

**GOVERNOR'S LEAD POISONING PREVENTION COMMISSION**

Maryland Department of the Environment  
1800 Washington Boulevard  
Baltimore MD 21230

MDE AERIS Conference Room  
February 6, 2020

APPROVED Minutes

**Members in Attendance**

Benita Cooper, Anna Davis, Susan DiGaetano-Kleinhammer, Mary Haller, Patricia McLaine, Cliff Mitchell, Paula Montgomery, Barbara Moore, Leonida Newton, Manjula Paul, Christina Peusch, Adam Skolnik

**Members not in Attendance**

Shana Greenstein (Boscak), Jack Martonick

**Guests in Attendance**

Shante Branch (MDE), Camille Burke (BCHD), Chris Corzine (OAG), Jack Daniels (DHCD), Sheneka Fraiser-Kyer (DHCD), Elizabeth Heitz (MDH), Dawn Joy (AMA), Kaley Laleker (MDE), Jamal Lewis (GHHI), Wendy Phillips (MDE), Victor Powell (HUD), Wes Stewart (GHHI)

**Welcome and Introductions**

Pat McLaine called the meeting to order a 9:37 AM with welcome and introductions.

**Approval of Minutes**

A motion was made by Adam Skolnik, seconded by Susan Kleinhammer to accept the January 2020 minutes as amended. All present Commissioners were in favor and the minutes were approved.

**Old Business**

**MDE Proposed Regulations** – Update – Kaley Laleker indicated that MDE did not receive any comments from Commissioners. Comments were received from Baltimore City Health Department. MDE is finalizing the draft regulations now and will submit them by early March.

**Lead Legislation** – Adam Skolnik reviewed current legislation being heard in Annapolis.

SB 18 – MDE's bill (discussed January 2020) – no additional information

SB 713 – Bill Sponsor Jill Carter – Opportunity zone enhancement to make sure rentals comply with the law. If owner occupied, needs visual inspection of exterior. But there is no benefit for owner occupants unless they purchase other properties to rent. Bill is similar to federal legislation introduced by Congressman Cummings that did require window replacement. Adds reporting on taxes to get credit. If making substantial improvements to windows and doors, must be lead free. Hearing is on 2/11. Commission will continue to watch.

HB 457/SB 371 – Bill sponsor Delegate Rosenberg, water in schools bill. The bill lowers the maximum acceptable level of lead in water in schools to 5 ppb with testing every 18 months.

Similar bill was passed by Montgomery County Council and the District of Columbia (DC). Bill hearings are February 11 (Senate) and February 19 (House). Adam Skolnik moved that the Commission send a letter in support of HB 457/SB 371. Anna Davis seconded. Ten Commissioners were in favor, two abstained. The motion passed. Anna will prepare a draft letter on Friday to send out to Commissioners for review with comments due on Monday. Letter will be delivered for Senate hearing on February 11.

HB 491 – This bill would use the lead status of property in failure to pay rent cases. Tenants are protected if they have a problem. Now, in failure to pay rent cases, the judge cannot use lead status to determine the case. Property owners want a searchable database so good landlords are not penalized. Anna Davis moved that the Commission send a letter in support of HB 491. Pat McLaine seconded the motion. Eight commissioners were in favor, one opposed, three abstained. The motion passed. Anna Davis will prepare a draft letter on Friday to send out to Commissioners for review with comments due on Monday.

HB 563 – tax credit for lead hazard reduction projects within Baltimore City. Bill sponsor – Nick Mosby. DHCD to award \$250,000 annually in tax credits. Affects both owner occupied and rentals. Owners receiving state grant or loan would not be eligible for tax credit. Maximum \$5,000 tax credit per unit, 90% recovery for the property owner. This would be a way to incentivize owner occupied property owners to address lead hazards. DHCD would administer program and establish rules for applying for this. Adam Skolnik made a motion that the Commission send a letter in support of HB 563. Sue Kleinhammer seconded the motion. Nine commissioners were in favor, two abstained. The motion passed. Pat McLaine will prepare a draft letter on Friday to send out to Commissioners for review with comments due on Monday.

HB 768 – Failure to pay rent bill – Baltimore City. Landlord must submit evidence that property is in compliance with lead registration. The intent is to ensure that small property owners are in compliance. The Commission will continue to monitor the bill.

HB 879 – Market Share Liability bill – sponsored by Nick Mosby. This is same bill that was heard in 2019; no apparent changes. It changes liability for residential buildings in Baltimore City and apportions damage to multiple vendors. The Commission will review comments on last year's bills from 2019 minutes. Wes Stewart noted that California case, based on public nuisance, went to trial and the Supreme Court did not step in, indicating that the decision was to be made by each state. Market share liability is an important provision for moving forward and there is a real possibility that this could increase resources.

Letters Regarding Appointment to Commission – Letter was sent on behalf of the Commission to Senate President Ferguson and House Speaker Jones requesting appointment of a member of the senate and a member of the house to the Commission. Copies of the letter were distributed.

### **New Business**

**Asset and Gap Analysis** – Jamahl Lewis reported that the initial draft report was sent to agencies this week. Depending on when corrections are made to the initial draft, GHHI will provide a presentation in March or April.

**Insurance Work** – Sue Kleinhammer reported being contacted by a contractor who does remediation work for insurance companies. He indicated that with some insurance companies everything he spends for safe work practices has to be paid out of his pocket. The insurance company does not cover any testing or monitoring for lead in older properties even though this is required by law. Benita Cooper indicated insurance pays for asbestos which is present before a loss is incurred. She will look at the specific case information and provide a report at the March 2020 meeting.

### **Future Meeting Dates**

The next Lead Commission Meeting is scheduled for Thursday, March 5, 2020, at MDE in the AERIS Conference Room – Front Lobby, 9:30 – 11:30 AM.

### **Agency updates**

**Maryland Department of Environment** – nothing to report

**Maryland Department of Health** – nothing to report

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

**Baltimore City Health Department** – nothing to report

**Baltimore City Housing and Community Development** – Sheneka Fraasier-Kyer reported that both Baltimore City HUD grants are starting up. Unit production for 4.1 has begun. They expect to begin pushing out 15 units at the end of March. They have completed 27 risk assessments and are handling administrative issues. They are hiring people for both grants in the process of establishing contracts and partnerships.

**Office of Child Care** – nothing to report

**Maryland Insurance Administration** – nothing to report

### **Public Comment**

Victor Powell indicated that HUD will have new grants coming out.

Wes Stewart noted that Governor Wolfe (PA) had announced \$1.1 billion in resources for lead in schools in Pennsylvania and a CHIP initiative.

Lead Commission Minutes

February 6, 2020

Page 4

**Adjournment**

A motion was made by Anna Davis to adjourn the meeting, seconded by Sue Kleinhammer. The motion was approved unanimously and the meeting was adjourned at 11:03 AM.