

# Congress of the United States

Washington, DC 20515

November 2, 2020

Gregory Russ  
Chair and Chief Executive Officer  
New York City Housing Authority  
250 Broadway  
New York City, NY 10007

Dear Chair Russ:

Like many other New Yorkers, we were deeply disappointed by the revelations made recently by New York City Housing Authority (“NYCHA”) Federal Monitor, Bart Schwartz, indicating a significantly larger number of NYCHA apartments where children under six reside might be exposed to lead risks.

Mr. Schwartz’s statement on Thursday, October 22<sup>nd</sup>, explains that approximately 6,000 additional apartments have been added to the count of NYCHA units where lead exposure is possible.<sup>1</sup> Based on Mr. Schwartz’s statement there are now at least 9,000 NYCHA units that contain lead and are inhabited by a child under the age of six.<sup>2</sup>

Unfortunately, this is not the first time an exposure of this kind has been revealed to the public. NYCHA has a long and distressing history when it comes to not only lead, but mold and other toxins in its developments. For example, in 2016, former NYCHA Chair Shola Olatoye, testified that Authority was in compliance with lead testing guidance, but was forced to resign two years later when her testimony was proven to be false.<sup>3</sup>

The conditions in NYCHA’s developments became so dire—and posed such risk to the health and well-being of the residents—due to NYCHA’s operational mismanagement and neglect, that the Authority was forced to enter into a Consent Agreement (“Agreement”) with the US Department of Housing and Urban Development (“HUD”) and the City of New York in January 2019.<sup>4</sup>

While the Agreement ensured local control of the Authority would be maintained, Mr. Schwartz was installed as a Monitor to in order to provide oversight of the Authority and compel operation improvements, transparency, and ensure residents’ safety.

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<sup>1</sup> Statement of Bart M. Schwartz. “NYCHA’s Efforts to Locate Children Under Six in Apartments that May Contain Lead Paint.” (October 22, 2020). <https://nychamonitor.com/nychas-efforts-to-locate-children-under-six-in-apartments-that-may-contain-lead-paint/>

<sup>2</sup> *Id.*

<sup>3</sup> Gartland, Michael. “At Least 9,000 NYCHA apartments pose a possible lead risk—triple the previous estimate, monitor says.” *New York Daily News*. (October 22, 2020). <https://www.nydailynews.com/new-york/ny-nyc-nycha-lead-risk-20201022-apu4uwas4zebtolyke7am53ere-story.html>

<sup>4</sup> Final Executed NYCHA Agreement. (January 31, 2019). <https://nychamonitor.com/wp-content/uploads/2019/03/Final-Executed-NYCHA-Agreement.pdf>

While the revelations made by Mr. Schwartz are no doubt shocking and disappointing, they also, unfortunately, reveal a far deeper truth about the operational integrity of the Authority. The revelations reveal that a Federal Monitor is still needed to provide independent oversight and hold NYCHA to account regarding the veracity of the information the Authority releases to the public about the level of risk its units pose to the health and safety of residents.

We have been outspoken in the need to improve the conditions in public and affordable housing in order to reduce the health risks residents face. Substandard housing conditions, such as lead, mold, poor ventilation, pest infestations, and water leaks—all of which are pervasive across NYCHA’s portfolio—are directly associated with the development and exacerbation of respiratory diseases.<sup>5</sup>

The rise of the COVID-19 pandemic has introduced a new level of risk into our society and we are deeply concerned that the underlying conditions of NYCHA units may significantly increase the likelihood of residents contracting COVID-19.

Earlier this year, Congress allocated \$685 million in the *Coronavirus Aid, Relief, and Economic Security Act* (“*CARES Act*”) to NYCHA and other public housing authorities nationwide to carry out their coronavirus responses and keep residents safe.<sup>6</sup> Importantly, we included language in the *CARES Act* that provides flexibility to housing authorities to use these funds to address their capital repair needs. According to publicly available information, NYCHA was estimated to have received \$150 million through the *CARES Act* to meet its COVID-19 response needs.<sup>7</sup>

As the winter months approach, public health officials are warning of an escalation in the spread of the COVID-19 virus. Former FDA Commissioner Dr. Scott Gottlieb recently cautioned that the U.S. could be entering its most dangerous season for coronavirus infections as the winter weather brings more people indoors.<sup>8</sup> And Governor Andrew Cuomo recently warned that the COVID-19 infection rates will likely increase in New York before the end of the year.<sup>9</sup> For most people, their homes are a safe refuge from the cold and COVID-19, but these warnings have NYCHA residents understandably concerned that the lead, mold, poor ventilation, leaks, and other substandard housing conditions could increase their risk of contracting the virus.

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<sup>5</sup> Krieger, J., & Higgins, D. L. (2002). “Housing and health: time again for public health action.” *American journal of public health*, 92(5), 759. doi:10.2105/ajph.92.5.758.

[https://www.researchgate.net/publication/11382629\\_Housing\\_and\\_Health\\_Time\\_Again\\_for\\_Public\\_Health\\_Action](https://www.researchgate.net/publication/11382629_Housing_and_Health_Time_Again_for_Public_Health_Action)

<sup>6</sup> Pub. L. 116-136. *Coronavirus Aid, Relief, and Economic Security Act*. Title XII. (March 27, 2020).

<sup>7</sup> Lowenstein, Ronnie. “Mounting Troubles: Coronavirus Burdens the New York City Housing Authority’s Already-Strained Finances.” *New York City Independent Budget Office*. June 2020.

<https://ibo.nyc.ny.us/iboreports/mounting-troubles-coronavirus-burdens-the-new-york-city-housing-authoritys-already-strained-finances-foeb-june-2020.pdf>

<sup>8</sup> Stankiewicz, Kevin. “Dr. Scott Gottlieb fears U.S. headed for ‘most dangerous season’ for coronavirus infections”. *CNBC*. (September 29, 2020). <https://www.cnbc.com/2020/09/29/scott-gottlieb-us-entering-most-dangerous-season-for-coronavirus.html>

<sup>9</sup> Higgins-Dunn, Noah. “Covid infection rates will rise in New York and U.S. as states fight ‘microclusters.’” *CNBC*. (October 21, 2020). <https://www.cnbc.com/2020/10/21/covid-infection-rates-will-rise-in-new-york-and-us-as-state-fights-microclusters-cuomo-says.html>

The revelations by Mr. Schwartz's combined with the recent news reports of NYCHA's failure to fix mechanical exhaust ventilation systems and the public denial by NYCHA officials that poor ventilation contributes to the spread of the COVID-19 virus<sup>10</sup>, are leading us to question the effectiveness of the Authority's COVID-19 response and the credibility of its plans for ensuring residents' safety from the virus over the winter.

Therefore, we are requesting the following information and answers to the following questions in the next fourteen (14) days:

- 1) A full accounting of all *CARES Act* funding provided to NYCHA along with a detailed explanation for how those funds have been used to address residents' safety and carryout safety protocols for NYCHA employees.
- 2) How is NYCHA communicating the level risk posed by COVID-19 and its strategies for combating the virus during the winter months to NYCHA residents? Are any materials being publicized on COVID-19 awareness and prevention best practices such as social distancing, frequent hand washing and surface disinfection? If so, in what languages? If no, please explain why not.
- 3) Before the COVID-19 pandemic hit, NYCHA had a plan to replace old and defunct ventilation systems in over 230 NYCHA developments.<sup>11</sup> The U.S. Center for Disease Control ("CDC") stresses the importance of adequate ventilation in indoor spaces to reduce the risk of falling ill from COVID-19. Currently, the majority of NYCHA developments do not have ventilation systems that provide the indoor airflow that is necessary to prevent the spread of COVID-19. What is NYCHA's strategy for ensuring its new ventilation systems will meet the standards set by the CDC's current COVID-19 mitigation guidelines?

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<sup>10</sup> Smith, Greg. "NYCHA Ventilation Fix Delay Poses a COVID 'Health Emergency' Council Member Declares." *The City*. (October 7, 2020). <https://www.thecity.nyc/coronavirus/2020/10/7/21507114/nycha-ventilation-covid-health-emergency-nyc-council-housing>.

<sup>11</sup> Gartland, Michael. "NYCHA to spend \$50 million sourcing air ducts not cleaned in decades to fight mold." *New York Daily News*. (January 6, 2020). <https://www.nydailynews.com/new-york/ny-nycha-mold-baez-ventilation-ducts-clean-public-housing-20200106-ayaka5kaefaw5nzucu7rhkdpuq-story.html>

- 4) Recently, 47 NYCHA developments, 22 of which are seniors only, recorded COVID-positive rates higher than 2.9% from March to mid-May.<sup>12</sup> All but two of the 47 developments rely on old mechanical ventilation systems.<sup>13</sup> With evidence proving that age is a risk factor for severe illness from COVID-19,<sup>14</sup> what are the Authority's plans to protect the health of its elderly residents? Will the Authority prioritize senior only developments in its plan to replace ventilation systems in NYCHA buildings?

Finally, we are recommending NYCHA, in consultation with members of the scientific and medical community, conduct a study that examines the air quality and the ventilation in NYCHA units. This study should include the inspection of airborne contaminants such as lead and mold, in NYCHA units and their ability, if any, to increase susceptibility and exacerbate respiratory illnesses such as COVID-19 in residents. Further, this study must provide recommendations on how NYCHA can reduce the air concentration of airborne contaminants and improve the safety and health of residents living with air contaminants.

In addition to the professional expertise members of the scientific and medical community can provide, their participation is necessary to overcome NYCHA's ongoing credibility problem and ensure public confidence in the results.

The health, safety, and wellbeing of NYCHA residents will remain our number one concern when it comes to the future of our city's housing authority. It is a responsibility we take with immense seriousness and one from which we will never shy away.

Thank you for your attention to this matter.

Sincerely Yours,



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Nydia M. Velázquez  
Member of Congress



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Kirsten Gillibrand  
United States Senator

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<sup>12</sup> Smith, Greg. "A Perfect Storm": Seniors in NYCHA Buildings with Poor Ventilation Slammed by COVID-19." *The City*. (October 6, 2020). <https://www.thecity.nyc/coronavirus/2020/10/6/21505183/seniors-nycha-buildings-ventilation-covid-health-nyc>.

<sup>13</sup> *Id.*

<sup>14</sup> U.S. Centers for Disease Control and Prevention. Coronavirus Disease 2019 (COVID-19), Older Adults. (Updated: September 11, 2020). <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/older-adults.html#:~:text=Risk%20for%20Severe%20Illness%20Increases%20with%20Age&text=The%20greatest%20risk%20for%20severe,as%20having%20underlying%20medical%20conditions>.

Cc:

Vincent Sapienza, Commissioner, New York City Department of Environmental Protection

David A. Chokshi, MD, MSc, Commissioner, New York City Department of Health and Mental Hygiene