



**L E G A L
S E R V I C E S**

INCORPORATED

TESTIMONY

IN SUPPORT OF

**INTRO NO. 385-B, A LOCAL LAW TO AMEND THE ADMINISTRATIVE
CODE OF THE CITY OF NEW YORK, IN RELATION TO INDOOR ASTHMA
ALLERGEN HAZARDS IN RESIDENTIAL DWELLINGS AND PEST
MANAGEMENT**

PRESENTED BEFORE:

**THE NEW YORK CITY COUNCIL'S
COMMITTEE ON COURTS AND LEGAL SERVICES**

SUBMITTED BY:

**JEFFREY BOHN
HOUSING OUTREACH PARALEGAL
MFY LEGAL SERVICES, INC.**

JUNE 13, 2017

Introduction

MFY Legal Services (“MFY”) envisions a society in which there is equal justice for all. Our mission is to achieve social justice, prioritizing the needs of people who are low-income, disenfranchised or have disabilities. We do this through providing the highest quality of direct civil legal assistance, providing community education, entering into partnerships, engaging in policy advocacy and bringing impact litigation to more than 20,000 New Yorkers each year. The mission of MFY’s Housing Project is to prevent homelessness and preserve affordable housing in New York City. In furtherance of that mission, MFY provides advice and full legal representation to tenants citywide by litigating in Housing Court, New York State Supreme Court and before administrative agencies to protect all types of housing, including rent-regulated apartments, New York City Housing Authority apartments, single room occupancy hotel rooms (SROs), and Three-Quarter Houses.

MFY supports the passage of Intro 385B-2017 (“Intro 385”) and believes that it is crucial legislation which will support a decent quality of life for children at risk for and already affected by asthma as a result of mold and pest-infested environments. As it currently stands, measures are not in place to adequately address the problem of indoor allergens and asthma triggers. There is little to no responsibility placed on landlords to ensure dwellings are free from indoor allergens. Yet environmental allergens in the home pose a real threat to New York City tenants.

Intro 385 would prioritize the reduction of indoor allergen hazards that can trigger asthma and other respiratory diseases in dwellings. It would do so by amending the Administrative Code of the City of New York with the following fundamental amendments: (i) requiring annual inspections by landlords for indoor allergens; (ii) classifying pests as a class “C” (immediately hazardous) violation and mold as a class “B” (hazardous) violation but will upgrade mold infestations to a class “C” violation if infestation is greater than 30 ft² in a room; in addition, if class “B” mold violations are not corrected timely or falsely certified as corrected; (iii) requiring owners to remediate all signs of indoor allergen hazards prior to reoccupancy of a vacant apartment; (iv) requiring HPD to inspect for indoor allergen hazards when HPD conducts inspections as well as ensuring enforcement by providing HPD inspectors with appropriate

training; (v) permitting health professionals – after securing their patient’s consent – to make referrals to the New York City Department of Health and Mental Hygiene (“DOHMH”) and/or HPD to have their patient’s homes inspected for suspected asthma triggers; and (vi) developing a pamphlet about the threat of hazardous indoor allergens to educate residents. This bill, if passed, will ensure the protection of New Yorkers, particularly those at a heightened risk – notably children and seniors – from developing or experiencing exacerbated respiratory disease symptoms.

Asthma and Poor Housing Conditions Disproportionately Affect Low-Income Communities and Communities of Color

Poor housing conditions disproportionately affect low-income communities and communities of color. The Bronx claims the six highest-poverty neighborhoods in New York City¹ and in addition sees the highest rates of both asthma hospitalizations and deaths.² According to an article on urban asthma, “[the] strong relationship between asthma hospitalization rates, low median household income and high percentage minority neighborhood population, is not surprising.”³

Accordingly, heightened asthma rates are undeniably linked to the prevalence of environmental allergens both externally in neighborhoods and within the home. Housing deficiencies, such as water leakages and holes or cracks in walls can predispose homes to pest infestations, and mold, both of which can trigger asthma.⁴ Three times more households in high poverty areas report three or more maintenance deficiencies compared to households classified as more affluent.⁵ Nearly thirty percent of homes in areas of hyper-concentrated poverty have water leaks compared to only 14.7% of more affluent homes in New York City.⁶

¹ [Community Health Profiles 2015](#), NYC Health, 2015

² [Asthma and air pollution in the Bronx: Methodological and data considerations in using GIS for environmental justice and health research](#), Health & Places, 2007

³ [Urban asthma and the neighbourhood environment in New York City](#), Health & Place, 2004

⁴ [The Healthy Homes Initiative](#), U.S. Department of Housing and Urban Development, April 1999

⁵ NYC Vital Signs, NYC DOHMH Dec. 2005 (Vol. 4 No. 3)

⁶ Id.

According to the Federal Emergency Management Agency, mold can develop on damp surfaces within 24 to 48 hours. Moreover, mold often grows until the proper steps are taken to correct and eliminate the source of moisture.⁷ Organizations like the Environmental Protection Agency (“EPA”), DOHMH, and the American Academy of Pediatrics (“AAP”) have specifically cited exposure to mold as a significant environmental factor that can contribute to allergic responses such as asthma attacks.⁸

Bronx residents, 55 percent of whom are Hispanic and 43 percent of whom are African American⁹, are placed at a heightened risk of contracting or experiencing exacerbated symptoms of asthma simply based upon the zip code they call home. This results in tenants in low-income communities and communities of color being held hostage by environmental hazards in their own homes. Properly remediating environmental hazards such as mold, vermin and pest infestations, asbestos, or lead paint usually requires substantial resources, which many low-income New Yorkers do not have. This traps many families within the confines of two undesirable choices: live in hazardous conditions or join the roughly 60,000 homeless individuals in New York City.

Poor Housing Conditions Inversely Affect Children

While poor indoor air quality affects approximately one million New Yorkers each year, children are even more vulnerable to the threat of indoor allergens. Despite the fact that six percent of Americans suffer from asthma nationwide, one in four children suffer from asthma in some low-income neighborhoods in New York City.¹⁰ Children living in low-income areas are four times more likely to be hospitalized for asthma than children living in more affluent neighborhoods.² Asthma not only affects the physical health of many children in New York City; it is the leading cause of school absenteeism. Each year, children suffering from asthma will miss 10.5 million schools days.¹¹ The increased rate of asthma for children in low-income areas within New York City not only affects their physical health, it places yet another obstacle in front of them many of

⁷ [Dealing with Mold & Mildew in your Flood Damaged Home](#), FEMA

⁸ New York City Department of Housing Preservation and Development, “Protocols for Mold Inspection, Mold Clean-up, and Occupant and Worker Protection”

⁹ United States Census Bureau, 2015

¹⁰ Columbia Asthma Study, [Columbia Spector](#), 2010

¹¹ [The Prevalence and Cost of Asthma in New York State](#), Office of the State Comptroller, 2014

their fellow New Yorkers whom live in more affluent neighborhoods will never have to deal with.

Education Is Essential in Ensuring Safe and Decent Housing

According to a 2010 survey by Bronx Health Link, only 39 percent of respondents said that they received information on environmental risks and pregnancy.¹² The development of an informational pamphlet about the hazards of indoor allergens and appropriate procedures for correction as proposed in this bill will play a critical role in educating and protecting high-risk communities. The pamphlet, which will be available in English and other appropriate languages, will be provided at lease initiation and renewal as well as when HPD or DOHMH cites a violation. The pamphlet will also be made available to the general public. This will ensure that tenants know the dangers of indoor allergens such as mold and pests that may appear in their homes. Mainly, knowledge of these environmental hazards will equip tenants with the tools necessary to identify potential hazards and exert their rights accordingly. Without the knowledge of the signs of and appropriate procedures when dealing with mold and pests, such allergens will continue to go unnoticed and ignored in homes across New York City.

Despite an increase in the awareness of environmental issues within communities most likely to face the direct consequences of increased pollution and poor air quality, many tenants are unaware of how a mold or vermin infestation could affect the health and wellbeing of their families. As such, landlords often address symptoms of what is normally a larger problem. For example, mold is treated with a swipe of bleach and a fresh coat of paint rather than the full remediation that is required to fully rid the premises of its growth. Vermin infestations are treated with a few traps rather than comprehensive extermination. These remedies may alleviate the issue for a time; however, most environmental conditions such as mold and vermin are often deep within the structures of a building and require extensive treatment, which many low-income tenants cannot afford. This provision of the proposed bill will equip tenants with powerful knowledge, which can be used to change the way New Yorkers live.

¹² [A Survey on Environmental Health Issues in the Bronx](#), Bronx Health Link, October 2010

Social and Economic Impacts of Asthma

Asthma is a physical ailment which can also affect a person's social and economic wellbeing. Those living in poverty already face many undue social hurdles that more affluent New Yorkers do not. Given the fact that each year workers with asthma miss approximately 14.2 million work days, and children miss approximately 10.5 million school days, asthma makes it more difficult for lower-income New Yorkers to achieve social mobility.¹² In addition, onerous medical expenses associated with asthma treatment make it difficult for many families to make ends meet. The average annual cost of medical expenses for a child without asthma is \$618; for a child with asthma the average annual cost is \$1,042.¹³

Asthma not only costs families more in annual medical expenses, the New York Department of Health estimates New York State's annual costs in asthma treatment to be \$1.3 billion – hospitalizations account for over \$660 million of this cost.¹² Controlling indoor allergens and asthma triggers would help alleviate excessive medical costs for both families living in poor conditions as well as for New York State.

Conclusion

In conclusion, MFY Legal Services strongly supports Intro 385, which will protect low-income individuals from the grave dangers of the frequently ignored indoor hazard of allergens that may trigger asthma and other respiratory conditions. Without such protections, residents of low-income communities will continue to be held hostage by dangerous and toxic environments. Intro 385 is a necessary and socially responsible approach to mitigating the flagrant health disparities within low-income communities in New York. It is essential to the ongoing fight against systemic environmental racism and for protecting the right of every New Yorker despite their socioeconomic background to safe and decent housing.

¹³ [Direct and Indirect Costs of Asthma in School-age Children](#), Center for Disease Control, 2005