



MASSACHUSETTS FAIR HOUSING CENTER

Contact

Meris Bergquist, Executive Director
Massachusetts Fair Housing Center
413-539-9796 x 108
mbergquist@massfairhousing.org

Ashley Grant, Legal Director
Massachusetts Fair Housing Center
413-539-9796 x 102
agrant@massfairhousing.org

FOR IMMEDIATE RELEASE

DATE: November 22, 2019

MASSACHUSETTS FAIR HOUSING CENTER SUES STATE OFFICIALS TO END DISCRIMINATION AGAINST FAMILIES WITH CHILDREN DUE TO LEAD PAINT

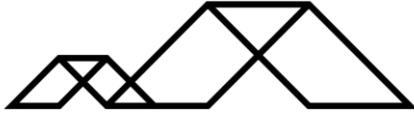
The Massachusetts Fair Housing Center (MFHC) and two families with children, together with the civil rights law firm of Brancart & Brancart, filed a complaint in federal court on Wednesday to stop state officials from enforcing the discriminatory provisions of the Massachusetts Childhood Lead Poisoning Prevention and Control Act (“Lead Law”) and to replace them with a nondiscriminatory policy that will fulfill the original goal of the Lead Law: 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>.

“For the past five decades, the Massachusetts Lead Law 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.

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.

Plaintiff Theresa Decker is challenging the law because she was unable to find an apartment to rent for 16 months, simply because she had a child under age six. According to Ms. Decker, “no family with a young child should have to go through what my child and I went through to find a home.”

State officials acknowledge that the current law, which only imposes deleading obligations on a landlord if a child under age six will live there, has failed to prevent childhood lead poisoning. Reports by the Massachusetts Department of Public Health show that since 1971 only ten percent of



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all pre-1978 housing stock has been confirmed as free from lead hazards.¹ 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.”² In fact, there were 3,555 children in Massachusetts in 2017 that had blood lead levels that met the CDC level of concern.³

The Lead Law’s discriminatory policy and its failure to achieve widespread preventive deleading have the most pernicious effect on children living in low-income communities and families of color.

- 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.
- Black children are nearly **two and a half times** more likely than white children to have lead poisoning.⁴

Other jurisdictions have developed nondiscriminatory policies to reduce lead poisoning, including the state of Maryland and the cities of Philadelphia, Rochester, and Cleveland. In September 2019, the Philadelphia City Council voted to amend their Lead Law, which similarly required landlords to engage in lead abatement activities only when a family with a child under age seven resided in the unit, after officials concluded that the old policy was ineffective and resulted in discrimination against these families. The new law requires all landlords of pre-1978 rental units to abate the lead paint, starting in zip codes with the highest rates of lead poisoning.

Plaintiffs filed this complaint alleging the Massachusetts Lead Law violates the federal Fair Housing Act in order to obtain prospective injunctive relief to remove the failed and discriminatory policy. Massachusetts must strengthen the Lead Law by creating a nondiscriminatory policy that will end the related harms of housing discrimination and childhood lead poisoning by requiring universal lead abatement of all rental properties.

Plaintiffs are represented by the following counsel:

Meris Bergquist
Ashley Grant
Kelsey Bannon
Massachusetts Fair Housing Center
57 Suffolk St.
Holyoke, MA 01040
(413) 539-9796

Liza Cristol-Deman
Brancart & Brancart
P.O. Box 686
Pescadero, CA 94060
(650) 879-0141

¹ 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>

²*Id.*

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

⁴ *Id.*



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The Massachusetts Fair Housing Center is the oldest fair housing center in Massachusetts. Our mission is to end systemic housing discrimination and create inclusive communities. For over thirty years, MFHC has provided a full-range of critically needed services, including public education, accepting and investigating complaints of housing discrimination, and offering free legal services to victims of housing discrimination. Our work changes lives by protecting housing choice, preventing homelessness, creating lead-safe housing for children, protecting victims of domestic violence and hate crimes, and ensuring that tenants with disabilities have equal access to housing. Our day-to-day work reveals the direct connection between housing rights and human rights.

Any opinion, findings and conclusions or recommendations expressed in this material are those of the author(s) and do not necessarily reflect the views of the U.S. Department of Housing and Urban Development.