



COMMITTEE ON BILLS ON SECOND READING

June 6, 2023 at 5:00 PM

Aldermanic Chambers, City Hall (3rd Floor)

Members: Aldermen Gamache, T. Sapienza, Fajardo, E. Sapienza, George-Kelly

AGENDA

The Chairman calls the meeting to order.

The Clerk calls the roll.

1. Ordinance Amendment:

"Amending Chapter 32: Boards, Commissions, and Departments by adding a Lead Exposure Prevention Commission."

If the Committee so desires, a motion would be in order that the Ordinance Amendment ought to pass and be referred to the Committee on Accounts, Enrollment and Revenue Administration.

If there is no further business, a motion is in order to adjourn.

City of Manchester *New Hampshire*

In the year Two Thousand and Twenty-Three

AN ORDINANCE

“Amending Chapter 32. Boards, Commissions, and Departments by adding a Lead Exposure Prevention Commission.”

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Be it Ordained, by the Board of Mayor and Aldermen of the City of Manchester,

I. Amend the Code of Ordinances by inserting new language as bolded (**bold**).

Lead Exposure Prevention Commission

32.150 FINDING OF FACT.

The Board of Mayor and Aldermen find that:

(A) Lead is a neurotoxin and exposure at an early age does irreparable harm to young children.

(B) There is no safe level of lead in the human body.

(C) Lead based paint was banned for use in residential dwellings in 1978. Thus the age of housing is a significant risk factor. According to current estimates, there are approximately 50,000 dwelling units in the city of Manchester; of which 30,000 are estimated to have been built prior to 1979.

(D) Between 2016 and 2020, 465 children in Manchester were diagnosed with blood lead levels greater than or equal to the state’s current action level of 5 micrograms per deciliter (“ug/dL”) Note: the U.S. Centers for Disease Control has adopted 3.5 ug/dL as the recommended reference value.

(E) Lead poisoning results in societal costs including: increased special education, health care, justice system and social assistance spending; reduced lifetime productivity; and premature mortality.

(F) Since 2002, the City of Manchester has received over \$18.4 Million funding from the US Department of Housing and Urban Development (HUD) Department to make housing units ‘lead safe’ (in addition to city matching funds).

(G) To date, 1170 units have utilized funding to remediate lead in a manner consistent with state and federal regulations. It is unknown how many property owners have taken steps to remediate lead on their own, nor to what extent they follow regulated procedures.

(H) It is noteworthy that remediation does not constitute complete elimination of lead hazards. In certain scenarios (such as remodeling, reconstruction, or demolition), lead hazards that were considered remediated will re-emerge, requiring additional and/or ongoing remediation measures.

(I) It is estimated that for every dollar spent to reduce lead poisoning hazards, there is a societal return on investment of between \$17 and \$221.

(J) Childhood lead poisoning is preventable. Actions taken by the city to emphasize primary prevention of lead exposures will protect the health of Manchester's children, enabling them to reach their full potential, and avoid the significant costs associated with childhood lead poisoning.

32.151 ESTABLISHED.

A Lead Exposure Prevention Commission for the City is hereby established pursuant to City Charter Section 3.13.

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32.152 PURPOSE.

The establishment of the Lead Exposure Prevention Commission shall be for the dedicated purpose of preventing childhood lead poisoning.

32.153 COMPOSITION; TERMS; OFFICERS AND THEIR DUTIES; CONFLICTS OF INTEREST

(A) The Commission shall consist of 12 members, all of whom shall be Manchester residents or employees of the City, and shall include:

- (1) A representative of the City of Manchester Health Department;
- (2) A representative of the City of Manchester Planning & Community Development Department; who shall function in an advisory capacity and shall be a non-voting member of the Commission;
- (3) A representative of the City of Manchester School District;
- (4) Two members of the Board of Mayor and Aldermen, who shall be non-voting members of the Commission;
- (5) A pediatrician familiar with childhood lead poisoning or other qualified and credentialed healthcare provider, familiar with childhood lead poisoning;
- (6) A resident whose family has experienced lead exposure in one or more residential properties;
- (7) A landlord who owns and has experience renting up to five (5) pre-1978 residential units;
- (8) A property owner or management company that owns and has experience renting more than two (2) pre-1978 buildings with a minimum of ten (10) units;
- (9) A representative or designee of a non-profit organization focused on children's health and/or early childhood education;
- (10) A representative or designee of a non-profit organization or community advisory group working on housing issues, including healthy housing or other forms of environmental justice;
- (11) An person with experience as a certified lead risk assessor, inspector, or abatement contractor;
- (12) An alternate member who shall be a resident of the City and who shall have full voting powers when designated by the Chairperson, at their discretion, to act in the place of an absent or disqualified member.

(B) All commissioners shall be nominated by the Mayor, subject to the approval of the Board of Mayor and Aldermen. Appointments of members, both original and successor, shall be for three-year terms. Initial terms shall be staggered in such a way as to allow appointments each year. The second term Chairperson shall be selected by the members from one of their number. Any member or alternate member of the Commission so appointed may, after a public hearing if requested, be removed for cause pursuant to the City Charter. A vacancy occurring otherwise than by expiration of a term shall be filled for the unexpired term in the same manner as an original appointment.

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(1) Officers shall be full-time voting members of the Commission, elected annually, initially at the first meeting of the Commission and thereafter January of each year, by a majority vote of the Commission. The Commission Officers and their duties shall be:

Chair: The Chair shall preside over all meetings and hearings in general accordance with Roberts Rules of Order. The Chair, as a voting member of the Commission, may make motions and vote on all questions. The Chair will appoint another member to temporarily Chair the meeting in the event of a planned absence.

Clerk: The Clerk shall be responsible for the maintenance of the Commission minutes and records. The Commission shall review the minutes for accuracy. The Clerk, in coordination with City staff, will post legal meeting notices, schedule appropriate meeting space, and perform other duties customary to the office.

Treasurer: The Treasurer is elected when funds are first deposited into the Lead Exposure Prevention Commission Fund. The Treasurer, in coordination with staff from the city Finance Department, shall be responsible for recording all funds acquired, owned and dispensed by the Commission. This shall include all funds budgeted to the Commission by the City, funds raised by the Commission, and property acquired by the Commission. The Treasurer shall also record the purposes for which all property is acquired and dispensed. All dispensed funds will require review and signature from the city Finance Department.

(2) Officer vacancies shall be filled at the next regular meeting by regular election procedure.

(C) Every voting member of the commission present when a question is put forth, except when the member has a direct personal or financial interest in the matter as defined under Article IX Standards of Conduct of the city charter, shall vote. Abstention from a vote by any member shall include an explanation of the interest in conflict with the matter before the commission. Any member with a conflict of interest is prohibited from participating in the discussion on the matter as soon as the conflict becomes known.

32.154 POWERS AND DUTIES.

(A) The Lead Exposure Prevention Commission shall have authority to:

(1) Develop recommendations for a long term vision, mission, and strategy to prevent childhood lead poisoning in Manchester.

(2) Identify actions and advance efforts to promote, enhance, and encourage the prevention of lead exposure in dwellings, particularly for minors residing in rental units.

(3) Assess existing ordinances, including but not limited to the City’s Housing Code, to determine whether and how they should be amended to better prevent childhood lead poisoning, and provide recommendations about regulations to the Board of Mayor and Aldermen.

(4) Assess progress in preventing childhood lead poisoning on an annual basis by monitoring childhood lead poisoning rates and the extent of lead exposure in existing housing in the city.

(5) Work with and advise city departments and boards in their review of requests related to childhood lead poisoning, including matters related to the prevention of lead exposures.

(6) Recommend sufficient funding for staffing city departments and/or contractors to implement recommendations.

(7) Coordinate with appropriate service organizations and nonprofit groups.

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(8) Subject to the approval of the Board of Mayor and Aldermen, receive grants, gifts of money and property, both real and personal, in the name of the City, to assist in carrying out the purpose of this section.

(9) With the review and signature of the city Finance Department and subject to the approval of the Board of Mayor and Aldermen, dispense funds to assist in carrying out the purpose of this section. All dispensed funds will be recorded and tracked in accordance with city Finance Department policies and procedures.

(10) Subject to the approval of the Board of Mayor and Aldermen, hire consultants and contractors, as necessary, to advance the Commission's work.

(11) Hold meetings and hearings necessary to carry out its duties.

(12) Submit reports to the Board of Mayor and Aldermen every six months to include status updates on activities undertaken, progress toward goals, and funds received or dispensed. As available, provide recommendations that advance the purpose of the Commission.

(13) Publicize and report its activities.

(B) The Commission shall adopt bylaws and shall keep accurate records of its meetings and actions and shall file an annual report with the Board of Mayor and Aldermen.

32.155 LEAD EXPOSURE PREVENTION COMMISSION FUND.

(A) The Board of Mayor and Aldermen may appropriate money to the Lead Exposure Prevention Commission as necessary to carry out its purposes. The whole or any part of money so appropriated in any year and any grants, gifts of money or property received under 31.154(9) shall be placed in a Lead Exposure Prevention Commission Fund and allowed to accumulate from year to year. The Lead Exposure Prevention Commission Fund shall remain separate from all other city funds involving federal or state dollars appropriated for lead prevention or remediation, which are administered by the Community Improvement Program.

(B) The Finance Officer shall have custody of all moneys in the Lead Exposure Prevention Commission Fund and shall pay out the same only upon order of the Lead Exposure Prevention Commission. The disbursement of these funds shall be authorized by a majority of the Lead Exposure Prevention Commission.

II. This ordinance shall take effect upon passage.