

The Lead Abatement for Families Act

Background:

The history of lead policy in the United States has been one rife with racist victim-blaming and an abdication of government's basic responsibilities to keep people safe. Beginning in the 1950s, when lead poisoning was first recognized as a health risk, Black and Latinx parents were accused of negligence and the poor housing conditions making their children sick were ignored.¹ Despite the Department of Housing and Urban Development's (HUD) own 2017 rule aligning its definition of lead poisoning to that of the Center for Disease Control and Prevention (CDC), the housing agency continues not to require pre-rental lead hazard assessments for many units receiving assistance under the Housing Choice Voucher program or project-based Section 8 housing.² A recent article in the *Harvard Environment Law Review* argues that the government's failure to prevent lead poisoning in federally-assisted housing is a major violation of civil rights statutes including the Fair Housing Act, Title VI of the Civil Rights Act, and the Americans with Disabilities Act (ADA).³

Lead Poisoning by the Numbers:

- As many as ten million homes in the U.S. get their water from lead pipes, including public and federally assisted housing.⁴
- The National Housing Law Project found that one fifth of children in the U.S. who tested positive for lead poisoning (about 90,000 children) are participants in the Housing Choice Voucher Program, or Section 8.⁵
- A 2015 study determined that by the third grade, children in Chicago with even small amounts of lead in their blood were over 32% more likely to fail standardized tests.⁶
- In Massachusetts, studies showed that a reduction of lead exposure resulted in higher test scores among low-income students otherwise associated with an across-the-board \$1,000-\$2,000 increase in per capita income.⁷

The Lead Abatement for Families Act centers racial and economic justice in housing, affirming that families do not deserve less, simply because they cannot afford more.

Specifically, the Lead Abatement for Families Act would:

- Require HUD to identify all public housing and federally assisted housing units with lead services lines within 2 years; and
- Authorize HUD to make grants to public housing agencies and owners of federally assisted housing to cover eligible costs of removing and replacing lead pipes.

¹ David Rosner and Gerald Markowitz, "Building the World That Kills Us," *Journal of Urban History* 42, no. 2 (2016): pp. 323-345, <https://doi.org/10.1177/0096144215623954>.

² 24 CFR §35

³ Emily A. Benfer, "Contaminated Childhood: The Chronic Lead Poisoning of Low-Income Children and Communities of Color in Federally Assisted Housing," *SSRN Electronic Journal*, 2016, <https://doi.org/10.2139/ssrn.2823342>.

⁴ "Lead Pipes: A Threat to Kids across America," Environmental Defense Fund, accessed July 15, 2020, <https://www.edf.org/health/lead-pipes-threat-kids-across-america>.

⁵ "Lead-Safe Housing for Families Act (S. 1583)," *Lead-Safe Housing for Families Act (S. 1583)* (New York, NY: Columbia Mailman School of Public Health, n.d.).

⁶ Aarian Marshall, "A New Study Shows That Childhood Lead Exposure in Chicago Kids Is Linked to Failing Standardized Exams," *Bloomberg.com* (Bloomberg, June 8, 2015), <https://www.bloomberg.com/news/articles/2015-06-08/a-new-study-shows-that-childhood-lead-exposure-in-chicago-kids-is-linked-to-failing-standardized-exams>.

⁷ Jessica Wolpaw Reyes, "Lead Exposure and Academic Performance," *Federal Reserve Bank of Boston (New England Public Policy Center, November 30, 2011)*, <https://www.bostonfed.org/publications/communities-and-banking/2012/winter/lead-exposure-and-academic-performance.aspx>.