

Community Advisory Group (CAG)

for the

Omaha Lead Site

Comprehensive Plan Subcommittee
Summary Notes from May 12, 2005 Meeting
Urban League of Nebraska Family Resource Center

Todd Davis (Nebraska Department of Environmental Quality), Kevin Denker (City of Omaha), Jonah Deppe (League of Women Voters), Todd Falter (NHHSS), Mary Hill (Sisters Together), Marilyn McGary (Urban League of Nebraska), Dr. Shireen Rajaram (UNO), Jennifer Rawley (MFG, Inc.), Reid Steinkraus (Douglas County Health Department), and Vernon Waldren (Douglas/Sarpy Extension) were in attendance.

Mr. Kevin Denker from the City of Omaha provided information on City codes pertaining to lead-based paint. Mr. Denker stated that after being sued by landlords, the City adopted International Property Maintenance Codes, with some alterations. One alteration states that repainting is only required if 25% of the surface is peeling. The surface area in question relates to the housing component. For example, the rule would be applied to require painting if 25% of a specified windowsill is peeling. Mr. Denker explained that enforcement is not triggered for any specific concentration of lead in paint. Comments relating to lead-based paint in the cosmetic section of the code relate only to interior surfaces, are informational only, and are not shared with the property owner or resident. Ms. Deppe and Mr. Steinkraus noted that the HUD/EPA requirements for addressing lead-based paint apply when 10% of the surface is deteriorating.

Mr. Denker also stated that inspections are complaint driven. However, the Omaha Housing Authority (OHA) requires an annual visual inspection at OHA properties. Mr. Denker stated that the City would be training OHA inspectors beginning May 13, 2005 to help ensure that OHA inspectors are enforcing the same codes as City inspectors. Ms. Deppe added that OHA must meet HUD guidelines for lead-based paint. Mr. Denker stated that City housing code inspectors do not check for lead-based paint or provide educational materials on lead to residents or owners when chipping and peeling paint are identified and cited.

Mr. Denker stated that building codes are reactive, and changes take a long time to make. Mr. Denker stated that in October 2005, a judge would review the status of the current code and hear from landlords/property owners and the City. Mr. Denker stated that in order to address lead-based paint, changes would have to be made to the code. Mr. Denker was unsure if this could be done by the judge. He also indicated that property owners/landlords would probably not be amenable to including lead-based paint hazards and requiring remediation. Mr. Denker stated that additional changes could not be made to the housing code for two years after the judge makes his decision relating to the present code being piloted.

Ms. Deppe provided a handout from the Alliance for Healthy Homes on how to use housing codes to address lead-based paint hazards and reduce children's exposure to lead. Mr. Denker

indicated that he did not believe any of these strategies would be feasible due to the limited availability of resources and objections from landlords.

The Subcommittee discussed how to advocate changes to the code. The Subcommittee discussed contacting the judge who will be reviewing the code. Ms. Deppe suggested gaining the support of the Mayor and City Council. Mr. Davis suggested involving HUD and potentially Douglas County Housing. The Subcommittee also discussed encouraging distribution of lead information during inspections and when building permits are issued. City inspectors could provide information to parents of young children on lead-based paint hazards and the need to get their children tested for lead poisoning, when an inspector cites chipping and peeling paint.

The next Subcommittee meeting will be held on Wednesday, June 15, 2004 at 10:00 a.m. at the Family Resource Center, located at 3040 Lake Street.