



HARVEY EPSTEIN  
Assemblymember 74<sup>th</sup> District

THE ASSEMBLY  
STATE OF NEW YORK  
ALBANY

**Comments on City Council Lead Package  
Office of Assemblymember Harvey Epstein  
September 27<sup>th</sup>, 2018**

Good morning, my name is Harvey Epstein and I am the Assemblymember representing New York's 74<sup>th</sup> Assembly District, which includes the neighborhoods of the Lower East Side, East Village, Stuyvesant Town/Peter Cooper Village, Murray Hill, Tudor City and the United Nations. Thank you for the opportunity to testify today.

When it was enacted in 2004, Local Law 1 required that private landlords conduct annual lead inspections in pre-1960 housing where small children live, remove lead paint from surfaces where children are likely to come into contact with lead, and provide pre-notification for large construction jobs. Last fall, Reuters journalists found that in the 12 years of HPD violations they analyzed, not a single landlord had been cited for failing to conduct the required inspections. Similarly, pre-notification is rarely if ever enforced. Why is the city refusing to go after landlords who don't pre-notify and skirt inspection and abatement requirements? The lack of reported HPD violations is entirely discordant with the reality that many tenants face.

As bad actor landlords in neighborhoods with older building stock revamp their properties to net higher rents, they often do so with little or no regard for tenants' health. Haphazard renovations have exposed tenants in my district to the highly toxic residue of gentrification: lead dust. Buildings in the Lower East Side have had dozens of times the legal threshold of lead due lead dust contamination. What can the city do to improve enforcement efforts to combat this form of lead contamination? This is not simply the construction as harassment that we have come to expect from morally bankrupt landlords. This is construction as violence and it is disproportionately affecting low-income New Yorkers and people of color in the city and the across the state.

I believe the bills the Council has put forth today demonstrate a keen awareness that prevention and intervention are the keys to eliminating lead poisoning, with an emphasis on prevention. We want to ensure that the decisions made and resources allocated regarding lead poisoning prevention are based on sound and complete data. To that end, I hope we can count on the city to provide detailed data on the salient causes of lead poisoning. To realize the full potential of new legislation as well as existing law designed to protect New Yorkers from lead hazards, I would urge the Council to use its powers of oversight to hold accountable the agencies responsible for implementing these regulations: the Department of Housing Preservation and Development, Department of Health and Department of Buildings need to be highly proactive with regard to enforcement when it comes to Local Law 1 and any new legislation if we are to succeed in eliminating cases of lead poisoning in the city.



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