COUNCIL OF THE CITY OF PHILADELPHIA

COMMITTEE ON PUBLIC HEALTH AND

HUMAN SERVICES

Room 400, City Hall
Philadelphia, Pennsylvania
Tuesday, March 19, 2019
10:20 a.m.

PRESENT:
COUNCILWOMAN CINDY BASS, CHAIR
COUNCILMAN DEREK S. GREEN
COUNCILMAN WILLIAM K. GREENLEE
COUNCILWOMAN HELEN GYM
COUNCILMAN DAVID OH
COUNCILWOMAN MARIA D. QUINONES-SANCHEZ
COUNCILWOMAN BLONDELL REYNOLDS BROWN

BILLS 180936, 180937, 180938, and 190003
RESOLUTIONS 180787 and 190067

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COUNCILWOMAN BASS: Good morning. This hearing is called to order. This is the public hearing of the City Council Committee on Public Health and Human Services. The purpose of this public hearing is to hear testimony on Bills No. 180936, 180937, 180938, and Resolution No. 180787. Bill No. 190003 and Resolution No. 190067 are both being held at the request of the sponsor.

Resolution No. 180787 is actually going to be concluding public comment from a hearing that was held on February 12th. So we're going to begin with that very small portion of the conclusion of that hearing.

I would like to recognize the presence of a quorum of Committee members. Members of the Committee in attendance are Councilwoman Blondell Reynolds Brown, Councilman Bill Greenlee, Councilman David Oh, and Councilwoman Helen Gym.

And if the Clerk will now read

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the title of Resolution No. 180787.

THE CLERK: Resolution calling for the City Council Committee on Public Health and Human Services to hold hearings on -- I apologize. Wrong one. Sorry.

Resolution authorizing Council's Committee on Health and Human Services to hold hearings to examine the possibility of the Department of Human Services creating objective guidelines and uniform reporting standards for personnel who are tasked with protecting children in Philadelphia from abuse while preventing the tragedy of unjustified family separations.

COUNCILWOMAN BASS: Thank you very much.

If we can now have the Clerk read or call forward the first two people to provide testimony.

THE CLERK: Kara Fetty, Magaly Latorre.

(Witness approached witness

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table.)

COUNCILWOMAN BASS: Good morning.

MS. FETTY: Good morning.

COUNCILWOMAN BASS: Please state your name for the record and begin your testimony.

MS. FETTY: Kara Fetty.

Thank you for allowing me to speak today. I am actually a foster and adoptive mother, so I'm not a biological parent, who has dealt with the situation of DHS, but unfortunately I have had some very negative experiences with DHS within my process, the most recent being an intended adoptive son who was placed with me with the intent to adopt, who was then removed from my care without a court or custody order, more or less by coercion. They threatened the adoption of my current son, who has been finalized, and sent him to the Netherlands.

So to start the story off, I received a phone call on March 26th for a

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three-week-old abandoned child who they could not locate the mother or the biological family, and they were looking only for permanency and pre-adoptive placements, because they didn't want him to be bounced around. And I told them that is the only reason they were calling me, because at that time, I was only accepting foster-to-adopt children.

COUNCILWOMAN BASS: Can you pull the microphone a little closer.

MS. FETTY: Is that better?

COUNCILWOMAN BASS: That's better.

MS. FETTY: Okay. Within three hours he was in my home, with no name, and I had inquired to the DHS worker if I was allowed to name him, and she said when the CUA worker came the next day, I would discuss that with her.

On the 27th, the CUA worker who was assigned to his case did show up at my home. I had a friend there who was witness to the interaction where we

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discussed adoption of the child. We discussed his case and circumstances as well as allowing me to name him. She had asked me if I had considered a name, and I said yes. When I adopt him, I have a birth name that I plan on putting on his birth certificate. She asked me what it was, and she said moving forward, that was the name that they were going to utilize for his case.

On the 28th was the shelter care hearing where the judge at the time determined that the child was to remain where he was, in my care. He was safe and to remain in my care.

Around about April 9th, I had the second visit from the CUA worker, where again we discussed his adoption and the fact that the judge agreed that I should have named him, that he should not be known as baby boy, and that there was a dependency hearing that had happened on April 4th that got deferred, because a private agency had come forward stating

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that they had hunted the biological mother down to get her to sign papers and they wanted the child back, and so -- and I asked her if that meant anything negative for me to adopt him, and she said she didn't know.

At that time, I still had not received insurance for the child, and so I was inquiring about that, and she said that she would look into that and get back to me. A week later, I reached out to her, because I had heard from nobody, and she said, I've been removed from the case, I don't know what's going on.

I said, okay. Does he have another caseworker?

And she said, I don't know. She said, you need to reach out to DHS.

So I reached out to the DHS woman who dropped him off at my home and inquired to her about what was going on. And at that point in time, she informed me that she had also been removed from the case and she did not know who had the

case any longer and that somebody from DHS would reach out to me.

(Witness approached witness table.)

MS. FETTY: I spent the next three weeks trying to get a hold of somebody from DHS just to get insurance for the child, and nobody would communicate with me.

So I worked with my own private agency to get his insurance. I chose the insurance. I chose his doctor. I worked with my agency directly just to get the insurance, and from April 10th until right before a dependency hearing on May 29th, he had no social worker and no CUA worker. It was just me he was dependent on.

On May 29th, we went in for a dependency hearing. Well, excuse me. April 30th was the deferred dependency hearing in front of Judge Younge, for which she recused herself, and it got moved to May 29th to a new judge, for

which we went into that hearing where DHS wanted to withdraw their dependency, which I had not been informed about. I had not even been informed of the court hearing until I inquired about it. I had hired an attorney, and she had stated that there was dependency for the child. The child advocate made it clear that the child should not be removed from the home. I was the only mother, the only family, the only home that he had known, and that until all filings, because I had submitted adoption filings, dependency filings, termination filings for a child that had been determined abandoned, and the judge did not do a hearing and he allowed DHS to remove their dependency, but he did not transfer custody nor did he order me to hand the child over to anybody.

DHS, along with a representative of the private agency, went to his day care center and met me there, and at that point in time, they

made it clear that you don't mess with DHS and if I did not hand the child over, even though my attorney told me I did not have to legally because custody had not been transferred and a judge and an order did not require me to, that they would make sure all my future adoptions were affected by that. And I was in the process of adopting another son that I have, and it was easier to fight for one than to lose both and have to try to do this fight for two. So even though they had removed themselves from the case, I allowed them to take him and give him to the agency, knowing that this was going to be a fight. And I continue a year later still fighting to try to get him back, and it wasn't until September that we found out that the agency had sent him over to the Netherlands.

And so I am currently in a custody battle internationally to try to get my intended adoptive son back, who should never have been removed from my

home to begin with, because everyone knew that he was in a permanency and that he was in a pre-adoptive placement. And just the way that they handled it and the lack of interaction, the lack of communication, nobody supported me, nobody helped. Only my own agency helped me. Never once did they care about what was best for him. And he has a human right as an infant to be raised in his home country and where he was born. And no matter how many filings I file, I just can't get a judge to actually do a hearing. And DHS wants nothing to do with it.

After my son's adoption was finalized, I reached out to Cynthia and Kimberly in order to discuss the situation, and I was informed that because he's not my son and I'm no longer associated to the case, they were going to refuse to speak with me. And I even informed them that I needed to talk to them in regards to the way DHS handled

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the case and how one of their workers blatantly threatened myself and my son in order to obtain custody of this child, and nobody would take the time to even speak to me on the phone or answer appropriately my e-mails.

(Audience member talking.)

COUNCILWOMAN BASS: Please don't speak out.

MS. FETTY: So I have empathy and sympathy for these parents who are going through this, but foster and adoptive parents are too. We are treated just as a temporary placement, and that's not always the case. Foster and adoption is not temporary. It is permanency as much as it is temporary. And not once did anyone ever make the statement that it was temporary, short term. They made it very clear it was a pre-adoptive placement.

COUNCILWOMAN BASS: Well, I thank you for being here today and for sharing your story. And as you know from

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the hearing that we had, we heard a number of these stories over and over again in terms of there's something wrong. There's really something wrong with the way that we're processing foster care and adoption in the City of Philadelphia.

There's been a lot of changes made. In my opinion, most of these changes have not been for the better, and I think that the CUA system is at the heart of it.

Councilman Oh, did you want to --

COUNCILMAN OH: No.

COUNCILWOMAN BASS: No? Okay.

But thank you for being here and for testifying.

MS. FETTY: Thank you.

COUNCILWOMAN BASS: And if we could have our next witness testify for the record. Please state your name before you begin.

MS. LATORRE: Hi. I'm Magaly

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Latorre. I'm a young mom that has been dealing with DHS for two years now still trying to get my daughter back.

COUNCILWOMAN BASS: Can you pull the microphone just a little bit closer. Thank you.

MS. LATORRE: Sorry.

COUNCILWOMAN BASS: That's okay. That's good.

MS. LATORRE: Again, Magaly Latorre. I'm 24 years old. I'm still trying to fight to get my daughter back after two and a half long years. My case is very rare. I was brought in because my ex-boyfriend was abusing me, and then I found out that he abused my daughter. So when I went to go seek help, a DHS worker came to the hospital and interrogated me and made false claims that I allowed my daughter to get hurt, and they took her away from me on January 29th, 2017 at 10:30 at night at Children's Hospital, Room 410. And I'll always remember that day because my

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little girl was one and a half and they took her away from me, and I was just seeking to get help for her, and they made me look like a bad mom. And so I took that on the chin, because I go to church and I pray. I asked God for the strength.

So they asked me to join a parenting class, and I joined three that same week. They asked me to get a job. I got two jobs and worked two jobs. Still to this day, two jobs I work. I've done every parenting class. I've done rape, drug, and alcohol programs. I've exceeded in everything.

I've never missed one visit with my daughter in two and a half years. I see that little girl every day. And these people in the DHS and CUA, they're just looking at me like, oh, you should have known better. I was only 19, 20 years old, and I was just trying to help this person that I was with, somebody I loved, who was abusive to me, but I cared

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so much that I just wanted to help him. I wanted to show him compassion and love, because that is what a Christian is supposed to do. And when he hurt my daughter and I went to go get help, they looked at me like I was a part of it.

So I'm just trying to get my daughter back, and they're crucifying me. They're not trying to give her back to me because they feel as though that I'm not learning my lesson, that I need to know when people are going to hurt my child. I'm well aware of that now. I've done so many parenting programs, to the point when I go to the park with her, I stay right next to her and I look around as if somebody is about to hurt us. And I understand that's how it's supposed to be, but I don't even want her out of my sight for two seconds, because I'm afraid I'm going to lose her again.

And then a couple months ago, there was an emergency court hearing, because the father, who was not in the

life of her since I was pregnant, came, made false accusations, without proof or anything, and CUA just took away my visits, without any proof, without anything, and now I have averted back to the agency. When I had weekend visits with my daughter and I'm about to have another emergency court hearing, because I investigated. I am my own lawyer, because my public defender did not help me for two years. He went and sat in that courtroom and just let them say whatever they wanted. And, again, I'm so young, that I've never been in DHS before. I've never been through this, so I got -- I'm tired now, because I just turned 24 nine days ago, and I'm tired. I went, investigated. I'm looking up DHS handbook, the CUA handbook. I'm my own lawyer now. I'm getting my own help. I've been trying my best.

I enrolled myself in another parenting class. My therapist came to court and said, this mother has learned

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her lesson and she deserves her daughter back. The judge, CUA, just, no, we don't feel like she learned enough. We're going to put her through another therapy. So now I'm going through therapy again at another agency because they feel as though I didn't learn my lesson. But what do you mean learn your lesson when somebody abused me and I went to go get help, and then once I got help, you just took her from me. I was a confused teenage girl. And I still have this passion in me. I want my daughter back. I love her so much, and the CUA agency, they will tell you at Turning Points for Kids, Magaly Latorre is one of the only mothers who has not missed not one visit in two and a half years and is always here early, and as soon as my daughter comes through that door, she hugs me and she cries and she says, mom, I miss you so much, don't leave me. And I tell her, it's okay. Mommy is just working. Okay. It's okay. Mommy is going to be back.

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But I hate lying to her.

I'm a great mom. I aced every program that they put me through and I'm still fighting and I'm still doing what they want me to do, but I am being abused and they're not trying to give me my daughter back, and I just don't understand. I'm just a mother concerned and I just want my daughter back more than anything in this world, because she is the most precious thing that God has given me.

Thank you.

COUNCILWOMAN BASS: Well, thank you both for your testimony, and I can tell you that as a mother, the idea of someone removing your child from you, there's nothing, there is nothing more horrifying than the very idea, and the fact that it has actually happened to the both of you and so many more just really reiterates what we discussed during that actual hearing, which is the need for significant reform over at DHS and

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particularly through the CUA system.

And so, again, this is not something that's been lost on us, and clearly this Council has heard what folks have to say and is planning to work to fix this very, very, very wrong.

So Councilman Oh.

COUNCILMAN OH: Thank you very much for your public comment. I want to thank our Chair, who allowed me to sit temporarily on this Committee for this resolution.

We have heard from experts from NYU Law School, from University of Penn Law School, national experts, from attorneys. There is a need for uniformity, transparency, and accountability based on best practices.

I hope that our Council and the DHS Commissioner and the Administration will work together to make sure that we are doing what every pediatric organization says: Keep the child with the parent. Do not remove them even

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temporarily unless it is absolutely necessary, and we must comply with state law that there has to be evidence in any action taken and, finally, that our court systems have to be open for public viewing, that there should not be --

(Applause.)

COUNCILMAN OH: -- closed courtrooms.

So we will with that conclude this hearing. I thank the Chairwoman and all the Committee members for allowing this public comment so that we can conclude this.

With that, thank you very much.

COUNCILWOMAN BASS: Thank you, Councilman.

I want to recognize the presence of Councilman Derek Green.

Any additional comments from the Committee?

(No response.)

COUNCILWOMAN BASS: And I do want to note that representatives from

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DHS are here and that we're going to be having the follow-up conversations necessary. So thank you.

Thank you for being here today. I appreciate your testimony.

If we can now have the Clerk read the title of the first bill, No. 180936.

THE CLERK: Amending Title 6 of The Philadelphia Code, entitled "Health Code," relating to lead paint hazards and other violations, to provide for appeal periods and for penalties, to provide for inspections and fees, to revise definitions, and to promote lead safety, all under certain terms and conditions.

COUNCILWOMAN BASS: Thank you.

And if we can have the Clerk call forward the first panel of witnesses.

THE CLERK: Commissioner Tom Farley, Philadelphia Department of Public Health; Sarah Kaiser, Legislative Affairs Manager, Philadelphia Department of

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Licenses and Inspections --

COUNCILWOMAN BASS: If we could have quiet. I'm sorry. This room is very hard to hear in already. If we can have quiet while folks are moving around.

I'm sorry. Go ahead.

THE CLERK: Rue Landau, Executive Director, Philadelphia Fair Housing Commission.

(Witnesses approached witness table.)

COUNCILWOMAN BASS: Thank you very much.

And before we begin, Councilwoman Blondell Reynolds Brown had some opening comments on 180936.

COUNCILWOMAN BROWN: Thank you, Madam Chairwoman.

Good morning. Good morning. I beg for your indulgence for the next several minutes, because history and context is very, very, very important.

Let me first say thank you for the opportunity to speak on Bills No.

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180936, 180937, and 180938. As the screen indicates, these bills were all introduced on October 28th, 2018 as part of a package to continue to address the erasable issue of lead poisoning prevention in our city. Before we introduced these bills on October the 25th, we met for 18 months before October 25th, and the bills introduced on October 25th were the result of 18 months of discussion, deliberation coupled with consultation from a wide cross-section of stakeholders.

It's always been my belief that as a legislator, more gets done when we invite everyone to the table before the introduction of the bill. So I need to say thank you to PCCY, Community Legal Services, TURN, the Lead Poisoning Working Group, which includes so many groups dedicated to the health and well-being of our children, the Lead Poisoning Advisory Board that was convened by Mayor Kenney, HAPCO, the

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Apartment Association. Also a huge thank you to my partners in Rochester and Baltimore where we did conference calls and met, our Health Department leadership, License and Inspection Commissioner, the Mayor's legislative team, and other members of the Administration.

In 99 percent of legislative complex matters -- and this is a complex matter for sure with multiple layers -- not everyone will be happy. Today simply we are seeking to achieve compromise. The components of these bills are a result of input, dialogue, friendly debate, and participation from all of the stakeholders.

We know that many in this room live with the ugly public health issue of lead poisoning. My staff and I must first put on the record facts about the issue of lead poisoning in Philadelphia.

According to the Mayo Clinic, lead poisoning is a medical condition

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that occurs when lead builds up in the body, often over months or years. Children younger than six years are especially vulnerable to lead poisoning. At very high levels, lead poisoning can be fatal. Exposure to even low levels of lead can cause damage over time, particularly in children. The greatest risk is to brain development where irreversible damage can occur.

Fact: Multiple studies have detailed the impact of lead poisoning on the child's ability to learn. According to Elise Gould with the Economic Policy Institute, high lead levels can cause ADHD, mental retardation, learning disabilities, and the stunting of growth. Children with high lead levels are more likely to need special education services.

Fact: Studies have also shown that lead poisoning is correlated with violent crime, arrest, early pregnancy, and even lower lifetime earning. A 2009

study from the EPA found that reducing the mean blood level for all United States children between birth and six years would reduce crime and increase high school graduation rates.

Further, in another study, using conservative estimates, every $1 invested in controlling lead hazards results in $17 in societal benefits.

So you might ask, why are we back at the table after passing a lead bill in 2011, after passing a bill that became law in 2011? Because in spite of the valiant efforts by our government over the past seven years, the rates of lead poisoning in children continue, and that's unacceptable.

Many would be surprised to know that today more children are being poisoned by lead in the City of Philadelphia than in Flint, Michigan, which made national headlines in 2015 for its lead poisoning issues.

Fact: There are 16 zip codes

in Philadelphia covering nine out of ten councilmanic districts where more than 10 percent of our children screened have elevated blood levels. I repeat. There are 16 zip codes in Philadelphia covering nine out of ten councilmanic districts where more than 10 percent of our children screened have elevated blood levels. As you can see from the maps, lead poisoning from the 2017 Lead Poisoning Surveillance Report, lead poisoning continues to be concentrated in areas of the City that include populations which are poor, members of racial and ethnic minority groups, and recent immigrants.

Today this Committee will hear testimony on three separate bills dealing with lead poisoning. I will speak first to the biggest one that has multiple witnesses. This bill, No. 180936, updates and hopefully improves the current Philadelphia law on lead certification in rental properties.

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The majority of issues related to lead poisoning in children comes from lead. We're not talking about lead in soil. We're talking about lead paint and particularly lead paint in residential homes where children under six spend most of their time.

Local, state, and federal officials have been tackling the issue of lead for the last 30 years. Two weeks ago, my staff and I went to Washington, DC to a national conference where really the feds have been tackling this issue for the last 50 years. In 1978, the federal government passed a law banning lead paint in rental properties. That is why the legislation I'm introducing today only captures properties built before 1978 where lead hazards continue to exist.

You can see from the photos in the room, paint peels or chips, hazardous lead dust is revealed, children get poisoned. In 1995, our city made the

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first attempt requiring disclosure of the possibility of lead contamination to possible tenants. That wasn't enough. So we came back in 2010, met over a year with multiple stakeholders, and then introduced a bill in 2011 requiring certification in properties where children under six live. That law has been in effect for six years.

Fast forward to December 2016, five years later, Mayor Kenney convened the Philadelphia Childhood Lead Poisoning Prevention Advisory Group to again look at efforts to reduce lead in the City. Ultimately that group with over 20 stakeholders recommended to expand the current law to include all properties.

So there was a 1995 effort, then there was the 2010 of a year worth of meetings that ended up with a 2011 bill that became law. Five years later, December 2016, Mayor Kenney put this issue back on the radar screen, and the principal recommendation that came out of

those discussions was to expand the law to include all properties.

What is the issue with the current 2011 law that only requires certification in properties where children live under six? Well, here's the fact: We know that children attend not only the homes where they live, but they visit the addresses of family, friends, and babysitters. As Health Commissioner Farley will discuss, these homes should also be safe for children.

According to a recent Health Department survey of families where children were poisoned by lead, 38 percent of them were found with significantly elevated lead levels at a secondary address. We need to do more.

Secondly, sadly, our 2011 bill created a two-tiered housing market. Unscrupulous landlords, the bad guys, know that if a family with small children applied for a rental property, their maintenance costs would be increased

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compared to a person or family without children. In Massachusetts, which has had a law applying certification only to properties where children live for decades, research has pointed to an alarming trend of discrimination. Rue Landau, our leadership at the Fair Housing Commission, will speak to that.

Finally, in spite of all of these efforts, the work of the Health Department, the work of the Commissioner and his team at L&I -- and we sat around the table with them as well -- the Health Department predicts that children six and under reside in a -- follow the numbers. There are 22,000 rental properties in the City of Philadelphia. After six and a half years of implementation, the Department has 5,000-plus unexpired certifications. That means there's about a 25 percent compliance rate in six years. We have to ask ourselves, is that acceptable? Applying the law to all properties, tying the certification to

the rental license, helps to address most of these issues.

We've engaged in numerous rounds of conversations. As a result of those discussions, we've adopted amendments or we're presenting amendments that we hope will make the system better. The bill includes a transition period so to facilitate a smooth transition for landlords and the Administration. This is not going to happen in six months, 12 months, and possibly three years.

We have extended the expiration date of a certification. We've authored an amendment to the proposed legislation to be offered on the floor that includes landlord rights to enter the property for the purpose of inspection and changing the penalties available to tenants in light of a tightened system for enforcement by L&I and the Health Department.

I need to be clear about a certain aspect of this bill. The bill

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does not require total abatement of one's property. Let me repeat that. This bill does not require total abatement of one's property. There's a study circulating indicating that the compliance bill will average -- compliance with this bill will average $3,000 per unit. That's not true. What we're talking about here is the use of a scraper and a bucket of paint to ensure that the home does not have chipping or flaking paint. Well-maintained homes will pass certification, and the Apartment Association's only study issued in January 2018 indicates that the long-term costs of maintaining the property costs $14 per month.

Members of the Committee, I thank you for the time to speak only on the first bill, because it is indeed an elephant, but we're going to tackle this elephant one bite at a time. I'll then speak to the other two bills that are not as huge in terms of nature and

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complexity.

Thank you, Madam Chairwoman.

COUNCILWOMAN BASS: Thank you, Councilwoman.

Okay. You can give her a round of applause if you want.

(Applause.)

COUNCILWOMAN BASS: Councilwoman Gym.

COUNCILWOMAN GYM: Thank you very much, Madam Chair.

First of all, I wanted to acknowledge the historic work that Councilwoman Blondell Reynolds Brown has done on the issue of lead and lead safety here in the City of Philadelphia. Your work has been historical and legendary. You've certainly been a champion for children for the City of Philadelphia for almost two decades. I know that I will miss your passion and fire as we move into a new era, but that many of us will be carrying on your legacy, and this will be one of the most significant ones that

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you do.

So I want to very quickly say to the folks in the audience that there are a number of things that are very complicated as we expand what is critically necessary in terms of establishing the fundamental right to life, liberty, and the pursuit of happiness for young children. And I think all of us in this room can and must be unified around the idea that the fundamental health and safety and being of young people is a city and a society's top priority and that the issue of lead poisoning is a reality in Philadelphia for so many low-income young people in neighborhoods all across the City, for their parents and family members who often live and struggle within substandard housing that the City has to do so much more about, and that this is a unified mission that can bring together our landlords, HAPCO, Apartment Association, our partners on the business

level, but most especially the neighborhoods and communities, renters and others who rely on us to hold ourselves to the highest standard.

There is no cost greater than the life of a child and their future, including their health and their education, and I think the statistics that we're going to hear both from the Administration and others are going to show that we have not gone far enough in ensuring that our children grow up with the fullest assurances that we're doing as much as we can to ensure their safety.

When I hear statistics that there are 20,000 to 22,000 rental units at least that have children with ages six and under, probably even more, but only a fraction of them have actual lead certification, we've got a problem, and we've got to do more about it. When we know that actually three-quarters of young people -- that the City of Philadelphia does not believe that as

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many as three-quarters of the young people are not covered by the current law, we have to do more.

So today is about establishing a commitment to the children and the families of the City of Philadelphia, that lead poisoning has got to be a sin of the past, and that as we move forward into the future, that this city will do everything possible to end the plague of lead poisoning, to relegate it to its shameful history, and that all of us are united in that mission and that this bill is going to push us forward towards that.

Thank you very much, Madam Chair and Councilwoman Reynolds Brown.

COUNCILWOMAN BROWN: Thank you, Council Lady.

COUNCILWOMAN BASS: Thank you.

And if we could have the first panel begin your testimony. If you want to state your name for the record and begin your testimony.

COMMISSIONER FARLEY: Good

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morning, Chairwoman Bass and members of the Public Health and Human Services Committee. I'm Dr. Thomas Farley, the Commissioner for the Department of Public Health. Thank you for allowing me to testify on Bill No. 180936, which was sponsored by Councilwoman Reynolds Brown. This bill would expand all residential rental properties built before 1978 the requirement that landlords test and certify those properties as lead-free or lead-safe. We strongly support this bill as a way to reduce children's exposure to lead in Philadelphia.

While the number of children in Philadelphia with evidence of exposure to lead has fallen substantially over the years, far too many children are still exposed. No amount of lead in children is safe, and the higher the blood lead level, the greater the risk to the child.

In 2017, 318 children in Philadelphia were newly identified as having blood lead levels above 10

micrograms per deciliter and an additional 1,305 had blood levels between 5 and 9. Historically our main approach to addressing lead poisoning has been to test children for lead and then, if the lead levels were high, remediate the source of lead, which is usually paint on the walls at home. The purpose of this action is to prevent further exposure to lead, and we refer to that as secondary prevention. But secondary prevention is not the best approach, because we believe that any neurologic damage from lead exposure is irreversible. As lead levels have fallen over the years, experts have increasingly called for a shift to primary prevention; that is, taking steps to avoid children getting any initial exposure to lead.

Thanks to Councilwoman Reynolds Brown, Philadelphia has had a law in place since 2012 that does emphasize primary prevention. This law requires that landlords renting properties to

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families with children age six and under have those properties tested and certified as either lead-free or lead-safe. The landlords are then required to have tenants sign these certificates and then submit them to the Health Department. This law put Philadelphia among the more progressive cities in the nation in protecting its children from lead exposure from paint at home.

However, as we have implemented the law, we have learned that it has its limits. We have a rough estimate that 20,000 to 22,000 rental units in Philadelphia house children age six and under, but the Department of Public Health does not know which of the approximately 270,000 rental units in the City those children live in. As of early 2017, the Health Department had received a total of only about 1,500 lead certificates since the initial law was passed. That's five years earlier.

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Since that time, the City has worked to increase compliance with the law. The Department of Licenses and Inspections has required landlords to affirm on their rental license renewal applications that the units either contained no children or that they had submitted a certificate. At the same time, the Health Department attempted to enforce the law by sending letters to landlords of properties that based on our immunization database we believed housed children less than two years of age. Landlords who did not respond were issued code violation notices, and some of those who did not respond to code violation notices have been issued notices of violation.

This has proven to be a cumbersome process, and its effectiveness has been limited. As of January 2019, we have mailed approximately 6,100 letters and issued nearly 2,500 code violation notices and received approximately 5,500 lead-free or lead-safe certificates. We

estimate that after this process, some 25 to 30 percent of young children in rental properties are now residing in a property with valid certificates. While that represents progress, it still means that 70 to 75 percent of children in rental properties are not protected by the current law.

There's another limit to the current law in that it only covers properties that are children's primary residence. When we investigate children who have elevated blood lead levels, we frequently find that they spend time and may have been exposed at the residences of relatives that they visit regularly, which are not covered by the current law.

Bill 180936 would address these limits by applying the requirement for lead certification to all rental properties in the City built before 1978. This would have two major distinct benefits over the current law. First, it would make enforcement much simpler. The

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Department of Licenses and Inspections could simply deny rental license renewals if the Department of Public Health did not have a current lead-free or lead-safe certificate on file.

Second, it would protect all children in rental properties regardless of whether those properties were their primary residences.

There are several other provisions of 180936 that would strengthen our ability to enforce the lead certification requirement. Some provisions simply clarify language in the current law that was unclear and others clarify the persons who are responsible for carrying out the lead certification requirements. The bill also removes a current exclusion for rental units managed by the Philadelphia Housing Authority or that are part of the Housing Choice Voucher program.

There are also important provisions in 180936 that make it easier

for landlords to comply with the law. First, the certification requirement would be phased in across the City over four years, starting with the zip codes with the highest lead exposure rates and ending with the zip codes with the lowest exposure rates.

Second, under the bill, the lead-safe certification would be valid for 36 months instead of 24 months.

In summary, Bill 180936 would greatly reduce the likelihood that children are exposed to lead-based paint in homes in Philadelphia. We consider this bill to be a major step forward in turning the concept of primary prevention of lead exposure into reality. It is the next logical step to ultimately ending the problem of lead poisoning in Philadelphia.

We understand that there are some proposed amendments to the bill, and we enthusiastically support the bill as it is proposed to be amended.

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I'm happy to answer any of your questions.

COUNCILWOMAN BASS: Thank you, Commissioner. We're going to hold the questions until the end.

And if the next witness could state your name for the record and begin your testimony.

MS. KAISER: Good morning, Chairperson Bass and members of the Committee on Public Health and Human Services. My name is Sarah Kaiser and I'm the Legislative Affairs Manager for the Department of Licenses and Inspections. Today I am here to provide testimony on Bill No. 180936, which, if enacted, will amend Title 6 of The Philadelphia Code, entitled "Health Code."

The bill would amend the Health Code related to lead paint hazards to promote lead safety.

The Department of Licenses and Inspections is in favor of this bill as

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it is proposed to be amended and is prepared to adjust its rental license application and renewal processes to support the Health Department's enforcement efforts should it become law.

Thank you for the opportunity to provide the Department's testimony. I will be happy to respond to questions.

MS. LANDAU: Good morning, Chair member Bass and members of the Committee on Public Health and Human Services. I am Rue Landau, Executive Director of the Philadelphia Commission on Human Relations and the Fair Housing Commission. The Philadelphia Commission on Human Relations is the City agency that administers and enforces the Fair Practices Ordinance, the law that prohibits discrimination in housing, employment, public accommodations, and the delivery of City services. The Fair Housing Commission enforces the Fair Housing Ordinance, which protects tenants from unfair rental practices. I am

testifying today on behalf of both the PCHR and Fair Housing Commission regarding Bill No. 180936 amending Title 6 of the Health Code as it relates to lead paint hazards and other violations and the promotion of lead safety.

Because you have so many witnesses, I will skip over my initial part of my testimony, because I believe it's been covered by everybody, but get to the heart of why I'm here and how we experience lead paint in both of my commissions.

In 2012, the City of Philadelphia amended its lead law regulating homes built before 1978. With those amendments, landlords renting to families with children ages six and under were required to have their properties tested and certified as lead-safe or lead-free and provide proof to their tenants at the time of the lease signing as well as the Department of Public Health.

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Federal, state, and local law is clear. It is illegal to deny housing opportunities to people based on their familial status, which includes the presence of children. These laws have been in effect for 50 years, and many landlords comply with them by not asking prospective tenants if they will have children living in the property.

By including the age requirement, the City's amended law of 2012 has an unintended discriminatory effect of discouraging landlords from entering into leases with families that include children under the age of seven. Structuring a law that puts an obligation on landlords solely if they rent to families with young children forces landlords to ask prospective tenants if children will be residing in the property and opens up many risks of discrimination. This inquiry is in direct opposition to the strong anti-discrimination provisions in

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Philadelphia's own Fair Practice Ordinance. The only way to avoid a potentially discriminatory inquiry is if a landlord conducts all necessary background checks, gives a conditional offer of the rental unit to a prospective tenant, and then asks if any children under the age of seven will be living in the property for the sole purpose of doing the lead tests. Unfortunately, many landlords would overlook families with small children instead of going through this process and incurring this cost.

While the PCHR has not received any formal complaints of housing discrimination based on the lead paint law, we have heard anecdotal complaints of landlords who will not rent to tenants with young children. To be clear, even if no complaints have been filed with the Commission, the absence of complaints does not mean discrimination did not happen and does not happen. And the fact

that a tenant with children could later file a claim under the Fair Housing Act or the City's Fair Practices Ordinance doesn't save the family from the adverse consequences of discrimination.

Removing the age requirement from the lead law will help to keep more kids healthy. As we learned through the cases litigated at the Fair Housing Commission, it is often unclear where a child is being poisoned by lead. We hear cases of parents with young children who are living in separate households but sharing custody. Or cases where a child is at grand-mom's house all day while the parents are at work. Under the current law, the grandmother's landlord is not obligated to test her property or provide her with a lead-safe or lead-free certificate and still the child could be poisoned. We can eliminate the guessing game of inconsistent or incomplete legal obligations to children's health if all rental households are tested.

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As with many other forms of property violations, rather than comply, a landlord may find it easier to refuse to rent to a family with small children than complete the process of certifying the property to be lead-safe. It is unlawful to discriminate against a tenant based upon familial status, the presence of children, for filing a complaint or even for requesting lead testing.

The PCHR and Fair Housing Commission support the bill, which broadens the requirements for lead testing of a property and establishes stronger penalties for violations. Removing the age limit and applying the law to all rental units will make housing safer for children and will reduce discrimination against families with the youngest children.

Thank you for the opportunity to testify.

COUNCILWOMAN BASS: Thank you for your testimony.

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And Councilwoman Brown.

COUNCILWOMAN BROWN: Thank you very much.

First, let me say thank you to the Health Department Commissioner and to the Commissioner of L&I for sitting down with us repeatedly to examine more in depth how we could get government, that side of the ledger, to work more closely together, and I believe that as a result of those discussions, we've done some tweaks which addresses one complaint that I've heard, government should do more. So I appreciate very much you all trying to figure out how government can do more to eradicate this issue.

In our discussions, we considered a bill that would require certification during the turnover of a property. And so, Commissioner, if you could simply share with us why that particular tactic would not be successful, not work.

COMMISSIONER FARLEY: The key

problem about enforcing this law really goes back to the sheer number of units we're talking about. Again, 270,000 units in the City, 20,000 to 22,000 that house children under six. And if people don't comply based on something that they're already coming to the City for, it's very difficult for us to find those units to which it applies. If a law were put in place that said it only applies on a new lease, we would be in the same boat we are right now, because the City does not know when a new lease has been entered. So we'd again be back to trying to find out of the 270,000, which are the ones that applied to and sending out tens of thousands of letters and not being able to verify the responses we get.

The law as it's currently written introduces the requirement at a point when landlords are interacting with the City already. They're asking for a renewal license. As we have verified that at that time, we can apply it to

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everybody and handle the very large volumes of apartments that are involved.

COUNCILWOMAN BROWN: And that's the segue to my follow-up question whereby this bill contemplates a new system -- the operative word there is "new" -- that will tie the rental license to the receipt of the lead certification. That will require, of course, coordination between the two departments, which is an example of government trying to figure out a way to work more efficiently.

Describe for the record how you see the system working once up and running.

COMMISSIONER FARLEY: Right. So the Health Department has developed a database. So when landlords submit a lead certificate to the Health Department, it's put into that database. That database does not currently talk to the database that L&I has for rental license renewals, but we have talked to

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L&I and there can be a way to make a connection so that when a landlord applies for a license renewal, the L&I license renewal database sends a message, in fact, to lead to the Health Department database, and says do we have an active certificate for this rental unit. If the answer comes back yes, then the rental license is issued. So ultimately it's an automated process that can handle that tens of thousands of requests that we're talking about.

COUNCILWOMAN BROWN: That's encouraging.

Tying the rental license to the receipt -- I proposed that one already.

So with this new system, can you talk about the training now that will be required for that to work and how you intend to support exactly what you just described in the ramp-up of this new relationship between L&I and Health.

COMMISSIONER FARLEY: Are you talking about the training of people who

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would be testing properties for --

COUNCILWOMAN BROWN: Yes, yes, yes.

COMMISSIONER FARLEY: So to certify a property as lead-free or lead-safe, it needs to have a dust wipe taken by a dust wipe technician. There are dust wipe technicians already in the City of Philadelphia, but it's easy for people to get training to become a dust wipe technician. It's a one-day training that's offered by the Health Department, it's offered by the EPA, it's offered by other entities. And then once the dust wipe technician is trained for a modest fee, that inspection can be done.

Landlords also can have their own staff certified as dust wipe technicians. In which case if they have multiple properties, it might be more cost-effective for them to do that, and then they can handle a large number of units at one time.

COUNCILWOMAN BROWN: To L&I,

thank you for representing Commissioner Perri. He was very, very helpful at the table.

On Page 14 of your brochure, you say, and I quote, you state, and I quote, "The landlord or homeowner is responsible for all repairs that are necessary to keep the building in good condition. Interior doors, cabinet shelves, and other supplied equipment must be kept in sound and good condition."

How does L&I ensure that rental properties are kept in that standard? Do you have any in-house protocols that provide you that kind of information with the properties that you may have to enter?

MS. KAISER: Due to the large number, I believe it's mostly complaint based where our inspectors would go out to confirm that the unit is kept in that condition.

COUNCILWOMAN BROWN: Okay.

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Thank you, thank you, thank you, Rue Landau, because with most pieces of legislation intended to make lives better, there most often is some unintended consequence, and you've spoken quite eloquently to the idea of the City's amended lead law having unintended discriminatory effect of discouraging landlords from entering into leases with families that include children under the age of six. I felt the need to repeat that because that was not our intent or purpose in 2011 when we sat down and commiserated for 18 months trying to get it right. So for you to now register that on the record is very, very helpful.

I thank you all very much.

That concludes my questions, Council Chair Lady.

COUNCILWOMAN BASS: Thank you very much.

And I want to recognize the presence of Councilwoman Maria Quinones-Sanchez.

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Councilwoman Gym and then Councilwoman Sanchez.

COUNCILWOMAN GYM: Thank you very much, Madam Chair.

Commissioner Farley, thank you very much for your testimony. So I just wanted to clarify some of the statistics that you had brought out. So you said that there are roughly how many rental units in the City of Philadelphia?

COMMISSIONER FARLEY: 270,000.

COUNCILWOMAN GYM: And how many units did you say are estimated to hold children six and under?

COMMISSIONER FARLEY: Between 20,000 and 22,000 is our best estimate.

COUNCILWOMAN GYM: And those rental units under the current law should be required to have lead certification; is that correct?

COMMISSIONER FARLEY: Yes.

COUNCILWOMAN GYM: And how many rental certifications do we currently have on file in the City of Philadelphia?

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COMMISSIONER FARLEY: About 5,500 that are currently active.

COUNCILWOMAN GYM: So less than a quarter.

COMMISSIONER FARLEY: Yes.

COUNCILWOMAN GYM: About a quarter.

COMMISSIONER FARLEY: Yes.

COUNCILWOMAN GYM: Thank you very much.

And one of the questions that I had, which is kind of exposing some of the flaws within our City system, is, can you assure that when someone applies for a rental license, that there is a certain amount of speed of efficiency between communications between L&I and the Health Department so that landlords don't have to wait a significantly long time?

COMMISSIONER FARLEY: Yeah. In order for this process to work, we're going to have to have the databases talking to each other so it's an automated process. It can't be a phone

call or an e-mail. And the implementation of this bill, I believe, is in July 1 of 2020, and that's in part because we know we have to do some major work with the IT infrastructure to get that automated process in place.

COUNCILWOMAN GYM: And ideally those systems could maybe perhaps even be integrated so that in fact you don't have to have completely separate systems but that you could look at a rental unit property, you could determine code violations, you could determine if there was, for example, any kind of discriminatory violations through PCHR against a landlord for a past discrimination and also about health and code. Is that at all within the City's dialogue about being able to do that?

COMMISSIONER FARLEY: We haven't talked in detail about the IT process there. I would think that different systems that have a strong interface might be actually easier to do

than one integrated system. If you try to bite off too much with IT systems, you can fail. But I think to the user, it should be transparent, right? Because they apply for their license and they get their license, and they won't need to know that it was pinging a different database to get that answer.

As part of the bill, there's also a requirement that the Health Department would post on the web information on all the properties that have been certified, so that if families want to check a rental property, they could do that. So that would be part of our IT build-out as well.

COUNCILWOMAN GYM: All right. Thank you very much.

And then to Commissioner Landau, one of the things -- we've been focusing a lot in this city about a lot of our anti-addiction work, and certainly a lot of those national studies and local studies indicate that evictions

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overwhelmingly impact single female heads of household, and I'm curious, because I think you alluded to this a little bit, that if families with young -- well, especially single mothers with young children are highly likely to be evicted. I think you raised and just wanted to ask you to elaborate a little bit more about your concerns that a law that establishes an age cutoff for rental licenses might actually potentially exacerbate discrimination against parents and children and young children?

MS. LANDAU: Right. First of all, I want to say that for the cases that come to the Fair Housing Commission, I couldn't be happier that we're going to actually have departments talking to each other. I think it's frustrating for all of us. We have access to Hansen, L&I's database, in my office, so we can actually look up whether or not there's L&I violations on a property when someone files a complaint with us, but the Health

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Department issues come from whether the tenant brings the documents to us and/or whether we affirmatively contact the Health Department because an issue comes up at one of our hearings. But there's nothing automatic about that, and the Certificate of Rental Suitability is a whole other story where there's just no connection there, and to have everything in one place, also knowing that when the City of Philadelphia is approving you for a license means that your property is in great condition. We're ready for you, go ahead, please rent to somebody.

We have so many renters in the City. The population is increasing of renters. We want to make sure that our rental housing is as in safe and decent condition as it possibly can be. So the more that the departments work together, the more that this will happen.

We are seeing more properties licensed, many more Certificates of Rental Suitability, and thankfully are

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starting to see landlords with lead-safe and not so much lead-free certificates, but lead-safe certificates, absolutely.

I have one issue that I can guarantee is going to come up in the next couple of panels is what happens when a tenant has been living there and lead is detected? Landlords want to know if the family has to move out, who is paying for it? What happens with this relocation? To date, we don't see as much of this issue. I'm sure it happens, but I don't have any concrete evidence of families getting evicted because they're families with young children, landlord realizes there's lead in the property, and they have to go. I'm sure you might hear that from other people, but I do think that is a big question that comes up -- that will come up in the next panels.

Being a landlord is being a business person. There are certain costs of doing business on the City of Philadelphia. And I think also if you

remediate lead the right way the first time, again, you'll hear more testimony on this, but I'm sure it doesn't have -- it's not going to be as big of a burden each time that you have to go and take care of small pieces of it.

So I think there was a question how often do you really have to evict families in order to remediate the lead, especially after you do it the first time if you do it right.

COUNCILWOMAN GYM: Yeah. So I wanted to be clear. I'm not necessarily associating eviction directly with lead, but what we do know is that all of our national studies and, to some extent, some of our local studies are indicating that single mothers tend to be a very large population of the people who are evicted here in the City of Philadelphia and nationally, and if there are ways for us to ensure that all our laws are not exacerbating situations but by removing the age level on the lead certification

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and mandating that all rental properties have to have lead-safe and/or lead-free certification, it will go a long way towards making sure at least that that category could be --

MS. LANDAU: Absolutely. It would create a stability in our neighborhoods that we're looking for. We want kids to remain in the schools they're in. We want parents to remain a part of that community, that block, that infrastructure of their neighborhood. Allowing them to live in a safe and healthy home will, I think, be a strong deterrent to what we're having as the eviction crisis here in Philadelphia.

COUNCILWOMAN GYM: Thank you very much.

COUNCILWOMAN BASS: Thank you.

Councilwoman Sanchez.

COUNCILWOMAN SANCHEZ: Thank you.

I want to thank Councilwoman Blondell Reynolds Brown, as I heard her

open up and remind us how far we've come from when the conversation started. It appears that there's been even more work and more thoughtfulness about how we do this given the need for us to continue to have a growing rental market, right, and the need particularly for women and children.

Dr. Farley and L&I, as our technology gets better -- and I do agree we got to get better at the interfacing of the datasets -- how many properties do we have in the City of Philadelphia that could potentially have lead exposure? Since we know it's 1972 and below, what is that universe?

COMMISSIONER FARLEY: It's about 90 percent of rental properties in the City were built before 1978. So the vast majority.

COUNCILWOMAN SANCHEZ: So as part of this work, how difficult will it be for us -- one of the things that we're trying to do is teach consumers and

create a space where people can come and check, right? You can come check if you're going to rent a property and it doesn't have a renter's license. Is there a way that we can tag every single property, so if I'm looking up a property in the City, I say this potentially falls in this framework? Is there a way for us to include that as part of that L&I? I know with eCLIPSE as we've looked at this, is there a way of doing that in our property database?

COMMISSIONER FARLEY: As far as the lead certificates, we absolutely plan to do that as part of this bill.

COUNCILWOMAN SANCHEZ: No. I'm just saying what the universe should be, right? Because we keep knowing that -- I mean, we're picking away at this. We're getting more and more responsible landlords to come forward who want to comply. Is there a way that we can say in our information systems, in the face where I go check the renter's license and

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I say potentially this property could have lead, and how difficult would it be for us to do that?

COMMISSIONER FARLEY: I think what would be -- we think what we can do is to say this property has been certified as lead-safe or lead-free. If we don't have a certificate, we don't know.

COUNCILWOMAN SANCHEZ: Right. But we can tell folks this property can potentially have lead because of the timeframe in which it was built. I want to ask L&I.

Sarah, do you know if in that screen where we look up a property for a renter's license that information could be posted?

MS. KAISER: It wouldn't have that, but if they wouldn't obtain the lead-free/lead-safe certification, they wouldn't be able to renew their license.

COUNCILWOMAN SANCHEZ: Right. No; I know that, but we know when we

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start requiring stuff, we get a drop-off. It doesn't mean that stops being a rental property. It just means it's not in compliance, right? What I'm trying to get to is, as part of this long-term education campaign, we say this property could contain lead. Please look here to see if it has a certificate, right? So that we're better informing folks this potentially could have lead, and then we have a responsible landlord who went the extra mile, the 5,500 universe, and actually got a certificate, right? Because then you could say in that space, you should ask, right?

So I'm trying to think long term, because Councilwoman Blondell Reynolds Brown, we've been at this a long time, right? So it's, one, what we can control. The other is how do we fill the gap of information. Is that possible?

MS. KAISER: I think -- I mean, I think that all rental properties based on the fact that Dr. Farley said that 90

percent of them are built in a time period where they would have lead, I think that the education would have to be pointed towards there's a potential for lead unless the certificate is present.

COUNCILWOMAN SANCHEZ: Right. So I want to put it out there, because I think as part of this as we look at long term, we should make that a standard practice. This house was built in this time period. You should ask for it, right? As we educate folks -- we're always telling people what they can't do. We don't tell people what they should be doing, right? So this is one of those to get to that point.

The second question is, so we have 5,500 people. What do we do -- what is the plan? Because how you operationalize this becomes key, and Rue alluded to this. What do we do if we are aware that this property may fall in this category, has a renter's license, but doesn't have a lead certificate? Tell me

what the departments are planning to do to that universe.

COMMISSIONER FARLEY: The way the bill is written, if they're in the zones where it has applied and the landlord applied for a rental license and there isn't a certificate on file with the Health Department, they would be denied the rental license renewal.

COUNCILWOMAN SANCHEZ: I get that, but that doesn't mean they're not going to stop renting it, right? One of the things we've learned with all of this process, we hate it, but it's the reality, right? It doesn't mean -- what are we doing to incentivize that person to want to go through the certification? What do we do? Do we do a letter? Do we give them free months? Do we reach out to them? Just because they don't have a renter's license doesn't mean children are not in the building. What are we doing with that universe?

COMMISSIONER FARLEY: From the

Health Department's perspective -- this is off in the future, but we can certainly look into sending letters to these people, which we're talking about a very large number. It's still going to ultimately depend on voluntary compliance for that. Other than not giving them a rental license, there's not a lot of additional enforcement we can do. There are downsides of not having a rental license and renting without a license.

COUNCILWOMAN SANCHEZ: I get that, but I'm trying to avoid the mad rush to Rue's world in the Fair Housing Commission.

MS. LANDAU: I was going to say, send them to us. We'll make them get a rental license.

COUNCILWOMAN SANCHEZ: So, Rue, what would you recommend? Again, we've been doing this for a minute. And, again, the more enforcement we do and more education we do, we still leave this universe that continues to operate under

the radar, which in some cases becomes even more dangerous, right, because that's where we end up with all of these other cases, right? So what would be your recommendations about what we should operationalize so that when we know someone is not going to get a renter's license because they don't meet that test, what do we do there? What's your recommendation?

MS. LANDAU: Can I start with the easy part that I would love, although it puts a little work on my colleagues here, especially L&I. I think that when landlords first start to rent, we need to make the process easier for them. We need to tell them all the documents that they need in a very easy form. It's got to be translated into many different languages, and we need to let them know this is the process you go by. There's a lot of different things they need to do and there's no one place that gives them a one-stop shop of this is how you get

started, this is what we expect from you, and these are all the things that you have to do. So I say we start that for the very first landlords.

There's back-end ways that I know that we could find many landlords who might not have rental licenses who should have rental licenses. It would be a research on the City's side, right? People who had rental licenses in the past and didn't renew them. People who go file in Municipal Court for non-payment of rent and suddenly have a rental license, but the lease that they attached at court is a two-year lease. So we know that they quite probably didn't have a rental license for two years. There's a lot of ways that we can dig these folks up, but the incentive part is the tough one.

I think the great news that we have is that the leaders of HAPCO and the Apartment Association are very strongly in line with us now that they want

landlords licensed, and I think that we have a network with all of the Eviction Task Force work that we're doing of tenant organizations that are getting the word out more than ever before. Most tenants know now that they should know that their landlords have a license, and they get started there. And what's the consequence, the biggest consequence, that affects landlords and tenants when landlords don't have a license is that the landlord is not permitted to collect rent. So it gives -- that's the greatest incentive to get the license, and as the word keeps getting out to tenants that they know this, it will also get more landlords licensed.

But we do need to make the process easier and streamlined, because that's what we want the landlords to do, so let's help them out in the best we possibly can to make that happen.

COUNCILWOMAN SANCHEZ: So, again, going back to -- we've invested a

lot of money in eCLIPSE, right? What can we put in that platform to better inform folks as they're searching for properties, right? We don't need to answer that today, but we definitely need to tag properties that we know potentially can suit it, to tag properties that have a renter's license that no longer have a renter license, and maybe that's a warning that there's a potential violation.

I know there's the issue of LLCs, which Councilwoman Blondell Reynolds Brown also worked around getting better disclosure so we know. We're working with our utilities to better drill down on rentals that are not meeting compliance, and we hope to have some sort of agreement with both PGW, Water, and PECO so that we know what the trigger is, right? There's an LLC owner, there has to be a tenant.

MS. LANDAU: Right. Exactly.

COUNCILWOMAN SANCHEZ: There's

an owner of one name and services are provided or meter requests come in, and so if there are multiple meters, we know there are multiple tenants.

I just want us to think smarter around this stuff, right? Because I think that just being punitive doesn't mean women and children and seniors are not living in those units, right? And so we got to get to that universe, because that's always going to be the biggest part of the universe. So I appreciate your point, Rue, of we need a one stop, and as L&I and Health Department better align their systems around this compliance, we should talk about what that looks like, right? Maybe there is a landlord. I know part of our narrowing the gap agenda is figuring out how we incentivize people that are doing affordability, right, and we're looking at ways. So I want us to think about that as we move forward around this stuff.

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So how many undocumented or unlicensed rentals do we know we have? It's like 40,000 of them, right, Sarah?

MS. KAISER: I would have to check.

COUNCILWOMAN SANCHEZ: I mean, the number is outrageous, right, and people are living in those units and we need to get to them too.

Thank you very much. Thank you all.

Thank you.

COUNCILWOMAN BASS: Thank you, Council Lady.

Councilman Green and then Reynolds Brown.

COUNCILMAN GREEN: Thank you, Madam Chair.

I just wanted to follow up on some of the questions that Councilmember Sanchez asked in reference to outreach. Both L&I and the Health Department are supporting this bill. So my question is, what type of dollars are you requesting

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in the budget process to provide information to property owners regarding this legislation?

COMMISSIONER FARLEY: We have not requested specific dollars for that. I mean, it's not hard to send out letters, and it would not take an effect for over a year, so we have some time to do that, but we'll have to figure out exactly how we do outreach.

COUNCILMAN GREEN: So how would you do that? How would you inform property owners that will be subject to this legislation about the need for compliance prior to them getting the renewal of a rental license?

COMMISSIONER FARLEY: We have to talk to L&I. They're the ones that do most of the outreach to landlords. Again, we haven't worked that out. I think that there are ways for us to send out communications. It doesn't mean that everyone gets them, but we think we can do that with existing resources.

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COUNCILMAN GREEN: Okay. So what are your suggestions? What are some of your ideas? I mean, if the goal is to make sure that we're moving forward in a perspective that we make sure that children are safe from lead, then we need to be proactive in getting information. Sending out letters is one way, but there's got to be other ways to let property owners know that this is some potential legislation that may be passed. So how are we going to educate property owners regarding these issues if we are not proactive? And just sending out a letter is not the most effective way of doing that.

COMMISSIONER FARLEY: Again, I would want to have conversations with L&I about what the best way to communicate with them. The Health Department does not routinely communicate with large numbers of landlords. We are certainly happy to do whatever communications we can. We have a large number of folks

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involved. We have to see how they routinely communicate with landlords.

COUNCILMAN GREEN: But you said the Health Department does not routinely do that, but we're trying to be proactive and do things in a more coordinated process. So why can't we do that going forward?

COMMISSIONER FARLEY: I'm sorry. Say that again.

COUNCILMAN GREEN: Why can't we do that going forward if we're trying to be more collaborative between various departments and working collectively together to address this issue?

COMMISSIONER FARLEY: We certainly can work with L&I, and I don't see any problem at all with us working with L&I, but it's still ultimately going to mean communications with landlords. I don't know -- the question is what's the best mechanisms for that communication. Is it letters? Are there some other ongoing communications that we could

piggyback onto? Are there other ways we can disseminate it through associations, et cetera? Again, I'm not familiar with that, but we will use whatever mechanisms are available.

COUNCILMAN GREEN: Okay. L&I, your response?

MS. KAISER: I can't speak to any budget increases associated with this, but I know that we do have ways that we've communicated. We have a large database of applicants and owners. I do not believe that we've specifically talked about this issue about communicating to renters, but we would going forward work with the Health Department on that.

COUNCILMAN GREEN: But as you were preparing your testimony to support this legislation, we're also in the process of budget season, so I would think that was contemplated that in order -- any time you have new legislation -- I believe this

legislation, if it were to be passed, goes into effect on July 1st of 2020. So the fact that that is the case, I mean, there had to have been some type of perspective of how do we inform people about this new legislation, especially considering both L&I and the Health Department have a role in enforcement going forward.

MS. KAISER: Well, the impact on L&I would be to integrate our database with the Health Department's database and simply deny our license based on that, and that's where -- our support is to integrate our system with Health Department so that they can enforce the program.

COUNCILMAN GREEN: I understand the concept of integration. That's something that's sorely needed in the City, because too often we do things in silos, but don't you think it would be important to inform property owners regarding this type of legislation going

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forward?

MS. KAISER: Yes, I do believe it would be important to inform them. I cannot speak to any specifics that have been discussed on that yet.

COUNCILMAN GREEN: And also considering that the Mayor just provided his budget proposal a few weeks ago and we're about to have budget hearings both from L&I and the Health Department, don't you think it would be important to discuss or contemplate how we inform property owners, if this legislation would pass, how they would be impacted by this legislation?

MS. KAISER: I can look into that and get back to you.

COUNCILMAN GREEN: Well, I mean, both departments will be testifying in the budget process, so can we -- I don't want to use the word "assume." I'll say this: As we prepare for the budget hearings, I think it would be important that this is an example going

forward how we can better inform the public, especially property owners, what's your plan to inform them regarding this legislation.

One of the issues that we've often heard from various entities, both from individuals as well as businesses and others, is that legislation comes into effect and people don't know about it until right before a certain action is going to take place. Here is an opportunity to be prospective in getting information out, and it seems odd that both departments are testifying in support of the bill, we're going through a budget process, but there's been no contemplation on how to educate people going forward regarding the legislation.

COMMISSIONER FARLEY: Let me just say, Councilmember, when we come back for budget hearings, we can lay out much more specifics what we can do, but I do think we can do that with existing resources.

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COUNCILMAN GREEN: Say that again. I'm sorry.

COMMISSIONER FARLEY: I said when we come back for budget hearings, we'll be happy to lay out a much more specific plan for how we can communicate with landlords, but I do think we can do it with existing resources. I don't think we need to have a separate budget ask for that.

COUNCILMAN GREEN: So you'll be able to communicate effectively regarding this legislation, if it were to pass, with existing resources?

COMMISSIONER FARLEY: Yes.

COUNCILMAN GREEN: And so based on your analysis you can use existing resources, how would you communicate beyond just providing letters?

COMMISSIONER FARLEY: Again, I'm not going to be able to give the details here today. We can meet with the associations. We'll have to talk to the departments. We'll take advantage of

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existing mechanisms to communicate with landlords. But communicating in general doesn't cost a lot of money, doesn't need a separate line item.

COUNCILMAN GREEN: But you were able to make an analysis that you would be able to use existing resources, and if you were able to make that analysis that you wouldn't need additional resources, then I think you would also be able to tell us how you would do that, considering you say you wouldn't need additional resources.

COMMISSIONER FARLEY: In general, when you're talking about simply communicating with people, that doesn't in general cost an awful lot of money to do that, not enough to require an additional budget request.

COUNCILMAN GREEN: Okay. I mean, I'm hearing what you're saying, but historically that's been part of the problem and the complaint we hear from a number of individuals as well as

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constituents as well as businesses, that new things come into place and they're not informed about them prior to. This legislation has been worked on for a number of months through Councilwoman Brown. There's been discussion with various organizations, and here we are talking about the legislation and you're saying that we can communicate using existing resources and not need additional resources, but you're not able to kind of give us some perspective of ideas of how we're going to do that, when historically that's been the issue with City government.

COMMISSIONER FARLEY: I know that people raise that. I can say the Health Department has worked hard over the last few years to communicate to property owners where they have children and we still don't have very good compliance. So I think that the greater -- there is an issue of lack of compliance. That is a bigger issue than

just lack of communication here.

COUNCILMAN GREEN: Okay. Thank you, Madam Chair.

COUNCILWOMAN BASS: Thank you, Councilman.

Councilwoman Blondell Reynolds Brown.

COUNCILWOMAN BROWN: Thank you very, very much. I'll be brief.

I want to thank the three of you for honoring the two-minute rule, because as you can see, there are a gazillion questions which are important to put on the record. And so I'm saying to all of the other witnesses, we know the facts. Just honor the two-minute rule, because members do have so many questions and we want to get to all of the questions of members and to accommodate those who have traveled very far.

What I'm hearing Councilman Green speak very well to is maybe we need to -- not maybe. It's clear that we need

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to have a public education campaign, a very strategic public education campaign over the next -- to craft one and develop one over the next X number of months so that it happens before the new law goes into place. So that will require us getting back to the table and making that an official exercise.

Does L&I and Health currently have any coordinated public service announcements of any type on Channel 64? I'm just asking for my own knowledge base.

COMMISSIONER FARLEY: We have done media campaigns in the past to inform tenants of their requirement for the landlords to certify the properties if they have children, something we put on SEPTA transit lines, for example, put that information out, and we do communications campaigns on a variety of other topics, so we know how to do that.

COUNCILWOMAN BROWN: Okay. All right, then. I'd be more than willing to

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sit down with the Commissioners to craft some type of budget request that goes specific to this legislation as it relates to this budget season.

So let me thank you all again for your testimony.

COMMISSIONER FARLEY: Thank you.

MS. KAISER: Thank you.

COUNCILWOMAN BASS: Thank you.

Councilwoman Gym.

COUNCILWOMAN GYM: Thank you very much, Madam Chair.

So for clarity with L&I, when the property comes up, like there were questions about a property, is there an ability to determine with a particular address, one, check, they have a rental license; two, check, they have a lead-safe/lead-free facility or certification; three, check, there are no outstanding violations through PCHR; four, there are delinquent taxes. Is that readily available to the public or

to anybody within City government?

MS. KAISER: Right now that would have to be checked in several locations, but with eCLIPSE, it would be more integrated where you would never receive your license without already having checked the lead certification. We're already integrated with Revenue regarding tax delinquency. So it will be more of a -- your rental license will not be issued without these things already being checked when eCLIPSE is --

COUNCILWOMAN GYM: So L&I is integrated with Revenue. I hear that PCHR is pretty much integrated with L&I, but you are not integrated with Health; is that correct?

MS. KAISER: For the time being, not yet. Regarding this bill, if this were to be passed, we would be integrated with Health, so that our system would ping their database before we would issue a rental license.

COUNCILWOMAN GYM: And

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currently like -- and I asked this a little earlier, but I'd like to just get a little more clarity. When someone comes up for a license of -- requesting a license and they are renting to a family with children under six, you have to affirmatively communicate with Health. How long does that process usually take?

COMMISSIONER FARLEY: Right now it doesn't. There isn't an affirmative communication with Health on that.

COUNCILWOMAN GYM: So then how do you know if -- how does anyone who rents to a household with children as their primary residence under the age of six, how would they ever get -- why would they ever get a lead certification or what's the process for them getting a lead certification?

COMMISSIONER FARLEY: I'm sorry. I don't understand the question. Is it about what the landlord knows or what the tenant --

COUNCILWOMAN GYM: What does

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the City know, to some extent? So someone applies for a rental license. They intend to rent to a family with children under the age of six as their primary residence. I assume that at that point L&I would contact Health, one, and then how long would that process come back before there's a lead certificate?

COMMISSIONER FARLEY: What you're getting at is one of the key practical problems of the current law, is that the City does not know where those children are living or where they might become living. So L&I doesn't have that information. The Health Department doesn't have that information. So really it's up to the landlord to say, oh, we have a child in this house, we need to make sure that we send in the certificate.

We have been sending letters where we think children might be living based on this other database, our immunization database, which is not going

to be a hundred percent accurate, so then we ask the landlords and say, we think a child might be living there. Either tell us that a child is not living there or send in a certificate. That process is less than perfect.

COUNCILWOMAN GYM: Even now -- so we'll skip that, but if L&I has a question with Health, how long does that process get back? Like are we talking two weeks? Are we talking 30 days? Like how long would it be?

COMMISSIONER FARLEY: The answer can be very quick if it's by e-mail, but the problem is the large volumes, we're talking about thousands of properties, and so there's no way that people have the time to be e-mailing back and forth on that. So it is really right now up to the Health Department to enforce the law, which, as you've seen, has a lot of limitations.

COUNCILWOMAN GYM: Okay. And then Health Department is committed to

integrating its data with all the other City departments; is that correct?

COMMISSIONER FARLEY: We're committed to integrating with eCLIPSE so that the information transfers there for lead, yes.

COUNCILWOMAN GYM: Thank you.

COUNCILWOMAN BASS: Thank you.

MS. LANDAU: Councilmember, I think L&I is ready to answer that.

MS. KAISER: Our current process regarding obtaining a license, we would simply ask them do you have children under the age of six. So it's up to the applicant to be honest with us, or they may not even know. So that's one of the flaws in the current system.

MS. LANDAU: Councilmember, this is one of the beauties of the thing that you're fixing now, that every property will be lead-safe or lead-free. Because you can get a rental license without having a tenant in the property. It doesn't mean that you've already

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entered into a lease. You could get a rental license and enter into a lease a month later. So it would be something that L&I might not know about about who you're going to rent to.

COUNCILWOMAN GYM: And then the lead cert is done by the landlord; is that correct?

COMMISSIONER FARLEY: The landlord has an inspector inspect the property and then that inspector provides the certification. Then the landlord has the tenant sign it and sends it to the Health Department.

COUNCILWOMAN GYM: Does it make sense to go to the Health Department? Shouldn't it just now automatically be sent to L&I?

COMMISSIONER FARLEY: Instead of the Health Department, I think L&I is probably more enthusiastic about the Health Department enforcing it. We're happy to do it. I don't think it would make that much difference overall to the

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process. It still goes to the City.

COUNCILWOMAN GYM: All right. Thank you.

COUNCILWOMAN BASS: Thank you. Clearly we have a lot more to do.

If we could have the Clerk call the next panel of witnesses to testify.

THE CLERK: Dr. Hans Kersten, Professor of Pediatrics, St. Christopher's Hospital; Dr. Marilyn Howarth, Senior Fellow, Center of Excellence in Environmental Toxicology, University of Pennsylvania; Marianne Fray, CEO, Maternity Care Coalition; and George Gould, Senior Attorney, Community Legal Services.

(Witnesses approached witness table.)

COUNCILWOMAN BASS: Thank you. If you could please state your name for the record and begin your testimony. I think Dr. Hans Kersten was first.

DR. KERSTEN: Good morning.

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COUNCILWOMAN BASS: Good morning.

DR. KERSTEN: My name is Hans Kersten. I'm from St. Christopher's Hospital for Children.

COUNCILWOMAN BASS: Can you pull the mic closer to you, please.

DR. KERSTEN: Sure. Can you hear me now?

COUNCILWOMAN BASS: That's better.

DR. KERSTEN: Thank you for the opportunity to talk to you about this important problem. I think you have my testimony in front of you guys. I don't want to -- I want to spend most of the time on some of the important points, but lead poisoning has been around for a long time. My favorite Philadelphian, Ben Franklin, commented on that. I think we've made a lot of progress since the '70s in lead poisoning with getting rid of lead paint and lead in gasoline, but I think the problems in Flint, Michigan

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brought to light that there's still problems with lead poisoning. But at the peak of what happened in Flint, Philadelphia had two times the levels that occurred in Flint. The prevalence was twice that in Flint. So it's still a major problem. We have an opportunity to do something about the problem that Ben Franklin mentioned.

In Philadelphia, you know there's been 5 percent of children are lead poisoned. In Philadelphia or in St. Chris where I live, it's one of the poorest sections of the City. Ninety percent of families in our hospital are on Medicaid and about -- there are hundreds of children in our clinic who have lead poisoning. Thirty percent from Councilwoman Bass's district and 43 percent of our children from Councilwoman Quinones' district have elevated -- 43 percent of our elevated lead levels come from those districts. So it's still a big problem in Philadelphia and in

particular in North Philadelphia.

What parents describe, I don't think we see the severe cases with seizures and other things. The problem is that it's like a canary in a coal mine, that it's completely invisible. Parents describe finding their children on the floor picking at paint chips, playing with toys that have dust on them, and that's where the lead is, is in the dust and in the paint.

Parents often don't know about lead poisoning until it's too late. And, again, we don't find out until the lead poisoning has happened.

Why is that a problem? I think it's a problem because, again, it affects on the developing brain and nervous system. Children ingest and breathe in lead dust and paint, and it sequesters in their bones more than it does in adults, where it can exert its effects over years and years. And so one of the problems that it causes are really effects on the

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developing nervous system and brain.

So low levels of lead are associated with seizures at very high levels, which we fortunately don't see so much anymore. There were studies in Philadelphia that looked at teeth and showed that kids who had lead poisoning were unlikely to graduate from high school, but more sophisticated studies have showed effects on IQ and development.

There's clearly a link to behavioral learning and attention problems, and we see it in our children throughout Philadelphia. And in levels that are less than 5, which is what we're dealing with across the City now, there's cumulative and persistent effects on IQ. There's deficits in their cognitive and academic skills.

So really there's no treatment for a lead level once it's elevated. We're talking about levels that are not traditionally treated, and it's

irreversible at that point.

So it's still a big problem. We have an opportunity to fix it with -- this bill I think really expands the number of rental units that can be certified. Sixty-five percent of the children who have elevated lead live in rental units. We can increase transparency and fairness of the legal proceedings as well as enhanced testing of lead-poisoned children once they're discovered.

So, again, I think this is a great opportunity to continue the innovations we've done in Philadelphia and help hundreds of children.

COUNCILWOMAN BROWN: I thank you, thank you, thank you, thank you.

I know that George Gould is on the clock having to a catch flight. So, George, we want to ask you, if you would, to offer your testimony, and then you will be followed by Dr. Marilyn Howarth, Senior Fellow with the Center of

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Excellence in Environmental Toxicology. Thank you, George.

MR. GOULD: Good morning. My name is George Gould and I thank Council Chairperson Bass and members of the Public Health and Human Services Committee for giving me the opportunity to testify on the lead prevention bills introduced by Councilwoman Reynolds Brown. She and her staff have been true champions of lead poisoning prevention.

I am a Senior Attorney at Community Legal Services in Philadelphia. I have worked in the area of childhood lead poisoning for over 45 years. In the early '70s when I began work, a client came into our office who had bought a house from HUD and about a year later she found her young child had been lead poisoned. She was sued by the City Health Department to remediate the lead paint in the property, and she came into our office.

I did some research and I

joined HUD in the case, who removed it to federal court, and the federal court held that HUD had violated the implied warranty of habitability when they sold her a property with dangerous lead-based paint. The case got settled and she received another property and money damages.

I then, as part of the Lead Coalition, brought a successful case against HUD regarding the sale of HUD-owned properties which contained lead-based paint. The federal court enjoined the sale until such time that the lead-based paint was removed in accordance with the Philadelphia Health Department regulations. The court held in response to HUD's opposition to doing anything the following: HUD further seeks moral justification on the basis of housing shortage for low-income families. To equate the admittedly real and grave dangers of permanent brain damage to small children with the relatively modest

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additional cost of rehabilitating housing to free them from lead-based paint raises issues that no amount of rationalization or legal theory can justify on moral grounds.

When I came here this morning, I had a chance to read the landlord association testimony and, amazingly, they made the same argument -- they make the same argument as HUD did more than 40 years ago, stating if Philadelphia did not already have a housing shortage, just like what HUD argued. It was rejected by the court, and we believe that this Council should seriously and completely reject it.

The HUD order is still in effect, and the Health Department receives a substantial amount of money to make sure this is done correctly. PHA was also sued, and that case was settled.

I've not only been involved in litigation, but was part of the National Task Force on Lead-Based Hazard Reduction

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and Financing, which Congress created in Title X in 1992. I also served as a member of the ASTM, American Society for Testing and Materials, Lead Task Force. As part of the Lead Coalition in Philadelphia, working with PCCY, I was involved with the Lead Disclosure Ordinance.

As you have heard, childhood lead poisoning is a very serious problem. We are all aware of the devastating impact lead can have. However, even at low levels, lead poisoning causes intelligent quotient deficiencies -- and you'll hear more about this -- reading and learning disabilities, impaired hearing, reduced attention span, hyperactivity, and behavior problems. To date, science has not been able to identify any safe level of lead exposure to children.

The societal costs of childhood lead poisoning are extremely high, including medical treatment, special

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education, and long-term care.

COUNCILWOMAN BROWN: George, you're forcing me to put my referee hat on.

MR. GOULD: I'm sorry?

COUNCILWOMAN BROWN: You're forcing me to put my referee hat on. Because there's a two-minute rule and you're now at four and a half.

MR. GOULD: Okay. Can I go quickly?

COUNCILWOMAN BROWN: Please. Because we have a gazillion witnesses and we want to hear from everybody, especially those people that traveled from Rochester and Baltimore.

MR. GOULD: Okay. Let me just get to the point. I want to talk about the existing law.

COUNCILWOMAN BROWN: Yes. That's the purpose of this hearing.

MR. GOULD: It's very difficult to enforce because there is limited information on where a child six or under

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resides. The Health Department has already talked about this. Moreover, small children often move around, visit family members and friends of family who do not have young children and, therefore, no lead certification is there.

In addition, there is discrimination that takes place because of the current law, and Rue Landau talked about it. Attached to my testimony is a law review article from Massachusetts written by Meris Bergquist, and I actually wanted to -- I have her testimony here and if someone could grab this and pass it out, but she gives very compelling testimony as the problem -- they have a law very similar to us.

COUNCILWOMAN BROWN: Yes.

MR. GOULD: And she strongly supports the idea of expanding it.

An important part of the bill is to require, in order to get a license, that you obtain a lead-safe

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certification. That's very, very important.

COUNCILWOMAN BROWN: Okay. So you endorse that tactic?

MR. GOULD: Yeah.

Let me just point -- we have a major concern with the proposed amendment to the bill. This says that in order to get an abatement of rent or refund the rent, the tenant must have provided a written notice to the landlord or the Department of Health has issued a violation. When this law was passed, there was a similar provision that required notice to the landlord. This was used by landlords and they would not give lead certification. The problem, of course, is most tenants don't know they're entitled to the certification and never contact the landlord. What this does and why the landlords group want it is that they can delay issuing the certification for a long period of time. Because of this, we understand there will

be an amendment because there's an amendment to the bill --

COUNCILWOMAN BROWN: Yes.

MR. GOULD: -- to take that language out.

Let me just close my testimony. We do have some problems with the transition period, but we recognize in the spirit of compromise that that's something that's acceptable.

I also want to mention that the bill talks about an intervention level of 10 milligrams per deciliter. We believe it should be 5. Five is what HUD does and 5 is what the Center for Disease Control does. And as the Commissioner testified, there were 1,300 children who had blood levels between 5 and 10.

I just want to thank you for the opportunity to be here. I'm sorry I was a little long.

COUNCILWOMAN BROWN: No worries. We know that you care about this issue deeply.

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MR. GOULD: And we really urge the Committee to move ahead with the amendment we talked about.

Thank you.

COUNCILWOMAN BROWN: Well, thank you for your recommendations too with regards to what blood lead level, because we learned in Washington, DC two weeks ago what the federal guidelines are, and that is up too also for consideration for an amendment.

Thank you.

Okay. Please, Dr. Marilyn Howarth, Senior Fellow with the University of Pennsylvania.

DR. HOWARTH: Good morning. My name is Dr. Marilyn Howarth and I'm an occupational and environmental medicine physician working in Philadelphia for the last 25 years. I'd like to thank the Philadelphia City Council for the opportunity to submit these comments in support of Bill 180936.

The College of Physicians of

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Philadelphia, one of the oldest and most respected medical organizations in the country, has submitted in writing an issue brief supporting lead-safe certification of rental housing for your consideration. My testimony today is on behalf of the Center of Excellence in Environmental Toxicology at the University of Pennsylvania's P30 Environmental Health Sciences Core Center funded by the National Institute of Environmental Health Sciences.

Thousands of research articles on lead exposure document its health effects on children in the first few years of life. Young children who put their hands and other items in their mouth can easily become exposed to very large amounts of lead. Lead kills nerves in the brain and leaves others impaired, interfering with thinking and behavior. Researchers at our center have found that early life exposure to lead leads to lasting sleep disruption. Having enough

good quality sleep is essential to health, well-being, and learning. The researchers also found that lead injures microglial cells, the cells in the brain that look for and remove harmful toxicants, making lead-exposed children at greater risk from other exposures in their environments.

Our researchers have, similarly to others, documented decreased IQ and behavioral problems in lead-exposed children. Every year in Philadelphia about 2,400 children have blood lead levels over 5 micrograms per deciliter. These children have been robbed of their full academic potential with lifelong consequences.

There is no effective treatment once a child has been exposed to lead. The damage is permanent. Primary prevention by eliminating the primary source of lead, peeling lead paint, has been found to be the best strategy to protect children.

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In Philadelphia, the majority of children with elevated blood lead levels were exposed in rental properties mainly in poor African American neighborhoods. This is an environmental injustice.

The needed action to protect children is the proactive identification of lead hazards in homes prior to children moving in or spending time there. Bill 180936 would expand lead-safe certification to all rental units, protecting children living in a rental unit, visiting one or having childcare provided in one.

The effectiveness of lead-safe certification of rental properties has been documented in Rochester, New York where an ordinance established in 2005 requiring lead-safe certification of all rental properties has resulted in the decline of blood leads 2.4-fold faster than the state as a whole.

Critics of lead-safe

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certification of all rental properties may cite the added cost to landlords of remediation of unsafe conditions. My response is, in what other circumstance do we allow a commercial product to knowingly poison our children?

The science has shown that in addition to the permanently altered quality of life of lead-poisoned children, many other costs are borne by all Philadelphia residents, including special education, medical care, loss of lifetime earnings and productivity, and increased involvement with the legal system.

We urge City Council to enact this law to protect the most vulnerable Philadelphians, reduce the achievement gap, promote a culture of environmental justice, and provide the opportunity for Philadelphia children to thrive.

Thank you.

(Applause.)

COUNCILWOMAN BROWN: Thank you

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very much, Dr. Marilyn Howarth.

Thank you again, and thank you for holding close to the two-minute rule. We're really trying to honor the request of folks who have traveled. So that's why I'm being somewhat of a gnat on the matter of time. Our physicians have to get back to work, so I'm going to lean on Donna Cooper to be patient with me, because I know you're up next, but Dr. Tyra Bryant Stephens, Medical Director for the Community Asthma Prevention Program at Children's Hospital of Philadelphia, has to come to the table so that we can honor the preparation she's done for this, and then we'll go back to our witness schedule here.

So could Dr. Tyra Bryant Stephens please come to the table.

You're here. Terrific.

Terrific. Thank you.

DR. STEPHENS: Good morning or good afternoon. My name is Tyra Bryant Stephens. Thank you for the opportunity

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to offer testimony today on Bill 180936. As was stated, I am a pediatrician of the Children's Hospital of Philadelphia where I've been in clinical practice for the past 27 years and most recently I served on the Mayor's Philadelphia Childhood Lead Poisoning Prevention Advisory Board. I also am the founder of the Community Asthma Prevention Program where we implement interventions in the same homes that are impacted by the high lead levels.

Thirty years ago when I came to Philadelphia to practice as a young physician, I was struck by the lead poisoning epidemic here. Where I trained in Augusta, Georgia, the city had implemented lead abatement on all public housing, and I never saw elevated lead levels in the hospital where I trained. Whereas when I came here, I routinely treated in my practice elevated lead levels up to 100 micrograms per deciliter on a weekly basis. Many of the children

were admitted to CHOP for chelation. As the city began to respond to this epidemic, we did see less highly elevated lead levels, although we continue to see abnormal lead levels. However, recently I've noticed an upsurge in elevated lead levels, up to 60 micrograms per deciliter, and this seems to be occurring in homes where they may have had lead paint containment rather than complete abatement and now many years later the lead paint is chipping again.

I've also had parents tell me that they had to get their child's lead level checked before the landlord would rent to them, because they would not rent to them unless they knew for sure they had normal lead levels.

As you know, the American Academy of Pediatrics and the Centers for Disease Control state that there's no safe or non-toxic blood level that exists. In 2012, they recognized that we needed to lower our reference level from

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10 to 5 micrograms per deciliter, and this was really prompted by evidence of cognitive and behavioral effects of low level lead toxicity.

Children younger than six years of age are more susceptible to the toxic effects that people have spoken about because they have an incomplete blood-brain barrier that permits the entry of lead into the developing nervous system and because they have a greater prevalence of iron deficiency, which can result from and cause lead poisoning through increased absorption of lead from the GI tract.

The normal progression of developmental skills and the behavior of young children places them at risk for lead ingestion because they spend most of their time on the floor and, during this time, their hands are often in direct contact with lead-contaminated dust or soil. Young children also have normal hand-to-mouth and mouthing behavior,

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especially when they are teething, between six and 24 months, that increase the likelihood of ingesting lead-containing paint, dust or soil.

COUNCILWOMAN BROWN: Dr. Stephens, you're now at three minutes.

DR. STEPHENS: Okay. I'm almost done.

COUNCILWOMAN BROWN: I have to show some equity here.

DR. STEPHENS: Okay. So I would like to close by saying the best thing to do is primary prevention. These efforts focus on removal of lead from the environment so exposure cannot occur. Rather than treat or test children for blood levels due to the environment, why not remove the lead from the environment. Rather than using children to really monitor the environment, why don't we monitor the environment and protect our children.

In conclusion, primary

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prevention is the only way to reduce neurocognitive effects of lead poisoning. And I'm here today to ask you all to act now to remove children's exposure to lead hazards in order to prevent cognitive and neurological deficits. The time to act is now.

Thank you.

COUNCILWOMAN BROWN: Is it fair --

(Applause.)

COUNCILWOMAN BROWN: Yes, indeed.

Am I to hear that it might make sense to lower the number to level 5?

DR. STEPHENS: Yes.

COUNCILWOMAN BROWN: Is that a consensus that I am sensing from all of you?

DR. STEPHENS: Absolutely.

COUNCILWOMAN BROWN: Because, again, that is what George Gould and I learned in Washington, DC. All right, then. We'll take that more than under

advisement. I'll confer with my colleagues and submit that that needs to be an added amendment to this bill.

Okay, then. Thank you all so very, very much for your time and intellectual property.

Marianne Fray, CEO, Maternity Care Coalition; Donna Cooper, Executive Director, Public Citizens for Children and Youth, czar; and Phil Lord, Executive Director of the Tenant Union Representative Network, TURN.

Is Phil Lord still here? Please say yes.

MR. LORD: Yes.

COUNCILWOMAN BROWN: Oh, great. Okay.

(Witnesses approached witness table.)

COUNCILWOMAN BROWN: Terrific. Okay, then. Please, we'll start with a woman I believe is the czar when it comes to matters of children and youth, Donna Cooper, Executive Director of PCCY.

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MS. COOPER: Well, actually, Councilwoman, I think you own that title, and now that you're leaving, we're going to have a hard time.

Listen, you've heard a lot of data, so I'm not going to go through that. What I'm going to say is really three things. This is Donna Cooper. I'm the Executive Director of Public Citizens for Children and Youth. Thank you very much for the opportunity to testify, and thank you very much to Councilwoman Blondell Reynolds Brown for moving a groundbreaking piece of legislation that will protect children, and I urge this to move.

There's two pieces I want to point out. We are spending millions of dollars right now treating children who have been poisoned by lead, special ed costs, juvenile justice costs, behavioral health costs.

Specifically, let me say that the City did a review of children who are

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getting behavioral services, and they found that children who are in behavioral health services who are testing positive for lead are costing $10,000 more over the five-year period of their behavioral health services compared to children who have never tested positive for lead. We know that the special ed costs are about 18,500, at a minimum, for these children every year they're in school. We also know from national research that about 10 percent of all the kids in the juvenile justice system are likely to have been tested for lead positively as a child. We spend 110 million in our juvenile justice system now. Ten percent of that is $10 million. My back-of-the-envelope says we're spending at least 34 million right now every year on these children, and that's knowing that we are only testing appropriately a quarter of the kids. So there's a lot of missing kids. That means there's a lot of missing costs.

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The second thing I want to point out is that the study that was prepared for the landlords, while I appreciate it's very important to know the costs that they will be incurring, that study is based on very out-of-date data. Some of that data is -- most of that data on which that study is based is from 2005 and '06. Our landlord-tenant regulations in the City have changed dramatically since the data sources they've used were put into effect. It really calls into question the impact that they're citing on the potential of lost units and the impact of the potential on rent increases. And I would urge folks to think about a third party, if they want more information, reaching out to The Reinvestment Fund or other organizations that have expertise in thinking about the cost benefit of housing regulation for a more up-to-date study.

There were ways that they could

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have compensated for the utilization of old data, and in my estimation, we need to ask why that didn't happen.

So suffice to say, I think that the data distorts -- the data in the third-party study distorts what the costs are likely to be. We also know that there are significant costs that we are bearing. And so with that in mind, along with the changes that have been recommended by George Gould and will be recommended by Phil as well that ensure that the onus of enforcement doesn't fall on the tenant, and moving to the level of 5, we urge you to act on behalf of the Councilwoman's legislation and move quickly to protect our children as soon as possible.

Thank you.

(Applause.)

COUNCILWOMAN BROWN: Thank you.

Please proceed.

MR. LORD: Thank you, Councilwoman Reynolds Brown and the

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members of the Public Health and Service Committee. I want to say a special thank you to Councilwoman Brown, because I know over the years, I've seen a lot of representatives work on issues and touch on them and move on, but you stuck with this. You made it work. You made sure the outcome was effective. And that's real different, and I really appreciate that kind of attitude and approach to it. So thank you very much for bringing this here.

COUNCILWOMAN BROWN: I appreciate that.

MR. LORD: By the way, I'm just going to comment on a couple of things. My testimony is in writing, so I'll just comment on something I heard.

One is that TURN does do background checks, by the way. So if you want a comprehensive analysis of rental suitability and license and taxes and everything else, we provide that for people, low-income people and others, as

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part of our organization's service, but it really needs to be a public service, and making that one-stop shop would be really important to do.

We also do our classes and our one-on-one consultations, so we see people who are victims of lead poisoning.

A couple of points. One is that we talked about landlords knowing about this law. We've already mentioned that the licensing process requires landlords to verify that they have cooperated with this law. They have to check the right boxes and fill them in. So unless they're going to not tell the truth in that category, they do know about the law. It's also in the Partners for Good Housing handbook, which landlords are obligated to give to every new tenant when they move in, and that booklet makes it very clear what this law is all about.

So landlords know about the law. The lack of enforcement we believe

is because it really is very difficult to enforce, and the major difficulty comes from the fact that people don't know when it applies. And so this law, these amendments are going to change that and make it much more effective. They have to know right now whether a child is under six -- I mean under seven. You have to know when they moved in. You have to know if it's a lease renewal or not. And all those things make it difficult to figure out who is responsible and who isn't. So this improvement to make sure it applies to everybody is good.

I really appreciate what Rue Landau said about discrimination. I think it's good that we're recognizing that not only are private parties discriminating, and that was pretty clearly a possibility when this law was passed, and I know it's a reality because we see discrimination against familial status, discrimination all the time, but

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it's also true that city councils and government can discriminate. And this law, when it does require landlords to have -- to pay more money to rent to children under seven -- when I say "pay more money," I mean they have extra services provided -- that's a discouragement to renting to families, and that discouragement in and of itself is illegal. It hasn't been pursued in the court because it's such a good law otherwise, but I think it's clear that that needs to be stopped.

And I'm really concerned that we're phasing this in. I know there's a lot of political reasons for doing that, but it means that we're going to have at least five more years of discrimination, not just by landlords but by the government, and we want to make sure that doesn't happen. So we'd like you to not spend four years phasing in this law, because every year that it applies in a disproportionate way to families, it's

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discriminating against families. You can discriminate against people if you have a good reason for it, but when the obvious solution is make sure it applies to everybody, you don't have a good reason for it. So we'd like to see that changed.

The other thing we're really concerned about, George mentioned it briefly and I was mentioning it as well, is that this modification to the law where a tenant has to complain in order for the law to be effective is a real poison pill. It's really sad, because this law will not be effective if that stays in there.

We've already heard enough today to show that the Health Department, L&I has a lot of trouble trying to figure out how to do this. Let me just be clear. L&I and the Health Department talked about coordinating their information when this laws was originally passed six years ago. So this is not a

new issue of trying to pass information back and forth. It was something that was recognized when the law was drafted and was being considered.

There is no penalty without -- if you change that provision about tenant complaints, there is no penalty for a landlord not complying with this law. And people make it sound as if the license process is going to penalize landlords. It doesn't. It costs $50 to get a license. If you don't have a license, all it means is that when you do get around to getting it to evict somebody, you have to pay $50. That's the penalty. That is not going to motivate people to spend $250 to get an inspection for lead.

So unless the tenants are able to enforce this law by saying, we want a refund in rent or a rent abatement, this law will not be effective. And if tenants have to complain first, what does that mean? They are not going to do it.

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It means retaliation. It means disrupting a relationship with your landlord. It means being singled out. Tenants are not going to write a letter to your landlord and say do an inspection, because the landlord is going to say, why are you -- especially low-income tenants whose credit is marginal. They're not going to jeopardize the situation by writing that kind of letter, because they're going to be in trouble if they do that. They're going to be under attack. The landlord is going to think they're going to be a troublemaker. The law is not going to be enforced. So if you don't take that provision out, we won't have a law, as far as I'm concerned, and that's a very serious concern.

Lastly, I just want to mention that we talked about the impact on children of lead paint, and that's very serious and we can't overstate that. But it's also true that it has an impact on

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communities, and there's more and more studies that are showing that crime rates are linked to lead paint. I looked at one study. It was a Bloomberg report that said of the four best ways to reduce violence in neighborhoods, the top one was reducing lead paint. Another study said that for every 5 micrograms per deciliter of blood in a child's level at age six, you can predict a 50 percent greater possibility of being arrested as a youth.

So we're talking about real social consequences that affect all of us, not just the health of the children, which I shouldn't say "just," because that's paramount, but also communities that we try to live in. And so this is a very, very important issue. I just wanted to lift that up.

So those are my points. Thank you very much for the chance to speak to you.

(Applause.)

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COUNCILWOMAN BROWN: Marianne Fray, CEO for the Maternity Care Coalition. Welcome.

MS. FRAY: Thank you, and good morning, Chairwoman Cindy Bass and members of the Committee. I appreciate this opportunity to speak on behalf of our clients, pregnant moms and babies zero to three.

First of all, I really want to acknowledge Councilwoman Reynolds Brown for this legislation, for your commitment. We are extremely grateful, and we're going to miss you. But you won't be lost. We'll find you.

COUNCILWOMAN BROWN: I won't.

MS. FRAY: So MCC, Maternity Care Coalition, was founded in 1980, and I'm not going to go through a lot of the history. At the end of the day, what we are about is bridging the gap between knowledge and action. A lot of the doctors and the testimony today has been on the impact, the devastating impact, of

lead poisoning on families, and what I really want to emphasize is that the voice of the child is often not heard in a lot of these sessions and a lot of these testimonies, and that is what MCC is here to do.

We have 11 programs throughout the City. We've been -- we affect 5,000 families. We have advocates that go into the home, and all of the results are that a child without the proper protection is going to have a negative impact if not handled -- if we don't have primary prevention, which is really the best kind of prevention that we can have.

So what I want to do is just tell you one slight story or one small story of a client who actually was at 24 months, had an evidence-based home visiting program, and at 24 months tested positive for a lead level of 13.5. And this resulted in a city lead abatement program involvement, and the program visited the rental property to test for

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lead and worked with the landlord to remove the lead paint. The child's current level has dropped to 11.9 and is being monitored and treated for additional educational support services and health issues. Sadly, however, this could have been avoided if the child's rental property was made safe prior to the child living there.

Every child in Philadelphia could be at risk for lead poisoning. Last year alone, families from our Early Head Start program reported seven cases of high lead levels. And Philadelphia's children deserve the right to safe environments, free from hazardous contaminants. We can't overlook the impact that lead has on the health and long-term development of our children. It's our moral responsibility to address this.

The changes to the Philadelphia lead laws -- and we are in full support of this bill -- for rental properties are

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critical for limiting impact of lead exposure, which includes physical, educational, emotional, and financial impact on children, families, and communities. Maternity Care Coalition will continue to be an important partner with the City and other agencies to help reduce the impact of lead exposure.

Thank you very much.

COUNCILWOMAN BROWN: Thank you, thank you, thank you.

(Applause.)

COUNCILWOMAN BROWN: So one thing I'm hearing repeatedly, and as a former teacher and educator, it's clear to me something that's not happening. We've done -- we get an F in terms of the educational -- the awareness, the public campaign awareness, of lead on all sides.

Now, I can say because I've seen it and read it in the HAPCO newsletter where they actually talk about lead. What I haven't heard is some level of coordination with TURN, HAPCO, the

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Maternity Care Coalition, L&I. Have we ever had a public relations campaign that brings all those worlds together collectively to talk about lead, its dangers, and what citizens can do?

MR. LORD: Well --

COUNCILWOMAN BROWN: That you can think of.

MR. LORD: No. No.

COUNCILWOMAN BROWN: So we realize an opportunity, I think. So that's one.

You did mention -- I want to be respectful. TURN, Phil Lord, what do you think the penalty should be for those who are in violation? Give us some feedback on that, because we're trying to make this bill better.

MR. LORD: Yeah. Well, I think the bill is good about that. It's already in there. It's just that it's in jeopardy because the new language would require a tenant to complain to the landlord before it could become

effective. So there's already language in there that says the rent that's unpaid will not have to be paid and the landlord is liable for a refund of all the rent while the tenant was there without a lead-safe certificate. So it's a very strong law. Matter of fact, some might say it's so strong, it makes the judges scared, but it's effective because when it's used, landlords know that it's cheaper to comply than not to comply. We're talking about something that could cost thousands of dollars. So you don't want a penalty that costs $250.

But certainly the penalty that's in the current law is fine. It's just that if the new amendment goes through, it won't be available, because tenants have to complain to make it available, and they won't do that.

COUNCILWOMAN BROWN: We've taken that under advisement, my team and I, along with colleagues, and we've heard you on that.

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You also have some concerns --

MS. COOPER: Councilwoman?

COUNCILWOMAN BROWN: -- about the phase-in. So the Health Department and L&I have made it clear, and I certainly respect that, they need time to do what they need to do internally so that there is an even deeper cohesiveness in those systems working together. That should happen. They deserve the time that they need. With my menu labeling bill, we gave the government a year, because we needed to get the word out to restauranteurs it's a new day.

So I'm respectful, and I'm going to advocate that they get the time that they need, July 1, 2020.

What I hear some concern about is the phase-in portion. Could you speak to that? Either one of you, please.

MR. LORD: There are two problems with that. One, of course, is that the phase-in means that some parts of the City will not get the benefit of

this for some time, and that's unfortunate, but it also creates tremendous confusion, because you may be responsible as an owner not renting to minor children on one side of the street and across the street they're not responsible, and that confusion, along with -- the confusion has been, up until now, has been whether a child under six is in the unit. That's created confusion. Under seven. I'm sorry. This is additional confusion because it becomes geographical confusion. So nobody is going to comply. They're just going to say, well, I didn't know I had to do it because I thought my neighbor didn't have to do it. So that kind of phase-in is a problem, but what I'm saying legally and technically, every year that it's not completely changed is another year that you're discriminating against families trying to move into those areas that haven't been affected by the law.

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COUNCILWOMAN BROWN: Okay. Well, part of the logic around that was resources and allowing all stakeholders to get the word out that we're going to start in those areas where it's most severe. Because the resources, based on what I've learned, is not going to provide us the hit with the heavy elephant all at one time.

Please, Donna Cooper.

MS. COOPER: Yeah. Well, just to respond, I actually think it's reasonable to have a phase-in, and I think that even in Phil's testimony -- I don't want to speak for Phil and George -- the question is whether it needs to be five years and whether there is a time period in which it could be condensed. Can you do that in three years?

Every jurisdiction has had a roll-in period as big as ours. So I think really the question is how do you do that in a more accelerated time

period, because you know, wait until the kid that hits five -- right now the number of kids being poisoned in the City is equal to 40 percent of all our kindergarten classes in the public schools. So we got to get that number down fast. And so the question would be -- and, again, we have remediators here and painters here that will be on a panel. If their capacity to certify and remediate --

COUNCILWOMAN BROWN: Grows.

MS. COOPER: Well, if they can do it, then we should be able to do it. Because your point is the City does the computer system in the year, and then the real question is can the private industry respond, and our experience with the remediators and the painters is they're saying they can respond, and the inspectors. So let's hear from them, and if they think they can, maybe we can condense that timeframe.

COUNCILWOMAN BROWN: Well

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taken.

MS. COOPER: To your point about the public relations campaign, I do know that the Department of Health, Philly and State, have done more new information aimed at families, but as the pictures show, right, and as Phil points out, when they are the ones who have to report it and they have limited credit experience or they're in poor communities with little options, they're going to have a hard time going up against that landlord. And so in that section if you inserted an "or" where it's the tenant could report it or the Department of Health or their certification, all of those cases could be eligible for the penalty that Phil talked about, which is withholding rent, then I think you have enough of a tension in the system to get people to proactively comply.

COUNCILWOMAN BROWN: Well taken. Well taken.

Please, any final comment?

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MS. FRAY: No, not at the time.

COUNCILWOMAN BROWN: Okay. Thank you all very, very much. Your recommendations are certainly welcome.

(Applause.)

THE CLERK: Ruth Ann Norton, President and CEO, Green and Healthy Homes Initiative; Leonard Merritt, Lead Paint Program Coordinator, City of Rochester, New York; Paul Cohen, Legal Counsel, Homeowners Association of Philadelphia; and Marlynn Orlando, Executive Director of PAA-East.

(Witnesses approached witness table.)

MS. NORTON: Shall we start?

COUNCILWOMAN BASS: One second. Okay. Ruth Ann Norton, if you could state your name for the record and begin your testimony.

MS. NORTON: Good morning, and thank you for having me, and Councilwoman Blondell Reynolds Brown, so nice to see you again. I'm Ruth Ann Norton. I am

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the President and CEO of the Green and Healthy Homes Initiative, a national non-profit dedicated to eliminating childhood lead poisoning and the toxic legacy of lead in our communities. I am joined by Catherine Klinger, who is a Philadelphian and is also the Director of our National Lead Campaign.

I want to just take a quick moment and mainly like to answer questions, but I am the architect and author with our legislators of the Maryland Lead Risk Reduction and Housing Law and most of the overarching lead poisoning prevention laws enacted since 1994 in Baltimore City. The result of those laws is that Baltimore City went from being the city with the highest concentration per capita of lead poisoning in 1993 in the United States to having eliminated childhood lead poisoning by 99 percent as of this date.

The economic return on that, according to the Nicholson Center at Duke

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University, my rival college I wanted to say of all its March Madness, says that it's a $44.5 billion economic return to the citizens of Baltimore and to the State of Maryland. And I will go through some elements of your bill and the Maryland and Baltimore law, but what should be known in that is that the majority of this work, the majority of the investment, and the majority of the advancement came by the support of the rental property owners in the State of Maryland, who once the standards were set and once there was a commitment to uphold and enforce those standards, the market moved to compliance, compliance that has not driven up rents in Baltimore City. That has been looked at a number of times by us, by the U.S. Department of Housing and Urban Development, and there has been no material upswing or gouging of rates. It also has not contributed in any fashion any data can support for abandonment by owners. In fact, what has

happened is that owners now have a better product, a lower maintenance cost because they have now caught up from the decades of disregarding essential maintenance practices, which are critical to the protection of health of our children, and we have dramatically improved the trajectory of our children in Baltimore.

The basic scope of our law that we have and how it advances with yours or the proposal I think is important. One of the things that we did in Maryland is that we did decide that all rental properties built before 1978 must be covered by this law, and I think a change to that is really important. I was cheering on the previous testimony that said that not doing that and only looking at units where children reside is an invitation to housing discrimination, which would violate the federal Fair Housing Act, but also keep in mind that children and their families are mobile and that we don't want a child to go

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visit, stay in or be a part of a unit that may not be theirs but is full of lead dust. We have to keep in mind that lead dust from chipping, peeling, flaking paint is the main pathway of the neurological damage. As rates as low as 2 can be aggressively impactful on cognitive abilities. That's why as part of the Advisory Committee on Childhood Lead Poisoning Prevention CDC, I was proud of our committee in lowering the blood lead threshold and moving this nation to a no safe level advancement.

In the Maryland law, we require, as does Baltimore City, require the registration of all rental properties. We do that so that we can track the lead status and compliance of the units to make strategic investments when needed and to do better enforcement.

We require at the beginning of every occupancy that all chipping, peeling, flaking paint, abating surfaces and structural defects are repaired and

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that the units pass a visual and lead dust clearance test. And so we think that that proposal to do that is critically important.

The difference in the Baltimore and Maryland law and what is being proposed here is that we allow tenants to have what's called a modified risk reduction, a reinspection and repair of units during occupancy based on whether there is chipping, peeling, flaking paint, which we also outlawed basically in Maryland and we make the presumption that all chipping paint in any unit, homeowner or rental, built before '78 is lead and the owner must prove otherwise, because we wanted that health protection.

Your proposal I think to do this recertification every three years is an orderly and effective and equally important way to approach this, and I think it would be a sound way to start and then see if you would need the more aggressive standards that we have put

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into place.

We require inspections to be done by certified third-party accredited inspectors borne by the property owners and use our public health officials in Baltimore for random inspections or deeper inspections when a child is poisoned. So we reserve that right for part of the enforcement strategy, and it has been picked up and adopted by property owners.

When there are EDL properties, we must temporarily relocate tenants while all necessary lead hazard remediation work is done, and we must bring the property into compliance by passing a lead inspection, provide permanent relocation when that's not possible. And one of the things that we did, unique potentially to our law, is that utilizing the rental housing court system -- and you have a lead court here -- by requiring registration and proof of certification, no rental

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property owner may utilize rent court for the collection of rent unless they can prove that they are in compliance with the Maryland Lead Risk Reduction and Housing Law and that they have a current certification. Otherwise they will not be able to collect rent. But this registration certification process -- and Baltimore was the first place in the country to implement pre-rental inspection, pre-rental proactive inspections for lead, and I know my good friends from Rochester are going to talk about the great work that they have done on that as well. But we utilize the rent escrow court as another means of enforcement. And the other thing that we do have in our law, if it is not part of your consideration, is that we provide every tenant with what is called a notice of tenant's rights, and at the time of occupancy, that notice of tenant's rights tells them how to -- if they need a modified risk reduction while they're

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occupied, what their rights are and what the resources are in this.

I can go through a lot of this, right, but what we found is the cost of compliance continued to go precipitously down, right? The cost of inspection went down as we created a more robust market for lead risk assessors. We do require much higher training in Maryland than anywhere else in the country for the people who do the work in housing. We require two full days of certification accreditation, much longer for supervisors.

But I look at the cost of what this will end up being in the housing units and it is minuscule compared to the million dollars of lost income that every child with an elevated blood lead level will be facing. It's minuscule when you think about the kids poisoned by lead are seven times more likely to drop out of school. But it goes beyond that. It goes to people and families and the arc

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of health. If you are exposed and have an elevated blood lead level, you are 16 to 19 percent more likely to have a cardiac arrest, and you will have a 46 percent chance of early mortality.

So I'm happy to talk so much about our work and how we can work with you to support you in this, but I know -- I went to public school, but I know that I'm well over two minutes at this point, so I will yield.

COUNCILWOMAN BASS: Just slightly over two minutes.

The next speaker, Mr. Leonard Merritt.

MR. MERRITT: Yes. Thank you, Council President [sic]. I appreciate your invitation here to the wonderful City of Philadelphia, snowless city I can say from coming from Rochester where we were hit by what we call lake-effect snow. So it's kind of a change for me and I appreciate it.

Councilmember Brown, who opened

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the invitation for me to be down here today to testify at this hearing, I really appreciate that, and thank you, and look forward to helping in any way that Rochester can with your ordinance and law here.

I'd like to echo what my partner, and I'd like to call her that, Ms. Norton from Baltimore, because we have a saying that says, like legislation produces like results, and that's exactly what happened in Rochester. We saw the rates of lead-poisoned children drop dramatically once we enacted our ordinance. We accomplished the same kind of goals that we wanted to see based upon all of the evidence and information that was available from medical research, all of the advocates that are involved in childhood lead poisoning prevention would say, and you've heard a lot of that today. I mean, there's just a ton of data that points in that direction, that what you do to eliminate peeling,

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chipping, cracking paint in a home can do for a child's cognitive abilities.

You do have in front of you my testimony and also some of the results from Rochester that will show what has happened over the years. My title is kind of an all-encompassing title back in Rochester, Lead Paint Program Coordinator. That means I do everything. I teach, I train, I certify, I go out, I have all kinds of meetings with advocates, all of the agencies that are involved, whether they're the Health Department, Coalition to Prevent Lead Poisoning, any of the medical researchers at the University of Rochester's Medical Center, and the five major landlord coalitions in Rochester. We have to include them into this discussion, because they're the ones that have to make those properties safe and decent for somebody to live in. No law can exist without that kind of emphasis. Everyone has to be a partner in this.

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So having a law on the books does not necessarily make it work. Even the staff that has to go out has to be able to recognize what are those hazards. You cannot look at paint and say, oh, it's leaded. But you do know what the types of corrective actions that can be made if that paint is leaded that will prevent lead poisoning.

So I'd just like to highlight three of the points that us on the ground have found out over the course of these last 13, almost 14 years.

As Ms. Norton said, the cost of remediation is minimal. There is really no impact on that business model when you include in there the same amount of money for paint remediation as you would for a broken window, as you would for a gutter falling off of your house, as you would for a handrail that's missing or loose on your stairs. There's really -- you have to include that in your business model. And so when landlords are crying about,

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oh, this is going to toss me out of business here, we have not seen that at all. In all of the years that we've had our ordinance in place, we have not seen that.

Secondly, relocation. You do not have to move tenants out of a house when you're remediating peeling paint. All you have to do is follow the lead-safe work practices that are recognized by EPA and HUD and use containment using good lead-safe work practices, keeping the people out of those areas. And, again, we implore everyone, along with our county health department, to take the RRP course, which is the renovation, repair, and painting course, that shows you how to do all of this work safely, and using containment and good lead-safe work practices means you do not have to move anyone. You can do this whether the property is occupied or vacant. And all of those safety precautions will protect those tenants

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from any kind of hazard once you put that in place.

And, lastly, we have a very methodological testing protocol within the City of Rochester. We test all of the properties that we go into that are rental. Any property within a high-risk area is tested every three years. We also look for the curetted paint in those homes outside of those high-risk areas and require that owners test those homes once we find that deteriorated paint is present and has to be corrected. All of those reports are sent to us. I review each and every one that gets sent in to ensure that they're in the standards that are recognized by EPA and make sure that whomever is out there doing that testing is doing it correctly. We do have audits to ensure that those folks are not just stuffing samples at the table, so to speak, but making sure that everybody is in line.

So we have pretty good measures

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in place that help us navigate our way through our lead ordinance, and we're happy to share all of that with the City of Philadelphia.

We do have all of those other issues in place that everyone has talked about. I know that there's a lot of silos that are in government. Working in government for the last 30 years, I know that, but we have broken down those silos and we learned how to work together.

COUNCILWOMAN BROWN: Well, that's called a ray of hope, particularly when you see other municipalities who have figured it out, and I've always been of the belief when you get smart people around the table, even if you're on polar opposites in terms of view and perspective, there's a way to find a middle ground that moves the dial, sometimes too slow, more than incrementally but significantly.

I do have a couple of questions. I want to yield to

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Councilwoman Maria Quinones-Sanchez.

COUNCILWOMAN SANCHEZ: Thank you so much.

There was something that you put in your testimony. You didn't speak to it, but I'm interested and I'm interested in getting your colleague's perspective. You said windows create 70 percent of all lead dust in your testimony.

MR. MERRITT: Yes.

COUNCILWOMAN SANCHEZ: Is that kind of the industry standard around that?

MS. NORTON: There are EPA studies that have been done. That is because the raising and lowering of older lead in windows, the abrasion that has occurred there, and also the breakdown of the weatherization of those windows. It's not entirely true if you have houses with porches. So in neighborhoods where you have porches that have lead paint, that becomes a major factor as well in

that, but you can think about lead-based paint as what I would call today's semi-gloss, those places where that -- on doors, on stairs, on railings, and windows are your main sources.

COUNCILWOMAN SANCHEZ: So question, because Rochester is so cold in particular, so were there any incentives that you provided for folks for weatherization now that we're going into this like how do we become more efficient and energy efficient? Were there any incentives given to landlords around that, replacement of windows? Because it would seem to me that that might be a way --

MR. MERRITT: Yes. At first, no. We had to do research to look for those types of resources, and a matter of fact, over the last three years, we have had a window grant program.

COUNCILWOMAN SANCHEZ: A window grant program for landlords?

MR. MERRITT: I'm sorry?

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COUNCILWOMAN SANCHEZ: For landlords?

MR. MERRITT: For landlords and rental properties. So our owner-occupied properties.

COUNCILWOMAN SANCHEZ: How does that work?

MR. MERRITT: Well, it's money that City Council actually awarded to us to say that a lot of the homes they recognized had leaded paint based on the windows in there. Most folks can readily see that walls and ceilings, if those have issues, can easily correct that, but windows really were the culprit. Again, in Rochester, we have such severe weather up there, that those are the first points of contact when it comes to that kind of environmental issue. So replacing those windows was a no-brainer. We were, one, going to ensure that leaded paint was not an issue anymore at those homes and, two, we were going to help the owners out by energy efficiency within those homes.

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COUNCILWOMAN SANCHEZ: So you talked about every three years you proactively test these properties. Can you tell me what the cost per unit is and what is the current investment that you're making?

MR. MERRITT: Well, the city pays for the testing.

COUNCILWOMAN SANCHEZ: How much is it per unit, and what's the annual --

MR. MERRITT: With the contract that we have with our lab and the supplies and the associated costs that may come out, it's about $130 per test. With the owners who have to go private, those costs have been minimal. It's about $180 to $200 per test. We do eight samples per unit, and depending on the turnaround time that you would like, you can either increase or decrease the costs.

COUNCILWOMAN SANCHEZ: How many do you do annually?

MR. MERRITT: Probably 1,400

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tests annually.

COUNCILWOMAN SANCHEZ: You wanted to add something?

MS. NORTON: I think, Councilwoman, so in a city the size of Philadelphia, in looking at how to break this down, because this is the work we do with cities around the country, right, so the base cost of the test is not the only cost, right? It's the cost of your personnel. It's the cost of what you have to carry out in the public communication. It is why larger cities have gone to putting that as part of the owner's piece on that and looking at it. So I'm happy to talk more offline on that. I think in a city of Rochester's size to have the public health and housing agencies have control of that makes sense. I think you have to look at this a little bit differently in the scope and size of Philadelphia potentially, and there are ways to do that and looking at both of those.

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But the other thing to look at with regard to windows, I would tell you right now if you could do it, funding a window replacement program will drive down your lead poisoning rates in half.

COUNCILWOMAN SANCHEZ: You hear that, Councilwoman?

COUNCILWOMAN BROWN: I did.

MS. NORTON: So I would say you can have what we call a windows of opportunity program and you --

COUNCILWOMAN BROWN: What is that called again? A what?

MS. NORTON: I call it windows of opportunity, right? But the reality is, that spurs other investment in the home that creates a healthier, more holistic approach.

To look at it from the other side of the funnel, one of the things that you should consider doing is that any public money that touches housing should meet a lead-safe standard in all of its work practices, whether it be

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weatherization, whether it be the 15 percent from low-income heating assistance or home repair or roof repair or those things that are fundamental. Because I would also say if you create a window replacement program, you have to also take care of the roof or you will destroy the investment. So you have to look at this in that way, and one of the ways to get to this is, every kind of housing policy and to educate every time you put out a building permit about this is to have lead in all policies.

We're not very far from Princeton where Robert Wood Johnson will say put health in all policies. But everything that's going to touch a home in Philadelphia is most likely going to touch lead-based paint in the majority of the situations, and that will become it's a dangerous toxin, should be treated that way in all prescriptive policies. So as an augment to the bill, to look at that, and that will help you in the

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affordability over time, right?

But the other thing I wanted to kind of point to in this is, you got to enforce these policies. When we implemented stringent enforcement of the Maryland law and we started to enforce all lead violation notices again in Baltimore after there having been a 12-year period where there was no enforcement, lead rates went down 45 percent in less than three years, during a three-year period.

So it's a mix. It's have the strategic investment, have the good policies of inspection, but have the courage to enforce for the good of the program and all -- we have found in city after city after city is that if you have the enforcement and you have the courage and the system to uphold the enforcement, that will become self-correcting in the market and will move owners to know. Because the majority of rental property owners actually don't want to be bad

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people, right? So let's give a little love and embracement to the good rental property owners who are here who may disagree with us today, but over time will find, as they have in Baltimore, they like to see themselves as the champion of preventing lead poisoning, and I am more than happy to give them that credit, but there has to be a meaningful program defining the rules in order to get there.

COUNCILWOMAN SANCHEZ: Yeah, and I appreciate that. That's a timely discussion as we talk about how do we keep affordability in the private sector, because we have such a need, and looking at ways to incentivize landlords to doing that. To your point, how do you infuse some of these laws in that so that when we are incentivizing anyone in the private market, that that be part of the shared values about what quality looks like, right?

MS. NORTON: You're normalizing

lead prevention rather than normalizing lead poisoning.

COUNCILWOMAN SANCHEZ: Real quickly, one or two tactical strategies in your enforcement that you think are pivotal to a good enforcement strategy. We seem to miss the mark. We always have very good intentions, always seem to miss the mark. What are one or two tactical strategies to a good enforcement strategy?

MS. NORTON: You have to have clear standards and you simply have to consistently enforce them. You do have to have a mechanism by which you know, right, so it's not a guessing game. So if you're going to do registration, that registration triggers compliance reporting. Make sure that you have a place for the compliance reporting to occur and a mechanism by which if there is an elevation or a complaint, that you can tie it to that. You have to tie the compliance to lead poisoning prevention

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to occupancy permits to the ability to be -- doing work and being the landlord in the City, and you have to have the strength of will to want to tie that together if you want to advance this universally in units. And I say that because once the consistency is there, it really does start to become a positive self-fulfilling prophecy on that piece. And you do have to have, I do think, an extremely good public education campaign that is certainly teaching the people who are doing the work, right? And think about this. If you are an environmental risk assessor, a lead inspector, you're there because you want to make things better. You want to demotivate a City employee? Have them be an environmental lead inspector, and then they find that there's hazards and nothing happens to enforce it, right? You will have -- we have to support the people who are doing that, but a public education campaign in this is critical. It is not costly, and

it gets everybody on the same page.

COUNCILWOMAN SANCHEZ: Lastly, and I'll turn it back to the Councilwoman, you talked about the bureaucracy, right? Well-intended people tripping over themselves sometimes.

MR. MERRITT: Oh, yes.

COUNCILWOMAN SANCHEZ: One or two strategies on how do we get people to talk to each other and feel like holding each other accountable can lead to good.

MR. MERRITT: Well, again, in Rochester, and I'm sure in a lot of communities that have had effective lead poisoning prevention programs, have had those same hurdles. We have a slew of partners that are very, very passionate about what they do and --

COUNCILWOMAN SANCHEZ: External partners or internal partners?

MR. MERRITT: Both.

COUNCILWOMAN SANCHEZ: How do we encourage the bureaucracy to look at this as this is a win-win kind of --

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MR. MERRITT: Anyone that's involved in lead poisoning prevention is internal. It doesn't matter whether you work for the county health department, whether you work for WIC, whether you work for the Department of Social Services. They're all affected by it, because we all see the same clients. They're all the same people. If I go to your home and inspect your home, I see them. If they go to your building or office and ask for rental assistance, you see them. So we all are involved with the same people. It's how do we share that information, how do we get to that point where we're all concerned where, as we used to say, all on the same sheet of music. We have to be in order to make this effective. We cannot be you're fighting against me or you don't know what information I have and I'm doing my own thing. We can't have that. So in order to braid those resources for us all to be an effective community, then we

have to break down those silos. We have to have meetings. We have to go to each other's places of business and say, this is what I'm doing. What can you do to help? How can I be of assistance to you? And so we've done this, and we still have some pushback. We understand that. But having these national meetings that we just had down in Washington, having these local regional meetings that we have in our own communities, these are the ways that we can help to break down those silos and see what's important to us, see what's important to the people that live in the cities that we are held accountable to.

MS. NORTON: And you will save 20 percent to 26 percent per unit as you advance this if you align, braid, and coordinate the housing resources. We've done data -- we have a myriad of case studies that our organization has done in cities such as Cleveland and Baltimore and Philadelphia and others.

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COUNCILWOMAN SANCHEZ: Thank you.

Thank you, Madam Chair.

COUNCILWOMAN BROWN: Excellent, excellent, excellent. We are hopeful. This is doable, and you've given us several examples to support that.

Two more questions. Keep answers brief, only because we still have 14 people to get through. Just kidding.

Random inspections, speak to that briefly. Did it serve as a hammer? Was it an incentive? And I did hear you say that any landlord who ended up in rent court but was not certified could not make a case. Did I not hear you say that? You linked it together.

MS. NORTON: So the first one is yes, yes, yes. If you think that the inspector is coming any day, you want to be ready. So random inspections help. It also has allowed us to know where hotspots are, right? So that has helped. It's very effective. It remains in

effect today. And it does bring in the role of your public health and housing agencies. It's just not putting the cost burden on the agencies.

The second part of your question remind me was?

COUNCILWOMAN BROWN: You linked rent court with unlicensed landlords.

MS. NORTON: Okay. So rental property owners are in the business to do what? Make money. It's a business. You cut their cash or they know the cash is going to get cut, any business person isn't going to want to go there. And so they will get into compliance. And I say that with all respect of it being a business. It would be nice if it were all in the business on the rental property side of housing people because we care to give them healthy, safe, energy-efficient, stable housing, right, and you can do both and you can do well, and by doing this right, you actually do better for kids and families and for the

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business.

COUNCILWOMAN BROWN: Very well.

MR. MERRITT: I'm sorry. And Rochester has taken that same approach. We do our certificate of occupancy inspections, and they come up as they are based upon the size of the property. So every six years we do a single- or double-family home. Every three years we do a multiple-family home or mixed-use property. The thing is is that if the owners don't apply for those renewals of certificate of occupancies, it sends out an automatic signal to those housing agencies that provide rental assistance, whether it's Section 8, Rochester Housing Authority or if it's the Department of Social Services, and it automatically stops that rental assistance.

COUNCILWOMAN BROWN: Okay. To Ruth Ann Norton, President and CEO of Green and Health Homes Initiative out of Baltimore, Maryland and to Leonard Merritt, Lead Paint Program Coordinator

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for the City of Rochester, New York, thank you for making the trip.

(Applause.)

COUNCILWOMAN BROWN: Thank you for your expertise and insight. And please be sure to meet -- yes, the applause is deserving.

Please be sure to meet our Health Commissioner behind you before you leave.

MS. NORTON: Fantastic, and we're here to help if you need it. Thank you.

COUNCILWOMAN BROWN: Terrific. Excellent.

Paul Cohen, Esquire, Legal Counsel for the Homeowners Association of Philadelphia, and Marlynn Orlando, Executive Director of PAA-East.

MS. ORLANDO: Thank you.

COUNCILWOMAN BROWN: You're welcome.

MS. ORLANDO: So good afternoon. My name is Marlynn Orlando.

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I am the Executive Director for the Pennsylvania Apartment Association and I testify today on behalf of the Association members as well as the members of HAPCO, GPAR, and the Building Industry Association. We thank Councilwoman Reynolds Brown and commend her for taking the important work of creating policies that will protect children from lead poisoning. But we must also ensure that the new policies are balanced with other challenges our city faces, being mindful of unintended consequences that could exasperate them, particularly in the City's affordable housing shortage.

Since 2012 when the City passed the bill requiring that all pre-1978 rental units that house a child six or under be certified as lead-free or lead-safe, we've seen lead poisoning tests in children go down over that time period. And indeed we're very close to reaching the Mayor's goal of reducing the

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number of children testing 5 or below to 1,200. But we can and must do better for our children.

The major impediment to greater reduction is the lack of coordinated information sharing, which, as we've discussed today, everybody is working to improve, and we are seeing improvements in that. We know with the current improvements in the last year, we've seen the number of children tested increase and we've seen the number of less certifications on file increase, and that's even in the last several months increased incredibly.

We did ask the Anderson Group to update their study from 2011, and the new numbers show that proposed legislation could cost the City $260 million and impact 175,000 units. The cost will be shared with renters, and their units can rise as much as $400 a month, even in units where there's no danger to a child. This could displace

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many families and force them into the 40,000 currently unlicensed and, therefore, uninspected units in the City.

Also concerning is the fact that the studies show that between 3,000 and 6,000 units will come off the market due to the fact that abatement costs exceed market value, with affordable units being disproportionately impacted in neighborhoods where children are most at risk.

Of the approximately 1,600 children testing positive in 2017, they estimate that over half live in rental units, and we assume a minimum of that number actually live -- we can assume that about half of that number actually live in licensed units. So that's 400 units of the 175,000 this legislation would impact.

If Philadelphia didn't already have a housing shortage and if Philadelphia did not have one of the highest poverty rates and worst deep

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poverty rates in the country, if Philadelphia's average income wasn't just $39,000, and if Philadelphia did not have the worst conditions in the country for multi-family development, we might be having a different conversation today. But given our current conditions, we must look for improved legislation that is impactful but responsible.

According to the January 2018 Philadelphia Lead Poisoning Prevention Advisory Group report, and this was a quote from that report, Overall the City has made significant progress toward implementing many of these recommendations, and we will continue to work on our commitments and recommendations that are legally and economically feasible. We contend this bill as currently written does not meet the goal of the City's report.

In the meantime, let us work together to expand the enforcement of the current legislation, and we have pledged

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that our organizations will continue to work with City agencies on ways to protect our children.

Thank you.

COUNCILWOMAN BROWN: I thank you very, very much, Ms. Orlando.

Paul Cohen, welcome.

MR. COHEN: Thank you. Good afternoon.

COUNCILWOMAN BROWN: Good afternoon, Paul.

MR. COHEN: Thank you for allowing me to testify. I want to especially thank Councilwoman Blondell Reynolds Brown for allowing us to be part of the conversation and me in particular, and I want to thank the Councilwoman's staff, who have been awesome, and it's awesome working with them and they're doing such a great job with this bill.

This feels like deja vu.

COUNCILWOMAN BROWN: It is.

MR. COHEN: Yes. Seven years ago we were here and we were talking

about pretty much the same issues, and at that time, the Anderson report had come out, and we saw that there's going to be a cost, as Marlynn had mentioned, of $260 million to test every unit. That's the real numbers. That's the real cost that this bill is going to force upon the residents of the City of Philadelphia and business owners and landlords. That's a lot of money.

The real problem here is that the City has been unable to enforce the law as it's written. Back in 2012, it was proposed that every unit be tested. That was the original proposal. The reality is, everyone realized it's going to cost so much money to do that. So we reached the compromise and we said, you know what, it's all units where there's children six and under. Those are the ones that we need to get to. Those are the ones that we need to address, and that was what was done in the compromised legislation.

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Since then, we realized that the enforcement hasn't been what it needs to be, but we implore City Council, please let's look at enforcement mechanisms. Let's figure out a way to enforce what the current law is, because that's the problem. The problem is enforcement. But instead what we're doing is instead of trying to figure out a way to enforce it, we're saying now we're going to make every single unit be tested at a cost of $260 million. That's just a lot of money.

Here's another unintended consequence, which I don't know if people realize. The way the law is written now, when someone that's six and under rents a property, that landlord has to test that unit. That landlord absolutely cannot pass that test onto -- the cost of that test onto the tenant. That would be discriminatory. What do you think is going to happen when every single unit has to be tested? That cost is going to

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be passed on to every single tenant. So whether the tenant is going to have to pay for it up front, whether it's going to be added into the rent, the landlords can now pass that cost onto the tenants, because it's no longer discriminatory. So part of that 260 million that we're talking about is going to be borne by the tenants paying that additional money. And what's going to happen when the tenants can't afford to pay that additional money?

The unintended consequences of this bill unfortunately are massive. It's going to lead to additional affordability housing that's not available and it's going to lead to blight. It's all spelled out in the Anderson report. The report has been out for seven years. The report hasn't been refuted with empirical evidence. People talk about maybe the report isn't valid for whatever reasons, but nobody has shown that that report isn't valid.

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Guess what? If that report is valid, this is a problem, a $260 million problem.

I implore Council again, please, let's figure out a way to enforce the current law instead of making every unit be tested.

And I just want to address one other issue. I know we're kind of running late in time. And that's the penalty provision.

COUNCILWOMAN BROWN: Yes.

MR. COHEN: Which we have talked about at numerous meetings. And the problem with the penalty is that with lead paint, if you don't have a lead paint certification, you don't only get to not pay the current rent or the rent that hasn't been paid, you also get all the rent that you previously paid back. It's what we've talked about at various meetings.

COUNCILWOMAN BROWN: Yes.

MR. COHEN: It's created a

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cottage industry of attorneys that are filing lawsuits to get money back on all these kinds of claims.

The way the law is written with regard to the Certificate of Rental Suitability or if you don't have a license is very different. That law says that if you haven't paid the rent, you don't have to pay the rent, but you don't get the money back. What this law does is, it also gives you the money back. It's what they commonly refer to as the current law with Certificate of Rental Suitability is, it acts as a shield, not a sword, meaning you don't have to pay the rent. You can shield yourself from having to pay the rent, but you can't use it as a sword to actually affirmatively go and sue the landlord. What happens under the lead bill is that's what's allowed.

So if -- and I get the idea of now you're going to need, in order to get the rental license, you would need the

lead paint certification. I get that idea. But that still would only act as a shield with regard to the rent that is due. You wouldn't get the rent back. If this law is enacted the way -- without that penalty provision being changed, then you'd be able to get all the back rent, which is not really what was intended in the original law or shouldn't have been intended in the original law, because what you're essentially doing is you're giving a benefit to a third party, meaning that tenant gets to get all this money back, even if there wasn't a lead paint violation. The landlord could be totally in compliance, but yet the tenant gets this unintended consequence of not having to pay the rent and getting all the rent back. That shouldn't happen.

COUNCILWOMAN BROWN: Okay, then. I have several questions, but I want to yield to my colleague Councilman Bill Greenlee.

COUNCILMAN GREENLEE: Thank

you, Madam Chair.

Good afternoon. Just a couple quick things, just your comments on this. I think you heard from previous witnesses that one of the problems with the current law is that even if it was enforced, it still doesn't really protect children the way ideally we would like to do, because children don't always just stay in the particular place that they live. They could be in grand-mom's house, I think was the description, or something like that. So do you have any comment on that? The whole idea behind the bill is to protect the kids, right, and if the kids just aren't in the particular rental unit that the parent signed up for but moving around, they could still develop lead-based poisoning. Do you have any thought on that?

MR. COHEN: Yeah. So if the tenant has a child that's coming over to the property and is at the property and we can set the parameters of whatever

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that time period would be, the tenant should be able to notify the landlord that they have a child that's six and under that's now at the property for whatever that period of time would be and the property would then have to be tested.

MS. ORLANDO: We could include language to talk about language that if you're a primary caretaker, if you have a child that is at your residence on a consistent number of days per week, it falls under the stipulation of having a child present. We could look at language like that.

COUNCILWOMAN BROWN: We could or we shall?

MS. ORLANDO: It's up to you. We're happy to do it.

COUNCILMAN GREENLEE: Has that been brought up before?

MS. ORLANDO: I don't know. We only had one meeting with the Councilwoman on the matter and --

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COUNCILWOMAN BROWN: Let me correct the record. That is not true.

MS. ORLANDO: I'm sorry. Me myself. I'm saying just me myself.

COUNCILWOMAN BROWN: And if you were not there, there was an Apartment Association representative at every meeting that we had. That's the record.

MS. ORLANDO: Okay. Very good. I was going to say me myself. I don't think we discussed it when I was there.

COUNCILMAN GREENLEE: Because that seems to be a reasonable concern, that just the unit itself is not just the solution to the problem. And, look, I was one who advocated back for that compromise. Councilwoman may remember. I thought maybe we should try this so we're not putting that burden.

MR. COHEN: I do remember.

COUNCILMAN GREENLEE: But it just doesn't seem that that has worked. Certainly worked to the level that we're comfortable with, I guess.

And the other issue that I think Ms. Landau brought out, that the law as it's written now has resulted in kind of maybe -- it's certainly unintentional discrimination in the fact that there are now a lot of landlords who will not rent to anyone that has children under six years old. Do you have any comment on that or experience at that or heard anything about that?

MR. COHEN: I do. With all due respect to Ms. Landau, who I do respect very much, what I heard was that she said that it was all anecdotal evidence. There was nothing empirical to show that that in fact is what was happening.

So do people discriminate against someone that has a child? Yeah. They do that in general. So how do you distinguish whether they're doing that now anyway because a lot of people just don't want to rent to children, which is absolutely a problem and needs to be corrected, but how do you distinguish

between those people that aren't renting to children anyway because they just don't want to rent to children and those that aren't renting to children because of this issue, the lead paint issue? I haven't seen anything with regard to that.

COUNCILMAN GREENLEE: So do you think it doesn't happen or just that you don't have any proof?

MR. COHEN: I don't know that it happens. Would I guess that maybe it could happen, you know, one or two times, like however many times? I don't want to put a number on it, but I don't think it's that -- I don't think it's -- put it to you this way: I don't think it's rising to the level that that should become the main driving factor that we're now going to spend $260 million to correct that problem.

MS. ORLANDO: And is it happening more in unlicensed units, would be my guess, than in the licensed

legitimate units.

COUNCILMAN GREENLEE: I don't think anybody said it's the overwhelming factor, but I think it's something else to be a consideration. I think that was the point I think that was trying to be made.

All right. Thank you.

Thank you, Madam Chair.

COUNCILWOMAN BROWN: From the beginning, we have felt, to your suggestion, that everybody has to have skin in the game. Government can't do it alone. Tenants, it's our responsibility to educate them, particularly those who worry first about putting food on their table and roofs over their head for their children. And the industry cannot do it alone.

So what role should you have for helping us ID the bad guys which give us the reason for why we're here now? What role should you have? What role are you playing now to weed out the bad guys?

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Because it's not happening, and so it forces government to do something, because children are being poisoned 1,500 per year. That's unacceptable. Do you agree that's unacceptable?

MS. ORLANDO: Yes.

COUNCILWOMAN BROWN: So now help us understand, have some skin in the game. Provide us with recommendations, as Paul has done in a number of meetings, on what the Apartment Association can do to help us weed out the bad guys.

MS. ORLANDO: Well, I don't know that I have access to the information for who the bad guys are. What we do is, we do tremendous education --

COUNCILWOMAN BROWN: Such as what? Be specific.

MS. ORLANDO: To our apartment owners. We provide the information of the requirements of lead testing in the City of Philadelphia to all of our owners. We do multiple seminars

throughout the year, providing updates on the lead test. We actually provide the lead testing, the EPA lead testing course, to our owners. So we are doing all of that.

COUNCILWOMAN BROWN: Do you think there would be some value in the Apartment Association doing random inspections of its landlords?

MS. ORLANDO: That's not really our role.

MR. COHEN: We wouldn't legally be able to do that, unfortunately. I can tell you I have also written a book that's for landlords. This is a book on just what a landlord needs to know to comply with all the laws in the City of Philadelphia. It doesn't include state laws. It doesn't include federal laws. This is a book that a landlord needs to know, everything that's in here, in order to comply with the law to get all the licenses, to do everything else that needs to be done to make sure that they

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are following the law. We do seminars through the Apartment Association. We do seminars through HAPCO. We constantly educate our members, and we have a newsletter where information goes out as well.

COUNCILWOMAN BROWN: And so the challenge remains, we cannot dispute the facts. There are 22,000 children -- 22,000 children under six. We still only have 25 percent compliance.

MR. COHEN: Right. So the question becomes how many of those are in unlicensed units? How many of those are PHA units, which don't --

COUNCILWOMAN BROWN: PHA is not a part of this conversation.

MR. COHEN: It's part of that 22,000, yes.

COUNCILWOMAN BROWN: So we know that the feds have, some might argue, a weaker standard than what we're trying to impose here, and we're actually going to have a conversation with PHA, and that

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too may become an amendment. So taking PHA off the table, we're here because there's still 1,500 children being poisoned annually. Everybody has to have skin in the game. From what you heard from Baltimore and Rochester, what is it about what they're doing do you believe we should adopt?

MR. COHEN: Well, here's what I think should happen, and I think I mentioned it and I know I mentioned it to yourself and others at various meetings and, that is, before someone goes home from the hospital with a child, that property should be tested. It's a very simple thing. The same way before you can leave a hospital with a car seat, you have to bring that car seat into the hospital. They actually test the car seat before they'll let you take that child home in that car seat.

COUNCILWOMAN BROWN: You're absolutely right.

MR. COHEN: The same way they

do that, they should make sure before a child is brought into a home, that that home is tested. We're all in favor of that.

COUNCILWOMAN BROWN: Yes, yes, yes. And so --

MR. COHEN: And if that gets done, then what would happen is over the years, we'll be solving this problem, and you'll be solving the problem at the most important time, which is when the child is born.

COUNCILWOMAN BROWN: Agreed. And the way we're going to address that is in our next bill where we're going to follow the model of Allegheny County, Pittsburgh and require that children be tested at two and four years. There are privacy issues, challenges that we learned on why we can't do that. So the way we're going to at least get to the margin of that valuable recommendation is the next bill that's going to address and allow for and require lead testing at two

and four years.

MR. COHEN: But what happens when the child is born? See, that gets to the child at two and four, and that's just lead testing.

COUNCILWOMAN BROWN: Paul Cohen, the Commissioner made it very, very clear to us in those meetings that there are privacy issues. It's called HIPAA. And so that becomes a barrier for why there are reasons we can't do that. Our way around it is to model the Allegheny, Pittsburgh protocol.

MR. COHEN: Another thing we're doing is working with L&I and others to try to get to the unlicensed landlords. We firmly believe that every landlord should be licensed, and we need to figure out a way to get to these unlicensed landlords.

COUNCILWOMAN BROWN: Well, the good news based on testimony today is that the L&I Commissioner and the Health Commissioner are now going to link

certification to licensing. So that's an improvement from where we were six years ago. You've demanded that government do more and do better. So that is an example of government doing more to do better so that we can move this dial. Okay?

I'm going to rest your testimony there, because we still have a host of witnesses and two more bills that I got to get to by 2:30 if we want to move all these bills.

MR. COHEN: Thank you.

MS. ORLANDO: Thank you very much.

MR. COHEN: Thank you for allowing us to testify.

COUNCILWOMAN BROWN: Thank you for the change. And we're not there yet, but the needle is moving on the dial.

MS. ORLANDO: It is.

COUNCILWOMAN BROWN: Thank you very, very much.

Up next, Claire Wilson; Erica

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Miller; LaTiana Ridgell, Public Health Nurse, Philadelphia Nurse-Family Partnership; Erin Blair, Public Health Nurse Home Visitor, Philadelphia Nurse-Family Partnership. And I am going to lean on you to keep your testimony to two minutes. A bit unfair, but now we're really at the clock.

(Witnesses approached witness table.)

COUNCILWOMAN BROWN: So I've learned that Nysir Bouldin and Mr. Robinson have to leave now. So we're going to push the pause button for you all and ask those two gentlemen to come forward, offer your testimony quickly. Are you still here?

Please. This is where it gets really, really uncomfortable with trying to accommodate those who have an interest and want to contribute.

Nysir Bouldin and Francho. We know that you have to leave, and we're leaning on you to keep your testimony to

two minutes, but we're delighted that you chose to be a part of the record.

(Witnesses approached witness table.)

COUNCILWOMAN BROWN: Forgive me. Erin Blair.

MS. BLAIR: Let them go ahead. I really hope I can get out of here soon.

COUNCILWOMAN BROWN: Okay. Thank you very, very much. This gets hard.

Please proceed with your testimony, gentlemen. And let us thank Donna Cooper for making it possible for you to be here. Proceed.

MR. ROBINSON: How you doing? My name is Francho Robinson from F&L Lead Dust Inspectors, and I'm a certified lead technician and I inspect many owner homes, properties of lead and hazards. I started my business about six years ago, shortly after the lead law passed. I was one of the first new inspector businesses to start up. At the time, thousands of

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kids was being poisoned in the City of Philadelphia. I paid attention to stats. My brother was also lead poisoned when he was younger and had speech problems.

My business has grown through the years, and I worked with a lot of landlords, landlords who go over beyond and landlords who basically try to get around the law. I worked with landlords and have tried to surround them along with the lead law and what to do with their rental properties. One landlord in particular has over maybe 100 to 150 properties in Philadelphia. He does them all. He basically want to stay on top of the game in reference to kids being sick or getting sick from lead. So he does all his rental properties. Every turnover that he has, he gets it certified again. He doesn't play with the law, because the fact that kids are involved.

I have other landlords who basically try to get over and try to do

anything they can do to get past the law. I'm real honest in my business, and I've been doing it since, like I said, the beginning, and I've got better, with everything else, learning how these landlords are trying to get over on getting these certifications due to costs.

I work with a lot of landlords going back and forth with tenants, tenants lying and saying they don't have kids, landlords lying and saying they don't have kids in the properties, trying to get them to sign off where they don't have no kids in the properties on their leases.

I also have landlords try to pay me to inspect their properties without -- giving them a certification without doing testing. It has happened many a times, but of course we don't do that.

To be clear with this law, it's definitely us out there every day doing

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what I do. I come up with a lot of places that have the lead and I basically tell my owners they got to take care of the problem before I even inspect it sometimes. Just because I noticed a lot of properties that do have lead, it can be obtained basically as long as we take care of the properties, the paint, the chippings, and make sure they check on their properties. I give them my expertise and telling them to check on their own properties when they don't check on their properties. It's a lot times they don't check on their properties. And they need to go and check on their properties maybe once every six months to a year to see what they got going on, what they got to do for their self to see if chipping, the kids, how many kids they have in these rental properties.

So that's my testimony. I'm also a HAPCO member also. And that's pretty much it.

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Thank you very much.

COUNCILWOMAN BROWN: Thank you very, very much. We appreciate your presence and the contribution you're making towards helping us rid of this issue. Thank you.

Please, sir.

MR. BOULDIN: Hello. My name is Nysir Bouldin. First of all, thank you for this opportunity to be able to express myself on this matter. As I stated, my name is Nysir Bouldin. I live in Germantown. I'm an apprentice painter with District Council 21, with the Finishing Trades Institute. I'm almost finished with my first year in the four years of the program, and as a member, I've been trained and received certification in lead hazard remediation and abatement. I'm at the beginning of my painting career, so one day I hope to start my own painting business that would include helping property owners remediate lead-based paint hazards in children's

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environments to help keep them healthy.

So when I'm painting in a property with tenants, there is a very specific process that I follow to deal with deteriorated lead-based paint and to make the area safe while I'm working and after I'm done. Typically it starts with me building a containment within the room, using a very thick plastic sheeting in the area and also covering the floor wherever I'm working. That way, we could collect all the paint chips and dust and debris. You typically see me working in a Tyvek suit and other protective gear as I wet the area with water to help contain the dust and debris also. Then proceed to scrape loose paint off the affected walls or windows until I reach paint that is tight and intact underneath. I use a highly specialized vacuum cleaner that serves as a containment unit to thoroughly clean up all of the dust and debris.

Once that is finished, we use

paint to apply multiple coats to seal off the area, and then that is followed up by more cleaning, and the area must be retested to confirm that it is lead-safe before we can say that we're finished with the job.

Personally I'm helping raise, with my sister, raise my almost one-year-old niece full time, so that I know that children's natural curiosity entices them to pick things up and put them in their mouths. That's how they learn. Their fingers and toys can get lead dust on them from deteriorated paint from crawling around on the floor unattended or just being on the floor in general. And I understand that children's systems, immune systems, are a lot weaker than adults, and the lead in their bodies can cause irreversible damage.

Lead poisoning is definitely an alarming issue to me. So it is the motivating factor for me in the work I

do, is to protect children who may be at risk of these conditions. I think it's very irresponsible for us not to take the necessary actions to reduce lead poisoning in children's homes, especially for those who recognize them -- or certify them being able to discern them.

I urge City Council to protect more children from harm and also to expand the law to all older rental properties.

That is my testimony. I thank you very much for hearing me out.

(Applause.)

COUNCILWOMAN BROWN: Francho Robinson and Nysir Bouldin, you gentlemen are on the ground. You're really on the ground seeing the ugly issue that we're discussing here intellectually at this level. So you need to know that what you do matters, and to the extent that you can bring other men and women along to learn your craft, the City benefits.

So thank you for taking the

time to be here and to offer your testimony. Thank you very much.

Erin Blair, you've been exceedingly patient and tolerant, so we want to bring you up, Public Health Nurse Home Visitor, Philadelphia Nurse-Family Partnership. Please.

MS. BLAIR: My name is Erin Blair. I'm a nurse. Thank you so much for having me today and thank you so much for bringing the voices of the community up here. I find that those are some of the most powerful voices that you have.

I'm not going to be testifying regarding myself as a home visitor. I'm just going to be reading the testimony of one of my clients. This speaks directly to Ms. Landau's testimony earlier and speaks directly against Mr. Cohen's testimony about why this legislation as it currently stands is not an issue.

Hello, City Council. Thank you for allowing my nurse to read my testimony today. Sorry I could not be

here. My name is Caitlin and I am a single mother to one beautiful baby boy. Last year I had to suddenly move out of my apartment when I was eight months pregnant. My property manager must have noticed I was pregnant, as I had not told him. He told the owner of the property, who approached me and told me that he did not rent their apartments to people with children under age five because it was a liability for lead poisoning, and they were not going to fix the lead if there was a problem. Upset, I reached out to the property manager, and he confirmed that they would not renew my lease in two months when it was up. He told me that they did not know if the apartment had lead in it and that they were not obligated to test for it because I was already living in the building. He said that I could have it tested myself, but if the test came back positive, they wouldn't have to fix it and they would not renew my lease. The testing would

cost about $200. I knew I would need that money to move if the test came back positive, and it really seemed like they knew the test was going to come back positive, and I would just be out $200.

He was really nice about it, but I was still really upset. This didn't seem right to me, so I called my nurse and told her about the situation. She spoke with the lawyers at her office that helped out with housing stuff. It turned out the landlord didn't have to pay to have the apartment tested for lead according to law. The property manager even told me I was one of the best tenants because I never had problems and always paid my rent on time. At that point, I decided it wasn't worth fighting to try and stay.

Out of the $825 deposit I paid, I only received $200 back, even though most of the things they said were wrong were things I had asked maintenance to fix when I moved in. It was an awful

time for me. I had been a really great tenant, and they treated me so badly in the end. I had never even done anything wrong.

I was really lucky to find a new place in time, but it was really hard to move at eight months pregnant. If I hadn't found a place, I had no idea where I was going to go. Where was I going to put my stuff? Packing and moving is exhausting. I wasn't able to lift heavy stuff, so I had to get help. It was so stressful, which worried me because I know stress isn't good for a baby when you're pregnant.

I also had to spend my money to move. I really needed to be getting things for my baby and saving for the time I would be missing from work after I delivered my son.

I really hope this testimony can protect other moms and babies so they don't have to go through the same things that I did.

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To add my own paragraph quickly, this is just one example of numerous examples I see of families being discriminated against because of this current legislation. As a home visitor for over ten years, I have watched families be forced out of apartments through non-renewal of lease over and over and over again. It's legal as it stands. Because as -- well, this owner made the mistake of saying, I don't rent to people with children, but for the most part, they just say, well, you can test it for lead, it costs this much money, and families who are barely getting by, the most vulnerable families, the ones who need the most support, are the same ones that are victimized by the legislation as it currently stands. And those families also don't get additional supports.

I work with strictly emerging families, first-time parents. These are people who become pregnant while in an

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existing lease. They do not have the same protections as somebody who is moving into an apartment with children. Those people, they are required to have that lease, but once you're in the lease, it's not their responsibility.

COUNCILWOMAN BROWN: And because time is not on your side, I want to ask questions now and then we'll move to the other testimony.

So when you are faced with these type of circumstances, is there a protocol within your profession that allows you to notify the Health Department or L&I whereby you can assist that family by reporting that non-compliant landlord?

MS. BLAIR: I can call L&I. I can refer the family to various -- like TURN or other landlord-tenant organizations. However, families fear of being kicked out of their apartments and retribution for making any sort of report, results in them becoming

homeless, and as you well know, there is no available shelter space and there is nowhere for those families to go.

And to speak to Councilmember Quinones' concerns earlier, there is a real concern that without some sort of a sister program that assists low-income landlords with abating the lead on their properties, that this could drive a lot of families further into an unlicensed rental market where they're even greater at risk, and I'm glad that City Council is carefully considering that as they make this decision.

COUNCILWOMAN BROWN: Well, from the Rochester and Baltimore testimony, not in this bill, because this bill is big enough as it is, I am going to investigate, my staff and I, how we link any public money that touches housing should also have some kind of lead certification requirement. That's a discussion for another day, along with linking building permits to lead

certification and the like, and that would in addition address Councilwoman Sanchez's important concern.

Let me thank you for the work that you do, because as a public health nurse, we know that in the world of nursing, there are a gazillion type of different offers that you can use that skill set in that space. Thank you for your work.

MS. BLAIR: Could I make one recommendation?

COUNCILWOMAN BROWN: Please, please, please.

MS. BLAIR: You were asking --

COUNCILWOMAN BROWN: We're trying to make a better bill.

MS. BLAIR: -- about ways for a public education campaign, and I highly recommend that you partner with existing maternal/child/infant home health visiting programs to both educate families about the risk of lead and to help families get access to their rights

when it comes to lead in their properties. My program is already doing that. We already have lawyers in place to assist our families when they're facing such challenges, and I would recommend that assisting other home visiting programs in getting that same information, training, and the ability to share that with their young families would be a huge addition to a public campaign.

COUNCILWOMAN BROWN: Well, I would more than want to take that under advisement. I just had a conversation with my staff, and I'd like to see that in the law, that a required public health, public awareness campaign, and I'm told for legal reasons we can't put it in the bill. So I'm going to revisit that, but you can be rest assured, because I'm sure I have the support of the Health Commissioner, there's no doubt through this discussion and exchange that that is sorely lacking. You can't hold

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people responsible for that which they do not know. So you've added another partner and actor in this coalition that was not on my list here, so you can be assured that somewhere between now and July 1, 2020 that will happen.

Thank you again for your testimony.

MS. BLAIR: Thank you.

(Applause.)

COUNCILWOMAN BROWN: All right, ladies. Thank you for your patience. You're up. Clair Wilson, Erica Miller, and LaTiana Ridgell. Proceed.

MS. WILSON: Thank you for having me and giving me the opportunity to share my family's story. I'm Claire Wilson and I'm the mother of Jude Wilson. When I brought my happy, seemingly healthy baby to his nine-month checkup with his pediatrician, I had typical new parent concerns, like sleeping through the night and his hesitancy to try solid foods. Three days later, my husband and

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I got the completely unexpected call that routine blood work revealed our son was poisoned by lead. He had a blood lead level of 35.

The rental property we were leasing in South Philly was subsequently tested, and the results revealed that Jude was clearly poisoned by lead from our rental property.

In that day, our world came crashing down around us. I was scared, I was confused, and I was angry. I lost my sense of security and safety, but more than that, I lost the privilege to watch my baby grow and develop and discover the world around him without worrying and wondering about the developmental effects of lead. Was he walking too late? When will he talk? Will he have trouble learning in school? Behavioral challenges? Will he have a lowered IQ? Who would he have been if this hasn't happened to him?

Some of these questions will

take years to answer. Some we'll never know. But these are questions that are on our minds every single day. It's a terrible, terrible feeling to know that your child's potential has been permanently cut short by an unsafe environment you've unknowingly placed them in.

Jude will live with the effects of lead poisoning every day for the rest of his life because our rental property owner was non-compliant with the law. Jude deserved better.

My husband and I had planned to raise our son in South Philly, the neighborhood we loved and had lived in together for six years. The day after we learned Jude's test results, we moved out of our home and out of that neighborhood, a step that was emotionally painful and financially costly.

However, we were lucky to have the ability to move to protect our child from further irreversible damage. I

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recognize my privileged position in having this choice. Most families are not so lucky.

Please pass this bill as soon as possible so that innocent children can begin to be protected immediately. Please do not let one more child be poisoned by lead.

(Applause.)

MS. MILLER: Hello. My name is Erica Miller and my twin two-year-olds, Micah and My'ell, were poisoned by lead by a PHA home we were renting on 5th Street where they had lived for most of their lives. When I took them to CHOP for their well visit, their doctor did a routine blood test to check for lead. One or two days later, I got a call from a CHOP nurse telling me that both of my children had lead poisoning. When I heard this, my heart just dropped. The news was devastating. How are we going to go through this again? Their lead levels was 18.8 and 11.9, well above 5,

which is the minimum level for poisoning.

My twins are now three and they are not doing the things some of my older children did at their age. Their speech has been delayed. It's sometimes hard to figure out what they're saying. I'm concerned that Micah's growth has been stunted, and it has been very difficult to potty train them.

The bottom line is that I will not know their full potential because at the end of the day, they have lead poisoning.

I've been through lead poisoning before with my older son, who is now 16. When my twins were diagnosed, I thought, not again, I can't do this again. My son has had problems paying attention and staying focused in school, and that has been his biggest issue. He learns different, he thinks different, and he can totally get off task in a matter of seconds. I've gone through periods of time where teachers called

multiple times a day to pick him up from school. I've lost jobs because of this. He has attended a disciplinary school, and he has spent time in juvenile detention. It has been hard.

What I know is that it is a routine part of a well child visit for my doctor to test my children's blood for lead, but it is not routine for PHA to test their properties for lead, the very place that poisoned my children.

I don't want any other parent to have to go through this, what me and my husband are going through with our children. We have to make sure that the children are safe, and we have to do it now.

Back when I was young, my parents told me we were the future and that we were going to grow up to be someone in life. I want my children to grow up and make a difference too. We have to prioritize our children, and that means PHA and other rental property

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owners must provide places that won't poison our children and rob them of their full potential.

(Applause.)

COUNCILWOMAN BROWN: Before we hear from our public health nurse, I need to say as a mother, thank you for your testimony. It does make your heart weep when you hear from parents who are living this nightmare. And so I am curious to hear just a status of your children today as we speak.

MS. MILLER: They're not potty trained yet. They're three. And I have a nine-year-old who was lead poisoned as well and he's having a difficult time in school as well. So he's ADHD and he has an IEP right now to be in special classes.

COUNCILWOMAN BROWN: I see.

Please, the other mom.

MS. WILSON: My son a 17 months old. He has early intervention services. He tested low on communication skills so

far. He has a developmental therapist and a speech therapist.

COUNCILWOMAN BROWN: Have you two moved into a new property or did you report the landlord? What was your remedy?

MS. WILSON: We reported the landlord and we moved into a new property.

MS. MILLER: And I was in PHA, so they moved us to another unit.

COUNCILWOMAN BROWN: I see. Okay.

Thank you again to Donna Cooper for giving us real faces for this issue we're dealing with.

Please.

MS. RIDGELL: Good afternoon. My name is LaTiana Ridgell and I am a Public Health Home Visitor with Nurse-Family Partnership. Our clients are low-income, first-time mothers who enroll in the program during their pregnancy and are assigned a nurse like

myself to visit them in their homes and provide health, wellness, and social services until their child turns two. During this time, I screen children for developmental delays and provide parents with information to support their child in meeting these developmental milestones.

Because we are physically in their homes, my colleagues and I have an opportunity to see how housing conditions affect the progress of children's development. Poor housing conditions and the fear of lead exposure prevents parents from allowing their children to play on the floor. Floor time is crucial for growing infants and toddlers' physical and cognitive development. Infants who are placed on the floor use the hard surfaces to assist them in crawling. This crawling then progresses to standing, often using furniture for support, which then parents love to see their first child's steps.

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For toddlers who are placed on the floor, they have the ability to enhance their creativity by using everyday objects lying around as toys. Sometimes they even use miscellaneous objects to reach high surfaces, which we encourage as long as it's safe. And what we know is that play is the hallmark of any childhood and is what makes children happy, creative, and free. However, many families choose to inhibit play and exploration if they feel it is unsafe, and that is a rational decision.

Our clients fear the negative impacts of lead poisoning on their child's development. Families who keep their children off the floor by placing them on couches, the bed or even on their caregiver's laps, these families attempt to keep their children safe from lead exposure, but it can also be at a huge cost to their child's sense of autonomy and development. Families like these cannot just move out and find places

without these exposures. The cost of moving is expensive, and it requires a substantial savings to do so. The homes that are the most affordable tend to be the ones that have the same exposures. Alternatively, leaving it up for families to test for and remediate the lead in their rental homes is another cost that they don't account for in their family budget. It is essentially asking these families to choose between their immediate financial obligations, like rent and groceries, over their child's development.

Lead poisoning is a preventable public health problem. There are no safe lead levels of exposure, and we really shouldn't be waiting until a child surpasses a threshold to do something about it. Remove the exposure and you remove the risk.

Thank you.

COUNCILWOMAN BROWN: Agreed.

(Applause.)

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COUNCILWOMAN BROWN: I thank you all very, very much for your testimony. You actually can return to your seats. Given the strong interest and the in-your-face command that there needs to be a public awareness campaign, I do want to invite back up Elizabeth Baldwin at L&I, who could share with us briefly what is currently underway at L&I around public awareness. And while we wait for her to come forward -- is she here? Please, please, please come up.

Everyone should know that this is what I call a living bill. We have language in this bill that is going to require a report June 30th, 2022 so that we're forced to sit down and reexamine how well we're doing in reducing exposure to lead paint. So it's a living bill in that there's work -- we're going to have to report back and let the world know how well we've done or what improvements have been made.

(Witness approached witness

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table.)

COUNCILWOMAN BROWN: Good afternoon, Ms. Baldwin. Please talk with us briefly about L&I efforts around public awareness.

MS. BALDWIN: Good afternoon. So every new application and renewal application has two questions that the applicant has to answer. We ask if there's any children six and under in the unit and if the building was erected prior to 1978. If they answer yes to either -- well, to both of those questions, then they have to affirm compliance with the lead paint compliance law and affirm that they've submitted a certification to the Health Department.

COUNCILWOMAN BROWN: That's a current practice at L&I?

MS. BALDWIN: Yeah. We changed our application maybe -- we've had the question regarding compliance on the application for a very long time, but we changed it maybe two or three years ago

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to detail the specifics, and we actually even stopped accepting postal renewals, so people are forced to answer the questions every year.

COUNCILWOMAN BROWN: Okay, then. We wanted to put that on the record. I thank you very much.

MS. BALDWIN: Thank you.

COUNCILWOMAN BROWN: Okay. We're going to now move to hear testimony on Bill No. 180937, and this bill essentially -- the 24 percent of our children in the City not tested for lead before the age of two. In short, we're simply going to try to model the Allegheny County -- two more on this bill?

MS. COOPER: Yeah. They've been waiting, I just want you to know.

COUNCILWOMAN BROWN: All right. We need them to come to the table, and we need you to honor the clock of two minutes, because they were not on the list. We still have two bills, and we

want to vote these out today.

MS. COOPER: They were on the list.

COUNCILWOMAN BROWN: Oh, my. I have an oversight here. Forgive me.

(Witnesses approached witness table.)

COUNCILWOMAN BROWN: So please, please, please, AJ Moore, landlord, and Shirlee Howe. Is that a silent E?

MS. HOWE: Yes.

COUNCILWOMAN BROWN: Thank you very much, ladies, for making yourselves available. Please proceed with your testimony.

MS. MOORE: Good afternoon. My name is AJ Moore. I am a landlord in Philadelphia. I'm also the Executive Director of Philadelphia Neighborhood Housing Services in Philadelphia. I want to first thank you, Ms. Reynolds Brown, for bringing this matter to the floor. It is one that is very important to me.

As a landlord in Philadelphia,

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I understand the hardships that comes with renting property, owning property, and keeping that property up to standards for families. I also understand how hard it is to have a family in your home and have to pay other bills for that property when you're trying to get an eviction and they're not paying the rent. I understand these things, but that's all part of the game when you decide that you want to be a landlord.

I understand also being a landlord that I have families under my care and that I'm responsible for them. So there's no circumstance, no matter the cost, that will prohibit me from doing what I have to do to take care of these families, and that includes keeping a lead-safe environment for children under the age of six or even the elderly, which it also impacts as well.

So many make the decision to not get licensed or they choose to just check that box. It makes it really easy

for landlords to just say they got the lead check and they didn't. So as a landlord, I'm here to say it's very easy to bypass that checked box. It's very easy to just check it and keep going and knowing that you haven't really got it done. So that's something that needs to be checked out, in my opinion.

Also, as a landlord -- we have an affordable housing problem in Philadelphia already. So Philadelphia going against landlords and not working with landlords is not going to help the problem. It's going to increase the amount of rent. It's going to decrease the amount of affordable housing. So I'm also asking that Philadelphia work with landlords in terms of loan programs and grant programs to help them along, because there's a lot of mom and pop landlords out there, people who only have one or two properties, and they can't afford to do these things. So, therefore, it takes them out of business,

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which of course takes down the amount of affordable property that are available for low-income renters.

As the Director of Philadelphia Neighborhood Housing Services, I see these things on a daily basis. I see both sides of the coin. I see landlords who can't afford it and I also see families who struggle. And when they come into -- when they come to terms and they find out that their child is poisoned and they could possibly face struggles in life, a lot of families make the decision to stay because they don't want to be ostracized and they don't want to be retaliated against.

Secondly, they can't afford to move, and there's not enough affordable housing in Philadelphia to even think about moving. Taking them out of school, all of that is a hardship. So unfortunately to me and you, it may seem like an easy decision to just pack up and leave when you find out your child has

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been poisoned, but for people that are low income, families that are low income, that decision is very grave and they decide to make the decision to stay, and that's unfortunate to me.

There's organizations such as Philadelphia Neighborhood Housing Services, which I am the Director, we are EPA certified. We have asked the City to assist them in the lead process and help them remediate. We can help educate. So there's a lot of spending, expenditures we talked about, increasing budgets for L&I. Why not utilize the City organizations that are here to help? There's lots of organizations such as my organization that are here, and we're just here for community development and housing services. Utilize those services as well.

So that's what I would like to see, Philadelphia working with our City organizations, non-profit organizations instead of increasing budgets and making

it worse for landlords and the citizens of Philadelphia. We can make a big difference in this room when we work together.

COUNCILWOMAN BROWN: Well, we will certainly make sure that your organization as well is included in a comprehensive public relations campaign.

MS. MOORE: Thank you.

COUNCILWOMAN BROWN: All right, then.

Please, your testimony.

MS. HOWE: Thank you for the opportunity to speak. My name is Shirlee Howe. Some of you may know me from my work at PCCY, but today I'm just here as a landlord in Mount Airy for 20 years with three rental units. I'm here today in support of the bill to expand the lead requirements for rental properties in the City.

As a landlord, I have a responsibility to my tenants on many fronts, and I approach the lead

certification requirement in that same vein.

Make no mistake, the upkeep and maintenance of a building that is over a century old is a constant and costly endeavor, but I am willing to undertake whatever testing and remediation is necessary to ensure the safety of my tenants and, more importantly, the safety of their young children.

I do not currently have any tenants with children six or under living in my building, so it has not been lead certified. I thought it important to mention this fact considering I am here today speaking in support of a bill when the full financial impact it will have on me is yet unknown. I support this legislation on its merits and because of its goal to prevent children throughout the City from enduring the lifetime effects of lead poisoning. It is the morally right thing to do, which is why I am in full support of the bill, including

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the financial implications for landlords, myself included. In my opinion, it is simply the cost of doing business responsibly in our city.

Thank you.

COUNCILWOMAN BROWN: Well, thank you, thank you, thank you, thank you for honoring the clock, and a huge thank you to Donna Cooper for making sure that, in coordination with my staff, we have a diverse mix of stakeholders who care about this issue. So thank you for stepping away from your desks and your businesses to be with us today.

MS. MOORE: Thank you for having us.

MS. HOWE: Thank you.

(Applause.)

COUNCILWOMAN BROWN: We will now hear testimony on Bill No. 180937, and we welcome back Tom Farley, Commissioner for the Philadelphia Department of Public Health, and Maurice Sampson, Eastern Pennsylvania Director

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for Clean Water Action.

I lean on you for two minutes, because we have another bill and I want to move all three bills today, and I have until 2:30 to make this happen. So please help make this happen.

Proceed.

(Witnesses approached witness table.)

COMMISSIONER FARLEY: All right. Good afternoon, Councilwoman Reynolds Brown. I'm Thomas Farley, the Commissioner of the Department of Public Health. Thank you for the opportunity to testify on Bill No. 180937.

This bill would mandate testing of young children for lead. Although we have concerns about our ability to enforce this law, we support it.

As you know, we made substantial progress in reducing lead poisoning in Philadelphia over the years, but exposure to lead in the City remains a persistent problem. To identify

children who are exposed to lead early, expert groups recommend that all children in a city like Philadelphia be tested at one and two years of age. Currently, over 90 percent of children in Philadelphia are tested for lead, but the testing is not as timely as it should be. In our most recent surveillance report, 76 percent of children were tested by their second birthday and 84 percent were tested by their third birthday. The Department of Public Health has been promoting timely testing by pediatricians, and those testing numbers are rising. Nonetheless, they could be better.

Bill 180937 would put the lead testing recommendations into local law. I feel obligated to point out that with the resources we have, there's no practical way for the Department of Public Health to take enforcement actions on the hundreds of pediatricians seeing tens of thousands of children in

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Philadelphia. However, this bill may have the benefit of raising awareness of the need for testing among pediatricians in Philadelphia. And certainly if this bill were to become law, we would emphasize this legal requirement for testing in our communications with pediatricians. And we will continue to monitor our progress in raising lead testing rates through our annual lead surveillance reports.

I'll be happy to answer any questions.

COUNCILWOMAN BROWN: Very instructive, Commissioner, and I hear the caution, but thank you.

Please. Welcome back.

MR. SAMPSON: Good afternoon to you too. The clock is running.

Well, good afternoon, Councilwoman Reynolds Brown and Councilman Green. Thank you for the opportunity to testify today. My name is Maurice Sampson. I am the Eastern

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Pennsylvania Director for Clean Water Action. Our mission at Clean Water Action is to protect our health, environment, the economic well-being, and community quality of life. Funding by the William Penn Foundation and contracts with the Water Department have allowed us to create an education program we call Lead Hazard Awareness Project, with the objective to orient and to educate a resident to identify and learn how to safely live with the lead-poisoned hazards found in their homes and their neighborhoods.

Not talking about that now, but we can answer questions in that regard.

As such, we at Clean Water Action, in league with the Lead-Free Philly Coalition, join Commissioner Farley and the Philadelphia Health Department in support of universal blood lead testing for young children.

However, as is currently written, Bill 180937 is more of a

suggestion for testing for the lead. The text of the bill is shorter than my statement today, and most of its provisions describe limitations and exemptions from testing. Adopted as is, it will simply empower the status quo.

Universal blood testing should facilitate early detection and referral for the treatment of lead poisoning. It should reduce the incidence, impact, and cost of lead poisoning. It should inform parents and guardians of their children's lead exposure and enable citywide surveillance of childhood lead poisoning. Based on what is written, it is not clear the legislation will achieve any of these goals. Therefore, Clean Water Action recommends modifying Bill 180937.

The model for this legislation is a universal blood level testing ordinance adopted by Allegheny County in July of 2017. Since its passage, the number of children being tested under six years old is going up significantly.

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While their inaugural report assessing the initial effectiveness of the legislation acknowledged there is still much work to be done, it is projected that the number of children tested in 2018 will have increased 28 percent in the first year, going from roughly 17,000 to just over 23,000. The report also touted that more children are now getting tested -- getting venous tests performed, which is more important because results for venous lead tests are considered the most accurate method because it is actually measuring the level of lead in the blood.

Requiring universal testing as a strategy for protecting children's health is one that is also garnering attention at the state level. Governor Wolf has publicly announced his support for such legislation, saying, quote, "Only with universal testing will we know the true scope of lead poisoning in Pennsylvania and be able to refer

affected children for care," end quote. Allegheny County's ordinance is being used as a model for bills circulating in both chambers of the Pennsylvania General Assembly. Clean Water Action recommends that Bill 180937 be revisited to reflect the provisions of the ordinance. I have attached a copy of the ordinance to this testimony.

The issue of lead contamination in Philadelphia is real. Lead is everywhere. It's in soil, it's in dust, it's in paint and home renovations. It's in the plumbing that taints our drinking water and any number of household items and consumer products. Affecting our bodies' neurological system, lead is dangerous to all of us, but in particular to children two and four years old. As we have heard, it is at that age that the child's brain is developing and that they are the most susceptible to permanent damage from lead poisoning. It is at this age that testing for lead provides

the most important information for parents to protect their children.

In the last year, our organization has made over 90 presentations. We reached over a thousand people and listed 80 people to serve as ambassadors to educate their neighbors on these hazards. One of the most effective tools has been an interactive map, which should replace the one you have on your screen, showing the percentages of Philadelphia children with blood levels greater than 5 milliliters as organized by census district. Zooming to a neighborhood level, which is the picture you see there, we were able to show residents the percentage of their children tested with blood levels being greater than 5. The value of this and educating people is not that they can get poisoned, but that where they live, children are being poisoned at those levels and that they need to pay attention. It is extremely effective as

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we talk around the City and getting people to pay attention to this issue.

Lead is not a snake. Lead is more like a hot stove. Once residents learn how to recognize where the lead hazards are in their life, they can avoid being poisoned.

To put it in the words of Dr. Kevin Osterhoudt, the Medical Director at CHOP's Poison Center, he who said, "Lead is like a burglar. It creeps undetected within our homes and schools and steals from our children. Lead robs our children of their potential."

The more information we can get on childhood blood levels, the more effective we will all be in our efforts to prevent lead contamination and poisoning. That is why it is so important that we not only pass this legislation, but ensure that it is properly written. There is no more important goal than saving our children and helping ensure that they reach their

potential.

Thank you.

COUNCILWOMAN BROWN: Okay. I know given your passion, I know it well, Maurice Sampson, but know that I appreciate you trying to honor the clock so that we can take action.

So I've heard from both of you, and after conferring with my colleagues, it's clear to me that the three of us need to sit down to see how we can move in the direction of Allegheny County, knowing that the Health Department has some particular concerns. So I don't want to do that now, because we set a goal to move on the bills. So know that your testimony is very instructive, if anything else.

Any questions from -- okay, then. So let me thank the both of you.

MR. SAMPSON: Can I just make one comment?

COUNCILWOMAN BROWN: Briefly, please.

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MR. SAMPSON: I'm looking forward to working with the Health Department. I don't think that the answer is to figure out how we have work. They need resources. They need more resources to do what they do.

COUNCILWOMAN BROWN: Indeed.

MR. SAMPSON: I run an advocacy organization. If we write the bill the right way, I'm prepared to work to help them get the resources that he's going to need. I don't think anything else is going to get us where we need to be, especially after what we've heard here today.

COUNCILWOMAN BROWN: Yes.

MR. SAMPSON: So I just want to make that commitment.

Thank you.

COUNCILWOMAN BROWN: Well taken. And that too is instructive. I agree that the Health Department needs more resources, and Councilman Green has made it clear that as we approach the

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budget season, we need to seize the moment and register formally to meet some of the needs of the Health Department. So thank you.

The final bill, No. 180938, requires City properties undergoing major renovations to receive a lead-safe certification. The thinking behind this is that government must lead by example.

When our City undertakes a major renovation of a building regularly used by the public, we must certify that the new space is free or safe from lead contamination, and we, therefore, look forward to working with the Department of Public Property to make this happen.

Joining us is Thomas McDade, Deputy Chief of Staff for the Philadelphia Department of Public Property, and David Wilson, Managing Director for Community and Culture, Office of the Managing Director, City of Philadelphia. And you know my battle cry. Hold your testimony to two minutes.

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Thank you.

(Witnesses approached witness table.)

COUNCILWOMAN BROWN: Proceed.

MR. McDADE: Good afternoon, members of the Committee on Public Health and Human Services. I am Thomas McDade, Deputy Chief of Staff for the Department of Public Property. The Department of Public Property Capital Division collaborates with the following departments on their capital initiatives: Police, Fire, Fleet, Prisons, Office of Homeless Services, Health, L&I, and those buildings under the care of Public Property, like City Hall.

I am here today to testify on behalf of the Department of Public Property in support of Bill No. 190938 [sic], which was introduced on October 25th, 2018 by Councilmember Reynolds Brown.

The Department of Public Property works with individual department

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stakeholders as well as design professionals to develop the scope of our City-owned building renovations. The scope has historically been restricted to the area identified for renovation.

This results in only those areas under renovation being abated for potential lead exposures. This bill and the proposed amendments mandate that all areas of the building to which the public regularly will have access to are lead-free or lead-safe. The Department of Public Property supports this bill and its amendments, as it protects all those who visit our City buildings from the potential dangers of lead exposure.

Thank you for your time here this afternoon, and I'd like to introduce my colleague, Deputy Managing Director, Mr. David Wilson.

MR. WILSON: Good afternoon, Chairperson Bass and members of the Committee of Public Health and Human Services. I am David Wilson, Deputy

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Managing Director for the Community and Culture Cluster of the Managing Director's Office. The Community and Culture Cluster oversees several departments and offices that are focused on quality of life assets that help to make Philadelphia a great place to work, live, and play. These departments include the Departments of Parks and Recreation, the Free Library, the Rebuild Initiative, the Office of Special Events, and the Office of Arts, Culture, and the Creative Economy.

I am here today to testify on behalf of the Managing Director's Office in support of Bill No. 190938 [sic], which was introduced on October 25th, 2018 by Councilmember Reynolds Brown. Lead exposure for young people remains a major issue in Philadelphia because of its old and deteriorating building infrastructure. There are many efforts underway to revitalize the City's public spaces, and we acknowledge that capital

improvement projects can be a source of lead exposure. The operating departments within the Community and Culture Cluster recognize their responsibility to provide and maintain lead-free public spaces to live, play, eat, and work.

In compliance with federal and state laws and regulations, the City currently completes lead paint surveys followed by lead remediation, if needed, for any capital improvement project that includes renovations, repairs, and painting projects that could potentially disturb lead-based paint. It would be consistent with quality public service to ensure that buildings undergoing major renovations to which the public regularly has access be certified as lead-free or lead-safe as this bill mandates. As such, we support this bill with the proposed amendments.

Thank you for the opportunity to discuss this with you, and happy to answer any questions.

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COUNCILWOMAN BROWN: Okay. You should know that one of the criticisms that came to our plate, meaning my staff and I, was that, well, government should do more and where is government leading by example. And in the midst of the talk about Rebuild, my staff and I saw an opportunity, you know what, you're right, government should lead by example. So that's why we have this bill here today. Where there is going to be major renovations, particularly around Rebuild and particularly in the Rebuild space, the expectation is as you have articulated, that the City should also make sure that those buildings are lead-safe that are having -- that are in public use.

So thank you for your testimony and for supporting this measure. Thank you very much.

MR. WILSON: Thank you.

COUNCILWOMAN BROWN: Madam Chair.

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COUNCILWOMAN BASS: Thank you, Councilwoman.

I'm going to ask, is there anyone else here to testify on this bill?

(No response.)

COUNCILWOMAN BASS: This concludes the public hearing on Bill Nos. 180936, 180937, and 180938 and Resolution No. 180787. We'll now go into a public meeting to consider the action to be taken on all bills.

The Chair recognizes Councilmember Greenlee for a motion to amend Bill 180936.

COUNCILMAN GREENLEE: Thank you, Madam Chair. I move the adoption of the amendment to Bill No. 180936 that has been distributed to the panel.

(Duly seconded.)

COUNCILWOMAN BASS: It's been moved and properly seconded that the amendment just circulated be adopted.

All those in favor of the amendment signify by saying aye.

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(Aye.)

COUNCILWOMAN BASS: Any opposed?

(No response.)

COUNCILWOMAN BASS: The ayes have it.

And the Chair recognizes Councilmember Greenlee for a motion on Bill No. 180936, as amended.

COUNCILMAN GREENLEE: Thank you, Madam Chair. I move that Bill No. 180936, as amended, be reported out of this Committee with a favorable recommendation.

(Duly seconded.)

COUNCILWOMAN BASS: It's been moved and properly seconded that Bill No. 180936, as amended, be reported from this Committee with a favorable recommendation.

All those in favor of this motion will signify by saying aye.

(Aye.)

COUNCILWOMAN BASS: Any

opposed?

(No response.)

COUNCILWOMAN BASS: The ayes have it and the motion carries. Bill No. 180936, as amended, will be reported from this Committee with a favorable recommendation.

The Chair recognizes Councilmember Greenlee for a motion on Bill No. 180937.

COUNCILMAN GREENLEE: Thank you, Madam Chair. I move that Bill No. 180937 be reported out of this Committee with a favorable recommendation and the rules of Council be suspended to allow for first reading at our next session of Council.

(Duly seconded.)

COUNCILWOMAN BASS: It's been moved and properly seconded that Bill No. 180937 be reported from this Committee with a favorable recommendation and further moved that the rules of Council be suspended to permit first reading of

this bill at the next session of Council.

All those in favor of the motion will signify by saying aye.

(Aye.)

COUNCILWOMAN BASS: Any opposed?

(No response.)

COUNCILWOMAN BASS: The ayes have it and the motion carries, and Bill No. 180937 will be reported from this Committee with a favorable recommendation with a request that the rules of Council be suspended to permit first reading at the next session of Council.

I want to recognize Councilmember Greenlee for a motion to amend Bill No. 180938.

Correction. Recognizing Councilmember Greenlee for a motion on Bill No. 180938, no amendment.

COUNCILMAN GREENLEE: Thank you, Madam Chair. I move that Bill No. 180938 be reported out of this Committee with a favorable recommendation and that

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the rules of Council be suspended to allow for first reading at our next session of Council.

(Duly seconded.)

COUNCILWOMAN BASS: It has been moved and properly seconded --

COUNCILMAN GREENLEE: Wait a minute.

COUNCILWOMAN BASS: Okay. Pause. Go back for one second. There is an amendment to Bill No. 180938.

The Chair recognizes Councilman Greenlee for a motion to amend Bill 180938.

COUNCILMAN GREENLEE: Thank you, Madam Chair. I move for the adoption of the amendment to Bill No. 180938 that has been distributed to the Committee.

(Duly seconded.)

COUNCILWOMAN BASS: It's been moved and properly seconded that the amendments just circulated will be adopted.

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All those in favor of the amendment to Bill No. 180938 signify by saying aye.

(Aye.)

COUNCILWOMAN BASS: Any opposed?

(No response.)

COUNCILWOMAN BASS: And now we recognize Councilmember Greenlee for a motion on Bill No. 180938, as amended.

COUNCILMAN GREENLEE: Thank you, Madam Chair. I move that Bill No. 180938, as amended, be reported out of this Committee with a favorable recommendation and that the rules of Council be suspended to allow for first reading at our next session of Council.

(Duly seconded.)

COUNCILWOMAN BASS: All those in favor of this motion will signify by saying aye.

(Aye.)

COUNCILWOMAN BASS: Any opposed?

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(No response.)

COUNCILWOMAN BASS: The ayes have it and the motion carries, and Bill No. 180938, as amended, will be reported from this Committee with a favorable recommendation with a request that the rules of Council be suspended to permit first reading at the next session of Council.

This concludes the public meeting of the Committee on Public Health and Human Services. There being no further business before the Committee, thank you all very much for your attendance.

(Committee on Public Health and Human Services concluded at 2:25 p.m.)

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CERTIFICATE

I HEREBY CERTIFY that the proceedings, evidence and objections are contained fully and accurately in the stenographic notes taken by me upon the foregoing matter, and that this is a true and correct transcript of same.

MICHELE L. MURPHY
RPR-Notary Public

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