



MONITOR'S FOURTH QUARTERLY REPORT

**FOR THE NEW YORK CITY
HOUSING AUTHORITY**

Pursuant to the Agreement dated January 31, 2019

Submitted by: Bart M. Schwartz
Federal Monitor

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I. LETTER FROM THE MONITOR

Dear New Yorkers,

It has been my policy not to adhere to strict time periods when these quarterly reports are written. In the past, where a problem existed during the reporting period but was fixed after the quarter ended, we always included in the report that the problem had been resolved. The simple rule of thumb we have followed is to make sure that no one is misled by the report simply because of an artificial deadline in the three-month coverage period. This report is no different. Therefore, I have included in this section updates on recent events such as the COVID-19 crisis, the City's request for a temporary reduction in monitoring fees, NYCHA's efforts regarding the projects to be funded by the Governor's \$450 million reimbursement grant, and NYCHA's recent work to identify and correct lead-based paint hazards in units where children under six years of age ("CU6") reside or spend significant time.



Bart M. Schwartz, Federal Monitor

COVID-19

COVID-19 changed the world, NYCHA included. The impact of COVID-19 on the monitorship was obvious from early on. Everyone agreed that NYCHA needed to concentrate on the public health issue. As this developed, the Monitor team lightened its activities where necessary. Despite the huge demand that COVID-19 was taking on the senior leadership of NYCHA, many of the daily activities that are integral to the Agreement and under the control of middle management and other personnel continued. For example, we continued to work with NYCHA on finalizing action plans, analyzing data to measure and improve performance, and creating electronic heat and elevator dashboards to provide transparent real-time information and even *predict* outages. These and many other efforts continued unabated. Based on the daily NYCHA Staffing Reports, attendance levels started to slowly decline during the last part of March, from the usual average in the low 90 percent range, to a low in the upper 70 percent range by the second week of April. Since then, staffing has risen again and is now just below normal levels.

Under the unique circumstances of the COVID-19 crisis, the Agreement did not give the Monitor the authority to monitor NYCHA's response to the pandemic. Therefore, an assessment of NYCHA's management of the COVID-19 response will not be a part of this Report. When in the course of conducting our other activities we developed information that we thought would be helpful or of interest to NYCHA, we always passed the information along to management. We will continue to do so going forward.

COVID-19 has had an enormous impact on NYCHA's ability to enter apartments for inspections and repairs. Secondly, the reduction in worker attendance also has put a strain on NYCHA, but levels recently seem to be returning to close to normal. Despite these challenging circumstances, NYCHA employees have for the most part shown up and done their jobs and they deserve our recognition.

The City's Budget Request

As you may know, the City of New York and not NYCHA is responsible for the Monitor's budget. The City asked for a budget reduction for a limited period due to the impact of COVID-19 on the City's finances. HUD, SDNY, and the Monitor agreed to reduce the monthly budget for a limited period and those discussions are under way. We believe that the reduced budget during this limited period will not have a material impact on the oversight of the overall work being done by NYCHA, although some in-depth projects will be moved to later in the year.

NYCHA has sought a postponement in the deadlines and schedules which are coming due. HUD, SDNY, and the Monitor agree that such an adjournment is reasonable under the circumstances, and those deadlines coming due between March 13, 2020 and May 31, 2020, have been extended to June 30, 2020, without requiring NYCHA to make specific showings. If NYCHA seeks further extensions, it will have to demonstrate that it has used its best efforts to comply with the Agreement despite circumstances beyond its control, and that any extensions are necessary solely to address the impact of the public health emergency. The Monitor will make recommendations to HUD and SDNY as to whether NYCHA has used "best efforts."

The Governor's \$450 million Reimbursement Fund

In September 2019, New York State allocated up to \$450 million in state reimbursement funds to replace heating plants and elevators at thirty-five NYCHA developments. The grant was conditioned upon the Monitor's approval of an action plan detailing how NYCHA would use the funds, including a schedule and cost estimate for each new elevator and boiler. I approved that action plan in early November and an amended plan in December. A revised plan has been submitted for review.

The preparation of a Request for Proposal ("RFP") for these projects is proceeding. NYCHA is preparing a second draft. In addition, NYCHA is required under the HUD Agreement and the GDA agreement to make certain filings and provide certain information to DASNY and the Monitor. We expect that to occur in accordance with those agreements. All of this work is going on simultaneously in an effort promptly to produce an RFP which will meet industry standards and the complexities of Design Build bidding in order to deliver the benefits of the GDA to the residents.

Protecting Children Under Six From Lead-Based Paint Hazards

From the very outset of the monitorship we expressed concern that NYCHA was under-identifying CU6 units in developments with known or presumed lead-based paint, and we repeatedly urged NYCHA to make greater efforts to find and protect these children. Before we started our work, in February 2019 NYCHA was able to identify only 3,028 at-risk CU6 units. Since that time NYCHA has worked to obtain more comprehensive information through its XRF Inspection Program, an improved Annual Notice process, and a door-knocking campaign. NYCHA now asks residents not only if a child under six resides in the unit, but also if the child visits the unit for more than 10 hours per week. As a result of these efforts, as of mid-March 2020 NYCHA has identified over 5,560 at-risk CU6 units. NYCHA plans to prioritize those units for expedited corrective work.

Respectfully Submitted,

Bart M. Schwartz

II. INTRODUCTION

This quarter was marked by profound change. In January and February, we were working with NYCHA to make measurable progress in all areas of its Agreement with HUD and SDNY. Then came the onset of the COVID-19 health emergency. The health and safety of NYCHA residents and staff were, and are, the top priorities of the Monitor team. Many Agreement obligations necessarily must now take a back seat during the current crisis. Residents understandably do not want workers in their apartments due to the risk of infection, and staff likewise are concerned about their own safety.

Some work can, and must, continue. When the crisis abates, there will be a backlog of work orders. NYCHA must develop a strategy for prioritizing and completing those jobs. Also, to the extent that planning and necessary maintenance work for the various Agreement areas can take place with available staffing and in a safe manner, NYCHA should continue with those tasks. For example, with many residents staying home throughout the day, efficient waste management is crucial to prevent pest infestations and unsanitary conditions. Elevators must be kept in good repair so that residents can go to and from essential appointments without overcrowding due to outages. Our current times are challenging, but as New Yorkers comply with “stay at home” guidance, the promise of “decent, safe, and sanitary housing” is more important than ever before.

III. EXECUTIVE SUMMARY

During the first months of this year, we saw some improvements in each of the Agreement areas, although much work remains. One important advancement was in the identification of apartments where children under six years of age (“CU6”) reside or spend significant time. From the very outset of the monitorship, we expressed concern that NYCHA was under-identifying CU6 units in developments with known or presumed lead-based paint, and we repeatedly urged NYCHA to make greater efforts to find and protect these children. Before we started our work, in February 2019 NYCHA was able to identify only 3,028 at-risk CU6 units. Since that time, NYCHA has worked to obtain additional information through its XRF Inspection Program, Annual Notice process and through a door-knocking campaign. NYCHA now asks residents not only if a child under six resides in the unit, but also if the child visits the unit for more than 10 hours a week. As a result of these efforts, as of mid-March 2020 NYCHA now has identified over 5,560 at-risk CU6 units.

NYCHA has established a new unit within the Management and Planning Department – the Team for Enhanced Management, Planning, and Outreach (“TEMPO”) – that is dedicated to comprehensively managing an outreach, education, inspection, and remediation program in apartments where a child younger than six years old resides if

the apartment has known or presumed lead-based paint. Through the “TEMPO” program, NYCHA will correct lead-based paint deficiencies on an expedited basis in those units.

NYCHA also made significant progress in conducting visual assessments, XRF testing, and paint correction work in NYCHA-owned community centers across the five boroughs that have programming for children under six years of age. SDNY had requested that NYCHA evaluate these community centers for lead-based paint hazards. For those centers without any record of prior testing, NYCHA conducted full lead inspections. For centers with partial records, NYCHA tested components that had previously tested positive or that had not been tested in the prior lead inspection. As of early April 2020, NYCHA had completed these assessments and conducted correction work in approximately 153 centers. While NYCHA continues to struggle with its lead paint obligations in the Agreement, these recent efforts are a hopeful sign of improvement. We have been working with HUD and SDNY to help NYCHA develop a comprehensive “phase one” action plan to bring the organization into better compliance with the Agreement’s lead paint provisions.

A “phase one” action plan with respect to mold was completed and approved in early March.¹ The plan contains a series of performance goals to achieve compliance with the Agreement and the terms of all orders in *Baez v. NYCHA*. However, the goals and milestones set out in the action plan may not be achievable in the near term due to the current health crisis.

NYCHA’s heat department has been following its heat action plan for some months now. With the winter heating season almost concluded, we are working with NYCHA to review its heating data to identify the causes of breakdowns, focus pre-season maintenance on troubled assets, and make improvements for the next season. Preliminary data shows that NYCHA’s performance improved somewhat during this past heating season, although the mild winter likely caused less strain on NYCHA’s systems. We plan to work with NYCHA to produce a comprehensive heat report soon that will provide a transparent review of the 2019/2020 season overall.

We are also working with NYCHA’s elevator services department in the continuing process of getting NYCHA to better capture and leverage its data. As we explained in our past reports, NYCHA’s elevator maintenance and repair data has been largely unreliable for decades and much of it was never loaded into NYCHA’s main database, Maximo, making

¹ See <https://nychamonitor.com/wp-content/uploads/2020/03/FINAL-NYCHA-Mold-Action-Plan-3.9.2020-003.pdf>.

access difficult. NYCHA has been making critical improvements over the last 10 months regarding how it collects and preserves its elevator data, and the Monitor team has been helping NYCHA develop an elevator dashboard to better use this data to drive operational and capital decisions.

Elevator metrics will play a key role in assessing NYCHA's compliance with its Elevator Action Plan, which was finalized in this quarter. The plan provides: 1) a listing of everything NYCHA's elevator services department must accomplish, 2) how they will do these things, 3) deadlines and timelines for accomplishment, 4) who within NYCHA is responsible for each piece, 5) what the necessary resources are (staffing, tools and equipment), and 6) how NYCHA will obtain these resources. With the onset of the COVID crisis, reliable elevator services are more important than ever for residents and staff. Given that elevator repair and maintenance does not require Elevator Service and Repair Department ("ESRD") staff to enter apartments, these activities can and have continued at a fairly normal pace so far during this crisis.

Work on drafting a comprehensive Pest Control and Waste Management Action Plan continued this quarter and is close to being finalized. NYCHA has already begun to execute many of its provisions pending anticipated full completion and approval by the Monitor. One of the key aspects of the plan is the creation of a new Waste Management & Pest Control Department. Prior to this change, these services within NYCHA were largely managed by NYCHA's borough offices, where understaffing, inadequate resources, and lack of strategic planning made them inadequate to manage garbage pick-up and removal and proper pest control. The new department is intended to correct these problems and will be responsible for planning and property-level policy design, including individual waste management plans for each development (and adjustments in janitorial schedules where advisable); managing equipment and other assets, including all equipment repairs and preventive maintenance; enforcing contracts with third-party vendors; and coordinating functions with the Department of Sanitation ("DSNY") and other third-party agencies.

Some of the performance benchmarks in the plan will be affected by the COVID crisis, particularly with respect to pest control measures that require access to individual apartments. However, with more residents at home throughout the day, the waste management provisions are more crucial than ever.

With respect to the organizational provisions of the Agreement, work continues on a comprehensive "Transformation Plan" to develop a more efficient organizational structure

for NYCHA as required by the Agreement. The three required new departments – the Compliance Department (“Compliance”), the Environmental Health & Safety Department (“EHS”), and the Quality Assurance Unit (“QAU”) – also continue to develop and fulfill their obligations under the Agreement. Among other notable accomplishments, the EHS unit has been conducting independent, comprehensive investigations regarding NYCHA’s RRP compliance, including whether lead disclosure documents were properly drafted and filed. EHS also has conducted approximately 50 root cause heat outage investigations for outages over 12 hours and has provided recommendations to improve NYCHA’s heating services based on its investigative findings. Compliance, EHS and QA are now focused on overseeing NYCHA’s responses to the COVID crisis, and have been tasked with monitoring how staff and vendors are cleaning and disinfecting the common areas in developments, NYCHA’s efforts to supply PPE to staff and residents as a means to stop the spread of the virus, and everything else NYCHA is doing to protect the health of its staff and residents related to the crisis.

Finally, although our community meetings and development visits largely have been paused during the COVID crisis, we continue to have contact with residents and community stakeholders typically by phone and email to assess NYCHA’s performance on the ground as it relates to the Agreement. These communications often bring our attention to problems that we can help resolve. For example, in early March we learned from a Bronx resident association president that the copper cables on the building’s exterior portable generators had been cut and stolen on multiple occasions because of their high value as scrap metal. After learning of the thefts, our investigators worked with NYCHA and the NYPD to help find and arrest the perpetrator.

Our communications with residents, development staff, and other stakeholders is more important than ever to keep us updated on what is happening given that the Monitor team has had to reduce our presence at the developments since mid-March. While our focus remains on NYCHA’s core services, we also make inquiries about and receive substantial information concerning cleaning and disinfecting efforts by NYCHA staff and the two vendors hired for these services. To the extent that we have learned of any issues related to COVID, such as complaints of inadequate cleaning, we have immediately passed those on to the highest levels at NYCHA. Although we are not involved with NYCHA’s COVID response, we will continue to inform NYCHA of any problems of which we become aware.

IV. UPDATES

In this section we provide detailed information on NYCHA’s progress in the following Agreement areas: the development of a new organizational plan; the operations of the Compliance Department and related units; efforts relating to lead-based paint, mold, heat, elevators, pests, and waste management; and engagement with residents and other stakeholders. At the outset of each section, where relevant, we include a chart summarizing NYCHA’s obligations under the Agreement and the current status of NYCHA’s efforts in meeting those provisions. A comprehensive copy of the chart is also attached at Appendix A. We also include, attached at Appendix B, an update report covering NYCHA’s progress in replacing its aging boilers and elevators using \$450 million in state reimbursement funds under the GDA and GDA Action Plan.

We delayed the release of this quarterly report hoping to obtain more clarity on the effects of the COVID crisis, but the situation remains fluid. In each section we discuss how delays due to COVID may impact the various areas of the Agreement.

ORGANIZATIONAL PLAN

Section	Obligation	Agreement Deadline	Status	Monitor Comment
VI.A.44(b)	By the end of the 30-day period after the list of candidates is finalized, the City shall select a permanent Chair and CEO for NYCHA from the jointly-developed list of candidates.	04/01/19	Complete	New NYCHA Chair was selected by the City and started his tenure in August 2019.
VI.B.45	No later than 60 days after the appointment of the Monitor, the City shall engage a third-party management consultant selected jointly by the City and the Monitor. The consultant shall examine NYCHA’s systems, policies, procedures and management and personnel structures, and make recommendations to the City, NYCHA, and the Monitor to improve the areas examined.	04/01/19	Complete	Management consultant (KPMG) completed its review and issued four reports examining NYCHA’s organization and recommending improvements.

The Monitor team is working closely with NYCHA’s Office of Strategy and Innovation (“OSI”) to develop a comprehensive new organizational plan for NYCHA. Guided by recommendations from KPMG, the selected management consultant, the newly named “NYCHA Transformation Plan” will address the organizational components required by the Agreement. The NYCHA Transformation Plan is intended to be a living document that will be regularly updated and improved.

Since the last reporting period, OSI had developed a schedule to conduct transformation planning meetings with staff, residents, stakeholders, and public officials. Several workshops were held with NYCHA employees to gain insight into ideas such as property-based budgeting and property management. Meetings have been designed to engage a broad group to elicit feedback and collect data to assist in developing the Transformation Plan. OSI has also engaged consultants to support the development of the Transformation Plan. NYCHA is focusing on including finance, work-orders, and procurement, and OSI will soon select a firm to assist with change management. As NYCHA makes progress in these areas, it will be incumbent for OSI to recognize its own capacity limitations and adjust accordingly.

The COVID crisis has impacted the schedule for a draft plan. Many outstanding meetings, particularly feedback sessions with residents, are critical but cannot proceed as planned due to social distancing constraints. OSI is reviewing and assessing the schedule impact of COVID, and a delay into October is to be expected. There is nonetheless a significant amount of work that can be accomplished remotely. Over the next few months, NYCHA will produce draft documents that will begin to frame the architecture for the NYCHA Transformation Plan.

COMPLIANCE AND RELATED DEPARTMENTS

Section	Obligation	Agreement Deadline	Status	Monitor Comment
VI.C.53	No later than 45 days after the appointment of the Monitor, NYCHA, in consultation with the Monitor, shall establish and maintain a Compliance Department ...	04/15/19	Complete	The Compliance Department has been established and the Monitor is working with NYCHA to ensure it has sufficient staffing and a clear mission. This is true for the Environmental Health and Safety Department and the Quality Assurance Unit as well. See the first Monitor's Report for details.
VI.D.55	No later than 45 days after the appointment of the Monitor, NYCHA, in consultation with the Monitor, shall create an Environmental Health and Safety Department...	04/15/19	Complete	See above.
VI.E.57	No later than 45 days after appointment of the Monitor, in consultation with the Monitor,	04/15/19	Complete	See above.

Section	Obligation	Agreement Deadline	Status	Monitor Comment
	NYCHA shall create a Quality Assurance Unit...			
VI.E.59	No later than 60 days after the appointment of the Monitor, NYCHA shall provide HUD, SDNY, and the Monitor with a certification of compliance with paragraphs 53 – 59.	05/01/19	Complete	Monitor has continued discussions with NYCHA to refine and enhance NYCHA's approach. See first report for details.

Throughout this past quarter, each of the three departments established by the Agreement has demonstrated its capabilities and commitment to fulfilling its obligations under the Agreement. Our previous quarterly reports described in detail the organizational structure, roles, responsibilities, and activities of these departments which were at various stages of formation. While the Compliance Department remains the most evolved in terms of staffing and processes, the Monitor team has seen substantial growth in both EHS and QAU and continues to be encouraged by the ways in which the three departments are collaborating.

Compliance Department

As it nears the anniversary of its current incarnation, Compliance continues to coalesce as a department, striving to meet all its requirements stipulated in the Agreement as well as assuming a key role in driving cultural change at NYCHA. Each of its four units: Compliance Inquiry Review and Assessment (“CIRA”), Compliance Integration, Reporting and Evaluation (“CIRE”), Monitoring Unit (“MU”) and the Procedures Unit (“Procedures”) added key staff during the quarter. A Senior Advisor was hired to directly assist the Chief Compliance Officer (“CCO”). While COVID-19 has obviously significantly impacted NYCHA’s ability to perform certain functions, for the most part and with regard to its key obligations, Compliance has adhered to the outlines of its six-month roadmap for the period January 2020 – June 2020. At the close of Q1 2020, Compliance is on track and pursuing its objectives.

Although the Agreement specifically mentions a role for Compliance in staff disciplinary actions arising from certain investigations, the Monitor team remains concerned about the extent of Compliance’s involvement in the disciplinary process at NYCHA. In previous reports we noted that the practice of including instructional and/or counseling memos at the conclusion of an investigation could be viewed as interfering in a process more properly handled by Operations in conjunction with Human Resources and Legal; that

practice continues. At the same time we recognize that certain areas of the Agreement, PHAS and lead paint for example, require such actions.

Compliance also needs to guard against becoming the victim of its own successes. During this quarter, Compliance assumed responsibility for following up on certain court-ordered work, inserted personnel into the Customer Contact Center ("CCC"), designed and will conduct a customer satisfaction survey, and performed an analysis of the lead hazard control unit's organizational structure, among other things. As its reputation for producing quality works and "getting things done" grows, Compliance should not assume tasks more appropriately and historically "owned" by others such as Operations, Legal, Communications, Human Resources, Internal Audit, Public Safety, etc., simply because it can or is asked to do so.

Compliance Inquiry Review and Assessment ("CIRA")

CIRA's primary responsibility continues to be the maintenance of the Complaint Forum. The Agreement required each of the three departments to create a "forum" for internal and external stakeholders to make complaints regarding compliance, environmental health and safety issues, and concerns about the quality and timeliness of maintenance and repair work being performed at the developments. Investigations into these complaints are conducted when appropriate.

CIRA also continues to produce and perfect detailed metrics and reporting which is shared with NYCHA's senior management regarding the use of the Complaint Forum and the disposition of complaints received. According to the *Complaint Forum Summary Report* February 1-29, 2020 (p.15), in the first two months of Q1 2020, the Complaint Forum received 1,318 complaints of which a little over 55% were determined, via triage, to belong to Customer Operations. The remaining complaints were subsequently handled by Compliance (30%), EHS (8%) and QAU (7%). In February 2020, of the 209 complaints directed to Compliance, only 14 resulted in an investigation, with 50% of those investigations categorized as involving an alleged violation of a NYCHA policy or procedure. The Compliance option on the CCC IVR system (option #7) received 2,345 calls in February, but only 64 were entered into the Compliance portal after review and triage. This ratio is consistent with previous data. CIRA now has six case specialists physically located in the CCC in Long Island City to handle these calls and this activity has continued during COVID-19. This quarter CIRA intended to implement a communication plan to alleviate the apparent misunderstanding of option #7 by employees and residents. The plan included development site visits in which CIRA would explain the Complaint Forum and the CCC IVR option to both staff and residents. However, due to COVID-19

this will be postponed for the foreseeable future. CIRA also continues to consider possible changes to IVR menu options.

In addition to managing the Complaint Forum, the CCO has enlisted CIRA in several projects that are more proactive in nature; notably a Customer Satisfaction Survey focused on satisfaction with UPCS level 3 repairs and follow-up regarding surveys or investigations conducted by external agencies and community organizations.² While outreach to residents is important, its use by CIRA and the department in general should be judiciously managed to deploy resources to those projects most in keeping with Compliance's mission.

As noted in our last report CIRA's investigative work has been performed primarily by its senior analyst with the assistance of the deputy director. CIRA received approval to add both a senior and a junior investigator and it is in the process of reviewing resumes and scheduling telephone interviews with the most promising candidates. In-person interviews will be scheduled as soon as conditions permit. A junior compliance analyst was selected, and a graduate intern has been identified for a possible June 1 start. These positions are welcome additions.

Compliance Integration, Reporting and Evaluation (CIRE)

Throughout the quarter, CIRE continued to advance a number of its key projects and build operating capabilities. In Q1 2020, CIRE's Deputy Director was named Vice President, Compliance, and a new Deputy Director was hired for the unit. A second data analyst and a new integration specialist were recruited. Overall, despite COVID-19, CIRE appears on track to meet its six-month roadmap project deliverables.

Training

At the close of Q1 2020 close to 7,000 employees had taken the Compliance 101 Training, which was developed by CIRE with input from the Monitor team and rolled out in Q4 2019. All employees are required to take the course which includes detailed information on requirements set out in the Agreement concerning lead, mold, pests, etc., and concludes with a test. A considerable portion of the training is devoted to ethics, non-

² Uniform Physical Condition Standards ("UPCS") is a set of standards used by inspectors working for the HUD to assess the physical condition of various housing units. The system uses levels to indicate the severity of the violation, level 3 being the most serious.

retaliation, and NYCHA's standards of conduct. Modifications to the content were necessary to render it compliant with 508 accessibility regulations and the plan was to relaunch the new version via the newly acquired Learning Management System Q2 2020, although that relaunch date may be impacted by COVID-19.

The Agreement assigns responsibility to the CCO for ensuring compliance with HUD regulations and guidelines with respect to PHAS REAC inspections. This includes ensuring that NYCHA employees receive training on PHAS REAC inspections and related HUD regulations. In Compliance, CIRE manages this project which is discussed in more detail in a separate section of this report, PHAS REAC Inspections.

In our last report, we discussed the work that CIRE was doing to assess NYCHA's overall training needs, identify gaps and make recommendations for improvements. It had committed to completing its report in Q1 2020. The *NYCHA Training Inventory Report and Proposed Recommendations* was submitted to the Office of the Chair and the Learning and Development Department ("L&D") as scheduled. The report, which was shared with the Monitor team, identifies major training challenges such as tracking and oversight, training accessibility and content, and long-term investment in professional development. CIRE will continue to work with L&D to address these issues.

External Reporting

Under the Agreement Compliance is to ensure the accuracy of external reporting and statements by NYCHA, a responsibility that has fallen to CIRE. CIRE has moved forward on Phase II of its External Reporting project. As we reported last quarter, CIRE had created an initial inventory of all external reports and certifications made by NYCHA to regulatory agencies. This quarter CIRE began the process of verifying and enlarging upon this information.

Workflows

CIRE's workflow projects do not appear to have been hampered by the COVID crisis onset and it anticipates completion as scheduled by the end of next quarter for the clearance examination process, the lead and mold future state workflows and the pest, heat, and elevator current state processes. In addition, the unit, with the assistance of Procedures, produced and distributed three quick reference guides - *Lead-Safe Work Practices: Renovation, Repair, and Painting (RRP) Work*; *Lead Paint Documentation: How to Comply with the HUD Lead Disclosure Rule*; and *Renovation, Repair, and Painting (RRP) Work: Identifying Lead Components*.

Monitoring Unit (MU)

The MU continues to mature. During this quarter, additional team members with analytic and field skills were onboarded. The unit is attempting to meet its six-month goals while remaining flexible and responsive to requests for assistance during the outbreak.

Development Risk Assessments

As described in detail in our last quarterly report, the MU commenced its development level risk assessment project. The unit has now completed two of these assessments and was commencing work on its review of a third development as the quarter ended. While the COVID crisis has resulted in the suspension of onsite work, the MU is going forward with document and desktop analysis in preparation for the resumption of activities.

Over the course of one week a team that includes personnel from the MU, CIRA, EHS, QUA and the Department of Equal Opportunity (“DEO”) conducted inquiries regarding operational and general property management areas including: heating, elevators, pest/waste management, daily inspections, mold, lead, general maintenance-repair performance, Davis-Bacon wage requirements, smoking, violations, crime, and small purchase procurement. Onsite inquiries were supplemented with extensive document and file reviews as well as desktop analysis of work order data, etc. The assessments, which include a description of scope and methodology followed by detailed narratives of findings for each area and accompanying exhibits, were reviewed by the Monitor’s team. Although both developments were found to be deficient in many if not most areas, the MU found that property management and development personnel were engaged and cooperative throughout the inspection. Findings and recommendations have been shared with the developments. Each development must respond to these recommendations and the MU tracks responses and will escalate if necessary. The process of review and response has just been completed for the first development and we will be reviewing that documentation in the coming weeks. If this approach by the Compliance Department proves effective in identifying and mitigating compliance risks at the development level, NYCHA may want to consider developing a dedicated unit to expand this function.

Ongoing/New Projects

While some activities have been suspended or reduced due to the COVID crisis, the MU continues its involvement in NYCHA’s response to mold. In collaboration with EHS and the QAU, it conducts investigations of mold complaints received via the Complaint Forum, the mold ombudsperson, and other mechanisms to verify that these complaints are properly addressed within the timeframes required by the Agreement. The MU also continues to contribute to the Lead Exception Report.

The MU has recently been tasked with a new project in which, working with the Law department, it will follow-up on court-ordered repairs which have not been timely completed.

Another monitoring project, related to the COVID crisis and of short duration, is being managed by MU and requires the participation of everyone in Compliance. The project, "Corona disinfecting vendors QA" is a telephone survey. Compliance personnel call developments and pose a series of questions to senior development staff about the vendors' activities on site that day doing disinfection work. The questionnaire asks about vendor use of the required sign-in logbook and whether the vendor carried required identification and wore a uniform, among other things. There are questions about staff supervision of the vendors and general questions about COVID-19's impact on daily activities and staff compliance with State and local mask requirements. Personnel have told us that they spend approximately two hours each day conducting the survey. Compliance submits daily information to Operations and the contract management team to ensure that any deficiencies are corrected by the disinfection vendors.

Procedures Unit (Procedures)

Although the current six-month roadmap includes 22 Standard Procedures ("SPs"), action plans, manuals or reviews slated for attention by the unit, certain of these have been reassigned or timelines have been pushed out as a result of the COVID crisis. The unit did complete several items in the first quarter, notably SP 040:14:1 – Mold/Mildew Control in NYCHA Residential Buildings and SPs concerning NYCHA commercial cards usage and the issuance and use of NYCHA shields. A draft of the Quality Assurance Inspections SP was forwarded to QAU and a series of quick reference guides have been published, with more to come. Completion of the Compliance Department Manual will now be the responsibility of the department's recently hired Senior Advisor.

Environmental Health & Safety

During Q1 2020, EHS raised its profile at NYCHA significantly, due in no small part to its prominent role in dealing with the operational impacts of the COVID crisis. However, even before the crisis hit in March, as we noted in our last report, EHS had made significant strides in terms of staffing, formalizing its processes, and establishing itself operationally. This quarter it continued to add field and analytic staff in each of the operating units – Environmental Hazards Unit ("EHU") which oversees lead, pests and indoor air quality,

Building Systems Safety Unit ("BSSU") which oversees heating, elevators and fire safety, Employee Safety Oversight Unit ("ESOU") and Analysis and Engagement Unit ("AEU").

Throughout the quarter, until mid-March when the COVID crisis caused alteration, each of EHS' oversight teams was conducting investigations and developing or refining its respective Compliance Assurance Program ("CAP"). The Lead Oversight Team continued its field compliance monitoring and reporting on NYCHA's lead hazard reduction activities; the Indoor Air Quality Team which handles mold issues had been working with the Ombudsman Call Center ("OCC"), the Office of Mold Assessment and Remediation ("OMAR") and Compliance to follow-up on mold/mildew complaints; the Heating Oversight Team devoted much of its time this quarter to work associated with performing Root Cause Failure Analysis ("RCFA") for heat outages over 12 hours in duration; the Pest and Elevator Oversight Teams had been working on developing compliance focus areas for their units; the Employee Safety Oversight Unit was focused on training, certification, and establishing an EHS OSHA CAP; and the Analysis and Engagement Unit had drafted an EHS Resident Engagement Plan and had shared a draft of its NYCHACONNECT webpage, which it hopes to launch soon, with the Monitor team.

EHS COVID-19 Activities

On March 9, 2020 NYCHA established a COVID-19 Task Force and the VP of EHS was named Chair. At that time, Task Force members included the following business units: Office of the Chair, Office of the General Manager, Finance, Leased Housing, Public Housing Operations, Operations Support Services, Capital Projects, Intergov, Communications, Legal, Community Engagement and Partnerships, IT, Administration, Public Safety and EHS. The original plan, developed by NYCHA's Office of Emergency Management, had a quasi-Incident Command Structure which, as the crisis evolved, was replaced by an Executive Team led by the Chair. EHS has retained a key, if no longer leadership, role on the Task Force. While certain activities can and are continuing remotely, e.g., drafting reports for inspections and investigations that have been concluded and creating and editing procedural documents, the majority of the 51 individuals in EHS have been redeployed and are currently performing COVID-19 related activities.

EHS personnel make visits to developments daily to train staff on COVID-19 protocols, provide supervisory guidance for management, listen to concerns raised by development personnel, and report daily on these concerns and other field observations relative to the COVID-19 situation. EHS personnel are also key members of the Sanitizing Oversight Team ("SOT") which is an initiative led by QAU in which field personnel from QAU, EHS, Compliance and the office of the NYCHA Inspector General conduct real-time monitoring

activities to confirm that the vendors performing disinfection and cleaning activities are adhering correctly to their contract and following proper protocols. EHS personnel have also done research on disinfection products being used by these vendors to ensure that they are approved products and are being utilized appropriately and effectively.

In addition to these activities, EHS, in its employee safety role, is also receiving scores of emails from concerned staff. In some instances, information includes personal medical information and EHS is in the process of ensuring that necessary IT solutions are in place to safeguard this data.

Quality Assurance Unit

As anticipated, during Q1 2020 the QAU filled several key positions which will provide more structure as the unit continues to evolve. Two project managers have joined and, at the end of March just as the COVID crisis heated up, an offer was made and accepted for its investigative attorney position. A program analyst was hired on April 20, 2020. While the unit currently has only 12 field inspectors, the addition of management personnel, which was sorely needed, is encouraging. The Quality Assurance Officer ("QAO") informed us in February that he also intended to request six more field inspectors.

In January and February 2020, the Complaint Forum triaged 97 complaints to QAU.³ While QAU is responsible for investigating and reacting to these complaints, the bulk of its work involves proactively inspecting work that was performed or is alleged to have been performed (closed work orders). In the first two months of Q1 2020, the QAU attempted quality assurance inspections on 7,735 closed work orders of which 5,307 or 69% were completed. Of those 5,307 inspections, only 162 or 3% were found to be unsatisfactory, which is consistent with past reporting. The QAU also conducted 1,073 health and safety checks for the following items: fire safety notices, CO detectors, window guards, smoke detectors, ground fault circuit interrupters and apartment doors. Twenty percent of the apartments inspected were unsatisfactory in one or more of these areas. In March before routine quality inspections were curtailed by the COVID crisis, QAU had attempted 1,506 inspections and completed 1,142 with a satisfactory rate of 99% and

³ *Complaint Forum Summary Report*, February 1-29, 2020 (p.15).

121 health and safety checks had been performed with 11% of apartments inspected rated unsatisfactory in one or more categories.

QAU also receives requests for investigative work directly from the office of the General Manager to whom the unit reports. These investigations, which continue to grow in number, tend to be more complex than standard QA inspections and are generally handled by the QAO. Throughout much of the quarter, QAU spent its time conducting the normal QA inspections and following up on complaints coming in through the Compliance portal; however, with COVID-19, the unit's focus completely changed.

In addition to the general QA inspections on work orders and the health and safety checks, QAU looked at 124 vendor work orders for painting: 3% (or a total of 4) of those jobs were found to be unsatisfactory. Upon further review, QAU determined that the work on one of the four jobs identified was performed by NYCHA and two of the jobs did not actually require painting. In one instance, the vendor was responsible for the unsatisfactory work and a report was filed.

In March 2020, QAU was tasked with heading up a team that EHS has named the Sanitizing Oversight Team. Monday through Friday, an in-person team of inspectors from QAU, EHS, and the NYCHA Inspector General conducts real-time observations of the vendors contracted to provide disinfectant and cleaning services while those vendors work at the developments. Inspectors verify that all high-touch, high-traffic surfaces are sanitized, cleaning bottles are labeled, and vendors are reporting to developments as scheduled.

Workflows and an SP for the unit remain in draft but are anticipated to be finalized in Q1/Q2 2020. We shall review and comment if necessary.

PHAS and Other Inspections

Section	Obligation	Agreement Deadline	Status	Monitor Comment
VI.F 62(h)	By 90 days after the appointment of the Monitor, NYCHA will submit an Action Plan to the Monitor for meeting the requirements in the Agreement regarding PHAS Inspections	05/29/2019	Complete	NYCHA timely submitted a draft PHAS Action Plan to the Monitor. After first rejecting the plan, the Monitor, SDNY, and HUD have worked with NYCHA to revise the Plan which has now been finalized and accepted by the Monitor.

Section	Obligation	Agreement Deadline	Status	Monitor Comment
Exhibit B.E.48	By and after ninety (90) days after the Effective Date of this agreement, annual inspections shall include having the person conducting the inspection perform any minor repairs during the inspection.	05/01/19	Complete	The Monitor has reviewed data that supports NYCHA's contention that annual inspections and simultaneous minor repairs have been ongoing prior to suspension due to COVID-19.
Exhibit B.E.49	By one hundred twenty days (120) after the appointment of the Monitor, NYCHA will submit an Action Plan to the Monitor for complying with the requirement to conduct annual inspections and perform minor repairs during such inspections. The Action Plan shall include procedures for (i) on-site completion of minor repairs during inspections, and (ii) the scheduling of other inspection-identified maintenance deficiencies for subsequent repair.	07/01/19	In progress	NYCHA submitted a revised draft Plan on January 16, 2020. Monitor was working with NYCHA, HUD, and SDNY to finalize the Plan when NYCHA announced that it was considering outsourcing annual inspections. Discussion are ongoing regarding the feasibility of this approach.

PHAS Inspections

At NYCHA, the responsibility for tracking the deliverables of the PHAS Inspections Action Plan, jointly “owned” by Operations and Compliance and approved on October 30, 2019, is overseen by the PHAS/Annual Inspections Pillar Team. In addition to its owners, the team consists of individuals from each of the key functions at NYCHA: Law, Administration, Communications, Finance, IT, PTAD, etc. The team holds a bi-weekly meeting which is attended by members of the Monitor team. The key deliverables or milestones correspond to the seven actions described in the action plan: updating the SP, training NYCHA staff, developing a communication plan, establishing forums for complaints, proactively identifying deceptive practices, investigating deceptive practices, and enhancing Maximo. Within these seven actions the plan identified certain activities which were to be accomplished by specific dates. For the most part, NYCHA is on track to meet, or has already met, those milestones.

The two lagging actions – proactively identifying deceptive practices and enhancing Maximo – have presented challenges which NYCHA is addressing. The former action requires that periodic inspections be conducted by development management and skilled trades supervisors and this necessitates developing a methodology and designing business requirements for IT to capture inspection results. The Maximo enhancement requires an alignment between HUD’s Exigent Health and Safety codes and Maximo priority codes which has proved extremely complex and is further complicated by the fact

the HUD is introducing a new coding system. The Monitor team has been sufficiently involved in discussions about these two actions to be able to report that despite lagging, NYCHA is earnestly pursuing solutions. Despite COVID-19, the pillar team continues to meet and make progress on the required actions.

The pillar team is also tasked with identifying risks that may impact NYCHA's ability to complete a required action. In Q1 2020, HUD notified NYCHA that it was rescinding an exemption that NYCHA had relied upon since 2003 regarding REAC apartment inspections. NYCHA has sought clarification from HUD and discussions are ongoing. Any change will impact the revised SP that was timely issued in December 2019. The Monitor team will continue to closely follow this development.

Annual Inspections

The Agreement also requires that NYCHA draft and submit an Action Plan to the Monitor regarding how it will conduct annual apartment inspections and perform minor repairs during such inspections. On June 28, 2019, NYCHA submitted its initial plan. While the plan was timely delivered to the Monitor, HUD advised the Monitor that NYCHA's approach, in which it opted to inspect roughly 50% of its units annually, was unacceptable in light of HUD's intention to require inspection of 100% of units in the coming future. Over the course of the summer, focus turned to the PHAS Inspections Action Plan as HUD had recommenced its PHAS REAC inspections in July 2019. Discussions concerning the annual inspections plan began again late in the fall and included HUD and SDNY.

In mid-January 2020, NYCHA submitted a second version of its Annual Inspections Action Plan. The format and content of this version reflected considerable input from the Monitor team. In conversations later in the month, NYCHA informed the Monitor team that it was strongly considering outsourcing annual inspections to a third-party vendor necessitating considerable rethinking of any action plan. In March the Monitor team attended a presentation by a possible vendor. After that presentation, questions concerning the challenge of outsourcing both inspections and the minor repairs required remain unanswered. When the COVID-19 situation developed in March 2019, annual inspections ceased and conversations regarding a new action plan, while not entirely suspended, have been slowed.

LEAD-BASED PAINT

Section	Obligation	Agreement Deadline	Status	Monitor Comment
Exhibit A.B.4(a)	No later than 30 days after execution of this Agreement, NYCHA shall provide SDNY and HUD a report identifying all developments that meet the following requirements: (i) they were built prior to January 1, 1978, and (ii) are not exempt pursuant to 24 C.F.R. § 35.115, as a result of an inspection, an abatement, or otherwise (the "Lead Paint Developments"). Such report will identify each unit (including each "child-occupied facility") within such Lead Paint Developments that is not exempt pursuant to 24 C.F.R. § 35.115 ("Lead Paint Unit").	03/01/19	Complete	While NYCHA submitted the report as to residential units to SDNY, HUD and Monitor in a timely manner, the initial report contained incomplete information. In the last two quarters, NYCHA has implemented additional measures to better identify apartments where CU6 reside, significantly increasing the number of known apartments.
Exhibit A.B.4(b)	No later than 30 days after execution of this Agreement, NYCHA shall provide SDNY and HUD...a report (the "Immediate Action List" (IAL)) identifying the subset of LPU that NYCHA has reason to believe are occupied or routinely visited by a child under the age of 6. Routine visiting shall be determined in conformance with the first sentence of the definition of child-occupied facility at 40 C.F.R. § 745.83.	03/01/19	Completed	NYCHA submitted the report of IAL as to residential units to SDNY, HUD and Monitor.
Exhibit A.B.5(a)	Within 30 days of execution of this Agreement, NYCHA shall ...perform at least one visual assessment in accordance with 24 C.F.R. § 35.1355 of each Lead Paint Unit on the IAL unless the LPU received a compliant visual assessment within the preceding 12 months.	03/01/19	Partially Completed	NYCHA previously self-reported 99% completion rate for residential units.

Section	Obligation	Agreement Deadline	Status	Monitor Comment
Exhibit A.B.5(b)	Within 30 days of execution of this Agreement, NYCHA shall ... eliminate any lead-based paint hazards in LPUs identified on the IAL through the performance of interim controls in accordance with 24 C.F.R. § 35.1330, or through abatement in accordance with 24 C.F.R. § 35.1325.	03/01/19	Partially Completed	NYCHA self-reported compliance with respect to residential units (except where access issues prevented work). See the December 18, 2019 Exceptions report (page 5). Though NYCHA self-reported completion of paint corrections, it previously could not certify compliance with the applicable regulations. NYCHA did not perform the dust wipes as required.
Exhibit A.B.6	No later than 90 days after execution of this Agreement, NYCHA shall submit to SDNY and HUD documents sufficient to show NYCHA's basis for claiming that particular pre-1978 developments are exempt pursuant to 24 C.F.R. § 35.115. To the extent that HUD and SDNY thereafter notify NYCHA that they reject that determination, such developments, units and common areas will no longer be considered by NYCHA to be exempt pursuant to 24 C.F.R. § 35.115. If HUD and SDNY (a) object to the exemption for a particular development, unit, or common area, and (b) the lack of exemption would have led to the inclusion of additional units or common areas on the Immediate Action List, NYCHA shall within 30 days thereafter comply with paragraph 5 as to such additional apartments.	05/01/19	Completed	NYCHA provided documentation to HUD and SDNY.
The Exhibit A.E, 17	Within one year of the execution of the Agreement, NYCHA shall control deteriorated lead-based paint identified by visual assessments in compliance with 24 C.F.R. § 35. 1120(b)(1) and (2); except that for a visual assessment performed in an apartment unit that has not had a	1/31/2020	Not completed	As of February 19, 2020, NYCHA still had 16,782 paint correction projects open that are based on the 2018 visual assessments that were made. These projects should have been completed by January 31, 2020. At the current pace, it will likely take NYCHA more than a

Section	Obligation	Agreement Deadline	Status	Monitor Comment
	<p>previous visual assessment complaint within the preceding 12 months, all corrections of lead-based paint hazards shall be made within 30 days of visual assessments.</p>			<p>year to correct the deficiencies identified in 2018. The monitor team will continue to push NYCHA to reduce this backlog of visual assessments.</p>
<p>Exhibit A.G.19</p>	<p>Within 30 days of appointment of the Monitor, NYCHA shall provide the Monitor a list (the "EIBLL/EBLL-Triggered Risk Assessment List") of all units, common areas servicing such units, and developments in which neither an environmental investigation nor a risk assessment was performed since the date of: (a) the reporting to NYCHA (if on or after July 13, 2017) of a case of a child under age 6 with an elevated blood lead level (EBLL) (as those terms are defined in 24 C.F.R. § 35.110, as amended by 82 Fed. Reg. 4151 (Jan. 13, 2017)) living in such unit and development, or (b) the reporting to NYCHA (if before July 13, 2017) of a case of a child with an elevated blood lead level (EIBLL) (as those terms were defined in 24 C.F.R. § 35.110, prior to amendment by 82 Fed. Reg. 4151 (Jan. 13, 2017)) living in such unit and development.</p>	<p>03/01/19</p>	<p>Completed</p>	<p>NYCHA provided the Monitor with the list. The Monitor continues to make follow-up inquiries.</p>
<p>Exhibit A.G.20</p>	<p>After providing the Monitor the EIBLL/EBLL-Triggered Risk Assessment List, within a timeframe acceptable to the Monitor, NYCHA shall confirm that the New York City Department of Health and Mental Hygiene ("NYC DOHMH") has performed an environmental investigation in accordance with 24 C.F.R. § 35.110, 1130, in any unit and common areas servicing that unit identified in the</p>		<p>Completed</p>	<p>After inquiries by the Monitor, NYCHA has been providing weekly updates on the status of each reported EIBLL. See Third Quarter Report for more details.</p>

Section	Obligation	Agreement Deadline	Status	Monitor Comment
	EIBLL/EBLL-Triggered Risk Assessment List. To the extent the NYC DOHMH has not performed an environmental investigation in accordance with 24 C.F.R. § 35.110, 1130, in any unit and common areas servicing that unit identified in the EIBLL/EBLL-Triggered Risk Assessment List, NYCHA shall perform such environmental investigation within a timeframe acceptable to the Monitor.			
Exhibit A.G.21	After issuing or receiving the report of the environmental investigation, within a timeframe acceptable to the Monitor, NYCHA shall complete the abatement of identified lead-based paint hazards in accordance with 24 C.F.R. § 35.1130(c) and 35.1325.		In progress	The Monitor receives reports of follow-up activity and audited a sample of these reports. We continue to make follow-up inquiries.
Exhibit A.G.22	NYCHA shall perform risk assessments for all other units in the building in which a child under age 6 resides or is expected to reside on the date lead-based paint hazard reduction under Paragraph 21 is complete, and common areas servicing those units in the developments identified in the EIBLL/EBLL-Triggered Risk Assessment List, within a timeframe acceptable to the Monitor.		In progress	The Monitor receives reports of follow-up activity and audited a sample of these reports. We continue to make follow-up inquiries.
Exhibit A.H.23	NYCHA shall report to HUD each confirmed case of a child with an elevated blood lead level within 5 business days of being so notified in accordance with 24 C.F.R § 35.1130.		Ongoing	According to NYCHA, its compliance with this obligation has not been uniformly complete or timely and is under review.
Exhibit A.H.24	No later than 60 days after the execution of this Agreement, NYCHA shall enter into a written agreement (MOU) with the NYC DOHMH resolving any barriers to	04/01/19	Complete	MOU has been signed.

Section	Obligation	Agreement Deadline	Status	Monitor Comment
	the sharing of information relating to resident children's blood lead levels necessary for NYCHA to make disclosures to HUD in accordance with paragraph 23 and 24 C.F.R § 35.1130, and shall provide a copy of such agreement to SDNY and HUD.			
Exhibit A.H.25	NYCHA shall report to the Monitor and United States any NYC DOHMH Commissioner order to abate lead-based paint within five days of receiving any order.		Ongoing	According to NYCHA, its reporting has not been uniformly timely and is under review.
Exhibit A.H.26	On and after the Effective Date, to the extent NYC DOHMH has not performed an environmental investigation of any unit in which a child with an elevated blood level has been reported within 15 days of identifying such unit, NYCHA shall perform an environmental investigation of that unit and common areas servicing that unit and perform abatement of any lead-based paint hazards within thirty days in accordance with 24 C.F.R §§ 35.1325.		Ongoing	NYCHA provides updates regarding all EIBLL occurrences and related responsibilities.
Exhibit A.H.27	From and after the Effective Date, NYCHA shall provide residents signing new leases (or, where required by regulation, renewal leases) with information about the presence of lead-based paint and lead-based paint hazards in their apartments and developments in accordance with the Lead Disclosure Rule, 24 C.F.R part 35, subpart A; 40 C.F.R. part 745, subpart F.		Ongoing	NYCHA acknowledged last quarter it was not fully complying with this requirement but has instituted measures that should improve compliance. NYCHA completed IT enhancements in January 2020. Field inspections by NYCHA's EHS Department in December 2019 found a 95% compliance rate.
Exhibit A.H.28	NYCHA shall ensure that physical copies of all materials required to be disclosed by the Lead Disclosure Rule are present, available for inspection, and permanently maintained at the		Ongoing	NYCHA's Compliance and EHS Departments monitor compliance with this obligation on an ongoing basis. NYCHA

Section	Obligation	Agreement Deadline	Status	Monitor Comment
	management office for each development.			reports compliance. Verification by Monitor is ongoing. NYCHA's EHS Department performs random compliance checks and report exceptions.
Exhibit A.H.29	NYCHA shall ensure that electronic copies of all materials required to be disclosed by the Lead Disclosure Rule are available to residents through an internet-based portal.		Complete	NYCHA created the internet-based portal and has been properly displaying these materials.
Exhibit A.H.30(a)	No later than 120 days after execution of this Agreement, NYCHA shall submit to SDNY and HUD a statement describing its compliance with paragraphs 4-6. In its submission to SDNY and HUD, NYCHA shall specify the method(s) used to correct any lead-based paint hazards identified on the Immediate Action List and certify that such corrections were performed in compliance with the Lead Safe Housing Rule, Renovation, Repair and Painting Rule and Abatement Rule, as applicable, and that residents were notified of the corrections in compliance with the Lead Safe Housing Rule.	05/01/19	Complete	See first quarter Monitor's report (pages 36 and 37) for more detail.
Exhibit A.H.30(b)	Six months after the Effective Date, and every six months thereafter, NYCHA shall provide SDNY, HUD and the Monitor a certification describing its compliance with paragraphs 8 to 15.	08/01/19	Ongoing	Obligation repeats every six months. On January 31, 2020, NYCHA submitted certification report on time but was unable to certify to many items in paragraphs 8 – 15 of the Agreement. NYCHA provided an accompanying report on the status of compliance with the certification requirements.
Exhibit A.H.33(a)	By January 31, 2019, NYCHA will display a sample kit of the supplies needed to complete an	01/31/19	Complete	Site inspections and inquiry by the Monitor have verified that the Kits were <u>initially</u> delivered

Section	Obligation	Agreement Deadline	Status	Monitor Comment
	RRP work order in all 139 storerooms by January 31, 2019			by NYCHA and displayed as required under the Agreement. Random checks of RRP supplies are conducted by NYCHA's EHS Department.
Exhibit A.H.33(b)	NYCHA will issue a minimum of one kit of RRP supplies to RRP-certified staff daily	02/28/19	Complete	Site inspections and inquiry by the Monitor have verified that the Kits have been delivered by NYCHA and displayed as required under the Agreement.
Exhibit A.H.33(c)	NYCHA will enhance its work order system to automatically create a "dust wipe" work order if an RRP work order is generated by February 28, 2019.	02/28/19	Complete	The required enhancement was timely performed as required under the Agreement but was found to be ineffective in aiding the timely performance of dust wipes. Accordingly, NYCHA initiated a call-in dispatch system. The Monitor is working with NYCHA to improve this system which currently does not guarantee timely dust wipe performance.
Exhibit A.H.33(d)	NYCHA will select a vendor to supplement the EPA's RRP training with practical training on dust control measures to simulate a range of working conditions by March 31, 2019 and train substantially all RRP-certified staff by December 31, 2019.	03/31/19 and 12/31/19	Complete	All new staff receive RRP training on an ongoing basis.
Exhibit A.H.33(e)	NYCHA will provide all Resident Building Superintendents, Assistant Resident Building Superintendents, and Property Managers with training in RRP practices on an ongoing basis.		Complete	New NYCHA employees are receive training, which has been verified by the Monitor.
Exhibit A.H.33(f)	NYCHA will train all maintenance workers to perform lead-based paint visual assessments by September 30, 2019.	09/30/19	Complete	NYCHA timely trained the vast majority of its maintenance workers with regard to lead-based paint visual assessments, as reported in the last Monitor's quarterly report. In addition, all new NYCHA maintenance

Section	Obligation	Agreement Deadline	Status	Monitor Comment
				employees also receive this training, which has been verified by the Monitor. After these trainings were conducted, NYCHA subsequently decided to use vendors to do this work instead.
Exhibit A.H. 33(g)	NYCHA will secure additional, dedicated painting contracts for the Healthy Homes Department to exclusively focus on remediation by December 31, 2019.	12/31/19	Complete	NYCHA secured additional dedicated painting contracts for the Healthy Homes Department by putting a line item for remediation and painting in new lead abatement contracts. The Monitor will verify this information.

Though its intentions are good, NYCHA continues to struggle with many lead-based paint (“LBP”) compliance obligations. Though inadequate availability and application of resources is part of the problem, improved management of LBP obligations is also needed.

NYCHA’s EHS and Compliance departments have been forthcoming in identifying and documenting the many areas in which NYCHA simply cannot comply with federal regulations regarding LBP.⁴ Each month, Compliance issues an “Exceptions Report” that details the tremendous challenges faced by NYCHA in attending to its many obligations regarding LBP, including the performance of annual visual assessments, biennial risk assessments, correcting LBP deficiencies in apartments and common areas in a timely manner, protecting occupants from worksites (and if necessary by temporary relocation), gaining “clearance” for units in which LBP work has been performed through the taking of “dust wipes” and analyzing the wipes in laboratories to insure that remaining lead

⁴ The Agreement requires NYCHA to submit a certification every six months describing its compliance with Agreement paragraphs 8 to 15. On January 31, 2020, NYCHA submitted its certification on time but was unable to certify to many items in those paragraphs of the Agreement. The certification is attached at Appendix C.

particulate is below lawful limits, ensuring necessary recordkeeping, and ensuring strict adherence to lead-safe work practices.

The Fourth Exceptions Report, with data as of February 21st, lays out the following observations and recommendations regarding visual assessments:

- In 2019, NYCHA completed visual assessments in 37,408 out of the 44,878 units requiring visual assessments (83%). NYCHA attempted to complete, but was unable to access, the 7,470 units where a visual assessment was not completed. In many cases NYCHA made several attempts to access the unit and had planned to make additional attempts but was prevented from doing so by the COVID crisis. As observed in the Third Exceptions Report, this is a significant decline from the number of visual assessments completed in the 2018 round. This includes 510 CU6 [children under six] units where visuals were not performed in 2019.
- Importantly, Paragraph 17 of Exhibit A [of the Agreement] states that “for a visual assessment performed in an apartment unit that has not had a previous compliant visual assessment within the preceding twelve months, all corrections of lead-based paint hazards shall be made within thirty days of the visual assessment.” Therefore, for the 7,447 units that did not receive a visual assessment during the 2019 round, if NYCHA identifies deteriorated paint in the visual assessment performed during the 2020 round, NYCHA must now correct any deficiency within 30 days of the visual assessment.
- In addition, at the time of the Fourth Exceptions Report, 319 CU6 units and 2744 non-CU6 units did not have the results of their XRF inspection and visual assessment uploaded into Maximo. See HUD Summary 2019 Visual Assessment Round, Row 9.2. LHC has worked to significantly reduce this backlog since the Fourth Exceptions Report. Currently, there are only 53 CU6 units and 736 non-CU6 units with reports that need to be uploaded into Maximo.
- In 2019, NYCHA did not perform visual assessments in common areas.

Recommendations

- LHC should immediately begin additional attempts to perform visual assessments in the 500 CU6 units. LHC should attempt to complete the overdue visual assessments of these units as soon as it becomes safe again

to access these apartments in light of the COVID crisis. If any known or presumed lead-based paint deficiencies are identified in these units, NYCHA must complete the remediation within 30 days from when the assessments resume.

- LHC should ensure that it conducts the 6,947 non-CU6 units that did not receive visual assessments in 2019 by Q2 2020, taking into account necessary delays caused by the COVID crisis. LHC also needs to consult with IT and Management and Planning to track the deficiencies identified in these units to ensure that any deficiencies are corrected within 30 days, as required by Paragraph 17 of the HUD Agreement.
- NYCHA observed in its Fourth Exceptions Report that the LHC must immediately investigate the age of the 3,063 pending inspections that have not been loaded into Maximo and work promptly with the vendor and IT to load the results of these inspections into the system, starting with the oldest inspections in CU6 units. As of May 11, 2020, LHC has significantly reduced the backlog (*see* Fifth Exceptions Report).
- LHC must provide a written plan for conducting visual assessments in common areas in 2020. The plan should include staffing, schedule, and a description of how LHC will use the existing XRF inspections from these common areas to guide the inspections.

Fourth Exceptions Report at 4-5. As already indicated, the COVID crisis may affect NYCHA's ability to implement these recommendations.

Phase One Lead-Based Paint Action Plan

On March 14th, NYCHA submitted a well-considered draft of a proposed "phase one" LBP action plan. The phase one plan does not discuss long-term abatement strategies, whereby LBP is permanently removed, as that will be covered by a separate action plan. The draft phase one plan was forwarded to HUD and SDNY for the comment phase of the review process.

The main components of the plan were outlined in our last report. There are certain proposals – particularly in the areas of clearance, the scheduling of corrective paint work, and the timely performance of biennial risk assessments – which will likely need to be discussed intensively by NYCHA, the Monitor, and federal stakeholders. For example, regarding clearance, NYCHA has never been able to successfully perform dust wipes – on

average – more than 75% of the time. Within that deficiency gap, over 80% of the time it is because the dust wipes were not even attempted. Regarding the scheduling of corrective paint work, NYCHA must not only address the backlog of corrective paint work in apartments but must address over 50,000 identified paint deficiencies in common areas in an acceptable timeframe. Regarding biennial risk assessments, vendor capacity must be sufficient to meet the very short schedule because the risk assessments are due to be completed under the Agreement in less than one year, by January 31, 2021.

XRF Testing

Begun in mid-April 2019, as of March 26, 2020, x-ray fluorescence testing for lead (“XRF testing”) had been completed in 39,933 apartments. That is approximately 30% of the units that will be tested according to NYCHA’s plan. Though it has been apparent for many months that the project will be nowhere near completion by the end of this year (as NYCHA had first predicted), the pace of the project will be further degraded by the COVID-19 pandemic. The benefit of NYCHA knowing – on a component by component basis – exactly where the lead is in its apartments is unquestionable. The savings related to RRP and lead safety protocols (such as work site protections and clearance) will be considerable. However, realizing the benefit will take much more time than first predicted. The amount of time actually necessary for completion needs to be effectively calculated, as NYCHA will have to continue to budget for strict adherence to lead-safe work practices and the effective management of such practices.

EBLL Reports

In this quarter, NYCHA reported nine instances of children found to have elevated blood levels.

NYCHA’s Lead Hazard Control Unit

During this quarter, the Lead Hazard Control unit (“LHC”) spearheaded an effort to conduct visual assessments, XRF testing, and paint correction work in NYCHA-owned community centers across the five boroughs that have programming for children under six years of age. The project was well-organized and executed, and credit goes to those responsible. For those centers without any record of prior testing, NYCHA conducted full lead inspections. For centers with partial records, NYCHA tested components that had previously tested positive or that had not been tested in the prior lead inspection. As of early April 2020, NYCHA had completed these assessments and conducted correction work in approximately 153 centers.

As noted above, even before the onset of the COVID crisis, it was a particular challenge for LHC to complete the dust wipe and clearance process in a timely manner. NYCHA will

need to find a way to improve its performance in this area. A combination of more technicians, better coordination between work crews performing post-work cleanup and dust-wipe dispatchers, and obtaining test results in a guaranteed minimum amount of time will be required in order to meet strict expectations of HUD’s regulatory requirements.

We anticipate that on a long-term basis, NYCHA will need to conduct a thorough study, perhaps aided by consultants, to craft and implement improvements to the operations of the LHC. We stand ready to assist in this regard.

MOLD

Section	Obligation	Agreement Deadline	Status	Monitor Comment
Exhibit B.B. 19	NYCHA will not close any mold, flood, or “leak from above” work orders as “Resident Not Home,” including any such work orders that NYCHA has not yet verified.	01/31/19	Complete	NYCHA implemented required changes. The Monitor has verified compliance.

On March 9, 2020, after months of discussions with NYCHA and federal stakeholders, the Monitor approved a “phase one” mold action plan relevant to Paragraphs 17-20 of Agreement Exhibit B.⁵ Among other provisions, the phase one plan delineates NYCHA’s pledge to abide by the terms of all orders in *Baez v. NYCHA* and to achieve the performance goals set forth in Paragraph 17 of Exhibit B:

Within two years of the Effective Date [i.e., by January 31, 2021]:

- a. For 95% of instances in which a resident reports a mold complaint that is subsequently verified or NYCHA identifies mold in a unit, consistent with the NYCHA Standard Procedure SP 040:14:1, Mold/Mildew Control in NYCHA Residential Buildings, Revised December 19, 2018, within five business days of the resident reporting or NYCHA identifying mold in the unit, NYCHA shall prepare and provide a written plan for addressing the root cause to the

⁵ See <https://nychamonitor.com/wp-content/uploads/2020/03/FINAL-NYCHA-Mold-Action-Plan-3.9.2020-003.pdf>

resident. NYCHA may meet this standard by mailing a copy of the written plan to the resident via U.S. or electronic mail within the five-day period.

- b. For 95% of instances in which a resident reports a mold complaint that is subsequently verified or NYCHA identifies mold in a unit, consistent with the NYCHA Standard Procedure SP 040:14:1, Mold/Mildew Control in NYCHA Residential Buildings, Revised December 19, 2018, within five business days of the resident reporting or NYCHA identifying mold in the unit, NYCHA shall remove mold that is visible from within the unit. In the alternative, NYCHA may comply with this standard by remediating the mold and its underlying root cause (i) within 7 days, for repairs that can be performed by a Maintenance Worker or Caretaker, or (ii) within 15 days, for repairs that must be performed by skilled trade workers or other specialized staff in one or more visits.
- c. For 95% of reports to NYCHA of floods, leaks from above, and other conditions that cause sustained or recurrent moisture to flow into a resident's unit or the walls of the unit, NYCHA shall abate the condition within 24 hours of a report of the condition to NYCHA, and NYCHA shall remove any standing water that resulted from such condition within 48 hours of the report.

Implementation of the plan has already been hindered by the COVID crisis. For example, in-person job fairs and training sessions have been cancelled. The degree of such impact is being monitored. We are working with NYCHA to assess what can be safely accomplished, the circumstances under which aspects of the plan must be adjusted, and if any scheduling needs to be changed.

As conceived, the five main components of the phase one mold action plan provide for:

- Eliminating the backlog of long-term pending mold remediation work order tickets;
- Increasing skilled trades (such as plumbers) and maintenance worker staffing levels, and augmenting additional needs through vendor contracts;
- Lowering mold remediation response times through automation of scheduling;
- Preventing mold occurrences through ventilation upgrades; and
- Implementing a campaign designed to work with residents to mitigate and prevent mold.

The plan is designed to bring to bear dozens of separate actions to greatly reduce mold occurrences, address the backlog of mold work orders, and improve NYCHA's response

to mold and leaks when they do occur. No one component of the plan is intended to solve NYCHA's problems with mold and leaks. Success is designed to be achieved through the aggregate effect.

The key features of the plan are set out below:

- NYCHA will hire 30 persons to serve as resident communication coordinators to aid and help focus communication between residents and development maintenance staff. They will also be available if residents need service or support for mold and leak scheduling issues.
- NYCHA will identify additional development employees who have received "Mold Busters" training and are qualified by seniority to conduct initial inspections of units when a mold complaint is lodged by a resident (relieving the burden on superintendents and assistants).
- NYCHA will create "owner groups" and target resources to eliminate the backlog of long-term mold work orders at the rate of 300 per week.
- NYCHA worked with the Independent Data analyst in *Baez* to calculate the necessary amounts of additional skilled trades persons – including plumbers - and maintenance persons it needs to hire to comply with the timeline requirements developed through *Baez* (which are substantially equivalent to those in Exhibit B, Paragraph 17.b. NYCHA has committed to hiring the necessary personnel – including plumbers – whose priority assignments will be to address mold and leaks (and may choose to supplement hiring with vendor contracts).
- NYCHA has as part of the plan executed two mold assessor and two mold remediator contracts to inspect, scope and repair "complex" cases of mold (those which require the repair or replacement of apartment appurtenances, floors, walls, ceilings, and systems such as plumbing, ventilation and electric). Repair will be followed by quality insurance inspection. Residents will be relocated as necessary and appropriate.
- NYCHA will restructure skilled trades scheduling and improve related communications practices. This will involve the use of automation to properly prioritize and sequence the dispatch of skilled trades personnel (based on work order age). Regional asset managers will be assigned responsibility for proper use of the new system. Residents will be engaged through improved telephone

communications with borough schedulers to schedule repair visits suitable to the resident.

- NYCHA will engage vendors to perform system-wide ventilation upgrades. Vents (designed to draw air out of bathrooms) will be cleaned and upgraded and roof fans will be replaced with modern units. The plan assumes that vendors can address up to 24-50 units per day, per contract. Priority will be granted to units based on severity of related mold conditions. Six contract sets will be executed. The Independent Mold Analyst in the Baez matter will conduct random inspections of the work.
- By late September 2020, in consultation with subject matter experts, NYCHA will develop and employ a clear and enforceable standard protocol for roof and roof fan inspection. The new procedure will incorporate the findings of the City Comptroller's Office regarding NYCHA's failure to adequately track warranties relating to roofs and roof repair. Semiannual roof fan inspections will be conducted, and results documented in Maximo.
- NYCHA will improve its engagement with residents to heighten awareness regarding mold prevention. NYCHA will update written materials and create videos about mold prevention, identify resident leaders and community partners, and conduct a multi-faceted resident engagement campaign.
- NYCHA will ensure that all development staff, skilled trades, and borough personnel are trained in Mold Busters techniques (with initial training for new employees and refresher training for others).
- NYCHA has created two, two-person plumbing teams (under a plumbing supervisor) to address leak and flooding conditions on a priority basis.
- NYCHA has addressed a gap in its standard procedure library by creating a comprehensive standard procedure for leak control and flooding conditions. The procedure includes guidance on identifying and correcting root causes, will establish defined responsibilities among personnel and document information relevant to assessing capital needs.
- Among the other features of the plan, NYCHA removed staff's ability to close out mold and leak-related complaints in Maximo by using the "resident not home" code. NYCHA has also developed a protocol to investigate and potentially discipline

employees if they do not comply with NYCHA's standard procedure for mold control (SP040:14:1).

- Finally, on July 1, 2020, the Ombudsperson appointed in the Baez case (in September 2020) will have system-wide authority to resolve disagreements between a resident and NYCHA regarding whether proper repairs to a mold and/or moisture condition have been made by NYCHA. To date, the Ombudsperson - who receives complaints lodged by residents with the Ombudsperson Call Center - has not had to exercise the authority of the office to address any matter.

Coordination with Independent Officials in Baez

We regularly coordinate and converse with the Independent Data Analyst, Neil Steinkamp of Stout, and Bill Sothern of Microecologies, both of whom, with their team members, have provided valuable information and expert counsel regarding NYCHA's battle against mold and leaks. We also met and conversed regularly – and very productively - with the *Baez* Special Master, Professor Francis McGovern. We note with deep sorrow his recent passing. We were also saddened to learn of the recent death of *Baez* principal attorney Steve Edwards, Esq. in early April.

***Baez* Quarterly Mold and Leak Compliance Report ("Q23 Report")**

After a period in which responsibility for generating quarterly compliance reports in *Baez* had been with the Independent Data Analyst, NYCHA, by its Office of Mold Assessment and Remediation, has resumed preparation of the reports (which are still reviewed by the IDA). The following excerpt of the report for the quarter ending January 31, 2020, is informative:

Complex Mold and Leak (15-day Compliance Requirement)

Only 34% of all remediated work orders classified as requiring completion within 15-days were completed within that timeframe. 37% of work orders classified as requiring completion with 15-days were completed within that timeframe in Q22.

Progress on Long-Term Pending Work Orders (LTP)

During Q23 NYCHA made significant progress in reducing the number of work orders that have been open for more than 200 days. This initiative included 11,111 work orders (9,093 of which were Leak work orders) identified as of July 31, 2019 that were more than 200 days old at that time. Assisted by the IDA with weekly work order file updates and dashboard reporting, NYCHA has persistently communicated to every development in

the NYCHA portfolio regarding the need to review and address these open work orders. As of January 31, 2020, NYCHA had closed nearly 7,400 of these work orders (approximately 67% of the total it started with). 5,254 of these closed work orders were closed with a remedy (work was performed). The remaining work order closures involved Cancellations (399), Completed on Arrival (615), Unfounded (706), Resident Refused (241), Resident Not Home (327), Previously Corrected (384), Duplicate (223) and various other classifications.

Q23 Report at 6-7. At the end of January 2020, NYCHA reported 29,519 open work orders related to leaks, 6,371 open mold work orders at Mold Busters 2.0 developments, and 2,210 (6%) open mold work orders related to Pre-Mold Busters developments. Q23 Report at 8.

We also note the following observation in the report regarding dust wipes not being obtained when mold remediation requires the application of the RRP rule and lead-safe work practices (culminating in “clearance” of the cleaned worksite through lab testing of the dust wipes for lead particulate):

As the remaining population of LTP [long term pending] work orders have decreased NYCHA has worked to understand the difficulties in closing the remaining work orders. In addition to discussions with Brooklyn borough management, NYCHA identified that there were certain work orders where the last child [work order] involved a lead dust wipe, which is required following paint disturbing work in units with known or presumed lead-based paint. Overall, across its portfolio, NYCHA has accumulated a backlog of unperformed, long-pending dust wipes that are significantly beyond the lead compliance timeframes. This issue has been disclosed as an area of lead non-compliance under the HUD Agreement and NYCHA is considering a practical strategy for addressing LTP work orders affected by this issue.

The Road Ahead

According to NYCHA’s weekly “Mold Work Order Tracking Report” dated March 27, 2020, system-wide there were 16,173 “parent” mold work orders and 18,055 “child” work orders. Within “Mold Busters” developments, there were 9,881 parent mold work orders

and 15,307 child work orders. There were 537 instances of open work orders for initial inspections.

Obviously, NYCHA continues to have serious problems with mold. As its battle against mold becomes complicated by the impact of the COVID crisis, the gravity of the problem could very well increase. Adding to its obligations, NYCHA must now also begin conceiving and documenting an action plan covering its obligations under Paragraph 15 of Exhibit B, which states:

Within five years of the Effective Date, NYCHA shall comply with the following:

- a. For 85% of verified mold complaints, there shall not be a second verified mold complaint in the same unit or the same common area room or hallway within a 12-month period.
- b. No more than 15% of verified mold complaints shall be for mold covering 10 or more square feet in a unit or common area that is visible from within such unit or common area, unless NYCHA can document to the satisfaction of the Monitor that after having been advised by NYCHA to report incidences of mold, the resident did not report the incidence of mold until after the mold had reached this extent.
- c. Mold shall not appear more than three times in a year in any single unit.

The phase two plan will necessarily be extremely broad in scope and importance. It will have to document a multi-faceted effort that will rely in substantial part upon on well-considered and precisely targeted capital improvements to substantially reduce mold and moisture recurrence by addressing the root causes, ranging from obsolete, beyond-life-span piping, faulty roofs, and porous, crumbling building exteriors. NYCHA has only until January 31, 2023 to comply with the provisions of Paragraph 15.

HEAT AND HOT WATER

Section	Obligation	Agreement Deadline	Status	Monitor Comment
Exhibit B.A.3	Within 90 days of the Effective Date of this Agreement, for those developments which are already furnished with electronic temperature reading devices, NYCHA will institute and maintain a system that identifies all apartments in which such devices indicate a	05/01/19	Complete/ Ongoing	NYCHA has implemented a system to monitor all developments and electric temperature devices that are currently in operation. The Monitor has verified that the system is operating. Verification by the Monitor

Section	Obligation	Agreement Deadline	Status	Monitor Comment
	violation of the City Code heating requirements and identifies the inside and outside temperatures associated with such violation.			will be ongoing as new installations are completed.
Exhibit B.A.4	This information will be available to all NYCHA personnel responsible for heating and to all development managers		Complete/ Ongoing	NYCHA's monitoring system is online and accessible on NYCHA's internal servers on the NYCHA website. The Monitor will continue verifying that information sharing protocols are complete and are being complied with by NYCHA.
Exhibit B.A.5	This information will be fully available to the Monitor, HUD, and SDNY.		Complete/ Ongoing	As indicated above, the data from the electronic temperature devices is available on NYCHA's website.
Exhibit B.A.6	An appropriate mechanism for disclosing this information to the public shall be provided in an Action Plan.	10/01/19	Complete/ Ongoing	NYCHA has included how the information will be disclosed to the public in the Heat Action Plan. As stated above, NYCHA has also started to include the information on their public website in the transparency section.
Exhibit B.A.8	By October 1, 2019 NYCHA shall establish an Action Plan that identifies, for each development, how NYCHA will respond to heating outages, taking into account resident populations, historical data about prior outages, the availability of on-site and remote maintenance personnel, and response times. The plan shall include provisions for alternative heated community spaces for heating outages that are expected to last for a substantial duration. The plan shall also address NYCHA's policies for closing out work orders when the resident is not available at home or otherwise does not provide access to his or her apartment to resolve a heating outage. The plan shall be made available to the residents and posted online.	10/01/19	Complete	Monitor approved NYCHA's Heat Action Plan on December 5, 2019. As of March 31, 2020, NYCHA has drafted individual heat action plans for every development and provided them to the Monitor.
Exhibit B.A.14(a)	By March 31, 2019, NYCHA will create a 24/7 Heat Desk which monitor heating metrics and dispatch staff to correct deficiencies during Heat Season.	03/31/19	Complete	The 24/7 Heat Desk has been timely instituted by NYCHA, and verified by the Monitor. The Monitor is working with NYCHA's Heat and IT departments to ensure the accuracy and completeness of the information going forward.

Section	Obligation	Agreement Deadline	Status	Monitor Comment
				The Monitor is also working with NYCHA's data analytics team and the Heat Department to create a more comprehensive heat dashboard which will enable NYCHA to use its heat data more strategically for operational and capital decisions.
Exhibit B.A. 14(b)	NYCHA will modernize the Building Management System at 44 developments by December 31, 2019. Modernization will include introducing indoor temperature sensors. (It should be noted that Ex B, paragraph 7 of the Agreement sets the deadline for this same requirement as December 31, 2020.)	12/31/19	In Progress	NYCHA has reported to the Monitor that they are currently modernizing their BMS systems at 50 developments, many of which are near completion. The Monitor will verify these installations. Starting in mid-March, NYCHA has had to suspend these installations as there is now limited access to apartments due to the pandemic.
Exhibit B.A.iii. 9(a)	Consistent with the previously stated heat goals of the Agreement, NYCHA will restore heat to units affected by a heating shortage within an average 12 hours.	10/1/2019	Ongoing	Based on Maximo data which has been analyzed by the Monitor, the average length of heat outages to date for the current heat season is less than 12 hours. Now that the heating season is almost over, the Monitor is working with NYCHA to compile summary data for the 2019/2020 season, which will be made available to the public.
Exhibit B.A.iii. 9(b)	During the Heating Season, for 85% of heating shortfalls, NYCHA will restore heat to affected units within 24 hours, and in no event more than 48 hours. NYCHA may restore heat through the use of temporary replacement heating systems that comply with N.Y.C. Admin. Code.	10/1/2019	In progress	NYCHA has been focusing on reducing full building heat outages rather than individual unit heat shortfalls. The Monitor is working to better analyze Maximo data regarding heat shortfalls especially regarding their lengths and causes. Once the shortfall data is better understood, the Monitor will be working with NYCHA to ensure that these repairs are being made quickly and effectively.
Exhibit B.A.iii.9(c)	In any event in which heat is unable to be restored to a particular unit within 12 hours, appropriate NYCHA personnel distinct from the NYCHA personnel responsible for heat restoration as identified in the heat Action Plan shall undertake an	10/1/2019	Ongoing	NYCHA's Environmental Health & Safety unit, using its own heat SME's, has been conducting heating failure root cause investigations for all since the beginning of the current

Section	Obligation	Agreement Deadline	Status	Monitor Comment
	investigation to determine the root cause(s) of such initial failure of the heating system and the failure to achieve the restoration service within the timeframe, identifying corrections to prevent or lessen the recurrence of such failures and track the implementation of such corrective actions. Such information shall be retained in a central repository to which all applicable maintenance staff and management have access.			heating season. EHS has completed over 50 heat outage root cause investigations for the season. We are now working with them to draft a summary report on these investigations and the recommendations made.

During the past quarter we have continued to work with NYCHA to improve its heat and hot water services. Since the beginning of the current heating season we have collaborated with NYCHA’s data analytics team and the Heating Management Services Department (“HMSD”) to better analyze and use NYCHA’s heat data, enabling NYCHA to be more strategic and effective in providing these services to residents. We have also followed the root cause analysis investigations conducted by NYCHA’s EHS unit, which examines heat outages lasting longer than 12 hours. These investigations have generated important information about the causes of outages with corresponding recommendations to HMSD about how best to improve services.

The Monitor team, with the assistance of our building system and infrastructure experts, is focused on working with NYCHA both to improve its immediate plans for maintenance of heating systems as well as on the more expansive and coordinated strategy for the overhauling of all NYCHA’s building infrastructure systems. To that effect, HMSD has begun taking necessary steps to better understand and manage NYCHA’s asset portfolio.

During the previous quarter, HMSD regularly conducted weekly “lessons learned” meetings, where the internal borough leads discuss the prior week’s heat outages, causation, preventative measures, etc. This weekly strategy session is a very useful initiative that will ultimately help NYCHA manage its heat asset portfolio more efficiently. NYCHA’s Heat department and Monitor team members examine every outage that has occurred over the previous week, and collectively strategize about how such situations can be avoided or handled differently in the future.

Aside from these weekly strategy sessions, EHS has provided approximately 50 recommendations pursuant to 24 heat outage root cause analysis investigations since

early November 2019. EHS provided the Monitor team with their investigation reports and walked us through the steps in their inquiries and the subsequent process of sharing their findings with HMSD. The EHS reports were thorough and comprehensive, and conducted independently from HMSD to enable them to be as objective as possible. The recommendations offered were also made based on what EHS heat experts viewed as needed actions to fix the underlying problems.

One concern is that HMSD has had a high rejection rate of the EHS “recommendations to improve performance.” For one site, HMSD rejected long-term staffing and equipment upgrade recommendations because, within a few months of three analyzed outages, the development was transferred via the PACT program so that it is no longer under HMSD management. Developments going through the PACT program will receive substantial capital investments, including in heating systems, though NYCHA maintains the responsibility to ensure that the proper services are provided until that responsibility is fully transferred to the new management company. Still, rejecting these recommendations fails to consider how recommended improvements could be applied to other developments in the NYCHA portfolio that have common heating outage problems. Going forward, the Monitor will be working closely with both EHS and the HMSD team to ensure that progressive, innovative recommendations are in fact being considered and implemented. At the conclusion of the current heating season, the Monitor team, including our infrastructure experts, will work with EHS to draft a report analyzing the season, including, among other things: key heating services data points, causes of various heat and hot water outages, and critical findings and recommendations that NYCHA should adopt to improve services for next season. This report will be available to the public.

Data Analysis/Performance Reporting

As we explained in our last report, the Monitor team has been helping NYCHA to leverage the power of analytics for effective and efficient decision-making. NYCHA has been working with the Monitor to apply this analytical approach to its management of heating outages by formulating an Unplanned Heat Outage Report. This report is intended to document all outages since the beginning of the 2019 heating season and report the total outage counts, developments affected, average duration of response time, total duration of hours per development, and worst performing developments for this heating season. This report also contains a heat map that demonstrates the locations that have had the most unplanned outages to help NYCHA identify trouble spots. In addition, NYCHA and the Monitor also have compiled data that documents, year over year, progress that has been made in regard to heat outages.

Below we have included some preliminary data for this heating season:

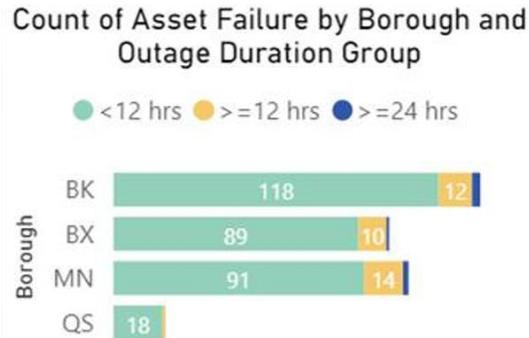


Table 1: Count of Asset Failure by Borough (Data as of 03/18/2020)

Table 1 provides an update as to how each borough has performed this heating season through March 18, 2020. We will use this data to work with HMSD to ensure the organization plans a comprehensive summer maintenance program for these developments.

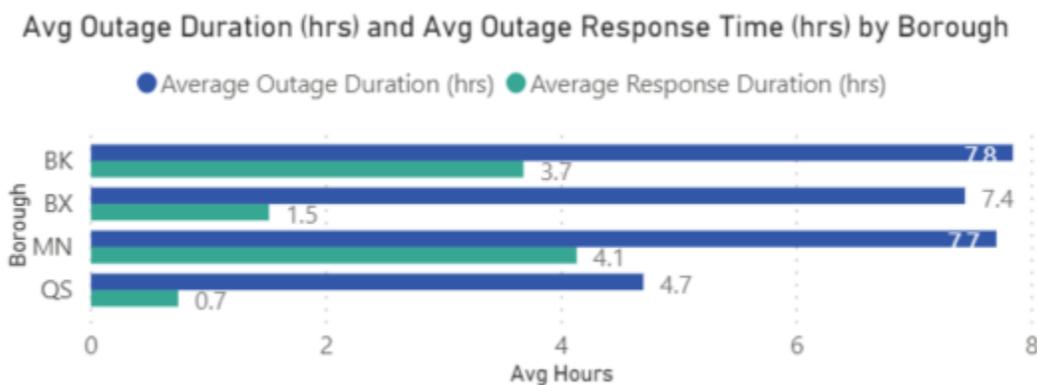
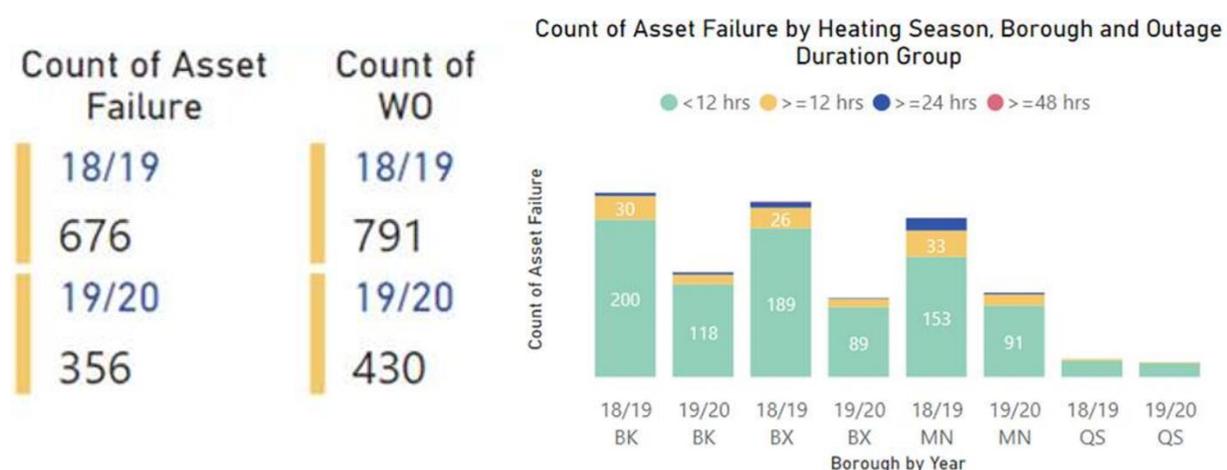


Table 2: Average Outage Responses Time (Data as of 03/18/2020)

Table 2 depicts mobilization times throughout all boroughs in comparison to the average duration response time. There has been minor progress with respect to the average heat outage duration times from the previous quarterly report. For example, last quarter, Brooklyn had an average duration time of 9.4 hours from when a heat outage was reported. However, during this quarter, that time was reduced to 7.8 hours. In Manhattan, last quarter, the borough had an average outage duration time of 8.6 hours. This quarter, data currently is showing that the time has reduced to 7.7 hours, on average. With respect to technician response times to reported outages, in Brooklyn the data is showing a reduction in response times. Last quarter, we reported that Brooklyn

had, on average, a 4.9-hour response time. This quarter, the data is showing, on average, a 3.7-hour response time.

Overall, we are seeing some organizational and operational improvements within the heating department. However, this has been a relatively warm winter season with an average temperature above 30 degrees, which typically places less stress on heating systems. However, the Monitor will continue to use this heating season as a baseline to track NYCHA’s progress on performance in upcoming heating seasons. Below are some statistics comparing this season (2019/20) to the last heating season (2018/19).



In the 2018/19 heating season, NYCHA experienced 676 asset failures with an associated 791 total work orders. For the 2019/20 heating season, there have been 356 total asset failures with an associated 430 work orders. We will continue to record this data and report the final figures at the end of the heating season.

ELEVATORS

Section	Obligation	Agreement Deadline	Status	Monitor Comment
Exhibit B.C.21	Within 120 days of the Effective Date, NYCHA shall establish an Action Plan that identifies, for each building that contains an elevator designed for resident use, how NYCHA will respond when all elevators are out of service at that building (a “no-service” condition).	05/31/19	Complete	The elevator Action Plan was approved by the Monitor on January 30, 2020, was placed on both NYCHA’s and the Monitor’s websites, and the process of directly communicating the highlights of

Section	Obligation	Agreement Deadline	Status	Monitor Comment
	Such plan shall take into account the resident population of each building, any individuals with self-reported mobility impairments, historical data about prior outages or service disruptions, the availability of personnel to assist residents, the terms of any elevator support contract, and historical response and repair times. Such plans shall be made available to the residents and posted online.			the Plan to residents and staff was commenced by NYCHA.
Exhibit B.C.22	Within 120 days of the Effective Date, NYCHA shall provide HUD and the Monitor with sufficient data to identify elevator service interruptions in the prior three years. This data shall be updated at least quarterly.	05/31/19	In Progress	Some data has been supplied by NYCHA, but a full dataset is outstanding, as historical outage data is incomplete or inaccurate in many cases. The Monitor has been working with NYCHA's data analytics team and ESRD in creating a comprehensive elevator dashboard to capture relevant outage, maintenance and repair data in real-time. The first iteration of the dashboard will be completed this quarter.
Exhibit B.C. 27	NYCHA shall have no planned outages that result in a no-service condition between the hours of 6 a.m. and 10 a.m. or between 3 p.m. and 8 p.m., except for planned elevator rehabilitation or replacement or outages mandated by another governmental agency or regulatory entity.	1/31/2020	Not in compliance	As part of the overall process of improving how elevator data is captured and analyzed, the Monitor is working with ESRD and the data analytics team to ensure all elevator data is uploaded into Maximo and will soon be used to better design ESRD's operational decisions. This includes scheduling decisions regarding where and when these planned maintenance outages will occur to focus on the worst performing elevators and planning outages in ways that are least burdensome to residents.
Exhibit B.C.30	Within six months of the Effective Date, NYCHA will institute and maintain a system that identifies every elevator outage and the start and end times of such outages identified by remote monitoring systems, work-order records, or any additional sources of outage information, and make that system accessible and available to all NYCHA personnel responsible for elevators and to other relevant personnel, including all	08/01/19	In Progress	Elevator outages are inputted into Maximo. Outage notifications are made via email to all responsible personnel every two hours. As indicated above, the Monitor is working with NYCHA's data analytics team and ESRD to create a comprehensive elevator dashboard that will capture and report this data. As part of the process for creating the dashboard, the team is

Section	Obligation	Agreement Deadline	Status	Monitor Comment
	development managers and the General Manager.			transforming Agreement and action plan obligations into NYCHA business rules to structure the data and how it is reported-
Exhibit B.C.32	Within six months of the Effective Date, NYCHA will establish a system to provide residents of buildings affected by a planned outage 24-hours advanced notice, and to provide residents of buildings affected by an unplanned outage notice within two hours of NYCHA learning of the outage. Such notice shall include instructions regarding what assistance NYCHA has available for individuals with mobility impairments during the outage. Notice shall occur by robocall and via postings within the affected building and on NYCHA's website.	08/01/19	Completed	NYCHA has instituted Robocalls, posts via NYCHA website, push notifications via its application and provides notices in common areas. Additional protocols are in the recently completed elevator Action Plan. The Monitor team has verified NYCHA's compliance with the posting protocols and is in the process of verifying their effectiveness with residents. Ongoing verification by the Monitor is taking place as these communication protocols are implemented. As the Action Plan requires, the Monitor will be working with ESRD going forward to identify ways that communications with staff and residents regarding elevator outages can be improved.
Exhibit B.C.33	NYCHA will provide the Monitor 24 hours advanced notice of any planned outage, and shall notify the Monitor of any unplanned outage within two hours of NYCHA learning of the outage. Notice shall occur in the method prescribed by the Monitor.		Complete/ Ongoing	The Monitor has been receiving elevator outage notifications every few hours from NYCHA on a daily basis for the last several months. We will be working with NYCHA to ensure that these notifications contain all necessary information.

As with all the other major systems in NYCHA buildings, the working condition of elevators at the developments significantly impacts the daily lives of residents, particularly the elderly, young children, and others with mobility challenges. NYCHA's data indicates that 92% of resident buildings, or 1,603 buildings, are serviced by a total of 3,193 resident-use elevators, almost half of which are single elevators that service an entire stair hall (building section). This is significant because it means that when the one elevator is out of service for either repair or maintenance, there is no elevator available at all for that building or building section.

The Agreement required NYCHA to devise an action plan to respond to no-service conditions. We are pleased to announce that NYCHA finalized a comprehensive plan this past quarter, which was approved by the Monitor on January 30, 2020.⁶ The plan, which we summarize below, also includes significant improvements to NYCHA's elevator maintenance and service, which are intended to prevent outages in the first place. Implementation of the plan is ongoing. In addition to the plan, during this past quarter we worked with NYCHA to improve its collection and analysis of elevator data in order to create a NYCHA elevator dashboard. This dashboard, like the heat dashboard, will more accurately track NYCHA's provision of services and allow NYCHA to focus its resources where they are most needed. We anticipate that the elevator dashboard will be completed by the summer.

Elevator Action Plan

As with the action plans in the other Agreement areas, the elevator plan contains all the critical goals to meet and actions that NYCHA must take to comply with the Agreement and otherwise provide reliable elevator services. The plan is a blueprint for how NYCHA will accomplish these goals and actions, laying out in detail who at NYCHA will perform each task, what resources they will need, how those resources will be procured, and by when each action will be taken or performance milestone reached.

The plan begins with a summary of the Agreement's obligations, which require NYCHA to reduce breakdowns, more accurately capture and report outage data, better accommodate residents during no-service conditions, and effectively communicate the plan to residents and staff so that all at NYCHA understand the protocols and their responsibilities. The plan includes a timetable and process for when and how it will be communicated. Up until mid-March, when the COVID crisis hit New York, NYCHA was on track to complete this communication schedule by April.

The core of the plan addresses elevator maintenance and repair SOPs, describing in great detail the procedures for each, including which departments and units within NYCHA that are responsible for every step. Also included are the communications that must be made to impacted residents when elevators are out of service. Of particular concern are seniors and residents with mobility restrictions. NYCHA's Tenant Data System for each development is tasked with maintaining an up-to-date record concerning this vulnerable

⁶ See <https://nychamonitor.com/wp-content/uploads/2020/01/Elevator-Action-Plan-FINAL.pdf>.

population so that they receive direct notifications of elevator outages and can access other types of assistance to support them during outages.

NYCHA has more to do in providing residents with reasonable accommodations during outages so that they are not literally captive in their apartments until service is restored. This is a complicated problem to solve, and while NYCHA currently provides some support, mainly through the work of the development housing assistants, maintenance workers and caretakers, more comprehensive procedures are needed. The plan requires that NYCHA release an RFP to hire a consultant to work with NYCHA to bolster these offerings. NYCHA is due to release the RFP in the next few weeks.

The plan also lays out installation schedules for critical elevator equipment that will keep NYCHA's aging elevators in operation until they can be fully replaced. This equipment includes water-resistant door operators, remote elevator monitoring systems, hoist motor and generator replacements, and door lock monitoring devices. The plan also requires NYCHA to create a system to better track and use elevator warranties and manufacturer's maintenance manuals as a means to better preserve its stock. Additionally, the Plan includes NYCHA's five-year capital plan for elevator replacements, which includes the elevators replacements as part of the GDA plan.

The plan also identifies impediments to ESRD's operations that must be improved. A key challenge is having sufficient repair staff available during overnight hours to respond more quickly to outages. NYCHA has been working with the City's Office of Labor Relations to address the issue of modifying shift schedules for these workers.

Elevator Dashboard

When the Monitor team started working with ESRD on the action plan early last summer, we were told – and soon discovered for ourselves – that the quality of the elevator data was largely unreliable. Historically, most of the information captured by ESRD maintenance and repair teams was contained in handwritten reports that were never centrally collected or electronically saved by NYCHA. Although Maximo was introduced as NYCHA's main operational database over ten years ago, ESRD still did not consistently use it to store maintenance and repair information until fairly recently. These practices have resulted in a circumstance where NYCHA's elevator maintenance and repair information is largely incomplete, and therefore of limited value to operational or capital decisions.

Even when ESRD did begin to use Maximo, the coding options used to describe various elevator maintenance and repair diagnostic findings, including failure codes for outages,

were very limited. The end result was that much of the elevator data in Maximo was incorrect and/or imprecise, and therefore not useable as a measure for accurate elevator conditions. To address this circumstance, ESRD and NYCHA's IT department started making modifications to Maximo almost a year ago so that elevator data could be captured more comprehensively and accurately. Monitor team experts have provided suggestions for more precise codes.

While these new improvements are significant, the bottom line is that reliable and complete data only exists as far back as last summer when the Maximo modifications were made. Because the average age of NYCHA elevators is well over twenty years, much of the information regarding their individual maintenance and repair histories and other characteristics exists only anecdotally or in the memories of veteran ESRD staff. Given the complexities of trying to keep overage elevator stock operating with almost no repair and maintenance histories available is a significant challenge.

As described in the prior section of this report, the Monitor team collaborated with NYCHA to create an electronic heat dashboard that captures and reports on key heating service information. In January 2020, the same personnel from the Monitor team and NYCHA's data analytics group partnered with ESRD to create a similar dashboard to better support elevator services. While the ability to capture each elevator's maintenance and repair history is limited for the reasons described above, ESRD will be able to reliably report on critical elevator metrics going back at least nine months and of course going forward. The completion of the elevator action plan enabled the team to create comprehensive business rules for this dashboard that include plan and Agreement obligations.

The purpose of the dashboard is to: 1) provide ESRD with critical, real time information so that it can conduct maintenance and repair work more effectively and rapidly, so that residents and staff are burdened as little as possible, 2) and use this information to ensure that capital replacements of its elevator stock are better focused on the worst performing assets.

The dashboard will report various information regarding outages by borough, sector, development, building, and stair hall. The dashboard will also indicate how many residents are affected by every breakdown, with a focus on NYCHA's seniors and mobility challenged residents, based on information captured in each development's Tenant Data System. Response time to every outage is also important to know so that staffing levels, schedules, and location of commonly used repair parts and equipment can be better tracked and strategically planned.

Given the general poor condition of NYCHA’s aged elevator stock, preventive maintenance is a key component to keeping the elevators running properly. ESRD is supposed to be performing regular maintenance work on *every* elevator on monthly and yearly schedules. One of the problems is that elevator outages are prioritized over maintenance work, which is logical, so that ESRD staff can be pulled away from maintenance work at any time. Keeping accurate records of all maintenance work done across its entire portfolio is the only way that NYCHA can keep them operating until they can be replaced. The data captured and tracked on the dashboard will facilitate better tracking of this information and schedules.

The Monitor team is currently in the process of reviewing the prior six months of available elevator data in Maximo, to verify the both the validity of data and the effectiveness of the recent modifications to Maximo regarding its coding of outage failures and other critical information. The results of such data analysis will be disseminated once completed.

PEST AND WASTE MANAGEMENT

Section	Obligation	Agreement Deadline	Status	Monitor Comment
Exhibit B.D.35	Within six months of the Effective Date, the Monitor in consultation with NYCHA shall establish reasonable protocols by which Integrated Pest Management (“IPM”) professionals shall develop and provide reliable estimates, at least quarterly, of the pest populations in each NYCHA development. NYCHA shall promptly publish these figures, by development and pest type, on its website.	08/01/19	Partially Complete	The IPM pest infestation protocols have been established but NYCHA has yet to publish this data on its public website. The Monitor and NYCHA timely drafted and submitted the protocols (NYCHA Pest Infestation Index or NPII) to SDNY and HUD, which were subsequently approved. The Monitor’s pest expert trained the NYCHA inspectors and the indexing began on February 3, 2020- In-unit indexing has been halted due to the pandemic and will resume when inspectors are allowed back in the units. Telephonic indexing of roach infestation levels continues notwithstanding the pandemic. The quarterly reporting by NYCHA is scheduled to begin after the initial indexing is complete.

Section	Obligation	Agreement Deadline	Status	Monitor Comment
Exhibit B.D.41	<p>Within six months of the Effective Date, NYCHA shall, for any unit that has more than one pest infestation complaint verified by NYCHA staff within twelve months (a) cause a professional using IPM techniques to evaluate the unit and its immediately adjacent units and common areas within 30 days to identify any circumstances specific to that unit that may have contributed to such recurrence (including, but not limited to, unaddressed leaks, proximately located trash, or holes in walls), and (b) address, consistent with IPM principles, any such circumstances within the following 30 days.</p>	08/01/19	In Progress First Targeted Relief Requirement completed.	<p>On January 17, 2020, NYCHA completed the First Priority Targeted Relief Requirement of 2,645 residential units with a verified open pest work order plus at least one additional pest work order since January 31, 2018. NYCHA had anticipated that the Second Priority Targeted Relief Requirement, comprising 4,763 residential units, would be completed by April 15, 2020, but that date will be delayed due to the pandemic. As for the impacted adjacent units and associated common areas, the proposed Action Plan calls for NYCHA to complete inspection and treatment by June 30, 2020. That target date will also be delayed due to the pandemic.</p>
Exhibit B. D. 43	<p>Within twelve months of the Effective Date, NYCHA shall incorporate industry standard IPM practices, including Northeastern IPM Center (NortheastIPM.org and StopPests.org), Integrated Pest Management – A guide for Affordable Housing, using the current edition at the time of the pest complaint (the edition as of the Effective Date was February 2014), as developed under an interagency agreement between HUD and the U.S. Department of Agriculture) for their Delivery of IPM Training to PHAs project; and current editions of other professional IPM resources as the Monitor may approve, into building operations in all NYCHA properties.</p>	2/1/2020	Completed	<p>NYCHA has issued guidance to all relevant staff mandating the use of IPM and outlining changes to pest management practices. NYCHA staff, with the assistance of the Monitor and the Monitor's consulting entomologist, is developing Standard Procedures for IPM treatment – to be finalized by June 30, 2020 – and other Quick Reference Guides and information technology upgrades. NYCHA has updated its supplies and strategies for pest control, including ordering standard IPM supplies, significantly limiting purchases and use of high toxicity pesticides, and providing IPM supplies to exterminators. Further actions remain in progress, including the development of an IPM communication campaign to promote IPM and other program changes and raise awareness of best practices to keep homes pest free. By June 30, 2020, NYCHA plans to develop an on-line repository for Operations' property management staff for all IPM and related subject matter</p>

Section	Obligation	Agreement Deadline	Status	Monitor Comment
				materials. The repository will be located on NYCHA's intranet and available to all employees.
Exhibit B. D. 44	Within twelve months of the Effective Date, NYCHA shall send staff appropriately trained on IPM to respond to any pest complaint.	2/1/2020	Ongoing	NYCHA has implemented an IPM training program, training numerous exterminators and other staff on IPM principles to date. Further initial IPM training for relevant NYCHA staff, including an IPM webinar for all remaining property level staff and trainings for exterminators on specific pests and interaction with residents, is scheduled to be completed by July 31, 2020.
Exhibit B.D.45	Within six months of the Effective Date, NYCHA shall, no less than once every 24 hours, inspect the grounds and common areas of each building for cleaning and maintenance needs, including pests and trash, and correct such conditions. NYCHA shall ensure that trash on the grounds or common areas of each NYCHA building is collected and either removed from the premises or stored in a manner that prevents access by pests at least once every 24 hours.	08/01/19	In Progress	NYCHA still has not fully met this requirement. On the whole, while NYCHA is inspecting the grounds and common areas and removing trash at least once every 24 hours (except when staffing shortages are created due to the AWS system), NYCHA still doesn't have the ability in some developments to either store collected trash in pest-proof receptacles or remove the trash from the development premises every 24 hours. NYCHA, with assistance from the Monitor, has prepared an Action Plan to include NYCHA's establishment of a Waste Management Department, hiring of additional caretaker and maintenance staff, collaboration with DSNY to increase weekly trash pickups, and procurement of additional capital needs such as compactors and bulk augers. While the substance of the Plan has been completed, NYCHA will not commit to deadlines at this point due to the COVID pandemic.

Section	Obligation	Agreement Deadline	Status	Monitor Comment
Exhibit B. D. 46(a)	NYCHA will install 8,000 door sweeps on basement doors with gaps by March 31, 2020.	3/31/2020	In Progress	As of mid-March when the pandemic began, NYCHA reported that it had completed approximately half of the required number of door sweep installations. This figure has not been verified by the Monitor. Further, the Monitor's initial inspections indicated that many door sweeps had been improperly installed. In other cases, no door sweeps were installed on doors that were damaged making proper installation impossible. NYCHA is identifying these deficiencies so that they can be corrected.

In this quarter, NYCHA finalized the substance of the Pest and Waste Action Plan, although target dates for completing several obligations under the Agreement have not been resolved, in part due to COVID-19, even for some of actions that need not be affected by the pandemic. That having been said, NYCHA has been executing the substance of the plan excepting in-unit pest remediations, which have been stopped during the pandemic except for certain remediations necessitated by emergencies (principally, any rat infestation). We summarize the highlights of the plan in this report and the extent of NYCHA's compliance with it to date.

Where deadlines are listed below, they were based on projections made by NYCHA, HUD, and the Monitor team prior to the COVID crisis. Obviously much of what is possible, especially when access to resident apartments is necessary, has radically changed for at least the next few months. Because no one knows the length of the impacts of the COVID crisis at this point, the reader should assume that most of these dates will be pushed back at least for a few months except for certain rodent remediation. We will update these dates in our next quarterly report.

Pest Provisions

Integrated Pest Management (Agreement, Ex. B ¶¶ 42-44)

Integrated Pest Management ("IPM") is a set of rules and standards that prioritizes prevention and control of pest infestation (rats, mice, roaches and bedbugs), including excluding pests (primarily through caulking at joints, inserting mesh, and strategically

applying gel at points of ingress); improving sanitation to eliminate food sources; resident outreach to teach best practices; inspecting primary and adjacent units and common areas; proactive monitoring; and follow-up inspections. NYCHA, assisted by the Monitor and the Monitor's consulting entomologist, is developing standard Procedures for IPM treatment, to be finalized by June 30, 2020. IPM training for all affected NYCHA staff was scheduled to be completed by July 31, 2020, but that date will be extended due to COVID-19.

IPM is being used as follows: (1) as part of the Clean Buildings Initiative ("CBI"), which is incorporated in the plan, instituted at a development in lower Manhattan as a pilot program using IPM - - that program has been completed, and NYCHA and the Monitor are evaluating the results before expanding the program to other developments; (2) in pest remediations throughout the City pursuant to NYCHA's Targeted Relief program; and (3) in responding to tenant complaints of pest infestations.

IPM is most effective when 100% of the means of ingress for pests in a unit are treated and sealed. If gaps remain, the pests will find them. Thus, tenant preparation for IPM treatment – by removing all contents of kitchen and bathroom cabinets and all clutter next to walls, and by moving furniture and heavy appliances away from walls – is an essential prerequisite for effective treatment. NYCHA has used a variety of techniques, including leaflets, robocalls and door knocks, to inform tenants of pending treatments and advise them as to proper preparation.

Monitor Team members have visited developments to observe the effectiveness of IPM applications. Based on our observations, we note that: (1) NYCHA exterminators observed by the Monitor team appear to be adequately trained in IPM and knowledgeable in its application; (2) outside vendors, though contractually required to be IPM-trained, are highly inconsistent in their application of IPM; (3) tenants appreciate NYCHA's pest remediation efforts; and (4) most units are not adequately prepared for IPM remediation, and thus the remediations in those units are incomplete, which may allow pests to remain or return. NYCHA is considering ways to improve tenant outreach and training to increase the number of units that are adequately prepared for remediations and enhance tenant use of best practices to maintain homes in a pest-free condition.

Neighborhood Rat Reduction (Agreement, Ex. B. ¶¶ 36-38(a), 39(a))

The Neighborhood Rat Reduction Program ("NRR") has been implemented at 112 sites, with more to come. NYCHA advises that the rate of rat reduction has reached 58%, but that figure has not been validated by the Monitor. NRR uses a 9-member Rat Burrow Collapsing team and environmentally friendly rodenticide to reduce burrow counts. Dirt

basements are sealed off with concrete, preventing rats from infesting buildings. Residents are taught how to reduce rats' food sources. In its Third Quarterly Report, the Monitor advised that proper protocols for rat burrow collapsing were not being uniformly followed by NYCHA exterminators. Since then, proper protocols have been reinforced within NYCHA, although the Monitor team has not yet determined whether the retraining has been effective; further, it is unknown whether outside vendors have received recent guidance in this regard. The plan calls for NYCHA to complete this scope of work by May 31, 2020, which continues notwithstanding COVID-19.

NYCHA Pest Infestation Index (Agreement, Ex. B., ¶ 35)

The NYCHA Pest Infestation Index ("NPII") is a census of pest conditions throughout the City that will serve as a guide for targeted remediations and baseline for measuring pest reduction over time. The NPII is being created through inspecting a random sample of 8,775 unique units, approximately 1,500 of which have been done to date. The completion date will be affected by delays caused by the COVID-19.

Clean Building Initiative ("CBI") (Agreement, Ex. B. ¶¶ 36-44)

CBI is a city-wide initiative intended to remediate pest conditions using IPM in all units in all buildings throughout NYCHA's portfolio. While the timetable for CBI does not correspond to the deadlines imposed by the Agreement or plan, CBI is incorporated in the plan to the extent its remediations satisfy NYCHA's obligations therein. As stated above, CBI has been implemented at a lower Manhattan development as a pilot project. As of March 9, 2020, NYCHA has inspected and treated 1,765 units out of 1,842 attempted units – but the completion rate does not consider units that were not fully treated with IPM for the reasons discussed above, and that require re-treatment.

Targeted Pest Relief ("TR") (Agreement, Ex. B. ¶ 41 and Appendix 3)

The Agreement provides that NYCHA remediate all units that had at least two verified pest infestation complaints within the preceding year, as well as their adjacent units and common areas. NYCHA divided this group into two sub-groups, those that still had open pest work orders, called First Priority Impacted Units ("TR1"), comprising 2645 units, and those that did not, called Second Priority Impacted Units ("TR2"), comprising 4763 units. While NYCHA did not meet the deadline in the Agreement, it did complete TR1 remediations by January 17, 2020. NYCHA had anticipated that TR2 would be completed by April 15, 2020, but that date has been delayed due to COVID-19.

As for adjacent units and common areas, as of February 2020, approximately 28% of TR1 and 26% of TR2 that were inspected and treated had pest conditions requiring inspection and treatment of their adjacent units. As a percentage of all TR1 and TR2

units, pest conditions would need to be verified in 7,100 units, and if found, further inspected and treated. The plan calls for NYCHA to complete this process by June 30, 2020. That target date will likely not be met.

Priority Matrix for Pest Treatments (Agreement, Ex. B, ¶¶ 38(a), 39)

The Monitor’s consulting entomologist has prepared a “priority matrix” to guide NYCHA in focusing its resources on the most critical infestations first. Pest infestations are categorized as “low,” “midlevel” or “high,” and initial response times – and re-application times – are scaled accordingly for each type of pest. By June 30, 2020, NYCHA’s IT Department is scheduled to have enhanced Maximo to automatically generate work tickets at priority levels that conform to this matrix.

Staffing (Agreement, Ex. B, ¶¶ 38(a), 39)

The plan requires NYCHA to procure additional exterminator vendors by June 30, 2020, to meet its pest remediation obligations; by the same date, to hire additional staff to supervise the exterminator vendors; to assess the performance of the additional staff; and, by September 30, 2020, to make further staffing determinations based on the results of the assessment. The deadline date will be pushed back due to the additional time it takes to hire new staff remotely.

Resident Engagement (Agreement, Ex. B, ¶¶ 38(a), 39)

Resident engagement is necessary for the plan to succeed. Communication with tenants enables NYCHA to ascertain their needs and respond to them effectively. Further, engagement teaches tenants best practices in maintaining clean homes, buildings, and common areas. NYCHA has a Resident Engagement team that communicates with residents on an ongoing basis. In addition, the plan introduces the “Resident Ambassador” program, in which select residents, trained by NYCHA and compensated for their work, support NYCHA’s outreach to facilitate access to tenant units for pest remediation and educate them on best pest control methods. NYCHA advises that the Resident Ambassador program has been used for NRR and CBI, but the Monitor’s inspections indicated that the program had yet to be implemented – only 3 out of 8 Resident Ambassador slots were filled at a lower Manhattan development (and a fourth was later added) – and the selectees had not been trained, much less effectively utilized. The plan requires NYCHA to evaluate the program’s effectiveness by the end of 2020, and decide, by February 2021, whether to continue or expand it.

Residents with Health Conditions (Agreement, Ex. B, ¶ 38(d))

By May 31, 2020, the Monitor and NYCHA will determine whether the current annual tenant recertification process – which enables tenants to provide medical information in

response to questions pertaining to needs and the adequacy of resident access – should be revised to seek more specific information concerning asthma and other conditions generally recognized as being caused or exacerbated by exposure to pest infestations. By August 30, 2020, NYCHA’s IT Department will enhance Maximo to provide a “flag” for units with applicable health conditions reported to NYCHA. The flag will alert NYCHA to prioritize remediations in these units in case of a complaint. Due to the COVID crisis, this deadline will be pushed back until at least June 30, 2020.

Door Sweeps, Rat Slabs and Bulk Crushers (Agreement, Ex. B, ¶¶ 35, 46)

The Agreement requires that NYCHA, by March 31, 2020, install 8,000 door sweeps on basement doors with gaps so as to block access by rats and mice. As of March 13, 2020, NYCHA reported that it had completed only 3,907 installations. That figure has not been verified by the Monitor team, and the Monitor team’s initial inspections have indicated that many door sweeps that were recently installed do not cover the entire gap and need to be re-installed. Likewise, many basement doors cannot support door sweeps because the doors are damaged or otherwise need repair. NYCHA is working on identifying all the doors that must be repaired. Once that is done, the respective door-sweeps will be properly re-installed.

By December 31, 2020, NYCHA will install 50 rat slabs at designated developments. That work is ongoing.

By the end of 2022, NYCHA will install new exterior bulk crushers at designated developments.

Waste Provisions

Waste Removal (Agreement, ¶ 45)

Paragraph 45 of the Agreement requires that NYCHA, at least once daily, inspect the buildings’ grounds and common areas, collect the accumulated waste, and remove it from the premises or secure it for removal. The Monitor team’s inspections reflect that this is generally being done, although at many developments tenants dispose of trash and bulk items throughout the day and evening and thus waste accumulates despite the once-a-day clean-up. Further, scaffolding and construction fencing at many developments blocks portions of common space, and waste accumulates in those areas. NYCHA personnel are not authorized to enter those spaces, and so they remain unattended. At some developments, staff continually clean throughout the day to counter accumulating waste. NYCHA has instituted Alternate Work Schedules (“AWS”), which stagger staff assignments

throughout the week to provide nominal 7-day coverage, but AWS is ineffective at many developments because it spreads staff too thinly to enable them to do their jobs. The plan has several features designed to remedy these deficiencies as discussed below.

Formation of a New Waste Management & Pest Control Department

As stated in our Third Quarterly Report, a new Waste Management & Pest Control Department has been formed – which was supposed to be fully operational by April 2020, but was delayed due to COVID-19 – consolidating these two related functions in one department led by the Vice President of Waste Management & Pest Control. The new department will be responsible for planning and property-level policy design, including individual waste management plans for each development (and adjustments in janitorial schedules where advisable); managing equipment and other assets, including all equipment repairs and preventive maintenance; enforcing contracts with third-party vendors; and coordinating functions with the Department of Sanitation and other third-party agencies.

Individual Property Analysis and Individual Waste Management Plans

NYCHA has hired seven graduate students to compile an Individual Waste Management Plan (“IWMP”) for each development, to be completed by November 30, 2020. The IWMP template will reflect all development typologies, site conditions, asset and equipment mapping, and present staffing levels. A “gap analysis” will be done to determine the future staffing, equipment, removal, and other needs of each development. The IWMPs will be implemented no later than January 31, 2021.

Staffing and Scheduling

Data reflecting consolidations’ actual and budgeted head counts reveal that some consolidations are over their allocated head count while other developments have vacancies. Floaters and temporary workers may account for some of this discrepancy, but NYCHA currently lacks certainty on staffing levels. Moreover, NYCHA has not measured whether these ratios accurately reflect the staffing needs of each development. For example, while a development may not have a high “total acreage,” coverage may still be insufficient because of its geographic footprint, including the actual location of a waste yard relative to the highest density buildings. Accordingly, by January 15, 2021, NYCHA will analyze its current overall staffing headcounts, redesign its staffing model, apply that model on a consolidation by consolidation basis to conduct a gap analysis, and submit a plan to add or shift staff at individual consolidations using that model across the portfolio. This effort will be conducted together with NYCHA’s efforts to establish property-based budgets, which will include site specific staff assigned to those budgets in addition to employees shared across sites.

NYCHA is currently conducting case studies at two developments to determine: (1) the quantitative factors that impact waste management conditions; (2) the degree of difficulty in achieving compliance with Paragraph 45 based on current staffing headcounts and whether the ratios used reflect that difficulty; and (3) whether to adjust the above-described ratios based on other qualitative information. This will be completed in the next few weeks. NYCHA will then develop a new staffing model based on the results of that study and other pertinent factors. That will be done, and the new model will be in place, by August 30, 2020.

Resident Engagement and Property-Level Enhancements

NYCHA surveyed residents to obtain data on resident waste-management practices, challenges, and priorities, and determined the following: (1) NYCHA should provide easier, more convenient access to trash receptacles; (2) improvements should be designed in collaboration with tenants; and (3) clear messaging should be provided to increase resident knowledge about waste management. NYCHA is undertaking to address these issues.

By November 30, 2020, all IWMPs will be in place. By December 31, 2020, NYCHA should have completed installation of 1558 in-sink food waste disposals. In addition, by August 30, 2020, a consultant will evaluate whether NYCHA should invest in additional disposals. NYCHA is issuing a Request for Qualifications for installing a pneumatic collection system at one development, with an evaluation of its cost/benefit to follow, to be completed by December 31, 2023. Where practicable, NYCHA is enlarging ground-floor trash chute doors to encourage tenants to dispose of larger trash bags for compaction in interior compactors, rather than dumping bags on the grounds. This has been done at 40 developments: 23 developments are queued for installation in 2020. Over the 5-year span of CBI, 243 developments will have large trash chute doors installed. The above dates could be affected by COVID-19.

Regarding tenant communication and engagement, NYCHA will retain third parties to support resident- and community-led initiatives reinforcing a positive waste culture. NYCHA will release a stakeholder engagement RFP in the spring of 2020 and retain vendors by the fall. Further, through a contract with DSNY, an initiative known as GrowNYC is implementing actions to improve recycling and waste management at 12 developments. Resident Engagement staff is training residents on recycling and proper waste disposal. This program will continue through June 2020, and consider expanding thereafter depending on the program's effectiveness. Further, by July 31, 2020, NYCHA will procure a strategic communications firm to lead its "Campaign for a Clean NYCHA."

The campaign will, among other features, update waste management and recycling signage, replacing it with standard up-to-date signage, and provide consolidations with maps indicating collection locations for each type of waste. The maps will be prominently posted in lobbies and management offices. Digital versions of the maps will be available at NYCHA electronic kiosks. Some or all of these dates, however, could be affected by the COVID crisis.

Finally, as part of resident engagement, NYCHA launched a pest and waste management pilot at two developments with particularly acute histories of relevant issues. The goal was to implement a program to educate residents on how to prevent pest infestations in their units through identification, remediation, and increased garbage removal, thereby reducing the volume of household pests throughout the development. In December 2019, in a first round of training, over three dozen residents (“Resident Ambassadors”) were trained by the Monitor’s consulting entomologist on how to identify and reduce the prevalent types of pest infestations in their developments. These Resident Ambassadors talked with NYCHA staff in attendance about NYCHA’s remediation procedures.

The Monitor is working with its entomologist to develop a training curriculum for the Resident Ambassadors for a second round of training. The goal is to train the Resident Ambassadors on how to teach other residents about best practices for pest prevention. This training was scheduled to take place in March 2020, but has been postponed until the COVID crisis abates.

Storage and Containerization

NYCHA will focus on three containerization priorities: (1) maintaining compactors and upgrading equipment; (2) providing proper containerization for bulk and recycling waste; and (3) improving containerization practices at curbside locations. As for (1), by October 31, 2020, NYCHA will install 216 new interior trash compactors, 26 new exterior compactors, 5 new bulk crushers, and enlarged trash chutes and waste disposers as discussed above. After 6 auger compactors are installed in 2021, NYCHA, by June 30, 2021, will assess how they accommodate daily trash and bulk waste. Some or all of these dates could be affected by COVID-19.

As for (2), to properly containerize bulk waste and recyclables, NYCHA is redesigning exterior waste yards to incorporate facilities to store multiple waste streams, enabling secure storage of waste and recycling. Auger compactors that can process bulky waste with household trash will replace conventional ram compactors and open top containers. These waste yard designs include containers for mattress recycling, appliances, eWaste and cardboard, as well as improved fencing and a partial canopy for aesthetics and

cleanliness. Mattresses compose 7.5% of NYCHA's bulk waste. Mattress collection in a dedicated sealed container increases capacity of other containers, enhancing NYCHA's ability to ensure that all bulk waste is containerized. NYCHA released a Mattress Recycling RFP by March 30, 2020 to procure mattress recycling services for up to 100 developments. The first batch of sites will be selected by September 30, 2020. Cardboard composes 15% of NYCHA's bulk waste and is recyclable. Cardboard balers can reduce cardboard volume by 75%, and will be included in the waste yard redesigns. Installations, training sessions with staff and pickup coordination efforts with DSNY should be completed at the first batch of sites by December 31, 2020. Some or all of these dates could be affected by the COVID crisis.

As for (3), as part of the IWMP process, the Waste Management Department will work with each consolidation relying on curbside pickup to design a strategy for containerization that considers the space constraints unique to each location. At some sites, using tilt trucks or other pest-resistant semi-containers may be sufficient, but other sites will require different containerization strategies.

Bulk Waste Removal

NYCHA must remove bulk waste on a more frequent cycle. As NYCHA's primary waste hauler, DSNY plays a fundamental role in waste management. DSNY removes trash approximately 2-4 times per week. All recycling is collected curbside by DSNY once a week. Bulk waste is removed from NYCHA sites through joint action by NYCHA, DSNY, and private bulk carters. DSNY allocates to NYCHA a designated number of "bulk tickets." Each ticket represents a single drop-off of a 30-yard container at one of DSNY's waste yards. NYCHA divides the tickets among its portfolio.

NYCHA is addressing waste removal priorities. In November 2019, NYCHA asked DSNY to expand curbside collection to 7 days. DSNY suggested it is unlikely to do so due to cost but will consider other options. The Waste Management Department will continue to work with DSNY to increase the frequency of removal at sites without space for containers or other equipment. In 2019, DSNY reduced NYCHA's annual quota of bulk tickets from 950 to 800. As a result, NYCHA could not provide its developments with enough tickets to remove waste as needed. After discussions with NYCHA, DSNY agreed to provide NYCHA with 950 bulk tickets in February 2020.

RESIDENT AND COMMUNITY ENGAGEMENT

In the last quarter, the Monitor's Resident and Community Relations team has continued engagement with residents, resident leaders, community organizations and other stakeholders. We organized a Community Meeting with residents in Queens and held a Community Advisory Committee ("CAC") meeting in February. Separately from soliciting feedback from residents and other stakeholders, we have held meetings with NYCHA's Community Engagement and Partnership Department as well as HUD's staff dedicated to the enforcement and interpretation of HUD 964 regulations about how we can improve resident engagement and participation for the benefit of advancing the recently approved Action Plans, all of which contain important requirements for engaging and communicating with the residents.

Community Advisory Committee ("CAC")

On February 11, 2020, the Monitor team hosted its fifth CAC meeting. CAC meetings are live-streamed and accessible to listeners by phone. They are dedicated to discussing areas for improvement at NYCHA identified by CAC members.

The fifth CAC meeting began with the Monitor's overview of the Third Quarterly Report, followed by an update on efforts to increase the hiring of caretakers and maintenance staff by a HUD representative. The CAC members discussed their work and collaborations in the following areas: HUD 964 regulations and resident association bylaws; the use and distribution of Council funds for capital projects; staffing and the efficient scheduling of workers at developments; communication with residents regarding and coordination within NYCHA on construction projects; and NYCHA's processes regarding residents' leases and recertifications. Below we discuss some of the important initiatives to arise from the CAC.

Fire Safety

Following our February meeting, and as a result of the New York City Fire Department's ("FDNY") continued work on the CAC, FDNY began to offer fire safety and prevention training sessions to NYCHA residents in February 2020. The Monitor team recommended prioritizing outreach to the 20 developments reported to have the highest number of heating outages during the 2018-2019 heating season, as identified in the Heat Action Plan. Knowing that many NYCHA residents often resort to alternate sources of heat during outages to keep their families warm, such as ovens or space heaters, we recognized the need for the training. FDNY's training provided residents with information on how to

prevent fires and what do to when there is a potential fire hazard or emergency. To date, two developments have received this training and three had been scheduled for the week of March 16, 2020. It is important to note that while the attendance for these two sessions was higher than or as high as at the usual resident association monthly meetings, low resident engagement across NYCHA developments has been an ongoing obstacle for getting information to the residents.

The Monitor team and FDNY decided to postpone remaining in-person training sessions out of an abundance of caution surrounding COVID-19. Currently, the Monitor team and FDNY are working on a plan to utilize FDNY's online video training to promote residents' fire prevention and safety until we are able to resume in-person training sessions. In addition to these efforts, on March 3, HUD awarded NYCHA \$250,000 for the purchase of carbon monoxide detectors.

Community Centers

The Monitor team continued the conversations with our CAC members working to improve conditions and services at NYCHA's community centers. The conversations between CAC members and other parties about the centers are progressing towards addressing the needs of both the centers and the residents. Those discussions are temporarily paused to allow NYCHA and the center operators to respond to the COVID-19 outbreak.

Recertifications and leases

NYCHA has been working with CAC resident representatives to improve the procedures for recertifications and leases. As it currently stands, NYCHA does not process recertifications in a timely manner. Residents report waiting for a year or more to update their family composition on their lease. To improve the process, the CAC members have recommended utilizing a dashboard to allow for quicker updates to family compositions and those discussions have begun. The CAC members have also recommended revising the annual recertification form to make it easier for residents to accurately fill out the form with simplicity and ease. As a response to a loss of income many residents are experiencing due to COVID-19, NYCHA has been using the interim certification process and introduced a new rent hardship process in efforts to lower the rent of residents who can no longer afford to make rent payments.

HUD 964

A CAC member from HUD has been providing guidance to NYCHA regarding its compliance with, and implementation of, HUD 964 regulations governing resident engagement. NYCHA has a responsibility to foster a positive environment and ensure that residents participate in the decision-making process of a public housing authority. HUD

has issued guidance regarding District Councils, and NYCHA issued additional guidance to the residents regarding both District Councils and membership fees in relation to voting in the resident association elections, in response to a number of resident complaints.

Other Community Meetings

On January 9, the Monitor hosted a community meeting at Queensbridge Houses' Jacob Riis Community Center. The community meetings at NYCHA developments are a component of the CAC's work to solicit feedback from stakeholders, and is dedicated to hearing from residents, elected officials, staff, and community members about issues related to the Agreement.

At this meeting, we heard concerns from residents and provided a summary of NYCHA's recently approved Heat Action Plan and a plan for the expenditure of \$450 million in state reimbursement funds. The Monitor had a productive discussion with the residents and residents also were able to report their issues directly to NYCHA employees who were onsite to record residents' individual complaints.

The Monitor to date has held meetings with residents in the boroughs of Queens, Manhattan, Brooklyn, and Staten Island. Due to the COVID-19 outbreak, our Community Meeting scheduled for March 9 at the Melrose Community Center in the Bronx was postponed. With the best interest of our communities in mind, we will reschedule the meeting at a time when there is more certainty about the situation.

Development Visits and Resident Outreach

Since the inception of the monitorship, the Monitor team has conducted development visits and other outreach to residents. In this quarter, for example, on March 3, the Monitor team visited a development in the Bronx and met with the resident association president to discuss the issues there. During our visit, we learned that NYCHA has been working with the resident association to solve its garbage disposal issues, as well to find a long-term solution in place of exterior portable generators that currently supply this development with power. We also learned that the copper cables that connect the temporary generators to the buildings have been cut and stolen on multiple occasions because of their high value as scrap metal. After learning of the thefts, our investigators worked with NYCHA and the NYPD, and the perpetrator has been arrested.

In late March 2020, the Monitor team began a series of phone interviews with resident association presidents to assess current resident concerns and to inquire about NYCHA's efforts to keep the developments operating while ensuring resident health and safety. We reached out to over 40 resident associations and conducted over 30 interviews which were informative and helped guide the Monitor's communication with NYCHA. Our outreach work will continue.

NYCHA's Community Engagement and Partnership Department

On February 14, the Monitor team met with the members of the Community Engagement and Partnership ("CEP") Department staff to discuss the department's ongoing initiatives, communication with the residents, as well as the individual complaints that we received concerning HUD 964 regulations on jurisdiction-wide resident entities, resident association elections, and the expenditure of Tenant Participation ("TP") funds.

In January 2020, NYCHA rolled out a new initiative to improve communication channels between property managers and resident associations which entailed formalized meetings to keep the residents abreast of critical information relating to the developments. These meetings also allow the resident associations to convey their concerns and feedback to the management in a more structured way. The CEP Department also created a new video and distributed a letter about resident association elections and nominations in multiple languages. We will continue to work with the department to assess the effectiveness of the communications with the residents and resident associations.

At our meeting, we also discussed the federal funding provided to NYCHA by HUD. On January 2, HUD announced a [\\$216,000 award to NYCHA](#) to assist public housing families through a Family Self-Sufficiency Program, although we were informed that NYCHA uses this funding only for its Section 8 residents who are not under the purview of the Agreement. On February 27, HUD also [awarded \\$717,750 to NYCHA](#) for hiring and maintaining Service Coordinators who will assess the needs of residents.

Community Engagement Efforts

The Monitor team has reached out to community groups running programs in NYCHA community centers. In previous reports we noted the state of the disrepair of those centers and NYCHA's efforts to provide structure to and funding for such repairs through a Memorandum of Understanding that is currently being negotiated. We note that there is some urgency to these repairs so that those centers within COVID-19 hotspots can

perform essential services like food distribution through “grab and go” and dissemination of education products to sheltered children.

V. CONCLUSION

The COVID crisis has transformed our City in the last two months in ways no one could have imagined. NYCHA’s COVID response is presently its most pressing concern, and rightly so. While some Agreement obligations must take a backseat for the moment, we look forward to the time when New Yorkers can return to some semblance of normalcy and NYCHA can resume its progress in improving its core services.

APPENDICES

APPENDIX 1

AGREEMENT TRACKING

Lead

Section	Obligation	Agreement Deadline	Status	Monitor Comment
Exhibit A.B.4(a)	No later than 30 days after execution of this Agreement, NYCHA shall provide the SDNY and HUD a report identifying all developments that meet the following requirements: (i) they were built prior to January 1, 1978, and (ii) are not exempt pursuant to 24 C.F.R. § 35.115, as a result of an inspection, an abatement, or otherwise (the "Lead Paint Developments"). Such report will identify each unit (including each "child-occupied facility") within such Lead Paint Developments that is not exempt pursuant to 24 C.F.R. § 35.115 ("Lead Paint Unit").	03/01/19	Complete	While NYCHA submitted the report as to residential units to SDNY, HUD and Monitor in a timely manner, the initial report contained incomplete information. In the last two quarters, NYCHA has implemented additional measures to better identify apartments where CU6 reside, significantly increasing the number of known apartments.
Exhibit A.B.4(b)	No later than 30 days after execution of this Agreement, NYCHA shall provide the SDNY and HUD...a report (the "Immediate Action List" (IAL)) identifying the subset of LPU that NYCHA has reason to believe are occupied or routinely visited by a child under the age of 6. Routine visiting shall be determined in conformance with the first sentence of the definition of child-occupied facility at 40 C.F.R. § 745.83.	03/01/19	Completed	NYCHA submitted the report of IAL as to residential units to SDNY, HUD and Monitor.
Exhibit A.B.5(a)	Within 30 days of execution of this Agreement, NYCHA shall ...perform at least one visual assessment in accordance with 24 C.F.R. § 35.1355 of each Lead Paint Unit on the IAL unless the LPU received a compliant visual assessment within the preceding 12 months.	03/01/19	Partially Completed	NYCHA previously self-reported 99% completion rate for residential units.
Exhibit A.B.5(b)	Within 30 days of execution of this Agreement, NYCHA shall ... eliminate any lead-based paint hazards in LPUs identified on the IAL through the performance of interim controls in accordance with 24 C.F.R. § 35.1330, or through abatement in accordance with 24 C.F.R. § 35.1325.	03/01/19	Partially Completed	NYCHA self-reported compliance with respect to residential units (except where access issues prevented work). See the December 18, 2019 Exceptions report (page 5). Though NYCHA self-reported completion of paint corrections, it previously could not certify compliance with the applicable regulations. NYCHA did not perform the dust wipes as required.

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Section	Obligation	Agreement Deadline	Status	Monitor Comment
Exhibit A.B.6	No later than 90 days after execution of this Agreement, NYCHA shall submit to the SDNY and HUD documents sufficient to show NYCHA's basis for claiming that particular pre-1978 developments are exempt pursuant to 24 C.F.R. § 35.115. To the extent that HUD and SDNY thereafter notify NYCHA that they reject that determination, such developments, units and common areas will no longer be considered by NYCHA to be exempt pursuant to 24 C.F.R. § 35.115. If HUD and SDNY (a) object to the exemption for a particular development, unit, or common area, and (b) the lack of exemption would have led to the inclusion of additional units or common areas on the Immediate Action List, NYCHA shall within 30 days thereafter comply with paragraph 5 as to such additional apartments.	05/01/19	Completed	NYCHA provided documentation to HUD and SDNY.
The Exhibit A.E, 17	Within one year of the execution of the Agreement, NYCHA shall control deteriorated lead-based paint identified by visual assessments in compliance with 24 C.F.R. § 35.1120(b)(1) and (2); except that for a visual assessment performed in an apartment unit that has not had a previous visual assessment complaint within the preceding 12 months, all corrections of lead-based paint hazards shall be made within 30 days of visual assessments.	1/31/2020	Not completed	As of February 19, 2020, NYCHA still had 16,782 paint correction projects open that are based on the 2018 visual assessments that were made. These projects should have been completed by January 31, 2020. At the current pace, it will likely take NYCHA more than a year to correct the deficiencies identified in 2018. The monitor team will continue to push NYCHA to reduce this backlog of visual assessments.

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Section	Obligation	Agreement Deadline	Status	Monitor Comment
Exhibit A.G.19	<p>Within 30 days of appointment of the Monitor, NYCHA shall provide the Monitor a list (the "EIBLL/EBLL-Triggered Risk Assessment List") of all units, common areas servicing such units, and developments in which neither an environmental investigation nor a risk assessment was performed since the date of: (a) the reporting to NYCHA (if on or after July 13, 2017) of a case of a child under age 6 with an elevated blood lead level (EBLL) (as those terms are defined in 24 C.F.R. § 35.110, as amended by 82 Fed. Reg. 4151 (Jan. 13, 2017)) living in such unit and development, or (b) the reporting to NYCHA (if before July 13, 2017) of a case of a child with an elevated blood lead level (EIBLL) (as those terms were defined in 24 C.F.R. § 35.110, prior to amendment by 82 Fed. Reg. 4151 (Jan. 13, 2017)) living in such unit and development.</p>	03/01/19	Completed	<p>NYCHA provided the Monitor with the list. The Monitor continues to make follow-up inquiries.</p>
Exhibit A.G.20	<p>After providing the Monitor the EIBLL/EBLL-Triggered Risk Assessment List, within a timeframe acceptable to the Monitor, NYCHA shall confirm that the New York City Department of Health and Mental Hygiene ("NYC DOHMH") has performed an environmental investigation in accordance with 24 C.F.R. § 35.110, 1130, in any unit and common areas servicing that unit identified in the EIBLL/EBLL-Triggered Risk Assessment List. To the extent the NYC DOHMH has not performed an environmental investigation in accordance with 24 C.F.R. § 35.110, 1130, in any unit and common areas servicing that unit identified in the EIBLL/EBLL-Triggered Risk Assessment List, NYCHA shall perform such environmental investigation within a timeframe acceptable to the Monitor.</p>		Completed	<p>After inquiries by the Monitor, NYCHA has been providing weekly updates on the status of each reported EIBLL. See Third Quarter Report for more details.</p>

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Section	Obligation	Agreement Deadline	Status	Monitor Comment
Exhibit A.G.21	After issuing or receiving the report of the environmental investigation, within a timeframe acceptable to the Monitor, NYCHA shall complete the abatement of identified lead-based paint hazards in accordance with 24 C.F.R. § 35.1130(c) and 35.1325.		In progress	The Monitor receives reports of follow-up activity and audited a sample of these reports. We continue to make follow-up inquiries.
Exhibit A.G.22	NYCHA shall perform risk assessments for all other units in the building in which a child under age 6 resides or is expected to reside on the date lead-based paint hazard reduction under Paragraph 21 is complete, and common areas servicing those units in the developments identified in the EIBLL/EBLL-Triggered Risk Assessment List, within a timeframe acceptable to the Monitor.		In progress	The Monitor receives reports of follow-up activity and audited a sample of these reports. We continue to make follow-up inquiries.
Exhibit A.H.23	NYCHA shall report to HUD each confirmed case of a child with an elevated blood lead level within 5 business days of being so notified in accordance with 24 C.F.R § 35.1130.		Ongoing	According to NYCHA, its compliance with this obligation has not been uniformly complete or timely and is under review.
Exhibit A.H.24	No later than 60 days after the execution of this Agreement, NYCHA shall enter into a written agreement (MOU) with the NYC DOHMH resolving any barriers to the sharing of information relating to resident children's blood lead levels necessary for NYCHA to make disclosures to HUD in accordance with paragraph 23 and 24 C.F.R § 35.1130, and shall provide a copy of such agreement to SDNY and HUD.	04/01/19	Complete	MOU has been signed.
Exhibit A.H.25	NYCHA shall report to the Monitor and United States any NYC DOHMH Commissioner order to abate lead-based paint within five days of receiving any order.		Ongoing	According to NYCHA, its reporting has not been uniformly timely and is under review.

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Section	Obligation	Agreement Deadline	Status	Monitor Comment
Exhibit A.H.26	On and after the Effective Date, to the extent NYC DOHMH has not performed an environmental investigation of any unit in which a child with an elevated blood level has been reported within 15 days of identifying such unit, NYCHA shall perform an environmental investigation of that unit and common areas servicing that unit and perform abatement of any lead-based paint hazards within thirty days in accordance with 24 C.F.R §§ 35.1325.		Ongoing	NYCHA provides updates regarding all EIBLL occurrences and related responsibilities.
Exhibit A.H.27	From and after the Effective Date, NYCHA shall provide residents signing new leases (or, where required by regulation, renewal leases) with information about the presence of lead-based paint and lead-based paint hazards in their apartments and developments in accordance with the Lead Disclosure Rule, 24 C.F.R part 35, subpart A; 40 C.F.R. part 745, subpart F.		Ongoing	<p>NYCHA acknowledged last quarter it was not fully complying with this requirement but has instituted measures that should improve compliance. NYCHA completed IT enhancements in January 2020.</p> <p>Field inspections by NYCHA's EHS Department in December 2019 found a 95% compliance rate.</p>
Exhibit A.H.28	NYCHA shall ensure that physical copies of all materials required to be disclosed by the Lead Disclosure Rule are present, available for inspection, and permanently maintained at the management office for each development.		Ongoing	<p>NYCHA's Compliance and EHS Departments monitor its compliance with this obligation on an ongoing basis. NYCHA reports compliance. Verification by Monitor is ongoing.</p> <p>NYCHA's EHS Department performs random compliance checks and report exceptions.</p>
Exhibit A.H.29	NYCHA shall ensure that electronic copies of all materials required to be disclosed by the Lead Disclosure Rule are available to residents through an internet-based portal.		Complete	NYCHA created the internet-based portal and has been properly displaying these materials.

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Section	Obligation	Agreement Deadline	Status	Monitor Comment
Exhibit A.H.30(a)	No later than 120 days after execution of this Agreement, NYCHA shall submit to SDNY and HUD a statement describing its compliance with paragraphs 4-6. In its submission to SDNY and HUD, NYCHA shall specify the method(s) used to correct any lead-based paint hazards identified on the Immediate Action List and certify that such corrections were performed in compliance with the Lead Safe Housing Rule, Renovation, Repair and Painting Rule and Abatement Rule, as applicable, and that residents were notified of the corrections in compliance with the Lead Safe Housing Rule.	05/01/19	Complete	See first quarter Monitor's report (pages 36 and 37) for more detail.
Exhibit A.H.30(b)	Six months after the Effective Date, and every six months thereafter, NYCHA shall provide SDNY, HUD and the Monitor a certification describing its compliance with paragraphs 8 to 15.	08/01/19	Ongoing	Obligation repeats every six months. On January 31, 2020, NYCHA submitted certification report on time but was unable to certify to many items in paragraphs 8 – 15 of the Agreement. NYCHA provided an accompanying report on the status of compliance with the certification requirements.
Exhibit A.H.33(a)	By January 31, 2019, NYCHA will display a sample kit of the supplies needed to complete an RRP work order in all 139 storerooms by January 31, 2019	01/31/19	Complete	Site inspections and inquiry by the Monitor have verified that the Kits were <u>initially</u> delivered by NYCHA and displayed as required under the Agreement. Random checks of RRP supplies are conducted by NYCHA's EHS Department.
Exhibit A.H.33(b)	NYCHA will issue a minimum of one kit of RRP supplies to RRP-certified staff daily	02/28/19	Complete	Site inspections and inquiry by the Monitor have verified that the Kits have been delivered by NYCHA and displayed as required under the Agreement.

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Section	Obligation	Agreement Deadline	Status	Monitor Comment
Exhibit A.H.33(c)	NYCHA will enhance its work order system to automatically create a “dust wipe” work order if an RRP work order is generated by February 28, 2019.	02/28/19	Complete	The required enhancement was timely performed as required under the Agreement but was found to be ineffective in aiding the timely performance of dust wipes. Accordingly, NYCHA initiated a call-in dispatch system. The Monitor is working with NYCHA to improve this system which currently does not guarantee timely dust wipe performance.
Exhibit A.H.33(d)	NYCHA will select a vendor to supplement the EPA’s RRP training with practical training on dust control measures to simulate a range of working conditions by March 31, 2019 and train substantially all RRP-certified staff by December 31, 2019.	03/31/19 and 12/31/19	Complete	All new staff receive RRP training on an ongoing basis.
Exhibit A.H.33(e)	NYCHA will provide all Resident Building Superintendents, Assistant Resident Building Superintendents, and Property Managers with training in RRP practices on an ongoing basis.		Complete	New NYCHA employees are receive training, which has been verified by the Monitor.
Exhibit A.H.33(f)	NYCHA will train all maintenance workers to perform lead-based paint visual assessments by September 30, 2019.	09/30/19	Complete	NYCHA timely trained the vast majority of its maintenance workers with regard to lead-based paint visual assessments, as reported in the last Monitor’s quarterly report. In addition, all new NYCHA maintenance employees also receive this training, which has been verified by the Monitor. After these trainings were conducted, NYCHA subsequently decided to use vendors to do this work instead.
Exhibit A.H. 33(g)	NYCHA will secure additional, dedicated painting contracts for the Healthy Homes Department to exclusively focus on remediation by December 31, 2019.	12/31/19	Complete	NYCHA secured additional dedicated painting contracts for the Healthy Homes Department by putting a line item for remediation and painting in new lead abatement contracts. The Monitor will verify this information.

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Heat

Section	Obligation	Agreement Deadline	Status	Monitor Comment
Exhibit B.A.3	Within 90 days of the Effective Date of this Agreement, for those developments which are already furnished with electronic temperature reading devices, NYCHA will institute and maintain a system that identifies all apartments in which such devices indicate a violation of the City Code heating requirements and identifies the inside and outside temperatures associated with such violation.	05/01/19	Complete/ Ongoing	NYCHA has implemented a system to monitor all developments and electric temperature devices that are currently in operation. The Monitor has verified that the system is operating. Verification by the Monitor will be ongoing as new installations are completed.
Exhibit B.A.4	This information will be available to all NYCHA personnel responsible for heating and to all development managers		Complete/ Ongoing	NYCHA's monitoring system is online and accessible on NYCHA's internal servers on the NYCHA website. The Monitor will continue verifying that information sharing protocols are complete and are being complied with by NYCHA.
Exhibit B.A.5	This information will be fully available to the Monitor, HUD, and SDNY.		Complete/ Ongoing	As indicated above, the data from the electronic temperature devices is available on NYCHA's website.
Exhibit B.A. 6	An appropriate mechanism for disclosing this information to the public shall be provided in an Action Plan.	10/01/19	Complete/ Ongoing	NYCHA has included how the information will be disclosed to the public in the Heat Action Plan. As stated above, NYCHA has also started to include the information on their public website in the transparency section.

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Section	Obligation	Agreement Deadline	Status	Monitor Comment
Exhibit B.A. 8	By October 1, 2019 NYCHA shall establish an Action Plan that identifies, for each development, how NYCHA will respond to heating outages, taking into account resident populations, historical data about prior outages, the availability of on-site and remote maintenance personnel, and response times. The plan shall include provisions for alternative heated community spaces for heating outages that are expected to last for a substantial duration. The plan shall also address NYCHA's policies for closing out work orders when the resident is not available at home or otherwise does not provide access to his or her apartment to resolve a heating outage. The plan shall be made available to the residents and posted online.	10/01/19	Complete	Monitor approved NYCHA's Heat Action Plan on December 5, 2019. As of March 31, 2020, NYCHA has drafted individual heat action plans for every development and provided them to the Monitor-
Exhibit B.A. 14(a)	By March 31, 2019, NYCHA will create a 24/7 Heat Desk which monitor heating metrics and dispatch staff to correct deficiencies during Heat Season.	03/31/19	Complete	The 24/7 Heat Desk has been timely instituted by NYCHA, which has been verified by the Monitor. The Monitor is working with NYCHA's Heat and IT departments to ensure the accuracy and completeness of the information going forward. The Monitor is also working with NYCHA's data analytics team and the Heat Department to create a more comprehensive heat dashboard which will enable NYCHA to use its heat data more strategically for operational and capital decisions.
Exhibit B.A. 14(b)	NYCHA will modernize the Building Management System at 44 developments by December 31, 2019. Modernization will include introducing indoor temperature sensors. (It should be noted that Ex B, paragraph 7 of the Agreement sets the deadline for this same requirement as December 31, 2020.)	12/31/19	In Progress	NYCHA has reported to the Monitor that they are currently modernizing their BMS systems at 50 developments, many of which are near completion. The Monitor will verify these installations. Starting in mid-March, NYCHA has had to suspend these installations as there is now limited access to apartments due to the pandemic.

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Section	Obligation	Agreement Deadline	Status	Monitor Comment
Exhibit B.A.iii. 9(a)	Consistent with the previously stated heat goals of the Agreement, NYCHA will restore heat to units affected by a heating shortage within an average 12 hours.	10/1/2019	Ongoing	Based on Maximo data which has been analyzed by the Monitor, the average length of heat outages to date for the current heat season is less than 12 hours. Now that the heating season is over, the Monitor is working with NYCHA to compile summary data for the 2019/2020 season, which will be made available to the public.
Exhibit B.A.iii. 9(b)	During the Heating Season, for 85% of heating shortfalls, NYCHA will restore heat to affected units within 24 hours, and in no event more than 48 hours. NYCHA may restore heat through the use of temporary replacement heating systems that comply with N.Y.C. Admin. Code.	10/1/2019	In progress	NYCHA has been focusing on reducing full building heat outages rather than individual unit heat shortfalls. The Monitor is working to better analyze Maximo data regarding heat shortfalls especially regarding their lengths and causes. Once the shortfall data is better understood, the Monitor will be working with NYCHA to ensure that these repairs are being made quickly and effectively.
Exhibit B.A.iii.9(c)	In any event in which heat is unable to be restored to a particular unit within 12 hours, appropriate NYCHA personnel distinct from the NYCHA personnel responsible for heat restoration as identified in the heat Action Plan shall undertake an investigation to determine the root cause(s) of such initial failure of the heating system and the failure to achieve the restoration service within the timeframe, identifying corrections to prevent or lessen the recurrence of such failures and track the implementation of such corrective actions. Such information shall be retained in a central repository to which all applicable maintenance staff and management have access.	10/1/2019	Ongoing	NYCHA's Environmental Health & Safety unit, using its own heat SME's, has been conducting heating failure root cause investigations for all since the beginning of the current heating season. EHS has completed over 50 heat outage root cause investigations for the season. We are now working with them to draft a summary report on these investigations and the recommendations made.

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Mold

Section	Obligation	Agreement Deadline	Status	Monitor Comment
Exhibit B.B. 19	NYCHA will not close any mold, flood, or “leak from above” work orders as “Resident Not Home,” including any such work orders that NYCHA has not yet verified.	01/31/19	Complete	NYCHA implemented required changes. The Monitor has verified compliance.

Elevators

Section	Obligation	Agreement Deadline	Status	Monitor Comment
Exhibit B.C.21	Within 120 days of the Effective Date, NYCHA shall establish an Action Plan that identifies, for each building that contains an elevator designed for resident use, how NYCHA will respond when all elevators are out of service at that building (a “no-service” condition). Such plan shall take into account the resident population of each building, any individuals with self-reported mobility impairments, historical data about prior outages or service disruptions, the availability of personnel to assist residents, the terms of any elevator support contract, and historical response and repair times. Such plans shall be made available to the residents and posted online.	05/31/19	Complete	The elevator Action Plan was approved by the Monitor on January 30, 2020, was placed on both NYCHA’s and the Monitor’s websites, and the process of directly communicating the highlights of the Plan to residents and staff was commenced by NYCHA.

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Section	Obligation	Agreement Deadline	Status	Monitor Comment
Exhibit B.C.22	Within 120 days of the Effective Date, NYCHA shall provide HUD and the Monitor with sufficient data to identify elevator service interruptions in the prior three years. This data shall be updated at least quarterly.	05/31/19	In Progress	Some data has been supplied by NYCHA, but a full dataset is outstanding, as historical outage data is incomplete or inaccurate in many cases. The Monitor has been working with NYCHA's data analytics team and ESRD in creating a comprehensive elevator dashboard to capture relevant outage, maintenance and repair data in real-time. The first iteration of the dashboard will be completed this quarter.
Exhibit B.C. 27	NYCHA shall have no planned outages that result in a no-service condition between the hours of 6 a.m. and 10 a.m. or between 3 p.m. and 8 p.m., except for planned elevator rehabilitation or replacement or outages mandated by another governmental agency or regulatory entity.	1/31/2020	Not in compliance	As part of the overall process of improving how elevator data is captured and analyzed, the Monitor is working with ESRD and the data analytics team to ensure all elevator data is uploaded into Maximo and will soon be used to better design ESRD's operational decisions. This includes scheduling decisions regarding where and when these planned maintenance outages will occur to focus on the worst performing elevators and planning outages in ways that are least burdensome to residents.
Exhibit B.C.30	Within six months of the Effective Date, NYCHA will institute and maintain a system that identifies every elevator outage and the start and end times of such outages identified by remote monitoring systems, work-order records, or any additional sources of outage information, and make that system accessible and available to all NYCHA personnel responsible for elevators and to other relevant personnel, including all development managers and the General Manager.	08/01/19	In Progress	Elevator outages are inputted into Maximo. Outage notifications are made via email to all responsible personnel every two hours. As indicated above, the Monitor is working with NYCHA's data analytics team and ESRD to create a comprehensive elevator dashboard that will capture and report this data. As part of the process for creating the dashboard, the team is transforming Agreement and action plan obligations into NYCHA business rules to structure the data and how it is reported.

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Section	Obligation	Agreement Deadline	Status	Monitor Comment
Exhibit B.C.32	Within six months of the Effective Date, NYCHA will establish a system to provide residents of buildings affected by a planned outage 24-hours advanced notice, and to provide residents of buildings affected by an unplanned outage notice within two hours of NYCHA learning of the outage. Such notice shall include instructions regarding what assistance NYCHA has available for individuals with mobility impairments during the outage. Notice shall occur by robocall and via postings within the affected building and on NYCHA's website.	08/01/19	Completed	NYCHA has instituted Robocalls, posts via NYCHA website, push notifications via its application and provides notices in common areas. Additional protocols of the recently completed elevator Action Plan. The Monitor team has verified NYCHA's compliance with the posting protocols and is in the process of verifying their effectiveness with residents. Ongoing verification by the Monitor is taking place as these communication protocols are implemented. As the Action Plan requires, the Monitor will be working with ESRD going forward to identify ways that communications with staff and residents regarding elevator outages can be improved.
Exhibit B.C.33	NYCHA will provide the Monitor 24 hours advanced notice of any planned outage, and shall notify the Monitor of any unplanned outage within two hours of NYCHA learning of the outage. Notice shall occur in the method prescribed by the Monitor.		Complete/ Ongoing	The Monitor has been receiving elevator outage notifications every few hours from NYCHA on a daily basis for the last several months. We will be working with NYCHA to ensure that these notifications contain all necessary information.

AGREEMENT TRACKING

Pests/Waste Management

Section	Obligation	Agreement Deadline	Status	Monitor Comment
Exhibit B.D.35	Within six months of the Effective Date, the Monitor in consultation with NYCHA shall establish reasonable protocols by which Integrated Pest Management (“IPM”) professionals shall develop and provide reliable estimates, at least quarterly, of the pest populations in each NYCHA development. NYCHA shall promptly publish these figures, by development and pest type, on its website.	08/01/19	Partially Complete	The IPM pest infestation protocols have been established but NYCHA has yet to publish this data on its public website. The Monitor and NYCHA timely drafted and submitted the protocols (NYCHA Pest Infestation Index or NPII) to SDNY and HUD, which were subsequently approved. The Monitor’s pest expert trained the NYCHA inspectors and the indexing began on February 3, 2020- In-unit indexing has been halted due to the pandemic and will resume when inspectors are allowed back in the units. Telephonic indexing of roach infestation levels continues notwithstanding the pandemic. The quarterly reporting by NYCHA is scheduled to begin after the initial indexing is complete.
Exhibit B.D.41	Within six months of the Effective Date, NYCHA shall, for any unit that has more than one pest infestation complaint verified by NYCHA staff within twelve months (a) cause a professional using IPM techniques to evaluate the unit and its immediately adjacent units and common areas within 30 days to identify any circumstances specific to that unit that may have contributed to such recurrence (including, but not limited to, unaddressed leaks, proximately located trash, or holes in walls), and (b) address, consistent with IPM principles, any such circumstances within the following 30 days.	08/01/19	In Progress First Targeted Relief Requirement completed.	On January 17, 2020, NYCHA completed the First Priority Targeted Relief Requirement of 2,645 residential units with a verified open pest work order plus at least one additional pest work order since January 31, 2018. NYCHA had anticipated that the Second Priority Targeted Relief Requirement, comprising 4,763 residential units, would be completed by April 15, 2020, but that date will be delayed due to the pandemic. As for the impacted adjacent units and associated common areas, the proposed Action Plan calls for NYCHA to complete inspection and treatment by June 30, 2020. That target date will also be delayed due to the pandemic.

AGREEMENT TRACKING

Section	Obligation	Agreement Deadline	Status	Monitor Comment
Exhibit B. D. 43	<p>Within twelve months of the Effective Date, NYCHA shall incorporate industry standard IPM practices, including Northeastern IPM Center (NortheastIPM.org and StopPests.org), Integrated Pest Management – A guide for Affordable Housing, using the current edition at the time of the pest complaint (the edition as of the Effective Date was February 2014), as developed under an interagency agreement between HUD and the U.S. Department of Agriculture) for their Delivery of IPM Training to PHAs project; and current editions of other professional IPM resources as the Monitor may approve, into building operations in all NYCHA properties.</p>	2/1/2020	Completed	<p>NYCHA has issued guidance to all relevant staff mandating the use of IPM and outlining changes to pest management practices. All relevant NYCHA staff, with the assistance of the Monitor and the Monitor’s consulting entomologist, is developing Standard Procedures for IPM treatment – to be finalized by June 30, 2020 – and other Quick Reference Guides and information technology upgrades.</p> <p>NYCHA has updated its supplies and strategies for pest control, including ordering standard IPM supplies, significantly limiting purchases and use of high toxicity pesticides, and providing IPM supplies to exterminators.</p> <p>Further actions remain in progress, including the development of an IPM communication campaign to promote IPM and other program changes and raise awareness of best practices to keep homes pest free. By June 30, 2020, NYCHA plans to develop an on-line repository for Operations’ property management staff for all IPM and related subject matter materials. The repository will be located on NYCHA’s intranet and available to all employees.</p>
Exhibit B. D. 44	<p>Within twelve months of the Effective Date, NYCHA shall send staff appropriately trained on IPM to respond to any pest complaint.</p>	2/1/2020	Ongoing	<p>NYCHA has implemented an IPM training program, training numerous exterminators and other staff on IPM principles to date. Further initial IPM training for relevant NYCHA staff, including an IPM webinar for all remaining property level staff and trainings for exterminators on specific pests and interaction with residents, is scheduled to be completed by July 31, 2020.</p>

AGREEMENT TRACKING

Section	Obligation	Agreement Deadline	Status	Monitor Comment
Exhibit B.D.45	Within six months of the Effective Date, NYCHA shall, no less than once every 24 hours, inspect the grounds and common areas of each building for cleaning and maintenance needs, including pests and trash, and correct such conditions. In particular, NYCHA shall ensure that trash on the grounds or common areas of each NYCHA building is collected and either removed from the premises or stored in a manner that prevents access by pests at least once every 24 hours.	08/01/19	In Progress	NYCHA still has not fully met this requirement. On the whole, while NYCHA is inspecting the grounds and common areas and removing trash at least once every 24 hours (except when staffing shortages are created due to the AWS system), NYCHA still doesn't have the ability in some developments to either store collected trash in pest-proof receptacles or remove the trash from the development premises every 24 hours. NYCHA, with assistance from the Monitor, has prepared an Action Plan to include NYCHA's establishment of a Waste Management Department, hiring of additional caretaker and maintenance staff, collaboration with DSNY to increase weekly trash pickups, and procurement of additional capital needs such as compactors and bulk augers. While the substance of the Plan has been completed, NYCHA will not commit to deadlines at this point, due to the COVID pandemic.
Exhibit B. D. 46(a)	NYCHA will install 8,000 door sweeps on basement doors with gaps by March 31, 2020.	3/31/2020	In Progress	As of mid-March when the pandemic began, NYCHA reported that it had completed approximately half of the required number of door sweep installations. This figure has not been verified by the Monitor. Further, the Monitor's initial inspections indicated that many door sweeps had been improperly installed. In other cases, no door sweeps were installed on doors that were damaged making proper installation impossible. NYCHA is identifying these deficiencies so that they can be corrected.

AGREEMENT TRACKING

Annual Inspections

Section	Obligation	Agreement Deadline	Status	Monitor Comment
Exhibit B.E.48	By and after ninety (90) days after the Effective Date of this agreement, annual inspections shall include having the person conducting the inspection perform any minor repairs during the inspection.	05/01/19	Complete	The Monitor has reviewed data that supports NYCHA's contention that annual inspections and simultaneous minor repairs have been ongoing prior to suspension due to COVID-19.
Exhibit B.E.49	By one hundred twenty days (120) after the appointment of the Monitor, NYCHA will submit an Action Plan to the Monitor for complying with the requirement to conduct annual inspections and perform minor repairs during such inspections. The Action Plan shall include procedures for (i) on-site completion of minor repairs during inspections, and (ii) the scheduling of other inspection-identified maintenance deficiencies for subsequent repair.	07/01/19	In progress	NYCHA submitted a revised draft Plan on January 16, 2020. Monitor was working with NYCHA, HUD, and SDNY to finalize the Plan when NYCHA announced that it was considering outsourcing annual inspections. Discussion are ongoing regarding the feasibility of this approach.

AGREEMENT TRACKING

New Departments

Section	Obligation	Agreement Deadline	Status	Monitor Comment
VI.C.53	No later than 45 days after the appointment of the Monitor, NYCHA, in consultation with the Monitor, shall establish and maintain a Compliance Department ...	04/15/19	Complete	The Compliance Department has been established and the Monitor is working with NYCHA to ensure it has sufficient staffing and a clear mission. This is true for the Environmental Health and Safety Department and the Quality Assurance Unit as well. See the first Monitor's Report for details.
VI.D.55	No later than 45 days after the appointment of the Monitor, NYCHA, in consultation with the Monitor, shall create an Environmental Health and Safety Department...	04/15/19	Complete	See above.
VI.E.57	No later than 45 days after appointment of the Monitor, in consultation with the Monitor, NYCHA shall create a Quality Assurance Unit...	04/15/19	Complete	See above.
VI.E.59	No later than 60 days after the appointment of the Monitor, NYCHA shall provide HUD, SDNY, and the Monitor with a certification of compliance with paragraphs 53 – 59.	05/01/19	Complete	Monitor has continued discussions with NYCHA to refine and enhance NYCHA's approach. See first report for details.
VI.F 62(h)	By 90 days after the appointment of the Monitor, NYCHA will submit an Action Plan to the Monitor for meeting the requirements in the Agreement regarding PHAS Inspections	05/29/2019	Complete	NYCHA timely submitted a draft PHAS Action Plan to the Monitor. After first rejecting the plan, the Monitor, SDNY, and HUD have worked with NYCHA to revise the Plan which has now been finalized and accepted by the Monitor.

AGREEMENT TRACKING

City Obligations

Section	Obligation	Agreement Deadline	Status	Monitor Comment
VI.A.44(b)	By the end of the 30-day period after the list of candidates is finalized, the City shall select a permanent Chair and CEO for NYCHA from the jointly-developed list of candidates.	04/01/19	Complete	New NYCHA Chair was selected by the City and started his tenure in August 2019.
VI.B.45	No later than 60 days after the appointment of the Monitor, the City shall engage a third-party management consultant selected jointly by the City and the Monitor. The consultant shall examine NYCHA's systems, policies, procedures and management and personnel structures, and make recommendations to the City, NYCHA, and the Monitor to improve the areas examined.	04/01/19	Complete	Management consultant completed its review and issued four reports examining NYCHA's organization and recommending improvements.

APPENDIX 2

MONITOR'S INTERIM REPORT

ON THE GRANT DISBURSEMENT AGREEMENT AND NYCHA'S
CAPITAL PLANNING DIVISION

May 2020

SUBMITTED BY

BART M. SCHWARTZ
FEDERAL MONITOR



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In September 2019, New York State committed to a Grant Disbursement Agreement (“GDA”) that allocates up to \$450 million in state funds to replace heating plants and elevators at thirty-five NYCHA developments. The funding was conditioned upon the Monitor’s approval of an action plan detailing how NYCHA would use the funds, including a schedule and cost estimate for each new elevator and boiler. Since our last report, NYCHA has submitted an updated quarterly GDA Action Plan for Q4 2019 which is available to the public on the Monitor’s website. NYCHA has also submitted a draft quarterly update for Q1 2020, which is currently under review.

NYCHA’s Capital Planning Division is moving forward and taking steps to execute on capital improvements covered by the GDA, which is a subset of NYCHA’s broader capital portfolio. In the upcoming months the Monitor team will concentrate on assessing the Capital Planning Division’s project coordination and execution.

As a result of the COVID crisis, certain aspects of the Request for Proposal (“RFP”) schedule in connection with heating plant replacements may be delayed. For example, it may be difficult to conduct certain site inspections due to mandated state and local COVID orders. Additionally, residents understandably may be reluctant to provide a contractor with access to their apartments. We will provide more details as we gain a better understanding of the effect of the COVID crisis in our next quarterly report.

Heating Plant Upgrades

As outlined in the Q4 2019 amended action plan, NYCHA has prioritized two prime objectives: capital improvements to the pipeline identified pursuant the GDA, while simultaneously evaluating the portfolio for more advanced and efficient heating plant systems.

The Monitor and NYCHA teams together are focused on costs and estimates. However, we each believe it would do a disservice to the procurement process and possibly work against the public’s interest to provide details in this public Report.

Since the last quarterly update, NYCHA, working with the New York Power Authority (“NYPA”) pursuant to an energy services agreement, has issued a Request for Qualifications (“RFQ”)¹ for proposers to bid on heating plant replacement projects at three developments: 830 Amsterdam, Berry, and Marble Hill. The scope of work contemplates the replacement of 11 boilers. NYCHA is also working to develop scope and compile

¹ Request for Qualification is a term of art that is defined differently in the procurement processes of the State and the City.

necessary components to issue a solicitation for an additional six (6) developments, for a total of twenty-six (26) boilers, that will be sent out in the upcoming weeks.

Elevator Pipeline

NYCHA identified 148 elevators across ten developments for replacement through the GDA action plan. As with the heating plants, NYCHA used its 2017 Physical Needs Assessment and operational data to select the sites.

Since the last reporting period, NYCHA has contracted with a vendor to begin the design phase for the elevators. The vendor has been conducting site inspections and providing feedback that the Monitor team is reviewing. This work is ongoing, and NYCHA anticipates 7 to 9 months are needed to complete pre-construction design.

Capital Strategy and Delivery of Capital Improvements

Over the last year, we have monitored NYCHA's compliance with its various obligations under the Agreement and, where applicable, the corresponding action plans. NYCHA's ability to meet these obligations and achieve long-term success requires thoughtful planning, capital investment, and the successful delivery of new improved infrastructure. For example, in addition to the replacement of aging boilers and elevators, NYCHA will need capital investment into roofs, building envelopes, and pipes, in order to accomplish improvements connected to the lead and mold action plans.

The work of the Capital Planning Division is thus integral to NYCHA's sustained compliance with the Agreement. For example, the Monitor team has been reviewing and assessing NYCHA's work to plan, solicit, and execute the replacement of a pipeline of heating plants and elevators in connection with the GDA. Although not a specific part of the HUD Agreement, the success of the GDA pipeline is required for NYCHA to achieve compliance with fixed metrics for capital improvement. Our real-time review of NYCHA's approach to plan for the GDA pipeline has provided a rich working sample of how the Capital Planning Division at NYCHA operates. This review process has already identified some areas of interest to us that would not otherwise have become apparent.

The funding required to make capital improvements is immense. A portion of our review will concentrate on the budget, funding sources, and the methods implemented by NYCHA to identify the need for, and costs of, improvements. Evaluating what can be done to improve NYCHA, with available funds, is key. NYCHA recently provided a Capital Action

Plan as required by the HUD Agreement,² which we are in the process of reviewing. The plan should set forth a baseline of expected improvements over the next five years that will be made by leveraging investment by the City of New York into the Housing Authority. We aim to help NYCHA develop a thoughtful and strategic capital plan, a vision for the future, and the critical path it will take to execute the delivery of much-needed improvements.

² Agreement at ¶63.

APPENDIX 3

**NEW YORK CITY HOUSING AUTHORITY**

250 BROADWAY • NEW YORK, NY 10007

TEL: (212) 306-3000 • <http://nyc.gov/nycha>

Exhibit A Paragraph 30(b) Certification

This certification addresses activities conducted during the period from August 1, 2019 through January 31, 2020 (the “Certification Period”).

Paragraph 8:

NYCHA plans to abate all lead-based paint at the Harlem River Houses and the Williamsburg Houses (the “Early Abatement Developments”) through the Rental Assistance Demonstration (RAD) Program. The RAD contracts for these developments are currently scheduled to close in late 2020, and they will require the development partner to abate all lead-based paint in these developments.

Paragraph 9 – 12:

NYCHA will develop abatement schedules for other apartment units that contain lead-based paint on the basis of the information gleaned from the on-going, portfolio-wide X-ray fluorescence testing initiative. NYCHA has not yet developed an Action Plan to address the obligations contained in Paragraph 12.

Paragraph 13:

NYCHA uses the meaning of “common areas” and “abatement” as defined in 40 C.F.R., part 745, subpart L.

Paragraph 14:

NYCHA cannot certify to compliance with all the legal requirements applicable to abatement of lead-based paint in connection with work conducted during the Certification Period. NYCHA has made demonstrable progress towards compliance with the requirements of Paragraph 14 through new procedures, IT controls, and training. This has improved compliance with several abatement requirements, including abatement supervision, EPA notifications, occupant protection plans, and abatement reports. However, NYCHA conducted only a limited number of field monitoring visits of abatement activities during the Certification Period, limiting NYCHA’s ability to assess fully and certify whether the requirements are being met.

Paragraph 15:

NYCHA cannot certify to compliance with all the legal requirements set forth in the Lead Safe Housing Rule, 24 C.F.R. part 35, subparts B-R, and the Renovation, Repair, and Painting (RRP) Rule, 40 C.F.R. part 745, subpart E in connection with repair and maintenance work conducted during the Certification Period. NYCHA has made demonstrable progress towards compliance

with the requirements of Paragraph 15 through new procedures, IT controls, training, and field monitoring. These efforts have shown improvements to compliance with applicable requirements, particularly as relates to worker certification, worksite preparation, work, and cleaning activities, and notices of evaluation. However, particular deficiencies that NYCHA has a continuing need to improve upon include conducting clearance examinations, providing notices of hazard reduction, and ensuring proper controls and recordkeeping on vendor work.

I, a duly authorized representative of the New York City Housing Authority (NYCHA), certify to the foregoing.

A handwritten signature in blue ink, appearing to read "Gregory Russ", is written over a horizontal line.

GREGORY RUSS
CHAIR & CEO
NEW YORK CITY HOUSING AUTHORITY

January 31, 2020

NYCHA Compliance Department: Assessment of Compliance with Requirements Of Paragraphs 14 and 15 of Exhibit A to the January 31, 2019 Agreement Between NYCHA, HUD, and the City of New York

Introduction and Methodology

On January 31, 2019, the New York City Housing Authority (“NYCHA”), the United States Department of Housing and Urban Development (“HUD”), and the City of New York (“City”) entered into a settlement agreement (“HUD Agreement”) which sets forth specific requirements for NYCHA to meet to remedy physical conditions in its developments, including with respect to lead-based paint. Exhibit A of the HUD Agreement sets forth the requirements pertaining to lead-based paint.

Paragraph 30(b) of Exhibit A requires NYCHA to provide, every six months, “the United States and the Monitor a certification describing its compliance with paragraph 8 through 15” of Exhibit A. Paragraphs 8 through 13 of Exhibit A set forth future obligations that NYCHA must comply with concerning long-term lead abatement projects. In contrast, Paragraphs 14 and 15 represent ongoing compliance obligations for NYCHA under the EPA Abatement Rule (40 CFR § 745.227) (“Abatement Rule”), and the lead safe work practice requirements set forth in the Lead Safe Housing Rule (24 CFR Part 35, subparts B – R) (“Lead Safe Housing Rule”) and the Renovation, Repair, and Painting Rule (40 CFR Part 745, subpart E) (“RRP Rule”).

To evaluate NYCHA’s ability to certify to the requirements of Paragraphs 14 and 15 on January 31, 2020, the Compliance Department conducted a review of NYCHA records and activities for the period between August 1, 2019 through January 15, 2020 (“Covered Period”).¹ Additionally, the NYCHA Environmental Health and Safety Department (EHS) issued a report (annexed as Attachment A) documenting field oversight activities during three months of the Covered Period (October to December 2019) that should be read in tandem with this Report.

The Compliance Department used the following criteria to evaluate NYCHA’s compliance

- **Existence of Written Policies, Procedures or Contract Specifications:** This criterion evaluates whether NYCHA has established specific written policies, procedures, contract specifications, and/or trainings or instructional materials that required staff and/or vendors to perform the requirements set forth in the regulations during the Covered Period.
- **Existence of IT Controls:** This criterion evaluates whether NYCHA’s Maximo Work Order system (or other system) has established IT controls that strengthen compliance with the applicable regulatory requirement during the Covered Period.
- **Quality Assurance or Field Monitoring Protocols:** This criterion evaluates whether NYCHA has performed any quality assurance or any field monitoring during the Covered Period of abatement, interim control, or RRP projects to assess compliance with each specific regulatory requirement.

¹ The 30(b) certification covers the period from August 1, 2019 to January 31, 2020.

- **Recordkeeping/File Review:** This criterion evaluates whether project files for work orders closed during the Covered Period contain documentation required by and/or evidencing compliance with each specific regulatory requirement.
- **Overall Assessment of Compliance:** This criterion includes an overall assessment of NYCHA’s compliance during the Covered Period with each specific requirement based upon the above-described criteria and any additional information provided by NYCHA staff. This criterion shall also disclose any identified deficiencies with each specific regulatory requirement and, where available, provide action items that NYCHA must conduct in the next six months to address compliance shortfalls.

Each subparagraph under Paragraphs 14 and 15 shall be assessed individually against these criteria.

[Update on Compliance-Related Activities Since Last 30\(b\) Certification \(July 31, 2019\)](#)

On July 31, 2019, NYCHA was unable to certify to compliance with Paragraphs 14 and 15 for the following main reasons.

- NYCHA lacked policies and procedures on lead abatement;
- NYCHA project files lacked certain required documents such as the lead abatement report;
- NYCHA did not have an adequate field oversight program;
- NYCHA did not have adequate records to document vendor compliance;
- NYCHA did not have adequate protocols to meet clearance examination requirements;
- NYCHA did not have adequate recordkeeping practices; and
- NYCHA did not have records of certain required notifications.

Since July 31, 2019, NYCHA has continued to take certain actions to correct or attempt to mitigate these deficiencies to improve its ability to meet the requirements set forth in Paragraphs 14 and 15. Major actions include the following:

- **Lead Training:** NYCHA has now provided lead work practices classroom training to 93% of required titles (3,105 staff) and provided hands on training to 92% of the titles (2,878). NYCHA has also trained almost 900 workers on the HUD visual assessment process.
- **Adoption of Policies and Procedures:** On January 21, 2020, NYCHA adopted SP 050:20:1, its first comprehensive Lead Safe Housing Standard Procedure (“Lead SP”). A copy of the Lead SP is annexed as Attachment B. The Lead SP includes, among other things, a new procedure on lead abatement activities, and incorporated and updated the existing NYCHA standard procedure manual on compliance with the Renovation, Repair, and Painting Rule. The Lead SP was developed by the NYCHA Compliance Department in close coordination with the Lead Hazard Control Department (“LHC”), EHS, Management and Planning (“M&P”), and NYCHA Legal. The Lead SP also was shared with, and incorporated comments from, the Federal Monitor and the United States Department of Housing and Urban Development. As there are still ongoing updates to NYCHA lead protocols, the Lead SP will be further updated and refined by June 30, 2020. The Lead SP is currently posted on the NYCHA Forms and Reference Library (FRL).
- **Commencement of Field Oversight by EHS:** In October 2019, EHS commenced field oversight activities for interim control and RRP projects in units. EHS conducts field oversight through its Lead

Oversight Team (“LOT”). EHS documents its inspections in the Maximo system using handheld devices. EHS performed field oversight inspections at 302 individual jobsites. EHS also developed Maximo inspection work orders for field oversight of abatement and clearance activities. Documented field oversight of abatement began on December 27, 2019.

- **Improved Preparation and Recordkeeping of Required Documents:** During the Covered Period, the Compliance Department performed monthly documentary compliance reviews of closed abatement work orders and RRP work orders. NYCHA Compliance also monitored the status of documentation for abatement projects still in progress. NYCHA Compliance and LHC also developed new document templates for the Occupant Protection Plan and the Abatement Report.
- **New IT Controls:** NYCHA completed two major IT projects related to Paragraph 14 and 15 requirements:
 - The first project created digital versions of the required pre-renovation acknowledgment form and the RRP Renovator’s Checklist. Both digital forms must be completed by the renovator or they will not be able to close the RRP work order.
 - The second project placed new controls and recordkeeping capabilities on abatement work orders. Most importantly, the project mandates that certified lead abatement supervisors now document their labor transactions on abatement work orders. The enhancement also enables digital storage of the EPA CDX notification, the Occupant Protection Plan, and the Abatement Report.
- **Ongoing Efforts to Address Compliance with Clearance Examination Requirements:** While NYCHA has yet to resolve its compliance with clearance examination requirements, NYCHA did undertake several major efforts during the Covered Period to improve its clearance examination protocols.
 - First, NYCHA constructed a reporting dashboard that enables staff to monitor whether required clearance examinations were conducted for all projects each day. If a clearance examination is not performed, staff can use the dashboard to investigate those projects and dispatch dust wipe technicians if necessary. NYCHA also shares weekly reports with the Federal Monitor on its efforts to collect samples within 24 – 48 hours after final cleaning.
 - Second, NYCHA established a dust wipe dispatcher call center in LHC. Certified renovators must call this dispatcher before cleaning activities to ensure that a technician is routed to their location to conduct the clearance examination.
 - Third, NYCHA mandated that all renovators must perform the EPA cleaning verification after final cleaning activities to ensure that they are leaving a clean work area in accordance with EPA standards. In August, NYCHA Compliance, LHC, and Operations held a series of live webinars with certified renovators to make them aware of this requirement and re-distributed cleaning verification cards to the renovators. EHS has been monitoring projects for compliance with the requirement and there has been an overall compliance rate of 92%. See Attachment A.

- Fourth, NYCHA conducted a pilot study of installing temporary red rosin paper floor protection following performance of cleaning, cleaning verification, and dust wipes to protect residents of the apartments while awaiting the results on the dust wipes for the laboratory. This method proved successful in most units where it was installed. However, federal stakeholders have not advised that this method alone would be sufficient to meet compliance with HUD worksite exclusion requirements.

It should also be noted that the activities in this Report relate solely to abatement and RRP work performed in units. During the Covered Period, NYCHA began to create a process for performing work to correct deficiencies in building common areas. These protocols are currently undergoing a pilot at Pink Houses and Gowanus Houses. A plan for conducting common area RRP, interim control, and abatement work is set forth in the Draft Action Plan, which was submitted to the Monitor and federal stakeholders in January 2020.

These and other projects are laying the foundation for NYCHA to certify its compliance with Paragraphs 14 and 15. The NYCHA Compliance Department, in partnership with EHS, will continue to monitor its compliance with these requirements each month to assess whether there is verifiable evidence that the controls around these requirements have taken root, and that NYCHA can certify its compliance to these obligations under Paragraph 30(b).

I. Assessment of Compliance with Paragraph 14 for the Covered Period

A. Paragraph 14(a): NYCHA shall ensure that a certified supervisor is onsite or otherwise available in accordance with 40 CFR § 745.227(e).

Regulatory Requirements for 14(a):

40 CFR §745.226(a) and (b)(1) sets forth the EPA-certification requirements for certified supervisors.

40 CFR §745.227(e)(2) states “A certified supervisor is required for each abatement project and shall be onsite during all work site preparation and during the post-abatement cleanup of work areas. At all other times when abatement activities are being conducted, the certified supervisor shall be onsite or available by telephone, pager or answering service, and able to be present at the work site in no more than 2 hours.”

Applicable NYCHA Written Policies, Procedures, and/or Contract Specifications for 14(a):

Written Policies and Procedures: During the Covered Period, on January 21, 2020, NYCHA issued the Lead SP. The Lead Standard Procedure includes the requirements set forth in 40 CFR § 745.227(e)(2). Lead SP, §§ VII.F.1.h & VII.F.2.h.

Training/Instructions to Staff: In advance of finalizing the Lead SP, the Director of LHC held meetings with NYCHA abatement supervisors on August 23, 2019 and September 26, 2019 to reinforce the importance of following the lead abatement rules and regulations. Sign in sheets and materials distributed at the

meeting are annexed as Attachment C.² The agenda for the September 26 meeting included the following items related to Paragraph 14(a): “Supervisor’s presence during all work site preparation;” “Supervisor’s Presence During Cleanup;” and “Availability of Supervisor within two hours (telephone number must be available at worksite).”

Contract Specifications: During the Covered Period, NYCHA utilized a vendor to perform abatements. The specifications for the contract (Contract Specification “Exhibit O” is annexed hereto as Attachment D) makes express reference to the requirements set forth in 40 CFR Part 745 and contains the following requirements:

- “All employees of the Consultant and of its subcontractors conducting Lead-Based Paint Abatement activities must be EPA certified Lead Abatement Workers under the direction of a EPA certified Lead Abatement Supervisor.” See Attachment C, § 1.1.6.
- “Adequate Personnel: a minimum of two (2) workers and one (1) supervisor at each abatement site. A given supervisor may be able to properly supervise more than one abatement site depending on the jobs’ relative proximity and size.” *Id.*, §1.2.1.
- Establishment of a Contract Monitor, with the authority to “stop the Services should the Monitor witness improper work procedures or the lack of *Adequate Personnel* present on an abatement job. Services may restart only upon authorization of the Monitor. If the Services are terminated, the Consultant at its own cost and expense must safeguard the abatement area in a manner that will prevent the possible spread of contamination. *Id.*, §1.4.5 (emphasis added).

IT Controls for 14(a):

In December 2019, NYCHA placed controls within Maximo to reinforce the requirement for the lead abatement supervisor be onsite during the set up and clean-up phases. The business requirements document (BRD) explaining the scope of this and other abatement-related IT controls is annexed as Attachment “E.” Maximo now has the following requirements for NYCHA performed and vendor performed abatement work orders:

- The system maintains the list of vendor personnel and NYCHA personnel who are certified as Lead Abatement Supervisors;
- Adding a trade skill level that is set to “Supervisor”;
- The abatement work order must have at least one labor transaction where the craft is that of a lead abatement supervisor. If it does not, the system will not allow the work order to be closed;
- Lead abatement work orders now must be made visible on handheld devices to both lead abatement workers and lead abatement supervisors.

Field Monitoring/QA for 14(a):

In October 2019, the NYCHA Compliance and EHS Departments created an Interim Lead Compliance Assurance Program. A component of the LCAP is for EHS to perform field oversight of abatement projects. During the Covered Period, EHS finalized an inspection work order in Maximo to document this field oversight activity. The inspection work order for abatement contains the requirement set forth in 40 CFR

² The materials for the August 23 meeting that consist of chapters of the HUD 2012 Guidelines are not being submitted as the attachment. Copies of Chapter 8 and 12 were distributed.

§ 745.227(e). A copy of the abatement inspection work order is annexed as Attachment “F.” EHS conducted only a limited number of field inspections for abatement projects during this reporting period (starting on December 27, 2019) and this data is not included in this report.

[File Review for 14\(a\):](#)

The Compliance Department requested and received lead abatement supervisor certifications from all NYCHA-employed certified supervisors who are recorded as having supervised abatement projects during the Covered Period. A copy of these certifications is available upon request. When a vendor performs the abatement, the vendor provides the certified supervisor as required by NYCHA’s contract provisions.

The Compliance Department’s Monitoring Unit (MU) reviewed 25 randomly selected lead abatement work orders from June 26th - December 15th, 2019 and confirmed that certified supervisors were identified on 24 of 25 work orders, as indicated in the Labor Information field in Maximo. A detailed table documenting this file review is annexed as Attachment G. For the one work order that did not have a certified supervisor listed in Maximo, LHC reported that there was an error in using the handheld device which caused the supervisor’s name to be omitted in Maximo. LHC has since confirmed that this supervisor has been trained in properly using the handheld device.

[Overall Description of Compliance for 14\(a\):](#)

During the Covered Period, NYCHA made demonstrable progress towards compliance with the requirement set forth in Paragraph 14(a) of the HUD Agreement. Evidence of progress towards compliance consists of:

- Documented training materials from the Director of Lead Hazard Control to NYCHA Abatement Supervisors on this specific requirement;
- Documented establishment of Interim LCAP including abatement oversight, with Maximo inspection work order that includes this requirement;
- Documented establishment of Maximo IT Control to require Certified Abatement Supervisors to document their site presence on the Abatement work order;
- Contract specifications including this requirement;
- File review indicating the labor hours of Lead Abatement Supervisors on 24 out of 25 work orders (96%).
- Final Lead Standard Procedure Manual including the requirements set forth in Paragraph 14(a).

While NYCHA developed protocols and checklists for EHS to perform field oversight activities, field oversight data is not included in this report. Field oversight activities for abatement commenced on December 27, 2019 and are expected to produce monitoring data in Q1 2020. Until this data is available to review, the Chief Compliance Officer (“CCO”) does not recommend certifying to full compliance with the requirements set forth in 14(a). Prior to the next certification, the CCO expects to review a significant quantity of field monitoring data from EHS to confirm that the NYCHA staff and vendor staff are adhering to these written protocols in the field. It is anticipated that this data will be available for review prior to the certification due on July 31, 2020.

B. Paragraph 14(b): “NYCHA shall notify EPA of lead-based paint abatement activities electronically using EPA’s Central Data Exchange (CDX) in accordance with 40 CFR § 745.227(e)(4)(vii).”

Regulatory Requirements for 14(b):

40 CFR § 745.227(e)(4)(vii) states as follows: “Notification must be accomplished using any of the following methods: Written notification, or electronically using the Agency’s Central Data Exchange (CDX). Written notification can be accomplished using either the sample form titled “Notification of Lead-Based Paint Abatement Activities” or similar form containing the information required in paragraph (e)(4)(vi) of this section. All written notifications must be delivered by U.S. Postal Service, fax, commercial delivery service, or hand delivery (persons submitting notification by U.S. Postal Service are reminded that they should allow 3 additional business days for delivery in order to ensure that EPA receives the notification by the required date). Instructions and sample forms can be obtained from the NLIC at 1-800-424-LEAD (5323), or on the Internet at <http://www.epa.gov/lead>.”

Applicable Written Policies, Procedures, and Contract Specifications for 14(b):

Policies and Procedures: The Lead SP sets forth the following procedures related to requirement set forth in paragraph 14(b):

- An LHC Assistant Director must notify EPA at least five days prior to the abatement using EPA’s CDX online portal. *See* Lead SP, § VII.F.1(b)(3)(c) and at § VII.F.2(b)(2)(c). If a vendor is performing the abatement, the vendor is responsible for the CDX notification and must send the notice to an LHC project manager. *Id.*
- The notice must be annexed to the abatement work order. *Id.*, § VII.F.b.3(d).
- If there is a change to the scope of the abatement or the anticipated start date, the LHC assistant director or vendor ensures that the proper updated notifications are filed with the EPA. *Id.*, § VII.F.1.d and VII.F.1.g. All updated notifications must be annexed to the work order. *Id.*

Training/Instructions to Staff: In advance of finalizing the Lead SP, the Director of LHC held meetings with NYCHA abatement supervisors on August 23, 2019 and September 26, 2019 to reinforce the importance of following the lead abatement rules and regulations. Sign-in sheets and materials distributed at the meeting are annexed as Attachment C. The agenda for the September 26 meeting included the following items related to Paragraph 14(b): “EPA 5-day notification,” and “Notify EPA & DOHMH (if applicable) if any changes to notifications.”

Contract Specifications: Exhibit O in the Contract (Attachment D hereto) for abatement services sets forth the following requirements related to Paragraph 14(b):

- “Consultant shall use the EPA CDX system to file notifications. Copies of the notifications are to be emailed to NYCHA.” *See* Attachment C, at § 1.4.2.
- Requiring the invoice for each payment request to have annexed “Copy of EPA notification, if applicable.” *Id.*, at § 1.5.2.

- Provides NYCHA with authority to monitor contractor, including for ensuring “that Consultant has notified, as required, the EPA, DOH and other applicable Federal, State and Municipal agencies of its intent to perform Lead-Based Paint Abatement work.” *Id.*, at 2.4.2.
- “Immediately upon verification of a Task Order scope, Consultant shall complete in full and submit the Notification of Commencement of Lead Abatement form and any applicable variances endorsed by the Project Coordinator for each Task Order, to the EPA and DOHMH when applicable, to notify of the intent to perform lead abatement work. Copies are to be submitted to NYCHA prior to commencement of Services. Services shall commence and be completed within one week as per NYCHA’s established start and completion dates on the Task Order or as directed by the Project Coordinator.” See Attachment C, § 2.6.3.

IT Controls for 14(b):

In December 2019, NYCHA IT instituted additional controls for abatement work orders. One of these controls requires LHC to upload a copy of the EPA notification as an attachment to the Maximo work order. Without this attachment, the work order cannot be closed. See Attachment E.

Field Monitoring/QA for 14(b):

EHS has developed field monitoring checklists for assessing compliance with abatement requirements, including the requirements set forth in Paragraph 14(b). See Attachment F. The Lead Abatement Inspection Work Order contains the following items:

- Is the EPA Notice posted at the entrance of the work area?
- Does the work location including the unit number match the location on the EPA Notice of Commencement (NOC)?
- Is the abatement occurring within the timeframe specified on the NOC?
- Certified Abatement Supervisor: Does the abatement supervisor’s name match the name on the EPA NOC?

EHS conducted only a limited number of field inspections for abatement projects during this reporting period (starting on December 27, 2019) and this data is not included in this report.

File Review for 14(b):

The MU conducted a file review to determine if the notice required by 40 CFR § 745.227(e)(4)(vii) was present in the relevant project files. The MU reviewed a total of 143 project files completed during the reporting period. Of these 143 files, 100% of project files contained the required EPA original notification. See Attachment G. 124 (87%) notified the EPA at least five or more business days of the scheduled abatement, except in cases of emergency.

Of the abatements that were not in compliance with the five-day timeframe, one was conducted by a vendor and eighteen were conducted by NYCHA. In the December Lead Exceptions report, it was recommended that LHC re-train staff to follow appropriate EPA guidelines. LHC has confirmed they have clarified this requirement to scheduling staff, and during the last monthly review period (November 15 – December 15) followed the EPA timeframe requirement in 100% of cases.

Overall Description of Compliance for 14(b):

During the Covered Period, NYCHA made demonstrable progress towards compliance with the requirement set forth in Paragraph 14(b) of the HUD Agreement. Evidence of progress towards compliance consists of:

- Documented Training Materials from Director of LHC to NYCHA abatement supervisors on this specific requirement;
- Establishment of Interim LCAP including abatement oversight, with Maximo inspection work order that includes this requirement;
- Documented establishment of Maximo IT Control to require the EPA notification to be uploaded to the work order;
- Contract specifications including this requirement;
- File review indicating the presence of the notice in 143 out of 143 files (100%), with 124 out of the 143 (87%) notices filed within the proper time period.
- Final Lead SP including the requirements set forth in Paragraph 14(b).

While NYCHA developed protocols and checklists for EHS to perform field oversight activities, field oversight data is not included in this report. Field oversight activities for abatement commenced on December 27, 2019 and are expected to produce monitoring data in Q1 2020. Until this data is available to review, the CCO does not recommend certifying to full compliance with the requirements set forth in 14(b). Prior to the next certification, the CCO expects to review a significant quantity of field monitoring data from EHS to confirm that the NYCHA staff and vendor staff are adhering to these written protocols in the field. It is anticipated that this data will be available for review prior to the certification due on July 31, 2020.

C. Paragraph 14(c): NYCHA shall prepare and implement written occupant protection plans for all abatement projects in accordance with 40 CFR § 745.227(e)(5).

Regulatory Requirements for 14(c):

40 CFR § 745.227(e)(5) states: "A written occupant protection plan shall be developed for all abatement projects and shall be prepared according to the following procedures: (i) The occupant protection plan shall be unique to each residential dwelling or child-occupied facility and be developed prior to the abatement. The occupant protection plan shall describe the measures and management procedures that will be taken during the abatement to protect the building occupants from exposure to any lead-based paint hazards. (ii) A certified supervisor or project designer shall prepare the occupant protection plan."

Applicable Written Policies, Procedures, and Contract Specifications for 14(c):

Policies and Procedures: The Lead SP (effective January 21, 2020) sets forth the following procedures related to the requirements set forth in paragraph 14(c):

- Requires lead abatement supervisor or vendor to prepare and sign the Occupant Protection Plan. See SP, § VII.F.1.c. & VII.F.2.d. The Lead Standard Procedure includes requirements on what must

be included in the OPP. *Id.* The Lead Standard Procedural includes a template Occupant Protection Plan. *See* Lead SP, Appendix G.

- Requires that the Occupant Protection Plan be annexed to the abatement work order. *See* SP, § VII.F.1.c and VII.F.2.d. The plan must be provided to the resident if the unit is occupied. *Id.* It must be posted in common areas. *Id.*

Training/Instructions to Staff: On August 23, 2019, the Director of Lead Hazard Control held a meeting with lead abatement supervisors reminding them of the Occupant Protection Plan requirements and providing the then-current NYCHA template to the supervisors. *See* Attachment C.

Contract Specifications: The contract specifications require the contractor to adhere to 40 CFR Part 745. *See* Attachment D, at § 2.2.5.

[IT Controls for 14\(c\):](#)

In December 2019, IT enhanced Maximo to require that the Occupant Protection Plan be attached to Maximo abatement work orders. *See* Attachment D. The work orders cannot be closed without this attachment.

[Field Monitoring/QA for 14\(c\):](#)

EHS finalized its inspection work order for abatement projects. The inspection checklist includes the following items:

- Does the Occupant Location on the Occupant Protection Plan match the unit's occupancy status during the abatement i.e. Occupied vs Unoccupied?
- The abatement inspection work order also includes numerous items regarding specific lead safe work practices.

See Attachment F. EHS conducted only a limited number of field inspections for abatement projects during this reporting period (starting on December 27, 2019) and this data is not included in this report.

[File Review for 14\(c\):](#)

The Compliance Department conducted a file review to determine if the written occupant protection plan required by 40 CFR § 745.227(e)(5) was present in the relevant project files. *See* Attachment G. The Compliance Department reviewed a total of 143 completed project files. 141 files (99%) contained complete Occupant Protection Plans. Two files this period contained no Occupant Protection Plans.

[Overall Compliance Assessment for 14\(c\):](#)

During the Covered Period, NYCHA made demonstrable progress towards compliance with the requirement set forth in Paragraph 14(c) of the HUD Agreement. Evidence of progress towards compliance consists of:

- Documented training material from Director of LHC to NYCHA Abatement Supervisors on this specific requirement;
- Establishment of Interim LCAP including abatement oversight, with Maximo inspection work order that includes this requirement;

- Documented establishment of Maximo IT Control to require the Occupant Protection Plan to be uploaded to the work order;
- File review indicating the presence of the notice in 141 out of 143 files (99%).
- Final Lead SP including the requirements set forth in Paragraph 14(c).

While NYCHA developed protocols and checklists for EHS to perform field oversight activities, field oversight data is not included in this report. Field oversight activities for abatement commenced on December 27, 2019 and are expected to produce monitoring data in Q1 2020. Until this data is available to review, the CCO does not recommend certifying to full compliance with the requirements set forth in 14(c). Prior to the next certification, the CCO expects to review a significant quantity of field monitoring data from EHS to confirm that the NYCHA staff and vendor staff are adhering to these written protocols in the field. It is anticipated that this data will be available for review prior to the certification due on July 31, 2020.

D. Paragraph 14(d): NYCHA shall specify methods of collection and lab analysis in accordance with 40 CFR § 745.227(f).

Regulatory Requirements for 14(d):

40 CFR § 745.227(f) states: “Any paint chip, dust, or soil samples collected pursuant to the work practice standards contained in this section shall be: (1) Collected by persons certified by EPA as an inspector or risk assessor; and (2) Analyzed by a laboratory recognized by EPA pursuant to section 405(b) of TSCA as being capable of performing analyses for lead compounds in paint chip, dust, and soil samples.”

Applicable Written Policies, Procedures, and Contract Specifications for 14(d):

Policies and Procedures: The Lead Standard Procedure (effective January 21, 2020) contains the following procedures related to Paragraph 14(d):

- The manual requires that clearance examinations following abatement must be performed by a certified risk assessor or lead inspector. SP, §§ VII.G.1. and VII.G.5. If the work is to be performed by a vendor, the LHC Assistant Director must ensure that the vendor submits the documentation meeting this requirement. *Id.*
- Dust wipe samples following abatement must be submitted to an EPA National Lead Laboratory Accreditation Program (“NLLAP”) and New York State Environmental Laboratory Approval Program (“ELAP”) certified testing laboratory. Lead SP, § VII.G.5.
- The manual requires that paint chip sampling (which is performed during lead paint inspections in advance of an abatement) be performed by a certified risk assessor or lead inspector. SP, § VII.B.2.c.4.e. These samples must be submitted to an EPA NLLAP-recognized and New York State ELAP certified testing laboratory. *Id.*

IT Controls for 14(d):

In December 2019, NYCHA IT enhanced Maximo to require that the abatement report, which should include the credentials of individuals and laboratories performing sampling/testing, be uploaded to the work order. The work order cannot be closed without these attachments. See Attachment D.

QA/Field Monitoring Protocols for 14(d):

There are no specific field monitoring protocols in place for this aspect of abatement at the present time but there is a general inspection work order created to oversee clearance activities. See Attachment G.

File Review for 14(d):

The Compliance Department reviewed 143 completed abatement files. Of these, 143 (100%) had completed clearance examination reports. Additionally, the contract specifications contain sufficient specifications on the requirements.

Overall Compliance Assessment for 14(d):

During the Covered Period, NYCHA made demonstrable progress towards compliance with the requirement set forth in Paragraph 14(d) of the HUD Agreement. Evidence of progress towards compliance consists of:

- Documented establishment of Maximo IT Control to require the Abatement Report to be uploaded to the work order;
- File review indicating the presence of the final clearance report in 143 out of 143 files (100%).
- Final Lead Standard Procedure Manual including the requirements set forth in Paragraph 14(d).

While NYCHA developed protocols and checklists for EHS to perform field oversight activities, field oversight data is not included in this report. Field oversight activities commenced on December 27, 2019 and are expected to produce monitoring data in Q1 2020. Until this data is available to review, the CCO does not recommend certifying to full compliance with the requirements set forth in 14(d). Prior to the next certification, the CCO expects to review a significant quantity of field monitoring data from EHS to confirm that the NYCHA staff and vendor staff are adhering to these written protocols in the field. It is anticipated that this data will be available for review prior to the certification due on July 31, 2020.

E. Paragraph 14(e): “NYCHA shall ensure that a clearance examination is performed, and a clearance examination report provided by a lead paint inspector/risk assessor certified and licensed as applicable for the property location, in accordance with 24 CFR § 745.227(e) (8)-(9). The lead paint inspector/risk assessor must be independent of the lead-based paint abatement firm, supervisor, and contractors performing the abatement work.

Regulatory Requirements for 14(e):

40 CFR § 745.227(e)(8) states, in relevant part: The following post-abatement clearance procedures shall be performed only by a certified inspector or risk assessor

“(i) Following an abatement, a visual inspection shall be performed to determine if deteriorated painted surfaces and/or visible amounts of dust, debris or residue are still present. If deteriorated painted surfaces

or visible amounts of dust, debris or residue are present, these conditions must be eliminated prior to the continuation of the clearance procedures.

(i) Following the visual inspection and any post-abatement cleanup required by paragraph (e)(8)(i) of this section, clearance sampling for lead in dust shall be conducted. Clearance sampling may be conducted by employing single-surface sampling or composite sampling techniques.

(ii) Dust samples for clearance purposes shall be taken using documented methodologies that incorporate adequate quality control procedures.

(iii) Dust samples for clearance purposes shall be taken a minimum of 1 hour after completion of final post-abatement cleanup activities.

(iv) The following post-abatement clearance activities shall be conducted as appropriate based upon the extent or manner of abatement activities conducted in or to the residential dwelling or child-occupied facility:

(A) After conducting an abatement with containment between abated and unabated areas, one dust sample shall be taken from one interior window sill and from one window trough (if present) and one dust sample shall be taken from the floors of each of no less than four rooms, hallways or stairwells within the containment area. In addition, one dust sample shall be taken from the floor outside the containment area. If there are less than four rooms, hallways or stairwells within the containment area, then all rooms, hallways or stairwells shall be sampled.

(B) After conducting an abatement with no containment, two dust samples shall be taken from each of no less than four rooms, hallways or stairwells in the residential dwelling or child-occupied facility. One dust sample shall be taken from one interior window sill and window trough (if present) and one dust sample shall be taken from the floor of each room, hallway or stairwell selected. If there are less than four rooms, hallways or stairwells within the residential dwelling or child-occupied facility then all rooms, hallways or stairwells shall be sampled.

(C) [*Exterior abatement provision omitted*]

(v) The rooms, hallways or stairwells selected for sampling shall be selected according to documented methodologies.

(vi) The certified inspector or risk assessor shall compare the residual lead level (as determined by the laboratory analysis) from each single surface dust sample with clearance levels in paragraph (e)(8)(viii) of this section for lead in dust on floors, interior window sills, and window troughs or from each composite dust sample with the applicable clearance levels for lead in dust on floors, interior window sills, and window troughs divided by half the number of subsamples in the composite sample. If the residual lead level in a single surface dust sample equals or exceeds the applicable clearance level or if the residual lead level in a composite dust sample equals or exceeds the applicable clearance level divided by half the number of subsamples in the composite sample, the components represented by the failed sample shall be recleaned and retested.

(vii) The clearance levels for lead in dust are 40 µg/ft² for floors, 250 µg/ft² for interior windowsills, and 400 µg/ft² for window troughs.”³

*** NYCHA has not utilized the random sampling clearance methodology during this reporting period, so this section intentionally omits 40 CFR 745.227(e)(9).

[Applicable Written Policies, Procedures, and Contract Specifications for 14\(e\):](#)

The Lead SP contains the following provisions on the requirements set forth in Paragraph 14(e):

- Requires that the clearance examination be performed by a certified risk assessor or lead paint inspector. See Lead SP, VII.G.1.
- Requires the certified risk assessor or certified lead paint inspector perform a visual inspection and sets forth the protocols if the work area fails the visual inspection. See Lead SP, VII.G.4.
- Sets forth the basic protocols for the certified risk assessor or lead inspector to follow for dust wipe sampling. See Lead SP, VII.G.4. The Lead Standard Procedure does not provide detailed means and methods on how the risk assessor and lead inspector needs to conduct the dust wipe samples.
- The Lead SP requires that the clearance be documented in a dust wipe report and that this report be uploaded to Maximo. See Lead SP, § VII.G.6.

[IT Controls for 14\(e\):](#)

In December 2019, NYCHA IT implemented enhancements to the abatement work order. The creation of the abatement work order will now auto-generate a dust wipe work order. See Attachment E. Additionally, Maximo now requires staff to upload the abatement report to the abatement work order before the work order can be closed.

[Field Monitoring/QA for 14\(e\):](#)

During the Covered Period, NYCHA did not perform field monitoring to ensure that contracted risk assessor or inspectors are appropriately performing the clearance examination for abatement projects. Per LHC staff, in-house staff review sampling results received from laboratories to confirm if the dust wipe sample passed or failed. NYCHA conducts QA for dust wipes performed by vendors. QA staff at LHC conducted 145 QA inspections of dust wipe clearances and found that 25 failed and required re-cleaning to pass final clearance.

[File Review for 14\(e\):](#)

The Compliance Department reviewed 143 completed abatement files. See Attachment G. Of these, 143 (100%) had clearance examination reports.

³ Lead dust clearance standards in New York City during the Covered Period were as follows: 10 µg/ft² for floors; 50 µg/ft² for window sills; and 100 µg/ft² for window wells (troughs).

Overall Compliance Assessment for 14(e):

During the Covered Period, NYCHA made demonstrable progress towards compliance with the requirement set forth in Paragraph 14(e) of the HUD Agreement. Evidence of progress towards compliance consists of:

- Documented establishment of Maximo IT Control to autogenerate dust wipe work orders and require the Abatement Report to be uploaded to the work order;
- File review indicating the presence of the clearance report in 143 out of 143 files (100%).
- Final Lead Standard Procedure Manual including the requirements set forth in Paragraph 14(e).

While NYCHA developed protocols and checklists for EHS to perform field oversight activities, field oversight data is not included in this report. Field oversight activities for abatement commenced on December 27, 2019 and are expected to produce monitoring data in Q1 2020. Until this data is available to review, the CCO does not recommend certifying to full compliance with the requirements set forth in 14(e). Prior to the next certification, the CCO expects to review a significant quantity of field monitoring data from EHS to confirm that the NYCHA staff and vendor staff are adhering to these written protocols in the field. It is anticipated that this data will be available for review prior to the certification due on July 31, 2020.

F. Paragraph 14(f): NYCHA shall ensure that the certified supervisor on each abatement project prepares an abatement report in accordance with 40 CFR § 745.227(e)(10).

Regulatory Requirements for 14(f):

40 CFR § 745.227(e)(10) states as follows: “An abatement report shall be prepared by a certified supervisor or project designer. The abatement report shall include the following information: (i) Start and completion dates of abatement. (ii) The name and address of each certified firm conducting the abatement and the name of each supervisor assigned to the abatement project. (iii) The occupant protection plan prepared pursuant to paragraph (e)(5) of this section. (iv) The name, address, and signature of each certified risk assessor or inspector conducting clearance sampling and the date of clearance testing. (v) The results of clearance testing and all soil analyses (if applicable) and the name of each recognized laboratory that conducted the analyses. (vi) A detailed written description of the abatement, including abatement methods used, locations of rooms and/or components where abatement occurred, reason for selecting abatement methods for each component, and any suggested monitoring of encapsulants or enclosures.”

Applicable Written Policies, Procedures, and Contract Specifications for 14(f):

Policies and Procedures: The Lead SP sets forth the following procedures related to the requirements set forth in paragraph 14(f):

- Requires that the certified abatement supervisor for each abatement project prepare an abatement report within 30 days of clearance. SP, § VII.G.10. The report must contain all of the items set forth in 24 CFR § 745.227(e)(10). *Id.*

- LHC adopted a template for certified supervisors to use in preparing the report. A copy of this template is annexed as Attachment H.

Training/Instructions to Staff: On August 23, the Director of LHC held an instructional meeting with lead abatement supervisors to notify them of the requirement to prepare the abatement report. The Director also distributed materials to the supervisors explaining the requirements for the abatement report.

IT Controls for 14(f):

In December 2019, NYCHA IT enhanced Maximo to require staff to upload the abatement report to the abatement work order. The work order cannot be closed without this attachment.

Field Oversight/QA for 14(f):

There are no field oversight protocols in place or expected to monitor the creation of this final report.

File Review for 14(f):

Of the 143 abatement work orders reviewed for the Covered Period, 136 files (95%) contained the complete abatement report. Four were missing due to clearance occurring prior to LHC's implementation of the abatement report procedures. The abatement report form is undergoing revisions to ensure compliance by the abatement vendor.

Overall Compliance Assessment for 14(f):

During the Covered Period, NYCHA made demonstrable progress towards compliance with the requirement set forth in Paragraph 14(f) of the HUD Agreement. Evidence of progress towards compliance consists of:

- Documented Training Materials from Director of Lead Hazard Control to NYCHA Abatement Supervisors on this specific requirement;
- Documented establishment of Maximo IT Control to require the Abatement Report to be uploaded to the work order;
- File review indicating the presence of the notice in 135 out of 143 files (95%) contained the abatement report.
- Final Lead Standard Procedure Manual including the requirements set forth in Paragraph 14(f);
- An agency template for the abatement report, which is being revised to reflect improved LHC procedures for creating the abatement report.

At present, NYCHA appears substantially in compliance with the abatement report requirement set forth in paragraph 14(f).

G. Paragraph 14(g): NYCHA shall maintain records in accordance with 40 CFR § 745.227(i) and 24 CFR § 35.125.

Regulatory Requirements for 14(g):

40 CFR § 745.227(i) states “All reports or plans required in this section shall be maintained by the certified firm or individual who prepared the report for no fewer than 3 years. The certified firm or individual also shall provide copies of these reports to the building owner who contracted for its services.”

24 CFR §35.125 states, “The designated party ... shall keep a copy of each notice, evaluation, and clearance or abatement report required by subparts C, D, and F through M of this part for at least three years. Those records applicable to a portion of a residential property for which ongoing lead-based paint maintenance and/or reevaluation activities are required shall be kept and made available for the Department's review, until at least three years after such activities are no longer required.”

Applicable Written Policies, Procedures, and Contract Specifications for 14(g):

Policies and Procedures: The Lead SP (effective January 21, 2020) sets forth the following procedures related to the requirements set forth in paragraph 14(g):

- A Lead Hazard Control Department assistant director ensures all records related to this Standard Procedure are retained in the Lead Hazard Control Department central office for the life of the building while under NYCHA ownership, plus an additional three years. Lead SP, § VIII.C.
- The Manual also requires issuance of the hazard reduction letter following abatement activities. See Lead SP, § VII.G.8.

IT Controls for 14(g):

NYCHA does not have IT controls that support this requirement, although as of December 2019, occupant protection plans, the EPA notification and abatement reports can be attached to the Maximo work orders.

Field Monitoring/QA for 14(g):

Per LHC, before NYCHA deems a file complete, it requires that Lead Hazard Control staff review the file’s contents and ensure that it contains the documentation for a completed file before it is sent to the central storage facility in Long Island City.

File Review for 14(g):

For purposes of this assessment, the Compliance Department requested 143 completed files. Lead Hazard Control was able to provide files for all work orders requested although, as indicated above, certain project files were missing key documents or non-compliant in required timeframes.

The Compliance Department did not perform sufficient file review to evaluate hazard reduction notices in this Covered Period.

Overall Compliance Assessment for 14(g):

During the Covered Period, NYCHA made demonstrable progress towards compliance with the recordkeeping requirement set forth in Paragraph 14(g) of the HUD Agreement. Evidence of progress towards compliance consists of:

- Documented establishment of Maximo IT Control to require the Occupant Protection Plan, EPA Notice, and Abatement Report to be uploaded to the work order;
- LHC was able to produce all files to the Compliance Department (although a small number of files were missing required documentation).
- Final Lead Standard Procedure Manual including the requirements set forth in Paragraph 14(g).

With respect to hazard reduction letters, the Compliance Department reviewed a small sample of files for purposes of this certification. Given that the hazard reduction letter process has presented a compliance challenge for NYCHA in the context of interim controls and RRP work, the Compliance Department must do a more detailed review of this requirement in the next sixth month period. Until this review occurs, the CCO recommends to not yet certifying to paragraph 14(g).

II. Paragraph 15

A. Paragraph 15(a): Establishing and maintaining sufficient information in NYCHA's renovation and maintenance computer systems to readily identify renovation and maintenance projects involving work to which lead-safe work practices regulations apply in accordance with 24 CFR §§ 35.1330, 35.1350 and 40 CFR §§ 745.85, 745.89.

Regulatory Requirements for 15(a):

NYCHA interprets this requirement as ensuring that its computerized work order system, Maximo, can identify developments in which paint disturbing projects require adherence to lead safe work practices, as those requirements are defined in the above-cited regulations.

Written Policies, Procedures, and/or Contract Specifications for 15(a):

Policies and Procedures: The Lead SP⁴ states as follows: "Maximo flags locations in which lead-based paint is or may be present, and identifies when RRP requirements must be met. If a Maximo work order identifies that RRP is required, all painted surfaces must be presumed to be lead-based paint." See Lead SP, § VII.H.2.a.

⁴ Prior to the effective date of the Lead SP (January 21, 2020), NYCHA Standard Procedure Manual SP: 040:18 Lead Safe for Renovation, Repair, and Painting (December 2018) contained the policies and procedures related to RRP. The new Lead SP incorporated SP:040:18 and added new sections on the EPA cleaning verification process and the dust wipe call dispatcher function. The references in this report will be to the new Lead SP.

IT Controls for 15(a):

Based on prior lead inspection data, Maximo places a “flag” on units that could require RRP work. A document setting forth this IT enhancement is annexed as Attachment I.

Field Monitoring/QA for 15(a):

Please refer to the report entitled EHS, “Renovation, Repair, and Painting Report,” October – December 2019 for a description of RRP-related field monitoring activities during the Covered Period, annexed as Attachment A. (hereinafter referred to as the “EHS Report”). Additionally, it should be noted that EHS uses Maximo to select RRP projects for onsite monitoring. EHS conducted onsite monitoring at 300 projects during the Covered Period.

File Review for 15(a):

The Compliance Department did not conduct file review for 15(a) during the Covered Period. The file review conducted in advance of the July 31, 2019 certification confirmed that this IT control is functioning as intended.

Overall Description of Compliance for 15(a):

Based on the existence of written standard procedures, the existence of IT controls, and the existence of a field monitoring program for RRP, NYCHA has established a system that can ensure compliance with the requirements referenced in Paragraph 15(a).

B. Paragraph 15(b): Ensuring that only properly trained and certified firms and workers are assigned to perform work to which lead-safe work practices apply in accordance with 24 CFR §§ 35.1330, 35.1350 and 40 CFR §§ 745.85, 745.90.

Regulatory Requirements for 15(b):

NYCHA interprets this paragraph, and the regulations cited therein, as requiring that NYCHA have policies, procedures, controls, and practices to only permit RRP-certified staff or vendors to perform paint-disturbing work in Lead Paint Developments.

Written Policies, Procedures, and/or Contract Specifications for 15(b):

Regarding vendors, the Lead SP states as follows, “Property maintenance supervisors ensure vendor employees: (1) Are Certified Renovators. (2) Have their RRP certificates on file at the development. (3) Follow lead-safe work practices under federal and local law and regulations. (4) Provide the required notifications.” Lead SP, §§ VII.H.2.g.1. Developments using vendors must also provide the vendor with the “Lead Safe Practices Vendor notice.” Lead SP, §§ VII.H.2.g.1 and Appendix E.

Regarding NYCHA staff, the Lead SP states as follows: “Only Certified Renovators can perform Renovation, Repair, and Painting (RRP) work that requires RRP certification.” Lead SP, § VII.H.2. The Lead SP further states, “Supervisors are not permitted to assign work that requires a Certified Renovator to employees who are not Certified Renovators. If an employee who is not a Certified Renovator is assigned to complete a work order that has the ACTION REQUIRED message noted above, the employee must tell their

immediate supervisor that they are not certified to complete the work order. In Assignment Manager and ESD Dispatching, the Labor List has a field to indicate which employees are Certified Renovators. The RRP certification information is imported from the Human Resources Database daily.” Lead SP, § VII.H.2.c.

IT Controls for 15(b):

NYCHA has IT controls that ensure that NYCHA assigns potential RRP work orders in Lead Paint Developments to RRP certified NYCHA staff. A document describing this IT control is annexed as Attachment I.

At present, Maximo does not identify the vendor or vendor staff assigned to perform RRP work at the Lead Paint Developments. NYCHA instead relies upon either Development staff or NYCHA paint supervisors to manually check the qualifications of the vendor and vendor staff at the development.

Field Monitoring/QA for 15(b):

A full description of field monitoring activities for RRP projects is set forth in the EHS Report, annexed as Attachment A. This section shall briefly summarize EHS’s findings relevant to Paragraph 15(b).

- All 510 NYCHA workers observed performing RRP work were RRP certified. 25 of the 510 RRP certified employees observed were unable to produce a copy of the certificate for inspection. However, of those 25 staff without certification on hand, all completed RRP Classroom training before performing the RRP work. Additionally, all but 1 job had at least 1 worker with their certificate ready for inspection.
- Out of the 17 vendors observed performing RRP work, 16 had their certificates ready for inspection. 16 jobs had at least 1 worker with their certificate ready for inspection.

File Review for 15(b):

The Compliance Department randomly selected at least 100 work orders each month to verify if employees and staff were certified. The reviewed work orders included 938 work orders completed by 751 employees between July 25, 2019 and January 16, 2020. The Compliance Department compared data from closed RRP work orders on Maximo with training results from HR, or requested vendor certificates from the development. Of the 938 work orders completed by NYCHA employees, 937 (99%) were RRP certified.

The Compliance Department also randomly selected 9 RRP vendor work orders to evaluate whether the firm certification was on file with procurement and readily available for review. Compliance was able to identify 9 out of the 9 vendor certificates. This supporting information is available upon request.

Overall Description of Compliance for 15(b):

During the Covered Period, NYCHA made demonstrable progress towards compliance with the requirement set forth in Paragraph 15(b) of the HUD Agreement. Evidence of progress towards compliance consists of:

- The existence of policies and procedures addressing the requirements of Paragraph 15(b);
- The existence of IT controls for work orders performed by NYCHA staff to ensure that only RRP certified workers can be assigned to RRP work orders;

- Strong evidence from field monitoring activities that these requirements are being followed in the field by both staff and vendors;
- Strong evidence from file review activities that these requirements are being followed for staff and good evidence that these requirements are being followed for vendors.

The main area of concern that remains is that the controls for vendor-performed RRP work orders are significantly weaker than the very robust controls that exist for NYCHA-performed work orders. For vendor-performed work orders, NYCHA does not have IT controls that prevent non-certified vendors and vendor staff from performing RRP work. This process for verifying vendor and worker RRP certifications remains a manual process that is spread across three different departments (Procurement, Property Management, and Management & Planning). While field observations and file review indicate that vendors are generally complying with this requirement, the lack of sufficient IT controls on work order assignment creates risk that non-certified vendor or vendor staff could be assigned to an RRP work order.

Proposed Action 13 in the Draft Lead Action Plan addresses this issue as it will require vendors to provide a list of certified staff (and a copy of their certifications). NYCHA will then upload these staff rosters into a centralized location available to Property Management, Management & Planning, EHS, and Compliance. Vendors will be required to update these rosters monthly if there are changes to their staffing. While this is still not as robust as the controls for work orders performed by NYCHA staff, it will improve the ability to track worker certifications in a centralized location.

C. Paragraph 15(c): Obtaining and Maintaining certification as a certified renovation firm if any of the workers described in this paragraph are NYCHA employees, and the work they do is covered by 40 CFR part 745, subpart E ... in accordance with 40 CFR §§ 745.81, 745.89.

Overall Description of Compliance for 15(c):

NYCHA is a certified RRP firm. Proof of the certification is annexed as Attachment J.

D. Paragraph 15(d): Ensuring supplies necessary to perform lead-safe work practices in accordance with 24 CFR § 35.1350 and 40 CFR § 785.85 are readily available to trained and certified workers.

Regulatory Requirements for 15(d):

NYCHA interprets this requirement as ensuring that its storerooms have sufficient supplies that can be used by NYCHA staff daily to fulfill the lead safe work practice requirements.

Written Policies, Procedures, and/or Contract Specifications for 15(d):

The Lead SP sets forth the mandatory materials that must be included in the standard RRP kit and available at the developments. See Lead SP, § VII.H.8

[IT Controls for 15\(d\):](#)

There are currently no IT controls for the requirements set forth in 15(d).

[Field Monitoring/QA for 15\(d\):](#)

A full description of field monitoring activities for RRP projects is set forth in the EHS Report, annexed as Attachment A. This section shall briefly summarize EHS's findings relevant to Paragraph 15(d).

- Out of the 155 storerooms inspected for required RRP supplies, 119 were in compliance (77%). Non-compliance indicates that one or more supplies was missing from the storeroom.
- Most of the inspections failed due to missing supply kits, which happened in nine (9) inspections. Other inspections found gloves, utility knives, water mister/spray bottles, and duct tape missing.
- During the monitoring period (October to December), there was an upward trend in compliance. In December, EHS inspected 75 storerooms (the highest number during the monitoring period) and found 80% of the storerooms to be in compliance.

[File Review for 15\(d\):](#)

The Compliance Department did not conduct any file review to evaluate compliance with paragraph 15(d).

[Overall Description of Compliance for 15\(d\):](#)

During the Covered Period, NYCHA made demonstrable progress towards compliance with the requirement set forth in Paragraph 15(d) of the HUD Agreement. Evidence of progress towards compliance consists of:

- The existence of policies and procedures addressing the requirements set forth in 15(d);
- Field monitoring data showing an overall rate of 77% compliance, with an upward compliance trend during the monitoring period.

Despite this progress, there were storerooms identified by EHS that did not have all required supplies. It should be noted that, in 2020, the management of RRP storeroom supplies is being centralized which should lead to greater consistency in this compliance requirement.

Overall, the Compliance Department recommends not certifying to this requirement until field monitoring shows a period of consistent compliance.

E. Paragraph 15(e): Ensuring that firms and workers assigned to perform the renovation or maintenance work to which lead safe work practices apply use the RRP Renovation Checklist and establish and maintain records necessary to demonstrate compliance with the RRP Rule in accordance with 40 CFR § 745.86.

Regulatory Requirements for 15(e):

The relevant portion of 40 CFR § 745.86 states as follows:

“Documentation of compliance with the requirements of § 745.85, including documentation that a certified renovator was assigned to the project, that the certified renovator provided on-the-job training for workers used on the project, that the certified renovator performed or directed workers who performed all of the tasks described in § 745.85(a), and that the certified renovator performed the post-renovation cleaning verification described in § 745.85(b). If the renovation firm was unable to comply with all of the requirements of this rule due to an emergency as defined in § 745.82, the firm must document the nature of the emergency and the provisions of the rule that were not followed. This documentation must include a copy of the certified renovator's training certificate, and a certification by the certified renovator assigned to the project that:

- (i) Training was provided to workers (topics must be identified for each worker).
- ii) Warning signs were posted at the entrances to the work area.
- (iii) If test kits were used, that the specified brand of kits was used at the specified locations and that the results were as specified.
- (iv) The work area was contained by:
 - (A) Removing or covering all objects in the work area (interiors).
 - (B) Closing and covering all HVAC ducts in the work area (interiors).
 - (C) Closing all windows in the work area (interiors) or closing all windows in and within 20 feet of the work area (exteriors).
 - (D) Closing and sealing all doors in the work area (interiors) or closing and sealing all doors in and within 20 feet of the work area (exteriors). Covering doors in the work area that were being used to allow passage but prevent spread of dust
 - (E) Covering the floor surface, including installed carpet, with taped-down plastic sheeting or other impermeable material in the work area 6 feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to contain the dust, whichever is greater (interiors) or covering the ground with plastic sheeting or other disposable impermeable material anchored to the building extending 10 feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to collect falling paint debris, whichever is greater, unless the

property line prevents 10 feet of such ground covering, weighted down by heavy objects (exteriors).

- (F) Installing (if necessary) vertical containment to prevent migration of dust and debris to adjacent property (exteriors).

(v) If paint chip samples were collected, that the samples were collected at the specified locations, that the specified NLLAP-recognized laboratory analyzed the samples, and that the results were as specified.

(vi) waste was contained on-site and while being transported off-site.

(vii) the work area was properly cleaned after the renovation by:

- (A) Picking up all chips and debris, misting protective sheeting, folding it dirty side inward, and taping it for removal.

- (B) Cleaning the work area surfaces and objects using a HEPA vacuum and/or wet cloths or mops (interiors).

(viii) The certified renovator performed the post-renovation cleaning verification (the results of which must be briefly described, including the number of wet and dry cloths used).

[Written Policies, Procedures, and/or Contract Specifications for 15\(e\):](#)

The Lead SP sets forth the required procedures for lead safe work practices, and for completing the required renovator's checklist. Lead SP, §§ VII.H.7 through VII.H.12. The template Renovator's Checklists (for vendors and staff) are also annexed to the Lead SP.

In November 2019, NYCHA created digital versions of the post renovator checklists for use in the handheld and desktop versions of Maximo. NYCHA received comments from HUD on the checklist items used for these digitized checklists. This enhancement is further discussed in the IT Controls for 15(e) section below. The BRD for this enhancement is available on request.

Additionally, during the Covered Period, NYCHA updated the Renovator's checklist to add checklist items related to the EPA cleaning verification requirement. The checklist was also revised to allow renovators to more accurately indicate whether or not they observed waste being transported offsite.

[IT Controls for 15\(e\):](#)

As of November 2019, the pre-acknowledgment form and renovator's checklist were digitized and added into the Maximo work ticket. RRP work orders cannot be closed without completing these forms with required signatures and user-provided information about the renovation. Since vendors do not have handhelds, this control does not apply to their work.

[Field Monitoring/QA for 15\(e\):](#)

A full description of field monitoring activities for RRP projects is set forth in the EHS Report, annexed as Attachment A. With respect to overall compliance with RRP work practices, EHS made the following overall observations:

- EHS surpassed the quarterly target of observing 120 RRP jobs by 152%, observing 302 RRP Jobs;
- Worksite Preparation and Work Activities phase achieved the highest compliance rates – 225 Worksite Preparation were observed, averaging a 95% compliance rate;
- 270 Work activities were observed, averaging an 88% compliance rate;
- 251 Cleanup activities were observed, averaging an 88% compliance rate
- 248 Cleanup Verification activities were observed, averaging 88% compliance rate
- EHS observed all four (4) phases for 172 jobs, of which 142 were 100% in compliance.
- 994 work phases were observed, averaging a 92% compliance rate

[File Review for 15\(e\):](#)

The Compliance Department assessed 939 work orders (completed between July 25, 2019 and January 16, 2020) for the required attachments and confirmed if the employees were certified RRP renovators. 86% (808 out of 939) of the work orders had the RRP Renovation Checklist. The new digitized checklists apply to work orders created starting in November 2019. The Compliance Department saw improvement during the reporting period as illustrated below:

Renovator Checklists July 25, 2019 to January 16, 2020							
	July	August	Sept.	Oct.	Nov.	Dec.	Jan 2020
RRP Checklists Present	25	183	186	222	35	91	66
RRP Checklists Missing	9	35	54	31	2	0	0
Total	34	218	240	253	37	91	66
Rate	74%	84%	78%	88%	95%	100%	100%

[Overall Description of Compliance for 15\(e\):](#)

During the Covered Period, NYCHA made demonstrable progress towards compliance with the requirement set forth in Paragraph 15(e) of the HUD Agreement. Evidence of progress towards compliance consists of:

- The existence of policies and procedures addressing the requirements set forth in 15(e);
- Creation of new IT controls that require workers to complete the Renovator’s Checklist before they can close the RRP work order;
- Field monitoring data providing an average rate of compliance of 92% across all four work phases;

- File review showing an upward trend of compliance to 100% for completion of the renovator's checklist.

Despite this progress, NYCHA still needs to develop a more cohesive policy on collecting and storing required RRP documentation from vendors. The collection and storage of this information currently is not centralized. The enhancements to Maximo provide NYCHA an opportunity to create a more cohesive policy on this issue to prevent non-compliance.

Overall, the Compliance Department recommends not certifying to this requirement until field monitoring shows a period of consistent compliance and NYCHA resolves the lack of cohesive policies on vendor record-keeping.

F. Paragraph 15(f): Ensuring that residents of units and developments in which renovation or maintenance work to which lead-safe work practices apply will be performed are informed of the work to be performed and the risks involved in accordance with 24 CFR § 35.1345 and 40 CFR §§ 745.84, 745.85.

Regulatory Requirements for 15(f):

The regulations cited in paragraph 15(f) require NYCHA to distribute the EPA Renovate Right Pamphlet, and to obtain acknowledgment from an adult occupant of the unit.

Written Policies, Procedures, and/or Contract Specifications for 15(f):

The Lead SP sets forth the required procedure for distributing the required pre-renovation materials and obtaining the acknowledgment form from the resident. See Lead SP, at VIII.H.4.

IT Controls for 15(f):

As of November 1, 2019, the pre-renovation acknowledgment form and renovator's checklist were digitized and added into the Maximo work ticket. RRP work orders cannot be closed without completing these forms with required signatures and user-provided information about the renovation. Since vendors do not have handhelds, this control does not apply to their work.

Field Monitoring/QA for 15(f):

EHS does not include this requirement in their onsite monitoring.

File Review for 15(f):

The Monitoring Unit assessed 939 work orders (completed between July 25, 2019 and January 16, 2020) for the required attachments and confirmed if the pre-renovation acknowledgement form was attached to the work order. 88% (828 out of 942) of the work orders had the pre-renovation acknowledgment form. The remainder of pre-acknowledgement forms were not uploaded into Maximo. The Compliance Department saw improvement during the reporting period as illustrated below:

Pre-Renovation Acknowledgement Forms from July 25, 2019 to January 16, 2020							
	July	Aug.	Sept.	Oct.	Nov.	Dec.	Jan. 2020
Pre-renovation acknowledgment forms Present	25	190	194	229	33	91	66
Pre-renovation acknowledgment forms Missing	9	28	46	24	4	0	0
Total	34	218	240	253	37	91	66
Compliance Rate	74%	87%	81%	91%	89%	100%	100%

[Overall Description of Compliance for 15\(f\):](#)

During the Covered Period, NYCHA made demonstrable progress towards compliance with the requirement set forth in Paragraph 15(f) of the HUD Agreement. Evidence of progress towards compliance consists of:

- The existence of policies and procedures addressing the requirements set forth in 15(f);
- Creation of new IT controls that require workers to complete the pre-renovation acknowledgment form before they can close an RRP work order;
- File review showing an upward trend of compliance to 100% for completion of the renovator’s checklist.

Despite this progress, NYCHA still needs to develop a more cohesive policy on collecting and storing required RRP documentation from vendors. The collection and storage of this information currently is not centralized. The enhancements to Maximo provide NYCHA an opportunity to create a more cohesive policy on this issue to prevent non-compliance.

Overall, the Compliance Department recommends not certifying to this requirement until file monitoring shows a period of consistent compliance and NYCHA resolves the lack of cohesive policies on vendor record-keeping.

G. Paragraph 15(g): Retaining records demonstrating compliance with the regulations set forth at 24 CFR § 35.125 and 40 CFR § 745.84.

Regulatory Requirements for 15(g):

This section focuses on 24 CFR § 35.125, as the requirements of 40 CFR § 745.84 are discussed in paragraph 15(f). 24 CFR § 35.125 states as follows:

(a) Notice of evaluation or presumption. When evaluation is undertaken and lead-based paint or lead-based paint hazards are found to be present, or if a presumption is made that lead-based paint or lead-based paint hazards are present in accordance with the options described in § 35.120, the designated party shall provide a notice to occupants within 15 calendar days of the date when the designated party receives the report or makes the presumption. A visual assessment alone is not considered an evaluation for the purposes of this part. If only a visual assessment alone is required by this part, and no evaluation is performed, a notice of evaluation or presumption is not required.

- (1) The notice of the evaluation shall include: (i) A summary of the nature, dates, scope, and results of the evaluation; (ii) A contact name, address and telephone number for more information, and to obtain access to the actual evaluation report; and (iii) The date of the notice.
- (2) The notice of presumption shall include: (i) The nature and scope of the presumption; (ii) A contact name, address and telephone number for more information; and (iii) The date of the notice.

(b) Notice of hazard reduction activity. When hazard reduction activities are undertaken, each designated party shall:

- (1) Provide a notice to occupants not more than 15 calendar days after the hazard reduction activities (including paint stabilization) have been completed. Notice of hazard reduction shall include, but not be limited to:
 - (i) A summary of the nature, dates, scope, and results (including clearance) of the hazard reduction activities;
 - (ii) A contact name, address, and telephone number for more information;
 - (iii) Available information on the location of any remaining lead-based paint in the rooms, spaces, or areas where hazard reduction activities were conducted, on a surface-by-surface basis; and
 - (iv) The date of the notice.
- (2) Update the notice, based on reevaluation of the residential property and as any additional hazard reduction work is conducted. Provision of a notice of hazard reduction is not required if a clearance examination is not required.

(c) Availability of notices of evaluation, presumption, and hazard reduction activities.

- (1) The notices of evaluation, presumption, and hazard reduction shall be of a size and type that is easily read by occupants.
- (2) To the extent practicable, each notice shall be made available, upon request, in a format accessible to persons with disabilities (e.g., Braille, large type, computer disk, audio tape).
- (3) Each notice shall be provided in the occupants' primary language or in the language of the occupants' contract or lease.
- (4) The designated party shall provide each notice to the occupants by:
 - (i) Posting and maintaining it in centrally located common areas and distributing it to any dwelling unit if necessary because the head of household is a person with a known disability; or
 - (ii) Distributing it to each occupied dwelling unit affected by the evaluation, presumption, or hazard reduction activity or serviced by common areas in which an evaluation, presumption or hazard reduction has taken place.
 - (iii) However, for the protection of the privacy of the child and the child's family or guardians, no notice of environmental investigation shall be posted to any centrally located common area.

Written Policies, Procedures, and/or Contract Specifications for 15(g):

Policies and Procedures: The Lead SP contains policies and procedures on the Notice of Evaluation. See Lead SP, VII.D.2.d. (notice of evaluation following XRF inspection); Lead SP VII, VII.E.7 (notice of evaluation for biennial re-evaluations); *see also* NYCHA Form 060.851, Notice of Evaluation. NYCHA has a template Notice of Hazard Reduction but does not provide clear policies and procedures on sending this required form. The Lead SP will be revised to reflect this process.

Contract Specifications: The contract specifications for the NYCHA XRF initiative require vendors performing the XRF testing to perform the following: "(a.) Each dwelling unit that is found to contain lead-based paint is to receive a "Notice."; (b.) The Notice shall be in a single page format that is approved by NYCHA. (c.) The Notice is to be received by the resident within 15 calendar days of knowledge that lead-based paint is present. (d.) Notices are to be mailed directly to the Resident's address." The XRF contract is available on request.

IT Controls for 15(g):

IT has developed a system to automate the sending of hazard reduction letters through Siebel. While the IT programming has been completed, this project is still in the testing phase to ensure that the hazard reduction letters accurately pull the necessary data from Maximo.

Field Monitoring/QA for 15(g):

With respect to the Notices of Evaluation arising from the NYCHA XRF initiative, the vendor is responsible for sending the Notices of Evaluation following completion of the XRF inspections. LHC reviews these notices, and they are uploaded to the Maximo work order.

[File Review for 15\(g\):](#)

The Compliance Department ran a report of XRF inspection work orders in Maximo completed between April 1, 2019 and December 31, 2019. Of 17,532 completed XRF inspections were, seven work orders did not contain the Notice of Evaluation in Maximo. However, all seven were able to be provided by LHC when requested. Upon further Maximo review, LHC stated that the seven work orders were closed prematurely at the development level, preventing the vendor from uploading the form.

With respect to the Notice of Hazard Reduction, the notice is generated manually by LHC upon dust wipe clearance of work orders flagged as RRP and emailed to the developments, which then hand delivers them to the residents. The Compliance Department requested from IT a list of RRP work orders that were closed and passed dust wipe clearance between July 1, 2019 and Jan 1, 2020. Of 524 work orders, a sample of 39 work orders were randomly selected for review. The Compliance Department requested evidence of delivery from LHC to the developments by means of email with Notice of Hazard Reduction attached to the development. Of the 39 work orders sampled, LHC was able to supply email verification for 19 of the 40 work orders. Of these, only 3 of these notices were uploaded into Maximo.

Of the remaining 20 files missing notices of hazard reduction, there were a variety of reasons for the missing notifications:

- 14 were missing or not sent;
- 3 of the sampled work orders were created in error by the development;
- 1 of the sampled work orders was for a basement, so no dust wipe was needed;
- 1 “no results” work order should not have been closed by the development;
- 1 resident refused access to the sample technician and no samples were taken.

[Overall Description of Compliance for 15\(g\):](#)

While NYCHA has established practices in place for the Notice of Evaluation, NYCHA continues to have issues with respect to the Notices of Hazard Reduction. NYCHA will take the following actions to address this ongoing shortfall:

- The Compliance Department will incorporate the Notice of Hazard Reduction process into the Lead SP. This was an oversight that needs to be corrected. The goal is to complete this process by February 28, 2020 and re-post the Manual on the FRL.
- NYCHA will launch the automated IT process for generating the letters through Siebel by March 31, 2020. This project is set forth in the draft Lead Action Plan.
- In the interim, the Compliance Department and the Director of LHC shall schedule a meeting with LHC staff responsible for the preparation and storage of the Notice of Hazard Reduction to ensure that they have a reliable process for preparing, issuing, and storing these notices. This meeting will be scheduled and documented by February 15, 2020.

NYCHA cannot certify to the requirements set forth in 15(g) until it significantly improves its overall compliance with the Notice of Hazard Reduction process. Improvement is expected on March 31, 2020, when the automated hazard reduction notice begins being sent to residents through the Siebel system. The manual process and manual recordkeeping is not an effective means to comply with this requirement.

H. Paragraph 15(h): Containing or causing to be contained any work area to which lead safe work practices will apply by isolating the work area and waste generated so that no dust or debris leaves the work area in accordance with 24 CFR § 35.1345 and 40 CFR § 745.85(a).

Regulatory Requirements for 15(h):

24 CFR § 35.1345(b)(1) states as follows: The worksite shall be prepared to prevent the release of leaded dust, and contain lead-based paint chips and other debris from hazard reduction activities within the worksite until they can be safely removed. Practices that minimize the spread of leaded dust, paint chips, soil and debris shall be used during worksite preparation.

40 CFR § 745.85(a)(2) states as follows: “Containing the work area. Before beginning the renovation, the firm must isolate the work area so that no dust or debris leaves the work area while the renovation is being performed. In addition, the firm must maintain the integrity of the containment by ensuring that any plastic or other impermeable materials are not torn or displaced, and taking any other steps necessary to ensure that no dust or debris leaves the work area while the renovation is being performed. The firm must also ensure that containment is installed in such a manner that it does not interfere with occupant and worker egress in an emergency.”

Written Policies, Procedures, and/or Contract Specifications for 15(h):

The Lead SP sets forth the containment and worksite isolation requirements. See Lead SP, §§ VII.H.9 through VII.H.12.

IT Controls for 15(h):

The RRP Containment requirements referenced in this paragraph are addressed in the renovator’s checklist. As of November 1, 2019, the pre-acknowledgment form and renovator’s checklist were digitized and added into the Maximo work ticket. RRP work orders cannot be closed without completing these forms with required signatures and user-provided information about the renovation. Since vendors do not have handhelds, this control does not apply to their work.

Field Monitoring/QA for 15(h):

A full description of field monitoring activities for RRP projects is set forth in the EHS Report, annexed as Attachment A. With respect to overall compliance with RRP work practices, EHS made the following overall observations:

- Out of 225 EHS observations of worksite preparation activities, 95% were found to be in compliance.
- Out of 270 EHS observations of work activities, 88% were found to be in compliance.

File Review for 15(h):

The results of the file review are discussed in the Description of Compliance with paragraph 15(e), which identifies the work orders where the RRP checklist was completed.

Overall Description of Compliance for 15(h):

During the Covered Period, NYCHA made demonstrable progress towards compliance with the requirement set forth in Paragraph 15(h) of the HUD Agreement. Evidence of progress towards compliance consists of:

- The existence of policies and procedures addressing the requirements set forth in 15(h);
- Creation of new IT controls that require workers to complete the Renovator's Checklist before they can close the RRP work order;
- Field monitoring data providing average compliance rates of 95% for worksite preparation activities and 88% for work activities;
- File review showing an upward trend of compliance to 100% for completion of the renovator's checklist.

Despite this progress, NYCHA still needs to develop a more cohesive policy on collecting and storing required RRP documentation from vendors. The collection and storage of this information currently is not centralized. The enhancements to Maximo provide NYCHA an opportunity to create a more cohesive policy on this issue to prevent non-compliance.

Overall, the Compliance Department recommends not certifying to this requirement until field monitoring shows a period of consistent compliance and NYCHA resolves the lack of cohesive policies on vendor record-keeping.

I. Paragraph 15(i): Containing, collecting, and transporting waste from the renovation in accordance with 40 CFR § 745.85(a)(4).

Regulatory Requirements for 15(i):

40 CFR § 745.85(a)(4) states as follows: (i) Waste from renovation activities must be contained to prevent releases of dust and debris before the waste is removed from the work area for storage or disposal. If a chute is used to remove waste from the work area, it must be covered. (ii) At the conclusion of each work day and at the conclusion of the renovation, waste that has been collected from renovation activities must be stored under containment, in an enclosure, or behind a barrier that prevents release of dust and debris out of the work area and prevents access to dust and debris. (iii) When the firm transports waste from renovation activities, the firm must contain the waste to prevent release of dust and debris.

Written Policies, Procedures, and/or Contract Specifications for 15(i):

The Lead SP sets forth the protocols for managing waste for RRP projects. See Lead SP, §§ VII.H.10 and VII.H.11.

IT Controls for 15(i):

The waste control requirements referenced in this paragraph are included in the renovator's checklist. As of November 1, 2019, the renovator's checklist was digitized and added into the Maximo work ticket. RRP work orders cannot be closed without completing this form with required signatures and user-provided

information about the renovation. Since vendors do not have handhelds, this control does not apply to their work.

[Field Monitoring/QA for 15\(i\):](#)

A full description of field monitoring activities for RRP projects is set forth in the EHS Report, annexed as Attachment A. With respect to overall compliance with RRP work practices, EHS made the following overall observations:

- Cleanup Activity phase showed significant improvement from October to December, the compliance rate was 64% for October, 100% for November and 99% for December, with an overall compliance rate of 93%.

[File Review for 15\(i\):](#)

The results of the file review are discussed in the Description of Compliance with paragraph 15(e), which indicates which work orders had the RRP checklist. The Compliance Department further notes that for 7 digital checklists, it observed that renovators had not checked the “contained waste onsite” item. This checklist item may be confusing to staff and should be addressed in the Quick Reference Guide for RRP activities, which will be developed as part of the Lead Action Plan. With the new digital checklist, the Compliance Department will have the ability to more readily check for such issues.

[Overall Description of Compliance for 15\(i\):](#)

During the Covered Period, NYCHA made demonstrable progress towards compliance with the requirement set forth in Paragraph 15(i) of the HUD Agreement. Evidence of progress towards compliance consists of:

- The existence of policies and procedures addressing the requirements set forth in 15(i);
- Creation of new IT controls that require workers to complete the Renovator’s Checklist before they can close the RRP work order;
- Field monitoring data providing an average compliance rate of 95% for worksite preparation activities and 88% for work activities;
- File review showing an upward trend of compliance to 100% for completion of the renovator’s checklist.

Despite this progress, NYCHA still needs to develop a more cohesive policy on collecting and storing required RRP documentation from vendors. The collection and storage of this information currently is not centralized. The enhancements to Maximo provide NYCHA an opportunity to create a more cohesive policy on this issue to prevent non-compliance.

Overall, the Compliance Department recommends not certifying to this requirement until field monitoring shows a period of consistent compliance and NYCHA resolves the lack of cohesive policies on vendor record-keeping.

J. Paragraph 15(j): Performing cleanup of any work area to which lead safe work practices apply until no debris or residue remains in accordance with 24 CFR § 35.1345, 35.1335 and 40 CFR § 745.85(a) and (b), and conducting and passing a clearance examination in accordance with 24 CFR § 35.1340 (including any follow-up as required by that section's subsection (e) after clearance failure(s)), as provided by 40 CFR § 745.85(c).

Regulatory Requirements for 15(j):

The above regulations set forth the mandated cleaning requirements and clearance examination requirements. Due to the number the number and length of these requirements, they are not reproduced in this section.

Written Policies, Procedures, and/or Contract Specifications for 15(j):

Policies and Procedures: The Lead SP sets forth the protocol for cleaning, cleaning verification, and clearance examinations. See Lead SP, §§ VII.H.11 through VII.H.12. During the Covered Period, NYCHA integrated two significant new protocols into its clearance examination process. First, NYCHA now requires certified renovators to perform the EPA cleaning verification after final cleaning. Second, before cleaning activities begin, NYCHA requires the renovator to call into a newly established centralized dispatcher to request a dust wipe technician to be routed to the worksite. The purpose of this new dispatcher function is to improve communications between field staff and LHC.

Training/Instruction to Staff: In August and September 2019, the Compliance Department, LHC, and Operations jointly held a series of live webinars to notify all certified staff about the new protocols. The Compliance Department also issued an interim protocol on these requirements, which was available on the FRL prior to publication of the Lead SP.

IT Controls for 15(j):

With respect to clearance examinations, the creation of an RRP or visual assessment (interim control) work order automatically generates a work order for a clearance examination.

In addition, the requirements referenced in this paragraph are included in the RRP checklist. As of November 1, 2019, the RRP checklist was digitized and added into the Maximo work ticket. RRP work orders cannot be closed without completing this form with required signatures and user-provided information about the renovation. Since vendors do not have handhelds, this control does not apply to their work.

Lastly, during the Covered Period, IT created a daily dashboard which is used by Compliance, LHC, and Operations to track RRP and interim control projects across NYCHA. The dashboard allows these departments to track the collection of samples each day to ensure that they samples are collected within the 24/48 performance target after final cleaning at a project. The dashboard also enable staff to individually investigate any work orders where it appears a dust wipe was not attempted or performed.

This process allow staff to distinguish each day between projects actually requiring a dust wipe from projects where a dust wipe was actually not needed (e.g., work order was cancelled or erroneously created), or was, in fact, performed, but not properly entered into the Maximo.

Field Monitoring/QA for 15(j):

A full description of field monitoring activities for RRP projects is set forth in the EHS Report, annexed as Attachment A. With respect to cleaning activities, EHS makes the following overall observations:

- EHS conducted 251 cleaning work phase observations, finding an overall compliance rate of 93%.
- EHS conducted 248 cleaning verification work phase observations, finding an overall compliance rate of 92%.

EHS has developed an inspection work order in Maximo for clearance examinations, but no observations were made during the Covered Period. Oversight of the clearance examination process is expected to begin in Q1 2020.

File Review for 15(j):

The results of file review related to cleaning and the cleaning verification process is set forth above under Paragraph 15(e) as these activities are documented on the RRP checklist.

Additionally, the results of the clearance examination dashboard are provided to the Monitor each week, and then again in the Monthly Exceptions Report prepared by Compliance and EHS. In the period of September to December, the overall rate of sample collection within the 24/48 performance target is 70% (3416 out of 4901), with most samples collected in the 24-hour performance target. As further explained in the Exceptions Reports and weekly reports to the Monitor, the 70% figure is a raw percentage that does not take into account work orders where a dust wipe was attempt or performed but not properly entered into the system, or work orders where a dust wipe was not necessary because the work order was cancelled or consolidated with another work order.

Overall Description of Compliance for 15(j):

With respect to final cleaning, during the Covered Period, NYCHA made demonstrable progress towards compliance with the requirement set forth in Paragraph 15(i) of the HUD Agreement. Evidence of progress towards compliance consists of:

- The existence of policies and procedures on cleaning addressing the requirements set forth in 15(i);
- Creation of new IT controls that require workers to complete the Renovator's Checklist before they can close the RRP work order;
- Field monitoring data providing an average rate of compliance of 93% in compliance for final cleaning activities and 92% in compliance with the cleaning verification process;
- File review showing an upward trend of compliance to 100% for completion of the renovator's checklist.

With respect to the clearance requirements in Paragraph 15(i), NYCHA made incremental progress to addressing this compliance shortfall. This progress is shown by the following:

- Creation of a daily dashboard tracking the performance of clearance examinations against a 24/48 target window, which shows an overall rate of success of at least 70% for sample collection within the target window over a three-month period;
- Transparency in reporting to the Monitor on the rate of clearance examination on a weekly basis;
- Performance of a pilot project in 80 units at three developments (Glenwood, Eastchester, and Astoria) to attempt to resolve issues regarding worksite protection protocols. Results of the pilot were made available to the federal stakeholders and the Monitor.

While NYCHA had made progress, NYCHA needs to take the following steps in the next covered period to further address this compliance shortfall:

- By February 28, NYCHA will enhance its daily clearance dashboard by adding a dashboard that will track the number of samples pending at laboratories, the number of samples that have passed, the number of samples that have failed, and, if the samples have failed, the number of units that have been recleaning and re-sampled. Similar to the current dashboard, the new dashboard will establish performance targets to ensure that any issues are tracked and managed on a daily basis so that appropriate follow-up actions can be taken;
- In January 2019, NYCHA submitted a draft lead action plan to the Monitor and the federal stakeholders. The draft action plan includes enhancements to the worksite protection protocol, including voluntary relocation options for child under 6 unit while clearance results are pending. NYCHA awaits feedback from the federal stakeholders on this enhanced proposal.