

Lead-safe certification for rental units



Summary

Lead hazards in homes present major risks to health, including serious cognitive harms to young children. Given the age of Milwaukee's housing stock, there are likely over 120,000 housing units with potential hazards related to deteriorating lead-based paint. These units are concentrated in neighborhoods where residents are predominantly renters, people of color, and have low incomes. Milwaukee is making efforts to prevent childhood lead poisoning and has recently received additional federal funding for remediation of lead-based paint hazards. However, a large-scale and comprehensive approach is needed to abate lead hazards in all rental units before children are exposed and harmed.

Recommendations

- **State of Wisconsin:** Repeal the preemption on local rental licensing and certification programs
- **City of Milwaukee:**
 - Establish a proactive lead-safe certification program for all rental units
 - Use the new Lead-Safe Advisory Committee to coordinate lead poisoning prevention
- **State of Wisconsin and federal government:** Increase funding for lead hazard remediation

Addressing lead hazards is crucial for protecting children's health

Lead exposure in homes is one of the most harmful and long-lasting ways that poor housing quality affects health — especially for young children. Much of Milwaukee's housing was built before the use of lead paint was banned in 1978. Based on the estimated age of the housing stock, there are over 120,000 housing units that could present hazards from deteriorating lead-based paint within the city.¹ Since many of these homes are in high poverty areas and in poor condition, Milwaukee's lead exposure risk ranks among the highest in the nation, and lead poisoning disproportionately affects low-income neighborhoods, especially African American communities on the North Side and Latinx communities on the Near South Side.^{2,3}

Deteriorating lead-based paint, which contains very high concentrations of lead, is the main source of exposure for children. Paint chips and dust settle on windowsills, floors, and in soil, where young children ingest them through normal behavior like putting their hands in their mouths. People can also be exposed at home through drinking water that passes through lead service lines or internal plumbing that contains lead. There are about 70,000 residential lead service lines in Milwaukee, mostly in housing units built before the late 1950s.¹ Bottle-fed infants are most at risk for harm from exposure to lead in drinking water.

After lead is ingested, it is distributed to organs and accumulates in the body over time. Exposure is measured through blood lead levels, and no level of lead in blood is considered safe.⁴ Lead is a neurotoxin that increases risk for a wide variety of irreversible developmental and cognitive harms for children, especially young children, including learning difficulties and impulse control problems.⁵ There is strong evidence that childhood lead poisoning rates at the population level are closely correlated with overall rates of criminal justice involvement for adolescents and adults.⁵ Therefore, lead poisoning is a major concern for everyone — it affects school learning environments and community safety as a whole.

¹ This estimate is based on the city's property records and only includes buildings with 1-3 units. It does not account for the condition of the building or whether paint is deteriorating (i.e. chipping, flaking, or damaged).

Current approaches to addressing lead poisoning in Milwaukee

Given limited resources, Milwaukee's current approach to addressing lead poisoning prioritizes environmental remediation and case management for children with elevated blood lead levels.⁶ About 18,300 housing units with lead paint have been made lead-safe since 1997.¹ From 2003 to 2018, the percent of children tested who have elevated blood lead levelsⁱⁱ has decreased from about 38% to 9%.¹ Milwaukee also piloted a housing-based primary prevention initiative in the 2000s, the Community Lead Safe Zones ordinance, which focused on removing lead paint hazards in two high-risk target areas. It used a community organizing model to partner with local organizations on program design and outreach.⁷

Lead service line (LSL) replacement is led by Milwaukee Water Works. Their program removes LSLs at daycare centers and provides significant subsidies for residential LSL removal when there is a failure in the line, or when the city is replacing its portion of the line. This currently represents about 900 LSLs per year.⁸ Milwaukee Water Works also treats the city's water to help provide a protective coating inside of water pipes, which significantly reduces lead content in drinking water.

Most recently, Milwaukee was awarded \$5.6 million from the U.S. Department of Housing and Urban Development in October 2019 to reduce hazards from lead paint over the next 3.5 years.⁹ Uses for these funds include assessing 400 properties, conducting lead hazard control on 320 properties, and hiring and training 40 contractors to conduct lead hazard control. As of 2020, the City of Milwaukee Board of Health is recruiting members for a Lead-Safe Advisory Committee that, among other responsibilities, will develop long-term plans to prevent childhood lead poisoning.¹⁰

Lead abatement in homes reduces exposure

Proactive lead hazard control is a key method of primary prevention of childhood blood poisoning. In public health terms, primary prevention means *preventing* disease or injury from occurring, while secondary prevention focuses on early detection and treatment of health problems. Lead hazard abatement — which is designed to permanently eliminate hazards — at a housing unit where a child has an elevated blood lead level can be considered secondary prevention. However, it also functions as primary prevention in the sense that removing lead hazards will protect children who live there in the future from exposure.

Abating lead paint hazards involves removing or covering lead paint, and/or replacing building components like windows that generate higher levels of lead dust.¹¹ Abatement programs effectively reduce lead dust and exposure when they follow evidence-based practices, use well-trained specialists, and have clear enforcement mechanisms to ensure that abatement occurs in a safe and timely manner.^{5,12}

Rental licensing is a strong enforcement tool, but is limited by state law

Requiring testing and control of lead hazards as part of a rental licensing or registry program is a strong enforcement mechanism and is the approach recommended by experts such as the National Center for Healthy Housing.¹³ However, 2015 Wisconsin Act 176 and 2017 Wisconsin Act 317 preempted robust local rental licensing programs.^{14,15} Creating a comprehensive and fully enforceable lead-safe rental housing program would require changes to this state law.

ii This measure is for children with blood lead levels over 5 micrograms per deciliter (µg/dL) which is the current reference used by the Centers for Disease Control for elevated blood lead levels.

Preventing lead poisoning has major social and economic returns

Preventing lead poisoning protects children from serious harm and leads to significant savings in spending on education, health care, and criminal justice, along with higher earnings and tax revenues.¹¹ One study found that for children born within the next 10 years, each dollar invested in lead paint remediation in housing where a low-income family lives generates \$1.35 in future benefits, while replacing LSLs can generate \$1.33 in future benefits.¹¹ Less conservative estimates have found that lead poisoning prevention can generate much higher benefits — from \$17 to \$122 per dollar invested.¹⁶

Milwaukee is taking action to address lead hazards, but current resources do not match the scale of the problem. It would likely cost up to \$1.2 billion to remediate lead paint hazards in 120,000 Milwaukee homes, and \$750 million to remove all residential LSLs.¹¹ Yet given the major benefits of preventing childhood lead poisoning, the cost of *not acting* to eliminate hazards in Milwaukee could be over \$2.4 billion.¹¹ One way to increase funds could be to shift some public resources away from direct remediation and into a low- or no-interest loan fund which could leverage substantial additional funds from philanthropy or private lenders.

Recommendations and equitable implementation

Given the serious and irreversible harms caused by childhood lead poisoning, we recommend changes to state law so that Milwaukee can create a comprehensive lead-safe rental program, along with increased funding commitments at the state and federal levels.

- **State of Wisconsin:** Repeal the preemption on local rental licensing or certification programs
- **City of Milwaukee Department of Neighborhood Services, Health Department, and Water Works:** Collaborate to establish a lead-safe certification and registry program for rental units
- **City of Milwaukee Health Department:** Use the new Lead Safe Advisory Committee to:
 - Engage public and private sector stakeholders
 - Leverage funding and explore development of a loan fund
 - Coordinate activities across various housing programs
- **Federal government and State of Wisconsin:** Increase funding for lead remediation

To develop and implement an effective and equitable lead-safe certification policy, the city should:

- Work closely with residents and advocates to craft a program that meets community needs
- Prevent housing instability through careful rollout and provision of temporary housing
- Prevent or mitigate any additional costs being passed on to tenants
- Prioritize the most hazardous rental housing where young children live or are likely to live

Examples

Rochester, New York's Lead Ordinance focuses on lead paint hazards and issues certificates of occupancy for rental housing units built before 1978. Units with violations must control lead hazards and pass a third-party clearance test to receive a certificate. Evaluation of the law found that it was associated with reduced blood lead levels in children and did not negatively affect the housing market.¹²

Cleveland, Ohio enacted a lead poisoning prevention ordinance in June 2019, adding lead safety requirements to an existing rental registration program. Beginning in March 2021, landlords will be required to hire a licensed inspector and acquire a lead-safe certificate for each occupied rental unit.¹⁷ The ordinance raised Cleveland's annual rental registration fee from \$35 to \$70, and will be funded by a mix of sources through a public-private **Lead Safe Home Fund**. Its passage was driven by a community-based coalition and the program also created several commissions to engage residents in implementation and oversight.

Complementary policies and programs

- **Rental licensing through proactive code enforcement:** Lead-safe certification should be made one element of a broader rental licensing program that includes proactive code enforcement to ensure the overall safety and quality of rental units.
- **Transitional jobs programs:** These programs provide limited, subsidized job training and employment for people seeking work and could be used to train lead abatement specialists.

Key Resources

- The Health Impact Project's [10 Policies to Prevent and Respond to Childhood Lead Exposure](#) reviews evidence-based policies to prevent lead exposure from multiple sources.
- The National Center for Healthy Housing and National Safe and Healthy Housing Coalition's [Find It, Fix It, Fund It: A Lead Elimination Drive](#) includes over 50 recommendations at the federal level.
- The National Center for Healthy Housing's [Tactical Thinking: Housing Codes and Lead Poisoning Prevention](#) site compiles resources on addressing lead hazards through code enforcement.
- Human Impact Partners' [Achieving Equity in Lead Policy Making](#) summarizes deliberations from a national meeting to improve the consideration of equity in lead poisoning prevention.
- Community Advocates Public Policy Institute's blog covers local needs, challenges and opportunities in [Addressing Childhood Lead Poisoning Prevention in Milwaukee](#).

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