

# MASSACHUSETTS FAIR HOUSING CENTER

---

FOR IMMEDIATE RELEASE

March 15, 2021

[www.massfairhousing.org](http://www.massfairhousing.org)

CONTACT: Meris Bergquist

Executive Director

Massachusetts Fair Housing Center

(413) 539-9796, ext. 108

[mbergquist@massfairhousing.org](mailto:mbergquist@massfairhousing.org)

## **Bill Filed in Massachusetts Would Make Long-Overdue Changes to MA Lead Law, Protecting the Health of Children & Preventing Housing Discrimination**

**Holyoke, MA (March 15, 2021)** – The Massachusetts Fair Housing Center (MFHC) lauds Senator James Eldridge (D-Acton) and Representative David LeBoeuf (D-Worcester) for filing legislation to amend the Massachusetts Childhood Lead Poisoning Prevention and Control Act (“MA Lead Law”). SD2347/HD3659 would close a loophole that has benefited landlords while irreparably harming young children since 1971. This bill is based on a law adopted by the City of Philadelphia in 2019 that now serves as a national model for preventing childhood lead poisoning and housing discrimination, <https://www.pccy.org/news/phl-incentivizes-discrimination-poor-young-families-june-7-2019/>

“For decades, the MA Lead Law has caused rampant housing discrimination against families with children and failed to adequately protect children from lead poisoning, which disproportionately harms Black and low-income children,” said Senator James Eldridge (D-Acton). “I am looking forward to working with advocates to make long-overdue changes to this law so that all families can have equal access to safe, lead-free housing.”

When the MA Lead Law was enacted in 1971, it was intended to eliminate childhood lead poisoning by requiring landlords to preventively delead units before a child under six occupied the unit.<sup>1</sup> However, the Law has entirely failed to achieve its original goals. Instead, the MA Lead Law has incentivized landlords to refuse to rent to families with children under age six to avoid lead abatement requirements.

The MA Lead Law’s history reveals that in 1986, the legislature established a Special Commission to review the efficacy of the fifteen-year-old Law. The Commission identified three fundamental failings: (1) A major goal of the 1971 law, preventive deleading, had not been achieved to any significant extent; (2) Massive housing discrimination existed in the private rental housing market against families with children under six; and (3) Black children, poor children, and inner-city children were all disproportionately harmed by the lead problem.<sup>2</sup>

---

<sup>1</sup> *Report of the Special Commission Relative to the Adequacy of Lead Poisoning Prevention and Control Efforts in the Commonwealth* 54 (1987), available at

[https://drive.google.com/open?id=1GKBm\\_iYuISvHliGyZT0Sw05nQpq4bENq](https://drive.google.com/open?id=1GKBm_iYuISvHliGyZT0Sw05nQpq4bENq)

<sup>2</sup> *Id.* at 55-56

# MASSACHUSETTS FAIR HOUSING CENTER

---

There has been no meaningful progress in addressing the MA Lead Law’s three major failings since 1986. In 2019 the MA Department of Public Health confirmed the following.<sup>3</sup>

- Only ~**10%** of all pre-1978 housing has undergone lead inspections or deleading activity.
- Children remain at risk of lead poisoning in **1.8 million dwellings** in the Commonwealth.
- Lead paint in the home remains a “**significant health risk** for children under age six.”
- 3,555 Massachusetts children met the CDC definition of lead poisoning in 2017.

The legislation sponsored by Senator Eldridge and Representative LeBoeuf would prevent further harm to Massachusetts children by adopting Philadelphia’s model of **universal lead abatement** of rental properties. Philadelphia’s lead law originally contained the same discriminatory trigger for a landlord’s deleading obligation—the presence of a child under six—as the current Massachusetts law. However, in 2019, Philadelphia lawmakers looked beyond the objections of landlords and unanimously voted to amend their lead law to protect children at risk of toxic lead poisoning and housing discrimination.

“The proposed amendments will drive transformative change for Massachusetts families and protect children from toxic lead exposure in the place where they should be safe and protected – their homes”, said Ruth Ann Norton, President & CEO of Green & Healthy Homes Initiative. “GHHI has played a leading role in lead laws implemented for decades in Maryland, which have resulted in a 99% reduction in lead poisoning, and informed recent updated lead laws in Philadelphia and Buffalo. These laws drive health and safety standards across the housing stock, reduce maintenance costs and liability for property owners, build sustainable demand for well-paid healthy housing careers and advance racial and health equity by supporting long term health and success for children, families and communities.”

“I look forward to working with Senator Eldridge to strengthen the Mass Lead Law,” said Representative David LeBouef (D-Worcester). “It is difficult to defend a law that has failed to achieve its legislative purpose and perpetuated housing discrimination. Philadelphia shows us that it is possible to prevent the irreparable consequences of childhood lead poisoning without discriminating against children under age six. We must prioritize the health, education, and access to housing of our children by following Philadelphia’s example and reforming our failed childhood lead poisoning policy.”

---

<sup>3</sup> Mass. Dep’t of Public Health, Bureau of Environmental Health, *Data Brief: Childhood Lead Exposure in Massachusetts*, 001347 (2019) [hereinafter 2019 Data Brief], available at <https://drive.google.com/open?id=150KTZ9RUN3euVoAi50Lu7rDuHY2bb6cJ>