

A Landlord's Guide to the Philadelphia Lead Disclosure and Certification Law

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Philadelphia Department of Public Health
Lead and Healthy Homes Program
2100 West Girard Avenue, Building #3
Philadelphia, PA 19130-1400
FAX #: 215-685-2978
Email: lead.cert@phila.gov

Philadelphia Housing and the Importance of Preventing Lead Poisoning

Each year hundreds of children in Philadelphia get lead poisoning from living in older rental properties that have lead paint.

Many homes in Philadelphia built before 1978 have lead paint on the inside and outside of the building. When old paint cracks and peels, it makes lead dust. Children get lead poisoning from swallowing flakes of paint or paint dust on their hands and toys. Children can also breathe in lead dust.

Even small amounts of lead can cause very serious harm to the brain and other parts of the nervous system. Lead in a child's body can:

- Slow down growth and development
- Damage hearing and speech
- Cause behavior problems
- Make it hard to pay attention and learn

Some of the health problems caused by lead poisoning may never go away. The best thing we can do is to *prevent* a child from becoming lead poisoned in the first place.

The staff at the Philadelphia Department of Public Health, Lead and Healthy Homes Program, is available to answer questions about the law. They can be reached at 215-685-2788.

What Landlords Need to Know

Does the law apply to me?

[The Philadelphia Lead Disclosure & Certification Law](#) (Philadelphia Code Section 6-800) applies to any landlord who rents Philadelphia properties built before 1978 to new tenants who will be living in the property with a child 6 years or under. Student housing and housing owned or subsidized by the Philadelphia Housing Authority or privately owned but currently leased under the Housing Choice Voucher Program is exempted from the law.

What is the purpose of the law?

The purpose of the law is to prevent children from becoming lead poisoned, and to ensure they live in lead-free or lead-safe housing by requiring landlords to certify a property rented to children is lead safe or lead free. Despite years of progress, each year significant numbers of children in Philadelphia suffer the irreparable harm of lead poisoning because of exposure to deteriorated lead paint and lead dust in their homes. More than half of these children are living with their families in rental units.

How is this law different from existing regulations?

[The Philadelphia Property Maintenance Code](#) already requires landlords to correct any peeling paint, cracked or loose plaster, decayed wood, and other defective surface conditions in a rental unit. The Philadelphia Lead Disclosure & Certification Law requires the landlord to go a step further and certify that a property is lead safe *before* children 6 years old and younger move in.

What does the law require?

Upon turnover (change of occupancy), landlords must provide a Philadelphia Department of Public Health (PDPH) [Lead Safe Certificate](#) or [Lead Free Certificate](#) to every new tenant who has children 6 years or under who will be residing in a property built before 1978.

Along with the certificate, the landlord must provide the tenant with other specific information listed on page 6.

The landlord is required to send the PDPH a copy of the lead safe certificate signed by the tenant.

In addition, upon application for a new or annual renewal of a rental license, a landlord must certify that the law's requirements have been met.

Links

[Philadelphia Lead Disclosure & Certification Law](#)

[Sample PDPH Lead Safe Certificate](#)

[Sample PDPH Lead Free Certificate](#)

What does it mean if a property is “certified lead safe” under this law?

A certification that a property is lead safe means that a licensed lead inspector-risk assessor or a certified lead dust sampling technician has: 1) determined the property is free of deteriorated, flaking, chipping, peeling, chalking or not-intact paint, and 2) interior dust samples were collected, tested, and found not to contain hazardous levels of lead-contaminated dust. This certificate is valid for 24 months.

Who can complete a PDPH lead safe certificate?

The law requires that the certificate must be completed by: 1) a PA licensed lead inspector-risk assessor, or 2) an EPA certified lead dust sampling technician. The certificate must be completed and presented to the tenant before the tenant enters into a lease.

What does it mean to be lead free under this law?

A property is considered lead free where the property has been certified by a licensed lead inspector or risk assessor that it does not have any lead-based paint based on EPA/HUD standards. This certificate is valid indefinitely. It must be provided to the tenant before the tenant enters into a lease.

Who can complete a PDPH lead free certificate?

The law requires the certificate must be completed by a PA licensed lead inspector-risk assessor.

When does the law start?

The law takes effect on December 21, 2012.

What should I do to comply with the law?

1. To certify that the property is lead safe, you can: a) contact a PA licensed lead inspector-risk assessor or an EPA certified lead dust sampling technician and request a **visual inspection** and a **dust wipe clearance** of your property, or 2) become a PA licensed lead inspector-risk assessor or an EPA certified lead dust sampling technician and perform a **visual inspection** and a **dust wipe clearance** of your property.

The EPA's [Renovation, Repair and Painting Program](#) provides information about certified lead professionals and approved training classes.

2. If your property is found to be lead *safe*, complete (if you are certified) or ask your inspector-risk assessor or sampling technician to complete a [PDPH Lead Safe Certificate](#) that is good for 24 months.

If your property does not pass either a visual inspection or dust wipe clearance, you must repair the property so it passes clearance before the tenant can move into the unit. For more information see page 9.

3. If your property is already certified as lead-based paint *free* by a certified risk assessor or inspector, complete or ask for the [PDPH Lead Free Certificate](#) and attach the relevant documentation.
4. You are required to provide the following to your new tenant:
 - a. A completed [PDPH Lead Safe Certificate](#) or [PDPH Lead Free Certificate](#) with attached documentation, which the tenant must sign.

- b. A written advisory instructing the tenant to perform a visual inspection of all painted surfaces periodically during the term of the lease, and to inform the lessor of any cracked, flaking, chipping, peeling, or otherwise deteriorated paint surfaces. Landlords are required to make repairs to eliminate these conditions in a timely fashion.

Download the PDPH's suggested [Philadelphia Lead Law Tenant Advisory](#), or see the appendix.

- c. The Environmental Protection Agency (EPA's) lead hazard information pamphlet [Protect Your Family from Lead in Your Home](#).
- d. [A City of Philadelphia Partners for Good Housing](#) brochure issued by the Philadelphia Department of Licenses and Inspections.
- e. Owners are reminded of their responsibility to obtain a [Certificate of Rental Suitability](#), issued by the Philadelphia Department of Licenses and Inspections, no more than sixty (60) days prior to residence. This certificate states that properties have obtained all required rental licenses and do not have critical code violations. Owners are also reminded to obtain a rental license and Commercial Activity License.

Links

[Renovation, Repair and Painting Program \(EPA\)](#)

[Sample PDPH Lead Safe Certificate](#)

[Sample PDPH Lead Free Certificate](#)

[Philadelphia Lead Law Tenant Advisory](#)

[Protect Your Family from Lead in Your Home](#)

[City of Philadelphia Partners for Good Housing](#)

[Certificate of Rental Suitability](#)

What do I need to do to show I've complied with the law?

Ask your tenant to sign the Lead Safe or Lead Free Certificate, and then mail, fax, or scan and email a copy of the signed certificate, and for the lead safe properties also include a copy of the dust wipe test results, to:

Lead and Healthy Homes Program
Philadelphia Department of Public Health
2100 West Girard Avenue, Building #3
Philadelphia, PA 19130-1400
FAX #: 215-685-2978
Email: lead.cert@phila.gov

Those mailing certificates who wish to receive a receipt should include a stamped, self-addressed envelope.

How does the law affect my rental license?

When you apply for a new or annual renewal of a rental license, you must identify each housing unit in a building built before 1978, which has been leased to a new tenant within the previous 12 months, and certify that the law's requirements have been met.

What will happen during the inspection of my property to become lead safe?

A. Visual Inspection

First, the licensed lead inspector-risk assessor or certified dust sampling technician will visually inspect the property to make certain there is no evidence of deteriorated paint, paint dust or paint chips. Examples of deteriorated paint include: cracking, scaling, peeling, or chipping paint or any visible dust, debris or paint chips.

All areas where children spend their time should be visually inspected. At a minimum, all surfaces, including windowsills, baseboards, doorframes, trim and walls must be free of deteriorated paint and paint dust in:

- each bedroom in the property; and
- the common room (for example: a living room, family room, or kitchen where any child aged 6 and under who resides in the property would likely spend the majority of his or her waking hours).

B. Dust Wipe Clearance

After visually inspecting the property, the licensed lead inspector-risk assessor or certified dust-sampling technician will take dust wipe samples.

The following wipe samples for settled dust should be collected for a Lead Safe Certification:

- One windowsill sample and one floor sample from each bedroom in the property; and
- One windowsill sample and one floor sample from the common room (for example: a living room, family room, or kitchen where any child aged 6 and under who resides in the property would likely spend the majority of his or her waking hours.)

All samples, along with one blank (control) sample, should be sent by the person who does the inspection to a certified laboratory recognized by the National Lead Laboratory Accreditation Program (NLLAP) as being proficient in lead dust analysis. [Find an EPA-accredited lab.](#)

Labs usually take two or three days to report results after they have been received. After getting the results the lead inspector or sampling technician should compare them to the federal EPA standards to determine if the property has a hazardous level of lead dust.

Why do I need a dust wipe clearance?

While it is important to look for deteriorated paint, the greatest invisible danger to children is *lead-contaminated dust* caused by peeling or chipping paint for lead paint.

Children can swallow lead dust as they eat, play, and perform other ordinary hand-to-mouth activities. It is not possible to tell if dust is dangerous to a child without a laboratory analysis.

What happens if my property does not pass a visual inspection or dust wipe clearance?

If your property does not pass either a visual inspection or dust wipe clearance, you must repair the property so it passes clearance before the tenant can move into the unit.

What do I need to know about repairing the property?

If your property does not pass either a visual clearance or dust wipe clearance, you must repair the property so it passes clearance before the tenant can move into the unit.

The federal EPA's [Renovation, Repair and Painting \(RRP\) law](#) requires that all property management firms and landlords engaged in renovation, repair, and/or painting work in homes and residential buildings, built prior to 1978 must be certified, use trained workers, and follow specific [lead-safe work practices](#) to prevent lead contamination.

When lead-based paint is disturbed during renovation, repair or painting activities, dangerous amounts of lead dust can be created. Jobs such as demolition, window replacement, opening up walls, etc., can also release accumulated lead dust into the home. Even after a typical renovation cleanup, dangerous levels of lead dust can remain.

If the landlord does his own work on the rental property and or uses his/her own employees to do so, the landlord must also become an EPA Certified RRP firm and only use trained and certified workers to do the work. If the landlord hires a contractor to do the work, the landlord does not need to be certified, but the contractor doing the work does.

If you hire external parties to do this work, you should ensure they are certified and use lead-safe work practices. When performing work on an occupied property, contractors performing the work must distribute a pamphlet entitled [The Lead-Safe Certified Guide to Renovate Right](#) and obtain a signed receipt from the occupants before starting work.

Once the property passes a visual clearance and dust wipe clearance the lead risk assessor or dust wipe sampling technician should complete, sign

and date the lead safe or lead free certificate. The certificate is valid for 24 months.

Links

[Renovation, Repair and Painting \(RRP\) law](#)

[Steps to Lead-Safe Renovation, Repair and Painting](#)

[The Lead-Safe Certified Guide to Renovate Right](#)

What should I do if a tenant reports deteriorated paint?

The landlord must promptly inspect and correct any defective conditions including removal and repair of deteriorated paint. All work must be done in accordance with the EPA Renovation, Repair and Painting (RRP) law.

What are the penalties if I do not comply with this law?

A landlord who does not comply with the law can be subject to a fine or penalty of up to two thousand dollars per offense with each day constituting a separate offense. In addition, the landlord may be subject to a private law suit for money damages and attorney's fees.

What are the tenant's responsibilities under this law?

A tenant must provide reasonable access to permit the landlord to make any necessary repairs. The tenant is advised to report peeling and chipping paint to the landlord for repair and keep children away from lead paint and dust.

Is it illegal to refuse to rent to families with children?

YES, it is familial status discrimination. A landlord cannot refuse to rent housing, make housing unavailable, or falsely deny housing is available for rent when potential tenants have children. They also cannot set restrictions on which children can share a bedroom. Philadelphia's new Lead Disclosure and Certification Law does not change these requirements.

Many housing providers believe it is perfectly legal to say, "We won't accept children" – but it's not. Federal, Pennsylvania and Philadelphia law all prohibit refusing to rent to families with children under 18 except for

designated senior housing. Violators of these laws can be subject to significant fines and penalties.

For more information, contact the [Philadelphia Commission on Human Relations](#) at 215-686-4670.

How can I get more information?

Staff at the Department of Public Health, Lead and Healthy Homes Program is available to answer questions about the Philadelphia Lead Disclosure and Certification law and other issues relating to lead poisoning. They can be reached at 215-685-2788.

Helpful online resources include:

[Philadelphia Childhood Lead Poisoning Prevention Program](#)

[Environmental Protection Agency \(EPA\)](#)

[EPA site for approved dust wipe inspectors or classes](#)

[EPA site for Renovation, Repair and Painting](#)

[Centers for Disease Control and Prevention](#)

[U.S. Department of Housing and Urban Development](#)

[Philadelphia Commission on Human Relations](#)

[Agency for Toxic Substances and Disease Registry](#)

National Lead Information Center Hotline: 1-800-424-LEAD (5323)



Instructions for Lead Safe Certificate

After your property is found to be lead safe, you are required to provide your tenant with a completed **Lead Safe Certificate** (sample attached) and supporting documentation.

Ask your tenant to sign the Lead Safe Certificate, and then mail a copy of the signed certificate and a copy of the dust wipe test results to:

Lead and Healthy Homes Program
Philadelphia Department of Public Health
2100 West Girard Avenue, Building #3
Philadelphia, PA 19130-1400

Or fax to 215-685-2978; or scan and email to lead.cert@phila.gov.
If you have any questions call 215-685-2788.

Please note: You also are required to provide your tenant with additional materials specified in the Landlord's Guide to the Philadelphia Lead Disclosure and Certification Law. A list of materials can be found on page six.



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.

Instructions for Lead Free Certificate

After your property is found to be lead safe, you are required to provide your tenant with a completed **Lead Safe Certificate** (sample attached) and supporting documentation.

Ask your tenant to sign the Lead Safe Certificate, and then mail a copy of the signed certificate to:

The Lead and Healthy Homes Program
Philadelphia Department of Public Health
2100 West Girard Avenue, Building #3
Philadelphia, PA 19130-1400

Or fax to 215-685-2978; or scan and email to lead.cert@phila.gov.
If you have any questions call 215-685-2788.

Please note: You also are required to provide your tenant with additional materials specified in the Landlord's Guide to the Philadelphia Lead Disclosure and Certification Law. A list of these materials can be found on page 6.



Philadelphia Department of Public Health
Certification of Lead FREE Status

By signing this certificate I confirm that this is a lead-based paint free property based on a designation by a certified inspector or risk assessor pursuant to HUD/EPA standards or based on lead based paint XRF testing which I have conducted pursuant to the HUD Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing (2012 Edition).

 Street Name

Apt. _____, Phila. PA 191 _____
 # or Floor Zip

 Certifying Company or Individual (print)

 PA Risk Assessor Lic. #

 Risk Assessor - Name (SIGNATURE)

 Date of Verification

ACKNOWLEDGEMENT BY TENANT / LESSEE

"I, _____, hereby acknowledge receipt of this Lead Free

Tenant/Lessee's Signature

Certification of this dwelling unit on _____."

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 FREE 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.



What tenants need to know about **PHILADELPIA'S LEAD SAFE RENTAL LAW**

Lead poisoning is caused by swallowing or breathing lead. Children under 6 years old are most at risk. If you are pregnant, lead can harm your baby.

FACT: Lead can cause serious learning and behavior problems.

- Lead poisoning hurts the brain and nervous system.
- Lead in a child's body can make it hard to pay attention and learn.
- Some of the effects of lead poisoning may never go away.

FACT: Most children get lead poisoning from chipping and peeling paint and lead dust in homes built before 1978.

- When old paint cracks and peels, it makes dangerous dust.
- The dust is so small you cannot see it. Children get lead poisoning when they breathe or swallow the dust on their hands and toys.

FACT: Philadelphia landlords must make sure homes do not have lead paint or lead dust that can harm children who are living there.

- It is illegal to refuse to rent to families with children.

New Renters with Children 6 and Under Renting in Homes Built Before 1978

Your Landlord Must:

1. Give you a certificate saying the property is lead safe or lead free.
Tenants have to sign the certificate to prove they saw it.
2. Give a copy of the certificate you signed to the Philadelphia Department of Public Health, for us to hold on file.
3. Give you the EPA brochure, "Protect Your Family from Lead in Your Home."
4. Repair or remove any chipping and peeling paint and clean up lead poisoned dust.

What You Can Do:

1. **Check your home for chipping and peeling paint.**
 - Tell your landlord so he or she can make repairs.
2. **Keep children away from lead paint and dust.**
 - Use wet paper towels or sponge to clean up lead dust. Be sure to clean around windows, play areas, and floors.
 - Use soap and water to wash hands and toys often, especially before eating and sleeping.
 - Use contact paper or duct tape to cover chipping or peeling paint until it is repaired.
3. **Get your children tested for lead.**
 - A lead test is the only way to know if your child has lead poisoning.
 - Most children with lead poisoning do not look or act sick.
 - Ask your doctor to test your child for lead.
4. **Learn more about lead poisoning and the law.**
 - Call the Philadelphia Department of Health at 215-685-2788.

**It is against the law to refuse to rent to families with children.
For help, call the Philadelphia Commission on Human Relations at 215 686-4670.**