

PHILADELPHIA LEAD POISONING PREVENTION ADVISORY GROUP

Update on Recommendations



**City of
Philadelphia**

January 2018

Overview

In June 2017, after six months of meetings and public comment, the Philadelphia Childhood Lead Poisoning Prevention Advisory Group released its final report and recommendations. These recommendations expand upon commitments that City departments, including the Department of Public Health (PDPH) and Licenses and Inspections (L&I), made in a plan called *Lead-Free Kids: Preventing Lead Poisoning in Philadelphia* that was released in December 2016. Both reports are available on PDPH's [website](#).

In this report, City agencies provide an update on both the commitments from *Lead-Free Kids* and the recommendations made by the Lead Advisory Group. The information that follows is organized in two sections: (1) updates on *Lead-Free Kids* commitments and Lead Advisory Group recommendations that relate to primary prevention, or preventing children from being exposed to lead; and, (2) updates that relate to secondary prevention, or preventing additional exposure among children who have elevated blood lead levels. For each commitment or recommendation, the City has assigned an overall status as well as provided progress highlights on work to date.

Overall, the City has made significant progress toward implementing many of these recommendations and it will continue to work on the commitments and recommendations that are legally and economically feasible. The City's progress to date is reflected in continued reductions in rates of lead exposure among Philadelphia children. As the Department of Public Health's 2016 lead poisoning surveillance report indicates, just 0.9% of children screened had newly-identified venous blood lead levels ≥ 10 $\mu\text{g}/\text{dL}$ in that year. This proportion represents 342 children with elevated blood lead levels, the lowest number in any year and less than half the 879 children newly identified to have venous blood lead levels ≥ 10 $\mu\text{g}/\text{dL}$ in 2007. Still, this represents far too many children with lead exposure. The City's work to implement the commitments from *Lead-Free Kids* and the recommendations from the Lead Advisory Group will help us to further reduce lead exposure over the next several years.

Part I: Primary Prevention

Updates on *Lead-Free Kids* commitments

The *Lead-Free Kids* commitments included increasing public awareness of the risks of lead exposure through media campaigns and individual education and increasing compliance with the existing Lead Paint Disclosure Law, in part through enhanced coordination between PDPH and L&I.

Commitment	Status	Progress Highlights
Incorporate education about lead risks and identification of potential lead risks from peeling paint into protocols for various infant home visiting programs.	In progress	PDPH's infant home visiting program has received lead poisoning prevention information and guidance on offering referrals to Lead and Healthy Homes Program (LHHP) services. PDPH will work with other home visiting programs in the city to ensure that they include education about lead poisoning prevention as well.
Increase door-to-door outreach to an additional 400 families per year in neighborhoods with the highest prevalence of lead poisoning cases in the city, offering inspections and testing for lead.	In progress	PDPH conducted a risk factor analysis to identify what neighborhoods to target for expanded outreach. Expanded outreach will begin in early 2018 when new staff is in place.
Develop and disseminate advertising messages warning about the risks of lead and the requirements of the Lead Paint Disclosure Law.	Complete	PDPH completed digital and transit-based marketing campaigns in 2016 and 2017. PDPH also incorporated these messages into printed materials, which are being distributed throughout the city by PDPH and other family-serving organizations.
Provide additional training for L&I inspectors to look for property maintenance violations that may be indicative of potential lead paint hazards, such as chipping and peeling paint, when responding to housing complaints in homes with pregnant women and/or children aged six or under. If L&I inspectors find such violations, they will refer that home to LHHP for follow-up.	Complete	This training occurred in early 2017, and PDPH and L&I have developed a referral process from L&I inspectors to PDPH's LHHP when chipping or peeling paint is found in any unit inspected.

Commitment	Status	Progress Highlights
Update L&I materials, including the "Partners for Good Housing" handbook, to include more information about the Lead Paint Disclosure Law.	Complete	L&I features information on the Lead Paint Disclosure Law on its website and in the "Partners for Good Housing" handbook, which all landlords are required to distribute to their tenants.
Modify the rental license application and online renewal form to require that landlords attest to whether the rental unit was built before 1978 and whether a child aged six or under is or will be living there. If so, the application and online renewal form will require that landlords certify that they have submitted the required lead free or lead safe certificate.	Complete	L&I modified the online rental license application and renewal form to include these additional questions and attestations for the February 2017 license renewal period. Subsequent analysis of rental license and certification data indicates that the addition of these questions and attestation had little impact on lead certification collection. L&I and PDPH are working together to determine how PDPH will follow up with landlords based on their responses to these questions in the February 2018 rental license renewal period.
Improve data collection and data sharing between PDPH and L&I, including the creation of a process allowing PDPH to determine if landlords who certify on their rental license applications and renewals that they have submitted lead free or lead safe certificates have done so.	In progress	L&I shared information on landlord responses to the additional questions on the rental license application and renewal form during the February 2017 rental license renewal period, which PDPH checked against its lead free and lead safe certification records. However, given the issues with these responses and attestations in 2017, PDPH and L&I are reconsidering how to use this data after the February 2018 rental license renewal period.
Over the longer term, automate data-sharing across PDPH and L&I by requiring that all rental license applications and renewals be completed online or in-person and implementing technological changes that allow for real-time checks of lead free and lead safe certificates. By creating this real-time check, PDPH will allow L&I to automatically deny license renewals for landlords not in compliance with the Lead Paint Disclosure Law.	In progress	PDPH is developing a database to identify which landlords have submitted a lead free or lead safe certification. Once complete and linked with L&I's licensing system, L&I will be able to automatically check whether landlords who apply for or renew a rental license online have submitted required certifications. Landlords who indicate that they are required to submit a certification, as determined by their answers to the questions of whether the rental unit was built before 1978 and whether a child aged 6 or under is or will be living there, will not be permitted to obtain or a renew a license until the certification is submitted.

Commitment	Status	Progress Highlights
Send notices to landlords who rent older properties in which young children are thought to be living, reminding them of their obligations under the Lead Paint Disclosure Law.	In progress	As of December 2017, PDPH has sent notices to the landlords of approximately 6,100 properties, out of an estimated 18,000 total properties that are likely subject to the law. Since this outreach began, PDPH has received lead free or lead safe certificates for 2,148 additional units. PDPH will continue to send these letters on an ongoing basis, prioritizing the areas of the city and age groups of children at highest risk of lead exposure.
Issue Code Violation Notices (CVNs) to landlords required to submit lead free or lead safe certificates who do not do so after repeated notices.	In progress	PDPH issues CVNs to landlords who do not submit lead free or lead safe certificates or document that they are exempt from the Lead Paint Disclosure Law, after multiple letters from the City. Approximately 1,300 properties have received CVNs as of December 2017, of which approximately 40% have subsequently submitted lead free or lead safe certificates or exemption forms and 30% have paid the tickets.
Pursue court-ordered fines for landlords who do not submit lead free or lead safe certificates despite receiving CVNs.	In progress	The Office of Administrative Review (OAR) processes all CVNs issued by City departments, and works with the Law Department to file in Municipal Court against properties with outstanding tickets, including those for non-compliance with the Lead Paint Disclosure Law.
Conduct additional enforcement, including issuing Notices of Violation (NOVs) and pursuing court-ordered remediation, fines, liens, and other remedies, for non-compliant landlords with multiple properties, higher-risk properties, or repeated noncompliance.	In progress	PDPH is conferring with the Law Department regarding potential to use the NOV process to augment CVN enforcement process. PDPH will continue to explore ways to conduct additional enforcement activities, given limited PDPH authority to access properties under current law.
Make landlords with outstanding Notices of Violation ineligible for rental license renewal.	Complete	Landlords with outstanding Notices of Violation for code violations are already ineligible for online rental license renewal, per existing L&I policy. This commitment clarifies that Notices of Violation issued for failure to provide lead free or lead safe certificates in the future would be subject to this same ineligibility as landlords with Notices of Violation for other code violations.

Part I: Primary Prevention (cont'd)

Updates on Lead Advisory Group recommendations

In order to increase the effectiveness of the Lead Paint Disclosure Law, the Lead Advisory Group recommended expanding it to include all rental properties built before 1978. In addition, the Advisory Group recommended to secure additional funding to help low-income landlords get their properties certified as lead free or lead safe and to focus outreach and enforcement on high-risk areas for lead poisoning.

Recommendation	Status	Progress Highlights
Expand the Lead Paint Disclosure Law to all rental units built before 1978, including PHA and Section 8 units, and require renewal of lead safe certification every two years regardless of changes in tenancy.	In progress	City Council is considering a draft bill to expand the Lead Paint Disclosure Law to all rental units built before 1978. PDPH will support this effort by providing information on the successes and challenges of its efforts to enforce the law as it is currently written.
Explore funding for landlords to remediate properties built before 1978 if they show financial hardship.	In progress	The Philadelphia Redevelopment Authority (PRA) has applied for \$500,000 to support a pilot loan program for small landlords with properties needing lead remediation. PDPH and L&I supported this application and continue to work to identify potential funding opportunities for low-income landlords. In addition, PDPH has secured additional City funding for home remediation where a child has been exposed to lead (see below).
Build an online database to easily access lead certification information, contingent upon the expansion of the Lead Paint Disclosure Law to all rental units built before 1978.	N/A	This recommendation is contingent upon the expansion of the Lead Paint Disclosure Law (see above).
Explore a pilot program for proactive housing inspections in high-risk areas by L&I and PDPH, supported by appropriate enforcement activities by both agencies and funding for landlords to remediate if they show financial hardship.	In progress	PDPH and L&I worked with PRA to develop a proposal to help landlords with lead remediation and potentially other repair needs access loans (see above). Landlords receiving these loans would be required to accept full housing inspections by L&I and PDPH, and to address all Property Maintenance Code and Health Code violations. In addition, L&I is exploring a pilot program to pursue enforcement actions against landlords whose rental licenses have expired.

Recommendation	Status	Progress Highlights
Conduct outreach and environmental lead testing in selected housing units based on established risk factors, such as: units with prior lead exposure in occupant children; age of housing (e.g., housing built before 1950); neighborhood poverty rate; possible unlicensed units.	In progress	PDPH conducts door-to-door outreach in the 19134 zip code through its Healthy Neighborhoods project, which includes family education about home hazards including lead, lead inspections and support for lead remediation as possible. PDPH is preparing to launch targeted outreach to additional neighborhoods with risk factors for lead exposure (see above).
Explore ability to increase rental license fee to provide financial support for lead paint remediation for landlords that show financial need.	Complete	Because Pennsylvania case law does not permit using an increase in rental license fees to help a subset of landlords pay for lead inspection and remediation activities, the City cannot move forward with this recommendation.
Explore incentives such as tax abatements for owners of properties built before 1978 to get their units certified as lead free or lead safe.	Complete	Because Philadelphia can offer property tax abatements only in situations allowed by the state constitution, which do not currently include proof of lead safety or lead free status, the City cannot move forward with this recommendation.
Advocate for state legislation requiring lead free or lead safe certification at point of property sale.	In progress	PDPH has determined that the City cannot require property owners to disclose information, including furnishing a lead safe or lead free certificate, about the property at point of sale. The City will consider whether to seek this requirement at the state level.
Advocate for a statewide paint tax to support the cost of remediation of properties that contain lead paint.	In progress	PDPH has conducted research on paint taxes in other states, including Maine, California and New Jersey, and will summarize its finding to present to state legislators.
Partner with existing programs that reach pregnant women or families with young children to educate tenants about their rights to a lead free or lead safe home.	In progress	PDPH and other family-serving organizations (e.g., pediatric clinics, libraries) are distributing new printed materials on lead safety requirements and lead poisoning prevention (see above).

Part II: Secondary Prevention

Updates on *Lead-Free Kids* commitments

In *Lead-Free Kids*, the City committed to working with health care providers to increase lead screening rates among young children, to increase acceptance of services among families of children with elevated blood lead levels and to establish a process for PDPH to remediate properties and seek reimbursement.

Commitment	Status	Progress Highlights
Identify pediatric health care providers with low rates of blood lead screening in children under their care and work with them to increase screening.	In progress	PDPH has identified blood lead screening rates for all physician practices that serve at least 10 children, and has started sending messages to these practices notifying them of their screening rates. These messages also include information on children that PDPH does not have screening results for, so that providers can reach out to those families and ask them to come in for screening.
Identify rental properties containing lead in which children with elevated blood lead levels ($\geq 10 \mu\text{g/dL}$) are currently living and strengthen efforts to require landlords to remediate these properties, or remediate them at landlord's expense if landlords do not fulfill their obligations.		
Identify children under the age of 6 with an elevated blood lead level using data from the state's surveillance system. Promptly contact families of children with elevated blood lead levels and inspect their homes for lead hazards.	Ongoing	Underway as part of normal PDPH activities.
Improve acceptance of services by affected families by offering families incentives to allow visits for education and inspections.	In progress	PDPH is exploring ways to adapt best practices regarding use of incentives learned from previous grant-funded initiatives.
Issue orders to landlords to remediate lead from their rental properties.	Ongoing	Underway as part of normal PDPH activities.
For properties that landlords do not remediate within 30 days of the order, PDPH will either remediate immediately or seek court-ordered remediation. If PDPH remediates the property, the department will pursue court-ordered reimbursement for remediation costs plus fines and place municipal liens if landlords do not repay PDPH voluntarily.	In progress	PDPH seeks court-ordered remediation as part of normal activities. In addition, PDPH is seeking to expedite the process of remediation and increase the proportion of properties that get remediated in part by doing more remediations itself. PDPH received \$425k in the City's Fiscal Year 2018 budget to fund lead remediations, which it will use to fund remediations upfront and then seek reimbursement from property owners. The contract for remediation is in place, potential properties have been identified and PDPH is working with residents to complete remediation.

Commitment	Status	Progress Highlights
In cooperation with Lead Court, PDPH and the City of Philadelphia Law Department will streamline the adjudication process by reducing the number of times individual cases get continued to additional appearances and requiring more immediate compliance by uncooperative landlords, and increase recovery of remediation costs and fines.	In progress	PDPH and Law Department are reviewing options to streamline the adjudication process.
Refer all unreimbursed costs to the City of Philadelphia Department of Revenue and Law Department for aggressive collection actions.	In progress	Fines ordered by judges for non-compliance with the Residential and Occupancy Hygiene Law are referred to a collections agency for follow-up action. PDPH will also seek to recoup its own costs from conducting remediations using City funds.
Request Health Code changes to strengthen enforcement of existing requirements for landlords to remediate properties and hold landlords accountable to those requirements.	In progress	PDPH is working with City Council to introduce changes that will support enforcement of the Residential and Occupancy Hygiene and Lead Paint Disclosure Laws.
Seek to establish a fund for the City to cover remediation costs that are ultimately unreimbursed by landlords.	Complete	PDPH received \$425K in additional funding for remediation in FY 2018 (see above), some of which will be unreimbursed. This will be a recurring budget item.
Identify privately-owned homes in which a child with elevated blood lead levels ($\geq 10 \mu\text{g/dL}$) lives and ensure that they are remediated.		
As with rental properties, promptly contact families of children with elevated blood lead levels, conduct education and inspection activities, and refer families for additional supportive services.	Ongoing	Underway as part of normal PDPH activities.
As with rental properties, order remediation for homes with lead-based paint hazards.	Ongoing	Underway as part of normal PDPH activities.
Work to increase financial assistance, using grants and/or low-interest loans, to help low-income homeowners defray costs of remediation.	Not Started	PDPH helps low-income homeowners to access remediation funding through a multi-year federal Housing and Urban Development (HUD) grant. There is no other source of funding available for grants and loans for low-income homeowners at this time.

Part II: Secondary Prevention (cont'd)

Updates on Lead Advisory Group recommendations

The Lead Advisory Group recommended that the City work with the state to secure Medicaid funding for additional services for children with elevated blood lead levels, including funding for lead paint remediation in their homes. In addition, the Advisory Group recommended that the City continue to research and implement best practices for identifying and treating children exposed to lead.

Recommendation	Status	Progress Highlights
Seek state cooperation to submit a Medicaid waiver to use Medicaid funds to pay for remediation in homes of children with elevated blood lead levels.	In progress	The City's Managing Director's Office, in collaboration with PDPH, submitted a concept paper to the Pennsylvania Department of Human Services discussing the potential benefit of a Medicaid waiver for remediation in homes of Medicaid-eligible children where lead has been identified in the home. The City will continue to discuss a potential application for a Medicaid waiver with the state.
Explore ways to maximize the City's ability to bill Medicaid for services provided by PDPH for children with blood lead levels ≥ 5 $\mu\text{g}/\text{dL}$, including inspections and case management.	In progress	PDPH is exploring whether it can bill Medicaid for services beyond lead inspections offered to families whose children have elevated blood lead levels. These services could include case management and in-home family education for children with blood lead levels ≥ 10 $\mu\text{g}/\text{dL}$ as well as outreach activities for children with blood lead levels between 5-9 $\mu\text{g}/\text{dL}$.
Continue to monitor research on lead exposure and lead paint remediation and modify PDPH procedures as appropriate.	Ongoing	PDPH continues to monitor research on lead exposure and the effectiveness of remediation activities, and will modify its procedures as necessary.