

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



DoNotReply. LI <donotreply.li@phila.gov>

Tue, Sep 15 at 7:46 PM

Dear Rental Property Owner:

As of October 1, 2020, L&I's eCLIPSE system will "ping" the Philadelphia Department of Public Health before issuing new or renewed rental licenses to landlords in eleven zip codes. A new or renewed rental license will be issued to a landlord in those zip codes only if the landlord has submitted a lead certificate to the Health Department's certification database.

The eleven zip codes are 19121, 19131, 19132, 19133, 19138, 19139, 19140, 19141, 19143, 19144, and 19151.

This procedure will be phased in for rental properties in the remaining zip codes over the next two years. Until then, landlords in the remaining zip codes must follow current law, which requires them to obtain a lead certificate only if they rent to children under six years of age. (Note: No lead certificate is required for properties built after 1978).

To submit a lead certificate to the Health Department database, go to <https://leadcertification.phila.gov>, create or log in to your account, and upload the certificate. You can obtain a lead certificate if your property is certified "lead safe" or "lead free" by a PA certified Risk Assessor or Lead Dust Sampling Technician.

Please see the Health Department website at <https://www.phila.gov/services/permits-violations-licenses/apply-for-a-permit/environmental-permits-and-approvals/submit-lead-certification-and-inspection-reports/>



- 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

• LHHP - Future Submission Required 2

Yahoo/Inbox ★



• **Lead and Healthy Homes Program** <no-reply@phila.gov>

To: adamkesselman@yahoo.com



Mon, Sep 21 at 9:25 AM



Hello,

You are receiving this message as your property at 1412 N HOBART ST - 19131 may be required to submit lead safe or lead free data to the Lead and Healthy Homes Program in the near future. While this does not impact your license renewal at the moment, starting on 10/01/2020 this may be a requirement for your renewal. Please visit [the Lead and Healthy Homes Program](#) to learn more.



- 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

Phase III

Lead Safe Certification

Starting OCTOBER
1, 2021*

*Submitted no
later than March
31, 2022

19107- Washington Square | Center City

19118-Chestnut Hill

19125-Kensington

19128-Roxborough | Manyunk

19129-East Falls

19135-Tacony

19145-Girard Estates

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

19136-Pennypack Park

19147-Bella Vista

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



City of Philadelphia
Department of Licenses and Inspections
Produced by the Commissioner's Office



City of Philadelphia Department of Licenses & Inspections 1401 JOHN F. KENNEDY BLVD. PHILADELPHIA, PA 19102-1602	
Date Issued: 11/12/2019	Expiration Date: 1/11/2020
Address: 4832 ASPEN ST	Certificate Number: 496122
Rental License Number: 27379	Number of Licensed Units (Zoning): 1
In accordance with Philadelphia Code Section PM-102.6.4, at the inception of each tenancy, an owner shall provide to the tenant a Certificate of Rental Suitability issued by the Department of Licenses and Inspections no more than sixty (60) days prior to the inception of the tenancy.	
A search of the Department of Licenses & Inspections' data records indicates that on the date issued there are no available notices of uncorrected code violations on file for the property.	
Owner's Affidavit: The owner of the premises to be leased acknowledges the obligation to provide a fit and habitable property and states that all fire protection and smoke detection equipment for the premises is present and in proper operating order in accordance with all applicable requirements of the Philadelphia Code and regulations and standards adopted there under, and that the operating systems are in a fit and habitable condition, and the owner will continue to maintain all fire protection and smoke detection equipment for the premises in accordance with all applicable requirements of the Philadelphia Code and regulations and standards adopted there under, and the operating systems and fire property in a fit and habitable condition, and the owner will provide the tenant with a copy of the City of Philadelphia's "Partners for Good Housing" brochure in one of the published languages requested by the tenant.	
Rental Unit Number:	Date: 12/20/19
Signature: [Signature]	

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)

[Our Services](#)

[About Us](#)

[Lead Law](#)

[New Lead Safe Submission Dates By Zip Code](#)

[Reviews](#)

[Frequently Asked Questions](#)

[Helpful Information](#)

[COVID-19 Resources](#)

[Contact Us](#)

[Complete Testing Request](#)

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



Our Services

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

Surface / Wipe

Criterion Laboratories, Inc.
Lead Wipe Sample Log (Method CLI 26) HUD Appendix 14.2

Client: Adam Kesselman Project #: 002 Sample Date: 7/24/17 Technician: [Signature]
Site Address: 725 W. Nedra Philadelphia PA 19120 TAT: N/A Project Manager: [Signature]

Sample #	Sample Location	Surface Area Wiped (in ²)	Results (ng/wipe)	Results (µg/ft ²)	Reporting Limit (µg/ft ²)
1	Bathroom	3	<221.5	<221.5	221.5
2	Bedroom 1	3	<221.5	<221.5	221.5
3	Bedroom 2	3	<221.5	<221.5	221.5
4	Kitchen	4	<205.7	<205.7	205.7
5	Living Room	2	<240	<240	240

Conversion: 12" X 12" = 144 in² = 1 ft²

Laboratory Results

Criterion

Results of
Lead in Surface Wipe Samples

Client: Adam Kesselman Site Address: 725 West Nedra Ave, Philadelphia, PA 19120 Sample Date: 7/20/2017
Project #: 171867 Sample Received Date: 8/21/2017
Collected By: Adam Kesselman Analyzed By: Lucas, Alexandra Analysis Date: 8/24/2017

Sample #	Location / Description	Results µg/ft ²
171867-001	Bathroom	<221.5
171867-002	Bedroom 1	<221.5
171867-003	Bedroom 2	<221.5
171867-004	Kitchen	<205.7
171867-005	Living Room	<240

Reporting limit is 20 µg/wipe. Criterion Laboratories, Inc. bears no responsibility for sample collection activities of non-Criterion personnel. This report relates only to the samples reported above, and when reproduced, must be in its entirety. Unless otherwise noted, results in this report are not blank corrected. QC data associated with this sample set is within acceptable limits; samples were received in good condition.

Note: If your project number ends with an "R", it is a revised report and replaces the original document in full. Samples are digested and analyzed by Criterion Laboratories, Inc. Method CLI 26 (NIOSH 7083M Method: Lead by Flame Atomic Absorption Spectrometry (AAS)).

James A. Wertz, CHI, President

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.

Street Name: _____ Apt. _____, Phila. PA 191 _____
or Floor _____ Zip _____

Certifying Company or Individual (print) _____ PA Lic. # or EPA LDS Tech Certificate Number _____

Inspector / Risk Assessor / Name (SIGNATURE) _____ Date of Verification _____

ACKNOWLEDGEMENT BY TENANT/LESSEE

"I, _____, 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 215-685-2788.

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