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# Federal housing policy leaves poor kids at risk of lead poisoning



Lanice Walker, 38, sits with her children Dec. 21, 2015, at their apartment in Chicago. Some of her children were diagnosed with lead poisoning, but the Chicago Housing Authority didn't move them until a lawyer from a social justice program intervened on her behalf. (Zbigniew Bzdak / Chicago Tribune)

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**W**hen Lanice Walker moved in 2012 from public housing to a private rental in Chicago's Austin neighborhood, she thought she finally had secured a safe, cozy place for her family to live.

Not only did the Chicago Housing Authority provide a taxpayer-subsidized voucher that paid most of Walker's rent, the agency sent an inspector to ensure the narrow frame house had adequate heat and plumbing, working smoke detectors and no signs of lead paint hazards.

Less than five months later, a nurse practitioner diagnosed her 4-year-old daughter with lead poisoning. Walker knew that exposing young children to crumbling lead paint can permanently damage their developing brains, and she called the CHA to ask for an emergency move from the home on Leamington Avenue.

CHA officials turned her down. The amount of lead in her daughter's bloodstream was 11 micrograms per deciliter, more than two times higher than the standard for medical monitoring and home inspections set by the Centers for Disease Control and Prevention. But federal housing regulations don't require taxpayer-subsidized landlords to take action to protect poisoned children unless the level is at least 20.

"They treated me like I was nothing, like my daughter didn't matter," Walker said recently. If she still wanted to move, the CHA told her, she would risk losing her rent voucher to someone on a long waiting list for the Housing Choice Voucher program, commonly known as Section 8.

Medical records provided by Walker show that within the next year, while still living in the Austin rental, another daughter and one of her sons were diagnosed with lead poisoning at levels that were higher than the CDC standard but below the "environmental intervention" limit set by the U.S. Department of Housing and Urban Development and followed by the CHA. The daughter's level was 15, the son's 10.

All nine of her children eventually were found to have elevated lead levels. Yet it took intervention from a nonprofit legal aid clinic before Walker was able to move to new housing.

Her ordeal highlights a hidden problem facing Chicago families seeking a better life through federally subsidized housing. Since 2012, at least 178 other young children in Section 8 homes and apartments have fallen into the same gap Walker's children did, according to city records obtained by the Tribune.

Responding to Tribune questions, a top CHA official said Wednesday the agency will move during the first half of 2016 to crack down on landlords when children in Section 8 housing are found to have lead levels higher than the CDC standard but lower than the limit in HUD regulations. As recently as late November, the CHA had rejected requests to change its policies to match federal health guidelines.

"You're right, these standards should all match not only here but nationally," said Katie Ludwig, acting chief of the CHA's voucher program.

On its website, HUD declares that Section 8 families "have a right to live in housing that is safe and sanitary." Local housing agencies are required to inspect properties before families move in and at least once a year after that.

But when checking homes for lead paint, the CHA relies on visual inspections. Inspectors for most local health departments, including Chicago's, confirm the presence of lead with hand-held testing devices.

Landlords in the voucher program face a 24-hour deadline to fix conditions that HUD and CHA consider life-threatening, such as faulty heating, leaky roofs or missing door locks. Those who fail to comply can lose their taxpayer subsidies and be kicked out of the program altogether. CHA regulations, however, allow landlords to request extensions of indefinite length to fix lead paint hazards while still receiving

taxpayer-funded rent checks.

Even when testing shows that a child has been poisoned at levels that exceed the HUD standard, landlords may take up to 30 days to scrape away peeling and chipping paint.

"This is wrong for so many reasons," said Emily Benfer, director of the Health Justice Project at the Loyola University School of Law. "There is no incentive to eliminate hazards that can cause permanent neurological damage, and that means families are forced to continue living in the same homes where children were poisoned."

As scientists have learned more about the dangers posed by lead, federal health officials have periodically tightened their threshold of concern. The CDC now calls for intervention when children are poisoned by just 5 micrograms of lead per deciliter of blood, down from 10 during the 1990s and 30 during the 1980s.

The last time HUD updated its regulations was during the Reagan administration. It doesn't require action until a child in subsidized housing has a lead level of 20 or higher, or until two tests at least three months apart find levels between 15 and 19.

Attorneys in Benfer's group started representing Walker in her fight with the CHA after Martha Glynn, the family's primary care provider at Erie Family Health Center, brought her case to their attention. In March 2014, three months after the Loyola lawyers got involved, the CHA secured the family new housing in a North Lawndale two-flat.

Benfer and Glynn also have been urging the housing agency to update its guidelines for all families in the Section 8 program, which Chicago has increasingly relied on to house low-income families after razing many of its dilapidated and dangerous public housing complexes.

In October, representatives from the Loyola/Erie partnership and the Chicago Lawyers Committee for Civil Rights attended a public hearing on the CHA's 2016 administrative plan for Section 8. They urged housing officials to bring the agency's policies into line with federal health standards and followed up with a letter requesting specific changes.

Ludwig, the CHA official in charge of the voucher program, didn't respond until Dec. 17, a month after the agency approved its new Section 8 plan without making any changes. In an email to Benfer, she asked for a meeting to "get a better understanding what you are proposing."

At the federal level, a HUD spokesman said he could not explain why several attempts to overhaul the agency's lead poisoning standard have failed.

Legislation sponsored by Rep. Keith Ellison, a Minnesota Democrat, [passed the House](#) in 2008 but was

never called for a vote in the Senate. Democratic presidential candidate Hillary Clinton sponsored a similar bill that year while serving in the Senate; it also wasn't called for a vote.

As a young community organizer in Chicago, President Barack Obama fought to eradicate lead hazards in the Altgeld Gardens public housing project. HUD staff members have urged his administration to update the agency's lead standard, but such a change isn't included on the most recent list of federal rules planned during the next year.

During the past two decades, as CHA officials shifted low-income Chicagoans from high-rises to subsidized housing, they said the forced migration would make the city more diverse while giving low-income families access to better schools and safer streets. Yet most of the voucher holders live in predominantly African-American neighborhoods on the West and South sides that have given the city a national reputation for extreme poverty, violence and academic failure.

In May, a Tribune investigation found that children in those same neighborhoods continue to be harmed by lead poisoning at rates considerably higher than the city average.

Multiple studies have linked lead exposure in early childhood to struggles in school and criminal behavior later in life, leading social scientists and clinicians to conclude that lead poisoning is an underappreciated contributor to the cycle of deprivation in impoverished neighborhoods.

Chicago still has thousands of homes built before lead paint was banned nationwide in 1978. Scores of children living in older homes that haven't been renovated remain at risk from chips of lead paint and toxic dust released as painted doors and windows are repeatedly opened and closed.

In 2012, the same year Walker's daughter was diagnosed with lead poisoning, 21 other children in their six-block by four-block section of Austin also were found to have elevated levels, according to a Tribune analysis of city data obtained through the Freedom of Information Act.

"I hear people say lead poisoning is something from the past, but I don't see a downward trend among the families I work with every day," Glynn said. In the past two months alone, Glynn said, she has cared for five young children on the West Side with levels at least four times higher than the CDC standard.

CHA officials said it is unclear how Walker's children were poisoned. They could have been exposed at a relative's home, officials said, or the subsidized house on Leamington might not have been "adequately maintained" during the first five months the family lived there.

"This case absolutely did not fall through the cracks," Ludwig said.

City records tell a more complicated story. Four years before the CHA cleared the way for Walker and her

family to move in, a child of one of the previous tenants was poisoned with lead. In May 2008, an inspector from the Chicago Department of Public Health found "chipping, flaking or peeling lead paint" throughout the house and ordered the landlord to come up with a plan to eliminate the hazards.

The city filed a complaint with an administrative law judge and eventually negotiated a settlement that led to "substantial compliance," according to documents in the case file.

CHA officials later added the house to the list of voucher-eligible properties. But after Walker's daughter was poisoned, another city health department inspector found lead paint hazards in many of the same rooms that his colleague had surveyed four years earlier.

Told about the previous tenant's child, Walker shook her head. "You've got to be kidding me," she said.

The city health department gets involved in every case of lead poisoning in Chicago, whether or not a property is in the CHA's program, officials said. But the department's staff is half the size it was a decade ago, and disputed cases can take months or years to resolve.

City health officials said new hazards can emerge even after a landlord is ordered to improve a home. If an inspector considers the problem to be "minimal and isolated," the required work can entail little more than scraping away cracked or peeling paint and painting over the area.

The CHA and city health department declared the Leamington Avenue home free of lead hazards in 2013 after requiring the landlord to make additional improvements. Another family with young children now lives there.

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