



# OFFICE OF SENATOR JEFFREY D. KLEIN



## **The Dirty Dozen:**

*Dirty and Infested Air in Subsidized  
Apartments in New York City*

---

October 2015

## **Introduction**

In early July of 2015, New York City, more particularly, the South Bronx, faced an outbreak of Legionnaires' disease — the worst in the city's history — which claimed 12 lives and sickened more than 120 people. While the New York City Department of Health identified five initial cooling towers responsible for spreading this dreadful disease, what many failed to focus on is the grave underlying conditions that allowed so many of these Bronx residents to be so highly susceptible to this strain of Legionnaires' disease—most specifically asthma.

Asthma remains a serious health threat to the residents of New York City. A recent report by the State Comptroller<sup>1</sup> shows that 1.4 million New Yorkers have to deal with asthma and its symptoms, and the total cost to the State of this debilitating disease exceeds \$1.3 billion annually. According to the NYC Department of Health's latest published Community Health Survey<sup>2</sup>, 11.7% of all adults in NYC, or 744,000 individuals, have suffered from asthma at some point in their lives, while 3.9%, or 246,000, actively suffered from asthma when asked.

Unfortunately, the burden of this terrible disease does not fall equally upon all New Yorkers. Certain populations in the State, particularly urban populations like the Bronx, face a greater danger from asthma. Why? Because, air quality plays a significant role in the incidence of asthma and other respiratory diseases, which makes individuals vulnerable to infections like Legionnaires' disease.

For many years the Office of Senator Jeffrey D. Klein reported on the dangers of asthma in New York City<sup>3</sup>, including the dangers posed by poor air quality caused by high traffic volumes, idling buses, and the use of heavy sulfur diesel fuels and introduced legislation to combat these dangerous conditions. Unfortunately, for many people the air quality in their apartments can be as dangerous as the air quality outside.

The City and State need to have a comprehensive strategy to protect the health of our citizens, and this means not only doing everything possible to tackle tragic events like this summer's Legionnaires' outbreak but also ensuring that environmental conditions like indoor air quality is continually protected, so individuals will be less susceptible to infections. Until we tackle these environmental factors, we will never be able to conquer diseases like Legionnaires' disease.

---

<sup>1</sup> Office of the New York State Comptroller, The Prevalence and Cost of Asthma in new York State, (April 2014). Available at: [http://www.osc.state.ny.us/reports/economic/asthma\\_2014.pdf](http://www.osc.state.ny.us/reports/economic/asthma_2014.pdf)

<sup>2</sup> 2013 Community Health Survey Data available at: <https://a816-healthpsi.nyc.gov/SASStoredProcess/guest?PROGRAM=%2FEpiQuery%2FCHS%2Fchsindex&year=2013>

<sup>3</sup> Sen. Klein, Chancellor Walcott, Release Multi-Pronged Plan to Fight Asthma in the Bronx, July 11, 2011 . Available at: <http://www.nysenate.gov/press-release/sen-klein-chancellor-walcott-release-multi-pronged-plan-fight-asthma-bronx>. Report available at: [https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=2&cad=rja&uact=8&ved=0CCsQFjAB&url=http%3A%2F%2Fwww.nysenate.gov%2Ffiles%2Fpdfs%2FAsthma%2520prevention\\_Final.docx&ei=vy5JVYPYKsipNulmWgJAH&usq=AFQjCNFA0m1meiEvlnGwmV6kXgqx5j-63Q&sig2=cjxYzZ-ulf25piAlQaVFDw&bvm=bv.92291466,d.eY](https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=2&cad=rja&uact=8&ved=0CCsQFjAB&url=http%3A%2F%2Fwww.nysenate.gov%2Ffiles%2Fpdfs%2FAsthma%2520prevention_Final.docx&ei=vy5JVYPYKsipNulmWgJAH&usq=AFQjCNFA0m1meiEvlnGwmV6kXgqx5j-63Q&sig2=cjxYzZ-ulf25piAlQaVFDw&bvm=bv.92291466,d.eY)

## **Background**

Back in November of 2014 the Office of State Senator Klein released a report showcasing a number of landlords of subsidized properties in The Bronx that failed to provide sufficient heat during the brutal winter in violation of City laws<sup>4</sup>. The investigation focused on subsidized landlords because the public sector played a direct role in making those units come into existence, and many of them continue to receive public subsidies. As such, the Senator felt that the public sector has a special duty to ensure that those housing units that we subsidize are ones that provide safe and clean housing to residents. The report found that the buildings with the most heating issues were generally clustered in low income neighborhoods, the same kind of neighborhoods that according to the Center for Disease Control see higher than normal rates of deaths from cold weather.

During that investigation the Senator's office noted that many of the buildings that were failing to provide heat often had many violations for other issues, including for the presence of pests such as mice, roaches, and bedbugs, as well as for mold. Health officials here in New York label cold air as a common asthma trigger<sup>5</sup> and the medical community has conclusively linked many indoor air pollutants tied to pests and mold to asthma. The Senator's office found the way in which residents of these buildings are being exposed to multiple health threats deeply disturbing and decided to conduct an investigation directly into pest and mold violations citywide to find out if which landlords are violating the public trust by leaving their tenants with dirty and dangerous living conditions even as they benefit from public subsidies.

By analyzing building information from the New York City Department of Housing Preservation & Development (HPD) on the prevalence of complaints and violations for rodents, pest, and mold in buildings that are part of the Subsidized Housing Information Program (SHIP), the Office of Senator Klein was able to identify the top 12 management companies that have failed to provide their tenants with apartments safe from pests and mold. Our analysis found that the worst actors were largely contained in the very same neighborhoods that exhibit high asthma rates.

Therefore, it's critical that legislative steps be taken to better enforce City health regulations in order to ensure that families are protected from the poor air quality conditions caused by pests and mold. Government and elected officials should be more proactive in tracking bad actors and provide increased information to residents about their rights and landlord responsibilities. We together at the local level should also be more proactive in correcting issues when landlords fail. Finally, the State can help by passing comprehensive legislation that will improve the fight against asthma.

---

<sup>4</sup> Office of Sen. Klein, Turning Up the Heat: An Investigative Report into the Bronx's Coldest Buildings, November, 2014. Available at: [http://www.nysenate.gov/sites/default/files/TUH%20White%20Paper\\_0.pdf](http://www.nysenate.gov/sites/default/files/TUH%20White%20Paper_0.pdf)

<sup>5</sup> New York State Department of Health, "Environmental Asthma Triggers". Information available at: <https://www.health.ny.gov/publications/4955/>

## **Asthma and the Dangers of Mold and Pest infestations**

### ***Mold***

Molds are a form of fungi; there is a significant variety of different mold species, with some species being more dangerous to human health than others. Molds reproduce by producing spores, microscopic particles that can survive in the air for a long time. When spores encounter the right conditions, a new mold begins to grow. These prosperous conditions include moist spaces with organic material available for the mold to consume. The kinds of organic materials that molds can consume are commonly found in residential construction – drywalls and wallpaper, wood, ceiling tiles and grout are all examples of materials that contain organic materials that molds can thrive on. The availability of sufficient moisture is the main barrier towards rampant mold growth. Build-ups of moisture on surfaces inside apartments, whether due to leaking water pipes or poor ventilation of moist air, create the necessary conditions for the rampant growth of molds.

According to the Centers for Disease Control<sup>6</sup> (CDC) the Institute of Medicine determined in 2004 that there is clear evidence that exposure to mold can cause asthma symptoms for individuals with asthma, hypersensitivity pneumonitis for individuals with a predisposition for that illness, and upper respiratory problems, like coughs, for otherwise healthy individuals. The World Health Organization (WHO) also determined that global epidemiological evidence shows conclusively that molds exacerbate respiratory problems and can worsen asthma symptoms, and that there is evidence pointing to a possible role in increasing the risk for asthma<sup>7</sup>. New York State's own Toxic Mold Taskforce reported in its final report that evidence on the specific dangers of mycotoxins was mixed, but that there was strong evidence to show that indoor mold infestations pose a real danger<sup>8</sup> to health, particularly for individuals with respiratory problems.

### ***Cockroaches***

Cockroaches are a perennial problem for urban dwellers worldwide. Health authorities have linked exposure to cockroaches to increases in asthma attacks and other respiratory problems. Cockroaches create a lot of small and hard to see debris. They lay eggs, shed their shells, and produce droppings. This debris gets into the air, and many individuals will have allergic reactions to these materials. The WHO<sup>9</sup> documents a number of studies illustrating that exposure to allergens from cockroaches worsens asthma conditions. Even small cockroach infestations can be problematic, as allergens from roaches have been shown to linger, sometimes up to six months after an infestation has been eradicated.

---

<sup>6</sup> Centers for Disease Control, "Facts about Mold and Dampness", Available at:

[http://www.cdc.gov/mold/dampness\\_facts.htm](http://www.cdc.gov/mold/dampness_facts.htm)

<sup>7</sup> World Health Organization, *WHO Guidelines for Indoor Air Quality: Dampness and Mould*, (2009), available at:

[http://www.euro.who.int/\\_data/assets/pdf\\_file/0017/43325/E92645.pdf?ua=1](http://www.euro.who.int/_data/assets/pdf_file/0017/43325/E92645.pdf?ua=1)

<sup>8</sup> New York State Department of Health and New York State Department of State, *New York State Toxic Mold Task Force Final Report to the Governor and Legislature*, (December 2010), Available at:

[http://www.health.ny.gov/environmental/indoors/air/mold/task\\_force/docs/final\\_toxic\\_mold\\_task\\_force\\_report.pdf](http://www.health.ny.gov/environmental/indoors/air/mold/task_force/docs/final_toxic_mold_task_force_report.pdf)

<sup>9</sup> Bonnefoy, Xavier, Helga Kampen & Kevin Sweeney, WHO, *Public Health Significance of Urban Pests*. (2008),

Available at: [http://www.euro.who.int/\\_data/assets/pdf\\_file/0011/98426/E91435.pdf](http://www.euro.who.int/_data/assets/pdf_file/0011/98426/E91435.pdf)



### ***Rodents***

Rodent infestations are also linked to asthma. New York City has long battled to reduce its rat population. This year's city budget included almost \$3 million for the expansion of a pilot program that has shown promising results in tackling the rat population by focusing on those areas where rats congregate, which are termed rat reservoirs. The City Health Department is in charge of rat eradication from public spaces. When it comes to indoor air quality problems, mice are the main concern. Mice can produce allergens that enter into the air and worsen asthma conditions. Allergen from mice can come from fur as it's shed, as well as dried urine and droppings that enter the air in the form of dust. A number of studies show the later form of allergen cause greater reactions than fur<sup>10</sup>.

### ***Bed Bugs***

Bed bugs made a significant comeback in the last decade and a half; the WHO reports that in 1997, there were just two reported bedbug infestations in the entire United States<sup>11</sup>, and by 2009 in NYC alone there were 4,084 violations issued citywide for bedbug infestations<sup>12</sup>. Studies have shown that bedbug bites can cause allergic reactions that may worsen as the number of bites increase<sup>13</sup>. Like the other pests mentioned, bedbugs also produce substances that enter the air and can become airborne pollutants and allergens, though studies have not shown the same conclusive connections to asthma that are linked to roaches and mice.

## **Distribution of Asthma conditions in New York City**

As noted before, the incidence of mold and indoor pests have been conclusively linked to asthma symptoms and attacks. The NYC Department of Health Environmental and Health Data Portal<sup>14</sup> tracks information on asthma hospitalization and emergency room visits, including a breakdown Health Department data shows that the South Bronx and Harlem have the highest rates of asthma in the City, along with neighborhoods in northern Brooklyn. In Staten Island, asthma is most prevalent along the North Shore. Citywide, the Bronx has by far the highest rates of asthma hospitalizations in the City, especially in the South Bronx, which was the area hit directly by the Legionnaires' outbreak this summer.

---

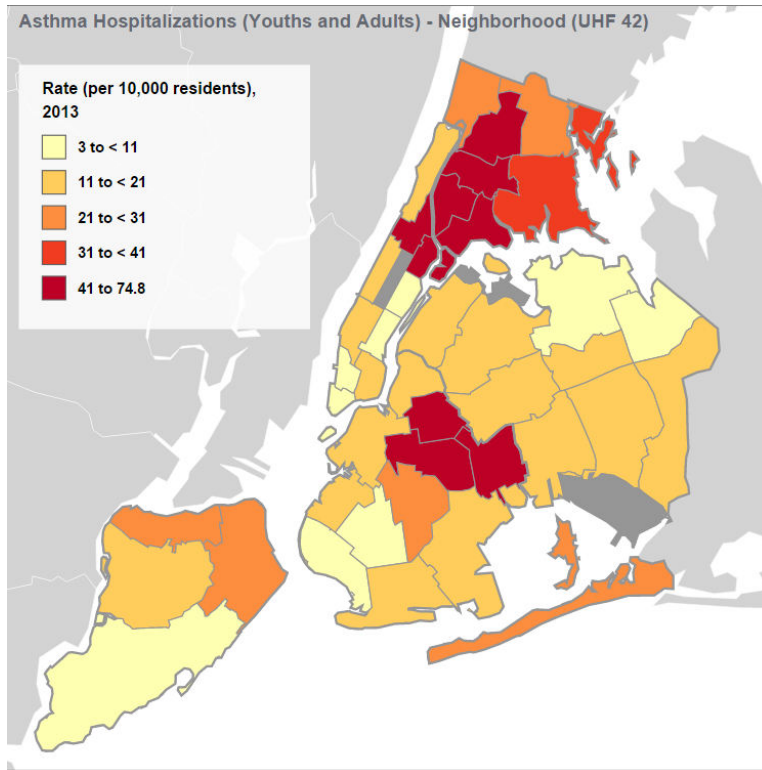
<sup>10</sup> Bonnefoy, pg. 20.

<sup>11</sup> Bonnefoy, pg. 134.

<sup>12</sup> New York City Bed Bug Advisory Board, Recommendations for the Management of Bed Bugs in New York City; New York City Bed Bug Advisory Board Report to the Mayor and City Council (April 2010), Available at: [http://council.nyc.gov/downloads/pdf/bed\\_bugs\\_report\\_2010.pdf](http://council.nyc.gov/downloads/pdf/bed_bugs_report_2010.pdf)

<sup>13</sup> Bonnefoy, pg. 138.

<sup>14</sup> NYC Department of Health Environmental and Health Data Portal, available at: <http://a816-dohbep.nyc.gov/IndicatorPublic/PublicTracking.aspx>



15

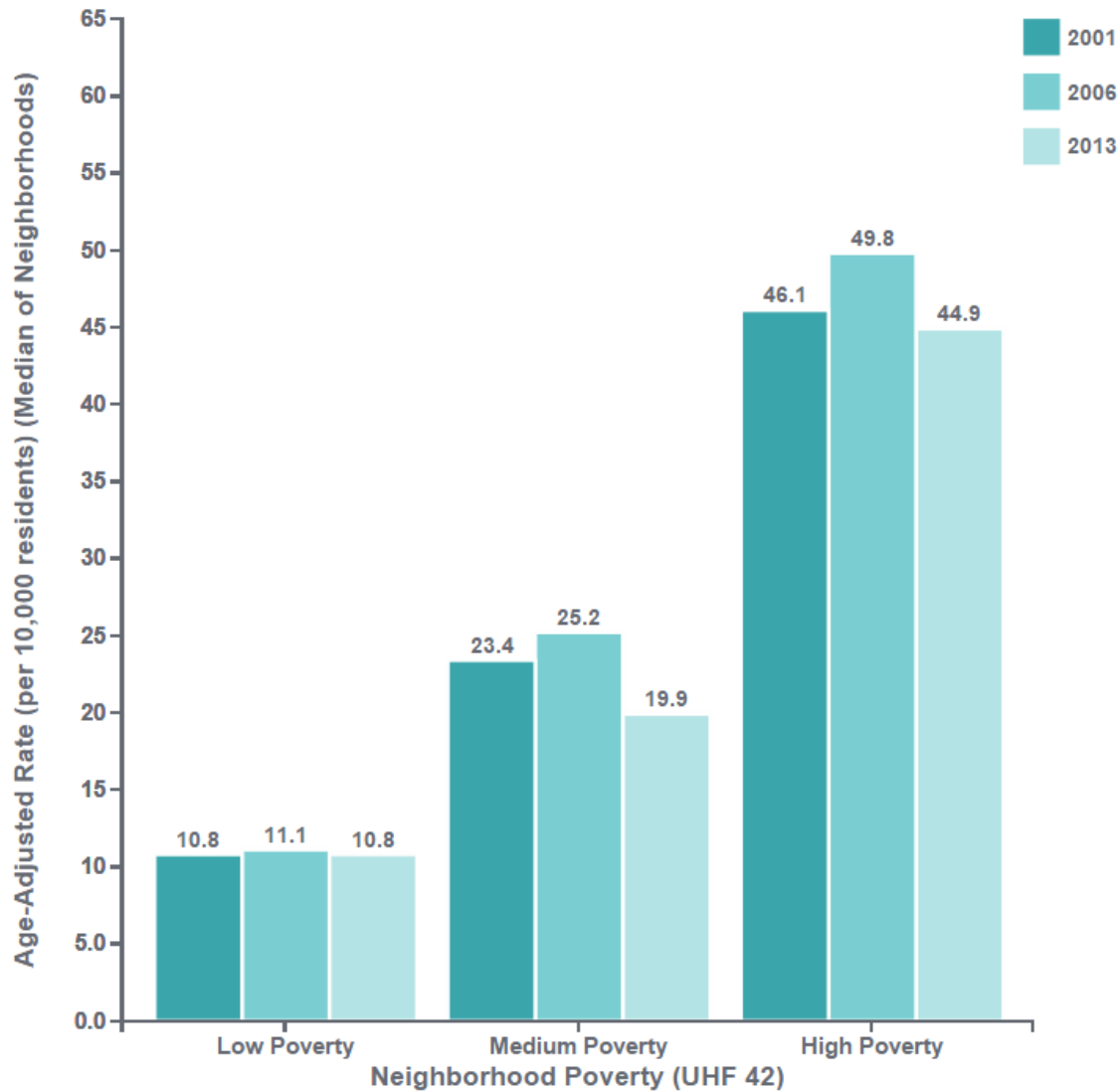
### Asthma Hospitalizations (Youths and Adults)

Geography	Number	Rate (per 10,000 residents)	Age-Adjusted Rate (per 10,000 residents)
<b>2013</b>			
<b>Citywide</b>			
New York City	15,734	22.8	22.9
<b>Borough</b>			
Bronx	4,847	43.5	44.5
Brooklyn	5,067	24.3	24.8
Manhattan	2,558	18	18.7
Queens	2,598	13.7	13.3
Staten Island	664	17.2	16.7

Department of Health Data also shows that there is also a strong correlations between poverty and asthma rates:

<sup>15</sup> Map and table generated at: <http://a816-dohbexp.nyc.gov/IndicatorPublic/VisualizationData.aspx?id=86,4466a0,11,Summarize>

### Asthma Hospitalizations (Youths and Adults)



16

Low income neighborhoods in New York City are more likely to be burdened by ills like heavily trafficked elevated highways than residents of wealthier neighborhoods, and thus face worse outdoor air quality. Sadly, our investigation into mold and pest violations show that these residents also face worse indoor air quality conditions if they happen to live in a privately owned and managed apartment built with public subsidies.

<sup>16</sup> Chart generated at: <http://a816-dohbsp.nyc.gov/IndicatorPublic/VisualizationData.aspx?id=86,4466a0,11,Summarize>

## **Process for Dealing with Pests and Mold:**

If a tenant finds pests in their apartment or a mold condition, the City has outlined the following process in order to handle the problem<sup>17</sup>:

- Tenants must first notify the building owner, managing agent, or superintendent of the problem.
- If the issue is a pest infestation, the owner, management agent, or superintendent would then be responsible for implementing eradication measures to remove the infestation, which might include using the services of a professional pest removal service. If the problem is mold, the mold should be cleaned up and the physical problems leading to the spread of the mold fixed.
  
- If the landlord fails to take steps to remove the pest infestation as they are mandated to, the tenant may make a complaint with either HPD or the Health Department about the conditions, depending on what kind of pest is present;
  - HPD handles complaints about insects such as cockroaches or bedbugs as well as mice.
  - The Department of Health deals with rat complaints. If the complaint was concerning rats, the Department of Health sends an inspector. If the inspection finds evidence of a rat problem, the owner is given a Commissioner's order to abate (COTA) along with a report from the inspector laying out their findings. An owner has five days to correct the conditions. If a follow up inspection finds that the condition was not removed, then the Department of Health issues a violation.
- If the issue in an apartment is a mold infestation and the owner failed to fix the problem, the tenant would make a complaint to HPD.
- Once a complaint is received, HPD will attempt to contact the building's owner or management agent regarding the complaint and at times will contact the resident before an HPD inspector goes out.
- If an HPD inspector goes to the building, they will verify the complaint and issue a violation.
  - If the violation is for bedbugs, the landlord will also receive a notice from the Commissioner of Health laying out the steps they must take to deal with the infestation, which includes not only inspecting the apartment cited for a violation and hiring a licensed professional to deal with the infestation, but also inspecting the apartments next to and the apartments above and below the infected apartment.

Infestations by vermin such as insects are considered a class B violation by HPD. Owners have 30 days to correct such violations and two weeks after that to certify that a violation has been corrected. Infestations of rodents are considered a class C violation, or an imminent threat to safety, and landlords have a day to correct the violation and five days to certify that the problem

---

<sup>17</sup> NYC Complaint process, available: <https://www1.nyc.gov/nyc311-hpd-service-request/form.htm?execution=e3s1>



as been resolved<sup>18</sup>. A mold condition may be classified as either a class B or class C violation depending on the severity of the infestation.

Failure to correct class C violations may lead HPD to utilize the Emergency Repair Program, in which the Department itself contracts out the repairs and then bills the landlord. Our November 2014 report uncovered that the City has had to pay over \$5 million annually for these repairs.

## **Investigation Results into Conditions at Subsidized Buildings:**

### Methodology:

The Office of Senator Klein obtained a list of subsidized housing units through the Subsidized Housing Information Program created by New York University’s The Furman Center For Real Estate and Urban Policy<sup>19</sup>. This database includes information on roughly 235,000 units of privately owned, but publicly subsidized housing. Developments that were built under the Mitchell-Lama program, using HUD project-based rental assistance programs or financed using the Low-Income Housing Tax Credits are included in this database. This database breaks down its information by developments, meaning that a single development may include multiple buildings with different addresses. Once the office had the information on which addresses to investigate, it used the HPD’s Building, Registration and Violation portal<sup>20</sup> to examine the records of complaints regarding mold and pest and violations issued. Complaints and violations going back four years (to 2011) that fell under the categories of mice, cockroaches, bedbugs, other pests, and mold were recorded. The full list of buildings on the Furman Center site was checked against the HPD website in the first half of April 2015. The full complaint and violation data analyzed below comes from this check. Violations data for the worst performing developments was updated in July 2015 and the analysis of the worst performers reflects this updated check.

### General Breakdown of Data:

The investigation examined the records of a total of 2,528 different developments from the SHIP database. Manhattan had the most developments, with 868, followed by Brooklyn with 844, the Bronx with 725, Queens with 59, and Staten Island with 32.

<b>Manhattan Developments</b>	<b>868</b>	<b>Bronx Developments</b>	<b>725</b>	<b>Brooklyn Developments</b>	<b>844</b>
Total Pest Complaints	759	Total Pest Complaints	860	Total Pest Complaints	593
Total Pest Violations	494	Total Pest Violations	567	Total Pest Violations	548
Total Mold Complaints	574	Total Mold Complaints	503	Total Mold Complaints	442
Total Mold Violations	237	Total Mold Violations	337	Total Mold Violations	277
<b>Total Complaints</b>	<b>1333</b>	<b>Total Complaints</b>	<b>1363</b>	<b>Total Complaints</b>	<b>1035</b>
<b>Total Violations</b>	<b>731</b>	<b>Total Violations</b>	<b>904</b>	<b>Total Violations</b>	<b>825</b>

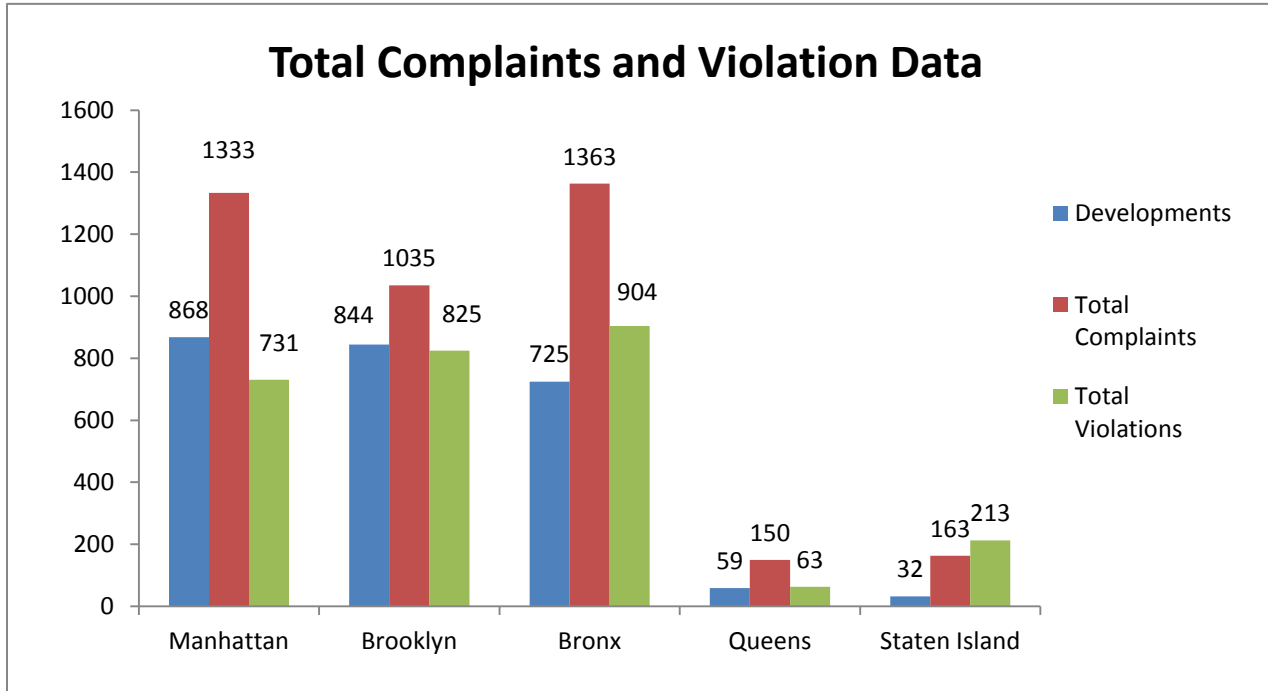
<sup>18</sup> NYC Department of Housing and Preservation and Development, Clearing HPD Violations, available at: <http://www1.nyc.gov/assets/hpd/downloads/pdf/compliance/Clearing-HPD-Violations.pdf>

<sup>19</sup> SHIP database available at: <http://datasearch.furmancenter.org/>

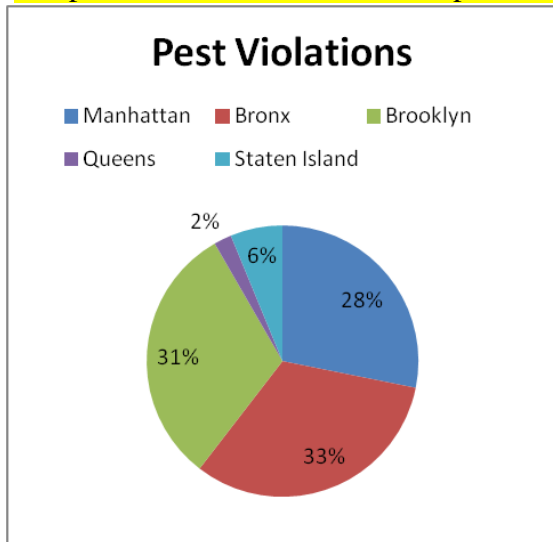
<sup>20</sup> HPD Building, Registration and Violation Portal available at: [https://hpdonline.hpdnyc.org/HPDOnline/provide\\_address.aspx](https://hpdonline.hpdnyc.org/HPDOnline/provide_address.aspx)

Queens Developments	59
Total Pest Complaints	102
Total Pest Violations	37
Total Mold Complaints	48
Total Mold Violations	26
<b>Total Complaints</b>	<b>150</b>
<b>Total Violations</b>	<b>63</b>

Staten Island Developments	32
Total Pest Complaints	85
Total Pest Violations	109
Total Mold Complaints	78
Total Mold Violations	104
<b>Total Complaints</b>	<b>163</b>
<b>Total Violations</b>	<b>213</b>



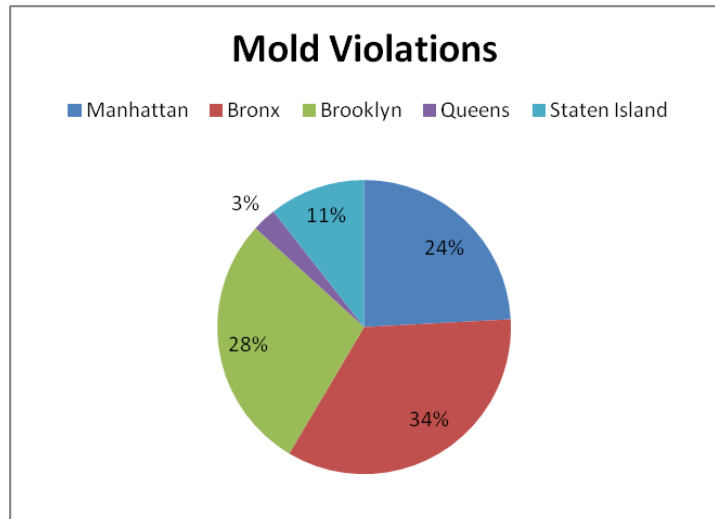
The Bronx and Staten Island had a disproportionate number of complaints and violations issued compared to the number of developments in each borough..



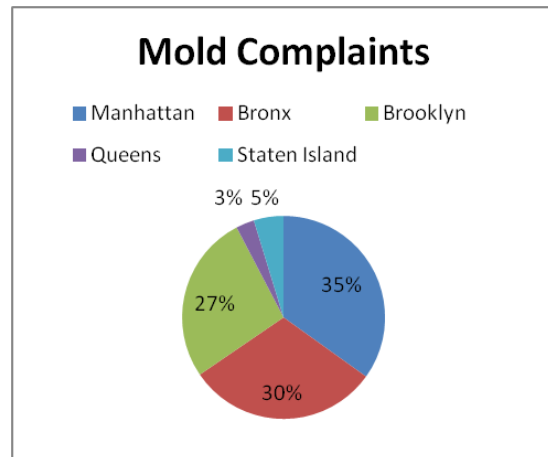
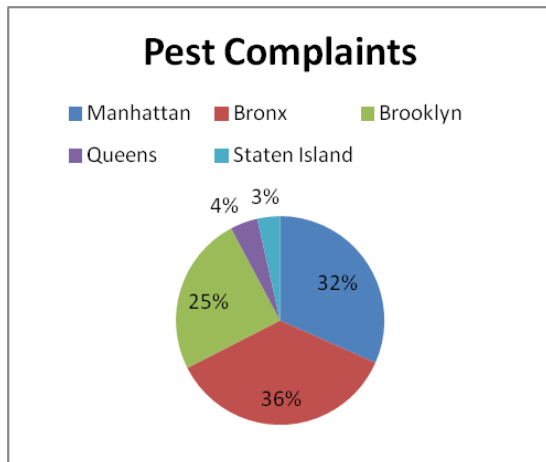
If we look at the pest violations by themselves, The Bronx had a third of all the violations issued, followed closely by Brooklyn with 31%. Queens has the least pest violations issued at only 2% of those recorded. As with the chart above, it becomes apparent that The Bronx and Staten Island have a disproportionate number of pest violations issued.

The next graph shows mold violations, The Bronx leads as well, with 34% of the violations issued. Brooklyn is next, with 28%, followed by Manhattan with 24%. While Staten Island has 11% of total violations, this is significantly disproportionate with its total share of developments.

Complaint data is slightly different. With regards to pests, the Bronx leads, with 36% of complaints, followed by Manhattan with 32%, and Brooklyn with a quarter of the complaints. As the report explained earlier, landlords have a chance to fix a condition before they are issued a violation. This data would seem to indicate that Manhattan owners had the best record of fixing issues between the time a complaint was made and the time a violation was issued. Conversely, for some reason HPD records more violations in Staten Island than they do complaints.



When it comes to mold complaints, Manhattan had the most, with 35% of complaints, followed by the Bronx with 30% of complaints, Brooklyn with 27% of complaints, and Staten Island and Queens accounting for the remaining 8% of complaints. As with pest complaints, the number of recorded violations in Staten Island exceeds the number of complaints on file.



The Dirtiest Dozen:

As with the November investigation regarding heat issues, this investigation also examined the worst offenders in the City. Our investigation found a grand total of 2,736 violations in this set of developments, and the top 12 worst developments at the time accounted for 466 violations.. **This means that the worst 0.47% of the developments we examined accounted for 17% of the total violations found.**

When we re-examined the list of the worst performing developments, the total number of violations amongst the top 12 climbed from 466 to 543.

**The Dirty Dozen<sup>21</sup>:**

<b>Apartment Complex/Owner</b>	<b>Public Subsidy Programs Used</b>	<b>Borough CB</b>	<b>All Pest Violations</b>	<b>Mold Violations</b>	<b>Total Mold and Pest Violations</b>
<b>ANDREWS PLAZA/ ANDREWS PLAZA HOUSING</b>	Project Based Section 8; HUD insurance; Subsidized Federal Mortgages (Section 221 (d) 3, 4)	Bronx 5	22	60	82
<b>NORTH SHORE PLAZA/ HOWLAND HOOK HOUSING</b>	Mitchell-Lama; J-51 Tax abatement; Rental Assistance Program; Federal mortgage Insurance (Section 223(f))	Staten Island 1	40	36	76
<b>RISLEY DENT TOWERS/ CHAUNCEY HOUSING INC</b>	Mitchell-Lama; Project Based Section 8; HUD insurance	Brooklyn 3	40	16	56
<b>PARKHILL 2 APTS/KIMSO APARTMENTS,LLC</b>	Project Based Section 8;J-51 Tax Abatement; Federal Mortgage Subsidy (Section 236)	Staten Island 1	13	33	46
<b>ROUND 1/ WHGA GARVEY HOUSING D</b>	Federal Low Income Housing Tax Credits, J-51 Tax Abatement	Manhattan 10	38	3	41
<b>PARKHILL 1 APTS/ POONAM APARTMENTS LL</b>	Project Based Section 8;J-51 Tax Abatement; Federal Mortgage Subsidy (Section 236)	Staten Island 1	13	26	39
<b>STEVENSON TOWERS/ STEVENSON TOWERS REAL</b>	Mitchell-Lama; Federal Mortgage Subsidy (Section 236)	Bronx 12	21	17	38
<b>HARLEM HOUSING/HARLEM HOUSING ASSOC</b>	Federal Low Income Housing Tax Credits; J-51 Tax Abatement	Manhattan 10	30	5	35
<b>LEWIS MORRIS APTS/1749 GRAND CONCOURSE</b>	Federal Subsidized Mortgage (Section 221 (d) 3, 4)	Bronx 5	25	9	34
<b>LINDEN PLAZA/LINDEN PLAZA HSING CO</b>	Mitchell-Lama; Federal Low Income Housing Tax Credit	Brooklyn 5	27	6	33
<b>ROCHESTER MANOR APTS/ROCHESTER MANOR ASSOC</b>	Project Based Section 8; Federal Subsidized Mortgage (Section 221 (d) 3,4)	Brooklyn 8	24	8	32
<b>STEVENSON COMMONS/ LAVANBURG COMMUNITY I</b>	Mitchell-Lama; J-51 Tax abatement; Federal mortgage Insurance (Section 223(f)); HDC Mortgage; Rental Supplement Program	Bronx 9	29	2	31

<sup>21</sup> A longer list of the worst offenders is found in the appendix.

Demographic Analysis of Neighborhoods with Worst Offenders:

In looking at a breakdown of the worst offenders by borough, which we defined as those developments we found with over 15 violations in our initial investigation, we see that the Bronx had the most, while none were in Queens:

Borough	Number of Developments
Bronx	6
Manhattan	5
Staten Island	4
Brooklyn	3

If we limit our examination to the worst top 12, the Bronx leads with four, Staten Island and Brooklyn are tied for second with three developments each, and Manhattan had two.

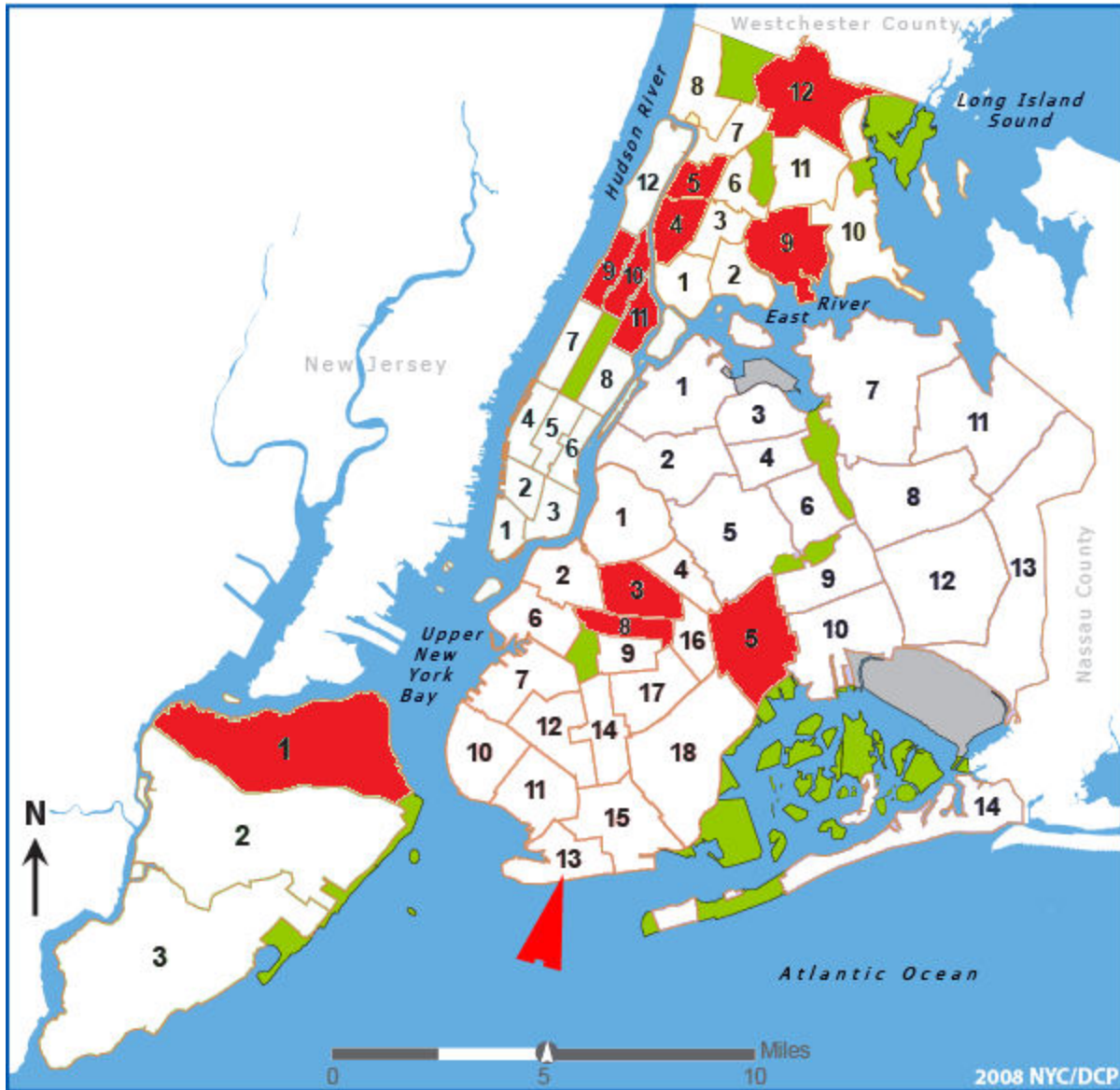
The preponderance of Staten Island located developments in the list of the worst of the worst, including among the top ten worse is one of the most surprising data findings. The fact that The Bronx was tied for the dubious honor of having the most buildings in the list of the worst of the worse, sadly, is not surprising at all, especially if we remember that The Bronx has the worst asthma hospitalization rates in the City by far. Clearly poor indoor air quality in The Bronx exacerbates asthma conditions and is putting residents in the hospital more frequently than elsewhere in the City.

Our office decided to break down these borough wide figures down to see if there was any form of concentration in where these developments were located. We found that Staten Island Community Board #1 had the dubious distinction of having four of the worst developments in the City. Bronx Community Boards #5 and 9, and Manhattan Community Boards #10 and #11 each had two of the worst performing developments.

Community Board	# of Developments
<b>Bronx 5</b>	<b>2</b>
<b>Bronx 9</b>	<b>2</b>
Bronx 4	1
Bronx 12	1
<b>Manhattan 11</b>	<b>2</b>
<b>Manhattan 10</b>	<b>2</b>
Manhattan 9	1
<b>Staten Island 1</b>	<b>4</b>
Brooklyn 3	1
Brooklyn 5	1
Brooklyn 8	1

Four areas in the City then accounted for 17 of the 18 worst performing subsidized developments in the City: Harlem in Manhattan, the South Bronx, North Brooklyn, and the North Shore of Staten Island. If we map where these community boards are located in the City, what we see is the following:





If we compare this map to the map from the Department of Health map of asthma hospitalizations, we see significant overlap: the South Bronx, Harlem, North Brooklyn, and in Staten Island the North Shore.

If we look at the demographics of these community boards<sup>22</sup>, we see that for the most part these are neighborhoods that have a higher percentage of black and Hispanic residents than the city as a whole, and also areas that have lower median household incomes and higher rates of poverty than the city as a whole. The single outlier demographically is Staten Island Community Board #1, which has a higher median household income higher than the citywide income, and whose

<sup>22</sup>Income and Poverty rate data comes from The Furman Centers [State of New York City's Housing and Neighborhoods in 2013](http://furmancenter.org/files/sotc/SOC2013_HighRes.pdf), Available at: [http://furmancenter.org/files/sotc/SOC2013\\_HighRes.pdf](http://furmancenter.org/files/sotc/SOC2013_HighRes.pdf). Demographic data comes from the community district portal information gathered by the NYC Department of Planning. These can be found at: <http://www.nyc.gov/html/dcp/>

demographics are closest to those of the city as a whole. As the charts bellow indicate, six of these community boards have median household incomes less than 75% of the City average (denoted in red), and only one had a median household income above the City average. All but one had populations that were predominantly black or Hispanic.

	NYC	Bx4	Bx5	Bx9	Bx12	Bk3	Bk5	Bk8
Median Household Income	\$51,750	\$27,408	\$21,959	\$34,349	\$42,077	\$38,724	\$34,249	\$42,401
% of Pop. White	32.8	1.5	1.4	2.8	7.1	10.9	3.4	16.7
% of Pop. Black	22.6	32.3	28.7	30.8	65	64.9	51.6	65.5
% of Pop. Hispanic	28.9	63.1	66.8	57.7	22.9	19.9	36.7	2.4
% of Pop. Asian	13	1.5	1.5	5.8	1.9	2.3	5	2.8
Poverty Rate (%)	21.2	40	40.6	28.6	19.4	35.9	31.3	28.2
	NYC	Mn9	Mn10	Mn11	Si1			
Median Household Income	\$51,750	\$41,090	\$37,460	\$31,537	\$57,325			
% of Pop. White	32.8	23	9.5	12	39.6			
% of Pop. Black	22.6	24.6	63	31.2	22			
% of Pop. Hispanic	28.9	42.7	22.2	49.2	28.5			
% of Pop. Asian	13	6.9	2.4	5.6	7.5			
Poverty Rate (%)	21.2	30.1	36.4	37.1	15.7			

	NYC	Bx4	Bx5	Bx9	Bx12	Bk3	Bk5	Bk8
Median Household Income	100%	53%	42%	66%	81%	75%	66%	82%
% of Pop. White	100%	5%	4%	9%	22%	33%	10%	51%
% of Pop. Black	100%	143%	127%	136%	288%	287%	228%	290%
% of Pop. Hispanic	100%	218%	231%	200%	79%	69%	127%	8%
% of Pop. Asian	100%	12%	12%	45%	15%	18%	38%	22%
Poverty Rate (%)	100%	189%	192%	135%	92%	169%	148%	133%
	NYC	Mn9	Mn10	Mn11	Si1			
Median Household Income	100%	79%	72%	61%	111%			
% of Pop. White	100%	70%	29%	37%	121%			
% of Pop. Black	100%	109%	279%	138%	97%			
% of Pop. Hispanic	100%	148%	77%	170%	99%			
% of Pop. Asian	100%	53%	18%	43%	58%			
Poverty Rate (%)	100%	142%	172%	175%	74%			

As we already saw, it is our poor residents that face the greatest burden from asthma, and sadly, they are also being saddled by bad landlords with pest and mold ridden apartments that worsen asthma conditions. The distressing connection between poverty, the incidence of mold and pest violations, and high rates asthma showcase the stresses residents in these neighborhoods are forced to face simultaneously. Trying to provide safe and clean housing for low-income families is the reason that the public sector has made so many different subsidy programs for low-income housing available and this report shows that some recipients of public subsidies have failed in their responsibilities to provide that kind of housing.

## **Recommendations and Conclusions:**

Providing residents with clean indoor air is critical if we are going to win the battle against asthma. Mold and pests, like mice and roaches, pollute indoor air and those pollutants have been linked conclusively to asthma, which annually costs New York State more than a billion dollars. In New York City, the burden of asthma falls most heavily on those individuals who already have to deal with the effects of poverty.

The public sector has tried to assist New Yorkers by providing money to create safe and affordable housing. One condition for providing safe housing is ensuring that apartments are free of pests and mold. Most subsidized landlords fulfill their promise and build and maintain safe units. Unfortunately there are some subsidized landlords that fail this task. In examining over 2,500 developments throughout the entire City, the Office of Senator Klein was able to identify a small group of developments that over the past five years have accumulated fifteen or more violations for pest or mold problems. These properties, which accounted for only 0.8% of those developments investigated, accounted for more than a full fifth of all the violations found citywide.

We found that the borough with the highest rates of asthma in the City, The Bronx, also had the largest number of the worst of the worst offenders, including a development with an unconscionable 82 violations. We found that outside of The Bronx, these worst developments are located in those parts of their respective boroughs that have the highest rates of asthma according to the NYC Department of Health.

The public sector has a responsibility to ensure that its money is being used correctly; providing pest and mold infested accommodations places residents in danger and it is particularly galling to see properties being subsidized by the public failing in their duties in this manner. It is important that steps be taken to ensure compliance with State and City regulations regarding the provision of safe and clean housing by all recipients of public housing development funds. The State and City should also implement new laws or procedures to improve the fight against asthma and to strengthen those existing rules and regulations. This report makes the following recommendations:

### **Recommendation 1: Expand the ability of the City to implement eradication procedures for pests other than rodents and bedbugs.**

Existing City laws and regulations give the Department of Health broad powers to force landlords to implement thorough eradication measures for rodents and bedbugs. The same powers are not extended for other types of pests. As medical literature shows, cockroaches pose a significant threat to individuals, particularly those with asthma. For the sake of both the well being of residents and consistency, we recommend that all pest infestations be treated as a serious problem requiring supervised and expert eradication measures.

**Recommendation 2: HPD should conduct a residential outreach campaign in buildings that accumulate more than three pest and mold violations in a single year to make them aware of regulations and their rights.**

If a building accumulates more than three violations for mold or pest problems in a year, HPD should step in and make sure that residents have all the information they need regarding their rights and the responsibilities of the landlord when it comes to pest and mold. HPD has a responsibility to inform residents about what they can do to prevent pest and mold problems, as well as what the responsibilities of landlords are in order to keep apartments safe and pest free. The campaign would also include information about the healthiest ways for residents to handle pest infestations on their own, to ensure that residents did not use methods or products to eliminate pests that could prove as dangerous to their health as the pests themselves.

HPD would also make sure tenants know how to make a complaint to HPD or the Health Department if they spot pests or mold in their apartments or common areas, and what steps a landlord has to take if the complaint is substantiated by the department. These campaigns might be as simple as placing posters in the lobby and other common areas, or could involve sending mailers to residents or setting up meetings.

**Recommendation 3: HPD should establish a Mold and Pest Taskforce and proactively monitor buildings that accumulate more than five pest and mold violations in less than two years.**

Compromised indoor air quality is a serious health danger, and buildings that are issued multiple violations of city health regulations regarding mold and pest infestations should be actively monitored. The majority of the buildings the office examined had no violations issued against them, and many only had one or two violations issued in the time period we examined. But we found many buildings that would meet the criteria to place buildings under the supervision of this proposed task force, and we found more than a dozen buildings with deplorable records. We recommend that buildings with a demonstrated record of failing to control mold or pests be monitored actively so they never reach the depths of the developments we highlighted. Owners of the buildings placed under supervision would be notified that they are being supervised and they would be expected to improve their pest control procedures under the supervision of the department to ensure that pests remain under control in a safe manner. The department would, when necessary, provide support to landlords under supervision who show that they are serious about complying but whom might lack the resources or knowledge needed to effectively combat pests and mold. The City would exercise the same powers it has under the Emergency Repair Program to fix serious mold conditions that may pop up in those buildings under supervision.

**Recommendation 4: Force properties with several violations for mold and pest problems to post a bond to ensure future compliance.**

The owners of buildings being monitored by the Mold and Pest Taskforce should have to post a bond that the City may utilize to finance repairs or eradication procedures in the future. This bond would be refunded by the City if the building was free of any violations for three years. As the report notes, a violation is issued only after a landlord was given the opportunity to repair the

problem that led to the complaint. This means that buildings that are accumulating violations are ones which have failed to fix issues even in the time they were given to resolve problems.

**Recommendation 5: Allow the City to impose civil fines on owners that show a pattern of failing to correct major pest and mold violations.**

Pests and mold infestations are a threat to public health, and landlords that repeatedly fail to fix such problems have put their residents in danger. Landlords are fined each time a violation is issued, but clearly these fines attached to specific violations are not enough to get some landlords the incentive to fix the issues. The City has been given the power to step in when landlords regularly fail to fix issues, as with the Emergency Repair Program, but the City is limited in these cases to fixing the problem and then charging the owners for these repairs plus additional fines. It is recommended that the City be given the power to seek civil damages against landlords that show a pattern of non-compliance, beyond any fines and fees directly tied to specific conditions. Providing substandard and unsafe housing is unacceptable and the public has the right to seek damages for such behavior.

**Recommendation 6: The State legislature can help combat asthma by passing comprehensive asthma legislation currently pending in the State legislature.**

This year the legislature passed Senate bill 1528-A by Senator Klein (Assembly bill 6506-A by Assemblyman Crespo), that is aimed at improving childhood health. One part of this bill would mandate that the New York State Department of Health coordinate its asthma prevention programs with those of other state agencies, as well as those asthma prevention programs run by the federal government and municipalities. Ensuring coordination between different public agencies will improve the effectiveness of our public asthma prevention programs. This was a good first step and we urge the Governor to sign the bill into law. At the same time there is more that the state legislature can do. Senator Klein has introduced Senate bill 1105 (Assembly bill 6505-A by Assemblyman Crespo) which would set up the asthma disease management and control program. Establishing a comprehensive statewide asthma management program which coordinates the efforts of individuals, families, health care providers, schools and community-based organizations would help New York track the disease, better understand its causes and triggers, and direct asthma education and preventive care to the children and families who need it the most. As such, we urge the legislature to pass this critical legislation.



**APPENDIX: Developments found to contain 15 or more total pest and mold violations:**

<b>Apartment/Owner</b>	<b>Address</b>	<b>Subsidy Programs</b>	<b>Community Board</b>	<b>All Pest Violations</b>	<b>Mold Violations</b>	<b>Total Mold and Pest Violations</b>
<b>ANDREWS PLAZA/ ANDREWS PLAZA HOUSING</b>	1725 ANDREWS AVENUE; 1759 MONTGOMERY AVENUE; 1760 ANDREWS AVENUE; 1785 POPHAM AVENUE; 1800 POPHAM AVENUE; 1820 PHELAN PLACE; 1840 SEDGWICK AVENUE	Project Based Section 8; HUD insurance; Subsidized Federal Mortgages (Section 221 (d) 3, 4)	Bronx 5	22	60	82
<b>NORTH SHORE PLAZA/ HOWLAND HOOK HOUSING</b>	35 HOLLAND AVENUE; 55 HOLLAND AVENUE; 65 HOLLAND AVENUE; 85 HOLLAND AVENUE	Mitchell-Lama; J-51 Tax abatement; Rental Assistance Program; Federal mortgage Insurance (Section 223(f))	Staten Island 1	40	36	76
<b>RISLEY DENT TOWERS/ CHAUNCEY HOUSING INC</b>	1593 FULTON STREET	Mitchell-Lama; Project Based Section 8; HUD insurance	Brooklyn 3	40	16	56
<b>PARKHILL 2 APTS/KIMSO APARTMENTS,LLC</b>	240 PARK HILL AVENUE; 260 PARK HILL AVENUE; 280 PARK HILL AVENUE	Project Based Section 8;J-51 Tax Abatement; Federal Mortgage Subsidy (Section 236)	Staten Island 1	13	33	46
<b>ROUND 1/ WHGA GARVEY HOUSING D</b>	115 WEST 129 STREET; 119 WEST 129 STREET; 121 WEST 129 STREET; 134 WEST 129 STREET; 138 WEST 129 STREET; 140 WEST 129 STREET; 152 WEST 129 STREET; 158 WEST 129 STREET	Federal Low Income Housing Tax Credits, J-51 Tax Abatement	Manhattan 10	38	3	41
<b>PARKHILL 1 APTS/ POONAM APARTMENTS LL</b>	140 PARK HILL AVENUE; 160 PARK HILL AVENUE; 180 PARK HILL AVENUE	Project Based Section 8;J-51 Tax Abatement; Federal Mortgage Subsidy (Section 236)	Staten Island 1	13	26	39

<b>STEVENS ON TOWERS/ STEVENS ON TOWERS REAL</b>	830 MAGENTA STREET	Mitchell-Lama; Federal Mortgage Subsidy (Section 236)	Bronx 12	21	17	38
<b>HARLEM HOUSING/HARLEM HOUSING ASSOC</b>	36 WEST 139 STREET; 554 LENOX AVENUE	Federal Low Income Housing Tax Credits; J-51 Tax Abatement	Manhattan 10	30	5	35
<b>LEWIS MORRIS APTS/1749 GRAND CONCOURSE</b>	1749 GD CONCOURSE	Federal Subsidized Mortgage (Section 221 (d) 3, 4)	Bronx 5	25	9	34
<b>LINDEN PLAZA/LINDEN PLAZA HSING CO</b>	671 LINCOLN AVENUE; 725 LINCOLN AVENUE; 735 LINCOLN AVENUE; 737 LINCOLN AVENUE; 747 LINCOLN AVENUE; 750 ELDERT LANE; 755 LINCOLN AVENUE; 760 ELDERT LANE; 770 ELDERT LANE; 780 ELDERT LANE; 790 ELDERT LANE	Mitchell-Lama; Federal Low Income Housing Tax Credit	Brooklyn 5	27	6	33
<b>ROCHESTER MANOR APTS/ROCHESTER MANOR ASSOC</b>	1248 SAINT MARKS AVENUE; 1453 PROSPECT PLACE	Project Based Section 8; Federal Subsidized Mortgage (Section 221 (d) 3,4)	Brooklyn 8	24	8	32
<b>STEVENS ON COMMONS/ LAVANBURG COMMUNITY I</b>	1850 LAFAYETTE AVENUE; 1856 LAFAYETTE AVENUE; 1870 LAFAYETTE AVENUE; 1880 LAFAYETTE AVENUE; 711 WHITE PLAINS ROAD; 741 WHITE PLAINS ROAD; 751 WHITE PLAINS ROAD	Mitchell-Lama; J-51 Tax abatement; Federal mortgage Insurance (Section 223(f)); HDC Mortgage; Rental Supplement Program	Bronx 9	29	2	31
<b>LEXINGTON COURT/EAST HARLEM LEXINGTON</b>	121 EAST 119 STREET; 125 EAST 118 STREET; 125 EAST 119 STREET; 135 EAST 122 STREET; 149 EAST 118 STREET; 158 EAST 119 STREET; 166 EAST 119 STREET; 2010 LEX AVENUE; 212 EAST 119 STREET	Federal Low Income Housing Tax Credit; Project-based section 8; HDC Mortgage; Federal Mortgage Subsidy (Section 236)	Manhattan 11	22	7	29

<b>1775 HOUSES/ 1775 HOUSING ASSOC</b>	107 EAST 126 STREET	Project Based Section 8; HUD insurance w/o affordability limits	Manhattan 11	20	6	26
<b>MORRISANIA 2/MORRISANIA II ASSOCIA</b>	1108 CLAY AVENUE; 1124 CLAY AVENUE; 1140 CLAY AVENUE	Project Based Section 8; Federal Subsidized Mortgage (Section 236)	Bronx 4	18	4	22
<b>MORNINGSIDE DEVELOPMENT GROUP/MORNINGSIDE 126-127 L</b>	163 MORNINGSIDE AVENUE; 165 MORNINGSIDE AVENUE; 167 MORNINGSIDE AVENUE; 169 MORNINGSIDE AVENUE; 171 MORNINGSIDE AVENUE; 175 MORNINGSIDE AVENUE; 370 WEST 127 STREET; 372 WEST 127 STREET; 373 WEST 126 STREET; 375 WEST 126 STREET	Federal Low Income Housing Tax Credits, J-51 Tax Abatement	Manhattan 9	12	8	20
<b>ST GEORGE PLAZA/185-225 PARK HILL COR</b>	185 PARK HILL AVENUE; 225 PARK HILL AVENUE	Project Based Section 8; Federal Subsidized Mortgage (Section 221 (d) 3)	Staten Island 1	11	8	19
<b>SEWARD MANOR/STEWARD 2025, LLC</b>	2009 SEWARD AVENUE	Project Based Section 8; Federal Subsidized Mortgage (Section 221 (d) 3,4)	Bronx 9	8	7	15