

Congress of the United States
House of Representatives
Washington, DC 20515
NYDIA M. VELAZQUEZ
7TH DISTRICT, NEW YORK

July 31, 2017

Shola Olatoye
Chair, New York City Housing Authority
250 Broadway
New York, NY 10007

Dear Chair Olatoye:

I was deeply troubled by your admission on Wednesday July 26, to your fellow New York City Housing Authority ("NYCHA") board members that NYCHA is not in compliance with federal and local lead-based paint rules. I was further dismayed when I read a series of articles published by the *New York Daily News* on Thursday, July 27, and Saturday, July 29, that reported NYCHA had falsely certified inspections of thousands of its apartments for lead-based paint between 2012 and 2014.

As you recall, in July 2016, I wrote to you expressing my concern about the potential presence of lead-based paint in NYCHA units after a series of investigative articles were published by the *New York Daily News*.

You responded to my letter in October 2016, stating: "[a]ccording to the New York City Department of Health and Mental Hygiene ("DOHMH"), children living in NYCHA public housing have an ***extremely low-risk*** (emphasis not added) of exposure to lead-based paint hazards, even lower than children living in privately-owned housing in New York City."

Given the latest developments, I am respectfully requesting you provide me with an update to your letter of October 19th within the **next thirty days (30)** along with answers to the following set of questions set forth below.

Lead poisoning is a serious and sometimes fatal condition, and exposure to lead-based paint can cause nerve, blood, and brain damage—particularly in children, pregnant women, and the elderly. The problem of lead poisoning from lead-based paint occurs when the original primer—which is beneath the surface of the paint—on household components, like radiators, door frames, pipes, and ceramic fixtures, chips or turns to dust. When this original layer chips or turns to dust it can be inhaled or ingested. Children under the age of three are particularly susceptible to the poisonous toxin, as they tend to crawl around on the floor easily ingesting the dust and chips.

Due to the serious and sometimes fatal effects of lead, the use of lead-based paint in residential housing has been banned in New York City since 1960 and across the entire United States since 1978. Unfortunately, many of NYCHA's apartment buildings were constructed prior to these bans, and, therefore, have a potential presence of lead-based paint.

The U.S. Department of Housing and Urban Development ("HUD") provides funding to NYCHA for the provision and maintenance of public housing in New York City. Federal regulations require NYCHA to maintain public housing so that it is decent, safe, sanitary, and in good repair. NYCHA must also comply with all federal requirements regarding lead and lead-based paint in public housing.

By law, NYCHA is required to perform annual inspections of units for lead-based paint hazards. HUD regulations require NYCHA to incorporate ongoing lead-based paint maintenance and reevaluation activities into its regular building operations. Additionally, New York City Local Law 1 requires owners of pre-1960 buildings that have three or more units, as well as owners of post-1960 to pre-1978 buildings where the owner knows that there is lead-based paint, to investigate units where children under the age of six reside to find peeling paint, chewable surfaces, deteriorated sub-surfaces, and friction and impact surfaces. Local Law 1 requires these investigations to be conducted on an annual basis. NYCHA is also required, by law, to correct lead-based paint hazards and to abate lead-based paint from friction and impact surfaces when units are turned over.

According to information you provided in your letter of October 19th, you stated there were 103 buildings totaling 54,518 units throughout NYCHA's portfolio potentially containing lead-based paint. You also stated that 4,702 of these 54,518 units were home to a child under the age of six. To fully understand the scope of the problem, I am respectfully requesting an update to all of these figures, along with the following pieces of information:

- 1) A full list identifying the NYCHA developments with a potential presence of lead-based paint and the number of units within each development with a potential presence of lead-based paint.
- 2) The list of units identifying where NYCHA fully remediated lead-based paint due to unit turnover in the last year (since July 14, 2016).
- 3) In your letter of October 19th you stated that NYCHA had recently reviewed the 4,702 units that were home to a child under the age of six that that potentially contained lead-based paint. Of these 4,702 units you indicated that 2,350 units had deteriorating paint conditions on components. And while you stated that NYCHA did not perform additional testing to confirm the presence of lead-based paint in the units, NYCHA did move swiftly to perform paint stabilization on the components. What steps has NYCHA taken, or is the agency taking, to ensure the paint stabilization efforts in these 2,350 units remain intact?

- 4) On June 18, 2016, you and DOHMH Commissioner, Dr. Mary Bassett, published a Letter to the Editor in the *New York Daily News* outlining the steps the City of New York takes to identify lead paint hazards. In light of your recent admission to your fellow NYCHA board members on July 26, what additional steps is NYCHA taking to bring itself into compliance with all federal, state, and local lead-based paint rules?
- 5) I understand there are ongoing investigations being conducted by both the U.S. Attorney's Office and the New York City Department of Investigation regarding lead in NYCHA buildings. Please provide me details on the steps NYCHA is taking to cooperate with both of these investigations.

When it comes to public housing, there is no greater priority than protecting the health and safety of our friends, families, and neighbors. The existence of lead-based paint is a potentially dangerous problem and I appreciate NYCHA's effort and willingness to take this matter seriously.

Thank you in advance for your timely response. If you have any further questions regarding this matter, please feel free to reach out to Richard Erkel, on my Washington, DC staff, at Richard.Erkel@mail.house.gov or Daniel Wiley, on my district staff, at Daniel.Wiley@mail.house.gov.

Sincerely,



Nydia M. Velázquez
Member of Congress

Cc:

Lynne Patton, Regional Administrator, New York/New Jersey Region, U.S. Department of Housing and Urban Development
Mary Travis Bassett, Commissioner, New York City Department of Health and Mental Hygiene
Mark Peters, Commissioner, New York City Department of Investigations