

Local Law 55
Indoor Allergen Hazards and Enforcement Activities for Adults with Asthma
 September 2021

As required by Section 17-199.6.d. of the New York City Administrative Code (Administrative Code), this report describes the enforcement activities undertaken by the New York City (NYC) Department of Health and Mental Hygiene (DOHMH) as they relate to adults with diagnosed moderate or severe persistent asthma.

Local Law 55 of 2018 (LL 55), Administrative Code §§ 27-2017 *et seq.* and 17-199.5 *et seq.* went into effect on January 19, 2019 and is co-enforced by DOHMH and the NYC Department of Housing Preservation and Development (HPD). LL 55 requires owners of private buildings with three or more dwelling units, and owners of any housing type if there is a tenant with diagnosed moderate or severe persistent asthma, to keep tenant homes free of pests (cockroaches and rodents) and mold, and to safely address such conditions. This includes safely fixing any underlying conditions contributing to these problems.

To enforce the provisions of LL 55, DOHMH responds to referrals received from health care providers of patients with diagnosed moderate persistent or severe persistent asthma who report pests and/or mold in their home, and who give consent to a home inspection. If pest or mold problems are observed during an inspection, DOHMH issues a Commissioner’s Order to Abate to the property owner, who has 21 days to correct violations. DOHMH subsequently conducts a compliance inspection to ensure that the corrections are made. DOHMH may refer uncorrected conditions to the Department of Housing Preservation and Development for remediation.

During the reporting period of January 19, 2019 to January 18, 2021, DOHMH received 171 provider referrals and conducted 138 home inspections. For the remaining 33 referrals, DOHMH was either still in the process of trying to schedule an initial inspection, could not reach the tenant after multiple attempts, or the tenant declined the home inspection. Reasons for declining an inspection may have included an unwillingness to let inspectors into their homes (a particular concern during the COVID-19 public health emergency) or concern about repercussions from the building owner despite DOHMH reassurances regarding tenant rights. In the homes inspected, 118 (86%) had pest and/or mold conditions and DOHMH issued 118 orders to abate.

Number of adult referrals received by providers, by month and year:

	Month												Total
Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	
2019	0	2	8	8	11	11	6	7	5	24	11	7	100
2020	6	16	10	0	0	5	6	5	4	6	7	6	71
2021	0	-	-	-	-	-	-	-	-	-	-	-	0
Total	6	18	18	8	11	16	12	12	9	30	18	13	171

Number of initial inspections conducted, by month and year:

Year	Month												Total
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	
2019	0	0	3	8	4	4	17	4	3	10	11	15	79
2020	12	6	9	0	0	0	0	6	7	5	6	6	57
2021	2	-	-	-	-	-	-	-	-	-	-	-	2
Total	14	6	12	8	4	4	17	10	10	15	17	21	138

As of mid-January 2021, property owners completed abatement at 55 addresses; DOHMH referred nine addresses to HPD for remediation; abatement was in progress at 45 addresses, and DOHMH was actively working to inspect nine addresses.

There have been significant changes observed in health care utilization during the COVID-19 public health emergency. This has likely resulted in many fewer referrals from health care providers. The pandemic has also raised safety concerns among tenants, who may be less willing to admit people into their homes, resulting in fewer inspections. Because of these challenges, data should be interpreted with caution.