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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 Quarterly Report For Q10, Q11, Q12 and Q13 - February 1, 2022, to January 31, 2023¹

Dear Judge Preska,

The office of the Ombudsperson appointed by this Court for New York City Housing Authority (“NYCHA”) residents submits this report summarizing its activities for quarters 10, 11, 12, and 13 (February 1, 2022, to January 31, 2023). The OCC and the undersigned as Ombudsperson continued to assist NYCHA residents to resolve thousands of mold and leak related problems. The OCC serviced more than a thousand residents each month while the undersigned monitored hundreds of matters for potential resolution. Since the office of the Ombudsperson and the OCC were created, we have worked collaboratively with NYCHA residents and NYCHA management to obtain action and relief for residents suffering from mold and leak related problems. In the above quarters, I worked collaboratively with NYCHA on matters escalated to me for resolution. I reviewed countless cases of residents suffering from mold and leak problems and issued dozens of directives or informal orders. In this reporting period, I issued two formal Decision and Orders in Q10. I was, however, required to post what we call “internal orders” (inquiries and orders by my office directly into the Zen Desk system tracking all of our cases to which NYCHA has full access) to which NYCHA promptly responded. That is to say that the OCC continued to

¹ This Ombudsperson report summarizes the operations of the Ombudsperson Call Center (“OCC”) and Ombudsperson for quarters 10, 11, 12, and 13. Annexed hereto is the corresponding report of Stout Risius Ross, LLC (“Stout”) for the same quarters, and the reports of Stout for quarters 8 and 9 respectively for reference, regarding its operation of the OCC that contains a detailed and comprehensive analysis of the complaints received, resolved, and those still outstanding.

be extremely successful in resolving NYCHA resident complaints regarding mold and leak problems with very little need for use of my formal adjudicative powers. I continued to monitor matters and work through the OCC to resolve matters escalated to my attention. I have made clear to NYCHA that requests made by OCC staff are to be considered Ombudsperson orders. The OCC management consults with me prior to issuing any non-routine requests regarding resolving any resident complaints. Accordingly, the OCC and Ombudsperson have issued hundreds of internal orders through quarters 10, 11, 12, and 13.

In quarters 10, 11, 12, and 13, the OCC has averaged approximately 234 new mold and leak complaints per month. Many of the complaints continue to involve reports of severe conditions or a lack of proper repair work, which constituted approximately 50% of the new complaints for the reporting period. As of January 31, 2023 (the close of quarter 13), the OCC had assisted a total of over 19,000 NYCHA households with at least 12,700 direct and indirect mold and leak related complaints. The OCC has participated in nearly 67,000 calls with NYCHA residents. Below is a summary of notable OCC metrics for quarters 10, 11, 12, and 13:

	<u>Quarter 10</u>	<u>Quarter 11</u>	<u>Quarter 12</u>	<u>Quarter 13</u>
New Resident Complaints to OCC	737	699	760	607
Complaints Resolved	1,469	2,450	871	719
Open Tickets at End of Quarter	2,410	795	725	582

As in every prior quarter, the OCC continued to receive incredibly positive feedback from many stakeholders.

Due in part to NYCHA's previous COVID-19 guidance and understaffing, the average number of days to resolve resident complaints spiked in quarter 11, taking 233 days to resolve mold complaints, 276 days to resolve leak complaints, and 288 days to resolve mold and leak complaints. As of the end of June 2022 (within Q11), NYCHA hired over 500 new employees for positions as painters, plasterers, carpenters, plumbers, bricklayers, electricians, exterminators, roofers, glaziers, planners, and planner secretaries. This likely contributed to a stark decrease in average days it took NYCHA to resolve resident reported complaints for quarters 12 and 13. By quarter 13, the average days resolve complaints dropped to 105 for mold complaints, 121 days for leak complaints, and 191 days for mold and leak complaints. While NYCHA is improving in this metric, further improvement is needed to comply with the Revised Consent Decree. Below is summary chart for average days to resolve resident complaints for quarters 10 through 13.

	<u>Mold</u>	<u>Leak</u>	<u>Mold and Leak</u>
Average Days to Resolve (Q10-Q13)	168	191	224

To service the over twelve thousand complaints that the OCC serviced through quarter 13, it has needed the help of NYCHA's Mold Response Unit ("MRU") for thousands due to the inconsistent responsiveness of many developments, the unavailability of vendors and maintenance staff, and the failure to schedule and honor scheduled repair dates. The MRU has

demonstrated a continued commitment to resolve complaints to the OCC as evidenced by enhanced staff training, increased oversight, and other numerous improvements beginning in Q11.

The OCC has a 4-step escalation process to inform NYCHA of resident-reported follow-up complaints, reports of dissatisfaction, or a lack of responsiveness. Due in part to the MRU's aforementioned changes, as well as NYCHA's new hires, the percentage of complaints that required escalation drastically decreased from Q11 to Q13. Below is a summary chart for percentage of complaints that required escalation for the reporting period:

	<u>Quarter 10</u>	<u>Quarter 11</u>	<u>Quarter 12</u>	<u>Quarter 13</u>
Escalated Complaint %	38%	56%	21%	13%
Non-Escalated Complaint %	62%	44%	79%	87%

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 (beginning of Q11). 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, and on-site property managers at the PACT locations. Below is a summary chart of complaints received from PACT residents for its three quarters of operation:

	<u>Quarter 11</u>	<u>Quarter 12</u>	<u>Quarter 13</u>
PACT Resident-Reported Complaints	47	28	21

For complaints that are reported the OCC, PACT developments also had a much shorter response time compared to NYCHA run developments. This can be attributed to the PACT partners utilization of outside contractors for mold complaints. Additionally non-mold and leak complaints are usually resolved the same day. The average length of time to resolve mold and leak complaints are summarized below:

	<u>Mold</u>	<u>Leak</u>	<u>Mold and Leak</u>
Average Days to Resolve	12	13	16

While the responsiveness and efficiency of NYCHA's PACT partners is clearly shown in the numbers above, 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 tenant association leaders, distributed and displayed OCC flyers in its buildings, and further reminded 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.

For NYCHA run housing, NYCHA has indicated a commitment to raise awareness of the OCC among its members as well. This has included sharing information about the OCC with residents when mold or mildew service is requested on the MyNYCHA App, the NYCHA Kiosk, or through the CCC. NYCHA intends to extend this awareness campaign to leak service requests in 2024. While this reactive outreach is positive, it is concerning that NYCHA's proactive outreach efforts have noticeably declined to only 25 social media posts in this reporting period.

Despite a bill passed by the New York City Council in December 2020, requiring the mayor to inform all NYCHA residents of the availability of the OCC and Ombudsperson, many NYCHA residents with which have never heard of the OCC or Ombudsperson. In the coming year, the OCC and the Ombudsperson intend to continue our own outreach efforts in order to spread the word regarding our existence and effectiveness.

The OCC and Ombudsperson have proven effective and efficient. We continued to diligently serve NYCHA residents, in quarters 10,11, 12 and 13, and expanded to serve PACT residents starting in Q11. The OCC, NYCHA, PACT partners and the undersigned Ombudsperson worked collaboratively to resolve thousands of resident mold and leak complaints and ensure that work continues to resolve the thousands of additional open matters. While continued oversight is still required given the severe conditions and the length of time it takes NYCHA to resolve cases, often requiring escalations, we are encouraged and proud of our progress and mindful of the thousands of residents that we can assist. With continued outreach efforts we hope to reach all residents in need of our assistance.

Respectfully submitted,

/s/

César de Castro
Ombudsperson

cc: All Parties (*via* ECF)