



Omaha Healthy Kids Alliance
Minutes of the Lead Task Force
November 3, 2009
Omaha Healthy Kids Alliance Office

Attendance:

Name	Affiliation
Marian Carling	City of Omaha Planning Department
Courtney Carter	Urban League of Nebraska
Senator Brenda Council	Omaha Lead Site Community Advisory Group
Kara Eastman	Omaha Healthy Kids Alliance (OHKA)
Chris Grummons	New Community Development Corporation
Sean Haise	Weatherization Trust, Inc.
Ken Lyons	New Community Development Corporation
LaFonda McGee	OHKA
Amanda Micek	Conestoga-Rovers and Associates
Brianna Nading	Omaha Housing Authority
Ché Orduña	OHKA
Denise Parker	Omaha Housing Authority
Morghan Price	OHKA
Crystal Rhoades	Neighborhood Center for Greater Omaha
Sarah Sewell	Nebraska Department of Health and Human Services
Barbara Velinsky	City of Omaha Mayor's Office
Whitney Van Arsdall	OHKA
Clare Watson	OHKA

Lead Fact Sheets

Ms. Eastman distributed copies of lead fact sheets. She explained that elected officials will receive these lead fact sheets, which are tailored to represent how lead affects an elected official's constituency and Omaha.

Presentation by Ruth Ann Norton

Ms. Norton conducted a presentation on legislative enforcement to reduce lead hazards. She suggested that the Task Force look at existing enforcement methods and raise revenue to assist in paying for enforcement.

Ms. Norton stated that in October, she met with Secretary Shaun Donovan of the U.S. Department of Housing and Urban Development (HUD) to discuss revising housing standards. Ms. Norton stated that lead-safe housing standards, along with other healthy homes issues, will become more restrictive in the future.

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Ms. Norton stated that EPA's Renovation, Repair, and Painting Rule (RRP) is a national ruling that will take effect in April of 2010. Ms. Norton noted that HUD standards are much stricter than this rule. Ms. Norton stated that Dr. Bruce Lanphear has found that the current dust standards are not truly protective because childhood blood lead levels below 10 µg/dL are harmful.

Ms. Norton provided a summary of lead laws in various cities across the country, including Houston, Texas; Baltimore, Maryland; St. Louis, Missouri; Philadelphia, Pennsylvania; New York, New York; Rochester, New York; and Washington, D.C.

Applying Lead Standards in Omaha

The Task Force discussed barriers to passing new lead-related legislation. Senator Council stated that the Nebraska legislature will need to be educated on how lead is a statewide issue. Senator Council stated that she is about to introduce legislation that requires children to be tested when they get their vaccinations to enter school and before entrance into a licensed daycare. Ms. Orduña suggested including a requirement for lead inspections of homes to become licensed daycares. Ms. Norton suggested requiring a lead inspection of properties that will become foster homes. Ms. Norton stated that Mr. Dennis Barnes is the president of National Rural Housing Association and works with Nebraska Health and Human Services; he and the U.S. Department of Energy will be allies to involve the rest of the State of Nebraska in lead-related regulations.

Ms. Norton reiterated her suggestion to utilize currently available avenues for enforcement. For example, the City of Omaha has a nuisance law, and the State of Nebraska has a Residential Landlord and Tenant Act.

Proposed Initial Legislative Initiatives

The Task Force discussed the following potential legislative initiatives:

1. Require that properties meet a lead-safe housing standard at the time of tenant turnover or time of sale of any pre-1978 properties by:
 - Assuming that if the property is pre-1978, it contains lead-based paint unless the owner proves otherwise;
 - Performing visual inspections to verify that chipping, peeling, or flaking paint is not present;
 - Requiring third-party lead-based paint and lead in house dust inspections;
 - Providing a written notices of defect; and
 - Requiring window replacement, if window lead hazards are identified, in order for a property to be designated as lead-safe.
2. Increase enforcement of existing regulations by:
 - Enforcing the City's nuisance ordinance;

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- Increasing the enforcement authority of the Douglas County Health Department;
- Utilizing available, definitive consequences of noncompliance, such as fines;
- If property owner is found in violation, reviewing all of the owner's properties for compliance;
- Increasing community organization; and
- Utilizing rent escrow to take landlords to court over evidence of chipping or peeling lead-based paint when code enforcement is overwhelmed. (Rent escrow is a district court law and is enforceable statewide.)

3. Ms. Norton suggested inviting Legal Aid of Nebraska to future Task Force meetings.

Brainstorm of Ideas for Lead-Safe Housing Standards

The Task Force developed the following list of potential lead-safe housing standards:

- Target pre-1978 housing where children under age six and pregnant women reside;
- Require pre-1978 housing to meet dust clearance standards at the time of sale, tenant turnover, and refinancing;
- Establish a temporary relocation fund for tenants;
- Require tenants to continue paying rent as long as owner follows repair requirements;
- Prohibit eviction based on landlord violations or tenants complaints; and
- Explore landlord liability protection.

Potential Tax Credit Bill

- The Task Force discussed the potential for passing a bill to offer a tax credit as an incentive for homeowners who correct lead hazards in their homes. The Task Force brainstormed the following ideas:
- Provide an income tax credit for homeowners who perform lead hazard remediation or abatement;
- Require the homeowner to pass a lead in house dust clearance test to receive a tax credit; and
- Provide tax credits to middle-class homeowners who do not qualify for available grant funding to correct lead hazards in housing.

Action Item:

1. Ms. Norton will provide the Task Force with an one-page summary of the results of lead hazard control enforcement in Baltimore, St. Louis, and New York City.