

**Testimony of
Kelvin A. Jeremiah
President & CEO, Philadelphia Housing Authority
Before the House Committee on Oversight and Government Reform
Subcommittee on Government Operations
May 22, 2014
9:00 a.m. Rayburn House Office Building, Room 2247**

Chairman Mica and distinguished members of the Subcommittee, I am Kelvin A. Jeremiah, President and CEO of the Philadelphia Housing Authority (PHA). PHA was established in 1937, as a municipal corporation organized under the statutes of the Commonwealth of Pennsylvania, to provide safe and decent housing to low and moderate-income individuals in the City of Philadelphia. PHA is primarily federally funded and is accountable to the U.S. Department of Housing and Urban Development (HUD), its Board of Commissioners, the Mayor, City Council, and citizens of the City of Philadelphia. As such, PHA employees, residents, and contractors hold a significant position of public trust. The public, therefore, has a right to expect PHA's employees, contractors, and those doing business with PHA to perform their responsibilities honestly and with integrity. Thank you for the opportunity to highlight my perspectives on waste, fraud, abuse, and mismanagement of housing authority programs and appropriations.

Background

A nine member Board of Commissioners, appointed by the Mayor and approved by the Philadelphia City Council, governs PHA. As the President and CEO, I am appointed by and report to the Board of Commissioners. The President and CEO has full responsibility for the leadership and management of all PHA operations.

PHA is the fourth largest public housing authority in the United States and the largest landlord in Pennsylvania. With an annual operating budget of approximately \$375 million and a staff of approximately 1,300 full-time employees, PHA provides housing assistance to nearly 79,000 people through its Public Housing and Housing Choice Voucher (HCV) programs. Financial support for PHA's operations and capital needs comes, primarily, from rent payments and subsidies provided by HUD. More specifically, approximately ninety-three percent (93%) of PHA's revenue comes from the federal government in the form of subsidies for affordable housing. Only six percent (6%) of our revenue comes from tenant rents and the remaining

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balance comes from grants from the City, Commonwealth of Pennsylvania, and other sources. Approximately three quarters (75%) of PHA's budget is dedicated to its core mission – funding the actual provision, protection, creation, and maintenance of housing for low-income individuals. (See attached *FY2015 Operating / Capital Expense - Uses*.)

PHA's two main housing programs are Public Housing and HCV. In the Public Housing program, low-income persons pay a set percentage of their income to PHA to rent PHA-owned units. PHA's Public Housing rental portfolio is separated into two categories: PHA-owned properties and Low-Income Housing Tax Credit (LIHTC) properties. PHA-owned sites include conventional, multi-family, high-rise developments and scattered-site, row home properties.

PAPMC, or the Philadelphia Asset & Property Management Corporation, is a private service affiliate that manages all LIHTC properties. It is a nonprofit management entity that is separate from PHA. PHA also provides an operating subsidy for Alternatively Managed Entities (AMEs), which provide privately managed public housing opportunities. These developments manage their own waitlist.

As of the close of FY2014, PHA served over 13,000 households, while maintaining a 93% occupancy rate. PHA has a Public Housing waitlist of nearly 28,000 households. On average, PHA's Public Housing families have an average household income of \$10,645 and pay \$267 in monthly rent.

In the HCV program (formerly known as Section 8), low-income persons receive a voucher to subsidize their rent to private landlords in units of their choosing. There are also variations to the program, such as the Veteran Administration Supportive Housing (VASH) program, which exclusively serves homeless veterans referred to the housing authority by the local veteran's administration. PHA is very proud of its efforts in this area, managing 460 VASH vouchers, and is one of 25 cities nationally, participating in the HUD, VA, and U.S. Interagency Council on Homelessness (USICH) collaborative effort to end chronic homelessness amongst veterans.

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As of the close of FY2014, PHA managed 19,073 vouchers with a utilization rate of 84%. PHA's HCV waitlist is 34,000 households long. On average, PHA's HCV families have an average household income of \$10,061 and pay \$288 in monthly rent.

PHA's Moving to Work (MTW) Status

PHA is also one of a select group of housing authorities across the country that has attained Moving to Work (MTW) status. Participation in the MTW program provides PHA with a valuable set of tools and resources to address urgent local housing needs and priorities. While lack of sufficient operating and capital funding continues to pose the greatest challenge to PHA and other large housing authorities nationwide, the flexibility afforded by MTW has allowed us to make substantial progress in recent years, and remains a critically important component of our future strategy to revitalize, preserve and expand affordable housing resources for low-income families.

MTW participation has allowed PHA to increase the number of low-income families served from approximately 24,600 households, upon joining the program, to over 30,000 today. MTW funding flexibility has also been enormously important to PHA's efforts to revitalize deeply distressed public housing developments and their surrounding neighborhoods. More than 6,000 units have been newly constructed or rehabilitated over the course of PHA's participation in the program.

PHA is proud of its historic and enduring commitment to the long-term viability of affordable housing for current and future Philadelphia residents, including those with special needs, such as the homeless, victims of domestic violence, the elderly and disabled, and those who are either unemployed or under-employed.

Now celebrating our 77th anniversary, PHA has been and continues to be a powerful force for affordable housing and an economic engine for Philadelphians for over 7 decades. In addition to the infusion of dollars into the local economy through contracting, procurement, and wages, PHA is committed to developing meaningful employment opportunities for its

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residents. In order to enhance and expand economic opportunities for our residents, PHA provides around \$9 Million annually for education, job training, and employment opportunities to assist residents in attaining self-sufficiency. Mr. Chairman, the new PHA is not about giving handouts, we believe that public housing should not be a way of life but a stepping-stone to economic and social independence.

I have been invited here today to provide testimony on waste, fraud, and abuse in affordable housing, namely, the HCV program. It is widely known, and ostensibly widely accepted, that wasteful spending is present throughout government institutions, including the one I am privileged to head; and that government institutions should perform their functions more effectively and efficiently. Indeed, over the course of American political history, there have been many recommendations, plans, proposals, initiatives, et cetera, aimed at “reinventing” government – making government more effective, efficient, and less costly. Despite the best intentions of the executive branch, legislators, advocates, oversight entities, think tanks, and others to address waste and fraud in government, the problem still persists.

As an executive of a public institution, I have an expansive view of the impact waste and fraud has on government spending. My views are informed by my work in the public sector, spending about 5 years as the Inspector General for the New York City Housing Authority – the largest public housing authority in the country – and now as the chief executive of the fourth largest housing authority in the country. Simply defined, waste and fraud equate to misallocation of resources. It means government spending on projects, whose costs outweigh the generated benefit. The waste problem is not just that there are cost overruns and mismanagement in many government institutions, but there is pervasive fraud as well, fraud that sometimes goes undetected and unchecked, for years in some cases, which has adverse impact on our institutions and the people we serve. It results in funds being misappropriated and, thus, supporting people or services for which it was not intended.

Mr. Chairman, it is my understanding that you and the members of this subcommittee have raised valid questions and concerns regarding fraud, waste, and corruption in public housing and have been strong advocates for rigorous oversight and internal controls that

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safeguard public resources from waste and abuse. I share your concerns and have spent my professional career bringing about positive changes in the integrity, efficiency, and effectiveness of public social welfare programs.

As you may be aware, it has been a very eventful ride at PHA for the past few years. PHA was once seen as a model for how a public agency could rebuild distressed neighborhoods, transforming them into high-quality, safe, and desirable communities. That model and reputation came crashing down in 2010 in the wake of a personal scandal that exposed a lack of oversight of housing authority operations.

I joined PHA in August 2011, as its Director of the Office of Audit and Compliance, after having served as the Inspector General for the New York City Housing Authority. Over the course of my career, I have developed an expertise in public housing oversight and regulatory compliance. As Inspector General and Director of the Office of Audit and Compliance, I presided over investigations of public housing tenants, employees, and contractors, as well as Housing Choice Voucher participants and landlords, who engaged in fraud or other criminal conduct and wrongdoing. Based on that experience, I understand all too well the grounds for the members' concerns.

In June 2012, I was appointed as the Interim Executive Director and HUD-appointed Administrative Receiver, positions I held until my recent appointment in April 2013 as the President & CEO of PHA.

Since I arrived, we have worked very hard to carry out a recovery plan to undo mistakes of the past and build a structure of strong, ethical, and respectful business practices. My objectives since coming to PHA have been clear and consistent: to be a good steward of public funds and to restore public confidence in the agency. I have been unwavering in my dedication to these objectives.

PHA's Recent History

In March 2011, PHA, HUD, and the City of Philadelphia entered into a Cooperative Endeavor Agreement under which HUD took control of PHA in an effort to expedite PHA's recovery following a breakdown in the management, policy, and procedural infrastructure of the organization. HUD, working with PHA, implemented a robust, 12-point Recovery Plan aimed at addressing the deficiencies in PHA's management, governance, policies, and procedures.

I am pleased to report that PHA has completed the tasks under its Recovery Plan, key highlights of which are listed below:

- Restructured PHA's senior management team to promote accountability and oversight of all operational areas
 - Hired highly-skilled senior management executives for key operational areas, including a new General Counsel to oversee the Office of General Counsel
 - Finalized and implemented an organizational restructuring
- Implemented new and rigorous standards to minimize PHA's use of outside attorneys and restructured and staffed PHA's new Office of the General Counsel
 - In August 2011, PHA hired Barbara Adams as its General Counsel
 - Working collaboratively with HUD, and under Ms. Adams leadership, PHA implemented enhanced policies and procedures governing its oversight and use of outside counsel
 - Staffed the Office of General Counsel in order to perform more legal services in-house
 - Significantly reduced PHA's reliance on outside counsel from approximately \$8.2 million in 2010 to approximately \$1.6 million in 2012

- Established rigorous policies and workplace standards in the areas of fraud, ethics and Equal Employment Opportunity; revised and implemented human resources policies and procedures and provided agency-wide training
 - Adopted and implemented new policies and procedures related to ethics, equal employment opportunity, sexual harassment, and standards of ethical conduct
 - Trained all staff on the new Human Resources Manual including sexual harassment, ethics, employee grievance policies and procedures
 - Appointed the General Counsel as the agency's Ethics Officer
 - Developed and distributed a new employee handbook to all employees
- Collaborated with HUD, the Mayor, and the City Council to return PHA to local governance
 - In anticipation of PHA's return to local governance, PHA worked collaboratively with HUD and the City to revise and adopt new by-laws that reflect best practices
 - Developed an extensive board orientation and training program, which was lacking under past administration
 - In November 2012, Mayor Nutter appointed 9 new Commissioners to serve on PHA's Board, all of whom were subsequently confirmed by the Philadelphia City Council and received comprehensive training by both PHA and HUD to best prepare them to govern agency operations
- Implemented a new procurement policy and related procedures that ensure appropriate cost controls and compliance with all federal, state, and local requirements

In addition to the above, completed tasks, PHA has made a concerted effort to address and resolve all findings from HUD OIG and other external reviewers. Today, all of the findings are closed or have been appropriately resolved by the Authority.

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Most importantly, although PHA reverted to local control on April 26, 2013, its recovery is continuing and positive. The culture of bad behavior and excessive spending that built up over more than a decade is unfortunately hard to reverse overnight. It will take additional time and ongoing effort to change that culture. However, over the last 2 years, I have seen first-hand the resilience of PHA staff and their willingness, even eagerness, to change – to take back PHA’s good name, ensure its future, and reclaim its legacy. We remain steadfast to that commitment, to restore the public’s confidence and trust, and fulfil our mission to serve low-income citizens of Philadelphia with decent, safe, and affordable housing.

Fraud, Waste and Mismanagement at PHA/Public Housing

Mr. Chairman, members of the Subcommittee, my experience over the past decade is one that I am very proud of but, more importantly, one that has focused on building trust and restoring public confidence in public housing. I have seen firsthand the deleterious impact of corruption, fraud, and waste, which undermines the ability of scarce public housing funds reaching the individuals and families that need them most. It limits the number of eligible tenants, who rely on it for support, ability to access limited funding and increases the costs of projects, which in turn increases the costs to the agency. It is for those very reasons that my tenure at PHA has been focused on accountability and transparency.

As previously mentioned, it is widely known that my agency has struggled with addressing corruption, fraud, and waste in the past. I joined PHA in 2011, as the Director of the newly established Office of Audit and Compliance (OAC), a robust watchdog office focused on eliminating waste, fraud, and abuse. With the support of HUD and PHA’s executive management team, I recruited a team of auditors, investigators, and compliance specialists, all with the end goal of eliminating fraud, waste, abuse, and corruption across the agency. Moreover, I began the important process of reestablishing and rebuilding relationships with key external law enforcement and oversight entities with whom the OAC could partner to achieve its objectives.

In my current role, my expectations have not changed: I continue to charge OAC and its partners with assisting PHA in restoring public trust by preventing and uncovering fraud, corruption, and unethical conduct by PHA employees, contractors, and others who receive PHA funds. OAC performs internal audits, conducts compliance reviews, examines ways to create efficiency and effectiveness in our operations, and investigates allegations of fraud, corruption, waste, and misconduct involving PHA residents, employees, and contractors.

Since its creation, OAC has had a remarkable impact on PHA. The following are just some of our successes to date:

1. **Collaborative Partnerships** – Established strong collaborative partnerships with several Federal, State and Local law enforcement agencies in an effort to protect PHA's integrity and to further hold individuals, who defraud the agency, accountable. These partnerships include: the U.S. Department of Housing and Urban Development Office of the Inspector General, Social Security Administration Office of the Inspector General, Federal Bureau of Investigation (FBI), Internal Revenue Service (IRS), United States Attorney's Office, Philadelphia District Attorney's Office, Pennsylvania State Ethics Commission, and U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)
2. **Investigations** – For the period of April 1, 2012 to March 31, 2014, OAC received 1,449 complaints. Of those complaints, 763 were opened as active investigations, with 299 cases substantiated. Of the substantiated cases, 32 were referred for criminal prosecution. Thus far, of the 32 referred cases, 10 arrests have been made, and 5 are pending prosecution.
3. **Savings** – For the period of April 1, 2012 to March 31, 2014, the courts have ordered restitution to PHA in the amount of \$714,069.00; PHA entered into repayments agreements totaling \$70,342.40, saved \$5,029,486.86 from terminations and resignations, and uncovered \$756,570.82 as a result of fraud investigations. PHA has taken an aggressive stance when it comes to employee corruption and has been pursuing pension forfeitures for employees convicted of defrauding the agency. Since

2012, PHA has saved approximately \$379,000 in pension contributions that would have otherwise been paid to convicted former employees.

4. **Theft of Benefits** – Following a joint investigation, OAC discovered a resident of PHA was stealing survivor benefits meant for the resident's deceased grandmother. The benefit payments, issued by Veteran's Affairs and Office of Personnel Management, went unreported to the Social Security Administration and the U.S. Department of Housing and Urban Development when the resident applied for government assistance. The resident was convicted and sentenced to 33 months in prison for conversion of government funds, wire fraud, and Social Security fraud. The resident was ordered to pay \$10,338 to PHA in restitution.
5. **Kick Backs** – An OAC investigation (continued by way of the former PHA Office of Inspector General) led to the arrest and conviction of a former manager of PHA's small construction contracts. The former employee abused the manager position by extorting kickbacks in exchange for PHA contracts. The former employee was sentenced to 50 months in federal prison, followed by 3 years of supervised release on extortion and obstruction charges, and ordered to pay \$25,000 in restitution to PHA.
6. **Unreported Income** – A joint investigation with federal and state law enforcement agencies found that a PHA resident was in receipt of approximately \$208,505.40 in government benefit payments the resident was not entitled to receive. To receive governmental assistance, the resident concealed marriage and work activity from PHA, the Social Security Administration, the United States Department of Agriculture, the United States Department of Health and Human Services, as well as, the Pennsylvania Department of Welfare. The resident was sentenced to 90 days in prison, 3 years of probation and fined \$208,506.40 in restitution, \$22,000 of which will be paid to PHA.
7. **Underreported Income** – Following an allegation of unreported income, OAC discovered that a PHA resident did not accurately report assets and income. The resident reported to PHA that \$300.00 to \$400.00 per month was earned as a self-employed hair stylist,

when in fact the resident was actually a full time employee at Jefferson Hospital earning between \$31,000.00 and \$60,000.00 per year. OAC's investigation determined that the resident underpaid rent in the amount of \$26,875.00. The investigation also discovered that the resident also failed to report the purchase of a house while living at a PHA unit. The resident was arrested and charged with defrauding PHA. The resident pled guilty to theft, false swearing and tampering with public records, and was ordered to pay \$26,875.00 to PHA in restitution.

8. **Prevailing Wage Violations (Underpayment)** – Most construction projects PHA undertakes are funded by federal funds, which require the payment of prevailing wages. PHA is tasked with ensuring that construction contractors and sub-contractors are abiding by all applicable prevailing wage laws and regulations while working on PHA construction projects. Maintaining compliance with prevailing wage laws and regulations is vital to ensuring that PHA is eligible for future funding from the federal government, and is necessary in order to avoid punitive fines from the federal government. The wage compliance enforcement for fiscal year 2013 Davis-Bacon and Related Acts projects resulted in 14 citations being issued to construction contractors for violations that totaled \$13,640.46 in restitution payments, to account for underpayment to individuals working on PHA projects.

Impediments to Effective Fraud Investigation, Prosecution, and Recovery

Though PHA has experienced success in curtailing fraud and abuse through its Office of Audit and Compliance (OAC), there remain numerous impediments to maintaining truly efficient oversight authority and I believe these issues are universal and not just limited to Philadelphia.

1. **Lack Of Interagency Cooperation** – Many government agencies operate in silos – with internal fraud units often unwilling to share information involving fraud cases, especially if the case did not originate in their offices. Public administrators are territorial and are often interested in protecting their turf rather than building cooperative, trusting

relationships with colleagues across the spectrum of the various need-based programs. The sharing of information in government program fraud investigations is critical since many program recipients receive benefits from multiple government agencies. For example, a typical public housing recipient not only receives housing assistance, but Medicaid, food stamps and other government-funded need-based assistance. Thus, my experience, when one program is defrauded, others are as well.

2. **Public Sector Employment** – Public employees' salaries are generally not tied to high performance but instead to longevity, and it is difficult to discipline employees because of civil service and work rules. As a result, sometimes poor performing employees retain their jobs; giving them little or no incentive to be creative in containing or reducing costs.
3. **Restrictive Privacy or Confidentiality Regulations** – Restrictive federal, state, and local privacy regulations inhibit the sharing of information among agencies conducting fraud investigations. This is especially true as it relates to customer or client personal information (such as social security number, tax information, income documentation, household composition, et cetera). It is very difficult to identify who can share what with whom; every program has its own specific privacy regulations that inhibit the sharing of information.

However, there is one very strong National deterrent to tenant fraud and abuse, called the Enterprise Income Verification (EIV) system, which does provide for the sharing of such information. EIV is a web-based, third party income verification system that shares income data from other federal databases with public housing authorities to improve the income verification and rent determination process. Beginning January 31, 2010, all housing authorities were required to use the EIV system. The system allows users to verify annual income and benefit information and use that in making accurate rental housing subsidy determinations. Through effective use of EIV, PHA, itself, avoided \$17,328 in potential payments to ineligible or deceased tenants during FY2013. EIV ultimately helps housing authorities ensure that their limited resources are targeted to

the right persons. The system is instrumental and has been a great example of how collaboration and sharing of data can help eliminate fraud and abuse. It is my hope that our Federal partners will continue to develop and implement programs, like EIV, that will further reduce improper payment of HUD subsidy.

4. **Limitations in Prosecution** – According to the HUD OIG website, there has been only one OIG Report regarding the Section 8 Program in Pennsylvania over the past 2 years and that was concerning a Housing Authority, who was ultimately found to have followed HUD’s Housing Choice Voucher Program regulations. In Philadelphia, specifically, cases of fraud valued under \$50,000 are generally not prosecuted due to limited resources – exceptions, of course, for those cases of a special nature such as the elderly or related to sexual violence and abuse. More aggressive prosecution and getting away from the need to “sell” cases of tenant fraud to the prosecutors will go a long way in eliminating abuse and corruption.

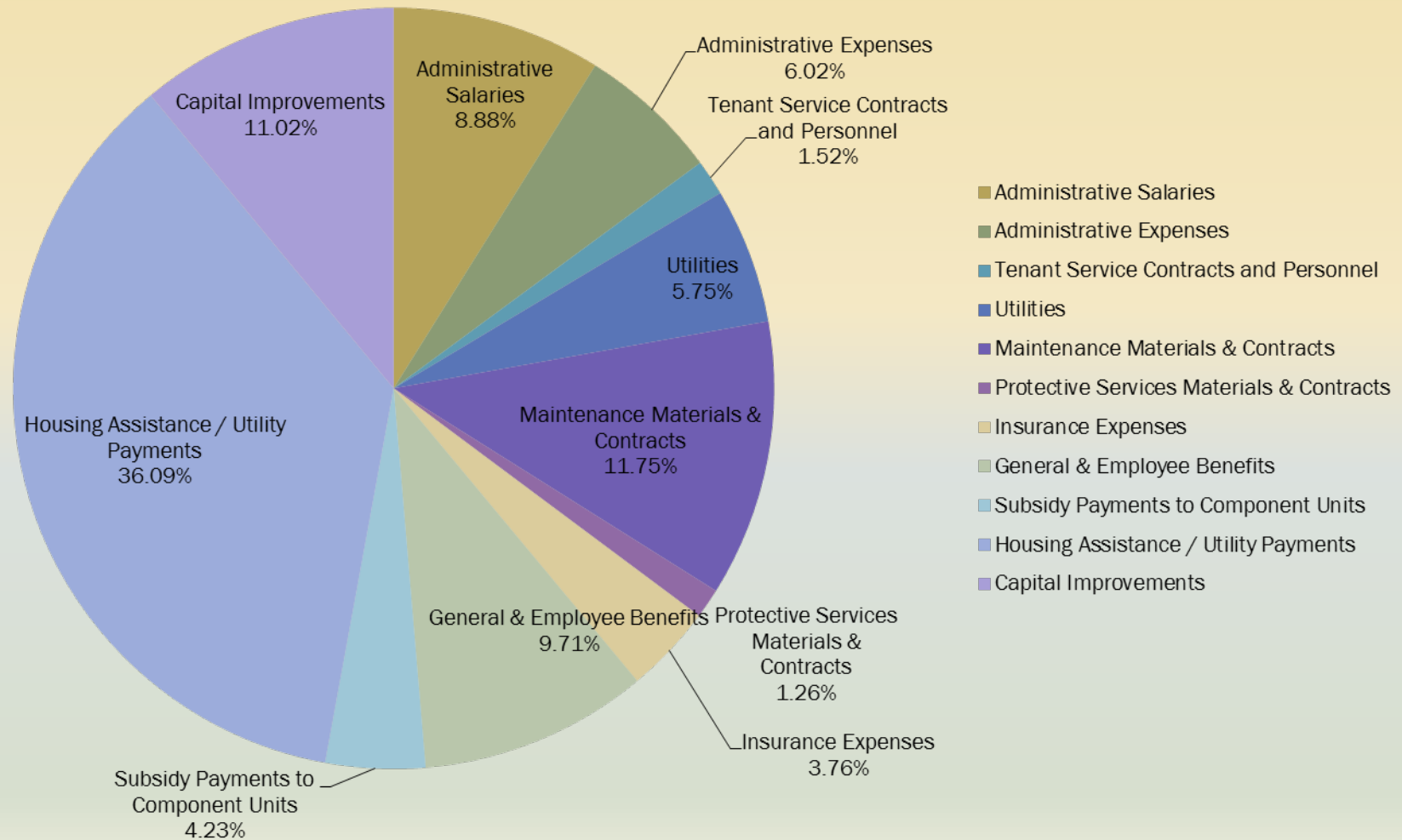
Conclusion

In conclusion, the consistent demand of affordable housing – as evidenced by our wait list of over 62,000 applicants, many of whom wait an average of 10 years before they are housed – reaffirms the critical importance of our mission. This demand, coupled with shrinking federal resources, makes it critical that public administrators take an active role in preventing and deterring corruption, fraud, and waste, in addition to taking a more innovative approach to business to improve efficiency. Fostering change that improves management operations, accountability, and transparency will, ultimately, improve the lives of the people who benefit from the programs we administer.

I appreciate the opportunity to testify before the subcommittee today and would be happy to answer any questions at this time.

Thank you.

FY2015 OPERATING / CAPITAL EXPENSE - USES



Kelvin A. Jeremiah

Kelvin A. Jeremiah was named President & CEO of the Philadelphia Housing Authority (PHA) on March 14, 2013 after serving as the HUD-appointed Administrative Receiver and the Interim Executive Director since June 2012. As President & CEO, Jeremiah oversees the day-to-day operations of the 4th largest housing authority in the country. During his tenure, PHA successfully completed a Recovery Plan to address deficiencies in operations and governance, which resulted in the agency returning to local control in April 2013.

Jeremiah, a 14-year housing veteran, originally came to PHA as the agency's first-ever Director of Audit and Compliance in August 2011. In that role, he instituted policies that ended a culture of splurge and rooted out waste, fraud, abuse, and mismanagement.

Jeremiah's vision focuses on cutting waste, improving performance, and enhancing management practices. At PHA, he reduced the number of vehicles that employees take home, ended excessive executive perks and mortgage assistance that was unfairly administered, and ended the practice of employing provisional workers, a move that saves the agency approximately \$10 Million annually. PHA has also re-established the Human Resources Department and fully staffed the Office of General Counsel to provide better oversight of PHA legal matters and dramatically reduced outside legal expenditures.

Despite federal budget cuts, Jeremiah has committed to creating or preserving 6,000 affordable housing units in Philadelphia over a five-year period. The "6 in 5" Initiative calls for PHA to partner with public, private, nonprofit, and philanthropic organizations to meet the high demand for affordable housing. This new, collaborative policy combats blight while taking advantage of private sector efficiency.

The "6 in 5" Initiative includes the redevelopment of Blumberg Apartments and the surrounding Sharswood neighborhood in North Philadelphia. The transformation of this once-forgotten area of the city is the single most important development project PHA has undertaken in years. In November 2013, HUD awarded PHA a \$500,000 Choice Neighborhoods Planning Grant for the Blumberg/Sharswood community. The first phase of the project also received a 9 percent Low Income Housing Tax Credit award, the agency's first in nearly four years.

Under Jeremiah's leadership, PHA also increased its efforts to better serve residents. For the first time in 12 years, the Police Department hired new police officers to address safety and security issues raised by residents. The expansion is part of a broader safety and security plan, including a Quality of Life Task Force and an \$8.5

Million investment for closed circuit television systems and layered building access controls.

The agency is also expanding opportunities designed to promote resident self-sufficiency at Jeremiah's direction. PHA relaunched its Pre-Apprenticeship Program with a renewed focus on job placement and job retention. Residents who successfully complete the program are hired by PHA as full-time Maintenance Mechanics, Laborers, or Painters.

Prior to joining PHA, Mr. Jeremiah was the Inspector General for the New York City Housing Authority (NYCHA), the nation's largest public housing authority with a portfolio of 178,000 units housing over 450,000 residents and a Housing Choice Voucher Program with nearly 100,000 participating families. Before that, he served at the Springfield Housing Authority in Springfield, Massachusetts, where he was the agency's Deputy Director.

Mr. Jeremiah has also worked for the Commonwealth of Massachusetts' Department of Early Care and Education (formerly Office of Child Care Services), where he was the Regional Contracts Manager and Monitoring Coordinator responsible for overseeing \$135 million in childcare provider contracts. He also served as Compliance Officer at the Commission Against Discrimination in Springfield, MA, where he investigated discrimination complaints involving housing, education and public accommodation.

Mr. Jeremiah emigrated from Grenada to the United States as a teenager where he lived with his family in New York City, attending New York City Public Schools. He received a Bachelor's degree in History/Business Administration from Pace University, a Master of Arts in American Social History from Rutgers University, and a Master of Public Administration from American International College. Mr. Jeremiah is a Certified Public Purchasing Official, a Certified Public Housing Management Specialist, and is a member of Mayor Michael A. Nutter's Office of Community Empowerment and Opportunity Oversight Board.

Mr. Jeremiah is married and has three children. He and his family reside in northwest Philadelphia.