



Philadelphia  
2020

# The New Lead Paint Law

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For Lawyers, Landlords, Developers  
and Real Estate Professionals





# THE GOODHEART FIRM

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Attorneys at Law





Chapter 6-800 *et. seq.* of the The Philadelphia Code:  
The Health Code



# Testing Compliance

- Oversight by the Department of Health
- Applies to all Residential Property built prior to March 1978 (generally, rehabs do not count & needs to be completely built). There is a presumption that a property is built prior to March 1978.
- “Lead Free” or “Lead Safe” certification
- Test is Based on Dust Samplings
- Need to hire an approved/certified lead professional by the Commonwealth of PA
  - <https://www.dli.pa.gov/Individuals/Labor-Management-Relations/bois/Documents/LEDCONTR.HTM>



# Effective Date: October 1, 2020

Phased Rollout over through  
4/1/22 by Zip Code

License Renewal Date:	October 1, 2020 through March 31, 2021	April 1, 2021 through September 30, 2021	October 1, 2021 through March 31, 2022	April 1, 2022 through September 20, 2022
Zip Codes:	19121	19102	19107	19103
	19131	19104	19118	19106
	19132	19119	19125	19111
	19133	19120	19128	19114
	19138	19122	19129	19115
	19139	19124	19130	19116
	19140	19126	19135	19123
	19141	19127	19145	19136
	19143	19134	19146	19147
	19144	19137	19148	19149
	19151	19142	19153	19150
				19152
				19154

**CAUTION**

**LEAD HAZARD**

**KEEP OUT**

**NO SMOKING**

## Lead Safe Certification: Good for 4 Years

Lead Safe: The circumstance in which a property is free of a condition that causes or may cause exposure to lead from lead-contaminated dust, lead-contaminated soil, deteriorated lead-based paint, deteriorated presumed lead-based paint, or other similar threat of lead exposure due to the condition of the property itself.

A valid certification shall state that the certified lead inspector:

- 1) Determined that the property or unit was free of any Deteriorated Paint; and
  - 2) That interior dust samples were collected in compliance with EPA regulations, were tested and were found not to contain Lead-Contaminated Dust as defined in this Chapter
- Inspection no more than 48 Months prior to the date the rental license for the premises is issued. § 6-802 (15)
  - Inspection no more than 48 Months prior to date the lease is entered into



## Lead Free Certification: Good Forever!

- Lead Safe. The circumstance in which a property is free of a condition that causes or may cause exposure to lead from lead-contaminated dust, lead-contaminated soil, deteriorated lead-based paint, deteriorated presumed lead-based paint, or other similar threat of lead exposure due to the condition of the property itself.
- Failing lead free test requires lead safe test
- Lead free means there is no lead in the property.





## Landlords & Tenants

- Cannot sign a new lease without providing tenant a copy of the certification at lease signing and....
- Best practice: lessee acknowledges receipt by signing a copy
- This includes renewals!
- Cannot get rental license





## Tenant Enforcement/Complaints

- Tenant may also enforce compliance and sue for actual damages: Not less than triple rent plus attorneys' fees and costs
- Abatement and refund of rent for any time period a tenant occupies a property without the proper certification being provided
- Any action for eviction or collection of rent MUST attach certification or proof of exception.
- No waiver. Agreement, occupancy, failure to pay rent, etc. cannot waive the owner's obligation.

# Penalties

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Significant fines to landlord for non-compliance: Up to \$2000/day for failure to comply, which can also be assessed against the “representative of an owner”





# Board of License and Inspection Review

**Any license suspension, denial, revocation – or anyone aggrieved by an order/act of L&I or Health Dept. – may be appealed within 30 days**

*Community Chest*

**GET OUT  
OF JAIL, FREE**



**THIS CARD MAY BE KEPT UNTIL NEEDED OR SOLD**



## Absolute Exceptions

- Property built March 1978 to present (rehab do not count. Needs to be completely built since this time and there is a property is built prior)
- Dormitories and properties “developed for or by an educational institution” § 6-802 (12)(a)
- PHA/Housing Choice Program § 6-802 (12)(c)

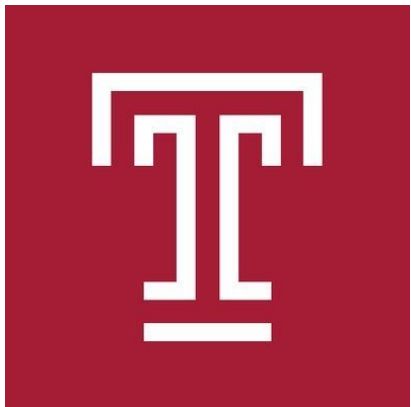




## Exceptions for Certain Housing

**“Buildings containing dwelling units all of which are leased only to students enrolled in a college or university degree program and where non-student family members are not permitted to reside.”**

**§ 6-802 (12)(b)**





## Lead Testing Services, LLC

- Adam Kesselman
- 610-357-7964
- [leadtestingservicesphila@gmail.com](mailto:leadtestingservicesphila@gmail.com)
- Lead Safe: \$125 for a 1BR and approx. \$25 for each additional bedroom (ex. 4BR is \$195)
- BIA members receive a 20% discount
- Lead Free: Approx. 3x the price.