

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

MARIBEL BAEZ; FELIPA CRUZ; R.D., ON
BEHALF OF HER MINOR CHILD, A.S.; on their own behalf
and on behalf of all others similarly situated;
UPPER MANHATTAN TOGETHER., INC.; and SOUTH
BRONX CHURCHES SPONSORING COMMITTEE, INC.,

Plaintiffs,

v.

No. 13-cv 8916 (WHP)

NEW YORK CITY HOUSING AUTHORITY,

Defendant.

Declaration of Maribel Baez in Support of Plaintiffs' Motion for Class Certification

I, MARIBEL BAEZ, declare under penalty of perjury that the foregoing is true and correct:

1. I make this declaration in support of plaintiffs' motion for class certification.
2. I live in New York City Housing Authority ("NYCHA") housing in New York City. I live with my two teenage sons.
3. I have been diagnosed with asthma. I take three different medications to control my asthma symptoms.
4. I have lived in my current apartment, which is in the Bronx, for 7 years.
5. The apartment provided to me by NYCHA has one bathroom, which does not have any windows.

6. For over six years, water has been seeping into the bathroom through the ceiling. The seepage has caused water damage and mold growth. The walls in my bathroom are wet. The mold growth is visible.

7. On numerous occasions, I called NYCHA to notify them of the water damage and mold growth in the bathroom.

8. In response to my complaints, in approximately August 2012, NYCHA replaced the bathroom walls with finished wallboard. NYCHA also plastered and repainted the bathroom ceiling, but did not address the underlying cause of the leaks and moisture.

9. I was present in the apartment when this work was performed. None of the NYCHA staff who came to perform the work did any work on the plumbing after they removed and replaced the walls. To my knowledge, none of the staff who did the work were plumbers.

10. Within a month after NYCHA performed the work, mold growth was visible in the bathroom again, and the bathroom walls and ceiling were wet.

11. On December 18, 2012, through my lawyers, I wrote to NYCHA's Office of Equal Opportunity. The letter informed NYCHA that I have asthma, that my asthma substantially limits my breathing, and the letter described the wet and moldy conditions in my apartment. The letter stated that there is a scientific link between mold and excess moisture and worsening of asthma symptoms. The letter involved my rights under disability rights laws asked NYCHA to modify its repair and mold remediation policies and procedures as a reasonable accommodation and reasonable modification for my asthma so that I could live in an apartment free of excessive mold and moisture. The letter identified the specific modifications in policies and procedures that I was requesting.

12. Attached to the letter was a letter from my doctor stating that I have asthma and stating that my symptoms have gotten worse in the last few years. The letter mentioned that I take two medications for my asthma. Since that letter was written, I was prescribed a third medication.

13. The doctor stated in her letter that mold or moisture in my apartment can adversely affect my breathing, and that I should live in housing free of allergens and mold, which cause respiratory problems.

14. My reasonable accommodation request letter discusses the results of air quality testing in my apartment performed by certified industrial hygienists that found high levels of airborne mold in the apartment, including mold on uninsulated pipes, dripping water, and visible water damage.

15. NYCHA has not provided me with these accommodations and modifications.

Serving as a class representative

16. I am willing to serve as a representative for the plaintiff class in this lawsuit and have been informed of my responsibilities as a class representative.

17. It is my understanding that my claims are typical of the class. I have asthma, my asthma substantially limits my ability to breathe, I live in public housing operated by NYCHA; have excess moisture and mold in my apartment. I need NYCHA to modify its policies, practices, and procedures in order to have an equal opportunity to benefit from NYCHA housing.

12/10/13

DATE

Maribel Baez

MARIBEL BAEZ