

**Buffalo and Erie County Lead Safe Task Force
2020 Annual Progress Update:
Childhood Lead Poisoning and the
Healthy Housing Imperative
February 19, 2021**

Introduction

The Buffalo and Erie County Lead Safe Task Force is a cross-sector collaboration focused on eradicating childhood lead poisoning in Erie County. While lead is potentially harmful to individuals at any age, it is especially dangerous for children under the age of six. The Centers for Disease Control reports that “there is no known blood lead level for children without some level of risk for the adverse neurological effects of lead in children.” Lead poisoning causes permanent neurological damage including loss of I.Q., developmental delays, learning disabilities, memory loss, hearing loss, attention deficits, hyperactivity, and behavioral disorders. In extreme cases, lead exposure can result in organ failure and death. The good news is that lead poisoning is preventable and eradicating lead from our community is possible.

Prevention requires collaboration on every level. In March 2018, a broad coalition of stakeholders released a comprehensive assessment of lead poisoning data for community stakeholders, decision-makers, and funders. This assessment developed a common understanding of the landscape for lead exposure and a set of unified recommendations for change (see Appendix). In the intervening years, significant progress has been made in coordinating intergovernmental activities, developing novel relationships between nonprofit stakeholders, and bringing additional financial resources to the region. Despite the Covid-19 pandemic, great strides have been made to reduce childhood lead poisoning.

The Nature of Lead Exposure in Buffalo

Research conducted by the Lead Safe Task Force shows a clear relationship between lead poisoning and rental properties; as a result the Task Force has focused its efforts on improving the conditions of rental housing for families with young children. Findings include:

- Most children with Elevated Blood Lead Levels (EBLLs) live in City of Buffalo single family homes and doubles owned by over 14,000 different property owners.
- Over 80% of the properties where children are lead poisoned are rental properties.
- More than 75% of landlords of at-risk rental properties are local to the Western New York region, and many live in the same or a similar neighborhood as their rental property.
- Large scale landlords are rare; most landlords own 1 to 3 properties and include landlords who have inherited their properties, socially conscious landlords who do their own work, and those who are new arrivals and refugees from around the world.

- Many low-income families are economically trapped in unhealthy rental housing with a long list of dangerous conditions in addition to lead hazards.

As a result of these findings, the Lead Safe Task Force and its three working groups have improved rental housing policies, increased resources for remediation, and engaged tenants and property owners in a way that reduces lead poisoning.

Elevated Blood Lead Levels in Erie County

The data continues to show a gradual reduction in new cases of children with Elevated Blood Lead Levels (EBLLs) at 10µg/dL or higher. In 2019, there were 227 new cases of EBLLs at that level, compared to 266 cases in 2018 and 290 new cases in 2017.

Erie County's lead screening rate for children tested by age 36 months continues to steadily climb. The rate has increased from 69.52% in 2016 to 73.61% in 2019. Erie County's screening rate is routinely one of the highest in the state, yet the County strives for continuous improvement. Erie County continues to see cases decrease, even as screening has increased.

Developments in 2019

In 2019, the Lead Safe Task Force issued its first annual accountability report. Significant progress was made in policy change to improve data sharing, increase the use of lead safe work practices, strengthen the County sanitary code, bolster lead screening rates, educate landlords, and engage the community.

One of the key factors impacting local lead poisoning prevention was the change in the New York State action level for lead poisoning. On October 1, 2019, the New York State Department of Health (NYSDOH) lowered the action level for public health response to an Elevated Blood Lead Level (EBLL) from 10ug/dL to 5 ug/dL. This change by NYSDOH has been sought by advocates for lead poisoning prevention since the Centers for Disease Control (CDC) lowered its recommendations for intervention to 5 ug/dL in 2012.

While the Lead Safe Task Force and other advocates statewide applauded the state's move, implementation of the new policy required significant adjustments for the Erie County Department of Health (ECDOH). As a result of lowering the action level, an additional 197 children with EBLLs between 5 & 10 ug/dL were opened to case management by the ECDOH between 10/1/19-12/31/19. These additional EBLLs are expected to quadruple the case load for the ECDOH.

In addition to medical case management, the new state requirements called for mandatory environmental investigations of all homes of children with EBLLs. The Poloncarz Administration continued its exemplary support for lead poisoning prevention by increasing ECDOH staffing in the 2020 budget to meet the challenges of these new NYSDOH requirements while also continuing support for its existing primary prevention initiative.

The City of Buffalo and Buffalo Water unveiled Replace Old Lead Lines (ROLL), an initiative supported with \$1M from NYS to replace lead service lines in over 400 homes.

Developments in 2020

Building on the promising gains of 2019, the Lead Safe Task Force has been well positioned to increase systemic change to reduce childhood lead poisoning. However, the pandemic produced economic and social hardships for vulnerable families with many experiencing food insecurity. The resulting lockdown and social distancing dramatically affected living conditions for thousands of people, and consequently affected our efforts to prevent lead poisoning as well. The pandemic:

- Kept families in their homes for unusually extended periods of time, potentially increasing children's exposure to lead hazards
- Prevented Community Health Workers from making personal visits to their clients to inform them of lead risks
- Kept families from attending regular visits to physicians, lowering lead screening rates for young children
- Blocked the City and County from conducting interior inspections of properties at risk of poisoning children
- Diverted ECDOH staff resources to COVID-19, out of necessity
- Prevented property-owners from remediating lead hazards with a ban on construction
- Precluded the City and County from pursuing lead violations in housing court as it was closed (and continues to experience a 5-6 month backlog)
- Cancelled classes for lead safe work practices due to inability to meet the requirements of social distancing

As COVID-19 rates fluctuate, conditions in the areas above have become unpredictable. While these obstacles might seem insurmountable, the members of the Lead Safe Task Force have doubled down on meeting their goals for 2020. Having seen the negative impact of COVID-19 on vulnerable families, the Task Force felt it was more important than ever to ensure children live and thrive in healthy homes.

Despite the challenges, significant progress has been made in addressing the root causes of lead poisoning by engaging the community, reaching out to property owners, changing state and local policy, and attracting resources for lead remediation. This report serves as the Task Force's second year benchmark in a sustained strategic effort of stakeholders community-wide to eliminate lead poisoning.

Coordinated Policy and Enforcement

- The City of Buffalo conducted a first-ever pilot program for proactive interior inspections of single and double rental units. Inspections were conducted in units with outstanding code violations and non-compliance with the rental registry in neighborhoods at high risk of lead poisoning. Intended to inform policy development, the pilot conducted 268 inspections and cited properties for 299 violations. These inspections included education visits from the City's new lead educator and the delivery of cleaning supplies and information. The City also continued to conduct complaint-based inspections from referrals by the ECDOH, Buffalo Prenatal Perinatal Network and Jericho Road.

- To ensure that all rental properties are lead safe, Mayor Brown led an effort to develop a new policy to require proactive interior inspections of rental properties, most of which have never been subject to this requirement. The Common Council supported the legislation unanimously. The new ordinance requires all single and double non-owner occupied rental units in the City of Buffalo to obtain a Certificate of Rental Compliance (CRC) as a condition of rental. Property owners must register annually. Every three years, they must submit an application for a CRC and permit access to a City inspector to inspect the premises. The legislation also assists with RRP enforcement by empowering inspectors to issue stop-work orders in the event that owners or contractors are performing work without lead safe work practices.
- The New York State Office of the Attorney General (OAG) took action against a landlord for renting dozens of homes to Buffalo families while knowing they were contaminated with lead. The landlord and his partners own multiple one and two family homes and an apartment building in the city. They are accused of violating County, City, State and Federal laws, ignoring mandated disclosure and remediation requirements and refusing to keep the properties in lead-safe condition. The action was the result of coordination between the Erie County Department of Health (ECDOH) and the City of Buffalo.
- To contribute to Mayor Byron W. Brown's efforts to reducing lead exposure, Buffalo's Water Board revised its regulations to protect residents from lead level spikes in drinking water caused by the partial replacement or repair of privately-owned lead service lines and certain galvanized service lines. The revisions help to ensure that private water service line repairs and replacements do not disturb lead that could be released into water.
- The ECDOH began issuing "Stop Work Orders" to guard against improper treatment of lead hazards and lack of Lead Safe Work Practices. In 2019, 53 such orders were issued and 32 orders were issued in 2020 despite the pandemic.

Increased Funding and Resources

- As new rental inspections are instituted, the Lead Safe Task Force is finalizing the development of a landlord loan fund to provide "Mom and Pop" landlords in the City of Buffalo with resources to make their properties lead safe. The fund will incentivize remediation with grants that represent 25% of the dollar amount of the loans made. We currently have commitments of \$2M in lending supported by banks and \$400K for grants pledged by the City.
- Applications are now available for a companion loan fund for owner occupied properties supported by Erie County. Home Headquarters is already making loans for owner-occupied properties with \$400K committed by Erie County.
- The US Department of Housing and Urban Development (HUD) has awarded the City of Buffalo \$2.3M for lead hazard control, enabling the City to make 110 rental units

lead safe and develop contractor capacity to remediate lead hazards. Combined with HUD's \$5.6M grant to Erie County in 2019, these funds greatly increase the community's capacity to support lead remediation. For the first time in many years, HUD is funding both the City and the County for lead hazard remediation.

- Five additional environmental staff and one public health nurse were hired by ECDOH to conduct environmental investigations and case manage children with lead poisoning. Those staff were understandably periodically deployed to support COVID-19 activities and remain in the 2021 budget for the lead program.
- The City's ROLL program continued to replace lead service lines with state support.

Expanded Lead Education and Outreach

- The Lead Safe Task Force has placed a high priority on informing landlords about lead laws and encouraging them to remediate lead hazards safely. A new campaign called Get Ahead of Lead has been launched to reach landlords through various media, including bus advertising, point of sale displays and social media. The campaign encourages landlords to go to [GetAheadofLead.org](https://www.getaheadoflead.org) to get information on lead hazards, lead laws, and financial resources. It will also connect landlords to free lead safe work practices, training and supplies to be offered in 2021.
- The Task Force moved to support families' needs during the COVID-19 lockdown with a Healthy@Home campaign that has provided 2,658 kits with cleaning supplies and family-friendly information on how to protect children from home health hazards with a focus on lead. Over 500 of those kits were accompanied by a visit from Community Health Workers from Buffalo Prenatal Perinatal Network (BPPN).
- The City of Buffalo and BPPN piloted a new model for ensuring that substandard properties are inspected. When BPPN identifies clients living in poor conditions, they call 311 to request an inspection and they attend the inspection to provide support for the client. This new model resulted in necessary lead remediation and repairs.
- An effort to engage tenants in lead poisoning prevention is moving forward with the support of the Mother Cabrini Health Foundation, the John R Oishei Foundation, and the City of Buffalo. The project includes a human-centered design component that engages tenants and landlords in developing the rental inspection process in a way that responds to their needs.
- In response to families living in marginally habitable conditions, Buffalo Prenatal Perinatal Network and Heart of the City Neighborhoods are working together to place women who are pregnant and/or parenting young children in healthy affordable apartments. So far, the lives of five families have been transformed with their move to quality homes in which they will raise their children.

Call to Action

The Buffalo and Erie County Lead Safe Task Force has assembled a powerful collaboration of leaders from government, nonprofits, philanthropy, community, medicine, and faith traditions. Collectively, the Task Force built a firm foundation for meaningful change by listening to the community and engaging systems that set standards for health and housing. In doing so, the task Force has learned that lead poisoning is inextricably linked to healthy, affordable housing.

COVID-19 elevated the critical importance of healthy homes as more people stayed in their homes longer than ever. Buffalo had a housing crisis before the pandemic—with 80% of lead poisoned children permanently harmed in the lowest income neighborhoods with the worst rental housing. Lead hazards are only the beginning; families can face, among other hazards, infestations of mice, rats, and roaches, a lack of heat and/or hot water, and fire hazards with no secondary means of egress. These families are heavily rent-burdened and generally cannot afford to move, even if the conditions are dangerous. As long as families live in these conditions, there will be lead poisoned children.

The pandemic has only multiplied our community's housing challenges. As it stretches into 2021, unemployment and loss of income continue to force many families to make difficult financial choices and thousands of households are behind on their rent. State and federal eviction moratoria are intended to keep families in their homes, but soon will begin to expire, potentially causing a wave of evictions and homelessness. In this moment, healthy affordable housing is more important than ever.

This crisis is actually generating new opportunities to improve housing conditions. To address immediate needs, the County, City, 211 and nonprofits are creating a central hub to assist families with housing challenges—legal, financial and otherwise. For long lasting sustainable change, the LiveWell Erie County Housing Task Force is developing a plan to address housing challenges as a system including:

- Preventing evictions and homelessness
- Ensuring access to quality housing
- Supporting implementation of the rental inspection policy
- Increasing the supply of quality, affordable housing

The WNY COVID-19 Response Fund recently awarded the task force \$30,000 for developing a plan to meet these goals. Solving these issues has finally gained real momentum and the Lead Safe Task Force must ensure that healthy housing is a centerpiece of systems change. With the goal of eliminating lead poisoning, the Task Force is committed to:

- Deploying multiple strategies to educate property owners and increase access to grants and loans to make homes lead safe
- Preparing landlords and tenants for the implementation of proactive rental inspections
- Supporting efforts to enforce local, state, and federal laws that protect families from lead hazards

- Ensuring that housing policy changes proposed by LiveWell Erie are informed by the experiences of people closest to the conditions we seek to change
- Increasing education and outreach programs focused on the needs of tenants and families enabling families to keep their children lead safe no matter where they live.

Regardless of race, ethnicity, or socio-economic status, all children should have the opportunity to live in homes that are healthy, safe, affordable and energy efficient. Achieving this goal requires the dedicated and sustained efforts of the entire community over time. With the Task Force's work and housing policy change underway, the building blocks for success are in place. Let us build on this foundation and strengthen our collective resolve to eliminate lead poisoning altogether.

Appendix

Renewing our Pledge:

A Path to Ending Lead Poisoning of Buffalo's Most Vulnerable Citizens

Recommendations

Based on a 2018 analysis of data and review of best practices across the country, recommended actions designed to radically reduce childhood lead poisoning follow below. Checkmarks indicate the recommendation has been completed or underway.

- ✓ Require owners of all rental housing to pass an interior inspection for deteriorated (e.g. peeling and flaking) paint every three years after an initial six year phase-in period for singles and doubles. The City will issue certificates of compliance which must be posted in rental units.
- Require Certificates of Occupancy for all residential housing at the point of sale.
- ✓ Amend the Erie County Administrative Code Article 11 to permit the Department of Social Services to add a chipping and peeling paint assessment on pre-tenancy inspection form. Require an Erie County Department of Health inspection of rental properties for rental assistance clients with children two years of age and younger prior to the approval of a security agreement.
- ✓ Encourage non-profit agencies that place clients in privately-owned housing to secure proof of lead clearance inspection for all properties in which their clients are placed.
- ✓ Seek access for residential interiors wherever the City or County inspects and identifies deteriorated paint on residential exteriors or identifies a child with an EBLL. Access may be granted by tenants or property owners, or mandated by Housing Court if necessary.
- ✓ Increase the financial resources for lead remediation through an expanded menu of public and private grants, low-interest loans, and financing to ensure property owners have access to capital to make all properties lead safe.
- Seek approval for Medicaid funded lead remediation in the properties of EBLL children under age 6 who are enrolled in Medicaid/CHIP.
- ✓ Require ground cover for soil to ensure that children are protected from lead exposure from vacant lots, demolition sites, etc.
- ✓ Increase lead safe work practice compliance and ensure that the City and County have resources and appropriate legal authority to enforce compliance.
- Urge New York State to take a number of actions that would reduce lead poisoning locally and state-wide by:
 - ✓ Aligning the state current 'action levels' for EBLL case management of 10µg/dL and 15µg/dL for environmental investigation with the CDC standard of 5 µg/dL and provide the appropriate resources to the County to do so.
 - Granting school nurses across the state access to children's blood lead test results.

- Improving state enforcement of lead safe work practices by petitioning the EPA for delegated authority to assume responsibility for administration & enforcement of EPA's Renovation, Repair and Painting Program (RRP).
- Addressing lead hazards through programs that support window replacement to improve energy efficiency and/or historic preservation through the Governor's call for "Health Across all Policies."
- ✓ Adopting proposed language included in the Governor's Budget proposal addressing lead inspections by municipal code enforcement in designated areas of high risk for lead poisoning and presumption of lead in pre-1978 housing.
- ✓ Increase lead poisoning prevention education efforts from the City, County, medical community, Buffalo Public Schools, and non-profit organizations to reach vulnerable populations with emphasis on in-person outreach in high risk, under-resourced neighborhoods.
- ✓ Take steps to ensure that all children receive lead screenings at ages one and two, as required in NYS Public Health law.
- ✓ Establish legal authority for the City and County to share data on specific lead poisoning cases.