

Keeping Children Safe from Lead Poisoning

Story by Kate Marple & Erin Dexter

The first sign that a home has a lead hazard is usually when a child tests positive for lead poisoning. Despite the fact that more than four million children in the United States live in federally assisted housing and many of those units are decades old, homes are not assessed for lead hazards before families move in. Because of Chicago's old housing stock, providers at Erie Family Health Centers vigilantly check children's lead levels every six months until the child is four, and whenever there is a new risk factor introduced into a child's environment. That's where, in 2012, just months after moving into a new home with her federal Housing Choice Voucher (HCV), Lanice Walker's four-year-old daughter screened positive for lead poisoning.



Chicago, Illinois

<http://www.eriefamilyhealth.org/>

Erie Family Health Centers is a Federally Qualified Health Center delivering care to more than 72,000 people.

The health center's **medical-legal partnership** with the Loyola University Chicago School of Law and Legal Assistance Foundation of Metropolitan Chicago has provided legal services to patients and their families since 2010.



After seeing many patients with lead poisoning who were prohibited from moving to a new home and still maintain their federal housing assistance, the medical-legal partnership at Erie Family Health Centers built a multi-state coalition that got the U.S. Department of Housing and Urban Development to update its federal lead regulations. Now, they are working to pass a federal bill that will require lead inspections of all federally assisted housing units before families move in.



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Dr. Sara Naureckas

U.S. Senator Richard Durbin (D-IL), Tolanda McMullen, lead poisoning prevention advocate and mom, and Emily Benfer, former Health Justice Project director, listen to Ethan Domsten, Health Justice Project student attorney, discuss the problem of lead poisoning in federally assisted housing. **Photo credit:** Scott Wills, Erie Family Health Centers.

Nurse practitioner Martha Glynn immediately called the Chicago Department of Public Health to report the elevated lead level, and to request an inspection. The city inspectors found lead-based paint hazards in the home, but the landlord — who was under a year-long contract with the Chicago Housing Authority (CHA) — refused to do anything about the hazards.

Ms. Walker repeatedly called CHA, asking them to intervene and force improvements to the unit. However, the problem was not an emergency by CHA standards. Even though her daughter's elevated blood lead level caused neurological problems, it didn't meet the level that would require the housing authority to take action. At the time, the Department of Housing and Urban Development's (HUD) definition of lead poisoning was *four times* the Centers for Disease Control and Prevention (CDC) reference value standard.

Moving wasn't an option for the Walkers either, or for other families in the HCV Program. Under federal law, families who live in federally assisted housing are not allowed to move out of a home with a lead hazard before the end of the lease term — even after their child has been poisoned and experiences health problems — and still maintain their housing assistance. So Ms. Walker faced an impossible choice: stay where her daughter was being poisoned, or become homeless.



During the time Ms. Walker was trying to get CHA to take action, all eight of her other children also tested positive for lead. It was then that Ms. Glynn referred Ms. Walker to the health center's medical-legal partnership with Loyola University Chicago School of Law and LAF Chicago. Attorneys contacted CHA and successfully obtained a reasonable accommodation under the Americans with Disabilities Act. This allowed the Walkers to move immediately, while retaining their housing assistance. The attorneys ensured that the family's new home was inspected for lead and hazards were abated before the family arrived. The children's lead levels went down, but ultimately, years of lead poisoning had resulted in permanent neurological damage.

"This is why prevention of lead poisoning is so important," said Dr. Sara Naureckas, Medical Director for Child and Adolescent Health at Erie Family Health Centers. "Once a child ingests or inhales lead, it can be stored in the bones and continue to harm the child for years."

To deal with the lasting effects of lead exposure, the MLP attorneys helped Ms. Walker obtain special education services for her daughter and public benefits to increase the family's income. In addition, they connected the family with a personal injury attorney to address the negligent harm caused to the family.

Having seen the devastating and permanent effect lead has had on so many kids, and motivated by the Walkers' experience and those of other families at Erie, the MLP focused their efforts on prevention. They knew this problem was not unique to Chicago, so they built a nationwide coalition of affected families, community organizations, renowned scientists, and public health practitioners to petition HUD to amend the antiquated *Lead Safe Housing Rule*, which had not been updated since the 1990s. They requested that HUD adopt the CDC's definition of lead poisoning, a change which would have forced housing authority interventions and a move to a safe home two years earlier for the Walkers, without needing the assistance of lawyers. Among other improvements, the petition also asked for mandated data sharing and reporting between housing authorities, public health departments, and HUD to help identify kids with elevated lead levels as soon as possible. Without this change, it was impossible to know the number of kids lead poisoned in federally assisted housing units each year.

After submitting the petition and engaging in a big media push that helped engage members of Congress, these proposed changes were successfully implemented in January 2017. Another critical change to the rule required that if a child in a federally assisted housing unit tests positive for lead poisoning, a lead hazard risk assessment must automatically be conducted on all other assisted units in the same building.

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Emily Benfer
MLP ATTORNEY

“This is a very exciting step in moving HUD toward a primary prevention model for lead poisoning,” says Emily Benfer, founder and former director of the Health Justice Project and Clinical Professor of Law at Loyola University Chicago School of Law. “But unless all units are inspected and made lead safe before families move in, children will continue to be poisoned and suffer lifelong health and developmental repercussions.”

COALITION MEMBERS WHO PARTICIPATED IN PETITION FOR HUD RULEMAKING

- ChangeLab Solutions
- Childhood Lead Action Project
- Children's Defense Fund
- Civitas ChildLaw Center
- Coalition for Human Needs
- ColorofChange.org
- A Community Voice
- Emily Benfer, *Distinguished Visiting Scholar & Senior Fellow at Yale Law School in the Solomon Center for Health Law & Policy*
- Environmental Advocacy Center
- Erie Family Health Centers
- Farmworker Justice
- Green & Healthy Homes Initiative
- Health Justice Project, Loyola University Chicago School of Law
- Healthy Homes Collaborative
- Improving Kids' Environment
- Dr. Bruce Lanphear, MD, MPH, *Professor, Faculty of Health Sciences, Simon Fraser University*
- Lawyers' Committee for Better Housing
- Lawyers' Committee for Civil Rights Under Law
- Louisiana Roundtable for the Environment
- Dr. Howard W. Mielke, Ph.D, *Department of Pharmacology, Tulane University School of Medicine*
- National Alliance of HUD Tenants
- National Center for Medical-Legal Partnership
- National Housing Law Project
- National Low Income Housing Coalition
- Poverty & Race Research Action Council
- Professor Florence Wagman Roisman, LL.B, William F. Harvey Professor of Law, Indiana University Robert H. McKinney School of Law
- Dr. David Rosner, PhD, MPH, *Ronald H. Lauterstein Professor, Co-Director, Center for the History & Ethics of Public Health Sociomedical Sciences, Columbia University Mailman School of Public Health*
- Sargent Shriver National Center on Poverty Law
- Southern United Neighborhoods
- United Parents Against Lead
- Urban Justice Center

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Sara Naureckas, MD, Director of Child and Adolescent Medicine, Martha Glynn, FNP, Site Medical Director, School-Based Health Centers, and Lee Francis, MD, MPH, President & CEO, all of Erie Family Health Centers, listen to Erie patient, mom, and advocate Lanice Walker, discuss the impact of lead contamination on her family during a meeting with U.S. Senator Richard Durbin (D-IL). **Photo credit:** Scott Wills, Erie Family Health Centers.



After the coalition's petition, HUD released *The Lead-Safe Homes, Lead-Free Kids Toolkit* that encouraged local public housing authorities to conduct pre-rental lead hazard assessments, and advised them on the funding streams they could use to pay for the inspections. However, federal regulations still do not yet require the pre-rental risk assessment, or give families a right to move and maintain public assistance when lead hazards are identified. Across the country there are only eight cities and five states that require any pre-rental lead hazard inspection before a family moves into a home. When enforced, those laws dramatically reduced lead poisoning rates among children.

Today, Ms. Walker and Erie Family Health Centers are part of a growing coalition to advocate for the *2017 Lead Safe Housing for Kids Act (S.1845)*, which would mandate both of these changes in public housing regulations, and protect millions of children from severe health and developmental problems. Senator Dick Durbin (D-IL) became a co-sponsor of the bill after meeting with Ms. Walker and the MLP team. Senators Tim Scott (R-SC), Bob Menendez (D-NJ), Todd Young (R-IN), Joe Donnelly (D-IN), Tammy Duckworth (D-IL), Tim McCain (D-VA), and Rob Portman (R-OH) are also co-sponsors. The Erie MLP has reached out to

colleagues at medical-legal partnerships in other states to find local groups and families willing to meet with Senators and Representatives and build support for the bill. In several cities, the coalition has secured support from landlords, inspection companies, and public housing authorities. And if they can get the bill passed, they have their eye toward supporting efforts that would improve lead standards in all housing types, not just federally assisted housing.

In reflecting on the HUD changes and the momentum for the bill, Ms. Benfer attributes success to the interprofessional, big tent nature of the coalition. "This is not just a legal issue," she said. "It isn't solely a housing issue or a health issue. Lead poisoning prevention is about protecting this generation of children, and all that follow. When it comes to our children, each of us has a role to play. Having medical, public health, science, and legal partners, as well as affected families at the table gave us so much credibility and broadened our perspective. As we learned from each other, the definition of the problem became more accurate, so the solution became more targeted and effective. We can advance social change so much more effectively, thoughtfully, and quickly working together."



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