

## **Report of the Third Public Meeting of the Community Action on Lead Project of the Boston Public Health Commission, November 5, 2020: Resources for Parents and Property Owners**

*The Community Action on Lead (CAL) Project of the Boston Public Health Commission<sup>1</sup> applies a Health in All Policies<sup>2</sup> lens to look at existing policies, programs, and resources for lead poisoning prevention and intervention in Boston to accelerate progress. It consists of public conversations about how this may be accomplished, identifying improvements that can be implemented in current programs, and suggesting regulatory or legislative changes that would address the underlying social determinants of health that create lead risks, particularly those that place different demographic or geographic groups at disproportionate risk for lead exposure. The November 5, 2020 meeting had 20 participants including property owners, representatives of community organizations, health department staff, lead abatement contractors, and participants from academia.*

*After a welcome from BPHC's Interim Deputy Director, Gerry Thomas, and an overview of the resources Boston currently provides to address lead poisoning, two breakout sessions were conducted: the first to identify the obstacles and gaps in current efforts and resources, and the second on what actions, resources, and changes are needed to more effectively address lead poisoning. To encourage the free expression of opinions, participants are not linked to specific suggestions.*

### ***Resources Currently Provided to Address Lead Poisoning***

BPHC. The Boston Public Health Commission's Childhood Lead Poisoning Prevention Program conducts inspections when a child living in the home has lead poisoning (a blood lead level exceeding 10 micrograms per deciliter). These are required by law. The program also provides free inspections upon request by property owners or tenants concerned about lead where a child under the age of six is in residence. These inspections ensure compliance with the state lead law, which requires removal of lead hazards in residences where a child under six lives. The program also provides training, outreach, and education to homeowners, contractors, and property owners, and support for families with lead-poisoned children, including help with access to medical care. Property owners and managers can receive training in Moderate Risk Deleading, enabling them to safely remove some lead hazards at lower cost than having to hire lead contractors. Home renovation and other contractors subject to the federal Lead-Safe Renovation, Repair, and Painting Rule can receive training from BPHC on Lead-Safe Renovation, to reduce exposure associated with renovation work.<sup>3</sup>

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<sup>1</sup> The CAL project of the Boston Public Health Commission (BPHC) is funded by the National Association of County and City Health Officials. The first public meeting of the CAL Project was held at Boston University and was a planning meeting, intended to shape the rest of the project. The first official meeting was held on February 18 at the Boston Public Health Commission. The second official meeting on October 8 meeting was held virtually. This November 5 meeting was also virtual. It was facilitated by Boston University Lecturer Rick Reibstein, who prepared this report, and CAL Project leads Paul Shoemaker and Stephanie Seller of the BPHC. Boston University student Josh Taylor assisted.

<sup>2</sup> "Health in All Policies" (HiAP) is a collaborative approach to incorporating health considerations into decisionmaking across sectors and policy areas, that addresses the social determinants of health (social, physical and economic environments) that drive health outcomes and inequities.

<sup>3</sup> For more information call 617-534-5965, visit [www.bphc.org/leadpoisoning](http://www.bphc.org/leadpoisoning), or email [leadpoisoning@bphc.org](mailto:leadpoisoning@bphc.org).

BWSC. The Boston Water and Sewer Commission provides a “Lead Service Map” which shows the location of every water service line known to be made of lead (a potential source of lead poisoning).<sup>4</sup> If your residence is served by lead pipes, you can receive assistance in replacing them from the *Lead Service Replacement Incentive Program*, which provides a credit of up to \$2,000 towards the cost of replacement, and an interest-free loan payment over a 48-month period.<sup>5</sup>

Laboratories. To determine the lead content of drinking water, laboratories charge a fee. However, the Massachusetts Department of Public Health (DPH) in Jamaica Plain will waive the cost of performing lead analysis of drinking water for any household in which it has been determined that a child's blood level exceeds regulatory levels.<sup>6</sup> The Massachusetts Water Resources Authority provides a list of laboratories certified by the Department of Environmental Protection.<sup>7</sup>

Financial Assistance for Abating Lead Paint Hazards. As a part of its Department of Neighborhood Development (DND) effort, the City offers a “Lead Safe Boston” program providing technical and financial help to get rid of lead-based paint hazards in your home, including forgivable loans of up to \$10,000 for each unit, provided with technical advice from City lead specialists, as well as free lead paint inspections and help in complying with state lead laws. These services can be accessed without any upfront expense. The grants are available to Boston homeowners or investor-owners of one- to four-unit houses (built before 1978), where a child under six years old lives or spends significant time, and the income of the “occupant of the unit” is below 80% median income (\$96,250 for family of four).

The Neighborhood Development effort also includes the “HomeWorks Home Equity Loan Program”, which offers interest-free loans to owner-occupants to cover many repairs inside and outside of their homes, *including deleading*. There are no loan payments due from borrowers, instead, the loan must be repaid when the home is sold. Income limits are up to \$142,800 for no-match loans and \$160,650 for matching contribution loans, and loan limits are \$10,000 for condominiums, \$20,000 for 1-2 family homes, and \$30,000 for 3-family homes.<sup>8</sup>

The Massachusetts Housing Finance Agency, an independent, quasi-public agency created to provide financing for affordable housing, provides owners of 1-4 family properties with low-cost financing (loans of up to \$45,000 depending on home size) to remove lead paint under its “Get the Lead Out” program.<sup>9</sup> Mass Housing also offers 5% interest loans (with loans up to \$50,000) to make general, non-luxury improvements to owner-occupied, 1-4 family properties, which could include improvements that reduce the risks of lead exposure.

Massachusetts also provides a tax break for lead removal. If you delead your home and obtain a Letter of Full Deleading Compliance you are eligible for a tax credit equal to the cost of the deleading expenses

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<sup>4</sup> <https://www.bwsc.org/environment-education/maproom/lead-service-map> or call 617-989-7888.

<sup>5</sup> <https://www.bwsc.org/environment-education/lead-your-water/lead-replacement-incentive-program>.

<sup>6</sup> <https://www.bwsc.org/environment-education/lead-your-water>

<sup>7</sup> <http://www.mwra.com/04water/html/testinglabs.html>.

<sup>8</sup> Visit [www.homecenter.boston.gov](http://www.homecenter.boston.gov), or call 617-635-0190 for more information about either of these programs.

<sup>9</sup> [https://www.masshousingrental.com/portal/server.pt/community/home\\_owner\\_loans/228/get\\_the\\_lead\\_out](https://www.masshousingrental.com/portal/server.pt/community/home_owner_loans/228/get_the_lead_out).

or \$1,500, whichever is less. A Letter of Interim Control will qualify for a credit of up to \$500, which applies toward the \$1,500 limit.<sup>10</sup>

Several cities in Massachusetts provide mortgage refinance loans through the federal Housing and Urban Development 203(K) program, with loan amounts based on the value of the property following completion of deleading, to homeowners and investor-owners of 1-4 family homes who are performing a minimum of \$5,000 in repairs to delead the property.<sup>11</sup>

## **DISCUSSION OF OBSTACLES AND GAPS**

The following is a summary of the main points raised by participants.

*Income limits are restrictive.* In addition to the need to help low-income populations, middle-income owners and occupants also need assistance. Several employees of health departments reported that they see families who would likely take advantage of lead-abatement assistance, but they make too much money to qualify for the existing programs while not having the resources to delead on their own. It was noted that a similar issue has been raised concerning assistance for energy efficiency improvements. Investors are also often reluctant to invest in deleading, perhaps because of a lack of understanding of the value of deleading and a misperception that acknowledging the presence of lead will lead to a devaluing of the property.

*Undocumented immigrants are afraid to ask for help.* This population, at high risk of lead exposure, is generally reluctant to ask for any financial assistance, for fear of being identified as a “public charge,” and disqualified for residence in the United States under current policies of the current federal administration.

*Fear that lead is too costly to address.* Despite the existence of assistance programs, outreach and education, many landlords and owners remain reluctant to face the issue, including testing for lead, or acknowledging its potential presence, for fear that this will lead to excessive costs and liabilities. Some property owners are afraid that their credit rating will be affected if they access the programs. It was commented that some are even afraid that they will forfeit their property if something goes wrong. The limits on assistance may mean that the entire cost of abatement will not be covered, leaving the owner with unanticipated costs they cannot afford.

*Discrimination against children.* The fear of insupportable costs and/or liabilities causes many to refuse to rent to families with children. One participant shared a story about a victim of rental discrimination who won a \$10,000 settlement and commented that such stories are little known.

*Fear of asserting rights.* Tenants, undocumented immigrants, and families who have been refused rentals are often reluctant to pursue their legal options. This is not just because they are not aware of them, but because of fear of retaliation, and a lack of awareness that they may be able to succeed. The

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<sup>10</sup> <https://www.mass.gov/service-details/view-residential-property-tax-credits>.

<sup>11</sup> [https://www.hud.gov/program\\_offices/housing/sfh/203k/203k--df](https://www.hud.gov/program_offices/housing/sfh/203k/203k--df). Cities offering this program include Lawrence, Worcester, Somerville, Brockton, Springfield, New Bedford (brand new), Lynn, Malden.

question was asked whether a tenant can ask for an inspection, and that few knew the answer was taken as a telling indication of a lack of awareness of tenant rights, as everyone in the group had some level of experience with the issue of lead but few were confident that a tenant could ask for an inspection. (BPHC will provide inspections for free for occupants with children under six upon the request of the tenant, as will other health agencies in Massachusetts, or the state Department of Health. Tenants can ask their landlord to hire a licensed lead inspector but the landlord can refuse, in which case the tenant is free to arrange for an inspection themselves or purchase lead test kits).

*Difficulty in accessing assistance.* In addition to the fears cited above, some applicants begin the process without sufficient preparation and are then denied. Requirements for documentation are burdensome. Questions bedevil potential applicants, such as whether they can qualify if they are behind on their mortgage payments. (Existing debt may disqualify applicants). Some people who think they are not eligible may in fact be eligible. Some potential applicants are simply put off by the paperwork burden of providing documentation involved in the process.

*Lack of awareness of available resources.* Although Massachusetts and Boston are doing a lot for the affected population, compared to other states and cities, efforts to educate have fallen off. Once there were billboards and more aggressive outreach efforts, these are needed again. There is no central resource, no “one-stop” shop for learning about all that’s available.

### ***BPHC’S SURVEY***

While notes on the reports of each breakout group on obstacles and gaps were compiled, attendees received a brief summary of a survey recently conducted by BPHC of parents with lead-poisoned children and property owners, with results indicating the following:

- Parents expressed needs for:
  - More information and support for tenant rights
  - Help understanding the process once a child is identified as having lead poisoning
  - Help navigating the enforcement, inspection, deleading process
  - Assistance getting health insurance
  - Primary care physician or others to prepare parents for the process ahead
- Property owners expressed needs for:
  - Financial support for relocation of occupants during deleading and for the deleading itself
  - Help understanding best practices for property owners in dealing with lead – choosing a deleading contractor, understanding the regulations, conducting moderate risk deleading, etc.
  - A case management component to help them navigate the process

### ***DISCUSSION OF POTENTIAL SOLUTIONS***

Attendees then broke into groups to answer the question: What actions, resources and changes are needed? Suggestions included:

*Require Landlord Registration.* Boston requires landlord registration.<sup>12</sup> It enables municipalities to more effectively educate landlords and connect them with resources.

*Perform Pre-rental Inspections.* Boston currently conducts random inspections of rental properties every five years.<sup>13</sup> Rental inspections help ensure that existing hazards are addressed and required lead disclosures occur. They also provide a benefit to landlords in that they will be protected from false damage claims. Pre-rental inspections (and all code inspections) should also include identification of lead hazards.

*More financial assistance should be provided, and financial assistance should be provided without requiring any money out of pocket.* The pot of money available for lead programs should be increased, and the availability of assistance without any upfront investment required (at least for certain populations) will help overcome the reluctance or difficulty than many owners face making even small investments, and also overcome the fears many owners have concerning the uncertainty of what the ultimate cost will be, once they acknowledge the lead issue or embark upon deleading.

*Create "All Eligible" assistance programs.* Providing assistance in deleading for residences that do not have children, that are not owner-occupied, and are above income limits would increase the number of lead-safe residences in the Commonwealth and reduce the problem of discrimination against families with children as well as the incidence of lead poisoning. It could also help reduce the stigma of receiving assistance if it were more widely (or universally) available. However, attendees stressed that opening up the eligibility for assistance must not result in a reduction of assistance to the low-income community most in need of it.

*Reduce red tape.* The HUD loan was cited as particularly daunting, requiring submission of pay stubs and taxes, raising fears of tax audits.

*Create a central clearinghouse of information and access to services.* Many in need do not know where to go to get help. Programs are located in several different agencies. Getting the full picture of what's available can be difficult. Somerville, MA was referenced as an example to look to in establishing such central information resources.

*Conduct mass outreach.* This should include multiple strategies to reach a large target audience such as a social media push, traditional billboards as were used previously, radio/print/TV media, and outreach through community organizations. A lack of awareness of requirements and available resources is one issue; a lack of understanding of the importance of lead poisoning prevention is another. The value of reducing lead poisoning was cited as something people do not typically understand, though having a Letter of Compliance with the state lead law, indicating that a residence is lead safe, substantially increases the value of the property. Another aim of increasing outreach would be to communicate the fact that the cost of deleading has been significantly reduced. One participant stated that since 2017 this cost has been reduced by 50-90%. Another noted that the cost of deleading remains constant while the

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<sup>12</sup> <https://www.boston.gov/departments/inspectional-services/how-register-rental-property>

<sup>13</sup> <https://www.boston.gov/departments/inspectional-services/when-you-need-rental-inspection>

market is expanding, so that the investment increases in value over time. “Success stories” about the benefits of taking action are critical to overcoming the reluctance of owners to even consider taking action on lead and overcoming the reluctance of residents to seek enforcement of the law. Outreach should involve not just informing the regulated population of legal requirements and the affected population of legal rights, but producing narratives that tell a story of overcoming problems that need not persist. Outreach to the affected population should not just inform people of their rights but also include success stories about how to proceed to obtain safe housing, and how compensation for harm from violations of law can be obtained.

*Provide one-on-one “conciierge” or “case manager” service.* BPHC’s and DND’s case management services should be expanded so that all parents and property owners can receive individualized assistance in understanding available resources and navigating the process.

*Provide help with relocation.* When a residence is found in need of abatement and landlords are required to relocate tenants, landlords can face serious difficulty in finding suitable sites, and frequently need financial assistance to comply with this requirement.

*Ensure all children are screened and their families educated about lead as they enter school.* In addition to the state requirement that children be tested through the age of three, testing should also be performed on children older than three. Resources for enriching the intellectual development of children with elevated levels of lead should be provided, such as tutoring and referrals to ensure education success.

*Establish a permanent advisory group.* Attendees of BPHC’s public conversation on lead have responded very positively to the opportunity to discuss improving lead poisoning prevention and response with BPHC staff (and BPHC has benefited from their input). A permanent advisory group could help review new outreach materials, program design, and affected and regulated population needs. The group could help with the implementation of proposed actions as well as spreading the word and providing support to any future efforts.

*Provide privacy protections for immigrants, so that they will not fear compromising efforts to become US citizens.* City and state agencies addressing lead poisoning cases and property deleading efforts should work with immigration attorneys to explore options for addressing this concern.

### ***PRIORITIZATION OF RECOMMENDED ACTIONS***

The meeting concluded with a poll of attendees on which of the actions they thought were most important. Due to both the need to swiftly compile the recommended actions and Zoom technology that limits the poll options to 10, not every recommendation noted above was included in the instant poll). Attendees were asked to select their top three choices and voted as follows:

- 69% felt that the most important thing to do was to establish a central clearinghouse on resources, and to conduct mass outreach, particularly using social media.

- 62% felt that providing one-on-one case management (“concierge” service) to support both property owners and parents through the process, to understand the specific needs of each individual, was of primary importance.
- 54% felt that it was vital to promote success stories, to produce the narratives that inform and persuade, such as the increase in resale value with a letter of compliance and the decrease in the cost of deleading.
- 31% selected as a priority the establishment of a permanent advisory group.
- 23% noted the importance of providing resources for children, beyond the age of three, and including assistance with educational development.
- 15% chose providing assistance with relocation
- 15% selected what can be termed “Get the Lead Out for All”, or “Just Get the Lead Out”: financial assistance for those who do not meet current eligibility requirements.

### **Contact Information**

To view reports from previous meetings of BPHC’s Community Action on Lead Project, visit [www.bphc.org/leadpoisoning](http://www.bphc.org/leadpoisoning).

For additional information, comments or questions about the CAL Project, please contact Paul Shoemaker at [PShoemaker@bphc.org](mailto:PShoemaker@bphc.org) and/or Stephanie Seller at [SSeller@bphc.org](mailto:SSeller@bphc.org). Please put CAL Project in the subject line of the message. Please contact Rick Reibstein at [rreibste@bu.edu](mailto:rreibste@bu.edu) for questions about this report.

For additional information about BPHC’s lead program, email [leadpoisoning@bphc.org](mailto:leadpoisoning@bphc.org) or call 617-534-5965.