A panel of fair housing experts discusses discriminatory ads posted by landlords seeking to deter families with children and avoid deleading. (l-r) Barbara Chandler of the Metropolitan Boston Housing Partnership; William Berman of Suffolk University Law School; John Smith, of the Fair Housing Center of Greater Boston; and Jamie Williamson of Massachusetts Commission Against Discrimination. Not shown: Nancy Schlacter of the Cambridge Human Rights Commission; (Banner photo)

Current state law requiring home inspections when a child’s lead level is found to be above 25 micrograms is based on “old science,” Palfrey said in an interview. He believes the level should be lowered, but changing the law is resisted by landlords and real estate agents.

“It’s a problem we know how to solve. We just haven’t had the gumption to do it,” he said.

A panel on lead-related housing discrimination featured Nancy Schlacter, executive director of the Cambridge Human Rights Commission; Barbara Chandler, senior advisor on civil rights and fair housing at the Metropolitan Boston Housing Partnership; William Berman, clinical professor of law and director of the Suffolk University Law School Housing Discrimination Testing Program; John Smith, enforcement and compliance manager at the Fair Housing Center of Greater Boston; and Jamie Williamson, chair of the Massachusetts Commission Against Discrimination.

Panel members discussed both the legal requirements landlords must keep in mind about lead paint and the
barriers to actually getting apartments de leaded.

"This is the most intractable area of discrimination we see," said Berman, whose HUD-funded program sends pairs of "testers" to inquire about apartments, one who mentions a child under 6 and one who does not. Discrimination against families because of lead paint is the most common problem they find.

Technically, families are supposed to be able to view and select any apartment on the market that they can afford, de leaded or not. If they choose an older apartment, the landlord must present a certificate of deleading — or undertake the deleading process immediately, before the tenants move in.

In reality, many landlords balk at the expense and labor of deleading. Owners often advertise apartments as "not de leaded" or "great for singles or couples" to alert families with children to not inquire. Real estate agents may simply tell families the units are not available. If they are aware this is illegal, they won't say outright that no children are allowed, but instead will discern whether apartment-seekers have children by asking seemingly innocuous questions, like "How many people will be living in the unit?" and then quietly deny them the chance to view units that may have lead paint.

The upshot is that families have far fewer rental options, and lead paint issues remain unabated.

There is a significant financial incentive for landlords to discriminate, Berman explained, and a "permissive culture" that makes it seem okay for property owners to say out loud that they don't intend to rent to families with children.

Berman's group also inspects posted apartment ads, and finds that at least 57 percent contain wording that is meant to discourage families with children, a practice that violates fair housing laws.

Chandler said another important factor is that most apartment-seekers need to find housing quickly. People using Section 8 vouchers, for instance, often have a limited search time and may not be able to wait for an apartment to be de leaded, even if landlords are willing to do it.

Williamson added that even housing authorities sometimes advise clients to "keep looking, because time is of the essence" if they're told a landlord can't accept Section 8 because of lead paint. This is patently illegal and clearly irks Williamson.

"Information is power," she said. "We need to educate people. If you ask about deleading and they say no, don't just hang up."

Politicians and the general public may be unwilling to push for stronger enforcement, finding small landlords sympathetic parties, as evidenced by the popular support for repealing rent control in 1994, a movement bolstered by ads featuring "mom and pop" landlords fretting about expenses.

Chandler expressed little patience with the homebuyer who acquires a triple-decker, counting on rental income to pay their mortgage, but does not treat it like the small business it really is, with rules and regulation that come along with business ownership.

"Sometimes landlords will say, 'I'm a grandfather, and I'd really hate to endanger a tenant's child,'" she said. "But if they really cared about children, they'd de lead."
As for solutions, panelists suggested a combination of enforcement, stronger laws and greater financial assistance to property owners who delead. Some myths about the costs and effort of deleading need to be dispelled as well.

"What people don’t understand is, it’s not a $30,000 job anymore. The average is less than $8,500," Berman said. He noted that property owners in Boston can receive forgivable loans of $8,500 from the city. There are also a number of other grants and credits at the city, state and federal level for deleading.

Williamson supports adopting a law to require any housing rented to anybody to be lead-compliant. The law could allow some time, for instance a three-year phase-in, she said, and some financial incentives — but would have to be pushed hard to overcome political resistance.

"It’s a public health risk. I don’t know if you’ve seen what lead paint does to a child," she said, adding, "As long as it’s only affecting the poor, it’s not going to be a priority. We have to make it a priority."

The Walsh administration is introducing actions to reduce lead hazards in Boston. Mayor Martin Walsh made a brief speech at the lead summit and announced a five-point plan involving several city agencies. The plan includes deleading of 400 housing units over the next five years; educating 2500 at-risk residents on fair housing and lead awareness; conducting 325 lead inspections in high-risk units; training and licensing 500 contractors in lead safety during renovations; and training 250 homeowners in do-it-yourself moderate-risk deleading.

"We will use data to focus our efforts on most at-risk neighborhoods," Walsh told the audience. "This issue is important for so many reasons. It’s an education issue, it’s a jobs issue, it’s an environmental justice issue, it’s also a health and housing issue. It affects our shared progress. So we need to have a hand in the solution."