

Advocating for Healthy Housing

*Senator Krueger Virtual Town Hall on Healthy Homes
July 14, 2023*

ABOUT LEGALHEALTH

LegalHealth, a division of NYLAG, provides free legal assistance and develops policy to help New Yorkers who are experiencing financial hardship and have serious or chronic health problems. We bring together legal and medical professionals in the healthcare setting.

ABOUT NYLAG

The New York Legal Assistance Group (NYLAG) is a leading non-profit that provides free civil legal services, financial counseling, and engages in policy advocacy efforts to help people experiencing poverty.



Good Health Requires Good Housing

Low housing standards contribute to poor health outcomes

- Poor quality housing contributes to health problems such as infectious and chronic diseases, injuries and poor childhood development.
- People who have difficulty maintaining stable housing are less likely to have regular medical care and are more likely to postpone treatment and to use the emergency room for treatment.



Poor Quality Housing Is Tied to Children's Emotional and Behavioral Problems

Parents' stress from housing problems takes a toll on children's well-being

by REBEKAH LEVINE COLEY, TAMA LEVINE, ALICIA DOYLE LYNCH, AND MELISSA K. PEREIRA

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A family's home is their haven, but for families living with leaking roofs and mold, it's a source of stress. For those who have to choose between paying for rent or for food, or for families who repeatedly move in search of higher or more affordable housing, one's place of refuge is not very homey.

This brief examines how housing characteristics affect children and families' well-being.¹ Among the variables tested, poor housing quality was the most and strongest predictor of emotional and behavioral problems in low-income children and youth. It also had a strong association with school performance among children. Poor housing affected children because the stress of living in unhealthy and unsafe conditions affected parents' ability to care for their children.

Advantages of the Current Study

Past research has identified several aspects of poor housing that are thought to be associated with children's health and well-being.² Researchers, for example, have found that poor housing—exposed wiring, peeling lead paint, mold, and the like—may contribute to parental stress in children, inhibiting their emotional and behavioral learning. Similarly, residential instability may in-

Home Quality

- Poor housing quality is a strong predictor of emotional and behavioral problems in low-income children
- Much of association between poor housing quality and children's wellbeing operates through parental stress, parenting behaviors and mental health

US DHHS Report on Housing Instability

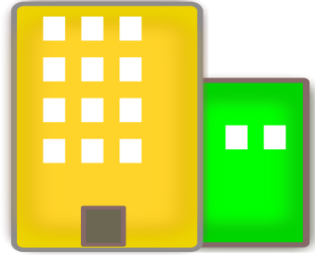
<https://health.gov/healthypeople/priority-areas/social-determinants-health/literature-summaries/housing-instability#cit13>

- **Not only eviction has a negative health impact.**
- Just the threat of eviction or other unstable housing conditions, such as frequent moves, has been shown to negatively affect children's health outcomes.
 - Cutts, D. B., Meyers, A. F., Black, M. M., Casey, P. H., Chilton, M., Cook, J. T., ... & Frank, D. A. (2011). US housing insecurity and the health of very young children. *American Journal of Public Health*, 101(8), 1508–1514
 - Busacker, A., & Kasehagen, L. (2012). Association of residential mobility with child health: An analysis of the 2007 National Survey of Children's Health. *Maternal and Child Health Journal*, 16(1), 78–87.
- Overcrowding also impacts health due to its effect on relationships, sleep, stress, and mental health.
 - Lepore, S. J., Evans, G. W., & Palsane, M. N. (1991). Social hassles and psychological health in the context of chronic crowding. *Journal of Health and Social Behavior*, 32(4), 357–367.



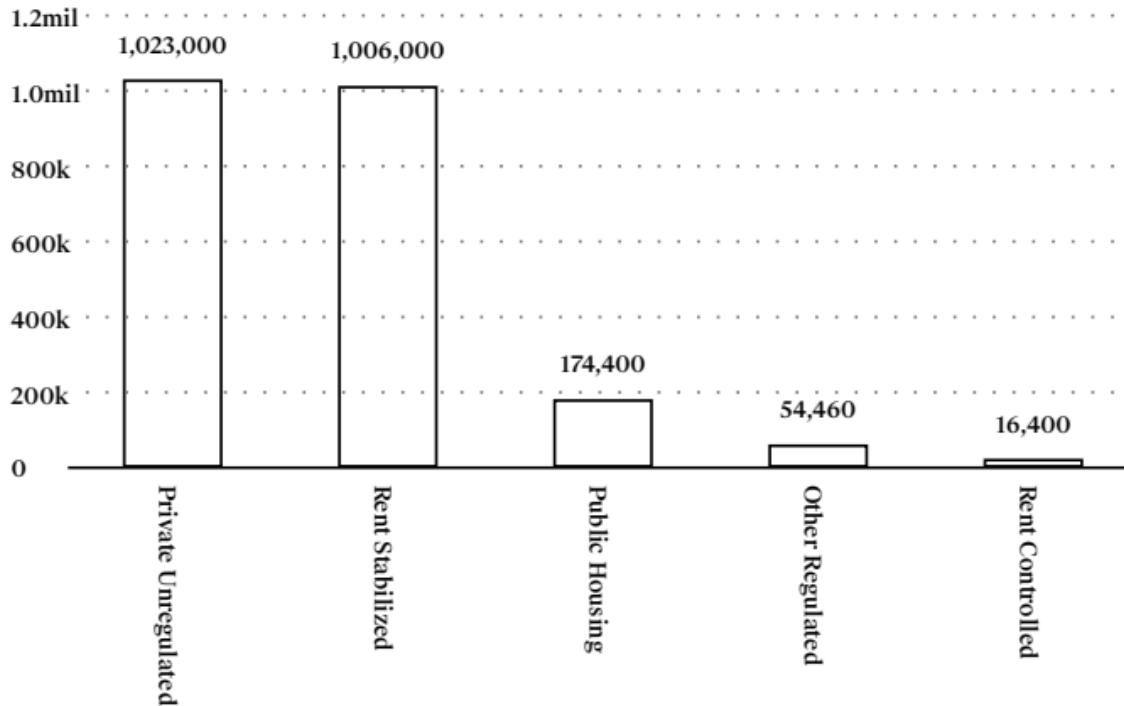
Where do NYC residents live?

- Private, unregulated rental apartments
- Private, rent stabilized apartments
- New York City Housing Authority (NYCHA or public housing)
- Subsidized housing through other smaller programs, e.g. HUD buildings, Mitchel Lama buildings, HPD owned, or tenant owned buildings.
- Department of Homeless Services Shelter System
- Owner-Occupied Housing (private homes, owner-occupied multi-family buildings, condos, co-ops, etc)



NYC Housing by the Numbers

Figure 2. Rental Units by Type of Housing



In 2021, there 2,171,000 renter-occupied units and 986,100 owner-occupied units

Total NYC Housing Units roughly break down as:

- 1/3 Rent Stabilized rentals
- 1/3 Private unregulated rentals
- 1/3 Owner-occupied

Source: New York City Housing and Vacancy Survey (NYCHVS), 2021. US Census Bureau / NYC Dept of Housing Preservation and Development. Please refer to the technical appendices at the end of this report for details on the NYCHVS design, definitions, and methodology.



Today's presentation focuses primarily on the rights of tenants, or renters

Housing Conditions That Harm Health

A non-exhaustive list:

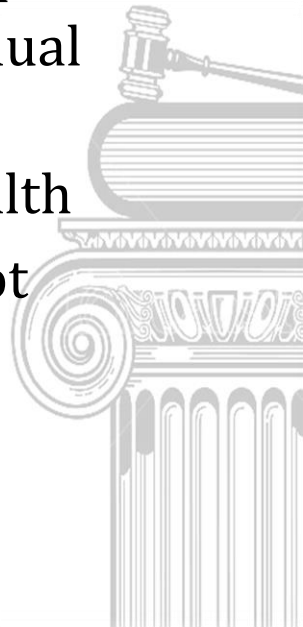
- No heat leads to reliance on space heater or open oven door
- Peeling paint chips and rotted wood that might contain lead-based paint
- Roach and vermin infestation
- Leaks that lead to mold and mildew
- Broken smoke and carbon dioxide detectors

What can be done about this?



Tenant's Habitability Rights in New York

- All tenants have a right to habitable housing under New York State and City law.
 - Regardless of type of housing or immigration status
 - Regardless of whether included in the lease
- This right is called the **Warranty of Habitability**
 - Real Property Law §235-b
- Housing owners must ensure that buildings are safe, clean and well maintained, in both common areas and in individual apartments:
 - Do not contain conditions potentially hazardous to health
 - Must provide and maintain security measures, heat, hot and cold water, and good lighting for the tenants.



What steps can a tenant take to enforce their right to habitable housing?

- Notify the landlord of condition.
 - If this is done by phone or in person, follow up with a letter or an email.
 - You want to create and maintain a paper trail. This is useful in future litigation, but also shows the landlord you are serious. If repairs are still not completed;
- Call 311 to make a complaint.
 - Must allow HPD inspectors into your apartment to have a violation issued. If repairs are still not completed;
- Go to court to file HP action for repairs.



At all steps in this escalating process, Justfix.org is a useful tool

- English <https://www.justfix.org/en/>
- Spanish <https://www.justfix.org/es/>
- Justfix can help you:
 - Generate letters to request repairs
 - Organize photographic evidence of conditions
 - Prepare your documents for filing an HP proceeding
- Justfix also provides other tenant resources, including:
 - Investigate rent stabilized status of your apartment
 - Request your rent stabilization rent history



Making a Complaint: Private Landlord



Step 1: Call: 311 for HPD inspection for housing violations

List all problems in the apartment over the phone and FRONT LOAD the most urgent

- "There is no heat or hot water!" or "There is a leak, I have mold"

Step 2: Allow access when the inspectors come and communicate with them as best you can

- We understand the frustration of having inspectors who do not speak other languages, it would help to have family or friends there who can help tenant communicate

Step 3: HPD will give the tenant a copy of the inspection number KEEP THIS PAPER

Step 4: HPD will send a Notice of Violation to the managing agent instructing them to repair the condition within a specific time period.

- If the tenant does not have the violation number look it up here:
https://hpdonline.hpdnyc.org/HPDOnline/provide_address.aspx
- If the violation condition is considered immediately hazardous, HPD will advise the agent of the urgency, and if necessary, HPD's Emergency Repair Program may repair certain conditions and bill the owner.



Making a Complaint: NYCHA housing

- Call NYCHA Customer Contact Center to report a housing condition in need of repair and request a work order number. Contact **718-707-7771**
 - Under new Local Law 127 tenants can choose to call 311, even if in a NYCHA apartment
 - Routed to the CCC
 - In 2014, NYCHA settled class action lawsuit agreeing to do mold remediation within in 15 days of complaint.
 - Ombudsman second course of action if mold repairs not made
- https://www1.nyc.gov/assets/nycha/downloads/pdf/Mold-Busters-OCC-Flyer_04.03.20_English.pdf

Court HP Action for Repairs

- An order from a judge may be the only path forward and this is done in what's called an "HP action"
- HP actions involve making sure landlords are:
 - Providing essential services such as heat and hot water
 - Repairing issues such as leaky faucets, faulty electrical outlets and peeling paint
 - Inspecting and repairing frequent allergen triggers discussed above
- HP actions are tenant friendly – most tenants can initiate these on their own
- A judge may even fine a landlord for not making repairs



Advocacy Works for Health Outcomes – Adult Asthma Retrospective Study

21 Severe adult asthmatic patients referred for legal assistance from St. Luke's asthma clinic.

- 11 of patients received legal intervention; 10 did not.
- Medical record review one year prior to the household intervention and one year post intervention.
- Asthma severity score, peak flow, medication usage, Emergency Department visits, and hospitalizations were tabulated. *Significant improvements in asthma severity, prednisone courses, and ER visits in the group of patients who received legal assistance as compared to the group of patients who did not receive intervention.*



Environmental Improvements Brought by the Legal Interventions in the Homes of Poorly Controlled Inner-city Adult Asthmatic Patients: A Proof-of-Concept Study. Journal of Asthma, 2012. 49 (9): 911-917.
O'Sullivan, Mary M., MD; Brandfield, Julie, JD; Hoskote, Sumedh S., MD; Segal, Shiri N., MD; Chug, Luis, MD; Modrykamien, Ariel, MD; Eden, Edward, MD,

Other Useful Resources:

- The ABCs of Housing, on HPD's site in multiple languages: <https://www1.nyc.gov/site/hpd/services-and-information/abcs-of-housing.page>
- Attorney General's Residential Tenant Rights Guide: https://ag.ny.gov/sites/default/files/tenants_rights.pdf
- Heat and hot water FAQ: <https://www1.nyc.gov/site/hpd/services-and-information/heat-and-hot-water-information.page>
- Lead Based Paint FAQ: <https://www1.nyc.gov/site/hpd/services-and-information/lead-based-paint.page>
- Just Fix: <https://www.justfix.org/en/>



QUESTIONS



THANK YOU

More information at legalhealth.org

Search “NYLAG” or “New York Legal Assistance Group” on these social media platforms.

