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**Committee on Housing and Buildings**

Hon. Robert E. Cornegy, Jr., Chair

**Committee on Public Housing**

Hon. Alicka Ampry-Samuel, Chair

**June 29, 2020**

**Introduction**

On June 29, 2020, the Committee on Housing and Buildings, chaired by Council Member Robert Cornegy, Jr., and the Committee on Public Housing, chaired by Council Member Alicka Ampry-Samuel, will hold an oversight hearing entitled “Oversight – Tenant Safety and Building Sanitation in the Time of COVID-19.” The Committee expects to hear testimony from representatives of the New York City Housing Authority (NYCHA), the New York City Department of Housing Preservation and Development (HPD) and property owners regarding safety measures and building maintenance procedures that have been adopted to protect tenants during the COVID-19 outbreak, and what measures will be taken to continue to ensure tenant safety as the City begins to reopen. The Committee also expects to hear testimony from tenants, resident associations, and advocacy groups regarding the impact of the pandemic on New York City’s housing conditions.

**Tenant Safety and COVID-19**

According to the Centers for Disease Control and Prevention (CDC), the most likely mode of COVID-19 transmission is “person-to-person spread.”[[1]](#footnote-1) This can occur when two or more people are in close contact (*i.e.*, within six feet of each other) and the respiratory droplets of an infected person, expelled through coughing, sneezing, or talking, are inhaled by someone else.[[2]](#footnote-2) It is also possible that a person can be infected by touching a surface that has the virus on it and then touching their own mouth, nose, or eyes.[[3]](#footnote-3) Given the occurrence of close contact and high-touch surfaces in residential buildings, cleaning and maintenance procedures are essential in order to keep tenants safe.

The Department of Health and Mental Hygiene (DOHMH) has issued general guidance on how to help slow the transmission of COVID-19 in businesses and other non-health care settings.[[4]](#footnote-4) While building staff are required to wear face masks pursuant to an Executive Order by Governor Andrew Cuomo,[[5]](#footnote-5) this guidance also suggests promoting social distancing by, among other things, limiting elevator occupancy and discouraging groups of people from gathering inside.[[6]](#footnote-6) It also suggests conducting routine cleaning and disinfection of high-touch surfaces (*e.g*., door knobs, handrails, etc.) and promoting hand hygiene.[[7]](#footnote-7) The DOHMH guidance suggests additional measures and equipment that can help curb the spread of COVID-19, including personal protective equipment and frequent hand-washing or use of hand sanitizer may help prevent the spread of infections and decrease the risk of people getting sick.[[8]](#footnote-8)

In a document containing information specific to residential and commercial buildings, DOHMH also suggests, among other things, distributing information to tenants about how to stop the spread of the virus, and urges building owners to limit access to common areas such as game rooms and lounges.[[9]](#footnote-9) This document clarifies that DOHMH will not be notifying building owners or occupants if there is a report of a tenant who is sick or has tested positive for COVID-19, nor are property owners required to notify the City or other tenants in a building.[[10]](#footnote-10) DOHMH further suggests that building occupants and workers follow preventive actions while receiving deliveries and completing repairs, and that building staff ensure that ventilation systems are maintained for optimal indoor air quality.[[11]](#footnote-11) Finally, DOHMH suggests that building owners and property managers check in with tenants by phone or text, or use bulletin boards or digital communication to share information that will help tenants stay healthy.

While building owners are encouraged to take measures that slow the spread of COVID-19, they are also prohibited from harassing or discriminating against tenants who they believe may be ill.[[12]](#footnote-12) According to the New York City Commission on Human Rights, actual or perceived infection with COVID-19 constitutes a protected disability under the New York City Human Rights Law.[[13]](#footnote-13) Thus, if a building owner believes that a resident has or had COVID-19, they cannot retaliate or discriminate against the resident on that basis.[[14]](#footnote-14) Instead, if a building owner learns that a resident has or had COVID-19, they should keep such information confidential.[[15]](#footnote-15)

**NYCHA and COVID-19**

*NYCHA Background*

Former New York City Mayor Fiorello La Guardia created NYCHA in 1934 in order to replace dilapidated tenements using funds from The New Deal,[[16]](#footnote-16) three years before the Housing Act of 1937 established public housing nationwide.[[17]](#footnote-17) 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.[[18]](#footnote-18) Later, NYCHA’s purpose evolved into providing safe, decent housing for families with the lowest incomes.[[19]](#footnote-19) Currently, NYCHA has 316 developments, 2,351 buildings, and 173,762 units that are home to 381,159 authorized residents, making it the largest public housing authority in North America.[[20]](#footnote-20)

*Impact of COVID-19 in NYCHA Properties*

Recent data regarding the spread of COVID-19 indicate that the virus is taking a disproportionate toll among public housing residents. The rate of death due to COVID-19 for residents of NYCHA developments is more than twice the citywide average,[[21]](#footnote-21) and neighborhoods that contain public housing developments have had a 30% higher rate of COVID-19 hospitalizations when compared to surrounding areas.[[22]](#footnote-22) This disparity, which is recognized as having resulted in part from longstanding disadvantages faced by NYCHA residents, was exacerbated by, what some residents have identified as, an inadequate response by NYCHA and other government agencies.[[23]](#footnote-23)

It has additionally been reported that residents at NYCHA properties have been experiencing difficulty practicing social distancing because of crowding in elevators.[[24]](#footnote-24) NYCHA has 3,244 elevators operating among its properties, and when one or more elevators are out of service in a building, it becomes more difficult for residents—particularly seniors and wheelchair users—to properly social distance in overcrowded elevators.

**NYCHA Building Operations during the COVID-19 Pandemic**

*Staffing*

NYCHA has implemented a telework policy and received guidance from DOHMH on best practices to prevent the spread of COVID-19.[[25]](#footnote-25) NYCHA currently has 2,000 staff members working from home, and 9,000 workers onsite and in offices providing essential and emergency service to tenants.[[26]](#footnote-26) NYCHA recently hired 750 caretakers to assist with cleaning lobbies, removing the trash from developments, and sweeping the elevators. As of May 29, 2020, NYCHA was looking to hire 450 additional workers to have a grand total of 1,200 new caretakers.[[27]](#footnote-27) According to NYCHA’s CEO Gregory Russ, COVID-19 increased the need for new workers since there was an increase in sick calls.[[28]](#footnote-28) According to media reports, staff records show that the worker attendance rates were at 71% for the April 5–18 pay period.[[29]](#footnote-29)

*Personal Protective Equipment and Testing Sites*

Despite DOHMH’s guidance on the importance of personal protective equipment and hand sanitizer in reducing the spread of COVID-19, it was reported on April 5, 2020 that NYCHA employees were entering apartments to make repairs without mask coverings.[[30]](#footnote-30) According to union leader Gregory Floyd, the lack of masks showed that NYCHA was not prepared to handle the outbreak.[[31]](#footnote-31) NYCHA informed the media that the lack of protective gear is a system-wide issue and that NYCHA ordered the masks but delivery had been delayed.[[32]](#footnote-32)

Soon after, on April 7, 2020, it was reported that NYCHA received half a million surgical masks,[[33]](#footnote-33) and NYCHA claims to be providing face coverings to all staff members at NYCHA developments and central office locations.[[34]](#footnote-34) Further, according to NYCHA, by May 8, each resident should have received one mask and one pair of gloves either by mail or delivered to their unit.[[35]](#footnote-35) New York City also provided NYCHA with 30,000 individual 8-ounce bottles of hand sanitizer, which were distributed near senior residences.[[36]](#footnote-36)

 Testing for COVID-19 has become increasingly available, with a number of sites providing free walk-in testing located at or near NYCHA developments.[[37]](#footnote-37)

*Building Maintenance*

To slow the spread of COVID-19, NYCHA is working with outside vendors to help sanitize family buildings three days a week and senior buildings five days a week.[[38]](#footnote-38) These sanitizing efforts focus on high-touch, high-traffic areas, such as doors, mailboxes, elevator panels, and other common areas.[[39]](#footnote-39) They have also suspended all planned heat, hot water and water outages, but will continue to perform emergency work orders, respond to certain conditions (*e.g.*, power outages, pest infestations, etc.), and conduct lead remediation.[[40]](#footnote-40) They will also perform critical work orders resulting from a court order, commissioner order, or through the agency’s own compliance process.[[41]](#footnote-41)

Apart from the measures necessary to curb the spread of COVID-19, NYCHA has been required to establish plans and timelines to address extensive building deficiencies, pursuant to an agreement with the Unites States Department of Housing and Urban Development (HUD).[[42]](#footnote-42) On May 18, 2020, the federal monitor overseeing NYCHA’s progress acknowledged that NYCHA’s response to COVID-19 may affect previously established benchmarks, and result in a backlog of work orders.[[43]](#footnote-43) However, given the severity of the pandemic, this report also asserted that many of the obligations of NYCHA’s agreement with HUD “take a back seat to the current crisis.”[[44]](#footnote-44)

*Communicating with Tenants*

Property management offices are open, but social distancing practices have reduced staff levels and tenants are no longer able to have direct contact with property managers.[[45]](#footnote-45) Instead, tenants can communicate with management office staff by contacting them via telephone, email, or through scheduled appointments where staff speak from behind the reception desk.[[46]](#footnote-46) Residents can also contact the Customer Service Center (CCC) or the MY NYCHA App to request emergency repairs at any time.[[47]](#footnote-47)

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