

Testimony from NYCHA’s Chief Compliance Officer Brad Greenburg
NYCHA’s HUD Agreement and Ongoing Federal Monitorship
Committee on Public Housing
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Chair Chris Banks, members of the Committee on Public Housing, other distinguished members of the City Council, NYCHA residents, community advocates, and members of the public: good afternoon. I am Brad Greenburg, NYCHA’s Chief Compliance Officer. I am pleased to be joined by Chief Operating Officer Eva Trimble and other members of NYCHA’s team.

Thank you for this opportunity to discuss how NYCHA is moving forward with our partners to transform the Authority and become a better landlord for the hundreds of thousands of New Yorkers we serve. I would like to acknowledge today’s testimony from Neil Barofsky and Matthew Cipolla. The Jenner & Block Monitor team is an important partner, and together we are working to improve the quality of life for NYCHA families.

A Productive Collaboration

First, I’d like to give you a little background on the history of the HUD Agreement and the Monitorship. NYCHA and the City of New York signed the Agreement with HUD in January 2019. The Agreement’s overarching goal is to remedy deficient physical conditions in NYCHA properties and to deliver for residents across the city. The Agreement sets performance targets with specific deadlines for seven high-priority focus areas: lead-based paint, mold, heat, elevators, inspections, pests, and waste management.

The work undertaken as part of the Agreement is overseen by a third-party federal Monitor. We also work every day with our federal partners in the U.S. Attorney’s Office for the Southern District of New York and in the U.S. Department of Housing and Urban Development.

We have a strong and productive relationship with the Monitor, characterized by robust communication and collaboration. The Monitor’s team participates in regular staff meetings to discuss our efforts, and NYCHA leadership speaks frequently with the Monitor’s team.

The Infrastructure for Progress

Today, I want to walk you through the Agreement, give you some examples of how we have changed the way we do business to comply with federal law, and then provide you an update on the work we have been doing across the city to improve physical conditions at NYCHA properties.

First, as you can see on **Slide 2**, the Agreement is far reaching. It required the installation of a federal Monitor, and a key early advancement at the outset of the Agreement was the establishment of three new departments and units at NYCHA: the Compliance Department, the Environmental Health and Safety Department, and the Quality Assurance Unit. Crucially, these new teams have established programs for monitoring NYCHA's work at its developments, making recommendations for improvements and then providing technical assistance to development staff to improve performance. We continue to scale up these teams while using data-centered risk assessments, sampling, and field monitoring to ensure NYCHA's compliance with all local, State, and federal regulations as well as internal policies and procedures.

We also established a department, called Strategy and Innovation, to track NYCHA's progress with meeting all the deadlines outlined in the HUD Agreement. In support of this work, we built dashboards and other analytical reporting tools for each pillar area – they provide an array of valuable metrics that guide our efforts. When we are not meeting any of the clearly defined data-driven benchmarks, the teams responsible develop plans to address these issues.

Also on **Slide 2** you can see that the City of New York agreed to provide an additional \$2.2 billion in capital funds over the first 10 years of the Agreement. I'd also like to recognize our partners at the State level who have provided more than \$1 billion in capital funds since the Agreement was signed to help us deliver some of the capital projects I'll discuss today.

NYCHA's Transformation Efforts

As detailed on **Slide 3**, as part of the HUD Agreement obligation to create an Organizational Plan, NYCHA developed a Transformation Plan, issued in March 2021, followed by two Implementation Plans, issued in 2022 and 2023. These plans include a set of strategies to improve the resident experience and set the agency on a path to a stronger future.

The plans outline changes to NYCHA's governance and leadership structure, property management systems, and central support functions. For instance, we implemented the Neighborhood Model, pushing resources and decision-making authority away from the central office and into the 29 "Neighborhood" offices across the city. We also overhauled our processes related to repair and work order management, janitorial work schedules and cleanliness, and lease enforcement issues at developments. At the same time, we are making new investments in staff training so that we can deliver on our mission.

NYCHA's Progress Under the Agreement

Now I would like to take you through some of the progress that NYCHA has made since signing the HUD agreement.

In order to comply with the Agreement and improve performance, NYCHA has re-designed its business process so our staff use handheld devices and our work order system in each of the key areas of focus. These screenshots on **Slide 4** show a portion of what we have built in our work order system so we can comply with federal rules around lead-based paint. NYCHA now collects data every day so we can be as protective as possible when it comes to lead-based paint in NYCHA apartments where children live or visit. Our workers' handheld devices include information on whether a child lives or visits the apartment where they are working and they provide surface-by-surface testing results for that apartment. We have also built our system to flag apartments where lead-safe work practices are mandatory, including apartments where a child lives. If an apartment is flagged, our workers then see mandatory prompts before beginning work so they adhere to lead-safe work practice requirements when they are disturbing lead-based paint. In this process, they can review and select the components they are working on that are positive for lead.

As you can see on **Slide 5**, a foundation of our work has been to test more than 100 surfaces in each NYCHA apartment, beginning with apartments where children reside, so we know exactly which surfaces contain lead-based paint. This information is uploaded into our work order system in a way that is easy to understand so that our staff always have access to this information.

Most importantly, as we report on **Slide 6**, once we have that precise surface-by-surface testing, NYCHA and its PACT partners can then abate and permanently remove lead-based paint from the surface that tested positive at 0.5 milligrams per square centimeter, the strictest standard in the country. To date, NYCHA and its PACT partners have delivered lead-free apartments across 100 percent of the apartments at Williamsburg Houses and more than 87 percent of the apartments at Harlem River Houses. These two properties were named in the original complaint filed against NYCHA, were built in the 1930s, and were the two properties with the most pervasive use of lead-based paint.

NYCHA's TEMPO program has also tested more than 86,000 apartments at the City's standard and determined that 48,000 apartments are negative for lead-based paint. Recently, our TEMPO program hit an important milestone – we have also now abated via removal and delivered 10,000 lead-free apartments that previously tested positive in the public housing portfolio.

The work to fully abate and remove lead-based paint from the NYCHA portfolio, which is unquestionably the largest residential lead-based paint abatement program ever undertaken, is happening at a fast pace. We are testing more than 700 apartments a week and abating around 400 apartments a month in our public housing portfolio.

The pictures on **Slide 7** show what it takes to deliver a lead-free apartment in some cases. In these cases, we are removing paint down to the substrate and then rebuilding the apartment or the component impacted. This work is critical to ensure the safety of residents and is a core obligation of the Agreement.

Slide 8 is a snapshot of one portion of our dashboard to report on NYCHA's compliance with the obligation to restore heat to residents. As you can see, we have made progress each year. In the 2021-2022 heat season, we had 564 outages with an average duration of 8.99 hours. The next year, we had 384 outages with an average duration of 8.22 hours. And last heat season was our best performance yet – we had 303 outages with an average duration of 7.21 hours. Any one outage is an issue, but bending this curve and ensuring we respond quickly is essential to ensure residents get the consistent heat service they deserve.

Slide 9 is a snapshot of our dashboard reporting on our progress to replace more than 500 boilers across the NYCHA portfolio, an Agreement requirement, using both our capital and PACT programs. To date, our capital team has replaced 128 boilers and forecasts that they are on pace to meet the requirement that 297 boilers be replaced by 2026. Our PACT program has already exceeded the goal to replace 200 boilers, having replaced 237 boilers across the program.

Slide 10 shows some pictures of these new boiler plants, including a new boiler at a PACT property, Boulevard Houses, and new boilers at NYCHA-managed properties – Coney Island Houses and Cypress Hills. In many cases, these new systems are easier for our staff to manage because we may also be decoupling hot water systems or providing automated controls. Regardless, we are replacing decades-old, outdated boilers with new heating equipment that provides more reliable service.

Slide 11 shows a snapshot of some visualizations we have developed to report on the HUD Agreement's requirements related to mold in residents' apartments. The first graphic shows that we have, thanks to our Mold Busters Standard Procedure developed with our partners in the *Baez* case, sustained a low re-occurrence rate, ensuring mold is not coming back to a resident's apartment soon after work is initially completed.

The second graphic shows we are struggling to meet the requirement to remediate mold conditions within 7 or 15 days, depending on the complexity of the case. But what it also shows when you look at the green bars is that the number of mold complaints from residents has steadily declined month over month since peaking in 2021. In 2021 we peaked at more than 1,500 mold complaints a month from residents. This year we were steadily around 600 mold complaints per month, peaking in the more humid summer months at around 900 complaints. Again, any one complaint is a problem, and we need to continue to respond faster and more effectively every day. But bending this curve and reducing the occurrence of mold is critical to protecting residents' health.

Slide 12 shows pictures of one of the investments we made to help bring the number of mold complaints down by reducing moisture in our buildings – our investment in new, state-of-the-art roof fans and comprehensive cleaning of the lateral ductwork for our bathroom ventilation systems using a HEPA vacuum to eliminate the dust and debris that had collected over many

decades. This program impacted more than 8,000 individual roof fans and more than 74,000 apartments with mechanical ventilation. When this work is performed, we then measure air flow in each bathroom to ensure the system is working properly.

Slide 13 is a snapshot of our progress year-over-year addressing and reducing the number of elevator no-service conditions. A no-service condition is defined to include situations where a single elevator building or stair hall has no service or all elevators in a bank are out of service. As you can see, these snapshots take data each calendar year up to October 21 and compare it year over year. In 2022, NYCHA had 13,286 no-service conditions at this point in the year with an average duration of 4.67 hours. In 2023, NYCHA had 11,431 no-service conditions with an average duration that ticked up to 4.98 hours. To date, 2024 has been our best year of performance – we have had 9,096 no-service conditions with an average duration of 4.59 hours. Though we do not exactly meet the Agreement’s requirements here, we are seeing steady progress reducing the occurrence of no-service conditions.

As you can see on **Slide 14**, we have also been replacing elevators to meet the Agreement’s requirement that 425 elevators be addressed through our capital and PACT programs. To date, we have replaced 141 elevators through our capital program, which is off the pace we need to hit the Agreement milestone. However, we should be able to catch up and are forecasting that we will exceed the 275 target by replacing a total of 287 elevators through next year. In the PACT program, we have exceeded the obligation to convert 150 elevators.

Slide 15 shows you some pictures of elevator replacements at both PACT sites and NYCHA-managed sites in Manhattan, the Bronx, and Staten Island. When we deliver new elevators, we are also replacing the outdated equipment in the motor room and installing remote monitoring, helping ensure we will be able to improve our management of these elevators in the future.

Slide 16 is a snapshot of one of the reports we have built to report on our progress meeting the pest-related obligations in the Agreement. Here we are obligated to respond to complaints from residents related to public-health pest types – including rats, cockroaches, mice, and bed bugs – on prescribed timelines. As you can see, we really struggled with the time-based requirements in 2022 and portions of 2023 but have seen dramatic improvement in the last 18 months. We now respond, on average, to rat complaints within 2.3 days and for other pest types within 7.5 days.

Because we have improved our use of Integrated Pest Management techniques, we have also seen a reduction in the number of complaints from residents. The number of rat complaints in calendar year 2022 was 2,596, in 2023 it was 2,130, and so far this year it is 1,137. The number of other pest-type complaints in calendar year 2022 was 33,645, in 2023 it was reduced to 30,765, and so far this year it is 21,107.

Slide 17 shows pictures of some of the investments we are also making in our waste infrastructure – our interior compactors and interior compactor rooms in basements. At NYCHA, these rooms have often been a place where pests harbor because of leaks and the presence of a food source. These rooms are now being rehabilitated to prevent infestations from starting in our residential buildings’ spaces where waste is managed.

As you can see on **Slide 19**, we have a lot more work to do and we know we need to keep making progress to improve physical conditions for residents. We need to continue to remove lead-based paint across the portfolio; deliver elevator and boiler projects; and we must deliver the other projects funded through our City Capital Action Plan. It is also critical that we push forward our work to reform the repair process at NYCHA so residents get the repairs they deserve. And we must continue to work with the federal Monitor to ensure we comply with the provisions of the Agreement that so far have been difficult to tackle.

Continuing to Make Progress for Residents

NYCHA has been serving as the most critical source of affordable housing – a platform for opportunity – for countless New Yorkers over its nearly century-long history. The HUD Agreement was a crucial moment in its long history – and we believe it will be a turning point for NYCHA’s residents. Strengthening this vital institution so that it can serve the generations to come is at the heart of our mission.

We have made progress with our transformation efforts, but there is still more work to do. NYCHA will continue moving forward, guided by the HUD Agreement and together with the Monitor’s team and our federal partners, driven by our shared commitment to improve the quality of life for NYCHA families.

I thank you all for the opportunity to talk about this work, and thank you to our partners, including the Monitor team, HUD, the U.S. Attorney's Office, and members of the Council, for your support. We are happy to answer any questions you may have.