

FOR IMMEDIATE RELEASE:

FEDERAL COURT APPROVES CLASS ACTION SETTLEMENT MANDATING NEW MOLD-REMOVAL PROGRAM FOR NEW YORK CITY HOUSING AUTHORITY RESIDENTS

Low-income persons with asthma living in public housing run by the New York City Housing Authority (NYCHA) will be receiving relief for the severe mold conditions they have had to live with, sometimes for years. The United States District Court for the Southern District of New York recently approved the negotiated class action settlement in *Baez v. New York City Housing Authority* (No. 13 CIV 8916). The lawsuit seeks to require NYCHA to abate conditions of excessive mold and moisture in the apartments of tenants who have asthma, as a reasonable accommodation to their disabilities under the federal Americans with Disabilities Act (ADA).

Under the court-approved settlement, NYCHA has agreed to implement a new “Operations and Maintenance Policy” that obligates it to take specific steps to identify and remove mold and excess moisture conditions in tenants’ apartments, including:

- Abatement of flooding conditions, when feasible, within 24 hours, and drying of related standing water within 48 hours;
- Setting strict timelines for inspection of complaints and completing necessary repairs to abate excessive moisture and mold conditions – an average of 7 days for simple repairs and 15 days for more complex repairs, or performance of capital improvements, if necessary;
- Follow-up contacts and inspections to determine if scheduled work was completed and mold and excessive moisture problems and their underlying causes were effectively addressed;
- If necessary, new work orders and inspection performance by NYCHA supervisors.
- Regular reporting of residents contacted, work orders performed and inspections completed, and their results;
- Training for NYCHA staff on the new policy;
- Implementation of a pilot program using moisture meters and other instruments for mold and excessive moisture investigations, depending on NYC funding.

Class counsel for plaintiffs are the **National Center for Law and Economic Justice (NCLEJ)** and the **Natural Resources Defense Council (NRDC)**.

This legal strategy built on years of organizing by leaders from Metro IAF affiliates Manhattan Together and South Bronx Churches who live and work in New York City Public Housing.

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