

September 12, 2019

Good Evening Alders.

It is our pleasure to present to you a comprehensive amendment to the City's Lead Paint Ordinance. The proposed amendment will form the framework for current and future policy development, allowing the Health Department to respond to changes in state regulations and federal recommendations as well as advances in the science and available technology - with documented process and proper authorization.

Mayor Harp has publicly stated her desire to make New Haven Connecticut's Lead Safe City. To achieve this laudable goal, the Health Department must engage the many stakeholders, each of which have a role:

- Homeowners and Landlords must understand and embrace their role in maintaining safe housing. The City can assist homeowners to access necessary resources to abate defective lead surfaces in their properties.
- Parents and guardians of young children must understand and embrace their critical responsibility to keep their children safe from exposure to lead hazards. This includes regular testing, as required by law and informing landlords of potential hazards. It must be said that the first line of prevention is a clean home and good nutrition.
- Health professionals have a role in caring for children and reinforcing the need to provide their children with a healthy diet and a clean home environment. Health professionals also have a role in notifying the Health Department of child blood lead levels.
- Educators, particularly those in early education settings, can be a resource by providing parents with health education materials provided by the Health Department and by teaching children the importance of proper sanitation.
- Community leaders can and should be motivated to help educate the public on this important issue. Misinformation can be damaging. Community leaders can help with positive, accurate messaging.

The Health Department must further develop, document and communicate policy with respect to the City's responsibilities and process to address lead hazards in New Haven. To assist in this process development, we value advice from stakeholders and experts. As you see in the proposed amendment, we recommend establishing a Lead Poisoning Advisory Committee, a panel of subject-matter experts to help guide the Health Department. The Health Department must also coordinate with other city departments and Elm City Communities, the local housing authority that has its own role in preventing childhood exposure to lead hazards under the federal Lead Safe Housing Rules.

With that introduction, let's walk through the proposed amendment and what it will accomplish:

1. The amendment clarifies references throughout the article by adding to the definition section 16-61 and conforming all references to the defined terms. This helps the reader to understand the intended meaning of each defined term. Many of these new definitions are substantially the same as the term defined in state statute. Using similar definitions will help our Health Department avoid conflicts in meaning when enforcing the City's ordinance. A new term in the proposed amendment: "Actionable Blood Lead Level" clearly

September 12, 2019

defines the BLL where the Health Department will take action for children under the age of six years. This Actionable Blood Lead Level is five micrograms per deciliter of whole blood, which is different than the state's definition of "elevated blood lead level," which is 20 micrograms per deciliter. Prior references to the 20 micrograms per deciliter have been eliminated by this amendment.

2. The amendment proposes an expansion of the preventative measures in section 16-64, which reflects engagement and action already taken by the Health Department and increases proactive efforts, such as involving homeowners or landlords in the efforts to limit or eliminate child exposure to lead hazards. We do not think an Abatement Order ought to be a landlord's first contact with the Health Department. This section also provides for epidemiological investigations for children under six with Actionable Blood Lead Levels. (5 micrograms per deciliter) This trigger point is much lower than the state's 20 micrograms per deciliter. To be clear, the testing and investigations are not discretionary. Policies that establish priority for children at the highest risk has yet to be finalized, but we are ramping up to conduct epidemiological investigations for children with Actionable Blood Lead Levels.

Section 16-64 also addresses some of the added expense associated with the Health Department conducting epidemiological investigations for children under six with Actionable Blood Lead Levels. A fee for service shall be paid by the homeowner. Because federally subsidized housing is subject to an entirely different regulatory scheme, federally subsidized dwellings are exempt from this fee. The federal Lead Safe Housing Rules require the local housing authority to manage lead inspections for federally subsidized homes. The Health Department will continue to issue lead abatement orders where lead hazards are found in the dwelling of a child under the age of six had an actionable blood lead level, including federally subsidized housing. Subsection (d) clarifies the homeowner's obligation to pay any relocation expenses.

3. Section 16-65 allows for liquid encapsulation of intact lead paint, which is both consistent with State law and a less expensive prevention option for homeowners than complete abatement of all lead surfaces. This section also makes the methodology for removal of lead paint clear, referencing state regulation.
4. Section 16-67 of the amendment establishes a critical group of expert advisers for the Health Department. The amendment identifies the subject matter experts that will provide important advice as the Health Department further develops policy to implement this amendment. The Health Department has already benefitted from expertise consultation with several key individuals and their comments are incorporated in this amendment. Of note: The Health Department does not intend to create a board or commission that require member to be electors of the City and requires approval of the Board of Alders. Given the narrow focus, it is likely that some of the critical members will NOT be electors of this City.
5. Section 16-68 clarifies enforcement authority, which is necessary as the amendment allows for enforcement at a lower trigger point than state law.

September 12, 2019

6. The New Section 16-70 allows for the promulgation of written policies and procedures and coordination with other city departments. The amendment authorizes the establishment of a revolving loan program to assist low- and moderate-income homeowners with the costs of lead abatement. The amendment also authorizes the Department of Health to apply for lead abatement assistance grants.

This amendment is necessary to update the City's lead paint ordinance and to provide the framework that will allow the Health Department to incorporate changes in state law and federal recommendations, respond to technology improvements and – perhaps MOST importantly – to respond and put an end to legal action. This ordinance amendment will allow the Board of Alders and City Administration to control costs arising from lead inspection and abatement in the City of New Haven, NOT the courts. Passage of this amendment could mean the difference between (i) a few hundred thousand dollars to pay for additional expenses of lead inspectors, equipment and supplies and (ii) court ordered relocation and abatement expenses in the high tens of millions of dollars.

We strongly recommend passage of the amendment.  
We are happy to respond to your questions.