

# MASSACHUSETTS FAIR HOUSING CENTER

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## FOR IMMEDIATE RELEASE

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### **MASSACHUSETTS FAIR HOUSING CENTER CELEBRATES EARLY VICTORY IN SUIT TO END LEAD-PAINT-RELATED DISCRIMINATION AGAINST FAMILIES WITH CHILDREN**

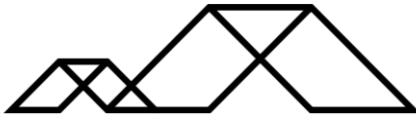
The Massachusetts Fair Housing Center (MFHC) is celebrating an important victory in its lawsuit to stop state officials from enforcing the discriminatory provisions of the Massachusetts Childhood Lead Poisoning Prevention and Control Act (Lead Law). On Wednesday, a federal judge denied the state's motion to dismiss the lawsuit, paving the way for the suit to proceed to trial. You can read the order here: [https://drive.google.com/file/d/1vs3dUS7kTbiMQVU-v\\_ADwDGa5kOgeUZu/view?usp=sharing](https://drive.google.com/file/d/1vs3dUS7kTbiMQVU-v_ADwDGa5kOgeUZu/view?usp=sharing)

“Today’s order is an important victory for families and represents a major step forward toward ending an ineffective and discriminatory law that has incentivized landlords to discriminate against families with children, rather than abate the lead paint in their units, leaving young children at risk in 1.8 million dwellings,” said MFHC Executive Director Meris Bergquist.

The order by United States District Court Judge Mastroianni concluded that the plaintiffs have standing to bring the lawsuit and concluded that applying the applicable legal standard “to the challenged portions of the Lead Law compels the conclusion that they are facially discriminatory.”

MFHC and two families with children, together with the civil rights law firm of Brancart & Brancart, filed the initial complaint in federal court in 2019 to stop state officials from enforcing the discriminatory provisions of the Lead Law and to replace them with a non-discriminatory policy that will fulfill the legislation’s original goal: to prevent childhood lead poisoning through an effective program of progressive deleading. You can read the complaint here: <https://drive.google.com/file/d/1XDZKr0kSEuA5FCJDR9rfifi1aU-f7PVR/view?usp=sharing>.

Since 1988, the federal Fair Housing Act has outlawed housing discrimination against families with minor children. The Lead Law violates the federal Fair Housing Act by requiring property owners to engage in lead abatement *only* when a child under six resides in the dwelling. Many property owners refuse to rent to families with children under the age of six rather than incur the cost of lead abatement. As a result, families with children under age six experience high rates of discrimination, displacement, homelessness, housing instability, and extended housing search times. When they can’t find lead-safe housing, families may be compelled to accept a rental that exposes their young children to the irreparable harm of childhood lead poisoning.



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State officials acknowledge that the current law has failed to prevent childhood lead poisoning. Reports by the Massachusetts Department of Public Health (DPH) show that since 1971 only ten percent of all pre-1978 housing stock has been confirmed as free from lead hazards.<sup>1</sup> Defendants admit that the potential of exposure to lead paint in 1.8 million housing units is “a significant health risk for children across the Commonwealth of Massachusetts.”<sup>2</sup> In fact, there were 3,555 children in Massachusetts in 2017 that had blood lead levels that met the Center for Disease Control’s level of concern.<sup>3</sup>

Fixing the Lead Law’s discriminatory provisions and its failure to achieve widespread preventive deleading is an important civil rights issue because children of color, living in historically and illegally segregated neighborhoods, are disproportionately harmed. As reported by DPH:

- Children living in low-income communities are **three times** more likely to have elevated blood lead levels than children living in high-income communities;
- Children of color are **one and a half times** more likely than white children to have dangerous levels of lead in their blood; and,
- Black children are nearly **two and a half times** more likely than white children to have lead poisoning.<sup>4</sup>

A bill currently pending before the state legislature would remove the discriminatory provision and instead require the deleading of *all* rental properties in the state, starting in those communities with the highest rates of childhood lead poisoning. The bill, SD2347/HD3659, is sponsored by Senator James Eldridge (D-Acton) and Representative David LeBeouf (D-Worcester). Other jurisdictions have developed similar non-discriminatory policies to reduce lead poisoning, including the state of Maryland and the cities of Philadelphia, Rochester, and Cleveland. Massachusetts must follow suit and strengthen the Lead Law by creating a nondiscriminatory law that will end the interconnected harms of housing discrimination, childhood lead poisoning, and racial disparities in public health.

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<sup>1</sup> Mass. Dep’t of Public Health, *Data Brief: Childhood Lead Exposure in Massachusetts*, June 2016, available at: <https://www.mass.gov/documents/2016/07/lead-data-brief-june-2016>

<sup>2</sup>*Id.*

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

<sup>4</sup> *Id.*