

NURSING-LEGAL PARTNERSHIP

To the Members of City Council:

My name is Rachel Mark, and I am a staff attorney at the Health, Education and Legal assistance Project: A Medical Legal Partnership (HELP: MLP). HELP:MLP is a project of Widener University's Delaware Law School, and provides free civil legal services to pregnant women and families in order to address the harmful social determinants of health that are associated with living in poverty.

The National Nurse-Led Care Consortium (NNCC), an affiliate of the Public Health Management Corporation (PHMC), is our medical partner in Philadelphia. NNCC administers two evidence-based parent-child home visiting programs that provide parenting support and education to improve health outcomes for both mothers and babies. Participants in Nurse-Family Partnership (NFP) are first-time moms who enroll before their third trimester of pregnancy. They participate in the program until their baby's second birthday. Participants in the Mabel Morris Parents as Teachers (MM-PAT) program have children under the age of 6, and they are eligible for program services until their youngest child enters kindergarten. Parents in both of these programs are assigned a public health nurse home visitor who provides health and social services in the families' homes roughly twice per month throughout the course of their enrollment. Together, NFP and MM-PAT serve approximately 700 families in Philadelphia. Two HELP: MLP attorneys are co-located with NFP and MM-PAT, which allows us to work closely with nurse home visitors to address a wide variety of our clients' civil legal needs through advice, referrals, and full representation.

Working adjacent to home visit programs, we have the opportunity to observe the poor conditions of many of our clients' homes and see firsthand the destabilizing and sometimes devastating effects that lead, as well as the fear of lead in untested peeling paint and crumbling walls, has on our families. As attorneys representing these families in eviction proceedings and disputes with their landlords about the conditions of their rental housing, we see how many of our program participants slip through the gaps in coverage under the existing Lead Paint Disclosure and Certification Law (the "Lead Law"). Tenants fear losing their housing and having to come up with funds to move. Even if landlords do not have a legal claim for possession of the property, they often push tenants out through intimidation or neglecting repairs. As such,



tenants rarely complain about hazards they know are present - a caved in ceiling, an out of order bathroom, or a roach infested closet - and are extremely hesitant to report problems that they can't see, like potential lead. In order to prevent and eliminate childhood lead poisoning, further legislative action needs to be taken.

The Lead Law currently in effect requires that a landlord who knows or has reason to know that a child under the age of 6 will be living in a rental property provide certification that the property is lead free or lead safe upon the signing of a new lease. This current ordinance has two main issues: (1) It protects only signers of new leases, and (2) it applies only to protect leases that include children under the age of 6. As such, it encourages discrimination against families and provides inadequate protection for our city's most vulnerable children. Furthermore, because the law applies only to new leases, enforcement of the current lead law does not prevent lead poisoning, as the presence of lead is often detected only after a child's blood lead level is measured. The CDC reports that no safe blood lead level has been identified, and as such, remediation after lead exposure is a poor solution. Our clients' stories below clearly illustrate these issues with the Lead Law, in addition to the related issues our families face navigating the housing market and being low income in Philadelphia.¹

Kaitlyn's Story

Kaitlyn is a mother of one. She was living in an apartment by herself when she got pregnant with her daughter in 2017. She was seven months pregnant in early 2018 when her landlord told her that he did not want to let her renew her yearly lease. At that point, she had a few months left on her lease and was completely up to date on rent. The landlord explained that he had a blanket policy of not renting to families with young children because of the requirements of the Lead Law, which made it more expensive for him to rent to these families. But, he told her, he would be willing to allow her to stay at her own risk, because the Lead Law did not require him to do any extra testing since hers would just be lease renewal. If Kaitlyn was worried about lead, she could pay for testing and remediation on her own. Kaitlyn did not have the funds to cover testing and remediation, and so, not wanting to risk exposure of her child to lead, she found a new place, packed, and moved herself at 8 months pregnant. The move was a huge financial burden to Kaitlyn, and she was able to move only with financial assistance from her employer, Wawa, which operates an "Associates in Need" fund to assist employees suffering severe financial hardship as a result of catastrophic events.

Kaitlyn's story points to the two main issues with the current Lead Law. First, by protecting only "targeted housing" the bill encourages landlords to discriminate against families with children under the age of 6 because it makes renting to families with young children more expensive than renting to other groups of people. Second, it does not protect all children living in private rental properties in Philadelphia because it only applies to the signing of a new lease. This means that when a mother gets pregnant and is about to incur the increased costs of child rearing, most likely without any paid maternity leave, she must also come up with the funds to

¹ Our client's names have been changed to protect their identities where appropriate.

move in order to know that her child will be protected from the possibility of lead poisoning in her home.

Chanelle's Story

Chanelle was 17 and living with her grandfather in an apartment that he was renting when she got pregnant with her son, Charles. At a routine blood test at 12 months, Charles was discovered to have a blood lead level over 20. Chanelle wasn't on the lease, and so her grandfather was hesitant to bring up the lead issue with his landlord. What Chanelle's grandfather didn't realize was that the landlord had no obligation to remediate the lead, even if Chanelle had been on the lease - the current Lead Law offered them no protections, since Chanelle had not moved in while pregnant or with a child under the age of six.

DHS got involved when Charles's blood lead levels kept rising. At that time, Chanelle's grandfather happened to be in the hospital recovering from an injury. DHS threatened to remove Charles from the home if Chanelle did not do something to protect him from the lead. Chanelle was able to find an estranged aunt to watch her son. It took two months for the city to remediate the lead while Chanelle and Charles were separated. Though the lead was ultimately remediated, Charles still has developmental delays at three years old.

Sofia's Story

Sofia was in her early twenties when she became pregnant. She had been living with her mother and her younger brother in the same rental apartment for close to ten years, and wanted to stay there long enough to have the support of her mother during her baby's early years. She wanted to be sure that it would be a safe environment for the baby, so she told the landlord that she was pregnant and asked him to test for lead and fix some longstanding issues that had never been repaired, like a leak in one corner of the ceiling. The landlord responded that he didn't have to do anything about the lead, but that she was more than welcome to move out because he didn't want to deal with any of that. When she objected, he told her that she had to move out before the baby was born. He also retaliated against her by letting himself into the apartment without permission and using offensive language towards Sofia and her mother. Sofia's family felt that fighting to stay in the apartment wouldn't be worth it if the landlord was determined to abuse them, so the entire family was forced to move out of their longtime home.

All of these experiences that our families have endured point to an obvious truth: the current Lead Law is insufficient to protect Philadelphia's children. Its limited scope incentivizes illegal discrimination against families and fails to protect renters who get pregnant and have children and cannot afford to move. Enforcement is inconsistent because families are hesitant to put their housing on the line and risk an expensive eviction, damage to their record, and potential homelessness. Lead exposure can lead to emotional and cognitive damage, including family separation through DHS involvement and irreversible developmental delays.

We strongly support the proposed amendments to the bill that would provide protections for all renters, but we also encourage City Council to create a program to assist homeowners

with lead remediation to prevent lead exposure in children who live in or visit family-owned homes. Nyesha was a NFP and MM-PAT client. She and her husband, Miguel, were living in Miguel's grandmother's home after their son David was born. Miguel's grandmother had been struggling to keep up with home maintenance, and there was peeling paint, among other deteriorating conditions, in the home. David learned to crawl in that home, and at his 12 month check-up, was found to have a blood lead level of 15. David is now 6 and has serious speech and cognitive delays, despite early intervention that he has received through Elwyn since the age of two, as well as the consistent benefits of maternal-child home visiting programs since he was born. Neither the current Lead Law nor the proposed amendments would have protected David. Expanding protections for renters is a good first step, but we advocate that City Council expand the law further to protect all of our city's children.

Thank you for your time and consideration.

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