



Main Office  
2082 Lexington Avenue, Suite 204  
New York, NY 10035

t: 212.206.7818  
f: 212.206.7836

info@dccnyinc.org  
www.dccnyinc.org

Queens Office  
James C. Hall, Jr.  
Family Child Care Network  
York College  
94-20 Guy Brewer Boulevard, Room 2F01E  
Jamaica, NY 11451

t: 718.262.2247

Testimony before the New York City Council  
Committee on Public Housing  
Honorable Alicka Ampry-Samuel, Chair  
Subcommittee on Capital Budget  
Honorable Vanessa L. Gibson, Chair  
Joint Hearing on NYCHA's 2017 Physical Needs Assessment  
November 15, 2018

My name is Lisa Caswell and I am the Senior Policy Analyst for the Day Care Council of New York. For nearly seventy years, our non-profit members have provided quality early childhood education programs for families across the five boroughs. DCCNY's membership includes more than 200 EarlyLearn programs under contract with the Administration for Children's Services (ACS). We support them with a range of services that include mediation and labor relations, advocacy and policy, early childhood career ladder and employment supports, and a professional training institute. We are also the lead agency for the state funded Child Care Resource and Referral Consortium. As such, we are uniquely positioned to comment on child care regulatory issues.

Because so many of our members operate in NYCHA facilities, our advocacy efforts focused on maintenance and repairs have been ongoing. Over the last three years, we have consistently raised these issues in our quarterly meetings with the Administration for Children's Services (ACS) to expedite facility repairs and manage DOHMH fines. Members of our Advisory Committee have also tried to expedite repairs and establish more effective protocols in meetings with senior staff at the Department of Health and Mental Hygiene (DOHMH).

While there has clearly been some improvement since 2015, repair delays continue to pose serious and unnecessary health and safety risks. According to our members, whether the problem is plumbing, electrical work, or toxic mold, the average repair currently takes at least two months to complete. Following is short summary of one of our member's experiences operating within a NYCHA facility in Brooklyn:

"For years I have struggled with an impossible process in dealing with maintenance issues and NYCHA. Because the buildings are generally forty years or older, there is a constant flow of problems from leaking toilets to water faucets that won't shut off, water dripping from apartments above us, and even exterior doors that will not close

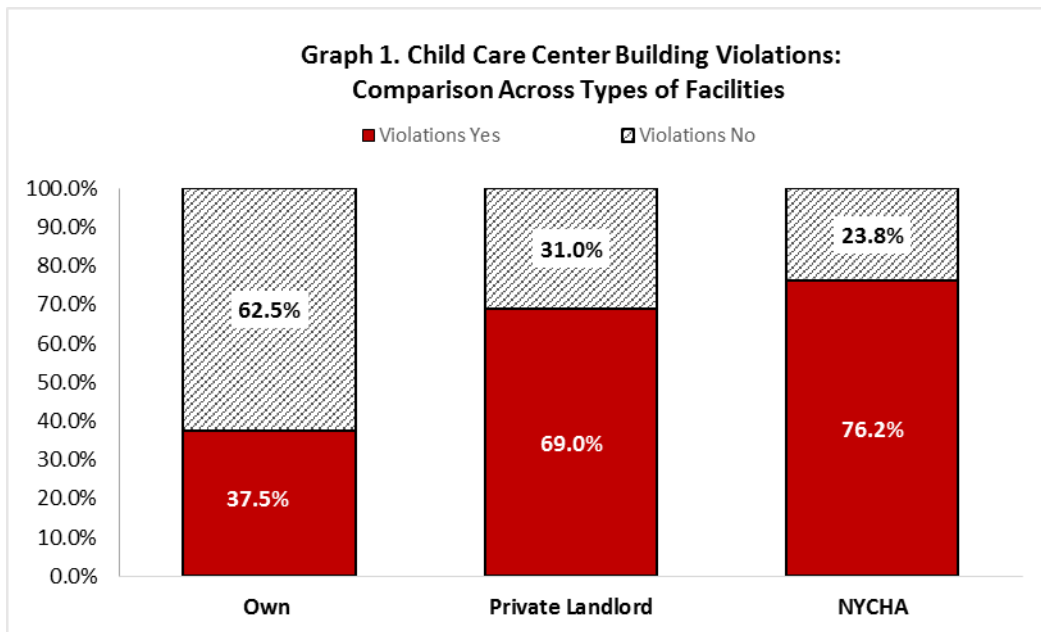
properly. In every case, we are required to follow the same procedure of reporting the problem, getting a work order number assigned to the case, then waiting and waiting and waiting. Occasionally, a NYCHA maintenance person will come for an inspection but not repair anything. Often times when a week or more has gone by, we will call and be informed that the repair had been completed or that that we never reported a problem; having a work order number becomes meaningless in such circumstances. If the Department of Health (DOHMH) comes by for an unannounced inspection, we will be given a warning for unsafe conditions. If we fail to correct the problem, we can be fined (and are periodically) for problems that are not our responsibility. Add to this the fact that sometimes we will be informed that there will be no water or no heat starting in one hour (after the children have been dropped off by their parents). This is unfair to parents and children and is unsettling to our teaching professionals. I have had to deal with such problems for years, and nothing seems to change the casual indifference to problems that seriously impact the health and safety of our children. A change is needed.”

We recently conducted a survey of our membership to assess the full scope of these concerns. Our findings are summarized below:

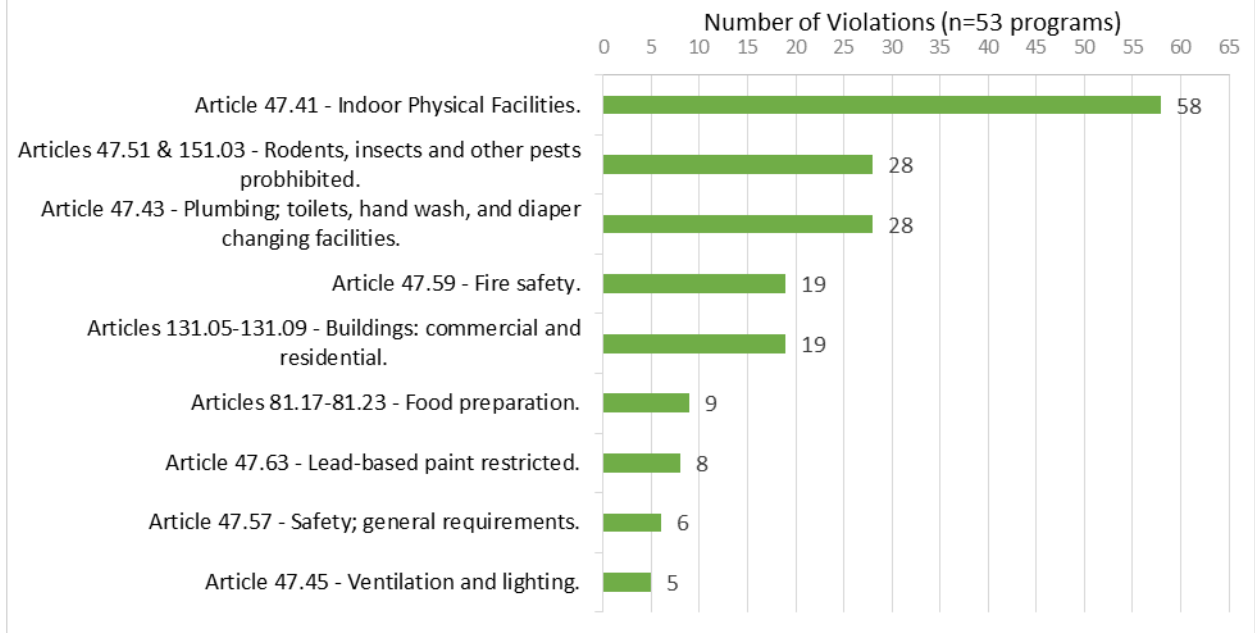
There are 100 child care programs are located in buildings operated by the New York City Housing Authority (NYCHA). The Day Care Council of New York (DCCNY) represents over 60 of these NYCHA child care sites. The utmost concern for DCCNY members is the safety and health of their children and staff members. Yet decades of underinvestment in NYCHA facilities has made it difficult for DCCNY members to operate their centers without being cited and fined by DOHMH for structural building problems. These building violations often require assistance from NYCHA to resolve or are entirely the responsibility of NYCHA to fix.

However, DCCNY members report that NYCHA is often slow to respond or cannot make the repairs in a timely manner. If building problems are serious enough, providers can move children into other classrooms or multipurpose rooms while repairs are being made. However, in the most severe cases failure to resolve building violations could place a child care center at risk for being closed while repairs are made. For many parents, these child care centers are essential for them to be able to work and support their families. They cannot afford to have the centers close. Our providers have had to make repairs themselves in order to mitigate the risk of being cited and fined repeatedly for the same problems.

In February 2018, DCCNY distributed a child care policy survey to our members to inquire about the building and facilities problems that they have had to address. That survey found that DCCNY members with centers in NYCHA buildings are cited for violations at a higher rate than members who own their own buildings or those who lease from a private landlord (Graph 1 below). DCCNY conducted a more in depth analysis of these violations in June of 2018. Results are presented below in Graph 2. Of the 65 DCCNY-represented child care programs in NYCHA buildings, 53 (81.5%) programs had some type of building-related violation cited by DOHMH between 2016 and 2018. The most common violations were related to lead paint (cited across all categories of violations) and rodents, insects, and other pests. Flooding, lack of hot water or heat, and electrical and plumbing issues are also common.



**Graph 2. NYCHA Child Care Facilities: Most Common Violations 2016-2018**



We subsequently met with Deputy Mayor J. Phillip Thompson who agreed to visit two of our members who are located in NYCHA facilities in Lower Manhattan and Staten Island this past August. He also held a meeting of DCCNY members to listen to their concerns. As a result, Deputy Mayor Thompson’s staff has maintained consistent contact to address NYCHA issues as they arise.

The Day Care Council of New York is here today with our colleagues from United Neighborhood Houses (UNH) and LiveOn NY to recommend reforms – including re-directing fines, improved inter-agency cooperation and a streamlined process for repair approval— that would provide relief to the community-based organizations operating these centers without adding stress to NYCHA’s financial situation.

**Re-direct Fines** – Nonprofit human service providers, who lack site control and rely on NYCHA to make repairs, should not be subject to citations and fines from DOHMH or FDNY due to NYCHA’s failure to make those repairs. When violations are found during inspections—if these violations have already been reported to NYCHA by the provider—the provider should not be penalized, a citation should be directed to NYCHA instead;

**Mandate Inter-agency Cooperation** – NYCHA and the agencies that leverage their space, including ACS, DFTA, DYCD, and DOE, need a clear division of responsibilities for the maintenance and upkeep of NYCHA sites. In order to provide stability to providers, this division of responsibility, once established and agreed upon, should be

standardized as appropriate across all agencies that fund providers operating out of NYCHA properties; and

**Design an Approval Process for Repairs** – NYCHA must work internally and with providers to accelerate approval for repairs and renovations and must expedite processes with the residential repair division when floods, leaks, or other issues originate in apartments and require a two-pronged repair to fully address.

We know that the City is determined to address the ongoing needs of both NYCHA residents and the non-profits who provide services to them and their nearby neighbors. The Day Care Council will continue our advocacy efforts with the support of the City Council and members of the Administration. Thank you for your time and consideration on this critical issue.