and around and within cabinets by using sealants, plaster, cement, wood, escutcheon plates, or other durable material.

- Removal of all sources of water for pests by repairing drains, faucets, and other plumbing materials that accumulate water or leak.
- Attachment of door sweeps to all doors that lead to hallways, basements, or outside.
- Minimal use of pesticides. Pursuant to Administration Code section 27-2017.8 of Local Law 55, any pesticide applied to eradicate the presence of pests must be applied by a pest professional licensed by the New York State Department of Environmental Conservation (DEC).

Emergency Repairs: Mold

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

TABLE 6: EMERGENCY REPAIR ORDERS

	FY20	FY21	FY22	FY23	FY24
Mold work orders with work completed	383	598	379	402	664
Dollars vouchered for completed and attempted mold remediation work	\$646,764	\$1,031,594	\$1,044,941	\$1,215,993	\$1,626,519
Average amount spent per dwelling unit for completed mold emergency repair	\$1,782	\$1,711	\$2,960	\$2,033	\$1,783

Referrals to the Department of Environmental Protection: Mold

HPD also has been working closely with the Department of Environmental Protection (DEP) to enforce requirements regarding mold assessment and remediation by a third party, where required. Pursuant to Local Law 61 of 2018 (“Local Law 61”), DEP is responsible for collecting the pre and post remediation certifications from licensed mold remediators for work conducted in residential buildings and to take action against owners of properties who fail to conduct work properly. Where HPD has identified that mold violations have been addressed but the property owner has not submitted documentation to indicate that work was done on class B or class C violations in buildings with 10 or more units, HPD notifies DEP. DEP reviews whether or not the appropriate filing has been submitted and, if not, issues a summons returnable to the Office of

Administrative Trials and Hearings (OATH). In FY24, over \$600,000 in penalties were imposed as a result of over 750 cases; this is a significant increase over the \$500,000 in penalties imposed in 500 cases in FY23. Over \$150,000 of the fines imposed in FY24 related to 170 cases was collected as of September 2024.

Section 2: HPD-Owned Property

Mold

Direct complaints received through 311 from tenants and Tenant Associations (TA) (Tenant Interim Lease Program only) for HPD-owned buildings are handled by the appropriate monitoring program. HPD conducts visual inspections to confirm conditions and develop remediation scopes. HPD issues open market orders (OMOs) to procure certified mold remediators to perform remediation work. HPD works with vendors to resolve access issues. Where tenants do not provide access to their apartments, HPD issues no-access notifications and requests to reschedule.

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

TABLE 7: HPD-OWNED PROPERTY MOLD COMPLAINTS

	FY20	FY21	FY22	FY23	FY24
Mold Complaints Received through 311	23	22	28	19	22
Mold work orders completed ⁵	6	4	9	7	3
Amount spent on mold work orders paid	\$29,210	\$13,330	\$30,674	\$21,890	\$25,400

Pests

Pest complaints for Central Management buildings are handled under a requirements contract. HPD Property Managers generate open market orders to procure remediation services through this contract. Pest complaints for MPLP buildings are referred to the relevant Developers for handling. Tenant Interim Lease program buildings and buildings in the Affordable Neighborhood Cooperative Program (ANCP), both programs for city-owned property which are managed by the tenants, have exterminator contracts which cover pests such as mice, roaches, bed bugs etc. Contracts deliver IPM practices including basic monthly/quarterly visits for maintenance and for remediation jobs as needed.

⁵ HPD-owned housing, excluding the MPLP program.

TABLE 8: HPD-OWNED PROPERTY PEST COMPLAINTS

	FY20	FY21	FY22	FY23	FY24
Pest complaints received (mice, roaches, rats) through 311 ⁶	20	24	39	71	86

Section 3: Department of Health and Mental Hygiene Referrals

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

TABLE 9: DOHMH REFERRALS TO HPD FOR EMERGENCY REPAIR

DOHMH – MOLD	FY21	FY22	FY23	FY24
# of Referrals Received	20	43	32	37
# of Referrals where HPD Completed mold repair	16	24	17	19
Dollar Amount Invoiced/Vouchered	\$87,030	\$246,330	\$202,629	\$54,662
DOHMH – PEST	FY21	FY22	FY23	FY24
# of Referrals Received	34	79	95	80
# of Referrals where HPD Completed pest treatment	36	64	47	87
Dollar Amount Invoiced/Vouchered	\$64,077	\$215,904	\$179,499	\$93,433

Section 4: Underlying Conditions Program

The Underlying Conditions Program (UCP) was established to focus proactive inspection resources on buildings with a significant number of recently issued mold and water leak violations across a building. HPD selects 50-100 buildings for the program on a yearly basis. The criteria for selection include:

⁶ In FY24, HPD reviewed and updated the list of HPD-owned properties used for pest complaints. This indicator was also used to update the previous year’s data.

- The number of open uncertified class B or C violations related to the existence of mold or water leaks issued by HPD within the year preceding the selection, plus the number of class C mold violations that were closed as corrected by HPD
- The number of units with such violations. Building selected must meet the following criteria:
 - Contains three to five dwelling units and at least 50% of the units have at least one mold or leak violation meeting the violation criteria
 - Contains six to nine dwelling units and at least 25% of the units have at least one mold or leak violation meeting the violation criteria
 - Contains 10 dwelling units or more and at least 15% of the units have at least one violation meeting the violation criteria

HPD prioritizes selection of buildings meeting the criteria first by those buildings with conditions that may contribute to asthma outcomes and other relevant health indicators as determined by DOHMH, followed by those buildings with the highest total number of class C and class B violations relating to the existence of mold or water leaks.

Once a building is selected, HPD conducts a full building inspection to confirm whether any of the violations have been addressed. If the building continues to meet the criteria, an Order to Repair is issued. Under the Order, property owners are required to investigate the cause of a leak or mold condition affecting multiple apartments in a building and to address the conditions and related violations within four months, or with HPD's approval, within an additional two months. Owners must not only correct conditions but supply a report by a registered architect or professional engineer assessing whether any underlying conditions are the source of the water, such as roof conditions or facade conditions. HPD may initiate litigation against properties which fail to comply with an issued Underlying Conditions Order.

TABLE 10: UNDERLYING CONDITIONS BUILDINGS SELECTED FY24 BY BOROUGH

	# BLDGS	# UNITS	TOTAL QUALIFYING VIOLATIONS	ISSUED ORDER
MN	20	478	260	18
BX	54	1841	898	34
BK	20	839	486	11
QNS	4	148	69	2
	98	3,306	1,713	65

TABLE 11: UNDERLYING CONDITIONS BUILDINGS SELECTED AND DISCHARGED

ROUND	# BLDGS	# UNITS	TOTAL QUALIFYING VIOLATIONS	ISSUED ORDER	ACTIVE OCT. 2024	DISCHARGED
UC2013	65	1,164	710	25	0	25
UC2014	61	1,022	595	44	1	43
UC2015	91	1,756	812	59	1	58
UC2016	106	1,686	974	75	2	73
UC2017	99	1,710	836	82	1	81
UC2018	98	1,684	844	77	10	67
UC2019	104	2,606	1,552	82	8	74
UC2022	100	2,190	1,116	68	33	35
UC2023	98	3,306	1,713	65	59	6
	822	17,124	6,323	577	115	462

Section 5: Training and Outreach

During FY24, HPD held four live webinars with 900 attendees for property owners called ***Pests and Mold: An Owners' Guide to Indoor Allergen Laws***. This is both twice the number of events and the number of participants from FY23. For property owners unable to join the live webinar, the recording of the most recent webinar is available on HPD's website at <https://www1.nyc.gov/site/hpd/services-and-information/indoor-allergen-hazards-mold-and-pests.page>. The webinar topics include:

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

Section 6: Looking Ahead

In FY25, HPD will:

- ✓ Continue to conduct outreach about allergen hazard requirements to owners.
- ✓ Explore options for improving compliance on pest violations.
- ✓ Continue to work closely with the Department of Health and Mental Hygiene on issues related specifically to pests, including a referral process for buildings with HPD pest violations for enhanced enforcement by DOHMH.
- ✓ Participate in the DOHMH Asthma Network working group, working collaboratively to provide resources and conduct outreach around the department's work on housing maintenance related issues.
- ✓ Seek to obtain authority to assess fees related to the proactive inspections conducted through the Underlying Conditions program.

APPENDIX A: Violation Criteria and Correction Period

Mold Violation Criteria

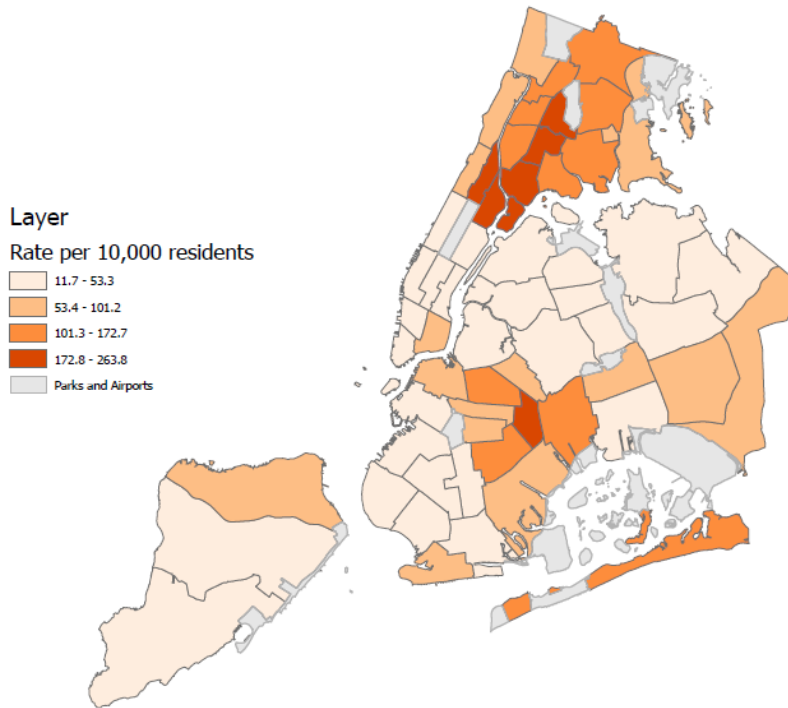
Violation Class	Area of Mold Presence	Pest Presence	Days to Correct Violation
Class A	<ul style="list-style-type: none"> Less than 10 square feet in a room within a dwelling unit Less than 30 square feet or 50 square feet in the aggregate in any one level or a common area 	-	90
Class B	<ul style="list-style-type: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

APPENDIX B: Requirements for the correction of mold violations

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

APPENDIX C: Department of Health and Mental Hygiene Data on Asthma-Related Emergency Department Visits⁷

ASTHMA ED VISIT RATES AMONG NEW YORK CITY RESIDENTS
by Community District, 2022



Source: This map is based on New York State Department of Health (NYSDOH), Statewide Planning and Research Cooperative System (SPARCS) data, which were cut by NYSDOH in November 2023. Internal analyses by New York City Department of Health and Mental Hygiene (DOHMH) were conducted in October 2024 to produce the map. Because of slight variations between datasets, results might differ from those calculated using a different data extract.

⁷ The most current data is still under review by DOHMH and was not yet available at the time of the publication of this report.