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**THE COUNCIL OF THE CITY OF NEW YORK**

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**COMMITTEE REPORT OF THE INFRASTRUCTURE DIVISION**

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**COMMITTEE ON PUBLIC HOUSING**

*Hon. Alexa Avilés, Chair*

**Committee on Sanitation & Solid Waste Management**

*Hon. Sandy Nurse, Chair*

**June 21, 2022**

**OVERSIGHT: SANITATION AT NYCHA**

**Int. No. 414 :** By Council Members Ossé, Nurse, Bottcher, Menin, Farías, Williams, Richardson Jordan, Avilés, Hanif, Brewer, Cabán, Hudson, Gutiérrez, Dinowitz, Louis, Brooks-Powers, Schulman, Ung, Barron, Riley, Krishnan, Narcisse, Lee, Brannan, Sanchez, Moya, Ayala and Vernikov (by request of the Brooklyn Borough President)

**Title:** Local Law to amend the administrative code of the city of New York, in relation to rat mitigation progress in rat mitigation zones

**Administrative Code:** Adds section 17-133.3

**Int. No. 442** By Council Members Bottcher, Nurse, Ossé, Louis, Marte, Williams, Krishnan, Hanif, Narcisse, Brooks-Powers, Cabán, Gutiérrez, Avilés, Brannan, Schulman, Hudson, Richardson Jordan, Barron, Sanchez, Joseph and Farías (by request of the Manhattan Borough President)

**Title:** A Local Law to amend the administrative code of the city of New York, in relation to abating rodents as a requirement for the issuance of certain construction permits

**Administrative Code:**  Adds section 28-105.2.3

**Int. No. 459** By Council Members Abreu, Nurse, Louis, Hudson, Brewer, Joseph and Gutiérrez

**Title:** A Local Law to amend the administrative code of the city of New York, in relation to rat mitigation zones

**Administrative Code:**  Amends section 16-120

**Int. No. 460** By Council Members Abreu, Nurse, Bottcher, Louis, Hudson, Hanif, Brewer, Joseph and Gutiérrez

**Title:** A Local Law to amend the administrative code of the city of New York, in relation to receptacles in a building or dwelling that has a high concentration of rodent infestation

**Administrative Code:**  Amends section 16-120

**Introduction**

On June 21, 2022, the Committee on Public Housing, chaired by Council Member Alexa Avilés, jointly with the Committee on Sanitation and Solid Waste Management, chaired by Council Member Sandy Nurse, will hold an oversight hearing entitled “Sanitation at NYCHA.” The hearing will focus on the strategies of the New York City Housing Authority (NYCHA) to manage waste and create a cleaner environment for NYCHA residents. The Committees will also hear Int. No. 414, sponsored by Council Member Ossé, in relation to rat mitigation progress in rat mitigation zones, Int. No. 442, in relation to abating rodents as a requirement for the issuance of certain construction permits, Int. No. 459 in relation to rat mitigation zones, and Int. No. 460, in relation to receptacles in buildings or dwellings with high concentrations of rodent infestation. Witnesses invited to testify include NYCHA, tenants, legal services providers, and other interested parties.

**Background on NYCHA**

Former New York City Mayor Fiorello La Guardia created NYCHA in 1934 by replacing dilapidated tenements using funds from The New Deal,[[1]](#footnote-1) three years before the Housing Act of 1937 established public housing nationwide.[[2]](#footnote-2) NYCHA originally served two purposes: (1) to provide low-cost housing for middle-class, working families temporarily unemployed because of the Great Depression, and (2) to bolster the lagging economy by creating jobs for building trades.[[3]](#footnote-3) Later, NYCHA’s purpose evolved into providing safe, decent housing for families with the lowest incomes.[[4]](#footnote-4) Currently, NYCHA provides housing to 535,686 authorized residents in over 177,569 apartments within 335 developments.[[5]](#footnote-5)

**Re-occurring Pest Conditions at NYCHA**

For years, NYCHA has struggled to reduce the number of rats, mice, cockroaches, and bed bugs[[6]](#footnote-6) in its housing developments. For instance, at least one resident at Marble Houses in the Bronx has reported that she is afraid to leave her home because of a rat infestation.[[7]](#footnote-7) Residents at Bracetti Plaza in the East Village have noted that the sound of rats atop heaps of garbage keeps them up at night.[[8]](#footnote-8) In 2019, the tenant association at Washington Houses in Harlem sent a letter to NYCHA, describing feeling like “hostages in our own homes at night” as a result of rats spilling out from elevators and stairways, and climbing out from garbage chutes.[[9]](#footnote-9)

NYCHA has likewise struggled to control its cockroach and bedbug populations. In a nine-month stretch, NYCHA had over 60,000 cockroach and bedbug work orders.[[10]](#footnote-10)

Early in 2020, NYCHA launched its own rat, mice, and roach census.[[11]](#footnote-11) The purpose of this census was to get an accurate count of pests across NYCHA’s portfolio.[[12]](#footnote-12) NYCHA’s agreement with the United States Department of Housing and Urban Development, discussed in greater detail below, requires that, following such count, NYCHA must quarterly provide and publish “reliable estimates” of pest populations in each of its developments.[[13]](#footnote-13)

**HUD Agreement**

On January 31, 2019, the United States Department of Housing and Urban Development (HUD), NYCHA, and the City entered into an agreement to address issues relating to physical conditions at NYCHA (HUD Agreement).[[14]](#footnote-14) The purpose of the HUD Agreement is to remedy NYCHA’s physical conditions, ensure that NYCHA complies with its obligations under federal law, reform NYCHA’s management structure, and facilitate cooperation and coordination among HUD, NYCHA, and the City.[[15]](#footnote-15) It requires NYCHA to prepare “Action Plans” setting forth policies and practices to meet its obligations. Reducing the pest population at NYCHA was one of the goals that was agreed upon between HUD, NYCHA, and the City in the HUD Agreement. The HUD Agreement additionally requires that an independent monitor, who was appointed in 2019, review the specific needs of each building and development as they relate to mold, lead, heat and pests, by establishing an outline of what type of plans NYCHA needs to make in the future.

With respect to NYCHA’s pest problem, the HUD Agreement requires that NYCHA achieve a 50% reduction of its rat population, 40% reduction of its mice population, a 40% reduction of its roach population, and a percentage reduction (to be determined by the Monitor) of its bedbug population.[[16]](#footnote-16) The HUD Agreement additionally sets forth certain requirements for responding to resident complaints about pests, Integrated Pest Management (IPM), daily inspections and trash collection. The Monitor’s most recent quarterly report, dated April 25, 2022, focuses on waste management and pest control throughout NYCHA’s portfolio.[[17]](#footnote-17)

**The Pest and Waste Management Plan**

Each NYCHA household produces approximately one ton of garbage every year, which amounts to nearly 190,000 tons of waste produced annually across NYCHA developments.[[18]](#footnote-18) To meet this demand, NYCHA created, and the Monitor approved, the Pest/Waste Management Action Plan on January 26, 2021 to set requirements and milestones that NYCHA must meet to address sanitation and pest conditions.[[19]](#footnote-19) The plan calls for NYCHA to adopt IPM, which is an approach that focuses on prevention and directs resources to combat the infestation. The IPM approach prioritizes the collection, storage and disposal of waste in a timely manner, limits the amount of toxic pesticides for pest control, and requires staff to prevent pests from sheltering in NYCHA buildings.[[20]](#footnote-20)

According to the Pest/Waste Management Action Plan, IPM requires a property owner to respond to a pest complaint, and inspect and treat the complaining unit and the adjacent units when there is an infestation.[[21]](#footnote-21) NYCHA will categorize the pest severity by ranking the infestation as none, low, mid-level or high.[[22]](#footnote-22) Table 1 shows which type of infestations require adjacent unit inspections.

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| Table 1: Infestations that Require Adjacent Units Inspections[[23]](#footnote-23) |
| Pest Type | Severity |
| Bed Bugs | Low, Mid-level or High Infestation |
| Rats | Low, Mid-level or High Infestation |
| Mice | Mid-level or High Infestation |
| Roaches | High Infestation |

Table 1 provides a description of the types of infestations that require adjacent units within NYCHA to be inspected. The table breaks this down by Pest Type in the first column, and Infestation Severity Level in the second column.

The plan required that, beginning on May 10, 2021, NYCHA would phase in a requirement that when an exterminator identifies the severity of an infestation, treatments would be administered at the apartment and the adjacent apartments (below, above and each side).[[24]](#footnote-24) The exterminator would then take notes on where the treatments were applied.[[25]](#footnote-25) For pests such as rats, the plan calls for NYCHA to respond within 24 hours if a rat is inside an apartment regardless of the severity rating.[[26]](#footnote-26) NYCHA has at least seven days to respond to bed bug, mice, or cockroach infestations if the pest severity rating is low or mid-level if the severity rating is high the response time would be 24 hours for mice and 48 hours for bedbugs and cockroaches.[[27]](#footnote-27) NYCHA plans to reduce the number of pesticides used that have a high level of toxicity.[[28]](#footnote-28) NYCHA plans to monitor apartments that have submitted complaints yet also intends to inspect units and common areas that have not submitted complaints but are adjacent to units with known pest conditions.[[29]](#footnote-29)

**Communication with Tenants**

NYCHA plans to raise awareness through print and social media on the best practices to keep homes free from pests.[[30]](#footnote-30) NYCHA has a waste management initiative called, “Campaign for Clean NYCHA” that was launched in 2020 with the goal of promoting best practices to have a pest free environment.[[31]](#footnote-31) NYCHA also launched a website for pest extermination services and provided materials that included notices, FAQS and building flyers.[[32]](#footnote-32)

**Neighborhood Rat Reduction Program**

As of the January 26, 2021 transmittal of its Pest/Waste Management Action Plan, NYCHA has implemented the Neighborhood Rat Reduction Program (NRR) at 110 sites.[[33]](#footnote-33) The goal of the program is to reduce the rat population at those sites by 70%.[[34]](#footnote-34) NRR aims to reduce the rats’ food sources and their burrows. NRR began in 2017 at 54 developments located in Manhattan, the Bronx and Brooklyn.[[35]](#footnote-35) According to NYCHA, there was a 63% reduction in rat burrows at the initial NRR sites.[[36]](#footnote-36) In 2019, NYCHA announced that it would double the number of developments under NRR, adding 60 developments in Brooklyn, Bronx, Manhattan and Queens to the initiative.[[37]](#footnote-37) NYCHA plans to add additional sites in the future.

**Training**

As of April 2020, exterminators on NYCHA staff have been trained to use IPM by the Pest Management Institute.[[38]](#footnote-38) NYCHA continues to provide additional training for current and new property staff (includes maintenance and skilled staff).[[39]](#footnote-39) NYCHA expects future trainings to be developed and conducted in consultation with the assistance of the monitor.

NYCHA is also requiring vendors who have been hired for extermination services to be trained in IPM.[[40]](#footnote-40) NYCHA has found that in the past certain vendors have not been trained properly in IPM or may not meet NYCHA standards. To address these concerns, NYCHA plans to reform the contracts to specify IPM training requirements, redraft sections in regards to defaults, damages, and terminations, and reform the payment process.[[41]](#footnote-41) NYCHA will require vendors to attend an IPM webinar and pass a test with at least 80% of the questions correct. NYCHA’s supervisor of exterminators will oversee the job and discuss the scope of work with the vendor.[[42]](#footnote-42) In addition to the four staff inspectors assigned to pest related work in its Quality Assurance Division, NYCHA’s plan involves hiring a quality assurance vendor (QAV) that will review the work of vendors. The QAV would help enforce the contract with the vendor if the work does not meet NYCHA’s standards.[[43]](#footnote-43)

**Capital Upgrades**

 NYCHA is aiming to spend capital money to upgrade their waste management infrastructure and equipment. According to a 2018 infrastructure assessment of 274 NYCHA developments, 255 had interior compactors and 108 had exterior compactors,[[44]](#footnote-44) which help ensure trash is removed from the premises or stored in a manner that prevents or reduces access by pests. The assessment highlighted that 83% of NYCHA’s interior compactors and 73 of its exterior compactors had exceeded their useful life.[[45]](#footnote-45) According to its capital upgrade schedule, NYCHA was to complete the installation of 223 new interior trash compactors, 43 new exterior compactors, 5 new bulk crushers, 147 new enlarged trash chutes and 676 new food waste disposers at developments in NRR zones by April 30, 2021.[[46]](#footnote-46)

 By December 31, 2024, NYCHA plans to fund an initial $309.1 million in upgrades, including waste yard re-designs and upgrades to interior compactors at more than 130 developments.[[47]](#footnote-47) Beginning in 2023, NYCHA will fund the remaining $254.3 million to include additional waste yard designs and interior compactor replacements for up to 117 additional developments.[[48]](#footnote-48) They expect this work to be completed by December 31, 2028.[[49]](#footnote-49)

**Trash Removal**

The primary waste hauler for NYCHA is the New York City Department of Sanitation (DSNY). DSNY removes trash approximately two to four times each week, and recycling is collected curbside once a week.[[50]](#footnote-50) DSNY’s 2017 Waste Characterization Study found that the composition of waste at NYCHA developments generally mirrors Citywide trends, with approximately 33% of NYCHA’s refuse recyclable in DSNY’s curbside collections, and about 32% comprised of compostable organics.[[51]](#footnote-51) The study found that approximately 47,408 tons of recyclables are disposed of in NYCHA’s containerized waste each year, presenting a significant opportunity to increase diversion for beneficial reuse.[[52]](#footnote-52)

In 2015, NYCHA and DSNY launched NYCHA Recycles!, a program meant to ensure access to recycling infrastructure and training at all NYCHA developments.[[53]](#footnote-53) By December 2016, all NYCHA developments had recycling bins installed, were added to DSNY recycling routes, and had at least one resident engagement event about recycling.[[54]](#footnote-54) All NYCHA households received educational mailers outlining proper recycling protocols, and all NYCHA developments were provided with recycling decals, customized chute decals, and educational materials for distribution to residents.[[55]](#footnote-55) While NYCHA residents generally self-report a high level of participation in the recycling program, actual tonnage captured suggest that a significant portion of recyclable/divertible material still ends up being processed as containerized waste.[[56]](#footnote-56) A number of factors have been identified as potentially contributing to this discrepancy, including self-reporting bias, redeemable bottles and cans being collected for redemption value, misinformation about using the trash chute for recycling, and improper staff behaviors, including widespread use of black bags instead of clear bags in NYCHA's recycling bins, depositing clear bags of recyclables into trash compactors, and failure to set out recyclables for weekly pickup.[[57]](#footnote-57) The resident engagement process found that NYCHA residents had difficulties finding the space to effectively source separate recyclable waste in their apartments, and that most residents felt increasing the number of convenient recycling stations was more likely to compel greater participation in recycling than additional outreach and education.[[58]](#footnote-58)

 NYCHA removes bulk waste in a combined effort between DSNY, NYCHA and a private bulk carter. DSNY provides NYCHA a designated number of bulk tickets. Each ticket represents a drop off of a 30-yard container. These tickets are divided throughout NYCHA’s portfolio.[[59]](#footnote-59) In November 2019, NYCHA asked DSNY to increase curbside collection to seven days a week.[[60]](#footnote-60) DSNY was unwilling to provide these services due to cost, but was willing to work with NYCHA and come up with other solutions.[[61]](#footnote-61) In November 2020, NYCHA requested DSNY to increase the amount of bulk tickets and it was granted 1,250 a month..[[62]](#footnote-62)

**Conclusion**

The Committees expect to hear testimony from NYCHA regarding their efforts to improve NYCHA’s waste management and pest problems, and any updates on the implementation of its Pest/Waste Management Plan thus far. The Committees additionally expect to hear from DSNY, regarding the provision of services at NYCHA developments.

**Legislation Analysis**

Below is a brief summary of the legislation being heard today by the Committees. This summary is intended for informational purposes only and does not substitute for legal counsel. For more detailed information, you should review the full text of the bill, which is attached below.

**Int. No. 414, A Local Law to amend the administrative code of the city of New York, in relation to rat mitigation progress in rat mitigation zones**

Int. No. 414 would require that by April 1 of each year, the Department of Health and Mental Hygiene (DOHMH) issue a report on the success of rat mitigation measures in rat mitigation zones, as designated by DOHMH. Additionally, DOHMH would report on the metrics that are being used to measure the efficacy of rat mitigation as well as current and planned rat mitigation measures. This local law would take effect immediately.

**Int. No. 442, A Local Law to amend the administrative code of the city of New York, in relation to abating rodents as a requirement for the issuance of certain construction permits**

Int. No. 442 would require that before a construction permit is authorized for specified building alterations in buildings located in a rat mitigation zone, the applicant must certify that a licensed pest management professional has been retained to prevent and control for rodents. This local law would take effect immediately.

**Int. No. 459, A Local Law to amend the administrative code of the city of New York, in relation to rat mitigation zones**

Int. No. 459 would require that the individual or entity that manages a building containing nine or more units, and which is located in a rat mitigation zone, not place refuse or recyclable materials out for collection at any time other than between the hours of 4:00 a.m. and 6:00 a.m. on their scheduled trash collection day, from April 1 to October 31 of each calendar year. Rat mitigation zones would be designated based on the number and percentage of rat activity inspections resulting in health code actions, or the number of rat exerminations or 311 complaints within a 12 month period, in any given sanitation district or community district. local law would take effect immediately.

**Int. No. 460, A Local Law to amend the administrative code of the city of New York, in relation to receptacles in a building or dwelling that has a high concentration of rodent infestation**

Int. No. 460 would require that if a building has received a certain number of substantiated pest-related violations within a twelve month period, then such building must use receptacles made of material or design authorized the department, the department of health and mental hygiene and the department of housing preservation and development, and must be leak proof, with securely fitting covers. Such receptacles would then be continuously used for no less than two years, provided no further substantiated violations occur. This local law would take effect immediately.

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| Int. No. 414 By Council Members Ossé, Nurse, Bottcher, Menin, Farías, Williams, Richardson Jordan, Avilés, Hanif, Brewer, Cabán, Hudson, Gutiérrez, Dinowitz, Louis, Brooks-Powers, Schulman, Ung, Barron, Riley, Krishnan, Narcisse, Lee, Brannan, Sanchez, Moya, Ayala and Vernikov (by request of the Brooklyn Borough President) A Local Law to amend the administrative code of the city of New York, in relation to rat mitigation progress in rat mitigation zones Be it enacted by the Council as follows:Section 1. Chapter 1 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-133.3 to read as follows:§ 17.133.3. Rat mitigation reporting. No later than April 1 of each year, the department shall submit, and make publicly available online, a report to the mayor and the speaker of the council on the progress of rat mitigation in the rat mitigation zones designated by the department. Such report shall include, but not be limited to:a. The metrics that the department is using to measure the efficacy of rat mitigation in such zones and the department’s performance with respect to those metrics;b. An overview of current and planned rat mitigation measures, including goals and specific benchmarks and timelines, in each rat mitigation zone;c. Explanations of the creation or elimination of rat mitigation zones, or any change of boundaries of a rat mitigation zone, since the last report; andd. Explanations of the elimination or limitations of certain rat mitigation measures in the rat mitigation zones since the last report.§ 2. This local law takes effect immediately.  Session 12JSALS #999, 81645/6/2022 Session 11NKALS #5775Int. #659-A-2018 |

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| Int. No. 442 By Council Members Bottcher, Nurse, Ossé, Louis, Marte, Williams, Krishnan, Hanif, Narcisse, Brooks-Powers, Cabán, Gutiérrez, Avilés, Brannan, Schulman, Hudson, Richardson Jordan, Barron, Sanchez, Joseph and Farías (by request of the Manhattan Borough President) A Local Law to amend the administrative code of the city of New York, in relation to abating rodents as a requirement for the issuance of certain construction permits Be it enacted by the Council as follows: Section 1. Article 105 of chapter 1 of title 28 of the administrative code of the city of New York is amended by adding a new section 28-105.2.3 to read as follows:**§ 28-105.2.3 Rodent abatement in rat mitigation zones.** Prior to the issuance of a permit authorizing work on 50% or more of the area of a building, the performance of vertical or horizontal enlargement adding more than 25% of the area of a building or demolition of more than 50% of the area of a building, the applicant shall certify that a licensed pest management professional has been retained to prevent and control for rodents, provided that (i) this requirement shall apply only to buildings located in rat mitigation zones designated by the department of health and mental hygiene, (ii) this requirement shall not apply to a building until 7 months after the location of such building has been included in a rat mitigation zone designated by such department, and (iii) the department may, by rule, establish additional criteria limiting the kinds of buildings to which this section applies. § 2.  This local law takes effect immediately.    Session 12JSALS #245, 81664/15/2022 Session 11TBD/MPC/NKALS #1228Int. #658-2018

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| Int. No. 459 By Council Members Abreu, Nurse, Louis, Hudson, Brewer, Joseph and Gutiérrez A Local Law to amend the administrative code of the city of New York, in relation to rat mitigation zones Be it enacted by the Council as follows: Section 1. Subdivision c of section 16-120 of the administrative code of the city of New York, as amended by local law number 6 for the year 2006, is amended to read as follows:c. Incinerator[,] residue, ashes, refuse and liquid waste shall be stored in the building or dwelling or at the rear of the building or dwelling as may be required by the department of health and mental hygiene or the department of housing preservation and development until time for removal and kept in tightly covered metal receptacles or containers made of other materials of a type and grade acceptable to the department, department of health and mental hygiene, and the department of housing preservation and development. Notwithstanding any other provision of law, the owner, lessee, agent, occupant or other person who manages or controls a building that contains nine or more dwelling units and that is located in a rat mitigation zone designated pursuant to section 17-133.2 shall not place solid waste or recyclable material out for collection by the department at any time except between the hours of 4:00 a.m. and 6:00 a.m. on the scheduled day of collection for the time period beginning April 1 and ending October 31 of each calendar year, provided that if solid waste or recyclable material is placed out for collection after 6:00 a.m. on the scheduled day of collection, but before collection occurs, then the department shall not issue a violation for failure to place solid waste or recyclable material out for collection between the hours of 4:00 a.m. and 6:00 a.m. After the contents have been removed by the department or other collection agency any receptacles remaining shall be removed from the front of the building or dwelling before 9:00 p.m. on the day of collection, or if such collection occurs after 4:00 p.m., then before 9:00 a.m. on the day following collection. The receptacles shall at all times be kept covered or closed and kept in a manner satisfactory to the department, the department of health and mental hygiene, and in the case of residential premises, the department of housing preservation and development. No receptacles, refuse, incinerator residue or ashes, or liquid waste shall be kept so as to create a nuisance. Yard sweepings, hedge cuttings, grass, leaves, earth, stone or bricks shall not be mixed with household wastes.§ 2. Chapter 1 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-133.2 to read as follows:§ 17-133.2 Rat mitigation zones. a. The department shall designate, by rule, one or more rat mitigation zones. In designating such zones, the department shall consider current and historical data for the following criteria:1. The number and percentage of inspections for rat activity for properties within a given sanitation district or community district that resulted in the issuance of an order pursuant to section 151.02 of the New York city health code or an agency referral letter related to rat activity, and the location of such properties within such sanitation or community district;2. The number and percentage of inspections for rat activity for properties within a given sanitation district or community district that have resulted in the issuance of a notice of violation pursuant to section 3.05 or section 151.02 of the New York city health code, and the location of such properties within such sanitation or community district;3. The number of rat exterminations at properties within a given sanitation district or community district executed by the department pursuant to section 17-147 of this code, following a failure to comply with an order issued pursuant to section 151.02 of the New York city health code, and the location of such properties within such sanitation or community district;4. The number and nature of 311 complaints related to rat activity within any twelve-month period within a given sanitation district or community district; and5. The susceptibility of any properties managed by the department of parks and recreation within a given sanitation district or community district to rat infestation.b. The department shall periodically review the criteria set forth in subdivision a of this section and may, by rule, and in accordance with such review, eliminate existing rat mitigation zones, change the boundaries of existing rat mitigation zones, or designate new rat mitigation zones.c. The department may, in conjunction with any action taken pursuant to subdivision a or b of this section, and in consultation with the department of sanitation, review the boundaries of sanitation districts, or sections within sanitation districts, and may establish boundaries of rat mitigation zones that are, in whole or in part, coterminous with sanitation districts, or sections within sanitation districts.d. The department may, in conjunction with any action taken pursuant to subdivision a or b of this section, consider the availability of resources to implement rat mitigation measures and, in designating rat mitigation zones, eliminating existing rat mitigation zones, or changing the boundaries of existing rat mitigation zones, exercise its discretion to maximize the efficient use of such resources.e. If the department, following any review conducted pursuant to subdivision b of this section, determines, in consultation with the department of sanitation, that any rat mitigation measure applicable pursuant to law or rule only within a rat mitigation zone should be continued, then the department need not eliminate, or change the boundaries of, a rat mitigation zone, regardless of whether such review otherwise indicates that such rat mitigation zone should be eliminated, or its boundaries changed. If a review indicates that only certain rat mitigation measures should be continued in a rat mitigation zone, the department may continue only those measures and eliminate or limit other rat mitigation measures applicable pursuant to law or rule only within a rat mitigation zone.§ 3. This local law takes effect immediately.    Session 12XCLS #85015/4/2022 5:28pm Session 11NKALS 45405/1/2018 9:17PM  |

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| Int. No. 460 By Council Members Abreu, Nurse, Bottcher, Louis, Hudson, Hanif, Brewer, Joseph and Gutiérrez A Local Law to amend the administrative code of the city of New York, in relation to receptacles in a building or dwelling that has a high concentration of rodent infestation Be it enacted by the Council as follows: Section 1. Subdivision a of section 16-120 chapter 1 of title 16 of the administrative code of the city of New York, as amended by local law number 22 for the year 2002, is amended to read as follows:§ 16-120 Receptacles for the removal of waste material. a. 1. The owner, lessee, agent, occupant or other person who manages or controls a building or dwelling shall provide and maintain in accordance with this section separate receptacles for the deposit of incinerator residue and ashes; refuse, and liquid waste. The receptacles shall be provided for the exclusive use of each building or dwelling and shall be of sufficient size and number to contain the wastes accumulated in such building or dwelling during a period of seventy-two hours. The receptacles shall be made of metal or other material of a grade and type acceptable to the department, the department of health and mental hygiene and the department of housing preservation and development. Receptacles used for liquid waste shall be constructed so as to hold their contents without leakage. Metal containers shall be provided with tight fitting metal covers.2. Where a building or dwelling has received two or more violations pursuant to section 151.02 of the New York city health code or section 27-2018 of the housing maintenance code within a twelve month period, commencing after the effective date of the local law that added this paragraph, and such violations are upheld by the environmental control board, the receptacles required pursuant to paragraph one of this subdivision shall be of a material or design approved by the department, department of health and mental hygiene and department of housing preservation and development to minimize rodent access and harborage. This requirement shall apply for such building or dwelling until a two-year period, commencing after initial application of the requirement, has elapsed in which no such violations have been issued to such building or dwelling and upheld by the environmental control board.§ 2. This local law takes effect immediately.     Session 12XCLS #85005/5/2022 12:42pm Session 11JCH/ADWLS #2327/ Int. 879/2015LS#1212/12/17 2:23PM   |

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1. Ferre-Sadurni, Luis, “The Rise and Fall of New York Public Housing: An Oral History,” The New York Times, *available at* https://www.nytimes.com/interactive/2018/06/25/nyregion/new-york-city-public-housing-history.html. [↑](#footnote-ref-1)
2. Housing Act of 1937, *available at* <https://www.gpo.gov/fdsys/pkg/USCODE-2009-title42/pdf/USCODE-2009-title42-chap8.pdf>. [↑](#footnote-ref-2)
3. Marcuse, 353-54; J.A. Stoloff, A Brief History of Public Housing, Paper presented at August 14 meeting of the American Sociological Association, at 3 (2004). [↑](#footnote-ref-3)
4. Marcuse, 354; Stoloff, 1; *see also* Judith D. Feins, et al., Revised Methods of Providing Federal Funds for Public Housing Agencies, US Department of Housing and Urban Development, at 9 (1994). [↑](#footnote-ref-4)
5. *See* NYCHA Fact Sheet, *available at* <https://www1.nyc.gov/assets/nycha/downloads/pdf/NYCHA_Fact_Sheet_2022.pdf>. [↑](#footnote-ref-5)
6. These are the categories of pests covered under the HUD Agreement. United States Department of Housing and Urban Development, Agreement, pg. 9 (Jan. 31, 2019) *available at* <https://www.hud.gov/sites/dfiles/PA/documents/HUD-NYCHA-Agreement013119.pdf>. [↑](#footnote-ref-6)
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