

1 COUNCIL OF THE CITY OF PHILADELPHIA
2 PUBLIC HEALTH and HUMAN SERVICES COMMITTEE

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4 Room 400, City Hall
Philadelphia, Pennsylvania
Monday, June 13, 2011, 10:30 a.m.

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6 BILL 100011 - Amending Chapter 6-800 of The
Philadelphia Code, entitled "Lead Paint
7 Disclosure," to require a certification that a
property is lead free or lead safe before it may
8 be rented to a tenant; amending Chapter
PM-102.0, entitled "Licensing," to require
9 landlord certification of compliance with
certain provisions of Chapter 6-800 as a
10 condition of receipt of a housing inspection
license; and making technical changes; all under
11 certain terms and conditions.

12 BILL 100346 - Amending Chapter 10-100 of the
Philadelphia Code, entitled "Animals," to
13 establish provisions for the reporting of wild
raccoons, and to provide for the manner of their
14 abatement, all under certain terms and
conditions.

15
16 COMMITTEE MEMBERS PRESENT:

17 Marian B. Tasco, Chair
Blondell Reynolds Brown
18 W. Wilson Goode, Jr.
James F. Kenney
19 Maria D. Quiñones-Sanchez

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2 COUNCILWOMAN TASCO: Good
3 morning. We'd like to call the Committee
4 on Public Health and Human Services to
5 order, and we note that we do have a
6 quorum in the presence of Councilwoman
7 Blondell Reynolds-Brown, Councilman
8 Wilson Goode, Councilman James Kenney,
9 and myself, Councilwoman Tasco.

10 We'd like the clerk to read the
11 bills that are scheduled to be heard this
12 morning.

13 THE CLERK: Bill No. 110346, an
14 ordinance amending Chapter 10-100 of the
15 Philadelphia Code, entitled "Animals to
16 establish provision for the reporting of
17 wild raccoons and to provide for the
18 manner of their abatement, all under
19 certain terms and conditions.

20 Bill No. 100011, an ordinance
21 amending Chapter 6-800 of the
22 Philadelphia Code, entitled "Lead Paint
23 Disclosure," to require certification
24 that a property is lead-free or lead-safe
25 before it may be rented to a tenant;

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2 amending Chapter PM-102.0, entitled
3 "Licensing," to require landlord
4 certification of compliance with certain
5 provisions of Chapter 6-800 as a
6 condition of the receipt of a housing
7 inspection license and making technical,
8 all under certain terms and conditions.

9 COUNCILWOMAN TASCO: Thank you
10 very much.

11 We'll hear Bill No. 110346.
12 Would the witness please approach the
13 table, or witnesses: Brian Abernathy;
14 Richard Schubert or someone else that are
15 coming later; and Tara Scherneck?

16 (Witnesses come forward)

17 MR. ABERNATHY: Thank you,
18 Councilman Tasco. My name is Brian
19 Abernathy, and I am Chief of Staff of the
20 Managing Director. I'm here to testify
21 on Bill No. 110346 relating to the
22 abatement of raccoons.

23 I am joined today by Tara
24 Scherneck, operator of the animal
25 control facility; and Sue Cosby, head of

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2 the PSPCA.

3 Raccoons are increasingly
4 common in Philadelphia and other large
5 cities and can be seen in neighborhoods
6 across the City. Generally speaking,
7 raccoons are attracted to areas where
8 they can easily find food and shelter.
9 They can find openings in roofs and
10 abandoned structures, destroy gardens,
11 and raid garbage. If left alone,
12 raccoons are not dangerous, but they are
13 a nuisance.

14 Like other wildlife, Animal
15 Control will not trap raccoons unless the
16 animal is injured, agitated, or sick.
17 Likewise, after a quick review of other
18 major cities across the country and
19 reviewing other municipalities in
20 Pennsylvania, we have found none that
21 trap raccoons or other wild animals.

22 Even if Animal Control did
23 alter its policy, raccoons would remain a
24 nuisance unless the conditions that
25 initially attracted the animal -- easy

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2 food and shelter -- are corrected.

3 Both the Humane Society and the
4 Pennsylvania Game Commission recommend
5 that humans and wildlife coexist, and do
6 not support trapping healthy animals.
7 Additionally, under CDC guidelines, any
8 trapped raccoon would be euthanized by
9 Animal Control. Should a mother raccoon
10 be trapped, her young will also die.

11 Rather than trapping raccoons,
12 Animal Control recommends some simple
13 things to make raccoons unwelcome:

14 Do not need feed raccoons.

15 Use metal or heavy plastic
16 trash containers and keep the lid tightly
17 fastened to keep odors from escaping; if
18 needed, use bungee cords or ropes or put
19 a weight on the lid so raccoons can't
20 open it.

21 Keep food away from raccoons;
22 raccoons tend to feed at night.

23 If raccoons steal food from
24 your pet dish, feed your pet during the
25 day, and bring the bowl inside at night.

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2 Keep barbecue grills clean or
3 stored in a secure place.

4 If you see a raccoon in the
5 yard, turn on the lights and make noise
6 to scare it off.

7 Do not corner a raccoon and
8 force it to defend itself.

9 Use a wildlife repellent to
10 drive raccoons away from your property;
11 you can buy a repellent at a home garden
12 or discount hardware store.

13 Clean up spilled seeds around
14 your bird feeders, or bring your bird
15 feeders inside at night.

16 Light your yard or alley with
17 flood lights or motion-detector lights.

18 Don't give raccoons a place to
19 stay; seal openings on your property,
20 especially buildings like sheds and
21 garages; report vacant unsealed
22 properties to 3-1-1 so they can be sealed
23 as quickly as possible.

24 I have brought literature
25 developed by the Department of Health

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2 that outlines these policies for you and
3 your constituents. This literature,
4 along with educational material and other
5 wildlife, dog licensing, and feral cats,
6 is being updated this summer, and we hope
7 to distribute new information this fall.

8 While the Administration does
9 not have specific objections to being
10 asked to create regulations around
11 raccoons, know that those regulations
12 would incorporate current practice.

13 The Administration does not
14 believe trapping raccoons to be best
15 practice for animal control, and does not
16 have the resources to begin a trapping
17 program.

18 Finally, should this committee
19 move forward on this legislation, the
20 Administration would like to offer an
21 amendment that alters the controlling
22 agency from the Health Department to an
23 animal control agency to remain
24 consistent with changes made earlier this
25 year.

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2 At this time, I'd also like to
3 offer a letter from the Pennsylvania Game
4 Commission to summarize that the
5 Commission believes that the legislation
6 is preempted by the State's game law;
7 specifically, the City is only authorized
8 to abate wildlife that is a threat to
9 property or a risk to health and public
10 safety.

11 Thank you for the opportunity
12 to testify, and I'm happy to answer any
13 questions.

14 COUNCILWOMAN TASCO: Thank you.

15 Are there any questions?

16 Councilman Kenney.

17 COUNCILMAN KENNEY: I just want
18 to know if you have the recommended noise
19 we should make if ones are in our yard?
20 Anything in particular or just --

21 (Laughter.)

22 I just can't imagine you
23 outside your back and making -- anyway, a
24 serious question, though.

25 Raccoons are nocturnal,

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2 correct?

3 MR. ABERNATHY: I'm sorry?

4 COUNCILMAN KENNEY: Raccoons
5 are nocturnal?

6 MR. ABERNATHY: Yes.

7 COUNCILMAN KENNEY: So if you
8 see one in the daytime, it's
9 generally that it's -- you know, what's
10 doing out in the daytime?

11 I've always been told that if
12 you see an animal that's nocturnal in the
13 daytime, odds are that it's either sick
14 or rabid. Is that --

15 MS. COSBY: No. Raccoons are
16 common enough that you can see raccoons
17 out in the daytime.

18 COUNCILMAN KENNEY: So would
19 ---

20 COUNCILWOMAN TASC0: Would you
21 identify yourself for the record, please,
22 so --

23 MS. COSBY: My name is Susan
24 Cosby. I'm the CEO of the Pennsylvania
25 SPCA.

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2 COUNCILWOMAN TASC0: Would you
3 speak into the microphone, please.

4 MS. COSBY: My name is Susan
5 Cosby. I'm the CEO of the Pennsylvania
6 SPCA.

7 COUNCILMAN KENNEY: So they're
8 not nocturnal, or are they are?

9 MS. COSBY: They're -- I
10 believe they're diurnal, which means that
11 they're most active in the morning and
12 the evening hours, so you can see them in
13 the morning and in the evening, but they
14 also will go out during the day to find
15 food, especially for their young.

16 COUNCILMAN KENNEY: What does
17 the Game Commission do, the Pennsylvania
18 Game Commission do? Do they just leave
19 them alone entirely, or if it's in a
20 rural area, what happens generally, if
21 they're creating a nuisance on a farm or
22 in an area that's not as tightly
23 congested as an urban area?

24 MS. COSBY: Most raccoons are
25 abated by private pest-control companies,

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2 just like you would hire private pest
3 control to take care of animals in your
4 house if you had a problem.

5 COUNCILMAN KENNEY: What do
6 they do?

7 MS. COSBY: It depends on the
8 pest-control company, and they have to be
9 licensed by the Game Commission in order
10 to handle wildlife.

11 COUNCILMAN KENNEY: But do they
12 extinguish them, or do they trap them and
13 take them somewhere else?

14 MS. COSBY: Usually it involves
15 trapping them and killing them, and then
16 they work with the homeowner or the
17 property owner to resolve the problem
18 that caused the raccoons to come there to
19 begin with. So that can include
20 construction, doing work to repair
21 openings in homes and building.

22 COUNCILMAN KENNEY: If an
23 individual resident in Philadelphia has a
24 raccoon issue and calls a pest-control
25 company, what would generally happen?

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2 MS. COSBY: Usually they would
3 come out and try to make sure that there
4 are no raccoons in the home and then work
5 with that homeowner to address the issues
6 that drew the raccoons there to begin
7 with. If it's openings in property, they
8 help them to seal them, using metal --
9 usually using metal mesh and things that
10 the raccoons can't chew into an get into.

11 COUNCILMAN KENNEY: What if
12 they're in my attic?

13 MS. COSBY: That's when the
14 pest control comes in. They'll usually
15 come in. They will trap the raccoons if
16 they're in there, or they'll wait till
17 they leave, an then they'll seal the
18 property to keep them come from coming
19 back.

20 COUNCILMAN KENNEY: Okay. But
21 they're under no constraints relative to
22 what -- how they dispose of the animal.

23 MS. COSBY: They have to
24 euthanize the animals, per CDC
25 recommendations, because they don't --

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2 raccoons have been an issue particularly
3 on the Pennsylvania-Ohio border, where
4 they're trying to keep rabies in check.
5 And so, just for controlling potential
6 rabies factor, raccoons are not -- it's
7 not recommended that you release them in
8 a different location.

9 COUNCILMAN KENNEY: What is
10 the -- do we have any data on how many
11 raccoons in Philadelphia have turned out
12 to be rabid?

13 MR. ABERNATHY: Uh...

14 COUNCILMAN KENNEY: I mean, are
15 they generally a carrier of rabies more
16 so than any other species, or just the
17 same amount?

18 MS. COSBY: They are high on
19 the list. I think that bats are higher;
20 we see a lot of bats in the City as well.

21 MR. ABERNATHY: And there's
22 only been one human death related to a
23 raccoon strain of rabies recorded in the
24 United States, let alone Pennsylvania.

25 COUNCILMAN KENNEY: But we have

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2 no idea of the ones that are captured,
3 what percentage of those are rabid or
4 not.

5 MS. COSBY: Disease Control
6 does not allow us to test every raccoon.
7 So specific there's requirements just for
8 resources' sake, because the testing is
9 expensive, that we only test in the case
10 that there was an actual human exposure.

11 COUNCILMAN KENNEY: Okay, all
12 right. Thank you.

13 COUNCILWOMAN TASCO: Thank you.

14 Any other questions?

15 The Chair recognizes
16 Councilwoman Brown.

17 COUNCILWOMAN BROWN: Good
18 morning. Please tell us what the costs
19 may be for the homeowner or your agency
20 to come out and fix the problem.

21 MS. COSBY: Our agency
22 currently doesn't do that. We are not
23 able to provide the type of home repair
24 on private property; that's not our role.

25 I think that different agencies

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2 estimate -- differ in what they charge
3 and, also, depending on the scope of the
4 problem, so it would be difficult for me
5 to give an idea of what a private
6 contractor would do.

7 I think it would probably
8 depend on the state of the property.

9 COUNCILWOMAN BROWN: Mm-hmm.
10 So, then, there's no cost to come out and
11 simply remove a raccoon?

12 MS. COSBY: We don't come out
13 and remove a raccoon unless there is an
14 issue where it's actually threatening or
15 causing a problem or if it appears to be
16 very sick. And then, there is no charge
17 'that's part of what we provide, as the
18 City, for public health protection.

19 COUNCILWOMAN BROWN: I see.
20 Okay, then. Thank you.

21 COUNCILWOMAN TASCO: Thank you.
22 The next witness who's going to
23 speak?

24 MS. SCHERNECKE: Good morning.
25 Thank you, Councilwoman Tasco and members

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2 of the committee. My name is Tara
3 Scherneck, and I am the Director of
4 Philadelphia's Animal Care and Control
5 Team, a division of the Pennsylvania
6 SPCA, and I am here to testify on Bill
7 No. 110346.

8 There are a number of reasons
9 Bill No. 110346 will put an untenable
10 strain on our ability to perform animal
11 control for the City of Philadelphia.
12 Here are the realities that we are facing
13 now:

14 The majority of raccoon
15 complaints that come into our agency are
16 for healthy raccoons. The trapping of
17 these animals will result in their death
18 because there is no other option for
19 them.

20 We receive continuous
21 complaints from problem areas. These
22 complaints are most often coming from
23 neighborhoods with vacant properties.

24 The removal of these raccoons
25 will only result in new raccoons moving

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2 in. Until the property is sealed or
3 demolished properly, the problem will
4 continue. This result in repeat visits
5 by our already-overburdened Animal
6 Control officers.

7 Trapping raccoons in nonsecure
8 areas could result in the theft of our
9 traps and possible harm to the raccoons
10 trapped with no one observing them,
11 harassed by children or by other animals.
12 Traps have frequently been stolen in the
13 past, an just one trap alone costs about
14 \$75.

15 Many properties where raccoons
16 seek shelter are unstable. It is
17 extremely dangerous for Animal Control
18 officers to attempt to locate and then
19 trap raccoons in these unsafe conditions.
20 Again, if abandoned or neglected
21 properties were addressed, the raccoons
22 would not be an issue.

23 In the case of raccoons living
24 in non-abandoned properties, such as
25 private homes, they live in areas that

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2 are not easily accessible. They live and
3 nest in roofs, walls, attics, an other
4 hard-to-reach places.

5 Professional wildlife pest-
6 control services, companies who perform
7 this work for a fee, are trained to
8 remove the animal and repair the opening
9 in private homes, stopping new raccoons
10 from coming in.

11 We are not trained at doing
12 home repairs, nor is that our role.
13 Likewise, our officers risk damaging
14 private property or sustaining injury
15 while attempting to remove raccoons from
16 challenging spaces, raising liability and
17 responsibility issues.

18 The final point I would like to
19 emphasize is that your resources are
20 beyond strained with our current requests
21 for service. We simply do not have
22 anywhere near enough Animal Control
23 officers or humane traps or hours in the
24 day to respond to all of the healthy
25 raccoon calls we receive.

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2 Even if we increased staff and
3 equipment, out of all of the work we are
4 already required to perform by contract,
5 the majority of our Animal Control
6 officers' time would be spent responding
7 to raccoon complaints and monitoring
8 traps.

9 This would gravely impact, if
10 not bring to a halt, our response time
11 and ability to respond to all our other
12 requests for service, including
13 legitimate emergencies, police calls for
14 assistance, injured animals, et cetera.

15 I sincerely hope that City
16 Council will consider the challenges we
17 currently face, the added burden
18 presented with Bill No. 110346, and the
19 information presented by Mr. Abernathy to
20 this committee on preventing raccoons
21 from becoming a problem.

22 Thank you for the opportunity.

23 COUNCILWOMAN TASCO: Have you
24 tracked the calls you receive to
25 determine which part of the City you

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2 receive the most calls about raccoons?

3 MS. SCHERNECKE: That is
4 something we are able to do.

5 COUNCILWOMAN TASC0: Okay, but
6 you don't have that information now?

7 MS. SCHERNECKE: Not now.

8 MR. ABERNATHY: But we can
9 provide that to the committee.

10 COUNCILWOMAN TASC0: Beg your
11 pardon?

12 MR. ABERNATHY: We'll provide
13 that to the committee.

14 COUNCILWOMAN TASC0: Would you
15 let us know that? That would be helpful.

16 Because what I hear you saying
17 is that we don't have the ability to trap
18 the raccoons, and you don't want to
19 really do it 'cause you kill them. But
20 at the same time, you say go to the
21 private pest-control person, company; and
22 they, at the end of the day, will have to
23 kill 'em.

24 So I'd like to know just 'cause
25 we do have a problem, and we have to

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2 figure out where that problem is the
3 greatest and how we can mediate that,
4 'cause you're going to continue to get
5 the calls.

6 So people are very frustrated
7 because they don't know what to do about
8 that. And then, some of the homeowners
9 don't have the finances to hire a
10 pest-control company to do that.

11 So the problem's not going to
12 go away. And I don't know if we're going
13 to resolve it today, but I'd like to have
14 that information.

15 Thank you.

16 MR. ABERNATHY: Absolutely,
17 Councilwoman.

18 And generally speaking,
19 raccoons are found around parkland and
20 open spaces.

21 One of the things I think we
22 would encourage constituents is to help
23 by abating the problem that brings the
24 raccoon to the property: Making sure
25 your property is clean, trash is

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2 well-contained and maintained.

3 And Councilwoman Brown, you've
4 asked for specific information to hand
5 out to constituents. I did bring some
6 today. And, as I said in my testimony,
7 we're updating that this summer, but this
8 should help provide some information that
9 you can distribute to your constituents.

10 We understand that folks are
11 frustrated, and we want an easy answer.
12 But, again, there's no major city in the
13 country that traps or abates raccoons.

14 COUNCILWOMAN BROWN: You say
15 what now?

16 MR. ABERNATHY: There's no
17 major city in the country that abates
18 raccoons.

19 And our position is that even
20 if this bill would pass, we would simply
21 codify our current practice.

22 COUNCILWOMAN TASCO: Councilman
23 Kenney.

24 COUNCILMAN KENNEY: Thank you.

25 Also, in addition to the areas

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2 you're getting the calls, do you know how
3 many calls we get a year for raccoons?

4 MS. SCHERNECKE: In 2010, the
5 calls that we received and responded
6 to -- because many of them are referred
7 to other agencies -- were approximately
8 700.

9 COUNCILMAN KENNEY: Okay.

10 MS. SCHERNECKE: That we
11 received and responded to.

12 COUNCILMAN KENNEY: Would it
13 make any sense to investigate the
14 possibility of a one- or two-day or
15 three-day citywide raccoon no-kill,
16 capture operation that we could try to
17 attack the problem in one big effort
18 perhaps with some -- I don't know if
19 there's grant money available from
20 organizations that are against the
21 killing or euthanizing of any animals in
22 these situations. Perhaps they would
23 step up and provide a grant or some
24 resources for, again, a weekend-long
25 roundup, so to speak, of raccoons.

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2 And we'd have all of the
3 locations of where the problems are.
4 These folks would be coming out to try to
5 snag them but take them somewhere else
6 and release or, you know, do whatever is
7 humane.

8 I just think that sometimes we
9 throw up our hands because -- and, again,
10 I'm not criticizing the Animal Control
11 agency 'cause I know we have a situation
12 today, or that came to light today, with
13 a woman in South Philly with a horrendous
14 cat problem. I tried to limit the number
15 of cats you could have in a house once,
16 and that didn't go very well.

17 (Laughter.)

18 So I gave up on that. As a
19 matter of fact, I called Chicago to ask
20 for a copy of any experience that they've
21 had there, and the Alderman's assistant
22 said, "Oh, you're not even going to go
23 there, are you?" And I should have
24 listened to him.

25 But I'm saying like a weekend

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2 type -- would you look at those kind --

3 I'm sure there's organizations that have

4 the money, if they're motivated by n-

5 kill policies, that we could maybe get a

6 big dent in the problem.

7 MR. ABERNATHY: Sure. It's an

8 issue that we'd actually have to explore

9 with the CDC, the Centers for Disease

10 Control and with the Pennsylvania Game

11 Commission. The Pennsylvania Game

12 Commission, as a general rule, if the

13 raccoon is captured, also encourages the

14 euthanasia of that raccoon.

15 So I'm happy to have those

16 conversations and --

17 COUNCILMAN KENNEY: And,

18 obviously, they're wild animals but, I

19 mean, living amongst people. We're not

20 talking about domesticated dogs or cats.

21 We're talking about an animal that's wild

22 and cannot be accommodated as a pet

23 unless -- you know, I wouldn't think so.

24 MR. ABERNATHY: And I agree,

25 Councilman. And I think one of the

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2 concerns -- there's lots of wild animals
3 in the City of Philadelphia that live
4 among us; there's deer, there's fox,
5 raccoons, and smaller --

6 COUNCILWOMAN TASCO: There's
7 snakes in my yard.

8 MR. ABERNATHY: And snakes.

9 And, you know, most
10 municipalities and, I think, the
11 encouragement of the Game Commission is
12 that we live with those wildlife and we
13 learn to make our properties less
14 attractive.

15 COUNCILMAN KENNEY: But in
16 areas of the City -- and I'm preaching to
17 the choir --

18 MR. ABERNATHY: I understand.

19 COUNCILMAN KENNEY: -- where
20 there's a large amount of abandonment,
21 you're not going to get that --

22 MR. ABERNATHY: I understand.

23 COUNCILMAN KENNEY: -- unless
24 the houses are razed and there's new
25 development there or something like that.

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2 And these poor folks are living
3 amongst these ruined houses to begin with
4 and trying to do their best and are
5 having to put up with, you know, wild
6 animals next door to them or on the roof.

7 MR. ABERNATHY: Yeah. Point
8 taken.

9 COUNCILMAN KENNEY: But I'm
10 just wondering if you could
11 investigate -- I mean, is the issue that
12 can't -- that you don't have the
13 resources, or you don't want them
14 euthanized?

15 MR. ABERNATHY: Both, as well
16 as the Game Commission thinks we're
17 preempted from acting --

18 COUNCILMAN KENNEY: But they
19 euthanize them.

20 MR. ABERNATHY: They euthanize
21 in very specific conditions: if the
22 raccoon is a threat to property or is a
23 threat to public safety.

24 COUNCILMAN KENNEY: Well, I
25 don't know. I don't want to euthanize

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2 anything either. But, I mean, I think if
3 there's a wild animal in your house and
4 you're an older -- you're a senior
5 citizen, and you don't have the
6 wherewithal, you're in somewhat danger
7 'cause you could be bit or something.

8 I mean, I just think we've got
9 to -- I don't think we can throw up our
10 hands at the problem and just say, "We
11 don't have the resources. So live with
12 it."

13 MR. ABERNATHY: Understood.

14 COUNCILMAN KENNEY: Okay.

15 COUNCILWOMAN TASCO: Ms. Cosby,
16 are you going to testify?

17 MS. COSBY: Yes. Thank you.

18 Thank you, members of the
19 committee. My name is Susan Cosby. I'm
20 the CEO of the Pennsylvania SPCA,
21 testifying on Bill No. 110346.

22 The Pennsylvania SPCA is the
23 largest animal-protection organization of
24 the Commonwealth of Pennsylvania, and our
25 headquarters is located on Erie Avenue,

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2 in North Philadelphia.

3 I have personally been involved
4 with animal control in Philadelphia since
5 2005, when following articles in the
6 Daily News by Stu Bykovsky and City
7 Council hearings calling Animal Control
8 "a House of Horrors." I was hired as a
9 part of a team brought in to make changes
10 and improve service.

11 I worked as the Chief Operating
12 Officer of Philadelphia Animal Care
13 Control Association from the spring of
14 2005 until early fall 2007. I returned
15 to Philadelphia, joining the Pennsylvania
16 SPCA, after this organization assumed the
17 animal control contract in 2009.

18 In 2004 and 2005, a distinct
19 and vocal demand from the public was that
20 animal control services be performed in a
21 humane and ethical manner.

22 The citizens of Philadelphia
23 and the region were horrified at the
24 senseless killing taking place at the
25 shelter and the sheer disregard for life

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2 in the actions of its employees. The
3 sheltering system at the time was
4 disparaged as a catch-and-kill facility
5 simply holding and disposing of animals,
6 a facility without a heart and without a
7 soul.

8 Since that time, I and others
9 have worked diligently to change that
10 reputation through compassionate action
11 and regain the trust of the public that
12 both Animal Control staff and this city
13 value animals. We dramatically improved
14 life-saving rates from an estimated 89
15 percent kill rate to less than 40 percent
16 of the animals entering the shelter being
17 killed.

18 Unfortunately, Bill No. 110346
19 will result in the return to unethical
20 and inhumane treatment of animals, as it
21 would require the catching and subsequent
22 killing of perfectly healthy wildlife,
23 natural residents of the City and region
24 for no other reason than they exist and
25 someone placed a call.

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2 The staff persons performing
3 animal control work in Philadelphia are
4 not exterminators; they are compassionate
5 animal lovers who work very hard to
6 protect and assist both the citizens and
7 animals of this city.

8 In addition to the lack of
9 resources to perform the work properly,
10 as dictated by the Pennsylvania Game
11 Commission, who oversees the handling of
12 wildlife in Pennsylvania, those who would
13 be tasked with this burden would be
14 heartbroken by this senseless loss of
15 life.

16 Whether it's animals dying in
17 the City shelters, carriage horses
18 working in hot weather, or squirrels in
19 City's parks, the public's concerns for
20 animals is real.

21 While we recognize raccoons can
22 be a nuisance, proper maintenance of
23 neglected and abandoned properties,
24 together with professional abatement
25 services pm private property, is an

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2 appropriate response to this issue when
3 it becomes a problem.

4 Thank you for the opportunity
5 to speak.

6 COUNCILWOMAN TASC0: Thank you.

7 Any questions?

8 COUNCILWOMAN BROWN: Yes.

9 COUNCILWOMAN TASC0:
10 Councilwoman Brown.

11 COUNCILWOMAN BROWN: Good
12 morning.

13 I first agree with Councilman
14 Jim Kenney. While we don't want to throw
15 up our hands, we really do have to figure
16 out how we protect poor elderly from
17 animals of any type; in this case,
18 raccoons.

19 And to hear that other
20 municipalities may not be doing this for
21 me raises a question: And so, what are
22 the best practices of other
23 municipalities, and how do they deal with
24 this particular issue? Might you have
25 any insight on that?

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2 MR. ABERNATHY: We have done
3 some research on what other
4 municipalities do. And, again, none of
5 them trap or capture raccoons by the
6 city's expense. And generally speaking,
7 they all provide -- none of them provide
8 specific services for raccoons.

9 Philadelphia is in a more urban
10 area than some of the comparable cities;
11 St. Louis, for example, is surrounded by
12 more rural communities, and "rural" being
13 used loosely, because they're still
14 somewhat urban.

15 But New York City, Chicago, Los
16 Angeles, none of them actually provide
17 services to trap or kill any kind of
18 wildlife, let alone raccoons.

19 COUNCILWOMAN BROWN: Okay.

20 MR. ABERNATHY: And, again,
21 while the general posture from the animal
22 control community and from the Game
23 Commission is that these are wildlife.
24 We've cohabitated with wildlife for
25 hundreds of years, and we should be able

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2 to figure out a way to cohabitate.

3 And I understand exactly where
4 Councilman Kenney is coming from and your
5 concern, Councilwoman Brown, and we're
6 happy to explore those options as well.

7 COUNCILWOMAN BROWN: Okay. To
8 Councilwoman Tasco's question regarding
9 tracking the information, what was the
10 answer to that question?

11 MR. ABERNATHY: We'll provide
12 that information to the Chair.

13 COUNCILWOMAN BROWN: Okay.
14 'Cause tracking becomes informative in
15 that you can then target and saturate
16 that community with information,
17 education, information, education. And
18 so, having that, I would think, informs
19 how frequently you educate and inform.

20 I mean, educational
21 psychologists say we need to hear
22 something seven times before we get it.
23 So tracking of the information becomes
24 exceedingly important.

25 Okay. That covers all of my

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2 questions.

3 So then, what are your next
4 steps then?

5 MR. ABERNATHY: We'll certainly
6 provide the data, the information that
7 you all had requested.

8 We all may explore an
9 educational program, just to your
10 recommendation. Throughout the summer,
11 we're also preparing several new
12 educational materials not just regarding
13 raccoons, but also requiring possums, dog
14 licensing, feral cats, as well as a host
15 of other animal-specific issues that we
16 do have some pro bono marketing help to
17 help develop and distribute.

18 Certainly, using the
19 information that you've requested that
20 we've already gathered through 3-1-1,
21 we'll be able to distribute that
22 appropriately --

23 COUNCILWOMAN BROWN: Oh, okay.

24 MR. ABERNATHY: -- and make
25 sure the folks have -- we can at least

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2 better educate the public.

3 COUNCILWOMAN BROWN: Okay.

4 Now, help me remember. You two ladies
5 represent the same agency? I missed that
6 in the opening.

7 MS. COSBY: Yes, we both work
8 for the Pennsylvania SPCA. I'm the CEO
9 of the entire organization, and Tara is
10 the Director of Operations of the Animal
11 Control Unit that's contracted by the
12 City.

13 COUNCILWOMAN BROWN: Mm-hmm,
14 okay. And is there a role for L&I? Does
15 L&I have a role? I'm asking; I don't
16 know.

17 MR. ABERNATHY: L&I's role in
18 this situation would not be about the
19 animal but about the condition and the
20 property that attracted the animal to
21 live there.

22 COUNCILWOMAN BROWN: Okay. So
23 is there any talking across systems with
24 L&I? This gets back to Councilwoman
25 Tasco's question about tracking. To the

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2 extent that you have certain communities
3 targeted, that information can be shared
4 with L&I, and it can be about the
5 business of sealing up those properties
6 to further, you know, remediate the
7 problem.

8 Any talking across systems
9 there?

10 MR. ABERNATHY: There hasn't
11 been specific coordination, but we can
12 begin that.

13 COUNCILWOMAN BROWN: Okay. All
14 right, then. Thank you.

15 Thank you, Madam Chair.

16 COUNCILWOMAN TASC0: The other
17 suggestion I have is that you have the
18 Philadelphia More Beautiful Committee.
19 They spend a lot of time out in the
20 community with community organizations
21 and at various information sessions.

22 It would be helpful if you
23 would let them -- give them information
24 so that could be -- particularly in those
25 areas, when you track the number of where

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2 the complaints are coming from to be
3 citywide, but certainly those areas where
4 you get the most complaints, there ought
5 to be a concerted effort to educate those
6 people at that time.

7 MR. ABERNATHY: Yes, ma'am.

8 That's a great idea. Thank you, Madam
9 Chair.

10 COUNCILWOMAN TASCO: Thank you.

11 Anyone else have any questions?

12 Councilman Goode.

13 COUNCILMAN GOODE: Just very

14 briefly clarify.

15 Mr. Abernathy, I want you to
16 clarify the Administration's position.
17 If the bill were approved, the word
18 "abatement" would not necessarily mean
19 "euthanize"; is that true your testimony?

20 MR. ABERNATHY: I read the --

21 yes. And I read the bill as that we're
22 required to create regulations. We would
23 be willing to create those regulations.

24 However, those regulations
25 would likely codify the current practice,

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2 along with possibly some other
3 educational material, but we will not --
4 the Administration is not comfortable
5 with the idea of a capture -- a kill-and-
6 capture policy.

7 COUNCILMAN GOODE: And the word
8 "abatement" is not defined within the
9 section the code?

10 MR. ABERNATHY: Understood.
11 Our reading is that the CDC and the Game
12 Commission requires us -- if a raccoon is
13 captured, that that raccoon is
14 euthanized.

15 COUNCILMAN GOODE: I'm just
16 referring to the language in the code
17 here. The word "abatement" is not
18 defined.

19 MR. ABERNATHY: Correct.

20 COUNCILMAN GOODE: Okay, thank
21 you.

22 Thank you, Madam Chair.

23 COUNCILWOMAN BROWN: I actually
24 have another question.

25 COUNCILWOMAN TASCO:

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2 Councilwoman Brown.

3 COUNCILWOMAN BROWN: I've been
4 alerted by a staff member that -- and
5 this may be pre your time -- that there
6 was a problem ten years ago.

7 And so, did the City -- or what
8 was the City's response ten years ago?
9 Was a program put in place to attempt to
10 reduce or remediate the problem? Might
11 you know?

12 MR. ABERNATHY: From my
13 understanding, several years ago --
14 and -- I don't know the time period --
15 that traps were provided. Those traps
16 would then either capture a raccoon or
17 another animal, and Animal Control would
18 be called to take those traps away.

19 We ceased that program several
20 years ago.

21 COUNCILWOMAN BROWN: You say
22 you closed that program --

23 MR. ABERNATHY: Yes.

24 COUNCILWOMAN BROWN: -- several
25 years?

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2 MR. ABERNATHY: Yes.

3 COUNCILWOMAN BROWN: Might you
4 know -- remember the reason why?

5 MS. COSBY: The traps were
6 being stolen on a regular basis, and we
7 were also getting reports of traps being
8 left out, where the animals had suffered
9 and died in the traps because they
10 weren't being monitored properly.

11 So the Game Commission actually
12 really held us to task for that
13 particular program.

14 COUNCILWOMAN BROWN: Mm-hmm.
15 So if Option A didn't work, what was
16 Option B, C, D, or F?

17 MR. ABERNATHY: And, again,
18 this was before, I thank, any of our time
19 specifically. The current -- so I don't
20 know what the plan of action was at the
21 time that that program was ceased.

22 I do know that thinking has
23 progressed significantly in the City
24 around animal care and control. And at
25 this point, the City doesn't feel that

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2 capturing raccoons is in the best
3 interest of the City or of the animal
4 itself.

5 COUNCILWOMAN BROWN: Mm-hmm.

6 Okay, thank you.

7 COUNCILWOMAN TASC0: Thank you
8 very much. Thank you for your testimony.

9 MR. ABERNATHY: Thank you,
10 Councilwoman.

11 I just also want to point out
12 that I do have amendments, the letter
13 from the Game Commission, and the
14 educational material that I promised as
15 well.

16 COUNCILWOMAN BROWN: I'd like
17 to take a look at that.

18 COUNCILWOMAN TASC0: All right.
19 Thank you.

20 Is there anyone else here to
21 testify on this bill?

22 (No response.)

23 COUNCILWOMAN TASC0: Thank you
24 very much.

25 We will now hear testimony on

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2 Bill No. 100011.

3 We will now have Nan Feyler,
4 Chief of Staff, Health Department.

5 (Witnesses come forward.)

6 MS. FEYLER: Good morning.

7 COUNCILWOMAN TASCO: Good
8 morning.

9 Before you begin, let me just
10 interrupt you for a moment.

11 Councilwoman Blondell Reynolds-
12 Brown has opening comments. She is the
13 sponsor of this legislation.

14 COUNCILWOMAN BROWN: Good
15 morning, good morning.

16 And the record should reflect
17 that Madam Chairwoman Marian Tasco worked
18 on this matter about ten years ago, so
19 that should not go unrecognized.

20 Today I'd like to state that in
21 2009, there were about 2500 new reported
22 cases of children being poisoned by lead.
23 And what we now medically is that when
24 children come in contact, it leads to
25 permanent irreversible damage.

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2 We should acknowledge that our
3 city has made enormous progress, and we
4 would be remiss not to recognize and
5 recognize landlords who, on their own,
6 have dealt with this issue in a very,
7 very responsible way by investing
8 thousands of dollars. In so doing, we
9 still have a problem.

10 Currently, the City code allows
11 us to reveal disclosure that there's
12 lead. We believe it's now time to take
13 further additional action to require
14 certification that rental properties are
15 lead-safe.

16 And so, with the support and
17 participation of the Childhood Lead
18 Poisoning Task Force that has been
19 meeting for the past two years,
20 (indiscernible) stakeholders like PCCY,
21 representatives from the Tenant Union
22 Representative Network, a representative
23 from Lead-Safe Washington, where they
24 already have a similar practice in place,
25 and the Health Department and Community

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2 Legal Services, we are hopeful that we
3 can further move the needle to where we
4 have a city that has rental housing stock
5 that's 95 percent free of lead.

6 I would also like to state for
7 the record that my office has met
8 numerous times over the past year with
9 stakeholders and representatives from
10 HAPCO, the Homeowners Association, and
11 the Apartment Association of Greater
12 Philadelphia. And they too have very
13 serious, legitimate concerns about this
14 legislation before us today.

15 Through this hearing, my hope
16 is that we will move one step closer to
17 making certain that our children are
18 lead-safe.

19 In closing, Philadelphia knows
20 how to eliminate lead poisoning: Remove
21 lead hazards from children's homes.
22 We've had some success.

23 This bill symbolizes that it is
24 time for us to redouble our efforts and
25 strengthen our commitment to the City's

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2 children to further protect them from
3 harm and ensure that the homes they live
4 in will not poison them.

5 And so, it is our hope that
6 discussion and more discussion and making
7 the bill better, we get to a place where
8 our children are free from lead
9 poisoning.

10 Thank you, Madam Chair.

11 COUNCILWOMAN TASCO: Thank you.

12 Any other comments?

13 (No further comments.)

14 Good morning and welcome.

15 State your name for the record and begin
16 your testimony.

17 MS. FEYLER: My name is Nan
18 Feyler: F as in Frank -E-Y-L-E-R. I'm
19 the Chief of Staff of the Philadelphia
20 Department of Public Health.

21 And with me is Pete Palermo,
22 who is the Program Manager for our
23 Division of Childhood Lead-Poisoning
24 Prevention, and he's here to answer any
25 questions this morning and certainly

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2 after my testimony.

3 Good morning again. As I said,
4 I am Nan Feyler, Chief of Staff of the
5 Department of Public Health. Thank you
6 for the opportunity to testify about Bill
7 100011, which amends the Philadelphia
8 Code to require a certification by a
9 landlord that a property is lead-free or
10 lead-safe before it may be rented to a
11 new tenant, as a condition of a receipt
12 of a rental license.

13 The City of Philadelphia has
14 made significant progress in reducing
15 children's risk of lead poisoning.
16 Through the work of the Department of
17 Public Health in collaboration with
18 community-based, private-sector, State,
19 and federal partners, the percentage of
20 lead-poisoned children in Philadelphia
21 has decreased from 80 percent in 1989 to
22 around 2.83 percent in 2009.

23 Through our primary prevention
24 Lead-Safe Communities program, we have
25 provided lead-poisoning prevention

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2 services to over 7,000 families since
3 2005. However, over 1,100 children were
4 lead-poisoned in Philadelphia last year.

5 Lead has serious long-term
6 health effects, especially on children.
7 Even low levels of lead can lead to
8 impaired cognitive functions, emotional
9 difficulties, lowered IQ, stunted growth,
10 hearing impairment, and delayed speech.

11 The vast majority of lead
12 exposure is from chipping, flaking, and
13 deteriorating lead-based paints in homes
14 built before lead paint was banned, in
15 1978. With over 500,000, or 90 percent
16 of homes, in Philadelphia containing lead
17 paint, keeping children safe is a
18 daunting task.

19 This bill is intended to reduce
20 the risk of childhood lead poisoning by
21 requiring landlords to assure that there
22 units are lead-free or lead-safe before
23 renting the property. To do this, the
24 landlord would need to hire a
25 Pennsylvania-certified lead inspector/

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2 risk assessor to evaluate the unit and
3 certify that it is either lead-safe or
4 lead-free as a condition of his or her
5 receiving his or her annual license.

6 The current cost of this
7 evaluation is approximately \$450, but it
8 varies according to the condition and
9 size of the unit.

10 Lead poisoning is completely
11 preventable. The proposed bill is an
12 important tool in the City's commitment
13 to eliminating lead poisoning, by
14 ensuring that the rental homes families
15 are living in are lead-free or lead-safe.

16 Thank you for the opportunity
17 to present testimony today. I will
18 answer any questions at this time.

19 COUNCILWOMAN TASCO: Thank you.

20 The Chair recognizes
21 Councilwoman Brown.

22 COUNCILWOMAN BROWN: I would
23 like, Madam Chair, if we heard from both
24 of our panelists, and then we can open it
25 up for questions.

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2 MS. FEYLER: I don't think we
3 have additional comments as much as the
4 opportunity to ask Mr. Palermo questions.

5 COUNCILWOMAN BROWN: Oh, okay.

6 COUNCILWOMAN TASCIO: Okay.

7 COUNCILWOMAN BROWN: With that
8 said, then, please make the distinction
9 between lead-free and lead-safe.

10 MR. PALERMO: To make a unit
11 lead-free would require the total removal
12 of mostly painted items in the property.
13 For the flat surfaces such as walls, it
14 would mean secure covering over those
15 walls, or removal of the walls.

16 This process can be quite
17 expensive. In a typical two-story
18 rowhome in Philadelphia, it can cost
19 upwards of \$60,000 to do that type of
20 work. However, that is not what we need
21 to protect the children.

22 What we need to protect the
23 children is making a property lead-safe.
24 And to make a unit lead-safe, we are
25 looking at removal of only the

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2 deteriorated paint.

3 So anyplace you see loose
4 paint, you would knock it off, throw a
5 coat of paint on top of it, and then
6 properly clean the unit to remove those
7 paint chips and the dust.

8 And this type of work is
9 typical for when you would prepare a
10 home, when you're moving in. You would
11 knock off the loose paint and repaint the
12 house.

13 Right now, under the current
14 federal guidelines, any workers that do
15 this are required to work lead-safe so
16 that as they did the work, they would do
17 it in such a manner that it would not
18 contaminate the house.

19 COUNCILWOMAN BROWN: Please
20 talk, if you would, Deputy Commissioner,
21 about lead prevention programs. What
22 happens?

23 MS. FEYLER: In our lead
24 prevention programs, which are known as
25 "Lead-Safe Communities" or "Lead-Safe

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2 Babies," we actually do -- our goal is to
3 actually prevent, as is the goal of this
4 law, prevent a child from getting
5 poisoned.

6 The problem with much of our
7 services historically has been responding
8 once we get notified that a child is
9 poisoned. Prevention is obviously our
10 goal, along with eradication.

11 In our Lead-Safe Communities
12 program, we do outreach particularly by
13 sending letters to all of the mothers of
14 newborns in Philadelphia, inviting them
15 to contact us for us to go to their
16 homes.

17 We also do neighborhood-based
18 outreach and interventions. And in the
19 home, we do a combination of education on
20 how to keep the house clean, we provide
21 some cleaning supplies. And then I
22 believe in all of the houses, we do
23 dust-wipe sampling.

24 MR. PALERMO: Yes. We offer
25 the mom that we could do a limited

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2 sampling to see if there is a lead hazard
3 in the property, or if the outreach
4 person just sees that there's a lot of
5 loose paint in the property.

6 If the results of the lead-dust
7 test are high or we see that the property
8 needs an inspection, we would send one of
9 our lead-risk assessors out to the
10 property, to a full inspection, note
11 where the lead hazards were.

12 If the clients qualified for
13 grant funds and grant funds were still
14 available, we would then put a contractor
15 in to remediate the lead hazards; or, in
16 some cases, we can use our own staff to
17 go in and remediate the lead hazard and
18 make the property lead-safe.

19 We try to do this before the
20 baby's actually born so that the baby
21 comes home to a clean home. But at least
22 within the first year after the baby's
23 born, we try to get out there.

24 COUNCILWOMAN BROWN: What would
25 you say would be the contributing factor

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2 to the dramatic decline from 1989 to
3 2009? Was it internal restructuring of
4 staff? Money for sure, but what other
5 factors might contribute to that dramatic
6 decline?

7 MR. PALERMO: There were
8 several factors. Of course, the most
9 important one was that I was hired for
10 the lead program. I'm just kidding.

11 COUNCILWOMAN BROWN: Since
12 when? Just for the record.

13 MR. PALERMO: 1989.

14 COUNCILWOMAN BROWN: Oh, wow.

15 MR. PALERMO: No, actually,
16 there was a concerted effort among
17 several federal agencies -- the
18 Department of Housing and Urban
19 Development, the Centers for Disease
20 Control and Prevention, and the
21 Environmental Protection Agency -- around
22 lead-poisoning prevention. It's a true
23 success story.

24 We removed lead from gasoline,
25 we had removed the lead from the paint.

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2 And then there was a lot of energy put
3 into seeing what are the best practices,
4 how do we deal with this problem.

5 In Philadelphia, two things
6 happened. We really ramped up our
7 educational program, speaking to a lot
8 more families.

9 COUNCILWOMAN BROWN: Mm-hmm.

10 MR. PALERMO: We also started
11 to receive federal dollars for grants to
12 actually go out and remediate homes.

13 COUNCILWOMAN BROWN: Are those
14 federal dollars still in place?

15 MR. PALERMO: They are
16 currently in place but will end by the
17 end of this year. We have just, as of
18 Friday, submitted for another round of
19 grants.

20 COUNCILWOMAN BROWN: 12/31/11.

21 MR. PALERMO: Yes.

22 MS. FEYLER: Although I would
23 note that some of the national -- or the
24 cuts in the federal budget have impacted
25 our funding for our lead program.

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2 So even with that renewed
3 grant, should we get it, the one we just
4 applied for, we will still be unable to
5 even apply for a second federal
6 lead-abatement grant.

7 And in addition, our CDC
8 funding for lead prevention, it will --
9 if we're successful in our most recent
10 application, it will be cut in half.

11 So our backdrop is that we are
12 concerned about limiting -- a reduction
13 in resources.

14 (Addressing Mr. Palermo.) If
15 you don't mind, could you also talk about
16 Lead Court? because I think Philadelphia
17 was also innovative in starting Lead
18 Court, which had an impact on our
19 success.

20 MR. PALERMO: Yes. The other
21 thing we implemented in 2002 is what we
22 call Lead Court.

23 Basically, we didn't have a
24 good enforcement program before 2002.
25 When we took cases to court, often the

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2 judge would order us to remove the hazard
3 -- the Health Department, that is -- and
4 we simply didn't have any funds to do
5 that, so nothing would happen.

6 Starting in 2002, we started
7 taking properties to a specific court
8 just for hearing the lead cases.

9 And the abatements, the
10 actually work in the house, jumped three-
11 or fourfold since that time and has
12 maintained that level since.

13 So the court was both for
14 requiring people who came to court to do
15 it was effective, but also in getting the
16 word out that the court wouldn't stand
17 for work not to be done once the
18 department issued orders.

19 COUNCILWOMAN BROWN: Was that
20 funded by a grant as well?

21 MR. PALERMO: No. That was a
22 cooperative agreement between the Law
23 Department and the courts and the Health
24 Department.

25 COUNCILWOMAN BROWN: And if

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2 those dollars are significantly reduced
3 by the end of the year, that will impact
4 the department in terms of staffing and
5 in them not answering the question. How
6 would that impact the department?

7 MS. FEYLER: I think we're
8 evaluating that right now, but I think
9 our greatest concern is that the most
10 difficult money to replace is for the
11 actual abatement of properties where a
12 child has had lead poisoning.

13 COUNCILWOMAN BROWN: Mm-hmm.

14 MS. FEYLER: And, as you know,
15 the most important thing we can do is to
16 get in there quickly because that will
17 help eliminate the source. Or
18 reducing -- making the property lead-safe
19 will reduce the blood level, the lead
20 poisoning blood level of a child,
21 reducing the amount of long-term harm he
22 or she faces. So we're doing our
23 planning right now.

24 At the same time, we are moving
25 towards a healthy home model, where we

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2 will not only be looking -- we are not
3 only working in homes in terms of the
4 lead but trying to look at all of the
5 environmental health hazards, mold, et
6 cetera.

7 So it's both an exciting time,
8 but it's also a time of some anxiety.

9 Our overall goal is to prevent
10 lead poisoning. I think regardless of
11 where we go, that -- long-term, we want
12 to invest as much money as we can in
13 preventing a child from getting poisoned
14 in the first place.

15 COUNCILWOMAN BROWN: And the
16 goal for the healthy home model is what?

17 MS. FEYLER: Well, it is to
18 reduce a range of housing risk so that
19 the internal environment in the home is
20 safe.

21 COUNCILWOMAN BROWN: Okay.

22 MS. FEYLER: So, for example,
23 we have recently received funding for a
24 cooperative program with St.
25 Christopher's Hospital to target those

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2 homes of children with difficult-to-
3 control asthma; where, as part of the
4 continuum of services, we will actually
5 go in and check for lead, do the
6 necessary lead abatement where needed,
7 but we're particularly focusing on
8 reducing the hazards like mold and pests
9 that exacerbate a child's asthma.

10 COUNCILWOMAN BROWN: Okay.

11 MS. FEYLER: So lead will
12 always be one of our priorities. We're
13 hoping to both continue to reduce the
14 exposure while looking at other home
15 hazards.

16 COUNCILWOMAN BROWN: Very well.
17 All right. Thank you for your testimony.

18 COUNCILWOMAN TASCIO: Thank you.

19 Let me ask you, what are the
20 federal guidelines relative to this
21 issue? Are there federal guidelines?

22 MR. PALERMO: Yes. The federal
23 law is known as the Disclosure Law;
24 that's the one that -- our law that we're
25 trying to amend here is patterned after.

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2 And what that says is if you're
3 going to purchase a home or rent a home,
4 whoever owns the property has to let you
5 know if they know of any lead hazards in
6 the property. It does not require them
7 to test the property or do anything else;
8 only if they know.

9 The person who wants to
10 purchase the property or rent it has the
11 option of hiring a risk assessor to test
12 the property. And then they can use the
13 results of that test to bargain or leave;
14 you know, not purchase or not rent the
15 unit.

16 COUNCILWOMAN TASC0: Those are
17 the federal guidelines?

18 MR. PALERMO: Yes. And it's
19 also -- the City law was actually modeled
20 after it. We allow tenants that same
21 ability, to have the property inspected,
22 whereas the federal law does not.

23 MS. FEYLER: But the tenant has
24 to pay.

25 MR. PALERMO: Yes.

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2 MS. FEYLER: Is that correct?

3 MR. PALERMO: Yes.

4 MS. FEYLER: The difference is
5 that this would require not just if the
6 landlord knows; they would provide the
7 information. But this is a more
8 affirmative obligation to have it
9 inspected. And then, if they do find the
10 risk of lead poisoning, to make it
11 lead-safe.

12 I want to get back to that, if
13 I may, in a minute.

14 I just wanted to reiterate what
15 Mr. Palermo said. There's now also a
16 federal law through the EPA, which
17 mandates that people doing construction,
18 demolition, remediation have to be
19 trained on lead safety so that the work
20 they're doing does not, in fact, increase
21 or exacerbate the risk of lead poisoning.
22 So that is a relatively new federal
23 standard as well.

24 So we have the mandatory
25 disclosure if you know to both buyers and

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2 tenants in Philadelphia, as well as all
3 contractors have to be trained and have
4 someone who's certified in lead safety.

5 If I may go back, I wanted to
6 make one point that might be helpful
7 because I know that the Landlord
8 Association is concerned about cost.

9 And as we said -- I said in my
10 testimony, we anticipate that the
11 inspection cost is about \$450. You have
12 to have a certified lead risk assessor.

13 I think there may be some, if I
14 may, some difference of opinion or
15 confusion about what it will cost should
16 you find lead risk. And as Mr. Palermo
17 said, it's our opinion that in order to
18 make an apartment lead-safe -- not
19 lead-free, which is that very high
20 number -- to make it lead-safe so that
21 small children who crawl around and pick
22 up, you know, toys and stuff and get lead
23 dust in their mouth.

24 To make it lead-safe is
25 primarily a procedure of removing the

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2 deteriorated paint chip and repainting
3 and cleaning.

4 And our estimate for that is
5 about...?

6 MR. PALERMO: It's about \$1500
7 a house.

8 COUNCILWOMAN TASCIO: What if an
9 owner of a building has maybe 30, 40
10 units? Would they have to, each time
11 they rent the unit -- suppose someone
12 moves in this year and you certify that
13 it's lead-safe, and two years from now,
14 that family moves out and another family
15 moves into that argument, what is the
16 responsibility of the landlord to, again,
17 certify that that apartment is still
18 lead-safe?

19 MS. FEYLER: Yes. As the law
20 is written now, anytime there's a new
21 tenant, there needs to be a certification
22 that it's lead-safe. And as the law is
23 written now, that certification expires
24 after one year.

25 The concern I think that I sort

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2 of anticipate is if you have many units,
3 the exacerbated cost.

4 COUNCILWOMAN TASCO: Mm-hmm.

5 MS. FEYLER: And I think that
6 while there may be -- perhaps speaking
7 for the Health Department, at least --
8 some flexibility around some of the terms
9 of it, I think our concern is that having
10 it inspected is a fairly low cost of
11 \$450.

12 The work that you'd have to do
13 is basically scraping, painting, and
14 repainting. It seems consistent with the
15 other sort of requirements in general to
16 have for the, I guess, habitability.
17 Others will speak to that.

18 But I guess my concern is
19 measuring it against the cost of a young
20 child who comes in and crawls around.
21 Our view is that reinspecting it every
22 time there's a new tenant weighed against
23 preventing lead poisoning, we are in
24 support of this requirement.

25 COUNCILWOMAN TASCO: But if you

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2 -- if I have a building and I rent
3 apartment unit 2 --

4 MS. FEYLER: Mm-hmm.

5 COUNCILWOMAN TASC0: -- and
6 it's certified that it's lead-free.

7 MS. FEYLER: Lead-safe, excuse
8 me.

9 COUNCILWOMAN TASC0: Okay. Two
10 years from now, now with the -- we don't
11 have lead paint anymore, so I may repaint
12 the apartment so I can rent it to a new
13 tenant, why would I have to pay another
14 450 to have someone certify that it's
15 lead-free?

16 MR. PALERMO: If it's
17 lead-free, you would only have to do that
18 once.

19 MS. FEYLER: But I think what
20 we're talking about realistically, 'cause
21 I don't think -- if it's lead-free,
22 that's permanent eradication.

23 COUNCILWOMAN TASC0: But if
24 it's lead-safe?

25 MS. FEYLER: But if it's

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2 lead-safe, I think the risk is that in
3 that time, there would be deteriorating
4 paint chips from the underlying paint.

5 (Addressing Mr. Palermo.) Do
6 you want to speak to that?

7 MR. PALERMO: Right. And
8 something like if you've got a roof
9 leaking in the meantime, that could cause
10 paint to deteriorate. Or if the bathroom
11 leaked, it could cause the paint, you
12 know, from the downstairs ceiling to come
13 loose.

14 And the only way to know if
15 that happened would be for someone to
16 look at the unit, you know, every time
17 you would have a new tenant in there or
18 at some regularly-scheduled time.

19 MS. FEYLER: I think the issue
20 is that perhaps is at issue is, how long
21 does a certification last?

22 COUNCILWOMAN TASCO: Mm-hmm.

23 MS. FEYLER: And I think that
24 at this point, this is what is proposed,
25 and I think really, what we want it to be

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2 is very scientifically and factually
3 based.

4 And I think that's -- what
5 you're raising is, can it last longer?
6 And, frankly, I think that's an issue of
7 what kind of changes could occur in an
8 apartment over the course of how long, so
9 that a new tenant needs that.

10 So how long would a
11 certification last, I think, is --

12 COUNCILWOMAN TASCO: Right,
13 because if I stay in the apartment for
14 ten years, there's no recertification for
15 that ten-year period. So my child may
16 still be at risk.

17 Just raising the question, just
18 raising the questions.

19 MS. FEYLER: No, I understand.

20 COUNCILWOMAN TASCO: You talk
21 about the number of children, the
22 percentage of lead-poisoned children, has
23 decreased from about 80 percent in '89 --
24 and I would like to thank the City
25 Council chair here -- to 2.83 in 2009.

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2 Have you tracked where most of
3 these -- now, with the 2 percent.

4 MS. FEYLER: Yes.

5 COUNCILWOMAN TASC0: -- have
6 you tracked the areas of the City where
7 you are getting the increase --

8 MS. FEYLER: Yes, we definitely
9 have.

10 COUNCILWOMAN TASC0: -- of
11 children?

12 MS. FEYLER: Mm-hmm.

13 COUNCILWOMAN TASC0: And you
14 have that information?

15 MS. FEYLER: Yes. We've done a
16 lot of mapping. And what I -- you may
17 have heard the phrase "lead J," and it's
18 changed a bit, but it actually -- we do a
19 lot of mapping in the Department of
20 Health of a lot of health indicators and
21 poverty and other issues 'cause, as you
22 know, health is related so much to
23 socioeconomic factors, and so is lead
24 poisoning, actually, 'cause of the
25 condition of the homes. And it's pretty

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2 much the same parts of the City where we
3 have a lot of low-income residents.

4 We can certainly share more
5 information, but we do have a lot of
6 information.

7 We also track what children get
8 lead tests, get tested for lead. And one
9 of our goals is to increase that number,
10 but the literature shows children on
11 Medicaid are really the target population
12 of kids who are at risk of lead
13 poisoning.

14 MR. PALERMO: Right. And
15 unfortunately, it's a belt that runs
16 through North Philadelphia and West and
17 Southwest Philadelphia.

18 And if you look back in the
19 literature, I have a map of the City from
20 the 1960s from the program, and it shows
21 the same area of concern. Unfortunately,
22 the lead does follow the poverty.

23 COUNCILWOMAN TASCO: Okay.

24 Thank you.

25 Councilwoman Brown.

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2 COUNCILWOMAN BROWN: The
3 mapping would be exceedingly helpful to
4 us as we deliberate on this so that we
5 are fair in how we approach it, you know,
6 just going down the road. That becomes
7 additional information that's helpful on
8 this end of the table.

9 That concludes my questioning
10 at this time.

11 Will you be here to listen to
12 other testimony?

13 MS. FEYLER: Yes. We'll both
14 stay.

15 COUNCILWOMAN TASC0: Any other
16 questions?

17 (No further questions.)

18 Thank you very much for your
19 testimony.

20 The next panel will consist of
21 Darryl Zaslow, Victor Pinckney, Alan
22 Lindy, and Christine Young Gertz.

23 (Witnesses come forward.)

24 MR. ZASLOW: Good morning,
25 Madam Chairwoman and members of the

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2 committee. My name is Darryl Zaslow.

3 I'm legal counsel to HAPCO, the

4 Homeowners Association of Philadelphia.

5 Sitting with me is Victor

6 Pinckney. Mr. Pinckney is the President

7 of HAPCO.

8 As the committee may be aware,

9 HAPCO is the largest property owners

10 organization in the City of Philadelphia,

11 organized back in 1954 to provide

12 services to have property owners be good,

13 decent providers of housing in our city.

14 HAPCO has been at the forefront

15 of dealing with the lead issues for

16 decades. I happen to have graduated from

17 law school and become legal counsel to

18 HAPCO in 1978, the very year that we

19 finally eradicated the lead from the

20 paint. Personally, I've spent my entire

21 career attempting to remedy the problem

22 with all of the actors sitting here in

23 the room, and we all know each other

24 well.

25 Now, we certainly have hands-on

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2 experience in the issue. And we applaud
3 the Councilwoman who is the lead sponsor
4 of the bill, both Councilpersons who are
5 at the forefront of this.

6 This difficult issue has been
7 addressed, obviously, at the federal
8 level, the state level, and the local
9 level for decades. And our concerns here
10 are over the enormous costs of
11 eradication of the problem and
12 specifically the cost to the owners and
13 the cost which would really be passed on
14 to the tenants.

15 We're concerned about the
16 availability of rental housing in the
17 City of Philadelphia should this law, in
18 its current form, be passed.

19 I'd like to remind all of us
20 that those of us sitting here at the
21 table -- the property owners, the
22 landlords -- we did not create the lead
23 paint problem. The industry that created
24 the lead paint problem is not here in the
25 room today.

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2 The industry is the paint
3 manufacturers who, for 100 years in the
4 City of Philadelphia, put lead in the
5 paint that the landlords had no
6 alternative but to buy all over our city.

7 My grandfather owned real
8 estate here, and he bought the paint, and
9 my father bought the paint, and now the
10 children are being forced to eradicate
11 the problem.

12 Now, I don't want to make it
13 sound as if we are glib in any way,
14 heaven forbid, about the danger to
15 children; we would never do so. Number
16 one, from a moral standpoint, it is
17 unacceptable. And, frankly, as an
18 attorney, I know that it is also not
19 acceptable from a liability standard
20 because

21 We are like animals being
22 hunted by my brothers and sisters at the
23 bar, to be sued for lead-poisoning
24 problem. So we also wish to see the
25 problem eradicated.

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2 It's not the fault of the
3 property owners that there's lead all
4 over all of the properties in our city.

5 The proposed bill also requires
6 that the soils be made lead-safe. And I
7 take the liberty of reminding the
8 committee and all of us present that the
9 landlords, the property owners also are
10 not the ones that deposited lead into the
11 soils around our properties.

12 Who did that? Well, they're
13 not here today, either. That's the big
14 oil companies who thought that putting
15 lead in gasoline would make the gasoline
16 much better, make the cars function much
17 better.

18 Every one of us in the room and
19 every person who ever sat in a bus or
20 drove an automobile in our fine city is
21 equally responsible for the lead which
22 spewed from vehicles and reside in the
23 soils of every square inch of our city

24 So from our perspective, while
25 seeking to cooperate, as we have for many

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2 years, in eradicating the problem, we ask
3 the City Council to see beyond burdening
4 solely and exclusively the landlords as
5 if the landlords created the problem and
6 the landlords should be solving it

7 Just as everyone, everyone,
8 participated in creating this problem, so
9 everyone should participate in a solution
10 to the problem.

11 The good news is -- and you
12 heard it already this morning -- that
13 this problem, unlike so many other ills
14 of our society, which you can throw --
15 and we do throw millions and billions of
16 dollars, to no avail, the problem with
17 lead poisoning can be solved with money.
18 What a wonderful thing to be able to
19 solve problems solely by spending money.

20 The question, of course, is:
21 Where would the money come from? But
22 with enough money, we could encapsulate
23 every square inch of every building, we
24 could excavate every drop of soil around
25 every one of our properties, in every

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2 park in the City, and we could declare
3 Philadelphia a lead-free zone. It only
4 costs money.

5 The problem is, the cost
6 expenditure is enormous. You heard
7 Mr. Palermo, who we've dealt with for
8 many, many decades as well, tell you it's
9 \$60,000 to make a house lead-free.
10 That's a modest estimate; I'm not sure if
11 it can be done for that. He's an expert.
12 In the ballpark, 60,000

13 We dispute the figure that a
14 mere \$1500 would render any property
15 lead-safe. \$1500 may in fact enable
16 someone to go in and stabilize paint on
17 the walls, but \$1500 is not remotely
18 going to stabilize exterior paint,
19 interior paint, doors, windows, stairs,
20 and soil. Inspections, reinspections;
21 it's simply not going to happen.

22 If our goal was seeking to have
23 no flaking paint on walls, that might be
24 a number which means something. But the
25 bill, as written, requires the

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2 certification of lead safety or lead
3 freedom, which we'll never achieve, but
4 lead safety

5 No lead inspector worth his or
6 her credentials will declare a property
7 lead-safe merely because the paint on the
8 walls is now stabilized. They're going
9 to say, Remove the windows, remove the
10 doors, do something with the stairways,
11 excavate the soil. So simply not that
12 simple.

13 If it were that simple to say,
14 Landlords, correct the problem, it would
15 have been done already. But, of course,
16 that would bankrupt the United States of
17 America, which is why no one at the
18 federal, state, or local level has
19 demanded that property owners overnight,
20 before renting one more property in our
21 city, make a property lead-safe.

22 Now, we have a solution. We've
23 had the great privilege and the terrific
24 access to the Councilwoman on this point.
25 I have testified on this issue at every

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2 level of government for decades, that is,
3 where will the money come from, where can
4 the money come from? And here where this
5 city council can be of constructive
6 assistance in finally resolving the
7 problem.

8 The source of the fund needs to
9 be the source of the problem. The
10 problem came from paint, and the source
11 of the correction of the problem needs to
12 come, from our perspective, from paint.
13 And the solution is very specific that we
14 have proposed, and that would be:

15 On the state level, that every
16 gallon of paint which is sold in the
17 Commonwealth of Pennsylvania is to bear a
18 tax, a surcharge of 50 cents per gallon
19 of paint. And that 50 cents per gallon
20 of paint goes into a fund to accomplish
21 real results on the ground, which, your
22 Health Department representatives have
23 told you, they can do something if they
24 have the money.

25 So we create the fund.

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2 Everyone participates. No one wants
3 taxes. Obviously not. You don't want to
4 be the ones raising taxes. This frankly
5 would be at the state level, not here, in
6 the City But with your vigorous backing
7 of such a proposal on the state level, we
8 could accomplish it.

9 And then the money is given not
10 to penalize landlords, who are barely
11 struggling; not to penalize tenants, who
12 can't pay their rent. But put into a
13 fund where knowledgeable officials like
14 the prior panel that you had sitting
15 before you (indiscernible) here is the
16 millions of dollars that you need to go
17 and correct problems.

18 The bill, as presently
19 characterized, alters the status quo in a
20 tremendous way. The federal government
21 and here on the local level -- I've
22 participated with other individuals here
23 in writing the City ordinance which
24 requires that property owners give an
25 indication about their knowledge of the

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2 lead safety of the property.

3 The present status allows any
4 person who's renting or buying a property
5 to satisfy him or herself that that
6 property is lead-safe before moving in
7 with small children

8 Now, if you are middle-aged
9 like some of us here, it's not really an
10 issue for you. The problem is the small
11 children.

12 So the excellent efforts of the
13 Health Department, you've heard them say
14 the value of education statistic I've
15 heard this morning is magnificently
16 phenomenal. Nearly everybody being
17 poisoned down to a tiny fraction.

18 So with further education to
19 educate parents moving into a property to
20 visualize, visually inspect the property,
21 and perhaps a dust-wipe sample if
22 necessary, to say if that property has a
23 problem, don't move into it

24 Not looking to absolve property
25 owners in making the properties habitable

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2 and lead-safe, but let people in the City
3 gravitate towards a property that does
4 not have a problem.

5 You've heard testimony today
6 about where the children reside. There's
7 an amazing statistic, which our good
8 friend, the -- I'm not sure what her role
9 is with Public Citizens for Children and
10 Youth. She seems to run the show colleen
11 McCauley. She's also someone we've dealt
12 with, with great respect for many, many
13 years. I'm not sure if she's here today;
14 I know she was here last week. She left
15 testimony on the table

16 The last sentence of her
17 testimony is crucial. The last sentence
18 of her testimony says, "The Philadelphia
19 Department of Public Health reports that
20 55 percent of properties that poison
21 children in Philadelphia are rental
22 properties." Well, that's a big number,
23 55 percent.

24 But imagine you have a bill
25 here which is utterly ignoring 45 percent

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2 of the children in the City. It's as if
3 the City Council is saying, Well, we
4 don't care -- and I know you do
5 obviously, but about the 45 percent of
6 children in our city who are poisoned
7 that don't live in rental properties, 45
8 percent. But ignore them.

9 Let's focus in on the landlord
10 because, for some reason, we think they
11 should pay the dues here. But everyone
12 else who owns a house that has lead in it
13 and a lead problem, they're ignored in
14 the bill

15 And the problem spews over into
16 rental properties. Susie's playing with
17 her friend next door, and that house is
18 an owner-occupied property infested with
19 lead, but we're not interested in that

20 So she goes next door and has a
21 problem with lead poisoning and then
22 comes home to own house, the identical
23 house. One is rented and one is owned.
24 But we're ignoring the other occupied
25 property

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2 The lead in the property next
3 door -- lead dust, we've all learned, is
4 not children taking a spoonful of paint
5 and drinking it or eating a big plate
6 full of lead paint. It's the dust in the
7 air, the little flaking chips. That
8 flaking dust flows out the windows, flows
9 into the property next door

10 Every time I see a building
11 being torn down in the City, I feel like
12 running into court with an injunction
13 action. And I've called the Health
14 Department and I've spoken with
15 Mr. Palermo about this very issue

16 They tore down Tasker Homes, or
17 whatever it was. Where's the lead safety
18 of tearing down that building, which was
19 built in 1952? You're tearing down a
20 gigantic building infested with lead

21 Now, the new rules on the
22 federal level are very clear about the
23 requirements when you deal with lead
24 paint issues or any issue that you deal
25 with in a property, not major structural

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2 repairs. You're painting a little tiny
3 area, you're renovating a very small
4 piece of wall; you now need to have such
5 work practices, under the federal rules,
6 to protect the environment. That is like
7 sending somebody to the moon and you have
8 to -- you know, like an operating theater
9 at our finest hospital, with sheets of
10 plastic, with boots that are to be
11 protective. People coming in and out
12 with all kinds of tests to make sure

13 And our suggestion on that
14 issue is, is that these new federal
15 rules, which are just a year old; April
16 of 2011, they began, a year old. Or
17 maybe 2010, 2009. Whatever the year it
18 became effective, the federal rules.

19 The new federal rule needs to
20 be given a chance to take effect. First
21 of all, that new federal rule is costing
22 a great deal of money to property owners
23 in and of itself.

24 It used to be a (indiscernible)
25 handyman would put some paint on the wall

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2 and walked out. Now that's a violation
3 of federal law. That's a dangerous thing
4 to do, to send in some handyman who's
5 going to profess himself to be
6 knowledgeable about renovation and for
7 him to disturb painted areas without
8 following some very specific rules.

9 So our sense is to the
10 committee that these new federal rules be
11 given an opportunity to take effect.
12 Let's educate people, everyone, that when
13 you paint a property, do anything with a
14 piece of property, that you need to
15 follow the new federal rules 'cause that
16 federal rule in and of itself is very
17 powerful and is intended to have the
18 result of reducing even more the number
19 of children which are being poisoned.

20 It's hard to mix ill children
21 with dollars, it's not pleasant to have
22 to be the one to sit here and do that.
23 And yet, our organizations jointly have
24 commissioned a study, an expensive study
25 we had to pay for. And the study came

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2 back overwhelming us with the cost to
3 this city, not just to property owners,
4 but to the City if this bill were to
5 become law.

6 The effects are rather
7 gruesome, that the repairs which, from
8 our study the, \$1500, again, was for a
9 small, little area of paint chipping.
10 From our perspective, the \$60,000 number,
11 okay, what's that going to cost? If
12 someone has to spend \$60,000 on a house
13 that's worth \$40,000, well, what does
14 that mean? It means goodbye to the house

15 Suppose you have to spend a
16 lesser amount; let's say it's \$6,000.
17 Our study says that the interim controls
18 for lead safety will run between 6 and
19 \$20,000.

20 You can't spend 6, 7, 8, 12,
21 \$20,000 on a piece of real estate in the
22 areas which they're talking about, which
23 is where our properties are, and think
24 that the property will remotely remain
25 economically viable; it will not. Either

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2 the property's abandoned, or the tenant
3 is now going to be told, You have to pay
4 a massive rent increase; I can't afford
5 to keep the house.

6 Even the inspection, okay,
7 \$450. Our numbers are closer to \$600 for
8 inspection. Well, you pass that onto a
9 tenant, that's \$50 a month. Some people
10 might not care about \$50 a month.

11 Frankly, for our clientele, our
12 tenants, who are struggling, paying more
13 than 50 percent of their income on rent,
14 \$50 for them is a lot of money. That's
15 just for an inspection

16 And the economy is such today
17 that we're being burdened. We were just
18 burdened with a massive tax increase, we
19 were burdened with excessive and
20 increased license fees, we're burdened by
21 a terrible economy. We are burdened by
22 potentially new tax increases, which,
23 frankly, we sit here in disbelief that we
24 are facing it again -- not through your
25 fault. But, again, another 10 percent

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2 tax increase, we read in the news. We
3 wish you luck dealing with us and
4 constituents on that issue The economic
5 impact is devastating

6 And to hear that there's a
7 thousand children in our city who are
8 impacted is unacceptable, but this
9 expenditure from property owners -- I
10 don't like to use big numbers; they're
11 sort of meaningless to me. A billion
12 dollar. We're spending a billion dollars
13 in this city in order to protect 55
14 percent of those thousand (indiscernible)
15 and children. A billion dollars for 550
16 children is 550 too many, but there needs
17 to be another way

18 And that brings us back to
19 where we began. That brings us back to
20 finding money to solve the problem. It's
21 not like school children, how do we make
22 Johnny read? Well, I don't know. You
23 spend a lot of money, and it doesn't
24 necessarily do anything

25 But you give money to the

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2 people in this room who know how to spend
3 it to eradicate lead hazards, and,
4 together, we can solve that problem

5 So we urge upon you to be proud
6 of the reductions which have occurred.

7 We hope we have been good participants in
8 that; it doesn't occur in a vacuum. It
9 is our property owners working hard,
10 spending money, doing what they need to
11 do to be good landlords

12 We hope that you'll have a
13 sense that the educational efforts of
14 good housekeeping, which the Health
15 Department does such a fabulous job in
16 educating people. You can help your own
17 problem with good housekeeping.

18 It doesn't solve the problem if
19 you have hardly deteriorated paint; we
20 recognize that. But in an average
21 property, it may

22 So, in summary, we ask you to
23 continue your good efforts. We will
24 participate and be partners in that, to
25 solve a sad problem for children who

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2 deserve better.

3 But we ask you to not devastate
4 the rental market here, in the City of
5 Philadelphia, a market which cannot bear
6 to pay the expense which would be put
7 upon it and will do nothing really but
8 harm tenants, result in devaluation of
9 property, and cause abandonment

10 Last point is the first point.
11 Money, a lead paint tax. Let's work
12 together. I offered, and I will do so,
13 in cooperation with your staff, to write
14 legislation to present out in Harrisburg.
15 We've been in Harrisburg, we've presented
16 to them off the cuff.

17 Everybody that hears this says,
18 "That's a great idea," everybody. No
19 one's done it yet. And now that this
20 focus is being put on, and properly so,
21 we suggest that this is the time to focus
22 on the source of funding, creating
23 funding, which will help us to eradicate
24 the problem

25 So I thank you for your kind

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2 attention.

3 (Applause.)

4 COUNCILWOMAN TASC0: Thank you
5 very much.

6 Questions?

7 Councilman Goode.

8 COUNCILMAN GOODE: Thank you,
9 Madam Chair.

10 Mr. Zaslow, that was extremely
11 eloquent testimony. But for the record,
12 can you tell me what is specifically
13 required of landlords under the new
14 federal law?

15 MR. ZASLOW: The landlords are
16 now required -- number one, there's a
17 pamphlet which must be given to your
18 tenants every time you do renovation work
19 which disturbs six square feet of area.

20 I'm looking at one of your
21 panels on this beautiful dais. If you
22 disturb the (indiscernible) surface of
23 that size -- forget a whole wall; you're
24 definitely into it. A small area, number
25 one, they have to get this pamphlet.

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2 The pamphlet is the best
3 education you can ever have about the
4 requirements preparing for the
5 renovation, getting everybody out of the
6 room, taking off rooms, using vacuums in
7 such a fashion that any dust you create
8 is completely removed, making sure that
9 there's no dust left behind from your
10 renovation --

11 COUNCILMAN GOODE: So landlords
12 are required to educate their tenants.
13 What else?

14 MR. ZASLOW: Landlords are
15 required to make sure that any -- that no
16 person is in an area being disturbed
17 while the work is being done, and no one
18 returns until someone had said that it's
19 safe to go back in after the renovation.

20 And the cleanup is extensive.
21 I will leave you, Councilman, if I may --
22 this comes from MBA paint store. Every
23 paint store in the City, and in the
24 country 'cause it's a federal rule, sells
25 this EPA pamphlet. You have to buy a

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2 stack of 'em so you can hand 'em out.

3 And with your permission,
4 Councilman, I'll leave you a copy of it.
5 And reading through it, you will see the
6 extensive work which is required.

7 It used to be we did work, you
8 know, where you'd go in with a blow torch
9 and burn the paint off the wall.
10 Somebody had a brilliant idea, well,
11 that's the way to solve the lead problem,
12 until we learned that that was causing
13 such a more significant problem, let's
14 find a different way.

15 And the new way is to renovate
16 right, as the pamphlet says, as the law
17 requires.

18 COUNCILMAN GOODE: So landlords
19 are required to educate, and the
20 landlords are required to follow the City
21 regulations when they are renovating.

22 MR. ZASLOW: Not just
23 landlords; everybody.

24 COUNCILMAN GOODE: Okay.

25 MR. ZASLOW: Any renovator

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2 who's doing work. Landlords --

3 COUNCILMAN GOODE: My question
4 was: Under the new federal law, what is
5 required of landlords. So, so far,
6 you've named two things: They are
7 required to educate their tenants.

8 MR. ZASLOW: Yes.

9 COUNCILMAN GOODE: And they're
10 required to follow specific regulations
11 with regard to renovation.

12 MR. ZASLOW: Yes.

13 COUNCILMAN GOODE: What else?

14 MR. ZASLOW: Well, that's the
15 significance of the rule, that's what it
16 requires. Lead-safe work practices,
17 proper cleanup, and proper education to
18 the people who are there.

19 COUNCILMAN GOODE: So that's
20 it?

21 MR. ZASLOW: I would say that's
22 it, but it's an enormous amount of work
23 when you're the person that has to
24 accomplish it or, frankly, pay for it.

25 You don't just send a painter

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2 in anymore to just take a scraper and
3 scrape off the paint and let him sweep it
4 up with a broom. If you do that, you're
5 in violation of this rule. And as a
6 result, the cost of that little minor
7 renovation is also skyrocketing.

8 COUNCILMAN GOODE: Okay, thank
9 you.

10 COUNCILWOMAN TASC0: Thank you.
11 Councilwoman Brown?

12 COUNCILWOMAN BROWN: I'd like
13 to hear from the others, because you've
14 triggered a number of follow-ups, but
15 let's hear from the others first.

16 COUNCILWOMAN TASC0: Who's
17 next?

18 MS. GERTZ: Thank you. I'll go
19 next. Thank you very much.

20 COUNCILWOMAN TASC0: Mm-hmm.

21 MS. GERTZ: Good morning. My
22 name is Christine Young Gertz. That's
23 capital Y-O-U-N-G, capital G-E-R-T-Z.

24 I am the Government Affairs
25 Director for the Apartment Association of

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2 Greater Philadelphia. We are a nonprofit
3 trade organization whose members are
4 multifamily renters -- I'm sorry, rental
5 owners, managers, and developers.

6 Our members' properties are
7 typically larger apartment communities.
8 They represent roughly 140,000 rental
9 homes in this five-county area;
10 approximately 40,000 of those homes are
11 in Philadelphia. Our members provide
12 vital rental housing to Philadelphians
13 from all walks of life.

14 Thank you for this chance to
15 talk about the lead disclosure bill.

16 AAGP members are apartment
17 industry leaders who know the importance
18 of practicing responsible fiscal and
19 property management. We stress
20 professionalism and education. Members
21 know that delivering a good product,
22 which is quality rental housing, is
23 possible only by running their businesses
24 according to the highest operational and
25 service standards. They provide quality,

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2 affordable housing and try to minimize
3 the impact of cost increases on their
4 residents.

5 With regard to the bill, it is
6 unnecessary in light of the current
7 effective laws on the federal and local
8 levels that have caused dramatic
9 reductions in lead exposure to children.

10 Additionally, it casts too wide
11 a net and places superfluous expensive
12 regulatory burdens on every faction of
13 the City's rental community, including
14 students, seniors, singles living alone,
15 and families without children.

16 The well intentioned but
17 imprudent legislation in its current form
18 will hurt low- and moderate-income
19 renters by removing affordable rental
20 housing from the rental market.

21 Rental housing for all low- and
22 moderate-income renters will be much more
23 expensive and much harder to find. The
24 bill's broad sweeping mandate presents
25 the least cost-effective way of

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2 addressing the goal of eliminating cases
3 of elevated blood lead levels in
4 children, which have already been
5 dramatically reduced in recent years and
6 whose numbers continue to plummet.

7 There are a myriad of federal
8 and local laws already in place that have
9 significantly reduced the number of cases
10 of elevated blood lead levels in
11 children. They cover all environmental
12 lead paint exposure issues as well as
13 notification, education, and disclosure
14 requirements. The proposed lead paint
15 disclosure bill was introduced largely
16 without regard to those well established
17 effective laws.

18 And the bill ignores
19 comprehensive new federal regulations
20 governing procedures for conducting
21 virtually all renovation, repair, and
22 painting projects in pre-1978 housing.
23 The new regs went into effect just last
24 year, as Mr. Zaslow talked about, and
25 they are expected to provide even greater

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2 protections.

3 Established law and the new
4 federal renovation, repair and painting
5 regs, often referred to as "RRP regs,"
6 cover all of the ground this bill
7 purportedly intends to go. The effects
8 of the new RRP regs on the federal level
9 have barely had a chance to surface, but
10 their across-the-board mandates are
11 expected to significantly contribute to
12 our progress in reaching the nationwide
13 goal of reducing the number of cases of
14 elevated blood lead levels in children to
15 zero.

16 It's important -- and I beg
17 your indulgence; let me just take a
18 minute -- to consider in detail the
19 entire combination of laws already on the
20 books which have successfully and
21 significantly reduced the incidences of
22 blood lead levels in children.

23 Nationwide, these levels have plummeted
24 more than 90 percent.

25 In Philadelphia, in 2009,

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2 3 percent of children tested at ages 1
3 and 2 had elevated levels 3 percent down
4 from 22 percent a decade before.

5 The country's concerted lead
6 poisoning prevention policy for reducing
7 cases of children's elevated blood lead
8 levels is one of the most successful
9 public-health initiatives in our history.

10 The Philadelphia Citizens for
11 Children and Youth have emphatically
12 stated, quote: Philadelphia's success in
13 getting the lead out of homes that have
14 poisoned children has been remarkable,
15 unquote.

16 Of those children screened, the
17 number identified with lead poisoning has
18 decreased from 11 percent in 1993 to 1.8
19 percent in 2006.

20 Now, the definition of "lead
21 poisoning" changed in 2005 to include
22 children with blood lead levels less than
23 nine micrograms per deciliter of blood,
24 two tests in a three-month period. In
25 previous years, it was at levels greater

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2 than 19 micrograms per deciliter. Yet
3 the number of instances of elevated blood
4 lead levels continues to show
5 extraordinary decline.

6 Now, the proposed bill would
7 require certification from rental owners
8 to have their properties either lead-free
9 or lead-safe, but there are already ample
10 notice disclosure and certification
11 requirements in current City law. And,
12 actually, as I read the current version
13 of this bill, a couple of those
14 disclosure notification requirements in
15 the current version are, in fact, taken
16 out of the law.

17 But anyway, at the moment, the
18 Philadelphia Health Code already requires
19 lessors of residential housing
20 constructed prior to '78 have to disclose
21 the absence or presence of lead-based
22 paint or lead-based paint hazards. It
23 requires this disclosure to take one of
24 two prescribed forms: Lessors have to
25 produce the result of a comprehensive

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2 lead inspection and risk assessment by a
3 certified lead inspector; or they have to
4 provide a multilingual form provided by
5 the Department of Health, and that form
6 must contain a specifically worded
7 statement, and it includes a warning that
8 most housing built in Philadelphia before
9 1978 contains dangerous lead paint.

10 The required statement further
11 asserts that without a comprehensive lead
12 inspection conducted by a certified lead
13 inspector showing there is no lead paint
14 or there are no lead-based paint hazards,
15 quote, You can assume this property
16 likely contains lead-based paint,
17 unquote.

18 The health code also requires
19 currently lessors to provide the lessee
20 with a lead hazard information pamphlet,
21 as prescribed or approved by the Health
22 Department, in order to educate residents
23 on the hazards of lead.

24 Additionally, the code already
25 requires every residential lease for

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2 pre-1978 housing, whether oral or
3 written, to provide at least a ten-day
4 period during which the lessee may obtain
5 a comprehensive lead inspection and risk
6 assessment from a certified lead
7 inspector.

8 If the inspection reveals lead-
9 based paint or hazards, the lessee may
10 terminate the lease within two business
11 days.

12 Lessees renewing their leases
13 also have the right to obtain an
14 inspection. Renewing lessees have at
15 least ten days to notify the lessor in
16 writing of their intention to terminate
17 the lease if such a hazard is found.

18 Along with these disclosures,
19 notification and education requirements,
20 the City's health code also requires the
21 lessee to confirm in writing the receipt
22 of the certification of closure, and that
23 he or she has to confirm that they have
24 written disclosure of the lead-based
25 paint or hazards, and has received and

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2 read the lead warning statement, and has
3 received the lead hazard information
4 pamphlet, and has been provided the
5 ten-day period before becoming obligated.

6 And the Health Department's not
7 the only division in City government
8 already protecting residents from lead
9 hazards. The City's property maintenance
10 code requires all lessors to obtain from
11 the Department of Licenses and
12 Inspections a certificate of rental
13 suitability and give it to lessees at the
14 start of every new tenancy.

15 The certificate requires an
16 acknowledgment on the part of the rental
17 owner of his or her obligation to provide
18 a habitable apartment. The certificate
19 will not be issued if there are
20 outstanding L&I violations.

21 A habitable apartment is one
22 where conditions vital to the life,
23 health, and safety of the tenant are
24 provided. That includes conditions of
25 painted surfaces which must be free of

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2 chipping paint.

3 The law prohibits L&I from
4 issuing a certificate if there are code
5 violations, including hazards such as
6 chipping paint.

7 Rental owners are prohibited
8 from collecting rent or proceeding with
9 evictions, if necessary, if no
10 certificate is issued.

11 These prohibitions are, as you
12 can imagine, strong incentives for
13 landlords to obtain the certificate.

14 The property maintenance code
15 also requires landlords to provide
16 tenants with the guide book "Partners for
17 Good Housing" at the start of every
18 tenancy. The book outlines the
19 responsibility of owners, tenants, and
20 landlords for maintaining houses and
21 apartment in a safe and clean condition.
22 It informs tenants of City law that
23 prohibits lead paint from remaining on
24 interior surfaces of any dwelling
25 occupied by children when the Department

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2 of Health determines that its presence
3 creates health hazards.

4 Laws on the federal level
5 include the Lead-Based Paint Poison and
6 Prevention Act; lead gasoline phaseout
7 laws; the Residential Lead Paint Ban, a
8 ban on lead in plumbing; a Lead
9 Contamination Control Act; and the ban on
10 lead solder in food cans; all of which
11 have contributed to eliminating lead
12 hazards in our environment.

13 Long-established federal
14 regulations also require disclosure,
15 notice, and education when renting
16 housing. They must disclose the presence
17 of any known lead-based paint hazards in
18 their locations, and the condition of
19 painted surfaces.

20 Lessors must provide lessees
21 with an EPA-approved lead hazard
22 information pamphlet called, "Protect
23 Your Family From Lead in Your Home."

24 Lessors must also disclose to
25 agents and lessors the existence of

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2 lead-based paint and/or hazards and the
3 existence of any available records or
4 reports pertaining to the lead-based
5 paint and/or lead-paint hazards, and any
6 additional information available
7 concerning the hazards. This includes
8 records pertaining to any properties'
9 common areas as well.

10 And as we've mentioned a couple
11 of times, the brand-new federal
12 renovation, repair, and painting
13 regulations strictly control the
14 procedures for renovating, repairing, and
15 painting in residences and child-care
16 facilities so as to eliminate the
17 possibility of releasing lead dust into
18 the environment. They went into effect
19 just last year, and they're a significant
20 edition to the regulatory protections.

21 In fact, current HUD guidelines
22 for the evaluation and control of the
23 lead-based paint hazards in housing
24 included discussion about several studies
25 that have found projects involving the

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2 removal of deteriorated lead-based paint
3 by scraping, sanding, or other methods
4 aggravated the problem and increased lead
5 exposures. So the new RRP regs are
6 expected to eliminate this major source
7 of lead dust in the environment.

8 The new regs are the definitive
9 addition to the many protections in place
10 and will reduce even further, if not
11 eliminate, the chance for exposure to
12 lead dust, which is the most common cause
13 of lead poisoning. The new RRP rules,
14 given time to make an impact, will surely
15 provide the greatest level of protection
16 from lead hazards in residences.

17 And aside from the abundant
18 rules and regulations already in effect
19 and already doing the job, the economic
20 realities of the bill's mandates and the
21 detrimental impact on the availability of
22 quality low- and moderate-rental housing
23 must be considered.

24 The vast majority of housing in
25 Philadelphia was built before 1978, so

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2 most of the rental housing in the City
3 will be affected, whether children are
4 present or not.

5 We commissioned a study, as
6 Mr. Zaslow mentioned, to look at the
7 impact of this bill -- the economic
8 impact of this bill. The Anderson
9 Economic Group of Chicago was
10 commissioned, and they took a look at all
11 of the costs, and they've been mentioned
12 several times here.

13 It could cost upwards to
14 \$20,000 for mostly private-owned
15 low-income rental housing, depending on
16 the condition of the property and the
17 extent of lead contamination present to
18 remove the contamination.

19 Many owners will be unable to
20 pay those costs and will be forced to
21 raise rents or take their property off
22 the market. And it is estimated that
23 rents will rise -- for several years will
24 rise anywhere from 150 to 500 a month.

25 But rent increases

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2 notwithstanding, the bill would likely
3 cause a severe disruption in the
4 availability of privately-owned low-
5 income rental units. About 21,000 to
6 52,000 units would come off the rental
7 market for some period of time, and some
8 would be permanently removed from the
9 market.

10 This will surely make the
11 already severely limited number of decent
12 low- and moderate-income rental units
13 even scarcer and will potentially cause
14 the number of abandoned properties to go
15 up in the City.

16 And the study also notes that
17 needless extensive regulations for all
18 rental properties, regardless of the
19 presence or absence of children, will
20 significantly add to the devaluation of
21 property values.

22 For some properties, the cost
23 of the required repairs could exceed the
24 market value of the property. In many
25 cases, rental owners will be unable to

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2 finance the extensive repairs.

3 Commercial loans for property purchases
4 or improvements hinge on the requirements
5 of lending institutions for a certain
6 level of net operating income. An
7 owner's ability to handle expenses and
8 raise capital for improvements and major
9 maintenance is directly related to the
10 health of this income.

11 In short, the more major
12 expenses and regulatory burdens a
13 property presents, the less its value,
14 and the less likely financial
15 institutions are willing to loan capital.
16 This is especially significant today in
17 the wake of the housing crisis, when
18 credit markets for the rental industry
19 have dwindled.

20 Property owners who are not
21 able to finance required major repairs
22 through cashflow might be forced to keep
23 their properties off the rental market or
24 self-fund.

25 For smaller investments, if

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2 self-funding is impossible, the
3 temptation to forego compliance with
4 regulations altogether and
5 surreptitiously rent their properties is
6 a reality. The stock of quality,
7 affordable housing in compliance with the
8 law would, therefore, be depleted even
9 further.

10 Now, while there are a number
11 of children with unacceptable blood lead
12 levels -- and we all agree any number is
13 too high -- there's a significant
14 question as to how many of those children
15 live in the rental housing as opposed to
16 privately-owned residences; and
17 realistically, how many would, therefore,
18 be affected by this bill.

19 The question is important
20 because one of the significant costs of
21 the bill will impose on Philadelphia's
22 entire rental community, with no
23 assurance that it will reach those it is
24 intended to help. But it will most
25 assuredly negatively affect a large part

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2 of Philadelphia's rental community where
3 there are no children present.

4 The great threat to the
5 financial stability of rental owners is
6 clear. Proper consideration must be
7 given to these consequences.

8 In short, the unintended
9 consequences of this bill will have a
10 far-reaching detrimental effect on every
11 kind of rental home in the city. It adds
12 another mandate to existing laws that
13 prohibit exposure to lead paint hazards.

14 No one's demonstrated that the
15 superfluous requirement of another
16 certificate will do anything to improve
17 on the substantial progress that existing
18 laws have already achieved in eliminating
19 cases of elevated blood lead levels in
20 children.

21 The bill's mandates will serve
22 to drive costs up, discourage future
23 investment in all types of affordable
24 rental housing, and reduce the number of
25 decent affordable rental housing for the

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2 entire population of Philadelphia
3 renters.

4 I respectfully urge the
5 committee to refrain from placing this
6 additional burden on the rental
7 community. The City agencies responsible
8 for reducing the danger of lead to our
9 children already have ample authority and
10 the tools for doing the job.

11 I would also like to reiterate
12 at this point that the Apartment
13 Association would strongly support and
14 help in any way we can to further what
15 Mr. Zaslow has suggested as reaching out
16 to Harrisburg for a source of funding and
17 perhaps a lead paint tax; we would
18 definitely be onboard with that.

19 And I might add too, just last
20 week, on behalf of the Apartment
21 Association, I sent a letter in support
22 of the Health Department's efforts to
23 obtain continued funding from HUD to
24 continue their vital, necessary work in
25 their lead-prevention programs. We are

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2 in strong support of those efforts as
3 well.

4 And just to bring us all to the
5 same page, we all want to keep our
6 children safe; we have to look at the
7 devil in the details.

8 Thank you very much.

9 COUNCILWOMAN TASCO: Thank you
10 very much for your extensive testimony.

11 We'll wait until everybody
12 testifies, and then we'll have questions.

13 Mr. Pinckney?

14 MR. PINCKNEY: I just want to
15 add on to -- HAPCO also applied with the
16 Health Department for the HUD funds.

17 And just to add to something
18 Christine said. Banks are actually
19 today, actually calling in commercial
20 loans that aren't performing when the
21 return on investment drops below what
22 they figure the limits that they want of
23 that.

24 So it is a heck of a burden
25 upon property owners.

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2 COUNCILWOMAN TASC0: Thank you.

3 MR. PINCKNEY: All right.

4 COUNCILWOMAN TASC0: Mr. Lindy.

5 MR. LINDY: Good morning.

6 COUNCILWOMAN TASC0: Good
7 morning.

8 MR. LINDY: Good morning. And
9 I thank you for inviting me.

10 I'm Alan Lindy. I am an
11 officer of Lindy Property Management,
12 which is a fourth-generation real-estate
13 company, and we currently manage 27
14 apartment buildings at about 4,000
15 apartments, of which, give or take, 60
16 percent of them are in the City of
17 Philadelphia.

18 I'm going to make the position
19 that we are sort of, I hope, one of the
20 good guys, and why I am opposed to this
21 bill with it.

22 As a company, we are -- we see
23 ourselves on the cutting edge of
24 sustainability. We have just finished
25 our seventh solar panel project in

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2 Philadelphia. During the last two years,
3 we invested over \$800,000 in state-of-
4 the-art new windows, over a
5 million-dollar in new (indiscernible)
6 radiant heating and air-conditioning
7 systems and (indiscernible)
8 modernizations. The majority of these
9 benefits go to the residents and not to
10 ourselves with it.

11 We specialize in rehabbing
12 distressed or empty properties and
13 maintaining them. All seventeen
14 properties that we have in Philadelphia
15 we've been involved with over seven
16 years; eight of them over twenty years;
17 two of them over fifty years. One of
18 them was built in 1939, 72 years ago. So
19 we're not a fly-by-night company.

20 I think the properties are
21 gorgeous, and they add to the value of
22 the neighborhoods. Whether people live
23 in Mt. Airy, the Northeast, North
24 Philadelphia, Oak Lane, South
25 Philadelphia, we believe that the housing

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2 values in the neighborhoods have been
3 increased by our engagement with it.

4 Our family's also been involved
5 actively with programs throughout the
6 City, many of them focusing with
7 children. There is work with the -- with
8 Jane Golden actively with the Mural Arts
9 Program and also with a program in the
10 (indiscernible) schools.

11 We serve on the Board of the
12 Urban Affairs Coalition. And in the last
13 three years, we have sponsored, with
14 Drexel University, the Lindy Scholarship
15 Program -- the Lindy Scholar Program,
16 which is an outside reach to three public
17 schools in West Philadelphia, focusing on
18 children in 5th, 6th, and 7th grade,
19 providing private tutoring and mentoring.
20 And although the program is voluntary,
21 over 90 percent of the children in these
22 three schools participated, and they've
23 already had significant results
24 differences in their test scores with it.

25 And within the last couple

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2 months, we have joined with John Frye and
3 his commitment in terms of the whole West
4 Philadelphia neighborhood in essentially
5 endowing, through Drexel, the Lindy
6 Center for Civic Engagement, which is an
7 outreach program, which we believe will
8 make tremendous results in West
9 Philadelphia altogether with it.

10 And through that, I've also
11 somehow found myself on four boards of
12 Drexel.

13 And that is sort of the
14 background. I've shared some of this
15 information before.

16 But I'm opposed to this bill
17 because I believe this implementation
18 will result in more vacant housing. It
19 will definitely lower the tax revenues
20 coming to the City of Philadelphia. And
21 it will also fail to address those
22 children who are most in need with it.

23 It's well-intended, but it will
24 have very disastrous unintended
25 consequences.

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2 It's overreaching. It requires
3 compliance for student housing, for
4 seniors, for people with deficiencies.
5 The majority of students and the majority
6 of apartments which does not have
7 children six and under and also all of
8 the apartments which have already been
9 tested as lead-safe.

10 It's not just the price of the
11 testing; it also includes the price of
12 waiting for the certificate in assuming
13 it could be done. And that would also --
14 it's one of the very real costs that are
15 hard to calculate with it.

16 When you add those costs,
17 essentially, the results are going to be,
18 it's going to result in higher rents that
19 are passed or absorbed in the operations,
20 which then will create less ability to
21 provide financing and less incentives to
22 invest in the City of Philadelphia which,
23 will then result in more empty housing.

24 And this adds on to the fact
25 that housing values overall have decreased

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2 about 30 percent since 2006. So it adds
3 that much more of a burden to it.

4 I mentioned before, and I'm
5 going to conclude with, a comment I had
6 offered in a letter to Councilwoman Tasco
7 with it.

8 In our company, if you were
9 to -- if we were to add the number of
10 apartments over the number of years that
11 we have provided since this effort of --
12 or the knowledge of lead paint being an
13 issue, it comes up to somewhere at that
14 time -- it's more now. It comes up to
15 somewhere around 63,000 years of service
16 to families.

17 And in those what would be
18 equivalent to 63,000 years, I had one
19 situation, just one, where I was notified
20 of a child having lead paint. In that
21 one situation -- or lead in their blood
22 system, rather. The child did not live
23 in the apartment; it was a grandchild of
24 the resident. The City tested the
25 apartment. It came out fine; it was not

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2 the source of the lead for the child.

3 But had this law been in
4 effect, the enormous cost for this
5 essentially 63,000 years of service would
6 not have benefited a single child, yet it
7 would have dramatically risen the cost of
8 the operation, it would lower the
9 revenues coming to the City, it would
10 have been sort of a massive bureaucracy,
11 with no benefit.

12 And this is what I see as the
13 difficulty. And my example is just one
14 of this particular bill in its current
15 state with it.

16 This is also half of a
17 question. I wanted -- the City officials
18 just mentioned earlier that the level of
19 children testing positively had decreased
20 in the twenty years from 80 percent to
21 about 2 percent. I suspect -- I'm not
22 sure about this -- that, if anything, it
23 understates their success, because that
24 assumes the guidelines are the same; and
25 right now, the guidelines are far more

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2 sensitive.

3 So if 2.something percent are
4 testing positively now, that number is a
5 much lower tolerance level than what
6 existed twenty years ago with it. So
7 just to put that in perspective, how much
8 success has already existed with it.

9 Anyway, thank you.

10 COUNCILWOMAN TASCO: Thank you
11 very much.

12 The Chair recognizes
13 Councilwoman Brown. She will stay, she
14 will ask questions.

15 And let me recognize that
16 Councilwoman Maria Quiñones Sanchez has
17 joined the committee.

18 Councilwoman Brown?

19 COUNCILWOMAN BROWN: Good
20 morning. I do thank you all for the
21 quite informative testimony on all sides.
22 And the testimony both from the Health
23 Department and the stakeholder group has
24 triggered a number of questions for me.

25 The good news is that you're

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2 willing to participate in a solution and
3 one that hasn't -- well, I am curious to
4 know: Do you know if there are other
5 states that have actually introduced
6 legislation that focuses on the paint
7 companies? Do you have anything --

8 MR. ZASLOW: New Jersey has
9 such a tax on paint. We could model
10 ourselves, to some extent, on what New
11 Jersey has done.

12 The problem with the paint
13 manufacturers is they've been sued by the
14 City of Chicago, the Dallas School Board,
15 the State of California, without real
16 success in drawing the manufacturers in
17 because no one could prove which drop of
18 paint on which wall was produced by which
19 paint company.

20 COUNCILWOMAN BROWN: Hmm.

21 MR. ZASLOW: So as a result of
22 that, instead of holding all of the paint
23 manufacturers liable, all of them pretty
24 much have escaped.

25 But all of us using paint, we

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2 could all solve the problem because we

3 all use paint, and the people sitting

4 here at the table more than anybody.

5 Mr. Lindy probably goes through more

6 paint than anybody in this city as often

7 as he paints. He'll pay more taxes --

8 MR. LINDY: Thank you.

9 MR. ZASLOW: -- and he'll be

10 happy to do it.

11 COUNCILWOMAN BROWN: But new

12 Jersey is the only state that has been

13 successful; is that what I heard?

14 MR. ZASLOW: To my knowledge.

15 COUNCILWOMAN BROWN: Okay.

16 MR. ZASLOW: I'm not sure I

17 would --

18 COUNCILWOMAN BROWN: It's

19 helpful to know where there's been some

20 level of success around a similar

21 problem.

22 Would it be fair to say also

23 based on your testimony -- and I want to

24 make sure I heard what I think I read,

25 and that is that the law is too broad,

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2 that if we -- meaning apartment --

3 landlords who rent to families with no

4 children, seniors who have no children --

5 MR. LINDY: Student housing.

6 COUNCILWOMAN BROWN: Forgive

7 me?

8 MR. LINDY: Student housing.

9 COUNCILWOMAN BROWN: Student

10 housing, who have no children, or maybe.

11 And so, in no way to speak for
12 you, but in an effort to find where the
13 common ground is, would it be fair for me
14 to say narrow it to just landlords who
15 rent to children. Would that be a fair
16 characterization of your testimony, that
17 the law is too broad, and if there was an
18 opportunity to narrow it, that would be a
19 fair way to go to?

20 MR. ZASLOW: That is a fair
21 characterization, Councilwoman.

22 We should point out that here,
23 at the table, as you now, because you've
24 now come to know us as players in this
25 matter, that there's different kinds of

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2 property owners. There's the property
3 owners of nice buildings and there's the
4 property owners that are renting out
5 single-family houses which are much more
6 likely to be the source of the problem.

7 COUNCILWOMAN BROWN: Mm-hmm.

8 MR. ZASLOW: That's where the
9 children live.

10 So you are correct in saying --
11 and certainly I don't want to speak for
12 the apartment owners, but I can guarantee
13 you, they will jump up in a minute and
14 say, you know, it's terrific, that if you
15 narrow the focus to families with small
16 children only, that that does
17 significantly narrow the focus of the
18 bill.

19 We would still want to come to
20 some better understanding of what the
21 families are going to be receiving from
22 the owner as opposed to this full
23 inspection for full eradication. I like
24 Mr. Palermo's sense of making sure paint
25 is being stabilized for families under

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2 the age of six; that would certainly be
3 something we'd want to consider and
4 explore.

5 MR. LINDY: Could I just
6 respond that?

7 COUNCILWOMAN BROWN: Please.

8 MR. LINDY: And, again, this is
9 somewhat of a gut reaction on it, but
10 certainly, if there was an intention to
11 address those children who really are
12 most at risk at having the higher levels
13 of lead in their blood, I think that
14 should be the focus with it.

15 I think it was testified
16 earlier that they tend to be in certain
17 areas, in poverty level. I believe that
18 the federal government came out and said
19 that 85 percent of the children who do
20 test positive are very in low-income
21 situations, usually with subsidized
22 housing with it.

23 And it's -- and I also think
24 that, you know, you would want to look at
25 not all levels are the same, whether

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2 somebody is a point over the federal
3 level or whether they're three times as
4 much, it might affect the different risks
5 that those children incur and what the
6 response would be.

7 So I think your suggestion of
8 looking at really where are the risks for
9 those particular children and not being
10 so broad to cover everybody for something
11 that might be a very, very small number
12 of children, but focusing on those who
13 are most exposed with it.

14 COUNCILWOMAN BROWN: Which is
15 why we're asking the Health Department to
16 send us the map, Map J, so we could see
17 visually what that looks like, what that
18 reads like.

19 I am not a lawyer, let the
20 record reflect, but I would suspect that
21 that might trigger a legal consideration.
22 So as much as we want to take as much
23 information as possible we have to be
24 mindful of what that -- from going to
25 broad to narrow might mean legally. So

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2 we just need to, you know, say that as we
3 try to find some common ground.

4 MR. LINDY: I think it was
5 mentioned that there was a certain amount
6 of testing in the children, and maybe
7 it's already done already, but that test
8 would be done with those children who are
9 just, you know, statistically considered
10 most at risk with it, and then addressing
11 it, you know, when it shows up as
12 positive in terms of how to best serve
13 them (indiscernible).

14 COUNCILWOMAN BROWN: Repeat
15 that last statement.

16 MR. LINDY: Well, they're,
17 um... I'm sorry. I was actually
18 responding...

19 MR. ZASLOW: Well,
20 Councilwoman --

21 MR. LINDY: Yeah, go ahead.

22 MR. ZASLOW: Councilwoman, I
23 could write for you the four paragraphs
24 which I would say would really contribute
25 to solving the problems, if I could offer

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2 it to you. I can read it in the record
3 right now, what the law might read like
4 to contribute towards solving the
5 problem.

6 May I do so? It's four short
7 paragraphs. The law would read:

8 No person in the City of
9 Philadelphia shall offer for rent to any
10 family or individual with children under
11 the age of six without first:

12 1. Performing a visual
13 inspection of all painted surfaces in the
14 unit.

15 2. Correcting any chipped,
16 peeling, or otherwise deficient painted
17 surfaces.

18 3. Advising the tenant in
19 writing, in addition to any and all other
20 notifications otherwise required by law,
21 as to the importance of the tenant
22 likewise performing a visual inspection
23 of all painted surfaces prior to
24 occupancy and during the entire pendency
25 of the lease, and drawing to the

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2 attention of the owner any deficiencies
3 in painted surfaces which may arise.

4 4. The landlord to confirm in
5 writing to the tenant that the owner has
6 performed the visual inspection and that
7 any chipped, peeling, or otherwise
8 deficient painted surfaces have been
9 corrected and, upon notification from the
10 tenant at any time during the pendency of
11 the lease, any such deficiency in any
12 painted surfaces will be corrected
13 forthwith.

14 (Applause.)

15 MR. ZASLOW: If that were the
16 law -- it's a burden on property owners,
17 but if that is how the law might read,
18 the other side the of the issue will tell
19 you that it's not good enough for the
20 landlord to visually inspect and tell the
21 tenant, "I inspected."

22 But what an enormous step
23 forward for property owners to be
24 required to give a written statement to a
25 tenant, not like the law is now, which I

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2 don't have any idea about lead paint.

3 That's what the law is now: I know, I

4 don't know, and landlord may pretend they

5 don't know; I don't know what the real

6 life is.

7 But the law says now if you

8 know that there's a lead-paint problem,

9 you must tell the tenant. You don't

10 know, you tell 'em, "I don't have any

11 idea," which is a dangerous thing to do.

12 As an owner, you have some responsibility

13 to know.

14 So the other side will say,

15 Look, the visual inspection is not the

16 same as paying for this --

17 COUNCILWOMAN BROWN: For a

18 certified inspector.

19 MR. ZASLOW: -- for

20 certification, but all of the issues

21 which arise with certification is, no one

22 will be able to get to certification.

23 And if we want to move forward to the

24 painted surfaces, which the Health

25 Department has told you is their main

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2 focus, not attacking here the lead in the
3 soil and every window and every door;
4 but, rather, requiring an owner to
5 perform a visual inspection, to notify
6 the tenant in writing that it's been
7 done, and to correct any paint issues.

8 I'll tell my people, You sign a
9 certification like that, and some tenant
10 has some problems with one of their
11 children, and you told them, "I inspected
12 and I corrected," and you didn't, well,
13 I'll give them my card because we'll be
14 happy to sue the landlord who's done
15 that.

16 Or, if under this law as I
17 proposed it to you, the tenant writes in
18 and says there's -- like the Health
19 Department said, the roof's leaked and
20 now I have peeling lead paint; I need to
21 correct it.

22 And the owner, after giving a
23 written statement to the tenant, "If you
24 notify me, I will be there forthwith to
25 correct that lead issue on that wall,"

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2 and you don't, that's a liability that no
3 sane property owner is going to allow
4 himself or herself to find himself in.

5 So it's short of a
6 certification from an expensive certifier
7 who will never be able to certify that
8 the total property is lead-safe because
9 of windows, doors, soils. But look at
10 the great stride forward if every owner,
11 before renting out a property, gives that
12 written statement to a tenant.

13 COUNCILWOMAN BROWN: I would
14 certainly like to take that as part of
15 the testimony and as an opportunity to
16 have again further discussion.

17 That also triggers another
18 question that I had, and that is:
19 Internally as an organization, what
20 penalties, what notices do you give your
21 membership persons also known as "slum
22 landlords" who simply don't care and feel
23 no sense, no moral obligation to do
24 anything right?

25 MR. ZASLOW: Mr. Pinckney.

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2 MR. PINCKNEY: We try to make
3 sure that our landlords are informed.
4 We've had several classes on the RRP
5 rule. Whenever tenants or owners call
6 the office, asking questions about
7 anything, we try to find out. If we
8 don't know the information, we try to
9 find it for 'em.

10 And in of the past, if we found
11 that we had the so-called slum landlord,
12 we got rid of them.

13 COUNCILWOMAN BROWN: So you
14 do -- as a rule or as a practice or as
15 some protocol matter, you do not
16 represent slum landlords; is that fair to
17 say?

18 MR. PINCKNEY: To the best of
19 our knowledge, once we become aware
20 because, understand, we have about 3,000
21 members, all right? But when we are made
22 aware of it that we have a landlord that
23 is a problem, we get rid of them.

24 MR. ZASLOW: First we try to
25 correct the problem. Much more

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2 important, first we say, Do you have any
3 idea what you're doing? You're putting a
4 tenant at risk with what you're doing.
5 Be a good landlord. The City won't be
6 after you, the lawyers for the tenant
7 won't be after you. Do your job as an
8 owner.

9 So, you know, eventually, we
10 will say to someone about our bylaws,
11 You're not abiding by City rules; you
12 can't be a member of our organization.
13 But our goal is to educate them, to say,
14 "Be a proper property owner." Everybody
15 benefits by that.

16 COUNCILWOMAN BROWN: Do you
17 have some type of a tenant action
18 engagement sit-down meetings, some kind
19 of regular sit-around-the-table? I'm
20 just trying to get a handle on how the
21 organization --

22 (Indiscernible; parties talking
23 over each other.)

24 MR. ZASLOW: ... who's here.
25 George Gould is my bitter opponent for

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2 thirty years and one of my dearest
3 friend. Phil Lord, the same issue; we've
4 been at it for decades together. And we
5 meet regularly, we discuss these issues
6 regularly, and we'll do so in the future
7 even more so.

8 And if you pass a law like the
9 one I just described, we'll be the ones
10 pushing it. We will be the ones pushing
11 it and helping to push it.

12 COUNCILWOMAN BROWN: My last
13 question: You stated somewhere in the
14 testimony amongst the three of you that
15 we should give the federal law more time
16 to take effect. Define that for us in
17 terms of a real timetable; six months,
18 twelve months, eight months, 24?

19 MS. GERTZ: If I could just
20 speak to that and also add what our
21 association does in terms of education
22 with regard to these things.

23 The problem with it -- with the
24 RRP regulations now is that there are not
25 enough certified workers; you know,

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2 workers to do the job who are certified.

3 There's a great need for certification, a
4 number of workers.

5 So it's hard to put a timetable
6 on it, but I would venture that we're
7 talking months out, maybe a year out.

8 I know that my association
9 offers the certification training and has
10 in the past and, I'm sure, will in the
11 future.

12 I'm not certain -- maybe the
13 Health Department can speak to it -- but
14 I think they might also offer that kind
15 of certification training.

16 So we do know one thing and one
17 thing, and the one thing is: There
18 definitely has to be a little more time
19 for enough certified workers to get in
20 the market to be able to handle, you
21 know, the routine, daily maintenance and
22 repair tasks that the regs encompass.

23 COUNCILWOMAN BROWN: Who pays
24 for the training?

25 MS. GERTZ: The employer would

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2 pay for the training. For instance, if
3 one of our members wants to have somebody
4 on staff, they send their worker to the
5 courses to be certified.

6 I'd also like to just add to
7 what Victor said about our organizations
8 and what we do.

9 We are affiliated with the
10 National Apartment Association, and
11 through them, we offer a significant
12 number of education courses to our
13 members all year-round on property
14 maintenance and property management and
15 lead safety and fair housing.

16 I don't know if we're preaching
17 to the choir in terms of our members.
18 Our members tend to join us because of
19 our commitment to advancing the industry.
20 And, as I say, we are industry leaders in
21 that.

22 But our approach is to
23 emphasize all kinds of education and all
24 kinds of training in any area of property
25 management. For instance, one of the

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2 pamphlets that is required to be given to
3 new tenants, the federal government
4 pamphlet, is -- I get pamphlets confused.
5 It's "Protect Your Family From Lead," and
6 we publish them and we provide them to
7 our members to hand to their new tenants.
8 I think just to cover our publishing
9 costs, we have to charge a nominal -- I
10 don't know; I think it's 25 cents per
11 pamphlet or something, but --

12 COUNCILWOMAN BROWN: My last
13 question on this is: Is that a standard
14 operating procedure that that pamphlet is
15 handed over as a part of the signing of
16 the lease?

17 MS. GERTZ: It is part of
18 federal law that it's required, yes.

19 COUNCILWOMAN BROWN: So it's
20 actually on a lease form, then?

21 MS. GERTZ: Every lease in the
22 City, the law requires that sort of
23 notice as well. So that pamphlet has got
24 to go -- and we're talking pre-1978
25 housing, not all housing.

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2 COUNCILWOMAN BROWN: Yeah, of
3 course.

4 MS. GERTZ: Yeah.

5 COUNCILWOMAN BROWN: But
6 verbally handing over a lease and it
7 being actually stipulated on a form where
8 there's a checkoff is different. So what
9 happens withing the association?

10 MS. GERTZ: Oh, within the
11 association? I was speaking directly
12 about our education programs in the
13 association.

14 COUNCILWOMAN BROWN: Right.
15 And so what I'm saying is: Is that in
16 writing? On a lease form that you hand
17 over to a tenant, do you have a box that
18 says, "We have given this tenant" -- you
19 know how you have to go to the doctor's
20 and sign off on all these forms?

21 (Indiscernible; parties talking
22 over each other.)

23 MR. ZASLOW: The last page of
24 the booklet is that form that you certify
25 that you gave the tenant this exact

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2 federal booklet.

3 COUNCILWOMAN BROWN: Okay. I
4 wanted that for the record. Okay.

5 Thank you, Madam Chair.

6 COUNCILWOMAN TASC0: Thank you.
7 Any other questions?

8 Councilwoman Sanchez.

9 COUNCILWOMAN SANCHEZ: Yes.
10 Thank you.

11 First, I wanted to start off by
12 saying that I'm a lead baby. I had lead
13 from living in scattered-site PHA
14 twenty -- too many years ago. So this is
15 an issue that's really personal.

16 That said, I also had an
17 opportunity to own several rental units
18 with my husband that we got out of when I
19 ran for office. And I really do
20 appreciate the work that HAPCO and all of
21 you are doing in terms of the cost,
22 'cause ultimately for me, it's safety for
23 the kids first, but also keeping
24 apartments affordable because of the
25 constituency that I represent.

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2 So I just wanted to acknowledge
3 your willingness to say to us you believe
4 that we need to do more, one. We may
5 need to go further than the federal
6 government, and that's okay because
7 that's part of our jobs locally. And
8 that you're committed to working with
9 Councilwoman Blondell Reynolds-Brown to
10 get, as she says, move the needle. And
11 so, I'm committed to working with the
12 Councilwoman on that.

13 But I appreciate the fact that
14 you're being very thoughtful and coming
15 forth with some recommendations and some
16 willingness to help us move that needle.

17 So I just wanted to put that
18 for the record because this is a very
19 serious issue.

20 MR. ZASLOW: If you hadn't had
21 that lead problem, Councilwoman, instead
22 of being, quote, just a councilwoman, you
23 probably would be like the president or
24 something. So the lead set you back, but
25 you seem to be doing tremendously well.

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2 COUNCILWOMAN SANCHEZ: Thank
3 you.

4 COUNCILWOMAN TASC0: Thank you.

5 I'd like to say thank you to
6 you for coming down to testify and
7 listening and offering recommendations.

8 The 50-cent tax on paint is a
9 hard nut to crack in Harrisburg. But,
10 you know, we have people up there that --

11 (Indiscernible; parties talking
12 over each other.)

13 MR. PINCKNEY: Well, we
14 actually have some support for it, but
15 (indiscernible) in the last election.

16 COUNCILWOMAN TASC0: Yeah.

17 MR. PINCKNEY: But we are
18 reaching out to the other side, and they
19 seem to be willing to listen.

20 COUNCILWOMAN TASC0: Okay.
21 Thank you.

22 Thank you, Mr. Lindy, who is a
23 property owner in the Ninth Council
24 District.

25 MR. LINDY: Thank you very

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2 much.

3 MS. GERTZ: Thank you.

4 COUNCILWOMAN TASC0: Thank you.

5 I apologize I have to go.

6 Councilwoman Brown will now chair the
7 meeting.

8 COUNCILWOMAN BROWN: More
9 specifically, she has to clone herself so
10 that we can be at multiple places at one
11 time, which is not unusual at this
12 juncture of the calendar year.

13 So let's continue to accept
14 testimony at this hour. And if I may, I
15 want to call up panel number 3. Please
16 join us:

17 Carla Campbell, Pediatrician
18 with the Children's Hospital of
19 Philadelphia, and also an associate
20 teaching professor with Drexel
21 University;

22 Colleen McCauley, who's been a
23 real voice and champion on this issue,
24 Health Policy Director with the Public
25 Citizens for Children and Youth;

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2 Nicole White, Assistant
3 Director with the Tenant Union
4 Representative Network;

5 Jane Malone, welcome back.
6 Director of Policy, now with the National
7 Center for Healthy Housing;

8 And Evette Gringrow, Tenant.

9 (Witnesses come forward.)

10 COUNCILWOMAN BROWN: So, again,
11 we want to hear all of the testimony and
12 then open it up to questions. And we'll
13 start with Carla Campbell.

14 DR. CAMPBELL: Good afternoon.
15 My name is Dr. Carla Campbell; that's
16 C-A-M-P-B-E-L-L. And I am a pediatrician
17 at the Children's Hospital of
18 Philadelphia, otherwise known as "CHOP,"
19 with training in environmental and
20 occupational medicine.

21 I'm an associate teaching
22 professor at the Drexel University School
23 of Public Health in the Department of
24 Environmental and Occupational Health.

25 I'm a member of the Committee

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2 on Environmental Health of the American
3 Academy of Pediatrics and past Chairwoman
4 of the Federal Advisory Committee on
5 Childhood Lead Poisoning Prevention.

6 I've also been a member of the
7 Philadelphia Childhood Lead Poisoning
8 Prevention Coalition for many years

9 Today, I am here to voice my
10 strong supports for Council Bill 100011,
11 the lead paint disclosure bill.

12 The American Academy of
13 Pediatricians has summarized the many
14 health impacts of lead exposure. Lead is
15 a potent intoxicant that can have a range
16 of adverse effects on children's brains
17 and bodies.

18 Low lead levels cause a wide
19 array of negative effects, including
20 cognitive, motor, behavioral, and
21 physical harm. Even at very low levels,
22 lead has been demonstrated to cause the
23 loss of IQ, or intelligence quotient,
24 points in children.

25 Children with elevated blood

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2 lead levels are more likely to experience
3 attention deficit and reading
4 disabilities, and fail to graduate from
5 high school.

6 Researchers have identified
7 associations between lead exposure and
8 increased aggression, commission of
9 crimes, and anti-social or delinquent
10 behaviors.

11 At high levels, lead can be
12 fatal. Unfortunately, I have seen this
13 firsthand. We saw one child at
14 Children's Hospital who had an extensive
15 hospital stay in the intensive-care unit
16 and required years of follow-up. He was
17 left with residual severe brain damage
18 and a seizure disorder from which he
19 eventually died around the age of seven
20 during a prolonged seizure.

21 Lead accumulates in the human
22 body and is stored in the bone, so
23 multiple low-level doses can quickly
24 result in harmful levels

25 For all of these reasons, our

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2 nation has for decades pursued a
3 multifaceted strategy of reducing
4 children's exposure to lead from all
5 sources including air, paint, soil, food,
6 water, and the full range of consumer
7 product. To date, science has not been
8 able to identify any safe level of lead
9 exposure for children.

10 I have experienced these
11 adverse health effects firsthand while
12 treating children with elevated blood
13 lead levels through the Lead Evaluation
14 Clinic at Children's Hospital, which I
15 directed or codirected for eleven years.

16 Once children's lead levels are
17 high enough, it is necessary to give them
18 medicines called "chelating agents,"
19 which take some of the lead, mostly that
20 which is in the blood and soft tissues,
21 out of their bodies. Yet most of the
22 lead remains in the bone and is slowly
23 eliminated over decades.

24 Many children require multiple
25 chelation courses and multiple follow-up

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2 visits and blood draws. At high enough
3 levels, these medicines need to be
4 administered through painful intravenous,
5 I.V., or intramuscular injections while
6 the child is hospitalized, disrupting the
7 entire family.

8 Bringing down the blood lead
9 levels decreases children's risk for
10 acute brain damage and death, but studies
11 have shown that many of the cognitive and
12 other adverse effects are not reversed by
13 medication.

14 In addition, to stop further
15 lead exposure and further increase in the
16 blood lead level, there has to be
17 management of the case by the
18 Philadelphia Health Department, including
19 inspection of all properties where a
20 child may be exposed to lead and
21 subsequent orders to remove lead hazards
22 that are identified

23 Without the public health
24 intervention to stop exposure, not much
25 can be done medically for the child, and

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2 chelation therapy is not effective.

3 Most U.S. children are exposed
4 to lead through ingestion of
5 lead-contaminated house dust and soil
6 while living in homes that were built
7 prior to 1978 that have deteriorated lead
8 paint. Over 90 percent of Philadelphia
9 housing is pre-1978 and, thus, contains
10 some lead paint.

11 Most children do not eat paint
12 chips but ingest small amounts of lead-
13 contaminated dust through hand-to-mouth
14 activity repeated hundreds of times each
15 day. That is a normal developmental
16 stage by which they explore the world
17 around them Unfortunately, this activity
18 puts them at great risk for lead exposure
19 in their own homes if those homes have
20 lead hazards

21 Will Philadelphia property
22 owners keep their properties free of lead
23 hazards without the proposed legislation?
24 I recently performed a study evaluating
25 the effectiveness of the Philadelphia

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2 Lead Court, which was created by the City
3 in 2002. This dedicated court was
4 created to provide enforcement of orders
5 by the Philadelphia Department of Public
6 Health to remediate lead hazards in homes
7 of children with elevated blood lead
8 levels in cases where the owners did not
9 comply with these orders

10 In 2002, there was a backlog of
11 1400 properties with identified lead
12 hazards that had not been remediated by
13 their owners.

14 In assessing a five-year period
15 prior to Lead Court and the first five
16 years of the court era, we found that
17 only 6.6 percent of properties came into
18 compliance within a year of the first
19 failed inspection in the pre-court era
20 compared to 76.8 percent compliance after
21 Lead Court was established.

22 These study results demonstrate
23 that enforcement of orders and codes can
24 be difficult and that the City can ask
25 property owners to be accountable for and

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2 responsible for the condition of the
3 properties they are renting.

4 Proactive inspections might
5 have detected many of these properties
6 before a child on the property became
7 exposed to lead and developed elevated
8 blood lead levels. Therefore, it is
9 essential to prevent children's lead
10 exposure in the first place. In public
11 health, we call this "primary
12 prevention."

13 The Centers for Disease Control
14 and Prevention, CDC, along with the
15 Department of Housing and Urban
16 Development and the Environmental
17 Protection Agency strongly recommend
18 preventing lead exposure in children
19 versus secondary prevention through
20 testing of children's blood for elevated
21 levels. This blood lead testing of
22 children to look for a lead problem can
23 be likened to canaries being used to
24 detect dangerous gasses in mines

25 Through primary prevention,

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2 including proactive inspection of
3 properties for lead problems, before
4 children get exposed and poisoned, we can
5 prevent the adverse health effects
6 mentioned earlier. The CDC specifically
7 recommends that localities enact
8 legislation to require rental units to be
9 lead-safe before rental as a primary
10 preventive measure.

11 We all know that lead exposure
12 impacts children's futures, including
13 their ability to do well in school and
14 acquire a good education, to obtain a
15 useful and productive job, and to make
16 positive contributions to their
17 communities. Their good health ensures a
18 better future for our city.

19 Our children are our most
20 precious resource. I urge you to do
21 right by them in supporting this bill.

22 Thank you.

23 COUNCILWOMAN BROWN: Thank you
24 very, very much for your testimony.

25 I'm going to alter the process

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2 here, since I'm the only one here, and
3 ask questions as I go along the way just
4 to stay on top of my own notes here.

5 First of all, thank you for
6 important work you do on behalf of our
7 city's children.

8 DR. CAMPBELL: Mm-hmm.

9 COUNCILWOMAN BROWN: And I very
10 much appreciate the research 'cause
11 research can be very compelling in what
12 you did around the Lead Court.

13 DR. CAMPBELL: Mm-hmm.

14 COUNCILWOMAN BROWN: Has there
15 been any coordination with St. Chris
16 Hospital and/or other pediatricians that
17 are not affiliated with either hospital
18 any around the issue of reducing lead?

19 DR. CAMPBELL: Can you specify
20 a little more what you're asking?

21 COUNCILWOMAN BROWN: Well,
22 coordination is helpful in knowing what
23 other like institutions or professionals
24 are doing to again reduce down the
25 incidence.

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2 And so, I'm just curious if
3 that's a part of the protocols of how
4 hospitals work around this, or no? So
5 I'm asking.

6 DR. CAMPBELL: Well, in terms
7 of educating pediatricians and other
8 people that see children for health care,
9 I think, is maybe the question you're
10 asking.

11 The Philadelphia Health
12 Department has been very proactive in
13 terms of educating health-care providers,
14 including pediatricians --

15 COUNCILWOMAN BROWN: Okay.

16 DR. CAMPBELL: -- on the facts
17 around childhood lead exposure and on the
18 need to do the blood lead screening.

19 So in terms of -- you know, the
20 City Health Department, I think, has been
21 involved in educating health-care
22 providers and parents so parents are
23 aware of the need for screening as well.
24 And that's essentially how, you know,
25 people are -- health-care providers are

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2 educated.

3 Also, the American Academy of
4 Pediatricians, you know, has a lot of
5 informational materials that are
6 available for pediatricians. So there's,
7 I think, a lot of information out there
8 for health-care providers to be able to
9 know of their responsibilities to be
10 testing for lead.

11 COUNCILWOMAN BROWN: Sure. As
12 a part of the intake process at
13 Children's Hospital, have you considered
14 the process of tracking, as was raised by
15 Councilwoman Tasco and by other
16 testifiers here? Do you track to see
17 what parts of the City the children come
18 from?

19 DR. CAMPBELL: Well, we -- the
20 work I was describing before was the Lead
21 Clinic --

22 COUNCILWOMAN BROWN: Right.

23 DR. CAMPBELL: -- which the
24 hospital, unfortunately, closed down in
25 2007. But it was operating for about

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2 twenty years prior to that.

3 We were a regional referral
4 center --

5 COUNCILWOMAN BROWN: Okay.

6 DR. CAMPBELL: -- so we saw
7 children actually from all over Southeast
8 Pennsylvania, New Jersey.

9 COUNCILWOMAN BROWN: Okay.

10 DR. CAMPBELL: The problem is
11 widespread. You know, it seems to be
12 more concentrated in Philadelphia
13 probably due to the fact that there is a
14 higher percent of (indiscernible) housing
15 and also poor-condition housing.

16 COUNCILWOMAN BROWN: One other
17 observation that was raised by one of the
18 stakeholders is the notion that the bill,
19 as is currently written is very, very
20 broad.

21 And you're a pediatrician, so
22 awareness of adults who ingest lead and
23 then see negative medical effects you
24 probably could not speak to, could you?

25 DR. CAMPBELL: Can you be a

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2 little more specific?

3 COUNCILWOMAN BROWN: Well, I'm
4 curious to know if, in cases where adults
5 ingest lead, do we have the same
6 outcomes, medical outcomes?

7 DR. CAMPBELL: Yeah. I mean,
8 anybody can get lead toxicity; anybody
9 can get encephalopathy, which is sort of
10 massive brain involvement and brain
11 damage.

12 Adults can die from lead
13 poisoning as well. And some adults are
14 at risk, particularly those that work
15 with lead occupationally.

16 Children are at increased risk
17 during pregnancy, when they're fetuses,
18 and then particularly for the first three
19 years of life because they are -- their
20 brains are undergoing lots of development
21 and --

22 COUNCILWOMAN BROWN: Yes.

23 DR. CAMPBELL: -- there's lots
24 of processes that happen. Lead
25 interferes with those processes in a

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2 negative way. And so, it impacts greatly
3 on how children develop.

4 The other unfortunate thing is,
5 as I said before, they explore their
6 world through hand-to-mouth activity. So
7 if they are touching surfaces that have
8 lead dust or lead soil and then just
9 putting their hands in their mouths
10 literally hundreds of times a day, they
11 can get exposed very quickly and on an
12 ongoing daily basis.

13 COUNCILWOMAN BROWN: Okay.

14 DR. CAMPBELL: And so, that's
15 why we need to protect children. Knowing
16 their increased risk and susceptibility to
17 the exposure, we adults need to recognize
18 that that's a problem.

19 COUNCILWOMAN BROWN: Mm-hmm.

20 DR. CAMPBELL: And it really
21 impacts -- the children at most risk in
22 this city are the children that are
23 low-income and particularly children of
24 minority backgrounds, including
25 African-American and Latino children.

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2 That's a large part of the children we
3 see at Children's Hospital; and,
4 therefore, we do see many children with
5 elevated blood levels, probably more so
6 than in other areas of the City.

7 COUNCILWOMAN BROWN: Sure.

8 DR. CAMPBELL: But West and
9 North Philly in general have had pockets,
10 you know, a higher percentage of children
11 in those areas with elevated blood lead
12 levels, but the City has more detail on
13 this.

14 COUNCILWOMAN BROWN: Surely,
15 surely, surely.

16 This is totally off-topic, and
17 I'll make a rhetorical statement here,
18 but hearing your professional medical
19 observations about the brain and the
20 light, and now listening to CNN -- I'm a
21 geek for CNN -- and all of the medical
22 reports they're now doing around cell
23 phones for children, who have thin skulls
24 and the like, it just raised a whole
25 'nother level of concern for us as

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2 professionals, legislators, and parents.

3 But that's a story for another day.

4 But hearing your testimony
5 triggered that for me.

6 Councilwoman Sanchez, do you
7 have any questions?

8 COUNCILWOMAN TASC0: No
9 questions.

10 COUNCILWOMAN BROWN: So we
11 thank you for your testimony.

12 DR. CAMPBELL: Thank you.

13 COUNCILWOMAN BROWN: Okay.
14 Please, Colleen McCauley, PCCY, if you
15 could please offer your testimony.

16 MS. McCAULEY: Sure. Actually,
17 George Gould --

18 (Indiscernible; parties talking
19 over each other.)

20 COUNCILWOMAN BROWN: Okay, no
21 problem.

22 MR. GOULD: Good afternoon.

23 COUNCILWOMAN BROWN: Good
24 afternoon.

25 MR. GOULD: My name is George

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2 Gould. I am the managing attorney for
3 housing at Community Legal Services.

4 I might say that I have been
5 involved in lead-based paint for a long,
6 long time. I've been involved in some
7 major litigation against HUD and the
8 Housing Authority. And I was also a part
9 of the Title 20 Task Force created in the
10 '90s by Congress, which implemented law
11 that was passed back then.

12 I just wanted to make a couple
13 of comments in part on some of the
14 testimony with my friend Mr. Zaslow, who
15 testified and some of his ideas, but I
16 wanted to back up a little bit, because
17 in Philadelphia today, we have something,
18 I think, regarding lead, which is
19 something -- hopefully, it stays as
20 common past.

21 And that is, as Dr. Campbell
22 said, we use a child as a canary to
23 determine whether or not there is lead in
24 the property.

25 The City of Philadelphia goes

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2 out and inspects a property only after a
3 child is determined to have an elevated
4 blood lead level. Quite frankly, that is
5 wrong. And this city needs to change
6 that and they need to create a policy
7 where there is something done upfront to
8 determine whether or not that property is
9 safe for a child to live in.

10 We should not be using a child
11 to determine whether or not a property
12 has lead in it. And, in fact, that's
13 what we do.

14 Now, let me say that the City
15 Health Department -- and I have
16 tremendous respect for them -- has
17 attempted, with limited resources, to do
18 some affirmative steps to try to prevent
19 lead.

20 But, quite frankly, the policy
21 that we have in place and the system we
22 have in place uses the child as the
23 canary to determine if there is lead. We
24 wouldn't do that with other type of
25 diseases; we certainly should not do that

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2 with lead poisoning.

3 The second point I wanted to
4 mention is that what we are talking about
5 doing is having landlords do, prior to
6 leasing of property is, quite frankly,
7 what they're required to do anyway. Most
8 landlord, and especially good landlords,
9 need to repaint, and they need to repaint
10 if there is peeling paint in the property
11 or flaking paint.

12 If they do that -- and they
13 need to do it if a tenant is moving in --
14 as several people already testified, the
15 EPA has implemented a law that was passed
16 several years ago, RRP (Renovation,
17 Repair and Painting), which requires
18 landlords, when they paint, to go out and
19 get someone who is trained and certified
20 in lead-safe practices.

21 So we have landlords who are
22 already required now, in fact, to do
23 these type of repairs, and they have to
24 do it in a lead-safe way.

25 And all this ordinance really

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2 requires is that they attain a
3 certificate from someone who is
4 independent, who goes into the property
5 and does some dust wipes and determines
6 that that property is lead-safe. I
7 think, at a minimum, that's what we
8 should be asking landlords and property
9 owners to do when they rent properties in
10 this city.

11 Now, there has been discussion
12 of the lead disclosure laws, and there is
13 a federal lead disclosure law, and there
14 is a Philadelphia lead disclosure law,
15 but all that requires is that the tenant
16 be notified if the landlord knew, or
17 knows, that lead exists in the property.
18 It does not require the remediation or
19 any type of repair of lead hazards.

20 There was testimony as to some
21 proposal as to what can be done, and
22 there was mention of getting some type of
23 statement from landlords prior to
24 leasing, that they've done a visual
25 inspection of the property, and there's

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2 no peeling paint. That is not
3 sufficient.

4 Lead dust is invisible; you
5 cannot see it. There may have been
6 peeling paint; the landlord may have done
7 something to correct it, but the lead
8 dust may be all over the floor, window
9 sills, et cetera. We need an independent
10 inspection by someone trained to do that.

11 Now, there was some discussion
12 about the cost. You know, this
13 ordinance -- and there's going to be
14 testimony about it -- or this bill is not
15 unique to Philadelphia. These bills
16 exist in Washington, D.C., Rochester,
17 Minneapolis, Cincinnati. There are
18 various places around the country that
19 have similar provisions.

20 And the doom and gloom that has
21 been predicted that will take place if
22 this happens has not taken place in these
23 cities. Last we looked, Rochester, New
24 York was doing just fine.

25 The question is one of

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2 priorities, what do we do to protect
3 children who are going to be living in
4 properties that have potential lead
5 hazards. And requiring the landlord to
6 get the certificate, we do not believe,
7 creates such a burden.

8 The consequence of not doing it
9 is continuing to have the problem of
10 small children getting poisoned.

11 Thank you.

12 COUNCILWOMAN BROWN: Thank you
13 for your testimony.

14 Also, we've heard testimony
15 suggesting that -- implying that we
16 should focus purely on families with
17 small children. What is your view about
18 that?

19 MR. GOULD: Well, several
20 things. One is, if we have an ordinance
21 that says you only have to do this for
22 families with children, it's
23 inconceivable to me that you will not
24 have discrimination in renting to
25 families with small children. Landlords

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2 will set up all sorts of barriers -- some
3 obvious, some not so obvious, some
4 subtle -- that will reduce the supply of
5 housing because they won't have to go
6 through this process, which they view so
7 onerous.

8 Second of all, you have small
9 children visiting apartments. Even if
10 it's elderly, families without children,
11 they come, they may stay overnight, they
12 spend the weekend there, they may even
13 spend even more time.

14 It seems to me that this is
15 something we do not believe is onerous;
16 it's something that landlords basically
17 are going to need to do, or do when they
18 end up leasing a property anyway. And we
19 think that there are some problems in
20 discrimination. And also the problems of
21 small children visiting a property, which
22 could lead to problems with lead hazards.

23 COUNCILWOMAN BROWN: Okay. Any
24 questions?

25 (No questions.)

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2 COUNCILWOMAN BROWN: Okay,
3 then. Thank you for your testimony.

4 Let's please move to Nicole
5 White.

6 Colleen, did you want to
7 provide testimony? Okay.

8 MS. McCAULEY: Hi. I'm Colleen
9 McCauley. I'm the Health Policy Director
10 at Public Citizens for Children and
11 Youth, and we're the region's lead child
12 advocacy and policy organization.

13 And thank you, Councilwoman
14 Blondell Reynolds-Brown, for your
15 leadership on this issue and continuing
16 these efforts to eliminate lead
17 poisoning. And also thank you to the
18 entire Council for the steps that have
19 been taken place over the last decade to
20 eliminate lead poisoning in our city.

21 And, as you've heard, lead does
22 permanently injure children. No cure
23 exists to reverse the irreparable damage
24 that lead inflicts on children, just as
25 Dr. Carla Campbell described. It

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2 includes damage to children's growing
3 brains and nervous system, robbing them
4 of their intellect and increasing their
5 risk for learning disabilities,
6 behavioral problems, and juvenile
7 delinquency.

8 The good news is that over the
9 last several years Philadelphia has made
10 great success in decreasing the number of
11 children poisoned, primarily by
12 increasing the number of homes that are
13 lead-safe.

14 This has been accomplished by
15 undertaking actions that identify lead
16 hazards in homes before children are
17 poisoned by them. As exemplified by the
18 Lead Safe Babies program that test the
19 home of pregnant women, and, if lead is
20 found, removes those lead hazards before
21 a child is poisoned.

22 Philadelphia's Lead Court has
23 also served as a highly successful
24 mechanism to ensure that property owners
25 clean up lead hazards in properties that

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2 have already, unfortunately, poisoned a
3 child.

4 As you heard Dr. Campbell
5 describe, there's been a significant
6 increase in the percentage of properties
7 that have been made lead-safe since the
8 inception of Lead Court. These smaller
9 steps, such as Lead-Safe Babies and Lead
10 Court, that the City has taken have had a
11 significant impact on keeping children
12 healthy and out of harm's way.

13 The bad news is that too many
14 young kids are still poisoned by lead in
15 Philadelphia every year. Every year,
16 about a thousand children are newly
17 diagnosed.

18 The only way to prevent
19 children from being lead-poisoned is to
20 eliminate their exposure to lead hazards.
21 And the number-one way children are
22 poisoned in Philadelphia and across the
23 nation is by lead-paint-based hazards in
24 their homes, and this is very well-
25 documented in the scientific literature.

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2 Philadelphia is an old city,
3 with 95 percent of its housing stock
4 built before 1978, when lead-based paint
5 was banned for residential use.

6 Consequently, many homes in the City
7 can poison children.

8 The City's property maintenance
9 code requires rental property owners to
10 maintenance their property free of
11 hazards, including lead-paint-based
12 hazards. Many landlords do the right
13 thing and comply with the code, providing
14 safe living space for children to play,
15 sleep, eat, and grow up.

16 Some rental property owners,
17 however, do not follow the housing code.
18 So even after we've made some progress to
19 reduce lead poisoning in the City, there
20 are still children being permanently
21 harmed by lead.

22 The Philadelphia Department of
23 Public Health Department reports that 55
24 percent of properties that poison
25 children live in rental properties.

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2 The existing protections in the
3 housing code do not go far enough because
4 young children are still being poisoned
5 in the City. And, again, you heard
6 Dr. Campbell and George Gould say we're
7 done, we're done with using kids as the
8 test for whether or not there's lead in a
9 property. We have to do all we can to
10 prevent children from being injured.

11 Consequentially, the
12 protections that we have need to be
13 strengthened. This bill before you
14 strengthens the housing code without, I
15 believe, imposing a burden on rental
16 property owners.

17 This bill requires properties
18 landlords who own properties built before
19 1978 to demonstrate that they're not
20 violating the housing code by having
21 their property tested for lead hazards.

22 Jurisdictions across the
23 country, like Philadelphia, continue to
24 struggle with how to stop children from
25 being poisoned. And to this end, several

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2 localities around the nation have had
3 similar laws as the one before you, and
4 some have been able to report important
5 reductions in the number of children
6 poisoned and an increase in the number of
7 houses made lead-safe.

8 This bill before you was
9 modeled on a law recently pass in D.C.
10 that went into effect in April of '09
11 that makes the presence of lead-based
12 paint illegal in all residential dwelling
13 units, common areas in multifamily
14 properties, and in child-occupied
15 facilities such as day-care centers.

16 And this past April, Maryland
17 passed a bill into law that requires all
18 pre-1950 rental properties a change of
19 occupancy to pass a lead-dust test;
20 again, verifying that the property is
21 lead-safe.

22 And in 2006, a law took effect
23 in Rochester, New York, that requires
24 inspection for lead paint hazards as part
25 of the city's existing housing inspection

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2 process. The results of an evaluation of
3 the first two years of this law showed
4 that in the two years preceding the law,
5 7.5 percent of children tested had
6 elevated blood lead levels; and two years
7 after the law was in place, that
8 proportion dropped to 5 percent.

9 Of the 28,000 housing units
10 that were inspected in those first two
11 years, nearly 3,440 of them, or 12
12 percent, failed a lead hazard test. But
13 more than 75 percent of those housing
14 units that did fail a lead-dust wipe,
15 they were made lead-safe within two
16 years.

17 And the average cost for a lead
18 test two years after the law was passed
19 was at \$150, which was half of what it
20 was estimated when the law went into
21 effect. The market took over.

22 It costs far less to remediate
23 a property, right? than it does to
24 remediate a child. Based on published
25 models and formulas, it can be estimated

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2 that childhood lead poisoning in
3 Philadelphia, for just the children
4 diagnosed in one year, could save the
5 City, State, and taxpayers more than
6 \$75 million in direct health care,
7 special education, and juvenile
8 delinquency costs as well as total
9 lifetime earnings lost.

10 So there's a chart in my
11 testimony pointing out the losses for
12 each of those items.

13 Truly, loss of these dollars
14 pale in comparison to the human potential
15 lost by the ravages of a poisoning that
16 we know how to prevent and we can take
17 steps to further eliminate.

18 Rental properties are required
19 to comply with the City's Property
20 Maintenance Code, the intent of which is
21 to, quote: Ensure public health, safety,
22 and welfare to the extent that they are
23 affected by the continued occupancy and
24 maintenance of existing structures and
25 premises.

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2 Tragically, some rental
3 properties in this city still poison
4 children, but they sure shouldn't, and
5 they don't have to anymore. This bill
6 fortifies the existing protections in the
7 housing code without, we believe,
8 creating a burden on landlords.
9 Landlords would be required to prove that
10 their properties are lead-safe.

11 We look forward to the day when
12 no children in Philadelphia are poisoned
13 by lead. And we can make a big
14 difference in the lives of kids here.
15 And this bill is another one of those
16 steps, another critical step in that
17 direction.

18 Thank you.

19 COUNCILWOMAN BROWN: Thank you.

20 Councilwoman Sanchez,
21 questions?

22 On page 2 of your testimony,
23 you reference the D.C. law, which
24 indicates or states that lead-based-paint
25 hazards are illegal in all residential

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2 dwellings. I actually was just going to
3 ask about day-care centers, even, you
4 know, what do we do right here, in the
5 City, around child-care centers.

6 So is that to suggest that the
7 bill in D.C. mirrors the bill that we're
8 discussing and attempting to act on
9 today?

10 MS. McCAULEY: We based
11 Philadelphia -- the bill before us is
12 modeled off of the D.C. bill. It is not
13 a replica of that bill; there are some
14 differences.

15 COUNCILWOMAN BROWN: The bill

16 --

17 MS. McCAULEY: Well, for
18 example, it doesn't -- this bill doesn't
19 impact child-care facilities, for
20 example. We're talking about rental
21 properties.

22 Jane Malone is with us to
23 testify, and perhaps she could point out
24 other differences between this bill --

25 COUNCILWOMAN BROWN: Okay.

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2 MS. McCAULEY: -- and the law
3 that's been passed -- the law that's in
4 effect, excuse me, in D.C.

5 COUNCILWOMAN BROWN: Okay.
6 Throughout your testimony, you reference
7 children. And admittedly, I overlooked
8 the notion that our bill actually taps
9 the world -- senior citizens and adults
10 alike.

11 MS. McCAULEY: Mm-hmm.

12 COUNCILWOMAN BROWN: And so,
13 with that, what is your reaction to that
14 observation made by one of our
15 testifiers?

16 MS. McCAULEY: I have the same
17 concerns that you heard George Gould
18 share with you a few minutes ago. You're
19 talking about properties where only small
20 children live?

21 COUNCILWOMAN BROWN: No,
22 actually -- well, am I suggesting that?
23 Um...

24 MS. McCAULEY: I would be
25 concerned about discrimination for

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2 families with small children and their
3 ability to find rental housing.

4 COUNCILWOMAN BROWN: Okay, all
5 right. All right, then.

6 Thank you very much for your
7 work that you've been doing, which should
8 not going unnoticed. We know that
9 complicated issues like this don't happen
10 overnight.

11 MS. McCAULEY: Right.

12 COUNCILWOMAN BROWN: So we need
13 to acknowledge the work you've done prior
14 to sitting in this chair. Thank you very
15 much.

16 MS. McCAULEY: Thank you.

17 COUNCILWOMAN BROWN: Okay.
18 Let's please now go to Nicole White,
19 Assistant Director for the --

20 (Mr. Lord comes forward.)

21 COUNCILWOMAN BROWN: Forgive
22 me. What's your name?

23 MR. LORD: I'm Phil Lord.
24 Nicole White will not be here, and I will
25 attempt to represent her as well.

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2 COUNCILWOMAN BROWN: Okay.

3 It's all good.

4 MR. LORD: She was here last
5 time but couldn't make it this time.

6 COUNCILWOMAN BROWN: State your
7 name for the record again.

8 MR. LORD: I'm sorry. Phil
9 Lord, L-O-R-D.

10 COUNCILWOMAN BROWN: Okay.

11 MR. LORD: And I'm the
12 Executive Director of TURN --

13 COUNCILWOMAN BROWN: Oh, okay.

14 MR. LORD: -- which is the
15 Tenant and Union Representative Network.

16 At TURN, we see thousands of tenants
17 every year. We have tenants' rights
18 classes every day. People come with all
19 kinds of problems, including repair
20 problems and problems like these.

21 We also deal with them
22 one-on-one, with one-on-one
23 consultations, when you have more serious
24 problems that haven't been resolved in
25 your workshop; we've got housing

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2 counselors.

3 And so -- and we help them deal
4 with L&I and with the Health Department
5 sometimes and with various City agencies.
6 And so, we see it sort of on a firsthand
7 basis, what tenants are going through in
8 trying to deal with the problem of lead
9 paint.

10 And I think it's very important
11 to put it in a realistic context of what
12 it can and can't do when they have a
13 problem like this.

14 We hear a lot of theoretical
15 things, and some my testimony goes into
16 that, and I'll highlight that in a
17 minute.

18 But as a matter of practice,
19 when a tenant is in a property and they
20 see paint peeling, whether it's lead or
21 not, there are very few things they can
22 actually do with any kind of
23 effectiveness, and that's one of the
24 challenges that we face in the
25 organization.

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2 They can call their landlord
3 and complain and say, "I want a paint
4 job." And, you know, for low-income
5 tenants, that telephone call, or even a
6 letter, doesn't always get them the
7 response that they should be getting. So
8 it's very difficult for them to get
9 landlords who are undercapitalled and
10 underfunded to do the kind of work that
11 needs to be done, even at the request of
12 a tenant.

13 Theoretically-speaking, they
14 can go to court and sue the landlord, but
15 Legal Services can't handle those kind of
16 cases, and George can correct me if I'm
17 wrong, but those fee-generating cases
18 generally cannot be handled by Legal
19 Services, so they have to get a private
20 attorney.

21 And to get a private attorney
22 to sue your landlord to get your property
23 painted is just not cost-effective. It
24 makes no sense when you're trying to
25 (indiscernible) thousands of dollars. An

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2 attorney can charge \$2,000 for a tenant
3 to bring a lawsuit against their
4 landlord, so that doesn't work either.

5 You can call L&I, you can call
6 the Health Department, and we know their
7 resources are limited, the number of
8 inspectors is limited, their capacity is
9 limited.

10 And even when they do -- when
11 L&I does come out, paint jobs are not the
12 highest priority you can imagine, given
13 what's going on in the City of
14 Philadelphia. So you don't always get a
15 strong, vociferous response to that kind
16 of a call.

17 So what we have to do in this
18 situation where, as folks have said
19 already, unfortunately, our children
20 guinea pigs and become the first line of
21 defense against this environmental
22 hazard. We're putting them out there,
23 everybody gets sick, and then we respond.

24 We think that is immoral and
25 unacceptable. We believe that housing is

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2 a human right, and everybody is entitled
3 to decent housing.

4 And so, what I would like to do
5 is take a just minute now to turn it over
6 to Miss Gringrow to tell you about her
7 story and what happened with her, to put
8 it in context.

9 COUNCILWOMAN BROWN: Good
10 morning.

11 MS. GRINGROW: Good morning.

12 COUNCILWOMAN BROWN: If you
13 could state your full name for the
14 record. And welcome to these
15 proceedings.

16 MS. GRINGROW: Thank you.

17 COUNCILWOMAN BROWN: Move
18 closer to the table or pull the mic
19 closer to you.

20 MS. GRINGROW: Okay. Good
21 afternoon. My name is Evette Gringrow.

22 I was happy when I found my new
23 home for myself and my three children
24 through the real estate office of
25 Caldwell Banker. The happiness turned to

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2 anxiety and concern when I found out from
3 my doctor that my five-year-old son's
4 blood lead level had risen unexpectedly.
5 The inspectors came to my home and
6 confirmed the presence of exposed lead
7 paint.

8 Now my son not doing well in
9 school. He has been diagnosed with
10 attention deficit disorder.

11 I didn't notice the peeling
12 paint when I moved in. If I had known my
13 home had hidden dangers, I would have
14 never moved in.

15 I'm asking that you please pass
16 this law so that other families do not
17 have to suffer the way my family has
18 suffered.

19 And I wanted to speak about the
20 landlords and the owners that came before
21 us. They talked about the price of
22 repairing and restoring their properties
23 for the rental properties. How do -- how
24 do I put a price in trying to repair my
25 child's life? There's no comparison.

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2 This bill will give us a chance
3 for some security, for some
4 acknowledgment, saying that I'm moving
5 into a home that's lead-free. That's all
6 that we're asking.

7 If there's hidden dangers in a
8 home, if we have a hole in the ceiling,
9 they'll say, You can't move in until we
10 repair the hole in the ceiling because it
11 may cave in. If it's hidden dangers in
12 the wiring, they wouldn't let us move in
13 until they repaired wiring because they
14 wouldn't want to be sued for faulty
15 wiring electrical fires.

16 All I'm asking is that if
17 there's that kind of danger in a home,
18 why shouldn't we be aware of it?

19 Had I would have known there
20 was no smaller children living in this
21 home and it was never inspected for lead,
22 with the knowledge that I have, I would
23 have asked, had I would have known to
24 inquire about lead being in the home.

25 If the land -- if I would have

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2 went to the property where I was renting
3 from and someone would have informed me
4 with a pamphlet, these are some of the
5 questions that you may want to ask before
6 you move in about lead, I would have
7 asked.

8 Not all property owners are so
9 forthcoming with the news of lead,
10 because it's just not acceptable. It's
11 unacceptable.

12 My child is only five years
13 old, when he was diagnosed with lead at
14 three, and he's well into repeated high
15 lead levels. He doesn't have a voice to
16 come in here and say, "Mommy, don't move
17 into this home 'cause there might be
18 lead" or "Did you ask?"

19 It's my job to come down here
20 and to ask that this bill be passed so
21 that other families won't have to go
22 through what I'm going through.

23 Yes, there should be a bill
24 that says that this home has been checked
25 for lead, or more pamphlets being given

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2 out. They should be required to do
3 something before a family moves into a
4 home without them unaware of the
5 knowledge of lead.

6 Thanks for hearing me out.

7 COUNCILWOMAN BROWN: Thank you
8 for your testimony and for sharing your
9 powerful example of the worst that can
10 happen. Your testimony has offered a
11 third party that has been unacknowledged,
12 at least by me, and that is the real
13 estate broker.

14 Who was the real estate broker
15 in this instance?

16 MS. GRINGROW: Mines is
17 Caldwell Banker.

18 COUNCILWOMAN BROWN: Okay.

19 MS. GRINGROW: In the
20 Northeast.

21 COUNCILWOMAN BROWN: Forgive
22 me?

23 MS. GRINGROW: In the
24 Northeast.

25 MR. LORD: Councilwoman, if I

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2 could add to that. Like I said, we see
3 thousands of tenants and we very
4 rarely -- I'm not sure if we ever saw a
5 tenant who received a pamphlet that
6 they're supposed to get. I'm sure some
7 landlords do, I'm sure HAPCO educational
8 (indiscernible) do, but it's not
9 happening on a regular basis. And I
10 think the real estate agents and others
11 fail to notify tenants what the risks
12 are.

13 COUNCILWOMAN BROWN: Mm-hmm.

14 MR. LORD: So it's not about
15 new laws that are creating new burdens on
16 the part of landlords in terms of doing
17 remediation. This is about making sure
18 that the existing laws get enforced by
19 identifying problems early enough to do
20 something about it before a child gets
21 sick. So we're not trying to increase
22 the burdens on landlords at all.

23 And I -- and we deal with a lot
24 of -- HAPCO does and we deal with a lot
25 of landlords who really care about the

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2 quality of properties and about making
3 sure their services to tenants are
4 adequate, and they rent properties that
5 are safe and decent, and they rent
6 properties that don't have lead problems.

7 And I don't think it's a market
8 shifting idea to say your property should
9 not have lead and should be able to be
10 inspected and not have thousands and
11 thousands of dollars of remediation as a
12 trigger for that.

13 If remediation needs to be
14 done, it has to be done. I mean, this
15 law doesn't require that it has to be
16 done; it requires that we know about it
17 so we can make sure it does get done.

18 COUNCILWOMAN BROWN: In
19 instances where TURN has become aware of
20 families that have been badly impacted by
21 this, what then are the subsequent next
22 steps?

23 We've heard what happens from
24 the medical side, I think, but what
25 interface happens with HAPCO about this

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2 particular landlord who clearly is in
3 violation?

4 MR. LORD: Well, there's -- I
5 hate to say this, but there's very little
6 that can be done.

7 I mean, there used to be a time
8 when there was a serious capacity for
9 litigation around this issue. There were
10 attorneys in the City who would sue a
11 landlord for having lead; that doesn't
12 happen anymore.

13 And the costs of that kind of
14 litigation are prohibited; the expert
15 witnesses, the law is fuzzy. It's very
16 difficult to deal with this once the
17 problem has happened.

18 What we do in our office is to
19 try to get landlords to do their job. So
20 we do get them about L&I, we do threaten,
21 you know, various remedies that a tenant
22 has like rent withholding and rent
23 abatement and that kind of thing.

24 But the problem is, in all
25 these situations, the child's already

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2 been poisoned.

3 COUNCILWOMAN BROWN: Sure.

4 MR. LORD: And that's where it
5 falls short. And trying to even remedy
6 in terms of getting compensation from the
7 landlord is extremely rare, especially
8 now.

9 COUNCILWOMAN BROWN: Sure. And
10 what the testimony is revealing to me is
11 that there are really two aspects of
12 attacking this. One is on the front end,
13 prior to; and the other is on the --
14 and/or on the back-end, once it's clear
15 that a young person has been infected by
16 this.

17 And so, in your standard
18 operating procedures, do you formally
19 notify HAPCO that you have in your pool
20 of landlords a landlord who is not doing
21 the right thing, that there's a formal
22 notification?

23 We've heard how you assist the
24 tenant with X-number of steps. But also
25 then signaling the red flag on a

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2 landlord; is that a part of the
3 practices?

4 MR. LORD: Well, let me say
5 that we don't have any landlords who
6 refuse to do these kind of abatements in
7 our programs. We don't work with those
8 kind of landlords. So that kind of a
9 landlord would not be someone we would
10 encourage a tenant to rent to.

11 Sometimes, of course -- a lot
12 of tenants come to us out of the general
13 public and have landlords like that. We
14 do not have a relationship with HAPCO
15 where we ask them to do something about
16 that, and we'll look into that; I'm happy
17 to look into that.

18 I didn't realize that they put
19 people out of their fraternity, if they
20 didn't do their job, which is really a
21 good thing to do.

22 On the other hand, putting
23 someone out of HAPCO and keeping them
24 from renting a property are two different
25 things. And so, you know, my concern

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2 would be if HAPCO said, "We don't want
3 anything to do with you" -- and I really
4 appreciate that high standard -- it
5 doesn't mean that person isn't going to
6 continue to rent that property out to
7 someone else, evict the tenant that's
8 complained and put somebody else in
9 there.

10 Now, we also deal with
11 discrimination at TURN, and we see family
12 status discrimination as one of the most
13 common forms. And they'll say, "Do you
14 have children? We don't want to rent to
15 you." A lot of landlords will ask if the
16 child has had lead poisoning in the past.

17 COUNCILWOMAN BROWN: Hmm.

18 MR. LORD: And they won't rent
19 to you because they're afraid of having a
20 higher standard being imposed on their
21 unit.

22 So it's (indiscernible) problem
23 out there. If we don't do it for
24 everybody, it's not going to be
25 effectively enforced. And we have good

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2 laws, but they're not effectively
3 enforced.

4 COUNCILWOMAN BROWN: Okay. We
5 live in a world on this side of the table
6 where we have to try to find common
7 ground, and a hard stance on either side
8 gets us nowhere.

9 And so, it appears to me that
10 there may be one opportunity for a small
11 step to be made, where there is a
12 formal -- and I can't speak for
13 leadership in either place, but an
14 opportunity where there's a formal
15 agreement, if you will, that is signaling
16 that you've been -- that one of your not
17 patients, but clients, has been in touch
18 with the landlord in complete violation
19 of the law is one small step that in no
20 way gets us to the merit and purpose of
21 the bill.

22 MR. LORD: Sure.

23 COUNCILWOMAN BROWN: But we
24 still have to always look for ways in
25 which we can find common ground. And

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2 that's why I put that on the table.

3 MR. LORD: And we have a lot of
4 respect for HAPCO and for Attorney
5 Zaslow, and we look forward to working
6 together with them on a number of things.
7 We have in the past, and we'll continue
8 to do that.

9 COUNCILWOMAN BROWN: Okay,
10 then. Thank you for your advocacy. It's
11 clear that it's very important.

12 MR. LORD: Thank you.

13 COUNCILWOMAN BROWN: Thank you
14 very much.

15 I don't believe I -- I haven't
16 heard from Jane Malone. I don't have a
17 check up here by your name yet.

18 (Ms. Malone comes forward.)

19 COUNCILWOMAN BROWN: Welcome
20 back.

21 MS. MALONE: Thank you.

22 I'm Jane Malone. I'm Director
23 of Policy for the National Center for
24 Healthy Housing, and I have some prepared
25 remarks here and some changes to them.

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2 Thank you for the opportunity
3 to discuss recent developments in
4 childhood lead poisoning on behalf of the
5 National Center for Healthy Housing. We
6 fully support the proposed bill and urge
7 the Council to pass it.

8 Today I'll present information
9 on economic costs as well as economic
10 benefits in addressing lead-based paint
11 hazards in housing.

12 The scientific evidence
13 demonstrating the prevalence of this
14 entirely preventable problem and where it
15 is most severe and why housing with lead
16 paint and the contaminated dust and soil
17 it generates remain the main source of
18 exposure for most children today in the
19 U.S. and in Philadelphia.

20 While the nation has made
21 important progress, much more remains to
22 be done if our children are to have a
23 future free of lead poisoning. Because
24 housing remains largely a local matter,
25 it's essential that Philadelphia continue

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2 to enact effective lead poisoning
3 prevention laws.

4 We've conducted at the National
5 Center for Healthy Housing numerous
6 studies of lead hazards in housing,
7 including the nation's largest and
8 longest term evaluation of residential
9 lead hazard control, covering 3,000
10 housing units in 14 jurisdictions across
11 the country.

12 The center is a national,
13 technical, scientific, and policy
14 nonprofit organization dedicated to
15 developing and promoting practical
16 measures to protect children from
17 residential environmental hazards while
18 preserving affordable housing.

19 NCHH develops scientific and
20 valid and practical strategies to make
21 homes safe from hazards to alert
22 low-income families about housing-related
23 health risks and how to protect their
24 children.

25 In 1991 and 1994, the Centers

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2 for Disease Control and Prevention

3 estimated 190,000 children had blood lead

4 levels greater than 10 micrograms per

5 deciliter of blood.

6 The data also showed that 16

7 percent of low-income children and 21

8 percent of African-American children

9 living in older housing, where lead-based

10 paint is most prevalent, were poisoned,

11 compared to 4 percent for the general

12 population at the time.

13 In December of 2000, the CDC

14 provided more recent data showing that

15 while some counties had prevalence rates

16 as high as 27 percent, the average blood

17 lead level in young children had

18 declined by 25 percent between 1996 and

19 1999. The data shows the problem is most

20 severe in older housing in urban areas,

21 although rural areas remain less

22 well-characterized.

23 The most recent CDC published

24 report shows a further decline during

25 1999 to 2002 (indiscernible) 10,000

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2 children had blood levels above 10
3 micrograms per deciliter, down from
4 1.7 million in the 1980s. And I should
5 add that there are lower estimates now,
6 around 220,000, that -- the reports
7 aren't published on that yet.

8 In addition, the racial and
9 ethnic disparities in lead poisoning have
10 been greatly reduced but not eliminated
11 entirely, as shown in the barely readable
12 figure in my written testimony.

13 The reason for this improvement
14 is that the nation took action. Congress
15 and government agencies mandated lead
16 exposures from lead solder and food and
17 infant formula, canning, gasoline, and
18 new residential and toy paint were
19 eliminated. Lead in air emissions,
20 occupational exposures, and water all
21 were controlled, and older housing with
22 lead paint is continually being
23 rehabilitated, abated, or demolished.

24 Studies of the numerous but
25 often subtle and a symptomatic harmful

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2 effects of lead were completed, and a
3 consensus emerged reflected a major
4 report from the National Academy of
5 Sciences.

6 All of these actions have
7 caused average blood lead levels to
8 decline by over 90 percent since 1980, an
9 achievement that ranks as one of the
10 nation's most successful public health
11 stories.

12 Yet, if no further action is
13 taken, the current rate of lead poisoning
14 means that literally millions of children
15 will be unnecessarily poisoned in the
16 decades to come.

17 The evidence is overwhelmingly
18 clear that the major high dose source for
19 most children in the U.S. and in
20 Philadelphia today is existing lead-based
21 paint in older housing and the
22 contaminated dust it generates.

23 The existing limit for lead in
24 new residential house paints set by the
25 Consumer Product Safety Commission in the

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2 U.S. is 90 parts per million, but older
3 paints already coating surfaces in
4 housing can be more than 500,000 parts
5 per million.

6 These older paints can produce
7 extraordinarily high levels of lead dust,
8 exceeding 9300 micrograms of lead per
9 square foot from only a single square
10 foot of lead paint in an average-sized
11 room.

12 This is much, much higher than
13 the existing EPA dust lead standard,
14 which, we content, is four times too high
15 that lead standard of 40 micrograms per
16 square foot. And it's also why existing
17 lead paint needs urgent attention and
18 must be addressed with great care, using
19 lead-safe work practices as defined in
20 the bill.

21 The evidence that housing with
22 lead paint has as its main problem comes
23 from several sources. One of my
24 colleagues recently published a study
25 showing that the reduction in childhood

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2 lead poisoning from 1990 to the present
3 can be largely explained by trends in
4 housing demolition, window replacement
5 and other innovations and lead-paint
6 abatement.

7 If housing were not the main
8 contributor, then housing trends would
9 not have tracked the trend of child lead
10 poisoning as closely as it has.

11 Furthermore, a HUD survey of
12 the nation's housing stock in 2000 shows
13 that the estimated number of homes with
14 lead paint declined from 64 million in
15 1990 to 38 million in 2000, out of a
16 total of around a 100 million homes.

17 But of the 38 million housing
18 units with lead paint, 24 million showed
19 significant lead hazards in the form
20 deteriorated lead paint, contaminated
21 dust, or contaminated bare soil.

22 Over 500 million of these homes
23 have children under the age six and
24 1.6 million of these homes have
25 low-income families with children under

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2 six, the population most at risk; that
3 is, low-income families.

4 (Stenographer stops recording
5 testimony, indicating to committee
6 members that witness is speaking at an
7 untenable rate of speed.)

8 COUNCILWOMAN SANCHEZ: Excuse
9 me.

10 MS. MALONE: Sorry?

11 COUNCILWOMAN SANCHEZ: Are we
12 going to have that testimony in writing?
13 The stenographer is --

14 MS. MALONE: Oh, don't you have
15 it?

16 STENOGRAPHER: I do, but you're
17 reading so fast that I can't keep up with
18 your testimony.

19 MS. MALONE: I'm sorry. I'm
20 just aware of how much time we've taken,
21 so I'm just trying to get through this.

22 COUNCILWOMAN SANCHEZ: We'll
23 put the entire testimony on the record.

24 MS. MALONE: Okay.

25 COUNCILWOMAN SANCHEZ: So if

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2 you want to summarize.

3 MS. MALONE: Actually, I was
4 just getting to the (indiscernible) part,
5 which is -- I will read it more slowly.

6 The actual cost data show that
7 lead hazard control is affordable and
8 does not disrupt the housing market. The
9 bill requires repair of lead hazards.
10 The most common form of hazards is
11 deteriorated paint and the resultant lead
12 dust.

13 Since peeling paint is already
14 prohibited in the housing code, it's fair
15 to only count as the new cost the
16 incremental cost of working safely and
17 obtaining the clearance report. In other
18 words, the -- as Colleen and others have
19 said, the problem of deteriorated paint
20 is a code violation that should be
21 corrected under the current code and
22 under most codes of the United States.

23 The issue at hand in terms of
24 cost, which should be discussed here, is
25 the incremental cost of working safely

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2 and the testing.

3 New federal rules require use
4 of lead-safe work practices during work
5 inspired by any purpose; that is, they
6 require lead-safe work practices when
7 someone is going about the business of
8 repairing lead paint, because they think
9 there's lead or they know there's lead in
10 it. And it goes with -- the same
11 practices are also required for any
12 repair or painting job in the U.S.

13 This rule, I'd just like to
14 clarify, was promulgated -- as a final
15 rule, was published in 2008, and there
16 was a two-year run up to the effective
17 date. So there were two years where kind
18 of we all knew what was going to be
19 required before it was actually in
20 effect. And the rule has now been in
21 effect for 14 months, since April of
22 2010.

23 That rule is basically ensuring
24 that cleanup, repair work, painting work,
25 whatever it is, that work must be done

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2 safely. That rule does not address
3 extant hazards in the home environment.

4 COUNCILWOMAN BROWN: Repeat
5 that last statement. The rule does not
6 address...

7 MS. MALONE: Existing hazards
8 in the home environment.

9 So if someone is paid to come
10 in and do work in your home, and your
11 home is pre-'78 and it's more than six
12 square feet of work, then the rule is in
13 effect to make sure that work doesn't
14 make new hazards.

15 The rule does not also require
16 the repair of existing hazards. So if
17 you have deteriorated paint all over your
18 walls and in your window sills and
19 wherever, that rule, the RRP rule, does
20 not cover fixing that. And that's why
21 the proposed bill is so important,
22 because it's not dealing with existing
23 hazards but, rather, with how one does
24 some renovation or painting work.

25 Some property owners -- and not

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2 here, I would say, alone -- have wildly
3 overstated the cost of controlling lead
4 hazards and related expenses. The best
5 sorts of data on true cost comes from
6 HUD.

7 HUD, the U.S. Department of
8 Housing and Urban Development, issued a
9 regulation to address exposures from
10 deteriorated paint in federally-assisted
11 housing such as Section 8 housing.

12 The economic analysis estimated
13 the cost of making these units lead-safe
14 was between \$107 and \$523, depending on
15 the age of the housing unit, which, of
16 course, is an indicator of the likelihood
17 of the presence of lead paint.

18 This includes the cost of paint
19 stabilization, follow-up maintenance,
20 cleanup, and clearance-testing. The
21 regulation was issued in 1999 and had a
22 one-year phase-in period and took full
23 effect finally in 2001.

24 The experience with the HUD
25 regulations shows that hazard repair and

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2 lead-safe work practices are feasible and
3 effective.

4 More recently, the EPA
5 estimated the incremental cost of
6 adhering to lead-safe work practices for
7 its RRP rule, the renovation, remodeling,
8 and painting rule, during rehab was an
9 average of \$35 per project. That's \$35
10 across a number of projects, so there
11 might be some very small projects in that
12 pool from the economic analysis and also
13 some very big ones.

14 But, again, we're talking
15 incremental cost. How much does it cost
16 to work safely, clean up after, and make
17 sure you don't leave dust hazards behind.
18 That's not what this \$35 is. It's not
19 the whole amount of renovation costs that
20 might be involved in a project but,
21 rather, the incremental cost of
22 compliance with the rule, and that's
23 spread over the course of a year, and the
24 variety of jobs that an individual job
25 might encounter.

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2 The economic benefits of the
3 HUD regulation were estimated to be a
4 minimum of 1.1 billion, yielding a net
5 benefit of at least 80 or 90 million in
6 the first year alone.

7 It's worth noting that the U.S.
8 Office of Management and Budget, the
9 infamous OMB, approved the economic
10 analysis accompanying both the HUD and
11 EPA regulations. In a more recent
12 analysis, our organization showed the net
13 benefits over a ten-year period were at
14 least \$67 billion.

15 The evidence in unsafe
16 practices during maintenance and housing
17 rehab, renovation, repair, and painting
18 activities caused lead poisoning is
19 overwhelming. NCHH and others have
20 reviewed this extensive evidence based on
21 earlier testimony for EPA.

22 When these unsafe practices are
23 permitted, the cost of cleaning up a
24 single house to get rid of that lead dust
25 and everything that's emitted by sloppy

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2 work is nearly \$200,000. So in addition
3 to the ill effects of child, which, of
4 course, you can't put any price on, we're
5 also talking about what's involved in
6 cleaning up if we allow a mess to be made
7 by not following safe work practices or,
8 for example, not passing clearance. The
9 cost of doing the work itself safely is a
10 tiny fraction of that cleanup cost.

11 The bill's requirement for
12 clearance-testing is essential to ensure
13 no hazards are left behind. Without
14 dust-testing, homes that have other lead
15 hazards will contain high levels of lead
16 dust, which is not necessarily visible to
17 the naked eye. The absence of dust-
18 testing places children at unnecessary
19 risk.

20 Recently, our organization,
21 National Center for Healthy Housing,
22 worked with the National Association of
23 Home Builders to once again prove that
24 uncontrolled methods of paint removal in
25 housing renovation result in very high

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2 dust levels. The evidence is clear:
3 Renovation, repair, and painting can
4 produce high dust levels, so checking for
5 hazards is essential.

6 We've heard in other cities
7 considering requiring keeping a home
8 lead-safe and then screening to make sure
9 that the claims that these measures will
10 bring economic ruination on property
11 owners or reduce the supply of housing or
12 warrant rent increases that these claims
13 are simply not supported by any data.
14 There has not been one study documenting
15 property abandonment or decreased
16 affordability.

17 Lead-hazard management does
18 cost money, like any other element of
19 property maintenance, but peeling paint,
20 windows in disrepair, leaks that cause
21 paint to peel, these are already
22 addressed by the code. The ill
23 affordability of housing, vacancy, and
24 abandonment are influenced by much larger
25 market forces.

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2 The federal renovation rule in
3 effect for 14 months now was announced by
4 EPA in 2008. These rules affect every
5 painting and repair job in the U.S. The
6 ramp-up to implementation has been fitful
7 but effective.

8 As of the end of April of 2011,
9 560,000 persons have been trained, more
10 than half a million persons in the United
11 States have been trained, which is more
12 than twice the number that was expected
13 by EPA at that time. So people are
14 coming forward and getting themselves
15 trained.

16 There was a study by AAG for
17 HAPCO that claimed there were only nine
18 firms doing renovation work around here.
19 That conflicts with some other data that
20 I'm aware of. As of March, 24,000 people
21 and 5600 firms were certified to do
22 renovation work in Pennsylvania. And
23 there are 570 renovation firms, certified
24 renovation firms, within ten miles of
25 City Hall.

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2 So there are issue with
3 entities not being aware of the
4 requirements, and there's also going to
5 be some level of noncompliance, not
6 following through. There are a lot of
7 folks who have stepped forward to respond
8 to these new requirements and comply.

9 Just a couple other issues I
10 want to address, and I'm sure others
11 should too. One is about this sort of
12 set of choices around if we were to draw
13 the line of who's living in the house now
14 as a determinant for whether or not the
15 house would be made and kept lead-safe.

16 You know, it's really important
17 to think about that as the full
18 continuum. In addition to the child
19 occupying the house now, as has already
20 been said, there are children visiting
21 their families, visiting.

22 There are also all kinds of
23 informal daycare arrangements going on
24 out there. And there's all kinds of, you
25 know, relationships that go -- you know,

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2 just go beyond the family and child-care
3 relationship, that are going to cause a
4 child who doesn't live in the home to
5 enter that home environment.

6 Pregnant women are also -- I
7 should note that one of the differences
8 between D.C. and Philadelphia is that the
9 bill proposed for Philadelphia and what
10 we have in D.C. is that that rule
11 presently is restricted to the turnover
12 requirements, specifically not the entire
13 set of lead-safe requirements.

14 COUNCILWOMAN BROWN: Is
15 restricted to what now?

16 MS. MALONE: Is restricted --
17 the turnover requirement is limited to
18 households that have a child present or a
19 pregnant woman present. And it's really
20 important to look at the pregnant woman,
21 as Dr. Campbell was saying.

22 You know, we know that lead
23 crosses the placenta.

24 COUNCILWOMAN BROWN: Mm-hmm.

25 MS. MALONE: And it can cross

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2 both ways. What that means is that a
3 woman who is exposed to lead and then
4 becomes pregnant later, she's got that
5 lead store in her bones that can
6 influence that child. And once she's
7 pregnant, basically, that lead already in
8 her body can influence her -- influence
9 what happens to her child.

10 So, therefore, arguably, one
11 would need to really consider the
12 universe of people at risk as families
13 with women of childbearing age. You
14 know, it's not just women who are
15 pregnant today --

16 COUNCILWOMAN BROWN: Sure.

17 MS. MALONE: -- but any woman,
18 because she might become pregnant next
19 week. It's women of childbearing ages.
20 You know, arguably, we need to protect
21 her because her child will be as
22 influenced if the child is a year old
23 and, you know, crawling around on the
24 floor, or if she's pregnant.

25 It's just really important to

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2 not narrow ourselves to look at who's
3 sleeping in the unit at this given time.

4 And a couple of other
5 differences. In the D.C. rule, we don't
6 have quite the explicit remedies for
7 tenants, and I think that's a really
8 important feature of the bill you're
9 looking at, specifically, you know, that
10 there is the ability to have a private
11 right of action, but there's not spelled
12 out some of the protections that are
13 proposed here, and we'd really like to
14 see that kind of thing in our local law
15 as well.

16 Also, another difference is
17 that the City is not -- that the district
18 government is not receiving the
19 notifications by the property owners.
20 And I think that the other differences
21 have been mentioned.

22 COUNCILWOMAN BROWN: The
23 district government is not receiving
24 notifications by the property owners?

25 MS. MALONE: Yes.

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2 COUNCILWOMAN BROWN: That a
3 property is affected with lead?

4 MS. MALONE: The notification
5 that the tenant -- certification, I'm
6 sorry, that the tenant has been provided
7 with the clearance report.

8 COUNCILWOMAN BROWN: To rent
9 it.

10 MS. MALONE: Yes, the incoming
11 tenant, yes.

12 But I understand that there's
13 discussion about streamlining that a
14 little here to add it to some existing
15 form or something, so that will be not
16 burdensome at all, it sounds like.

17 So that concludes my comments.

18 COUNCILWOMAN BROWN: Well,
19 thank you.

20 Are you working in any other
21 municipalities, assisting any other
22 municipalities with this type of
23 initiative?

24 MS. MALONE: Presently, you
25 know, we have a number of staff at the

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2 center, and I don't know everybody is
3 working on.

4 I'm personally involved with
5 our efforts with the city of Cincinnati
6 to strengthen their approach. Similar to
7 Philadelphia, Cincinnati has had
8 historically a prohibition on paint,
9 which is, you know, such a universal
10 policy --

11 COUNCILWOMAN BROWN: Mm-hmm.

12 MS. MALONE: -- that not
13 enough -- it basically doesn't get
14 enforced. So they're looking at right-
15 sizing their response and looking at
16 initiatives like this.

17 COUNCILWOMAN BROWN: Like this
18 one that we're working on?

19 MS. MALONE: Yes, mm-hmm.

20 COUNCILWOMAN BROWN: Anywhere
21 else?

22 MS. MALONE: Um...

23 COUNCILWOMAN BROWN: I'm just
24 curious to know what's happening. There
25 are typically teaching opportunities for

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2 those of us who are going down the road
3 to learn what other municipalities have
4 done, or are doing, successfully on the
5 same issue.

6 MS. MALONE: Yes. Well, there
7 are -- George mentioned several that have
8 already done this. I think you're
9 talking about prospectively, who might be
10 doing something in the future. In the
11 past, a good number of places have done
12 something.

13 New Jersey has a state law for
14 rental properties that, I'm sure,
15 advocates here have looked at, so I'm
16 just not familiar with all the research
17 that was done.

18 But that's a requirement that
19 includes a -- there's a clearance
20 requirement in that provision, and I
21 think it's sort of the same structure as
22 you have here, which is requiring
23 upfront, you know, repair of any lead
24 hazards and using lead-safe work
25 practices.

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2 COUNCILWOMAN BROWN: Mm-hmm.

3 MS. MALONE: Vermont has a
4 requirement for turnover that's somewhat
5 similar to what you're looking at here as
6 well. Um...

7 COUNCILWOMAN BROWN: Elaborate
8 on that. When you say "turnover," is
9 that referencing Councilwoman Tasco's
10 question, which was every -- if
11 someone -- every two years, the landlord
12 should have it tested, even if -- when
13 it's turned over to a new tenant every
14 year or every two years, it should be
15 retested. Is that what you're
16 referencing?

17 MS. MALONE: Vermont does not
18 have a testing requirement at that
19 frequency, no. There's a -- but the
20 requirement that when the property turns
21 over is the part I was talking about.

22 I'm trying to remember. You
23 know, New York City has a pretty
24 extensive requirement. I saw some
25 testimony earlier that I think may have

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2 reported on an old version of the New
3 York City law. I think it's more
4 comprehensive now than what was in
5 someone's statement.

6 COUNCILWOMAN BROWN: Is that
7 right?

8 MS. MALONE: Yeah.

9 COUNCILWOMAN BROWN: So are you
10 suggesting that New York is ahead of
11 Philadelphia in this regard?

12 MS. MALONE: Does it -- sorry?

13 COUNCILWOMAN BROWN: New York
14 is ahead of Philadelphia in this regard?

15 MS. MALONE: Yes. Oh, yes.

16 COUNCILWOMAN BROWN: But the
17 one major --

18 MS. MALONE: Rochester --

19 COUNCILWOMAN BROWN: Another
20 major difference -- Rochester, New York.

21 MS. MALONE: Yes, Rochester,
22 New York.

23 COUNCILWOMAN BROWN: There's a
24 major difference. I heard, based on your
25 testimony -- and this is not unusual,

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2 because so often, it depends upon who you
3 are talking to, that the cost average
4 with regards to remediation differs from
5 the cost average by the Landlord
6 Association.

7 MS. MALONE: Yes. I'd like to
8 just comment on that. A lot of the data
9 collected over the years was collected by
10 people who were, you know, sort of
11 following a certain set of procedures,
12 and that's how they constructed their
13 cost estimate.

14 COUNCILWOMAN BROWN: Mm-hmm.

15 MS. MALONE: So a key
16 difference, as far as I'm concerned here
17 today, is that -- just within
18 Philadelphia, I'll talk for a second.

19 COUNCILWOMAN BROWN: Please.

20 MS. MALONE: You know, you have
21 historically lead-abatement jobs which
22 require a lead-abatement contractor,
23 often government money was involved. You
24 know, there are certain things that kind
25 of can inflate the price of work.

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2 But, you know, what you have
3 here is, you know, everybody has to
4 comply with the new federal RRP rule no
5 matter what they're doing; that's
6 actually not up to -- that's not a
7 condition of this bill.

8 COUNCILWOMAN BROWN: Right.

9 MS. MALONE: You know, that's
10 going to have to happen anyway.

11 So if you -- if it's understood
12 that anybody who's renting out a pre-'78
13 property that has problems such as
14 peeling paint, they're going to have that
15 compliance covered already. So you
16 can't -- it's not fair to then count that
17 compliance again as a condition for
18 compliance for this, if you know what I'm
19 saying.

20 COUNCILWOMAN BROWN: Okay.

21 MS. MALONE: So just doing the
22 math, you know, if an abatement job used
23 to cost 8,000 or 10,000 or whatever, and
24 then there's another job that someone
25 calls interim controls, which is a

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2 special term that's abatement but not
3 quite abatement --

4 COUNCILWOMAN BROWN: Mm-hmm.

5 MS. MALONE: -- that interim
6 control job, which required certain
7 specific things, you know, change out the
8 window, do this, do that, that could also
9 have a higher cost.

10 But a simple requirement to
11 make sure that there aren't lead hazards
12 without you have to use an abatement
13 contractor without -- there's a certain
14 way that you are, I think, in this bill
15 helping to reduce the cost -- or minimize
16 the cost, I should say, not reduce it.

17 By saying, you know, Do
18 whatever you need to do, whatever it
19 takes, to get rid of the lead hazards and
20 be able to pass a clearance test, that is
21 a -- to me, that's sort of an advanced
22 standard. That's we've sort of made some
23 mistakes along the way in terms of
24 over-specializing this lead business.

25 COUNCILWOMAN BROWN: Uh-huh.

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2 MS. MALONE: And it's really an
3 enlightened approach saying, you know, Do
4 whatever it takes to achieve clearance,
5 you know, working safely, working within
6 the confines of the RRP rule, of course.

7 But at the end of the day, the
8 dust test is, you know, the best
9 scientific measure you can have to show
10 that, you know --

11 (Indiscernible; parties talking
12 over each other.)

13 COUNCILWOMAN BROWN: ... you're
14 going to a place of lead-safe.

15 MS. MALONE: Lead-safe, yes.

16 COUNCILWOMAN BROWN: Okay. My
17 final question is, you state in your
18 testimony -- there's so many valuable
19 parts -- the training, the number of
20 persons trained, the last page of your
21 testimony, last paragraph.

22 MS. MALONE: Mm-hmm.

23 COUNCILWOMAN BROWN: Here
24 you're talking about the persons who
25 actually do the work?

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2 MS. MALONE: Yes.

3 COUNCILWOMAN BROWN: Okay.

4 MS. MALONE: I should caution
5 you that, unfortunately, one of the --
6 from my perspective, one of the
7 weaknesses of the federal rule is that
8 not everybody on the job necessarily gets
9 that training. They're only needs to be
10 a supervisor or another person.

11 But if you've got a crew, the
12 feds aren't requiring everybody be
13 trained. That would be something I would
14 consider as, you know, kind of an
15 improvement one could make in the local
16 law.

17 COUNCILWOMAN BROWN: Mm-hmm,
18 okay.

19 Anyone else? Okay.

20 So we have one more panel,
21 based on my record here.

22 I thank you all for your
23 testimony. It's been quite few
24 comprehensive. And unless you're a
25 sponge from another planet, you didn't

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2 take it all in because there are so many
3 facts.

4 Panel number four, and our last
5 panel:

6 James White, Philadelphia
7 Association of CDCs, or a representative;

8 Stanley Daniel, Realtor and
9 Real Estate Investor;

10 Alan Krigman, KRF Management;

11 Justin Moore, New City

12 Investment Solutions, LLC.

13 Please move to the witness
14 table.

15 (Witnesses come forward.)

16 COUNCILWOMAN BROWN: Good
17 afternoon.

18 MR. KRIGMAN: Good afternoon.

19 COUNCILWOMAN BROWN: Okay,
20 then. Mr. James White I don't see.
21 However, is there anyone here to speak on
22 behalf of the Philadelphia Association of
23 CDCs?

24 (No response.)

25 COUNCILWOMAN BROWN: Okay. Let

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2 me just state for the record that there
3 is actually testimony here, and I
4 actually have a couple questions based on
5 this testimony, so I won't be able to get
6 to that at this hour.

7 So then let's please move to
8 Stanley Daniel, Realtor and Real Estate
9 Investigator.

10 MR. DANIEL: Good afternoon.

11 COUNCILWOMAN BROWN: Good
12 afternoon, Mr. Daniel.

13 MR. DANIEL: Distinguished
14 members of City Council, thank you for
15 giving me the opportunity to testify this
16 afternoon. My name is Stanley Daniel.
17 I'm a real estate investor, realtor,
18 property manager, rehabber, landlord, and
19 property owner in the great City of
20 Philadelphia. I'm also a member of DIG
21 and HAPCO.

22 I have prepared comments this
23 afternoon, but I'd first like to
24 straighten the record on some of the
25 comments made by prior people that had

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2 testified.

3 I heard numbers that it costs
4 about \$450 for an inspection and about
5 \$1500 on the average to take care of a
6 lead problem in a rental unit. Those
7 numbers are way, way, way low, all right?

8 There was a mention that there
9 is -- some people said that there's a
10 shortage of renovating contractors. The
11 young lady that just sat right where I'm
12 sitting said that there's so many
13 registered in the State of Pennsylvania.
14 It's the old case of "figures don't lie,
15 but liars can figure," all right?

16 I do not know a screwdriver
17 from a paint brush, but I'm a LEED-
18 certified renovator, okay?

19 Realtors, people in our
20 industry, have taken the course, who are
21 not contractors. So the number of people
22 that have passed the certification and
23 the number of contractors out there that
24 can do the work, there's a big, big
25 difference in those numbers.

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2 If you had to pick up the
3 Yellow Pages and find a contractor who
4 could come in and do a lead-renovation
5 job, and if you had two hours' time to do
6 it, I bet you you couldn't find a
7 competent contractor to do it in a
8 two-hour period.

9 Only 5 percent of the people in
10 the City of Philadelphia who advertise
11 themselves as contractors even have
12 proper insurance and a contractor's
13 license.

14 Now, I'm not a contractor, but
15 I went through the renovation training.
16 Here are the facts:

17 If you go out to do a properly
18 done lead-renovation job, all right, your
19 men are working in work outfits that
20 protect them from the lead, all right?

21 Anybody who does any kind of
22 physical work, wearing coveralls and
23 things of that sort, their productivity
24 is considerably lower. Every time that
25 employee, for example, has to leave the

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2 work area, which is a contained area
3 closed off with tarps and everything to
4 keep the lead dust under control, when he
5 has to go to the bathroom, for example,
6 he has to leave there, he has to take off
7 his uniform, do what he has to do, put
8 another uniform on, and go back in.
9 Wasted time.

10 And all that -- anything that
11 has been in the containment area has to
12 get thrown away.

13 If a contractor comes out to do
14 a minimal, a minimal lead-renovation job,
15 he has 4 or \$500 worth of materials that
16 are thrown in the trash: his overalls,
17 tape, barricade, things that say it's a
18 renovation area.

19 So a lot of people here are
20 talking about things that they are
21 totally clueless about and are looking at
22 numbers without really understanding
23 what's involved.

24 If a contractor has to come out
25 and just set up what's necessary, the

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2 barricades, just do what's necessary to
3 comply with the EPA regulations on a
4 proper way to do lead renovation, all
5 right, without even doing any work,
6 you're talking \$1500 to \$2,000 because
7 the expenses involved.

8 So the numbers that I heard
9 here of the minimal costs are numbers
10 from people who don't have a clue about
11 what they're talking about.

12 All right, there was a comment
13 by Darryl Zaslow, the HAPCO legal
14 representative. I agree with him a
15 hundred percent, all right?

16 The burden of this law is
17 falling on landlords. It shouldn't; it
18 should fall on the people that have
19 responsibility. Tax the paint companies.
20 That sounds like a terrific, terrific
21 idea.

22 Now, a gentleman sat here a few
23 minutes ago, an attorney on the left
24 here, and came up with a figure that the
25 cities that already have lead renovation

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2 laws, everything is fine there, okay?

3 Well, I don't know what statistics he's

4 looking at, okay?

5 I can only see three ways of
6 measuring the effects of the law once
7 it's in place. You can measure, number
8 one, has there been a decline in lead
9 poisoning cases? Obviously, yes, there
10 has been a decline, okay?

11 But the other effects, okay?
12 What happened to the real estate market?
13 I can tell you that in every one of these
14 locations, the number of rental units has
15 gone down, and the rents have gone up.

16 My wife's sister, my
17 sister-in-law, lives in a city that has
18 lead-renovation laws. Her house is in
19 foreclosure. She and her husband cannot
20 rent a one-bedroom apartment in a lousy
21 part of town for \$1500 a month. That's
22 what happens when you put the burden of
23 this on landlords.

24 For \$1500 a month, a
25 one-bedroom apartment you could rent

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2 practically anyplace in the City of
3 Philadelphia, including downtown, all
4 right?

5 I am a father, I am a
6 grandfather. I understand what's
7 involved with the safety of children. A
8 young lady sat right here; her
9 five-year-old son had lead poisoning; I
10 sympathize with her. Something has to be
11 done about it.

12 But the way City Council is
13 trying to do it is, you're putting the
14 entire burden on landlords. Everybody
15 thinks that when you're talking money,
16 landlords are rolling in money.
17 Landlords are not rolling in money.
18 Landlords are businesspeople like anybody
19 else. In the City of Philadelphia,
20 they're paying City wage taxes and
21 everything else, all right?

22 The burden of this should not
23 be on the shoulders of the landlord.

24 Yes, something has to be done
25 to protect our children, but you're going

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2 about it the wrong way, all right?

3 Right now, today, as I sit
4 here, there's a shortage of affordable
5 housing in Philadelphia. I do business
6 solely in the City of Philadelphia. I
7 rent units as a property manager and as a
8 landlord in the \$500-a-month range.

9 Now, you can't rent anything
10 cheaper than \$500, so I'm appealing to
11 the lower end of what tenants can afford,
12 okay? I get 25 to 40 calls a day when I
13 put an ad in the Inquirer for a unit at
14 \$500, okay? And, obviously, it's rented
15 fast.

16 And half the people who call
17 will say, "Do you have anything else?"
18 They can't find affordable, clean, safe
19 housing in the City of Philadelphia, all
20 right?

21 If the law, the way it's set up
22 now, is passed, we're going to be sitting
23 here a year from now, with people
24 complaining, "I can't find rental units.
25 we have to do something."

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2 Thank you very much.

3 COUNCILWOMAN BROWN: Thank you
4 for your testimony and for just being
5 here today to share with us your
6 perspective on this important issue.

7 Are you a member of HAPCO?

8 MR. DANIEL: Yes, I'm a member
9 of HAPCO, DIG, and SJI, the three local
10 real-estate groups in the Philadelphia
11 area.

12 COUNCILWOMAN BROWN: Okay.

13 Have you ever had an instance of -- how
14 many units do you own?

15 MR. DANIEL: I own as rental
16 units ten units, and I manage a dozen
17 units.

18 COUNCILWOMAN BROWN: I see.

19 Have you ever had the experience of
20 having a tenant infected with lead?

21 MR. DANIEL: No, no, no, I
22 never have, but I'm not a slum landlord
23 either.

24 Look, the problem exists;
25 there's no question about the problem

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2 existing. It just -- you know, you're
3 going to take care of one problem and
4 cause another problem.

5 COUNCILWOMAN BROWN: Mm-hmm.

6 You also mentioned the enormous costs
7 that come with making a unit -- or
8 abating a unit, and that you believe that
9 the testimony presented by others does
10 not adequately capture all of the costs
11 that come with abating a unit; is that
12 fair to say, in terms of representation
13 of your testimony?

14 MR. DANIEL: Yes, yes. And

15 everybody's talking expenses, okay?

16 Nobody even mentioned the fact that you
17 now have a unit that's vacant for another
18 month or two months.

19 COUNCILWOMAN BROWN: Mm-hmm.

20 MR. DANIEL: Okay? Yes, you're

21 spending money to take care of what has
22 to be done, okay? But these things
23 also -- you have a tenant, an inspection
24 comes, it may or may not cost money to
25 take care of a problem, but now the

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2 unit's not rented for another month --

3 COUNCILWOMAN BROWN: I see.

4 MR. DANIEL: -- and maybe you
5 lose a tenant.

6 COUNCILWOMAN BROWN: I see.

7 MR. DANIEL: -- because they
8 can't wait.

9 COUNCILWOMAN BROWN: I see.

10 Okay. All right, then. That takes care
11 of -- are you going to submit written
12 testimony just so that we have it going
13 forward, or shall we just count on the
14 testimony given on the record?

15 MR. DANIEL: I will be glad to
16 resubmit it, but what I said here is
17 different from what I wrote down.

18 COUNCILWOMAN BROWN: No
19 problem.

20 MR. DANIEL: What I said today
21 was mostly my comments on what has --

22 COUNCILWOMAN BROWN: We heard.
23 Thank you very much.

24 MR. DANIEL: I'll be more than
25 glad to get you a written copy.

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2 COUNCILWOMAN BROWN: Last
3 question. You are a LEED-certified
4 renovator?

5 MR. DANIEL: Yes.

6 COUNCILWOMAN BROWN: And based
7 on your knowledge base, in the City of
8 Philadelphia, there only about 5 percent
9 of contractors who are actually
10 certified.

11 MR. DANIEL: No, no.

12 COUNCILWOMAN BROWN: Okay,
13 that's wrong.

14 MR. DANIEL: What I said is, if
15 you had to find a contractor to do a job,
16 just to find a contractor who is properly
17 licensed and insured -- forget about the
18 lead renovation.

19 COUNCILWOMAN BROWN: Yes.

20 MR. DANIEL: Just to be
21 properly licensed and insured is very,
22 very difficult. Plumbers and
23 electricians and painters, they're not.
24 And then to find one that is actually a
25 lead -- is trained to be a lead

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2 renovator, they're very, very hard to
3 find.

4 A lot of the people that have
5 taken the courses were people like me, to
6 learn about it, to be educated about it.
7 They're not contractors.

8 COUNCILWOMAN BROWN: Okay.

9 MR. DANIEL: I'm in the
10 business. If I had to find a contractor
11 to do a lead-renovation job, I probably
12 couldn't find one in 24 hours.

13 COUNCILWOMAN BROWN: I see.

14 MR. DANIEL: And I'm in the
15 business.

16 COUNCILWOMAN BROWN: I see.

17 And the course that you took was hosted
18 by whom or given by whom?

19 MR. DANIEL: It was hosted by
20 HAPCO, and they brought in expert --

21 COUNCILWOMAN BROWN: A
22 professional.

23 MR. DANIEL: -- that does it,
24 yes.

25 COUNCILWOMAN BROWN: Okay,

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2 then. Thank you very much for your
3 testimony.

4 MR. DANIEL: Thank you very
5 much for your patience.

6 COUNCILWOMAN BROWN: You're
7 very welcome.

8 MR. DANIEL: And if I was a
9 little, uh, uh...

10 COUNCILWOMAN BROWN: Passion is
11 important.

12 MR. DANIEL: I apologize.

13 COUNCILWOMAN BROWN: Advocacy
14 has its place.

15 MR. DANIEL: Okay, thank you.

16 COUNCILWOMAN BROWN: It's the
17 business we're in, okay?

18 Please, good afternoon.

19 MR. SEWARD: Good afternoon.
20 My name slipped through the crack. I
21 registered last week, and I asked this
22 morning, was it there? And they said no.

23 COUNCILWOMAN BROWN: What's
24 your name again, sir?

25 MR. SEWARD: My name's Willie

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2 Seward.

3 COUNCILWOMAN BROWN: Okay.

4 MR. SEWARD: I'm a

5 Pennsylvania-licensed real-estate broker
6 for more than 40 years. I'm a certified
7 residential manager, and some of my
8 experiences, I've managed more than 500
9 scattered sites for HUD, I've managed a
10 50-unit apartment Section 8 complex for
11 HUD, and I managed private-owned
12 scattered sites in the City as of this
13 date.

14 I've been located one block
15 from 22nd and Lehigh for all of these
16 years. As you probably know, the
17 neighborhood is in North Philadelphia and
18 is made up of low-income residents.

19 Some of the tenants in the
20 low-income neighborhoods, as you have
21 heard, pay 40 to 50 percent and more for
22 their household expense.

23 But, I'm sorry to say, in
24 today's market, the tenants need
25 training. Today's tenants are not the

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2 20-, 30-year tenant. They have children.

3 The tenants don't know how to clean, and

4 the children naturally don't know how to

5 clean the house.

6 I believe this bill was written

7 with good intent, to protect children

8 from lead poisoning. I don't think that

9 there's anyone under the sound of my

10 voice that would want to see a child with

11 lead paint.

12 The landlords in most of these

13 low-income neighborhoods are mom-and-pop

14 landlord that inherited the properties

15 from their parents or grandparents and

16 not the rich absentee landlord that some

17 of you may think.

18 And, by the way, these are your

19 voters, too. These are the people that,

20 you know how it is, when you running for

21 election and you have a problem, see me

22 and I'll help you solve it.

23 Ladies and gentlemen of this

24 committee, I'm here to tell you, they are

25 barely, barely making it. They already

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2 have seen fit to pass this bill as it is
3 written, but you'll create a problem that
4 your voter will be unable to solve.

5 I'd like to know how these
6 landlords are going to be able to pay to
7 get certified lead-paint inspectors to
8 inspect the properties. They don't have
9 the money, banks won't lend them the
10 money; and, therefore, they cannot get a
11 loan.

12 All of us know that the
13 projects that we're talking about was
14 built prior to 1978 and, therefore, may
15 contain lead-based paint.

16 And here we go. I believe a
17 the Health Department said that paint
18 must be removed after being tested if
19 there's a certain lead reading. You've
20 heard the cost of the removal of the
21 paint to make it lead-based-free: 10,
22 20, \$40,000 and up. And the banks are
23 not lending the money.

24 That means, whether we agree or
25 not, that, in a lot of cases, it costs

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2 more than the house is worth. And the
3 owner can't afford to pay to remove the
4 paint. So what happens?

5 That means that you have caused
6 more properties to become vacant and
7 vandalized and will never be on the
8 market again, and no more tax.

9 Does the good here outweigh the
10 bad? I don't think so. I don't think
11 that the good this bill would do is more
12 than what the damage will be done.

13 I would like to know what
14 happens to a homeowner with lead paint
15 that lives next door to a rented
16 property, and the children are in and out
17 of each other's houses. I think it was
18 said here today that, you know, we're
19 talking about one thousand cases, we're
20 talking about 45 percent homeowners, 55
21 percent tenants.

22 That means we have 450 of these
23 thousands that they keep crying about,
24 and I don't mean it in a bad way, that
25 came from the homeowner, not the thousand

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2 that it may sound like. So if you take
3 45 percent homeowners from 55 percent
4 tenants, then that mean it's only 550
5 that we have.

6 The EPA, as you just heard, is
7 enforcing a very strict and costly bill;
8 you've heard that. The properties are
9 being remodeled for rent, and I believe
10 you have been told the process and the
11 cost.

12 I heard here today that the
13 property didn't meet what you want even
14 behind EPA. When you finish wiping and
15 cleaning and making it smooth, clean, and
16 tight, that property is lead-safe.

17 Now, your bill is still asking
18 to spend more money. That's -- let us be
19 for real. You will never see one hundred
20 percent lead-free properties in the City
21 of Philadelphia, you will never see one
22 hundred percent.

23 COUNCILWOMAN BROWN: We can
24 remain forever optimistic and work in
25 that direction.

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2 MR. SEWARD: Beg your pardon?

3 But maybe we can ease the main.

4 Education.

5 What good does it do spend
6 money following certain EPA regulations
7 and finally do not know how to maintain
8 the property. And, believe me, it's a
9 lot of them.

10 The young lady testified, and I
11 feel for the situation with the son, that
12 she would have been -- had known, been
13 educated on what to look for, she would
14 have never moved in the property.

15 I'm here to tell you that it
16 would do more good to amend the bill,
17 allowing the landlord to rent a unit to a
18 family that have a certificate of
19 counseling, without the cost of
20 inspection, because the tenant will know
21 what to look for, know how to clean, and
22 that would lower the possibility of the
23 child getting lead poisoning.

24 But tenants can get free
25 home-buying and free rental counseling

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2 from HUD-approved counseling agencies.

3 There are agencies that would be glad to
4 do the counseling, and the agencies are
5 free of charge.

6 Number two. Allow the
7 inspection to be visible, the inspection.
8 The cost of inspection will be much
9 lighter.

10 Exempt the properties that was
11 built since 1978 and total rehabs.

12 I recommend that this bill be
13 tabled for further study.

14 The tenant will win because
15 there will be more units for rent. The
16 landlord will win, not to have abandoned
17 the property. The City will win because
18 the landlord will still pay taxes on the
19 property.

20 Ladies and gentlemen, thank you
21 for your time. And I hope you will --
22 thank you for your time and that you will
23 think about the bill.

24 COUNCILWOMAN BROWN: Thank you
25 for your attention to this matter.

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2 Any questions from members of
3 the committee?

4 (No questions.)

5 COUNCILWOMAN BROWN: Do you
6 have written testimony, Mr. Seward? You
7 do? Okay, then, 'cause I want to be able
8 to read this again. And so, the last
9 name is Seward.

10 MR. SEWARD: Seward.

11 COUNCILWOMAN BROWN: Okay.
12 That's why written testimony helps.
13 Okay, then. Thank you for your remarks.

14 Sir? Alan Krigman, is that the
15 correct pronunciation of your name?

16 MR. KRIGMAN: I'm Alan Krigman.
17 I am a member of HAPCO. I'm here
18 representing myself and what I know, not
19 as a representative of that organization.

20 I had prepared a presentation,
21 but so much has been said, and you don't
22 have to hear the same thing over and over
23 again.

24 I would like to make some
25 comments about what we've heard and what

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2 we haven't heard.

3 The Health Department and
4 others who advocate the bill have been
5 very clear about the fact that this
6 problem is not only in decline in the
7 United States but has been in strong
8 decline in the City of Philadelphia with
9 the rules that we already have.

10 And, in fact, the Public
11 Citizens for Children and Youth, in 2008,
12 was commissioned by the City of
13 Philadelphia's Health Department to study
14 this issue, and they concluded the
15 following, based on the Lead Court and
16 the associated procedures, and I quote:

17 "This approach has been a
18 phenomenal success," their words, "a
19 prime example of how a confluence of
20 forces inside and outside government,
21 along with a commitment and
22 collaboration, can bring about powerful,
23 effective system change to benefit the
24 public good, and should be celebrated and
25 replicated for the sake of children

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2 everywhere."

3 That's what they said about the
4 way the system now stands based on the
5 Lead Court, the procedures for testing
6 children, and what's already written in
7 the City code.

8 You also heard somebody from
9 the Health Department talk about low
10 levels of lead causing irreversible
11 damage. Well, what's a low level of
12 lead? Nobody mentioned any numbers.

13 The fact is that the Centers
14 for Disease Control -- I got to flip
15 through and find this stuff. The Centers
16 for Disease Control says that if children
17 are tested at a level on a spike of 20
18 micrograms of lead per deciliter of
19 blood, whatever that means -- just
20 remember the number 20 -- this is not in
21 and of itself hazardous.

22 This is, though, appropriate
23 for use as a trigger for case management
24 and an environmental investigation
25 because it may, in fact, portend a

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2 problem.

3 Now, they also say -- that's
4 20 -- the number 20 for a spike. They
5 also say, in all fairness, between 15 and
6 19 micrograms per deciliter on a
7 persistent basis is cause for case
8 management.

9 Lead can be detected in
10 children at a much lower level than that.
11 And at a lower level than that, it is not
12 -- it does not cause irreversible damage.
13 And, in fact, is generally acknowledged
14 to be not nonhazardous.

15 So to just simply say that low
16 levels of lead cause irreversible damage
17 and to predicate a law based on what if
18 these things happen and that by the time
19 we can detect the lead, it's too late,
20 that's not being true to the actual data.

21 Now, let me just go on. Again,
22 I think the law is too broad.

23 Ms. Reynolds-Brown, you were
24 saying something about -- I don't know --
25 you didn't use the word slumlord but

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2 that's the usual word.

3 COUNCILWOMAN BROWN: That's
4 what I meant.

5 MR. KRIGMAN: Let me tell you
6 that, consistent with what Willie said
7 about mom-and-pop owners, this is not a
8 business where we're all rolling in
9 dough, raking in the profits from these
10 buildings. This is a very marginal
11 business.

12 And let's -- if I use the
13 figures that were in that 2008 study, to
14 remediate a property that has been found
15 to have lead in it, not to do a repair of
16 the type that Stan was talking about,
17 where you just have to go in and fix up
18 something that's broken and be sure that
19 you don't exacerbate the lead-dust
20 problem by creating lead dust, to
21 actually go in and make a property
22 lead-safe or lead-free according to the
23 City's own study, the average cost is
24 \$10,000 per unit.

25 Now, first, there's the case

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2 that Willie is talking about. Some of
3 these buildings are worth very little
4 more than \$10,000. And if you're going
5 to put \$10,000 into it, how are you ever
6 going to survive?

7 But let's look at where that
8 \$10,000 comes from. Let's say that
9 economic times get a little bit better,
10 and that you can actually go to a bank
11 and borrow money to fix up an apartment
12 in a low-income section of Philadelphia,
13 which, as Willie has pointed out, you
14 cannot do today.

15 If you go to borrow \$10,000 at
16 6 percent for 10 years, it costs you \$110
17 a month to pay back that loan. Many of
18 us don't make \$110 a month profit on each
19 apartment.

20 So what's going to happen? Are
21 we going to absorb the cost? You can't
22 afford to do it. You're losing money by
23 renting the building.

24 Can the tenant pay for it?
25 Hardly, if we're talking about the

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2 low-income neighborhoods.

3 Willie mentioned that some of
4 his tenants are paying 50 percent of
5 their household income to rent their
6 apartments. Affordable housing is
7 defined as 30 percent or less than the
8 household income.

9 If you charge an extra \$110 a
10 month to a tenant, and we're talking
11 about this 30 percent criterion, \$110 a
12 month is \$1320 a year that that tenant
13 has to pay. That tenant would have to
14 have \$3960 higher annual income in order
15 to be able to pay that \$110 a month under
16 the affordable housing criterion.

17 Now, we already have people in
18 this city that we know about, that have
19 probably been in your office, your
20 offices, worrying about things that have
21 already cut back on their food. We know
22 there are people that cut back on their
23 heat, because we know how many people the
24 gas company is after, just so that they
25 can pay the rent. Now what are they

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2 going to do if you have to charge them

3 110 bucks a month more?

4 And that's a low figure, by the
5 way. I'll give you some better figures.

6 Well, they could find other
7 accommodations, a smaller place to live,
8 a place that's in worse physical
9 condition, a place that's in a more
10 dangerous neighborhood than they already
11 live in.

12 Possibly they're going to find
13 an apartment from what we could call "the
14 underground economy." And if you don't
15 think that there's a reasonably large
16 number of rental properties in this city
17 that are part of the underground economy
18 that the City doesn't know about, that
19 are not licensed, that probably have all
20 kinds of housing violations if L&I knew
21 enough about them to go in and see them,
22 those are what their choices are.

23 Or maybe they're going to move
24 in with their family or relatives,
25 friends or relatives together or by

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2 splitting up a family, neither of which
3 is very good. Or maybe they're just
4 going to be homeless. We have a lot of
5 homeless people in this city.

6 Well, it turns on that if you
7 listen to the people whose concern is
8 strictly with lead paint, they've got a
9 legitimate point about this bill.

10 But what about other people
11 with other issues? What about the people
12 that are concerned with the health and
13 protection of our residents on a broader
14 basis, broader than lead poisoning?

15 If you reduce the availability
16 of rentals for low-income people and they
17 end up either on the street or
18 overcrowding in smaller accommodations or
19 with other people, the bill will invite
20 the physical and mental ailments that are
21 associated with overcrowding and
22 homelessness and that are very well
23 known.

24 If you are a social-justice
25 advocate, you would be concerned that

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2 this bill would lead to more widespread
3 flouting than we already have of federal
4 fair-housing laws against discrimination,
5 against renting to families with
6 children. It's against the law, but we'd
7 be naive to say that it isn't done.

8 And I have some families with
9 children. I've had plenty of families
10 with children that have come and looked
11 at an apartment and just couldn't afford
12 it.

13 So that it would be -- if I
14 were of a mind to disobey that federal
15 law, it would be very easy to get away
16 with. And, believe me, there are plenty
17 of people that do it.

18 Let's look at some other
19 points. Massachusetts was one of the
20 first jurisdictions to have very strict
21 lead-remediation laws. In 1971, they
22 passed their first statewide law about
23 remediating lead in older properties.

24 Fifteen years after it was
25 enacted, lead had been abated in only

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2 half of 1 percent of what were considered
3 high-hazard units across the state. In
4 the city of Boston, after 15 years,
5 81 percent of the rental housing still
6 contained lead-paint hazards.

7 And in Chelsea, which is a city
8 right outside of Boston, a low-income
9 city, 97 percent of the buildings in that
10 city, 15 years after the bill was
11 enacted, still had lead-paint hazards.

12 Move forward another 15 years.
13 Thirty years after the bill was enacted,
14 they only picked up another 8 percent of
15 the housing in the Boston area to bring
16 into compliance.

17 Baltimore launched a lead-
18 paint abatement project of a different
19 type in the 1980s. They did it
20 themselves. The city was going to be
21 responsible. They were going to
22 remediate properties.

23 They launched the program in
24 the late 1980s, and they dropped it in
25 1991. And the reason they dropped it,

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2 and I quote: "Deleading a home, even by
3 well-trained and supervised workers, was
4 so difficult, an assessment to blame so
5 tenuous, that the city could be sued for
6 improper remediation if a child living in
7 a treated dwelling became lead-poisoned
8 later."

9 It's talking about the
10 impossibility of really making a property
11 in any of these older buildings lead-
12 free.

13 Minneapolis -- one of the
14 speakers here said there's no data on
15 what's happened to affordable housing or
16 abandonment. That's not true. There's
17 data from the state of Minnesota.

18 Minneapolis lost affordable housing -- I
19 don't have the exact figures -- in the
20 low and very low-income communities.

21 They lost them worse in the
22 very low-income communities because those
23 people had no way to pay, the owners had
24 no way to fix up the places, and the few
25 that did fix them up had to charge more,

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2 and the people who live there had no way
3 to pay. They were out. And the people
4 from one of the low-income as opposed to
5 the very low-income people moved in.

6 So why did they lose affordable
7 housing? Partly because of absorption by
8 low-income people of what had been
9 formerly occupied by very low-income
10 people and partly by abandonment of
11 owners for whom it made more sense to
12 walk away than do the required work and
13 still have the liability for the problem.

14 And they conducted a survey of
15 owners who abandoned their properties,
16 and 31 percent of the owners who
17 abandoned their properties in that time
18 period said that the lead paint order was
19 the last straw.

20 COUNCILWOMAN BROWN: Okay.
21 You've shared with us a number of
22 examples of other cities. And in no way
23 do I want to curtail or ask you to
24 abbreviate your testimony. Your point is
25 well taken and your evidence well

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2 supported by the position that you've
3 taken.

4 MR. KRIGMAN: Yes. And, in
5 fact, in the document that I'm going to
6 give you, it's got a whole series of
7 references that document everything that
8 I'm saying.

9 COUNCILWOMAN BROWN: Okay.

10 MR. KRIGMAN: I'm not making
11 this stuff up.

12 COUNCILWOMAN BROWN: I trust
13 that you're not.

14 MR. KRIGMAN: I'm sure you
15 didn't think I was.

16 COUNCILWOMAN BROWN: One
17 observation I had is that in the cities
18 you stated, Baltimore and Boston, did
19 they have a lead court, which, in many
20 ways --

21 MR. KRIGMAN: No. As best as I
22 know, we're the only city that has that.
23 And based on the performance, I think
24 it's great.

25 COUNCILWOMAN BROWN: Clearly,

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2 the Lead Court made a major, major
3 difference in raising the numbers of
4 landlords who were forced to move into
5 compliance, or forced to comply; would
6 you agree?

7 MR. KRIGMAN: Well, yes,
8 because the way that the Philadelphia
9 code is written now, contrary to what the
10 interpretation some people give, the
11 Property Maintenance Code, Section 305.6
12 says the following:

13 "Lead paint shall not be
14 permitted to remain on interior surfaces
15 of..." and then it names a whole bunch of
16 things "occupied by children when the
17 Department of Public Health determines
18 that its presence creates a health
19 hazard."

20 COUNCILWOMAN BROWN: Okay.

21 MR. KRIGMAN: So when the
22 Health Department finds some kid with an
23 elevated blood lead level, hopefully not
24 to the point of being irremedial but
25 detectable, they go in and inspect the

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2 priority.

3 I had this happen to me once.

4 I wasn't thrilled about either the fact
5 that there was a problem or that I had to
6 do something about it, but I went ahead
7 and did it.

8 Now, what the Lead Court does
9 is to say, Well, for people that are just
10 going to say, Forget it, I'm just not
11 going to do it, it does force them to do
12 it.

13 But there's something else as
14 long as I'm talking about the City code
15 --

16 COUNCILWOMAN BROWN: Okay, all
17 right. Then I'm going to ask you to
18 begin to bring some closure to your
19 testimony.

20 MR. KRIGMAN: Excuse me?

21 COUNCILWOMAN BROWN: And then I
22 will ask you to please close your
23 testimony --

24 (Indiscernible; parties talking
25 over each other.)

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2 MR. KRIGMAN: Three more
3 points, if you don't mind.

4 COUNCILWOMAN BROWN: Please.

5 MR. KRIGMAN: One, it's been
6 said in testimony that good housekeeping
7 alleviates the problem, and this is the
8 CDC and the EPA both say that. And what
9 they recommend is biweekly, every other
10 week, damp-mopping of floors and
11 damp-wiping of other horizontal surfaces.

12 COUNCILWOMAN BROWN: So punt
13 the responsibility of making a property
14 lead-safe to the tenant?

15 MR. KRIGMAN: Here's what it
16 says in Property Management Code 305.1:
17 "Every occupant shall keep that part of
18 the structure where such occupant
19 occupies or controls in a clean and
20 sanitary condition." It's already the
21 law.

22 COUNCILWOMAN BROWN: Okay.

23 MR. KRIGMAN: And this gets
24 back to making people aware and training
25 them. We're not talking about a very

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2 elaborate cleaning procedure; we're
3 talking about reasonable, good
4 housekeeping.

5 COUNCILWOMAN BROWN: Okay.
6 Anything else?

7 MR. KRIGMAN: Let me make one
8 other point.

9 COUNCILWOMAN BROWN: Please.

10 MR. KRIGMAN: Lead dust is much
11 worse of a hazard than lead chips, and
12 it's because the dust gets everywhere and
13 settles in, and kids can ingest it by
14 breathing, as opposed to eating the lead
15 paint, or who knows what.

16 Wooden double-hung windows that
17 were installed before 1978 and,
18 therefore, have paint on them that
19 contains lead are probably the worst
20 source of lead dust in these old houses.
21 Not the walls, not who knows what, but
22 opening and closing these windows.

23 Now, if we were to focus our
24 resources, as opposed to a blanket
25 requirement that places that may or may

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2 not ever have children in them have to be
3 remediated at, according to the City's
4 own figures, 10,000 bucks, but that's too
5 cheap compared to what's been experienced
6 elsewhere.

7 New York City's numbers are
8 closer to what Darryl told you. New York
9 City paid a contractor 50 to \$60,000 for
10 each remediation in a whole bunch of
11 two-bedroom apartments.

12 You could replace -- and in
13 fact, if they do the remediation, they
14 do, in fact, want you to replace the
15 double-hung wooden windows with vinyl
16 replacement windows, which eliminates
17 that whole problem.

18 You can buy a good-quality
19 vinyl replacement window for \$125 that
20 not only doesn't have any of this paint
21 on it but is double-glazed so that it
22 gives you heat insulation.

23 COUNCILWOMAN BROWN: So are you
24 offering that up as an alternative means
25 to remediation?

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2 MR. KRIGMAN: I'm sorry?

3 COUNCILWOMAN BROWN: Are you
4 offering that up as an alternative --

5 MR. KRIGMAN: No. I'm offering
6 that as a suggestion of one of the things
7 that could be considered as an alternate.
8 I'm not -- yes, and I'm offering that you
9 suggest -- that you study things like
10 that.

11 But further, further, Chicago
12 -- oh, and it cost about another 125 to
13 put them in if you hire a certified
14 contractor of the type Stan was talking
15 about, which you would have to do.
16 That's assuming they do a whole bunch of
17 them.

18 Chicago -- and I'm not just
19 offering -- and I'm not just suggesting
20 that you require people to do it.
21 Chicago had a plan. They offered owners
22 low-interest loans to install these kind
23 of replacement windows.

24 The loans had a nominal 14-year
25 amortization period. If you repaid half

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2 the principal in under seven years, they
3 forgave you the rest. So, basically, you
4 could have the job done if you paid for
5 it within seven years.

6 COUNCILWOMAN BROWN: Who is
7 "you"?

8 MR. KRIGMAN: Excuse me?

9 COUNCILWOMAN BROWN: Who is
10 "you"? "You" is the landlord? I just
11 want the record to be clear.

12 MR. KRIGMAN: No, no, the
13 landlord would do it.

14 COUNCILWOMAN BROWN: Okay.

15 MR. KRIGMAN: The City would
16 find a source for the low-interest loans.
17 The City would arrange for the low-
18 interest loans, and that would work that
19 way.

20 Other cities, Milwaukee --

21 COUNCILWOMAN BROWN: Okay, and
22 this is the last example of other cities.
23 We now have ten on the record.

24 MR. KRIGMAN: Right, yeah. I
25 realize that, after people went on for an

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2 hour. (Indiscernible.) I'm only sorry
3 it has to be me, and I forgive you.

4 COUNCILWOMAN BROWN: Thank you.

5 (Laughter.)

6 MR. KRIGMAN: In talking about
7 looking for targets -- you know, this is
8 a Willie Sutton study. You know who
9 Willie Sutton was, the bank robber?

10 A reporter once asked him,
11 "Willie, why do you rob banks?" And his
12 answer was, "Because that's where the
13 money is."

14 Well, why are we going after
15 the whole city where the problem isn't,
16 rather than focusing on where the problem
17 is?

18 Now, one of the Health
19 Department people said they were going to
20 give you the demographics. I can give
21 you a rough cut. Out of 48 zip codes in
22 this city, 50 percent of the cases of
23 lead poisoning come from eight zip codes.

24 COUNCILWOMAN BROWN: Okay.

25 MR. KRIGMAN: Now, they can

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2 give you a better breakdown.

3 COUNCILWOMAN BROWN: That's the
4 additional data that we hope to get.

5 Thank you.

6 MR. KRIGMAN: What Milwaukee
7 did was, it identified two high-risk
8 areas, with a total of about a thousand
9 properties. They didn't go after
10 complete remediation; they went after
11 stabilization of paint and replacement of
12 deteriorated windows and preventive
13 plumbing and roofing work because leaks
14 are what cause paint to peel and get at
15 the lower layers.

16 But the landlords had to pay
17 for it, but the city got a \$3 million
18 grant from the Department of Housing and
19 Urban Development.

20 COUNCILWOMAN BROWN: What city
21 was that again?

22 MR. KRIGMAN: This is the city
23 of Milwaukee, in their community
24 lead-safe zone program.

25 Okay. I have more, but I'm

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2 going to --

3 COUNCILWOMAN BROWN: But you
4 are going to submit that document,
5 correct?

6 MR. KRIGMAN: I'm going to
7 submit about a 30-page document to you.
8 And I'll quiz you on it tomorrow morning.

9 COUNCILWOMAN BROWN: I need a
10 little bit more time than that.

11 Well, I thank you. The
12 research is important, which is why we so
13 often ask what is happening in other
14 municipalities, to see where we as a city
15 stack up against the goal that we're
16 trying to achieve.

17 So know that the document will
18 certainly not be viewed in vain; it will
19 be read.

20 MR. KRIGMAN: Well, I hope so.
21 And I would have only hoped -- and I
22 don't know if there's a mechanism for
23 this. When a bill is about to be --
24 maybe you can answer this for me.

25 Somehow, when you prepared this

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2 bill, it didn't just happen in a flash of
3 insight.

4 COUNCILWOMAN BROWN: It didn't
5 happen in a vacuum, that's correct.

6 MR. KRIGMAN: There was a
7 process. In preparing the bill, it seems
8 to me before a bill is prepared and
9 submitted, that's the time to hear
10 testimony on the topic, to help you
11 formulate even the initial thing
12 properly, because once you've got it
13 started, in a certain sense, and I'll say
14 "you," but I don't mean you personally --

15 COUNCILWOMAN BROWN: Sure.

16 MR. KRIGMAN: -- you frame the
17 debate.

18 We have this bill that's been
19 written that we're all addressing --

20 COUNCILWOMAN BROWN: Mm-hmm.

21 MR. KRIGMAN: -- rather than
22 starting from scratch and saying there's
23 a lead paint problem, what are we going
24 to do about it? and work up from there.

25 Instead of -- my guess is that

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2 people came to you and said, "There's a
3 lead paint problem, and here's how we
4 think we can solve it," but that was only
5 one segment of the community that said
6 that.

7 I can guess who it was but
8 let's not -- and I respect them.

9 COUNCILWOMAN BROWN: Well, my
10 comment or response to that is: The
11 beauty of this process is that no matter
12 where we start, if we want to move to
13 achieving anything, it really is going to
14 take the collective thinking of all
15 sides.

16 Now, I don't know of too many
17 bills, that a bill, the way it was
18 introduced is the way it finishes on the
19 back-end, because we have 17 uniquely
20 different professionals here, sitting in
21 Council, who all come with a perspective.
22 And ultimately, it takes nine.

23 So have some comfort in knowing
24 that, again, you've given rich evidence
25 about what's happening in all cities that

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2 I think we need to look at, because
3 seldom do we work in a vacuum where we
4 start is where we end up.

5 MR. KRIGMAN: Well, that's
6 fine. That is the way the process works
7 and should work. And if it works that
8 way, we can all live with it.

9 COUNCILWOMAN BROWN: And so, my
10 only final comment would be that we also
11 believe in dwelling in the realm of
12 possibility on this end.

13 And I say that with
14 tongue-in-cheek in response to your
15 comment about anything being impossible,
16 'cause we really don't think that way.
17 We're always looking to see how we can
18 make things better and different for the
19 constituency we're trying to serve.

20 MR. KRIGMAN: Well, that's
21 good. And you commented, in fact, that
22 somebody else -- we're looking for common
23 ground, and we are.

24 And I'll close by quoting
25 Voltaire from 1764, who said, "The

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2 perfect is the enemy of the good." And I
3 don't mean Councilman Goode.

4 (Laughter.)

5 COUNCILWOMAN BROWN: And that
6 is a perfect segue to hear from
7 Councilman Goode.

8 COUNCILMAN GOODE: Thank you.

9 At the risk of getting a
10 lengthy response to this question, I
11 listened to all of what you said, and you
12 presented a variety of arguments. In
13 fact, you presented so many arguments
14 that, inevitably, some of them have to be
15 contradictory.

16 You started by saying this
17 legislation, if enacted, would be the end
18 of the world.

19 You then went on to talk about
20 other places like Boston and Baltimore,
21 where legislation was enacted, and said
22 it had no impact.

23 You then went on to talk about
24 other cities where there were programs
25 that were put in place that were helpful.

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2 And then, lastly, you said that
3 we should have gotten input before a bill
4 was introduced.

5 So my simple question is: Do
6 you think this is something that should
7 be legislated at the local level? And
8 what exactly, in a very brief response,
9 do you think should happen?

10 MR. KRIGMAN: What do I think
11 should happen now?

12 COUNCILMAN GOODE: Yes.

13 MR. KRIGMAN: Well, I'm hoping
14 that you will go back and weigh the
15 testimony from both sides.

16 COUNCILMAN GOODE: No, I'm
17 asking: What is your solution?

18 MR. KRIGMAN: What's my
19 solution?

20 COUNCILMAN GOODE: Briefly,
21 what is your solution?

22 MR. KRIGMAN: My solution,
23 frankly, would be to abandon this bill
24 altogether because I don't think that
25 adding a few words, no matter how well

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2 chosen, to the City Code --

3 COUNCILMAN GOODE: So you're
4 saying --

5 MR. KRIGMAN: -- is going to
6 improve the situation.

7 COUNCILMAN GOODE: So you spent
8 all that time to say that your input,
9 before the bill was crafted, would be not
10 to the craft the bill.

11 Thank you.

12 MR. KRIGMAN: Well, the bill
13 has been crafted. And so, we've got to
14 live with that. I would like to see that
15 before a bill is crafted that --

16 COUNCILMAN GOODE: That you get
17 a chance to say that it shouldn't be
18 crafted.

19 MR. KRIGMAN: I'm sorry?

20 COUNCILMAN GOODE: That you get
21 a chance to say that it should not be
22 crafted.

23 MR. KRIGMAN: Well, I'm saying,
24 in fact, in a case like this, I would say
25 that the bill should not have been

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2 crafted, that other approaches could have
3 been taken.

4 And, for example, City Council
5 could have acknowledged the fact that
6 they've made terrific progress by doing
7 such-and-such; namely, this stepped up
8 investigation -- this stepped up testing
9 by the Health Department and the Lead
10 Court. And then said, If we're going to
11 address the problems --

12 COUNCILMAN GOODE: There's no
13 need for us to belabor this. At the end
14 of the day, we ask simple questions to a
15 number of people on a variety of issues
16 when we get to something that is
17 considered to be controversial.

18 At the end of the day, it comes
19 down to whether you think something
20 should be amended or you think it
21 shouldn't be legislated at all.

22 If you believe it's something
23 that should not be legislated on at all,
24 then there's nothing to discuss.

25 MR. KRIGMAN: Well, I mean,

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2 what I would like to see would be a --
3 some sort of a commission or a task force
4 to --

5 COUNCILMAN GOODE: Should there
6 be a piece of legislation?

7 MR. KRIGMAN: I'm sorry?

8 COUNCILMAN GOODE: Should there
9 be a piece of legislation? Should
10 something become local law?

11 MR. KRIGMAN: I'm --

12 COUNCILMAN GOODE: Should
13 something become local law as a result of
14 this?

15 MR. KRIGMAN: I think that
16 what's in the City Code is adequate.

17 COUNCILMAN GOODE: Should
18 something new become local law?

19 MR. KRIGMAN: Something new?

20 COUNCILMAN GOODE: Something
21 new. Should something new be enacted?

22 MR. KRIGMAN: In general or in
23 this case?

24 COUNCILMAN GOODE: In this
25 case, should there be a new local law?

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2 MR. KRIGMAN: No, I don't think
3 we need a new local law.

4 COUNCILMAN GOODE: Okay. Thank
5 you for your testimony.

6 MR. KRIGMAN: You're welcome,
7 Councilman.

8 COUNCILWOMAN BROWN: Any
9 questions, Councilwoman Sanchez?

10 Well, then let's move to our
11 last witness, Justin Moore.

12 MR. MOORE: Yes.

13 COUNCILWOMAN BROWN: New City
14 Investments, LLC.

15 MR. MOORE: Yes. Good
16 afternoon.

17 COUNCILWOMAN BROWN: Thank you.

18 MR. MOORE: Thank you for the
19 opportunity to testify on this bill.

20 I'll be brief since I'm the last person.

21 I wanted to speak based on my
22 personal experience on doing real-estate
23 business in the City of Philadelphia and
24 lead remediation.

25 I think one of the things, when

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2 these debates on housing arise, is that
3 landlords do have a lot of money and are
4 rolling in the dough and are hoping for
5 profit at the expense of their tenants.

6 I'm 29 years old. I'm a
7 small-business owner, and I don't have
8 hundreds of units, and I don't have
9 millions of dollars. And, frankly, if I
10 was even supportive of the bill, I
11 couldn't afford it.

12 My company, New City Investment
13 Solutions, is actually one of the 25
14 qualified developers through the
15 Neighborhood Transformation Initiative.

16 COUNCILWOMAN BROWN: Okay. You
17 said that much too quickly, that last
18 statement.

19 MR. MOORE: My company is one
20 of the 25 qualified developers, NSP
21 programs, neighborhood stabilization
22 programs with the RDA.

23 COUNCILWOMAN BROWN: Oh, okay.

24 MR. MOORE: And I have
25 firsthand experience with lead

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2 remediation in terms of the process and
3 the cost.

4 And one thing that I've heard
5 all day is that the testing is only \$450.
6 I have -- you know, I have a lead buy
7 that goes out and tests, and it's \$500.

8 However, what we don't
9 understand is that there's a second test
10 that happens once the report is given.
11 Like you send out the guy, he charges you
12 \$500. And then, in return, he gives you
13 a scope of work; this is where he finds
14 lead hazards, this is where he finds lead
15 dust. And you have to remediate it.
16 Then he comes out a second time to make
17 sure that you've done the work, and that
18 is an additional \$500.

19 So for just about any
20 procedure, you have to double the cost of
21 the test to take into account the retest.

22 I did a -- the first deal I did
23 with the (indiscernible) was a full-gut
24 rehab. We took everything out of the
25 house and put everything brand-new in as

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2 part of the NSP procedure. The house
3 failed the initial test because of the
4 dust that was left in the entryway by
5 someone who walked out.

6 The test is so very sensitive
7 that the slightest amount of dust in my
8 lead test likened it to the amount that
9 could fit in a packet of sugar is enough
10 to fail the entire house and pull up a
11 negative test.

12 So what he recommended for me
13 is to have it professionally cleaned.
14 That increased my cost by about \$200. I
15 had it professionally cleaned, and told
16 no one else to walk into the building
17 until the lead guy did his retest.

18 He came back. I did the full
19 rehab test and cleaned, got my
20 certification. So we're looking at two
21 tests at \$500 apiece, plus the \$200 it
22 cost to clean the property sufficiently
23 so that there would be no residue, no
24 dust left by anyone walking in and out of
25 the house.

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2 Now, this was in a vacant,
3 completely rehabbed home. To try to have
4 the circumstances be in a tenant-occupied
5 property where there's children, there's
6 family members, there's all a bunch of
7 personal property in and out of the
8 house, I'm not sure you could even get
9 the property to the point where a lead
10 inspector would be able to not find
11 anything. So that would significantly
12 increase the process and the cost.

13 I rent mostly single-family
14 homes, duplexes, like most people in the
15 City of Philadelphia. And the average
16 money you make a month on a particular
17 unit, if you're doing well, is about
18 \$250.

19 Giving that fact, if I have to
20 spend almost \$1200 in cleaning and
21 testing, without the remediation itself,
22 a year, that's five months of my profit
23 literally out the window. And I have no
24 idea where I would get that from other
25 than raising rent on the tenants.

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2 And I think that is an
3 unintended consequence of a bill like
4 this because the very people help
5 actually get hurt because they wouldn't
6 be able to afford the increase in rent.

7 And someone like myself, who is
8 trying to continue to do business in the
9 City of Philadelphia -- and, frankly,
10 given, the last, you know, couple of
11 years with the real estate market, I'm
12 just happy to say that I still have a
13 business.

14 To then have to do all of this
15 testing on all of my units all at one
16 time, I simply don't have the money in my
17 account to do that just to be in
18 compliance.

19 I take great pride in trying to
20 be a good landlord for all of my tenants.
21 A lot of my tenants do have children.
22 And when you move someone in, you make
23 sure that you do repaint the property;
24 you do that for anyway just for
25 marketability. You know, you clean all

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2 the floors, you clean the rugs. And a
3 lot of that reduces the risk of lead
4 paint, you know, based on painting 'cause
5 if you read the pamphlet that HUD
6 provides you, it tells you that even if
7 the house is painted with lead-based
8 paint, it is not a hazard unless it is
9 chipping.

10 So they focus on areas like
11 window sills, stairs, railings, and
12 entryways. And, you know, as a decent
13 landlord, if you repaint those every time
14 you move someone in, you've completely --
15 not completely, but you've severely
16 reduced the risk.

17 So I believe that many good
18 landlords already take adequate steps to
19 try to reduce the risk, and I think we
20 can even either do further steps in terms
21 of educating our tenants on what to look
22 for if they do see chipping paint in
23 certain areas, that they can bring it to
24 their attention 'cause -- I think Willie
25 alluded to the idea of tenants not

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2 necessarily taking care of their property
3 the right way. Tenants also see chipping
4 paint and may not say anything because
5 they may not see that as a problem.

6 So I think we can always
7 continue to educate people, especially in
8 the high-density areas of this issue,
9 and, you know, make landlords aware that,
10 you know, you need to touch up this area,
11 you need to touch up this railing. And I
12 think we can also reduce the risk.

13 But all in all, my biggest
14 concern is, just the actual cost of the
15 testing alone will do a lot of damage to
16 a lot of property owners in the City who
17 are already trying to do the right thing
18 and who may not have a problem to begin
19 with.

20 I have fourteen units and have
21 been doing this for six years, and I have
22 not had any issue with lead-based paint
23 or any child coming up with any
24 lead-paint-based issues.

25 And, lastly, I would say that I

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2 would think it would be a worse idea to
3 limit the bill to people with children
4 because it will cause a lot of
5 discrimination.

6 And it is not anything
7 malicious, but if you told me, You have a
8 choice between two tenants; one is a
9 couple with no kids and one is a couple
10 with kids and the difference is going to
11 be \$1200 in testing and cleaning, I can't
12 tell you in good faith that I'm always
13 going to pick the one with the kids.

14 So I really think that we
15 should just reevaluate what we need to do
16 to fix the problem. I think it's
17 definitely education.

18 And I do believe that where
19 there's smoke, there's fire. I think
20 that the individuals that probably have
21 properties with lead-based hazards and
22 are putting these children at risk also
23 have other L&I violations and also may be
24 behind in their taxes, and we should
25 focus on those issues rather than a broad

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2 blanket covering all property owners and
3 landlords in the City.

4 And, lastly, with everyone's
5 resources strained, I think a bill like
6 this would further strain L&I inspectors,
7 who already have to go out in the City
8 and do things, and we just enacted the
9 windows and doors ordinance that's fixing
10 another problem, and I feel like this
11 lead base issue would stress their
12 resources even thinner, and we won't be
13 able to focus on maybe some problems that
14 are even bigger, like the vacant-property
15 issue, like the property down the street
16 that has all kinds of other health-code
17 regulations.

18 So I guess I'll keep it brief.
19 Thank you for hearing my testimony, and
20 have a great day.

21 COUNCILWOMAN BROWN: Mr. Moore,
22 let me thank you for what I believe to be
23 objective testimony in reiterating and
24 underscoring the concerns raised by
25 members of your industry as well as your

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2 view and perspective about the fragile
3 legal circumstance that comes when you
4 rent to just children with families, and
5 that the Law Department has gotten back
6 to me to affirm that that would be the
7 case.

8 So thank you very much for your
9 testimony, and thank you for just showing
10 up here today.

11 MR. MOORE: Thank you.

12 COUNCILWOMAN BROWN: Anyone
13 else to offer testimony on Bill No.
14 100011?

15 (No response.)

16 COUNCILWOMAN BROWN: Anyone?

17 Shelly Yanoff.

18 (Witness comes forward.)

19 MR. DANIEL: Real fast, I'd
20 like to make one comment.

21 COUNCILWOMAN BROWN: You
22 certainly can.

23 MR. DANIEL: My name's Stan
24 Daniel. I had testified earlier.

25 I mentioned my sister-in-law

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2 who is having trouble renting an
3 apartment for \$1500 a month. And I said
4 it was in a city that has similar lead
5 laws as we're trying to pass now. That
6 city was Minneapolis, as Alan mentioned,
7 one of the cities.

8 So that's living proof of what
9 happens to the rental market when we have
10 a law of this type.

11 COUNCILWOMAN BROWN: Okay.

12 MR. DANIEL: Yes, we should
13 address the lead problem, but not on the
14 shoulders of landlords.

15 Thank you.

16 MS. YANOFF: I just have one
17 minute.

18 COUNCILWOMAN BROWN: Please,
19 please, please.

20 MS. YANOFF: I'm Shelly Yanoff,
21 Director of Public Citizens for Children
22 and Youth.

23 We've been working on the lead
24 problem for twenty years. And we started
25 when I was at City Council and I heard a

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2 nurse talk about every Friday -- she was
3 at Jefferson Hospital every Friday.

4 Mothers and fathers brought their
5 children in who were just damaged for
6 life.

7 I thought it had been over. I
8 thought that the lead problem had been
9 solved because, you know, we've known --
10 we had known for 80 years that lead
11 poisoned, and we didn't do it. We always
12 found some reason: It always cost too
13 much, it always was too complicated. So
14 we would just watch our kids get dumber
15 and dumber.

16 You've heard a lot of really
17 good testimony here today, and there are
18 many different sides of it. But somehow,
19 I couldn't let the end be only on what's
20 too much of a problem and too expensive,
21 'cause there is really little that you
22 can do to take care of a child who's been
23 seriously lead-poisoned.

24 As several of you have done
25 some teaching, you try to talk to a

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2 child -- I tutored a child who had been
3 lead-poisoned. It was like a wall was in
4 front of his head; you couldn't get there
5 easily.

6 It's really very, very
7 difficult. This is a very difficult
8 problem we all face. And together, I
9 hope we can solve it and do more.

10 But there are too many children
11 who have been told that it's just too
12 expensive, it's just too cumbersome, it's
13 too much of a problem. You will just
14 have to wait.

15 Thank you.

16 COUNCILWOMAN BROWN: Thank you
17 very much.

18 Anyone else here to testify on
19 Bill No. 100011?

20 (No response.)

21 COUNCILWOMAN BROWN: Let me
22 invite back to the table Nan -- please
23 pronounce your last name for me.

24 MS. FEYLER: Feyler.

25 COUNCILWOMAN BROWN: Thank you.

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2 Mr. Zaslow, did he leave?

3 George Gould? Anyone from the
4 Association? Please.

5 (Witnesses return to witness
6 table.)

7 COUNCILWOMAN BROWN: Christine
8 Young Gertz.

9 And to Shelly's last statement,
10 I need to know, has there ever been any
11 opportunity where all sides have sat down
12 at the table to acknowledge what you've
13 plainly stated and to look to see how we
14 make any bill a better bill collectively?

15 MS. YANOFF: I think there have
16 been efforts on and off. I think one of
17 the things we didn't talk about was when
18 the City, in the last decade, brought all
19 parts together, people said Lead Court
20 wouldn't matter. People really talked
21 about that this is just a little bit of a
22 problem.

23 When Congressman Fattah called
24 a bunch of us down and we talked with
25 other cities what we could do, then we

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2 ended up getting more support.

3 COUNCILWOMAN BROWN: From the
4 feds?

5 MS. YANOFF: Yeah. And it
6 seems to me that there is some good will
7 around, and we just have to think about
8 those kids and then how we can pull it
9 off.

10 COUNCILWOMAN BROWN: Okay.

11 MS. YANOFF: Pull something off
12 that doesn't seem unfair and that isn't
13 unfair but that doesn't say the children
14 can continue being permanently damaged
15 while we wait.

16 COUNCILWOMAN BROWN: Christine
17 Young Gertz, have you had an opportunity
18 to sit down with those who care deeply
19 about this issue on -- as either part of
20 the industry or as part of the health-
21 and-welfare-of-children community?

22 MS. GERTZ: Not as much as I'd
23 like.

24 Early on, we had, I believe, a
25 couple of meetings at the Health

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2 Department. And going forward, I would
3 welcome that opportunity.

4 I think that, well, good heads
5 and good hearts come together. I think
6 we can somehow come to the same page on
7 it.

8 COUNCILWOMAN BROWN: So to
9 Councilman Goode's question, which I
10 thought was a necessary one, do you
11 believe there should be any action,
12 legislative action, taken around this
13 issue?

14 MS. GERTZ: I want my testimony
15 to stand regarding this bill; I don't
16 think it's necessary.

17 Is the issue closed? No. We
18 have kids out there that the Health
19 Department's obviously helping, or trying
20 to help.

21 So is there room for more
22 dialogue? Yes, there's always room for
23 more dialogue.

24 COUNCILWOMAN BROWN: Okay.
25 Then I'm confused. You say there's room

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2 for dialogue but you also think the bill
3 is unnecessary.

4 MS. GERTZ: I do. I think this
5 bill in its present form is unnecessary,
6 but I'm willing to go forward and talk
7 some more about the problem and about
8 realistically where to go from there.

9 COUNCILWOMAN BROWN: So are you
10 prepared to participate in dialogue and
11 discussions that move to make this a
12 better bill?

13 MS. GERTZ: I'd like to start
14 from scratch, to be perfectly honest with
15 you.

16 COUNCILWOMAN BROWN: That's not
17 my question.

18 MS. GERTZ: I'm prepared to go
19 forward with more discussion, yes.

20 COUNCILWOMAN BROWN: So that
21 we're clear, you're prepared to
22 participate in discussions and dialogue
23 that move to make this bill a better
24 bill, that factors in -- 'cause there are
25 arguably some legitimate concerns raised

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2 on both sides that I think we need to
3 further examine and hear each other.

4 MS. GERTZ: Yes.

5 COUNCILWOMAN BROWN: And remain
6 stuck in the mud about our particular
7 position.

8 So that is my question. Are
9 you or Mr. Zaslow, who you certainly
10 can't speak for, able or willing to sit
11 at the table so that we move to make this
12 bill a better bill?

13 MS. GERTZ: Yes, we are willing
14 to sit at the table. I can't speak for
15 Darryl, but --

16 COUNCILWOMAN BROWN: You're
17 willing to be --

18 MS. GERTZ: -- I'll speak for
19 me. I'm willing to sit at the table.

20 COUNCILWOMAN BROWN: Okay. All
21 right, then. Others, please?

22 MR. GOULD: I'd just like to
23 make a quick comment. I think the bill
24 is a critical bill and extremely
25 important.

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2 As I said before, we have a
3 system that uses the child to determine
4 whether or not there is lead in the
5 property. And I think in 2011, that's
6 wrong.

7 And for any disease, especially
8 a disease of childhood lead poisoning, we
9 should not be using children to determine
10 whether or not a property is bad. We
11 need to do that upfront, we need to do
12 that before the property is leased.

13 This bill is a major step
14 forward. I, quite frankly, have not
15 heard from landlords except that it's too
16 expensive, the world's going to end, you
17 know, housing is going to end in
18 Philadelphia.

19 I have not heard a solution and
20 some mechanism that would ensure when a
21 child moves into a property, in fact,
22 that property is lead-safe, and they're
23 not going to get poisoned.

24 And we are certainly prepared
25 to sit down and talk about making the

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2 bill better, but we need a bill, and I
3 think we need it very quickly.

4 COUNCILWOMAN BROWN: Anyone
5 else to comment before the Chair resumes
6 her place here?

7 (No response.)

8 (Committee members confer off
9 the record.)

10 COUNCILWOMAN BROWN: The ask
11 for me, as sponsor of this bill, is to do
12 what I've done in the past that proved to
13 me to be very fruitful in terms of
14 getting a major piece of legislation
15 passed, and that is to bring all sides at
16 the table together, with me, which has
17 not happened in the past. I've met with
18 both worlds separately as well as my
19 staff and to make a commitment from all
20 sectors of this issue to...

21 (Committee members confer off
22 the record).

23 COUNCILWOMAN BROWN: So, making
24 sure I'm in compliance with protocols up
25 here, I'm asking that Miss Gertz;

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2 Mr. Zaslow, who will call; Shelly Yanoff;
3 and/or George Gould; and Nan Feyler will
4 meet with me this month, okay?

5 Because there's a lot of
6 testimony up here. I'm sorry, but I have
7 to reread it all.

8 And then to meet again in
9 September, with the clear understanding
10 that we're going to move the bill out of
11 committee -- I need to make that
12 exceedingly clear, and I wish Mr. Zaslow
13 was here to hear that from my mouth to
14 his ears.

15 We're going to move the bill
16 out of committee. And then I have work
17 to do with regards to shoring up support,
18 not only short-term but long-term.

19 So I just need to make that
20 exceedingly clear that I am not of the
21 posture of Mr. Krigman, who believes we
22 should leave things as they are.

23 Okay. Madam Chair?

24 (Committee members confer been
25 off the record).

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2 COUNCILWOMAN BROWN: So are we
3 clear in what I'm asking for? Hello?

4 PANEL MEMBERS: Yes.

5 COUNCILWOMAN BROWN: Okay. And
6 there is some acceptance on your side of
7 the table that you're prepared to sit
8 with me between now and September 'cause
9 I do plan to move the bill out of
10 committee, but not today.

11 Hello?

12 PANEL MEMBERS: Yes.

13 COUNCILWOMAN BROWN: And I just
14 need to know that because then I don't
15 want to get to get into, Oh, I didn't
16 know and, Oh, I wasn't available.

17 And it doesn't have to be all
18 of you, but certainly representatives of
19 your world, so that we have both sides of
20 the table represented.

21 MS. GERTZ: I was just going to
22 ask the if that were possible.

23 And you mentioned this month,
24 which is the month of June.

25 COUNCILWOMAN BROWN: Yes.

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2 MS. GERTZ: That in particular,
3 for instance, I have a week-long
4 commitment to be away next week.

5 COUNCILWOMAN BROWN: It doesn't
6 have to be you, but we could certainly
7 ask Mr. Zaslow or Mr. Pinckney or
8 Mr. Lindy --

9 MS. GERTZ: Or someone else in
10 the Apartment Association.

11 COUNCILWOMAN BROWN: But it
12 would be imperative that get all sides of
13 this issue at the table. That's the only
14 way we're going to get some real movement
15 here.

16 I don't want to come back and
17 move and we haven't given everyone an
18 opportunity to sit face-to-face.

19 Miss Yanoff?

20 MS. YANOFF: I want to thank
21 you again for your leadership on this.

22 I also want to note that there
23 has been no improvement with this issue
24 particularly without there being
25 mandates, without there being law

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2 changes. So it doesn't happen from good
3 will.

4 COUNCILWOMAN BROWN: Well
5 taken. All right, then. Thank you very
6 much.

7 So Kathy Gilmore will speak
8 with all of you.

9 COUNCILWOMAN TASCO:
10 Councilwoman, I just want to say, for
11 sure, there's always the mandate, but
12 what we like to do is what you're doing,
13 all the parties to sit together and to
14 talk about what you've heard today.

15 This is the first public
16 hearing on this piece of legislation,
17 that the homeowners and the Realtors have
18 their position, you have your position.
19 There could be at some point a coming
20 together to find a solution.

21 And so, having that dialogue is
22 important. We've done that before on
23 other issues. And at the end of the day,
24 after everybody has had their say, the
25 Council will have its way.

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2 MS. FEYLER: And if I may,
3 perhaps this could be a role of the
4 Department of Health.

5 I think there were several
6 conflicting statements about what is
7 lead-safe, what is the impact of removing
8 paint, what is the level of lead blood
9 poisoning that causes harm, can cleaning
10 make a difference.

11 So with your permission, we
12 could put together, with citations, a
13 sort of scientific kind of paper.

14 COUNCILWOMAN BROWN: Data.

15 MS. FEYLER: And the data so
16 that, hopefully, we'll all be on the same
17 page.

18 COUNCILWOMAN BROWN: That's one
19 example that goes to why I think we have
20 to do just that, because there's
21 conflicting testimony all over the place.
22 And uniform testimony helps as we seek to
23 secure support on a bill.

24 Thank you.

25 Thank you, Madam Chair.

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2 MS. GERTZ: Forgive me. Are we
3 dismissed?

4 COUNCILWOMAN TASC0: Just a
5 second.

6 MS. GERTZ: Thank you.

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1 6.13.11 HEALTH/HUMAN SVCS. PUBLIC MEETING

2 COUNCILWOMAN TASCO: The Chair
3 recognizes Councilwoman Brown for the
4 amendment to Bill -- we closed the public
5 hearing, and we're going into the public
6 meeting.

7 The Chair recognizes
8 Councilwoman Brown to submit the
9 amendment to Bill No. 100346.

10 COUNCILWOMAN BROWN: Madam
11 Chair, I make a motion to amend Bill No.
12 110346.

13 (Motion duly seconded.)

14 COUNCILWOMAN TASCO: The
15 amendment has been circulated. It has
16 been moved and seconded that we amend
17 Bill No. 110346.

18 All in favor will say aye.

19 There being no opposition, the
20 motion is carried.

21 The Chair recognizes
22 Councilwoman Brown to vote out Bill No.
23 110346, as amended.

24 COUNCILWOMAN BROWN: Yes, Madam
25 Chair. I move that Bill No. 110346, as

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2 amended, be reported out of committee
3 with a favorable recommendation, and
4 further move that rules of Council be
5 suspended so as to permit first reading.

6 (Motion duly seconded.)

7 COUNCILWOMAN TASCO: It has
8 been moved and seconded that Bill No.
9 110346, as amended, be reported out of
10 committee with a favorable recommendation
11 and that the rules of Council be
12 suspended so that this bill can be heard
13 at Council Committee's next session.

14 All in favor will say aye.

15 All right. The motion's
16 carried.

17 The committee will retain Bill
18 No. 100011... Bill No. 100011, the
19 lead-paint disclosure ordinance, will
20 remain in committee.

21 And this committee will stand
22 in recess until the call of the Chair.

23 (Proceedings end at 3:10 p.m.)

24 * * *

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C E R T I F I C A T E

I HEREBY CERTIFY that the
proceedings of the City of Philadelphia
Council Committee on Public Health and Human
Services Committee are contained fully and
accurately in the stenographic notes taken by
me on Monday, June 13, 2011, and that this is
a true and correct statement of same.

JOSEPHINE CARDILLO

Registered Professional Reporter

(The foregoing certification of
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