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April 8, 2025

***Via ECF and E-Mail***

The Honorable Loretta A. Preska  
United States District Judge  
U.S. District Court for the Southern District of New York  
United States Courthouse  
500 Pearl Street  
New York, New York 10007

Re: *Baez, et al. v. New York City Housing Authority (NYCHA)*, 13 Cv. 8916 (LAP)  
**Ombudsperson Periodic Report For November 2019 Through January 2025<sup>1</sup>**

Dear Judge Preska,

The office of the Ombudsperson appointed by this Court for New York City Housing Authority (“NYCHA”) residents submits this periodic report summarizing its activities for November 2019 through January 2025. The Ombudsperson and the OCC continued to assist NYCHA residents to resolve thousands of mold and leak related problems. Since its launch in November 2019, the OCC has served nearly 30,000 of residents, while the undersigned has monitored countless matters for potential resolution. The office of the Ombudsperson and the OCC have worked collaboratively with NYCHA residents and NYCHA management to obtain action and relief for residents suffering from mold and leak related problems. Personally, I have worked collaboratively with NYCHA on matters escalated to me for resolution, reviewed countless cases of residents suffering from mold and leak problems and issued hundreds of formal and informal or “internal orders” (inquiries and orders by my office directly into the Zendesk platform, which tracks all of our cases, and to which NYCHA has full access). NYCHA has promptly responded to all of my orders and requests.

The combination of the OCC and the Ombudsperson has been and continues to be extremely successful in resolving NYCHA resident complaints regarding mold and leak problems. Our

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<sup>1</sup> This Ombudsperson report summarizes the operations of the Ombudsperson Call Center, which we oversee (“OCC”) and the Ombudsperson for November 2019 through January 2025. Annexed hereto is the corresponding report of Stout Risius Ross, LLC (“Stout”) for the same time period, which contains a detailed and comprehensive analysis of the complaints received, resolved, and those still outstanding.

“internal order” system has streamlined the process and has required very rare use of my formal adjudicative powers. Me and my staff continue to monitor matters and work through the OCC to resolve matters escalated to my attention and NYCHA continues to appropriately treat requests made by OCC staff as Ombudsperson orders, and the OCC management consults with me prior to issuing any non-routine requests regarding resolving any resident complaints.

Since it was launched in November 2019, the OCC has averaged approximately 300 resident-reported mold and leak complaints per month. These numbers fluctuate. For example, in July 2020, the OCC responded to 1,246 resident-reported complaints. Overall, the OCC has seen the annual volume of complaints steadily decline year over year from 2019 through 2023, but jump by approximately 41% in 2024. There are numerous factors we believe are responsible for these fluctuations. Increases in resident-reported complaints can be attributed to things like seasonal factors and unresolved repair backlogs.<sup>2</sup> Decreases in resident-reported complaints can be attributed to positive factors such as NYCHA’s ongoing improvements in complaint resolutions, and negative factors such as a lack of resident awareness of the OCC. Below is a summary of notable OCC metrics for the reporting period:

	<b><u>2019 and 2020</u></b>	<b><u>2021</u></b>	<b><u>2022</u></b>	<b><u>2023</u></b>	<b><u>2024</u></b>
Cumulative NYCHA Households Served	6,720	11,687	19,282	23,811	29,489
Cumulative Resident-Reported Complaints	5,180	9,906	12,705	15,273	18,898
Resident-Reported Complaints by Year	5,180	4,726	2,799	2,568	3,625

Just as the average number of complaints has fluctuated year over year, so have the reasons for resident-reported complaints. Over the lifetime of the OCC, 39% of resident-reported complaints involved mold, 29% involved a leak, 25% involved both a mold and leak condition, and 6% were for issues other than mold or leak conditions. In 2021, mold and mold and leak complaints collectively accounted for 73% of resident-reported complaints. By 2024 that same metric decreased to 47%, while leak complaints rose from 19% in 2019 to 47% in 2024. This shift can be attributed, in part, to NYCHA initiatives such as the Mold Busters standard procedure, monthly roof fan inspections, and various initiatives deployed by NYCHA’s Office of Mold Assessment and Remediation (“OMAR”) including the Clean Vent Initiative, roof fan replacements, Operation Mold Cleanup, and resident education materials from the new Mold campaign. Below is a summary of notable OCC metrics for the reporting period:

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<sup>2</sup> Under the Revised Consent Decree, the Ombudsperson has the power to order an independent contractor be hired to complete repairs if the Ombudsperson determines that the issue cannot be resolved satisfactorily by NYCHA. We have asked the parties to explore the issue and propose how we can use this power. We have had productive meetings with the plaintiffs and NYCHA senior management. NYCHA has expressed that they need to handle this work without outside contractors, but given the volume, backlog, and the length of time to resolve open tickets, outside contractors may be necessary.

	<u>2019 (from November)</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>	<u>2023</u>	<u>2024</u>
Leak	42%	24%	19%	22%	41%	47%
Mold	36%	44%	44%	43%	31%	30%
Mold and Leak	15%	28%	29%	29%	22%	17%
Non-Mold or Leak	7%	5%	8%	6%	6%	7%

Due in part to NYCHA’s previous COVID-19 guidance and understaffing, the average number of days to resolve resident complains spiked in 2021 and 2022. In 2021 and 2022 NYCHA began rolling out the Work Order Reform program which included hiring additional skilled tradespersons, such as plumbers, electricians, carpenters, and roofers, and assigning them to specific sites to address labor shortages and expedite repairs. Additionally, the restructuring of the Mold Response Unit (“MRU”) within NYCHA and the introduction of enhanced OCC escalation and oversight procedures allowed urgent and unresolved cases to be prioritized, helping to prevent excessive delays. These initiatives contributed to a stark decrease in average days it took NYCHA to resolve resident-reported complaints in 2023 and 2024. In 2024, the average amount of time to resolve NYCHA resident-reported mold and leak complaints was 70 days, down from 190 days in 2022.

While NYCHA is improving in this metric, further improvement is needed to comply with the Revised Consent Decree (7 days for simple mold and leak repairs and 15 days for complex cases). In some instances the OCC is able to expedite scheduling of certain trades, but quite often, due to the significant backlog, the expedited dates are still significantly far out. Below is summary chart for average days to resolve resident complaints:

	<u>2019 (from November)</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>	<u>2023</u>	<u>2024</u>
Average Days to Resolve Mold and Leak NYCHA Resident-Reported Complaints	32	43	145	190	118	70

In addition to NYCHA run housing, NYCHA’s broader portfolio includes Section 8 housing, where the land and buildings are owned by NYCHA but leased to Permanent Affordability Commitment Together (“PACT”) partners to operate and maintain. The OCC was extended to PACT residents in December 2021 and formally launched in May 2022. For these complaints, the OCC engages directly with each PACT partner, in coordination with NYCHA, to resolve resident-reported complaints to the OCC. To date, there have been significantly fewer complaints from PACT residents due in part to a smaller number of total units, large amount of capital repairs by PACT partners relative to NYCHA buildings, on-site property managers at the PACT locations, and overall awareness of the OCC from residents of PACT operated developments.

As in every prior reporting period, the OCC continued to receive overwhelmingly positive feedback from the many relevant stakeholders. For NYCHA run housing, lack of awareness of

the OCC among residents has been and remains concerning. In 2022 the OCC conducted a survey that found that, among residents surveyed, 96% were not aware of the OCC's existence. Resident engagement during the 2023 and 2024 reporting years suggests that this observation remains valid. The OCC recommends that NYCHA utilize multiple communication channels, with high frequency to inform and/or remind residents of the existence of the OCC, the services that the OCC offers, and that the OCC is independent of NYCHA. The same is true for PACT partners. Awareness of the OCC among PACT residents remains troubling. To this end, the PACT partners were encouraged to, and reportedly did, relay information about the OCC's extension to PACT developments to residents. While some PACT partners actively spread awareness by relaying this information to tenant association leaders, distributed and displayed OCC flyers in its buildings, and further reminding its residents of the OCC's services *via* partner webpages, email notifications, monthly rent notices, social media posts, during mold inspections or leak-associated repairs, and at resident meetings, others limited their efforts to the minimum required standard, such as posting a flyer in the building lobby. PACT partners are encouraged to raise awareness about the OCC through all available channels.

To address this issue, this past calendar year we have focused a great deal of resources personally attending events and webinars to raise awareness of the OCC and the services it provides. For example, we have met with Resident Association leadership at various NYCHA developments and have spoken at numerous Resident Association meetings. Additionally, we have significantly increased our outreach to elected officials who surprisingly, with the rare exception, have had limited to no knowledge of the *Baez* litigation and the OCC's services to their constituents.<sup>3</sup> We have made significant efforts to create a pipeline to permit elected officials who receive complaints from constituents in NYCHA developments regarding mold and leaks to refer those matters to the OCC, and still continue to be involved in the matter, depending on the needs and wants of the constituent and elected official.

The OCC and Ombudsperson have proven to be both effective and efficient. Since the creation of the OCC and Ombudsperson, we have continued to diligently serve NYCHA residents, and have expanded to serve PACT residents as well. The OCC, NYCHA, PACT partners and the undersigned Ombudsperson worked collaboratively to resolve tens of thousands of resident mold and leak complaints and ensure that work continues to resolve the thousands of additional open matters. Continued oversight is still required given the severe conditions and the length of time it takes NYCHA to resolve cases that we continue to monitor. We are, however, encouraged and proud of our progress and mindful of the thousands of residents that we can assist, and with continued outreach efforts we hope to reach all residents in need of our assistance.

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<sup>3</sup> I would like to acknowledge State Senator Brian Kavanaugh and Assemblywoman Linda Rosenthal and their offices for their efforts to spread awareness and organizing a webinar where we were able to speak to a larger audience of elected officials. We would like to further acknowledge Congressmen Ritchie Torres and Dan Goldman, Assemblywoman Grace Lee, Assemblyman Harvey Epstein, and their offices, with whom we have had positive and impactful contact.

Respectfully submitted,

/s/

César de Castro  
Ombudsperson

cc: All Parties (*via* ECF)