



Philadelphia City Council – License & Inspection Committee Hearing

## Testimony on Bill #180939

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Submitted by Colleen McCauley, Health Policy Director

Public Citizens for Children and Youth

Chairperson Quinones Sanchez, Vice Chair Domb and all of the L & I Committee members, thank you for this opportunity for public comment on Bill #180939 regarding corporate owners of residential properties. I am Colleen McCauley, and I am the Health Policy Director at Public Citizens for Children and Youth or PCCY. I also facilitate the Lead Free Philly Coalition created one year ago at the Lead Summit that PCCY held with 65 participants to focus our collective efforts to advance changes to the City's lead law to make it more enforceable. Commissioner Perri at L & I and Health Commissioner Farley presented at this Lead Summit.

I am also a mother and a nurse, and what I want for my son and **every** newborn son and daughter in Philadelphia is for them to be free of harm from lead. One more baby harmed is one too many – especially when we know how to protect kids.

Childhood lead poisoning is a very serious issue. Every year, 2,400 Philadelphia children are diagnosed with lead poisoning – most are under the age of three, and they are primarily poor and minority. That's enough kids to fill 120 pre-k classrooms. And in some neighborhoods, such as Strawberry Mansion, more than 1 in 7 babies tested for lead are poisoned.

**To be clear, most Philadelphia children are poisoned by lead-based paint hazards in rental properties.** Water is not the main culprit. Schools are not the primary source – because the vast majority of children are injured when they are most susceptible before age three - before they ever step foot into a school. And owner-occupied properties are not the main source. Health Department data from the Mayor's Advisory Group on Childhood Lead Poisoning shows that more than 60% of children are



poisoned by rental properties. NBC10 recently featured a story about twin two-year olds who lived most of their lives in an apartment on 5<sup>th</sup> Street owned by the Philadelphia Housing Authority, and both toddlers were poisoned by lead. PHA-owned properties are exempt from Philadelphia’s lead law because they were required be made lead safe years ago, but tragically, some are still not safe. The twins’ mom, Ms. Erica Miller explained about her children that, “I won’t know what their full potential will be - because at the end of the day they got lead poisoning.” (Watch the story here - <https://www.nbcphiladelphia.com/news/local/NBC10-Investigators-Living-With-Lead-Philadelphia-500168272.html> ).

Since lead-based **paint in rental homes** is primarily making **babies** sick, the solution is straight forward: Find lead contaminated properties and get the lead out – and that’s what the lead law was designed to do.

The two bills the committee is discussing today are part of a package of five bills intended to increase protections for children from lead hazards in their rental homes and apartments.

Bill #180939 is designed to identify the individual or individuals who own a rental property by name and address. It is extremely important for tenants to know exactly who is accountable for the property in order to take action against the landlord if they know or believe the landlord is not complying with the lead law. In a number of cases, landlords have listed the rental property as their address and do not have an alternative address on the lease. This has resulted in some tenants not being able to serve them. In these cases, if tenants can’t identify their landlord, they can’t use the law to protect their children from being irreversibly injured from lead poisoning.

Just last week, the law department fulfilled PCCY’s Right to Know request and sent me a list of landlords to whom the Health Department had issued Code Violation Notices. These landlords were required to comply with the lead law and submit a lead free or lead safe certificate or document that they were exempt from the law - but they didn’t do any of those. From March 2017 to April 2018, the Health Department sent Code Violation Notices to rental property owners of 2,490 properties, and among the property owners who have since have paid the fine or have not responded to the notice yet, one third are listed as corporations. For one out of three parents living in a property on this list, they don’t have all of the critical information they need to use the lead law to protect their children from possible lead hazards in their homes – and tragically for some of these parents, it’s too late because their kids have already been poisoned by the lead hazards that went undetected in their rental property because their landlords failed to act and enforcement of the law lagged behind.

I urge you to support these two bills before you today to improve transparency of who is doing business with the City and to give Philadelphia residents the information they require to take action against landlords who are out of compliance with the lead law - and other rental property related violations.





While these bills are important, they play a more tangential role among the package of five lead poisoning prevention bills introduced last month. The bill that will go farthest to protect tens of thousands more babies and toddlers is Bill #180936 that calls for expanding the lead law to almost every pre-1978 rental property. The current lead law is targeted at properties with young children 6 and under, and since its passage in 2011, it has proved to be almost entirely unenforceable.

Many landlords have been conscientious and complied with the law, but most have not. As of January 2018, landlords have only submitted 4,418 certificates for an estimated 26,000 rental units subject to the law. The law has turned out to be largely unenforceable.

There is no record of tenants' ages so there is no way to identify pre-1978 properties rented to families with small children. Neither **should** there be a record of tenants' ages - out of concern this could fuel the possibility of discrimination against families with young kids. The City does not know exactly which landlords are out of compliance, leaving children at risk of harm. Case in point, landlords of almost half of the properties the Health Department issued Code Violation Notices to were ultimately found not to be in violation of the law and did not have to pay the fine because, for example, a child age six and under did not live there or that landlord didn't own the property anymore or the property was built after 1978.

To address the law's shortcomings, the Mayor's Advisory Group on Childhood Lead Poisoning recommended improving the law's enforceability by requiring **all** pre-1978 rental properties to comply, and Bill #180936 that Councilwoman Blondell Reynolds Brown introduced does just that.

Making sure rental properties are safe for children, at a couple hundred dollars a test, should certainly be considered just the cost of doing business. Many landlords we've spoken with who have tested their properties say the process is not painful, and they understand young tenants must be protected.

I urge you to support Bill #180939 before you today – and in particular to support Bill #180936 in the near future that calls for an expansion of the lead law.

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