

# **GOVERNOR'S LEAD POISONING PREVENTION COMMISSION**

Maryland Department of the Environment  
1800 Washington Boulevard  
Baltimore MD 21230

**Approved Minutes (11/7/13)**  
July 11, 2013

## **Members in Attendance**

Patrick Connor, Karen Stakem Hornig, Melbourne Jenkins, Edward Landon, Pat McLaine, Barbara Moore, and Linda Roberts.

## **Members not in Attendance**

Cheryl Hall, Nathaniel Oaks and Mary Snyder-Vogel.

## **Guests in Attendance**

Shaketta Denson – CECLP, Dana Schmidt – MMHA, Tonii Chavis – BMS, William Loehr – HABC, Gregory Hare – HABC, Ken Strong – Baltimore City HCD, Nick Callase – HABC, Dr. Clifford Mitchell – DHMH, Paula Montgomery – MDE, John Krupinsky – MDE staff, and John O'Brien – MDE staff.

## **Introductions**

The meeting began at 9:38 a.m. with introductions.

**Old Business** - Sending letters to Senators and Congressmen – insufficient number of Commissioners present. Karen Stakem Hornig offered to assist with the letter. Drafts will be sent out to Commissioners by e-mail.

## **Future Meeting Dates**

The next Lead Commission meeting is scheduled for Thursday, August 1, 2013 at MDE in the AERIS conference room. The Commission will meet from 9:30am - 11:30am.

## **Approval of Minutes**

Minutes were not voted on at this meeting due to lack of a quorum.

## **New Business – Baltimore City Housing Department**

Ken Strong introduced Jason Hessler and Michael Braverman from Baltimore City Code Enforcement and Nick Callase who heads the Section 8 Housing Choice Voucher Program.

The Baltimore City Department of Housing and Community Development (BCDHCD) met the goal of fourteen (14) houses for the past quarter that ended on June 3<sup>0</sup>, 2013. The BCDHCD has struggled to identify eligible houses given grant constrictions. They are working with the Health Department and other sources to identify potential houses.

Ken Strong indicated that BCDHCD is restructuring but is way ahead of the rest of the country with regards to emphasis on green, healthy and energy-efficient homes. The Public Service Commission has recently received \$52.8 million, to go to 4 city agencies (\$19.8 million will go to Green and Healthy Housing). This will enable the program to provide a coordinated approach to housing being targeted. Ken Strong indicated that he is waiting for the Public Service Commission funds before he hires more staff. He indicated that 50% of applicants who wanted weatherization services needed major capital improvements, such as plumbing or roofs. There will be a single

portal at BCDHCD. Green and Healthy Homes is opening a bid for contractors to do lead, roofing and plumbing repairs so work can be streamlined; the bid for contractors will be opening today at 1:00 P.M.

Ken Strong reported that eight (8) community aides being hired to bring in more qualified applicants using CBGD dollars. Paula Montgomery asked if BCDH lead outreach workers would be considered for funding using these moneys. John Krupinsky also noted that BCDH had recently lost two inspector positions with city budget cuts and a 3<sup>rd</sup> position. Pat McLaine commented that positions at risk at the Baltimore City Health Department are very familiar with lead, are a good quality work force, and are people that should be considered for hiring.

Ken Strong stated that the plan to employ community aides is short term, with funding for one year, based on application made to PSC. The guidelines are very strict. Green and Healthy Housing program held a boot camp with the Coalition, focused on making the HUD grant successful. Community aides would be paid \$12/hour and no benefits. The PSC and the Mayor have indicated that these are new services in a coordinated program and the moneys cannot be used to fill in for budget cuts. Sending people to resources hasn't worked in the past, according to Ken Strong.

Jason Hessler reported on progress with Code enforcement. Code Enforcement is working with the Coalition, MDE and BCDH to change processes. The Code Enforcement inspector enters the following information into their data system: if a property is rental, if anyone has been lead poisoned or is at risk, if paint is peeling or chipping. The information about peeling, chipping paint is shared with MDE. Code Enforcement notices with this information serve as a Notice of Defect. Code Enforcement follows up with a letter to the landlord with information about the finding and information on rights of tenants. Jason Hessler stated that he pulls all peeling, chipping paint notices quarterly and sends to MDE for follow-up. MDE then opens a case on the Notice of Defect on an affected property.

Permitting has information on guidelines on lead based paint, which were updated in the last 6 month in accordance with RRP. Contractors must sign to indicate that they are in compliance with RRP. Paula Montgomery indicated that MDE will have the authority to enforce once regulations are promulgated in January 2014.

MDE indicated that these cases (from Code Enforcement) do not have as high a priority as lead-poisoned children. MDE's priority is: (1) lead poisoned child; (2) complaints including a child; (3) Notice of Defect; (4) Housing Code Enforcement notices.

Owners have thirty (30) days to correct. The date of finding is the date the violation is identified. Fines are based on the length of time of non-compliance: immediately - \$ 1,000 fine; letter in six (6) months - \$ 40,000 fine. Liens may be taken on the property.

Ken Strong noted that he also plans to offer training for new housing inspectors, based on funding availability. Ken Strong indicated that the community aids will help families and owners comply with the current "torturous" state loan application process". They will scan documents in the home. They are also a Level Two administrator for MERP and would like to qualify as a Level Two administrator for lead.

Patrick Connor asked for additional information about the process, including a flow chart. The BCDHCD will provide this to the Commission.

Patrick Connor also asked how many people were rejected at permitting for not having EPA-certified renovators on staff. And how many fraudulent numbers (EPA certification) had been identified so far. Were forms being submitted with information left blank? Patrick Connor asked if Permitting was doing any checks on validation of the firms with accreditation number.

Jason Hessler indicated that they have been doing this for 6-12 months but haven't been checking any information; they are just adding information to the form.

A comment was made that there apparently is no benefit (in getting a permit) other than filling out a form. Would the City revoke the permit if the information provided was fraudulent? Jason Hessler commented that this could result in being banned for five (5) years.

A comment was made about the importance of having teeth for enforcement.

Jason Hessler said that good relationships existed between City and State agencies and that lawyers from MDE, BCHD, BCDHCD and the Coalition were meeting quarterly to discuss legal issues. BCDHCD requires compliance with all Federal, State and local laws.

Paula Montgomery asked if there was any way to check to see if the persons are properly accredited.

Patrick Connor said he would like to see the numbers. He asked what was required on the form – information about a person or a firm? Jason Hessler indicated he would provide a copy of the Permit Application to the Commission at their next meeting.

Patrick Connor indicated that based on EPA's website, less than 5,000 firms in Maryland have a number, about 20% of the 25,000 firms that are supposed to be in compliance based on Trade Association information. 20,000 – 25,000 disturb paint and fit bill. MDE needs this list. How has the process

worked? Has it encouraged more contractors to comply? How many permits did the City reject last week because the contractors lacked proper numbers or submitted incorrect numbers?

Jason Hessler indicated that there has been no collection of that kind of data. He will talk with the Permit staff and see what their thoughts are on this.

Paula Montgomery indicated that the RRP regulations were published and out for comment, due November 2013.

Ed Landon noted that clear connections with RRP definitively need to be in place by November.

Pat McLaine commented that having a permitting process in place will improve compliance with the law.

Ed Landon asked whether applications are kicked out if there is a lead violation notice on the property when loan applications are submitted. Ken Strong indicated that that is how the HUD lead monies are applied, and that work is coordinated with a single contractor.

Ed Landon suggested that Baltimore City should bring the State Housing attorney generals into regular legal discussions.

Patrick Connor noted that Baltimore City Code Enforcement is sending information to MDE regarding rental properties with defective paint. But 30-35% of EBLs are in privately owned, owner occupied properties. Is anything being done about information concerning peeling flaking paint in owner occupied properties? Jason Hessler said that Code Enforcement does not get entrance into owner-occupied property. Evaluation is exterior only – including high grass, weeds, vacant, broken windows. However, inspectors could still cite deteriorated paint.

Patrick Connor asked where deteriorated paint notices went for owner occupied properties. Jason Hessler indicated that the City could issue citations or could turn the matter over to Legal, where criminal charges or civil injunctions could be filed.

Ken Strong indicated that his program wanted low income families with violations they could not afford to fix. Jason indicates that he does ID and refer properties where children with BLLs of 5µg/dL live.

Patrick Connor asked how much of the HUD money was for owner-occupied properties. Ken Strong indicate there were no set asides. PSC wants weatherization, but they look at both rental and owner occupied. Ken Strong indicated that the program is reaching out to Section 8 tenants and renters and that the program intends to do a lot of work in these properties.

Patrick Connor noted that the program has two separate funding sources: PSC, approximately 20 million for each of 3 years, and HUD, which are leveraged and connected. Are the program requirements for both programs the same?

Ken Strong noted that both HUD and State HCD allowed funding where occupants were at 80% of area median income while PSC funding was for 200% of poverty. Other loan funds being used are between these two requirements. The program will provide stats next month at the August Commission meeting.

Pat McLaine asked if the program checked to see if a property is registered with MDE for lead. Jason Hessler said no, that they did not have access to that information on-line. All non-owner occupied properties must be registered with the City. Multi-units must be licensed and registered (Part C certification is required). Beginning August 1, 2013, when the City's regulatory year starts, the City will be able to collect better data on forms and will have better oversight. Jason Hessler indicated that it would be useful to have access of the list of properties registered by MDE. The City does its own enforcement on licensing – they go through the list, cite people who don't get licenses (didn't pay, didn't allow inspection, didn't turn in lead certificate form) with a \$1,500 fine; certification has greatly increased. Jason Hessler said that he was also reaching out to data pools to make sure everyone who is licensed is in fact in compliance.

Dr. Cliff Mitchell asked if the City provided routine feedback to BCHD if concerns about occupant health were identified (for example, asthma). Ken Strong said that this was done on a case by case basis. He said that he was doing a review of health concerns to see to whom they can refer on these issues. They have referred senior citizens for care. One of their partners has a \$1.6 million fall/injury proposal in for funding at Weinberg Foundation with results to be announced August 1 2013 . Ken Strong indicated that the program had evolved its own fall checklist based on information available from HUD and the Coalition and agreed to provide a copy of that list to the Commission.

Ed Landon noted that the 2012 Energy Code standards must be met and that the program must prove 90% compliance with the Energy Code. PSC will definitely care about this. Maryland will start adopting the 2013 code next year. Ken Strong reported that the program is ahead of game and that these goals are achievable.

Jason Hessler reported that information on the Baltimore Housing Code web-site could be searched by address, including information on licenses and the last inspection. Pat McLaine asked if lead registration information could be layered on top of Baltimore City property registration information. Jason Hessler indicated yes, this would be very easy if the City had a way to pull data in regularly and if the data was tied in with the City's block and lot numbers.

Paula Montgomery indicated that the Lead Program is trying to fit into MDE's TEMPO program, but the lead database has too much information. So, the program is subcontracting with an IT vendor who will re-do the lead databases. The Registration and Certification data will be connected. However, a lot of data cleaning is needed. Paula Montgomery indicated that MDE's rental registration will be accessible via the web in the next 5 months. The Certification data is still not ready to go up. Homesteader's tax credit information will be used to help with enforcement.

Pat McLaine commented that it appeared there was a great opportunity to build onto the City's database.

Nick Callase spoke about the Section 8 program. He has only been with the City for 4 weeks but has a long history with non-profits, specifically St. Ambrose, and has worked with 10 housing authorities. He had previously managed a temporary house for families moving out of leaded homes. He indicated that the initial Section 8 inspection identifies peeling/flaking paint, the owner identifies the age of the property. The owner can obtain a lead free certification. If flaking/peeling paint is identified, this must be corrected before certification is issued. Most owners do comply. The assessment is repeated annually. Limited lead-free exteriors are re-evaluated every two (2) years.

A comment was made about remaining 19 Section 8 vouchers (181/200 have been assigned) left that were set aside for emergencies. A comment was made that this is not the same number as the Coalition's list of eleven (11) houses left. A comment was made about expanding this program Statewide because families in this program stay in the homes and safe housing protects children. (This data has been looked at for years.)

Nick Callase asked what happened if kids aged out (were over 6 years of age): should the families keep their voucher? The program has no criteria for aging out and families get to keep the voucher as long as they continue to comply with the program.

One issue - there is a need outside of Baltimore City. Other housing authorities do not have this type of program. When families move out of the City to the County, their voucher goes to the County. When the voucher renews, it is tagged as a lead paint voucher. The program does not have any information about who has ported out of the City. If the family ports to the County, Nick Callase indicated that the Housing Authority could commit to replace the voucher for Baltimore City so the 200 vouchers are maintained.

Paula Montgomery reported that MDE has worked with Bill Loehr for many years. They ensure that the property is in compliance with MDE lead laws before accepting it into the program. Paula Montgomery noted that she has

tried to get other Section 8 agencies in the state on board with lead law compliance, but has not been successful. Paula Montgomery asked if there was an active list of statewide Section 8 properties.

Ed Landon said that Bill Tamborino could provide a list of such properties. Nick Callace indicated that the information was also available from HUD. He clarified that the voucher moves with the person.

Shaketta Denson asked what the requirements were for getting a lead certificate as part of the inspection process. Bill Loehr said that the property must be registered with MDE, and the owner must present an inspection by a licensed inspector and certification showing that the property is in compliance with MDE laws. Nick Callase added that the City has 12,000 vouchers, 12,000 units, 7-8,000 properties and every one of these properties has information.

Patrick Connor indicated that every Section 8 administrator knows the properties they are responsible for. Baltimore City Housing Authority finally realized what they needed to do based on work with the Housing Subcommittee – they are responsible to collect the Section 1018 real estate disclosure form and must have the Maryland inspection certificate attached.

Patrick Connor asked how often the Housing Authority found that EBL kids were living in Section 8 housing in Baltimore City, and if a report could be provided to the Commission.

Bill Loehr indicated that the Housing Authority gets a list every month from the Health Department and that 1 or 2 out of 100 properties might be in Section 8. A comment was made that this is useful information. Bill Loehr indicated that Baltimore has a strong process of ensuring that properties are registered and certified by MDE before they can accept a Section 8 voucher. Other counties may not have information on the built dates of properties.

Patrick Connor requested that information on the number of Section Eight properties associated with lead poisoned children be provided to the Commission. A comment was made about every housing agency in the state functioning like Baltimore City.

After discussion, a motion was made by Karen Stakem Hornig, seconded by Barbara Moore, that in the next 60 days, the Commission send a letter to every housing authority in the state requesting them to (1) report on compliance with 24CFRpart 35 to the extent they are communicating with the local Health Department and cross indexing Federally Supported Housing to children with EBLLs and (2) report on compliance of Federally supported housing with state laws requiring registration and certification of these properties for lead. This information would be included in the annual report to the Governor. The motion passed - Seven (7) in favor, zero (0) opposed.

Karen Stakem Hornig introduced a motion to send a letter to Senators and Representatives about the Federal budget cuts to the CDC lead program. Motion was seconded by Mel Jenkins, and passed seven (7) in favor, zero (0) opposed.

**DHMH Update** – Dr. Cliff Mitchell reported that DHMH and MDE have almost completed their review of the Targeting Plan. DHMH will bring the plan back to the Commission for review once the two departments have signed off, possibly as soon as the September meeting. With regards to the Point of Care Lead Testing Workgroup – names have been provided to the Governor and DHMH hopes to begin meetings in September.

The meeting was adjourned at 11:34 am..