Proposed Agenda

- What is the impact on Builders (& Landlords) of the City of Philadelphia Lead Certification Law?
- How to Keep Landlords/Real Estate Investors Protected
- Ensuring our tenants (and children) are safe
- What are the main issues from the new lead law that BIA may wish to address?
- > Q&A

OLD LAW(2012) vs NEW LAW(2020)

Required landlords to lead certify if occupied by children under 6

Certificate was valid for 2 years and was required to be signed by tenant

Filed with Public Health department via email/fax. Limited tracking for outstanding certificates

Few, if any, landlords were cited for not having a certificate

Implemented for entire city at once

ALL Rental Properties (regardless of children)

Certificate is valid for 4 years and does not need to be signed by tenant

Lead certification required to obtain rental license

Significant fines & penalties for non-compliance

Phased implementation by ZIP code (starting 10/1/20)

What Properties are Exempt?



NEW Buildings built after 1978



Exemption Form is required to be filed with Public Health Department



Renovated buildings are required to have lead certificates filed

What Happens If A Landlord Isn't In Compliance

If you do not file a "lead safe" certificate by the date required, the following actions may be taken against property owners:

- ◆ Failure to comply shall be subject to a fine of \$2000.00 for each residential unit.
- Any tenant may enforce the provisions of the law and shall be entitled to actual damages not less than triple the monthly rent for each violation, plus attorneys' fees and costs.
- Where a landlord does not comply, the tenant shall be entitled to bring an action in a court
 - Tenant shall be entitled to abatement and refund of rent for any period in which the lessee occupies the property
- Landlords' Rental License will be revoked (or can't be renewed)
- ◆ Tenants who are aware of this new law (and know their property hasn't been tested) can stop paying rent without any ramifications

LEAD SAFE vs LEAD FREE

LEAD SAFE

Utilizes Lead Wipe (like a handwipe)

Pros

- Requires just 2 tests (windowsill and floor) in each bedroom and common area (living room, dining room, etc.)
- 98% of tests pass
- Common areas are not required to be tested
- Cost efficient

Cons

Certificate valid for 4 years

Best used for properties that have been fully renovated (but may have some traces of residual paint) or older properties.

LEAD FREE

 Utilizes XFR device (like a radar gun) and is very sensitive

Pros

• Certificate lasts for life of property (no renewal every 4 years)

Cons

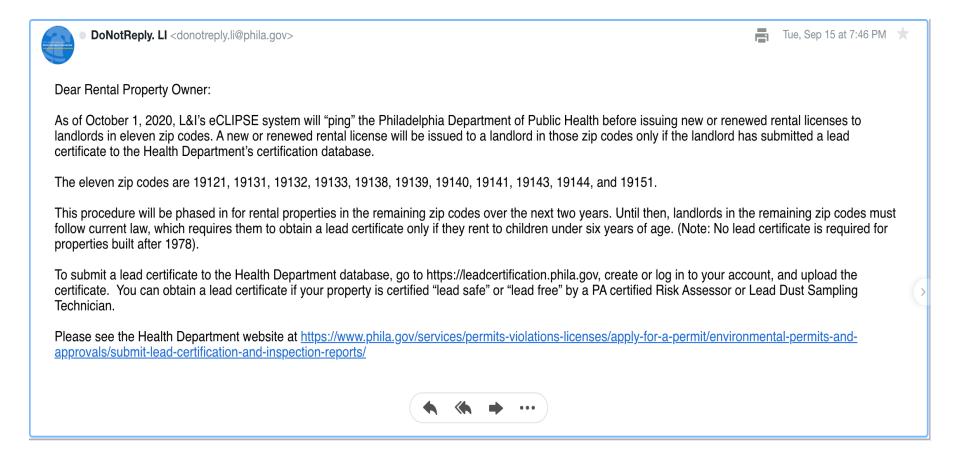
- Certification process is a much more rigorous and tests every part of the property
- Common areas are required to be tested
- High "failure" rate due to sensitivity of device
- Higher cost

Best used for large buildings with significant common areas that have been completely renovated.

How are property owners being notified of the New Lead Law?



Licenses & Inspections (L&I) Notice to Landlords



- Sent via email (on September 15, 2020) from Eclipse database to property owners with rental licenses
- Database shared with the Public Health Department to "match" for missing certificates

Public Health Department Email to Landlords



- Sent via email (on September 21, 2020) from public health database to property owners with rental licenses
- Database shared with the Public Health Department to "match" for missing certificates

Phase I

Lead Safe Certification

Starting October 1, 2020*

*Submitted no later than *March* 31, 2021

19121-Brewerytown

19131-West Philadelphia

19132-Allegheny West

19133-Kensington

19138-West Oak Lane

19140-North Philadelphia

19141-Olney

19143-West/Southwest

19144-Germantown

19151-Overbrook Park

Phase II

Lead Safe Certification

Starting APRIL 1, 2021*

*Submitted no later than September 30, 2021 19102-Center City

19104-University City

19119-West Mount Airy | Mount Airy

19120-Olney

19122-Poplar | New Kensington

19126-East Oak Lane

19127-Upper Manyunk (

19134-Port Richmond, Kensington

19137-Bridesburg

19142-Southwest, Elmwood

19107- Washington Square | Center City

Lead Safe

19118-Chestnut Hill

Certification

19125-Kensington

Starting OCTOBER 1, 2021*

19128-Roxborough | Manyunk

19129-Fast Falls

19135-Tacony 19145-Girard Estates

*Submitted no later than March 31, 2022

19146-Point Breeze

19148-Pennsport

19153-Eastwick

Phase IV

Lead Safe Certification

APRIL 1, 2022*

*Submitted no later than September 30, 2022 19106-Olde City

19111-Fox Chase

19114-Pennypack

19115-Bustleton

19123-Kensington

19147-Bella Vista

19136-Pennypack Park

19149-Oxford Circle

19150-Cedarbrook | Mount Airy

19152-Rhawnhurst

Ensuring that tenants (and children) are safe

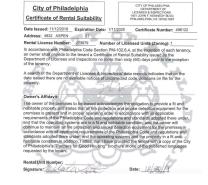
- Any chipping, peeling or degraded paint at a rental property is remediated
- Tenants are made aware of the new lead law:
 - Each tenant is to sign the "Partners for Good Housing Booklet"
 - Each tenant is to receive the "EPA booklet"
 - Each tenant signs a "Rent Suitability Certificate"
- Lead testing is done in accordance with the City of Philadelphia guidelines
- Properties are routinely inspected

PARTNERS FOR GOOD HOUSING



Department of Licenses and Inspections





What are the main issues from the new lead law that BIA may wish to address?

Consider engaging City Council to address the following potential issues on landlords/property managers:

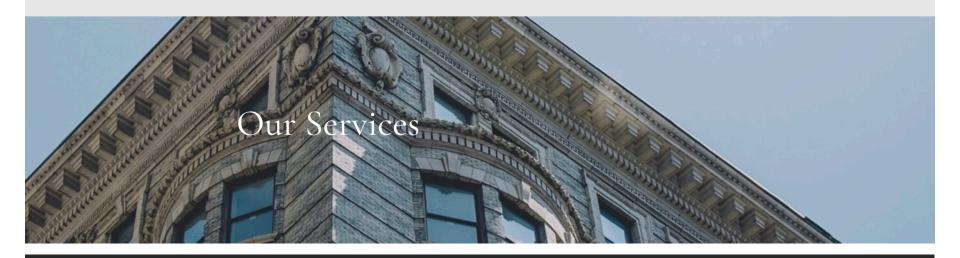
- Communication to property
 managers/landlords has been limited
 to a few emails and limited public
 outreach via BIA, BOMA, HAPCO, etc.
- Lead testing costs may be passed on to tenants via increased rents/fees
- Administration of input into the Public Health on-line system is cumbersome
- Resources on the Public Health
 website are outdated and incorrect
 leading to confusion (exemptions,
 filing, lead inspectors)

Frequently Asked Questions

Helpful Information

COVID-19 Resources Contact Us

Call (610) 357-7964 for Lead Testing Services in Philadelphia



Adam K LeadTestingServicesPhila@gmail.com

Frequently Asked Questions

Is this new law for only properties that have children under 6?

 No, ALL properties are required to have a "lead safe" certificate filed with the public health department

When do I need to get my property certified as Lead Safe?

- When these conditions exist:
 - The property was built before 1978 (>90% were built before 1978)
 - Due by October 1, 2020

Do I need to obtain a lead-safe certificate for my property before I get or renew my rental license?

• Yes, you must certify on the annual rental license application that you have complied with the law's requirement that your tenant has signed a lead safe certificate.

How long does the lead safe certificate last?

• The certificate now lasts 48 months (previously it was 24 months)

Do tenants know about this law?

 Yes. The law is being communicated through a comprehensive advertising campaign throughout the City.

If a landlord is trying to evict a tenant and does not have a certificate, can they still evict the tenant?

• No. The judge will not hear your case unless you have a "lead safe" certificate. If this does happen, call us and we can work with your attorney to try get your property certified.

Frequently Asked Questions

Does a landlord need to file a certificate if there is an existing tenant in the property (not a new tenant)?

 YES, ALL properties are required to have a certificate filed with the public health department

Does the certificate need to be renewed when a tenant moves out (and a new tenant moves in)?

• Yes, ALL renewals require a lead safe certificate filed to the public health department

If I have an eviction, what happens if I don't have a certificate for the property?

You will not be able to file for an eviction without the certificate

Do I have to file my certificates via the new public health database?

 No, you can file them via snail mail, fax or electronically. There is no requirement (yet) to use the new public health department filing system

Does the "lead safe" certificate under the new law last 24 months or 48 months?

The amended law now provides for a 48-month certificate

Appendix

What Do Property Managers Need To Do Now?

Contact

Contact your landlord clients immediately. This new law goes into effect on October 1, 2020 (by ZIP code)

Identify

Identify ANY properties you have leased and have the property tested immediately

Ensure

Ensure that ALL New Lease Renewals (new tenants/renewal of existing tenant) are certified

What Do Landlords Need To Do Now?

Contact	Contact a Certified Lead Specialist (Like Lead Testing Services)	
Identify	Identify ANY properties you have leased and have the property tested immediately and submit results to Public Health Department	
Ensure	Ensure that ALL New Lease Renewals (new tenants/renewal of existing tenant) are certified and filed with the Public Health Department	

Why Should Real Estate Professionals Care?

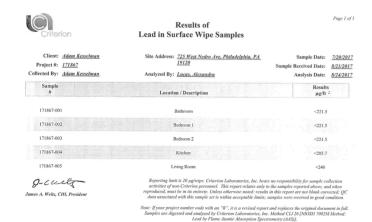
- Contacting your landlord clients gives you a "value added" service to them and potentially more opportunities to buy/sell them something
- If you manage this process on behalf of your landlord clients, you can upcharge for this service

What Is Included in The Certification?

Wipe Inventory

C Site Add	lient: Adam Kerselm Project #: 002 tress: 725 W. Nedo (phia fa Tap	Sample Date: 7/20/17		Technician: AR	
Sample #	Sample Location	Surface Area Wiped (in²)	Results (µg/wipe)	Results (µg/ft²)	Reporting Lim (µg/ft ²)
/	Batroon	3	221.5	4221.5	221.5
2	Badrasa	3	2215	4221.5	221.5
.3	Beloon 2	3	4221.5	4221.5	2215
4	(C. the	9	2205.7	4205.7	205.7
5	Ling Rom	2	1240	2240	240
			100		

Laboratory Results



Lead Safe Certificate

Philadelphia Department of Public Health Certification of Lead SAFE Status By signing this certificate I confirm that I have done a visual inspection and taken dust wipe samples of the dwelling listed below, and state that it does not have visible deteriorated paint and that interior dust wipe samples were collected in compliance with EPA regulations, were tested, and were found to not contain lead contaminated dust in excess of EPA dust lead standards. This certificate is valid for 24 months from date of validation. Certifying Company or Individual (print) Inspector / Risk Assessor / Name (SIGNATURE) Date of Verification ACKNOWLEGEMENT BY TENANT/LESSEE hereby acknowledge receipt of this Lead Safe Tenant/Lessee's Signature Certification of this dwelling unit on Date of Signing Pursuant to Philadelphia Code Title 6, Chapter 6-800, SS 6-803(3)(c) the Landlord/Agent of the above property must give a copy of this certificate to the Tenant / Lessee and send a copy of the tenant-signed certificate, along with a copy of the dust wipe sample test results for this dwelling to the Department of Public Health, LEAD SAFE CERTIFICATION, C/O Department of Public Health, 2100 W Girard Ave., PNH Bldg #3, Philadelphia PA 19130; or fax to 215-685-2978; or scan and email to lead.cert@phila.gov. If you have any questions call

Steps to Compliance with the Lead Law

1. Lead Testing Services tests your property for lead

2. Test is sent to our certified laboratory for testing

3. Lead tests are completed and report is Issued

4. Lead Testing Services issues certificate to the landlord/property owner

6. Landlord/Property Manager submits certificate & test Results to Department of Public Health