

GOVERNOR'S LEAD POISONING PREVENTION COMMISSION

Maryland Department of the Environment
1800 Washington Boulevard
Baltimore MD 21230

MDE AERIS Conference Room
December 6, 2018

APPROVED Minutes

Members in Attendance

Anna L. Davis (via phone), Susan Kleinhammer, Cliff Mitchell (via phone), John Martonick, Patricia McLaine, Paula Montgomery, Barbara Moore (via phone), Leonidas Newton, Manjula Paul (via phone), Christina Peusch, Adam Skolnik

Members not in Attendance

Shana G. Boscak, Benita Cooper, Mary Beth Haller, John Scott

Guests in Attendance

Shante Branch (MDE), Camille Burke (BCHD), Jack Daniels (DHCD), Elizabeth Heitz (MDH), Jason Hessler (BCDH), Dawn Joy (AMA), Wes Stewart (GHHI)

Welcome and Introductions

Pat McLaine called the meeting to order at 9:35 AM with welcome and introductions.

Approval of Minutes

A motion was made by Adam Skolnik, seconded by John Martonick to accept the November 2018 minutes. Eight Commissioners were in favor, two abstained. The minutes were approved.

New Business – part 1

Baltimore City Housing Update: On-line rental property registration, rental license inspections
Jason Hessler, Baltimore City Housing Department, distributed copies of the Baltimore City Rental License Requirements; lead paint certification section is on page 6. City Council passed a bill this year to require all rental properties to be registered. Previously, one and two family dwellings had been exempted. Applicants must complete the Lead Paint Certification information (Part C of the registration) and must register on-time. Based on information provided about the age of the property (built after 1978 – yes or no), the application requires information for any affected property. This information can be used by MDE for compliance. Baltimore City hopes to raise the quality of housing stock over-all by use of this new registration process. With regards to inspections, Baltimore City has gone to third party inspections in order to get inspections done. The Department does not have enough staff to inspect all properties but has learned lessons from past problems in Maryland. Inspectors must be a licensed home inspector and must register with Baltimore City. The City can take action if needed and can examine all inspections and if problems are identified, can easily remove inspectors from the list. Inspectors must pass a national test to become a home inspector. All previously licensed individuals received a letter from the City telling them to register. The City plans to do quality

control on inspections. A question was asked: if a property with a current multi-family license expires in July, must the owner pay to register by January with a new inspection prior to expiration? Answer: Registration has been required for several years and the date has now been moved to December 31 with new inspections done by December 31. License is issued for a two-year period. There is an incentive to maintain properties and address problems in a timely fashion. If owners have a good record and abate any identified problem within 30 days, license period can expand to 3 years. If the owner takes more than 90 days to abate an identified problem, they can only get a one-year license. The City expects there will be less need to visit properties monthly. Question: will Baltimore City Housing Department extend the deadline? Answer: not clear at this time. It is in the interest of property owners to be licensed. The sheriff's office will check licenses for any scheduled eviction. If no license, the issue will go back to the courts (it would be an illegal eviction). Question: Some people are confused about Baltimore City registration and MDE registration. Is there something both agencies can do? Answer: MDE and Baltimore City can look at email communication to encourage registration for both. Question: Is there any regulation governing fees for inspection? Answer: There are none – range is \$50 to \$200. Most individuals coming to training charge \$100 - \$125. More than 300 inspectors are on the list, 999 in the state. Enrollment in home inspection classes is up. Camille Burke noted that all open lead violations have now been added to the CHIP system managed by Baltimore City Housing. The Housing Department's legal group now has a lead position and has taken over jurisdiction for prosecuting lead violations. Housing digitized all notices in 2004 and has now digitized health notices from the lead cases. Housing is in a better position to identify multiple solutions for communities that factor lead in.

Old Business

Pat McLaine noted articles about other sources of lead contamination that were distributed by email and included with handouts today: a water crisis in Newark (indicating that drinking water there was contaminated by lead) and an investigation of lead in spices, herbal remedies and ceremonial powders in North Carolina. In addition, one article reporting on EPA settlement with door and window installer in West Chester, Pennsylvania who will pay a \$17,500 penalty to resolve alleged violations of the RRP Rule. EPA is conducting awareness campaigns in Philadelphia about these rules. Another article from the Daily Record indicated that the Supreme Court had rejected appeals from Sherwin-Williams Co. and ConAgra Brands, Inc. leaving intact a ruling requiring them to pay more than \$400 million for lead paint remediation in California.

Update on Strategic Planning Meeting January 10 2019

Paula Montgomery reported that MDE has secured Oakland Mansion, Sterrett Room in Columbia for the meeting. Secretary Grumbles and Horacio Tablada have a conference call scheduled with a facilitator at noon today to clarify how facilitation will be done before questionnaire is put out to the Commissioners. The approach will be broad – where is the Commission going? What is the broad strategy for the Commission? We will have a light breakfast and lunch paid for by two Commissioners. There are only 40 seats in the room and everyone will need to RSVP in order to attend. If more than 40 respond, it will be first come,

first serve. Pet will send an email out next week identifying that the January meeting will not be held at MDE but will be rescheduled for another place and time. The meeting will be held

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from 9:00 to 3:30, set up at 8:30. The facility is available until 4:30. The facility provides linens, set-up and breakdown. Paula Montgomery will check with the facilitator about any equipment needed. This will be open to the public with public input at specific times during the agenda. Question: what is the estimated size of the crowd? Not known at this time. Paula Montgomery stated that community guests should have the opportunity to participate. Adam Skolnik stated that the Commission should be creating the strategic plan and have input from the general public. Usually these are 3-5 year plans. Cliff Mitchell noted that this is the strategic plan of the Commission and suggested that we should seek public input before the meeting – a request for written comments to go to the chair. This should represent the work of the Commission. Cliff Mitchell asked if an email could be sent to stakeholders to submit written comments about the strategic plan so that Commissioners could receive comments in advance. Paula Montgomery stated that comments should occur during the meeting. Adam Skolnik stated that the Commission clearly needs a mission statement and Commissioners should hash that out. He added that we can ask for comments from the public at the meeting; there should be natural points where public comment can be allowed without bogging the process down. Having a digital form for feedback in advance will be helpful. Paula Montgomery stated that Secretary Grumbles will decide. John Martonick recommended soliciting comments prior to the meeting. When the long-range plan is developed in draft form, the Commission should make a second attempt to solicit comments from the general public. The process would include comments made prior to the meeting and comments solicited after the meeting. Christina Peusch agreed that there should be an opportunity prior to and after the meeting and suggested that we set aside time at the end of the agenda for input by the public. Adam Skolnik suggested that the Commission give input to the moderator. Paula Montgomery asked if we could make public comments generic. Barbara Moore agrees that having comments ahead of the meeting, at target times during the meeting or at the end would be best so we can stay on track. Manjula Paul stated that she would prefer getting information prior to the meeting so that the Commission knows community's input. Anna Davis agreed. Wes Stewart stated that GHHI was concerned that the meeting be open and that the public have time to make comments. Adam Skolnik indicated that he will create a digital form option for Commissioners and guests. Paula Montgomery indicated that she would try to get the form out early next week with a return deadline of January 2nd. Barbara Moore asked if the form would go to stakeholders, including local health departments. Cliff Mitchell agreed that the local health departments should receive the form and notice about the meeting along with active organizations including GHHI and National Center for Healthy Housing. He asked how the Commission could solicit input from affected communities. Barb Moore suggested that other such individuals be informed by email. Christina Peusch suggested that Commissioners ask their constituents what their ideas were about the goals of the Commission.

Update on Lead Commission Awards

Christina Peusch presented additional written recommendations for the awards. A motion was made by Susan Kleinhammer to accept the format for awards as amended to start August 2019, seconded by Leon Newton. All present Commissioners were in favor – the motion passed.

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HUD Grant Program

The Quarterly Report for July through September 2018 was distributed. There were no questions.

New Business – part 2

Maryland Department of Housing and Community Development – First Quarter FY 2019 Report

Jack Daniels distributed one page report from the Special Loans Program. He indicated that DHCD will spend all the money allocated for this year, probably by February or the end of the third quarter. Abatement expenses for the first quarter have been \$716,000 for 9 properties statewide, 2 properties in Baltimore City and 2 properties for the Healthy Homes 4 Healthy Kids Program. Regarding the Healthy Homes 4 Healthy Kids Program: applicants are meeting the four basic requirements of the program but many other repairs are needed to ensure structural integrity and costs per unit are high. DHCD has received approval for vendor/contractor from the Department of Public Works and presently has a list of 5 inspectors who can do inspections. DHCD has sent out 7 projects and will receive back scope of work on 5, which should cut down the time to completion. Question: what about relocation: Answer: DHCD has no contracts for this. Based on the time frame, the agency will put together a plan for the families. Some families have multiple animals. They are able to find 6-mos short term lease arrangements, use month to month facilities and have looked at hotels. Some projects are taking 10 months. Question: any thought about using safe houses? Answer: it gets very complicated with kids in school, fair market rents, and transportation issues. Jack Daniels stated that it is difficult to find relocation placements. The scope of the projects is much larger now. Pat McLaine noted that this is not a new problem: it is the same problem that the HUD grant programs faced in the 1990s so loans were targeted to units that were basically structural sound. Jack Daniels indicated that the programs were able to use state funds to help deal with structural soundness. Christina Peusch asked if there had been a prior history of not being able to spend the money. Jack Daniels indicated that DHCD is getting more volume and has more partnerships. There are new staff and DHCD is cross-training inspectors to identify lead issues. Jack Daniels also indicated that most of the lead funding is in the form of grants. Loans may be set up for 20 years and equity affordability issues are common.

Lead Legislation

Wes Stewart asked if the Commission intended to introduce legislation to lower the action level. Susan Kleinhammer stated she would love to see data on the number of moderate risk reductions required currently for children with blood lead levels of 10µg/dL and higher who are living in rental housing. What would be the impact on the housing stock if the number of moderate risk reductions were increased? Introducing a new term for reference level could be difficult – would this trigger a modified risk reduction? Adam Skolnik stated that as soon as Flint Michigan

occurs here, every property owner must do a modified risk reduction even if the problem is the lead in water. He stated that the Health Department should be involved if the blood lead level was 5µg/dL or higher. Paula Montgomery stated that the Lead Poisoning Prevention Program's budget was cut last year and many people were not clear about the implications of this. Adam Skolnik suggested that the Commission could initiate conversations around this matter. Pat McLaine noted the clear need to investigate other sources and the need to use standard format –

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HUD Chapter 16 – to investigate cases. Adam Skolnik added that once the source(s) is/are identified, the investigation needs to trigger remediation of the source(s). Adam Skolnik will pull together a small group to look more at this. Susan Kleinhammer will draft a letter of support for legislation that can be voted on at our February meeting.

Future Meeting Dates

The all-day Lead Commission Strategic Planning Meeting is scheduled for Thursday, January 10, 2019 at the Oakland Mansion, Sterrett Room in Columbia, from 9:00AM to 3:30 PM. The next Lead Commission Meeting is scheduled for Thursday, February 7, 2019, at MDE in the AERIS Conference Room – Front Lobby, 9:30 – 11:30 AM.

Agency updates

Maryland Department of Environment – nothing more to report

Maryland Department of Health – Cliff Mitchell reported that MDH has received inquiries from a managed care organization (MCO) about tracking blood lead data in ImmuNet which reflects the success of broadening adaptation of ImmuNet. MDH will work with MDE to translate data accurately to ImmuNet. There is more interest by MCOs in having access to the Childhood Lead Registry data on an on-going basis. In addition, MDH is continuing to work on the Medicaid program focused on lead and asthma, has begun making site visits, and will provide on-going reporting on the rollout of the program.

Maryland Department of Housing and Community Development – nothing more to report

Baltimore City Health Department – Camille Burke notified the Commission that the Health Department was meeting with Baltimore City Council about lead. Regarding a recent Office of the Inspector General report of inappropriate use of funds from lead revenue accounts, Camille Burke stated that response by the Health Department is pending.

Baltimore City Housing and Community Development – nothing more to report

Office of Child Care – nothing to report

Maryland Insurance Administration – nothing to report

Public Comment

Wes Stewart indicated if the Commission was interested in looking at the lead paint lawsuit in California, we should look at this option. Question: would landlords be brought in? Can the

Attorney General initiate this? Answer: it is a public policy decision. It would be good to brief the Commission about the law suit. Similar suit was brought by the AG's office in Rhode Island. GHHI would be willing to help secure a speaker if desired.

Adjournment

A motion was made by Adam Skolnik to adjourn the meeting, seconded by Susan Kleinhammer. The motion was approved unanimously and the meeting was adjourned at 11:37 AM.