



CITY OF PHILADELPHIA

DEPARTMENT OF PUBLIC HEALTH

Public Health Services

2100 W. Girard Ave. Bldg. #3
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Lead and Healthy Homes Program

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Frequently Asked Questions about Bill No. 180936-A What Landlords Need to Know



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Compliance with the Philadelphia Lead Paint Disclosure and Certification Law

Steps to obtain and submit a Lead Safe Certificate

1. If the property was built before March 1978, the landlord must contact an Environmental Protection Agency (EPA) certified lead dust sampling technician (LDST) to perform a lead safe dust sampling test in the home or property unit. There is an updated list of LDST on the City website at: <https://www.phila.gov/documents/lead-and-healthy-homes-resources-for-landlords/>
2. If the property was built after February 1978, the landlord is exempt from getting the property tested for lead paint hazards. The landlord must submit documentation of proof that the property was built after February 1978.
3. If there were no lead dust hazards found from the dust wipe test, the lead dust sampling technician will provide a lead safe certificate after the dust wipe test results are received. This certificate must be provided to the tenant and a copy of the certificate with the dust wipe results must be submitted to the Lead and Healthy Homes Program through the Lead Certification Submission Site.
4. In order to submit the certificate to the Health Department, each landlord will need to upload their dust wipe results and certificate to the City Lead Certification Submission Site. This link can be found here: <https://leadcertification.phila.gov/login>.
5. The lead safe certificates are valid for four years if submitted after February 1, 2020.
6. The process for obtaining a lead free certificate is different from obtaining a lead safe certificate.

For more information, please refer to the following FAQ pages.

1. Why is this update to the lead bill important?

Exposure to even small amounts of lead in childhood can cause lifelong learning and behavior problems. 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 families 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.

2. What were the rules on lead certification before the passage of Bill #180936?

Since 2012, Philadelphia law has required landlords to have properties that were built before March 1978 tested and certified as “lead free” or “lead safe” if there is a child age six or under residing in the property. Student housing and housing owned or subsidized by the Philadelphia Housing Authority or privately owned but currently leased under the Housing Choice Voucher Program were exempted from the law.

3. What are the new requirements?

Starting October 1, 2020, landlords operating rental properties in eleven zip codes - regardless of if there are children under six in the property - will be required to obtain a lead certificate in order to obtain or renew a rental license. The remaining zip codes will be enforced over a two-year period. Those that fall into the remaining zip codes will continue to be subject to the current lead law requirement to hold a valid certificate for properties with children six and under.

4. When will my property’s zip code be included in the law?

| Region: | 1 | 2 | 3 | 4 |
|-----------------------|---|---|---|---|
| License Renewal Date: | Oct 1, 2020 - April 1, 2021 - Mar 31, 2021 | Oct 1, 2021 - April 1, 2022 - Sept 30, 2021 | Oct 1, 2021 - April 1, 2022 - Mar 31, 2022 | April 1, 2022 - Sept 20, 2022 |
| Zip Codes: | 19121 19131 19132 19133 19138 19139 19140 19141 19143 19144 19151 | 19102 19104 19119 19120 19122 19124 19126 19127 19134 19137 19142 | 19107 19118 19125 19128 19129 19130 19135 19145 19146 19148 19153 | 19103 19106 19111 19114 19115 19116 19123 19136 19147 19149 19150 19152 19154 |

5. Where can I find a copy of this bill (#180936)?

You can find the entire bill at <http://phlcouncil.com/leadcert>

6. How long are lead-safe and lead-free certificates valid for?

Beginning February 1, 2020 all completed certificates are good for four years. Lead free certificates are good forever.

7. How do I obtain a lead-free or lead safe certificate?

There are many EPA certified companies and individuals that inspect properties and issue certificates. This list can be found at <https://www.phila.gov/documents/lead-and-healthy-homes-resources-for-landlords/>

8. Can I test my rental property with the testing kits from Home Depot or other local stores?
No. A PA certified Risk Assessor (for Lead Safe /Lead Free) or Lead Dust Sampling Technician (LDST) must do the lead testing.

9. Will any rental properties be exempt?

Once a zip code is phased into the law, the new ordinance exempts any property built after February 1978, and college and university housing and other educational housing that is exclusively for students where non-family members are not permitted to reside.

10. What kind of inspection and testing is needed for a property to be certified as lead safe or lead free?

- A Lead Dust Sampling Technician (LDST) or PA-Certified Risk Assessor can provide a lead safe certificate by completing a dust wipe inspection to check for lead dust hazards. This test is done after they have determined that the property is free of deteriorated, flaking, chipping, peeling, chalking or not-intact paint. If the interior dust wipe sample report did not find hazardous levels of lead-contaminated dust, the technician can issue the lead safe certificate.
- A property or unit is considered lead free when the property has been certified as such by a PA certified lead inspector or risk assessor, meaning that it does not have any lead-based paint based on EPA/HUD standards. This certificate is valid indefinitely and must be provided to the tenant before the tenant enters into a lease. A copy of the full inspection report must be provided to the Health Department.

11. What do I do if my rental property fails the test?

For a lead-safe certificate, the LDST must ensure visual compliance and then take lead dust samples. If the lead dust samples fail this test, the area must be corrected by a certified renovator and then the technician should ensure that all surfaces are intact and re-take dust wipes of those failed areas.

12. How do I find a contractor that can safely repair peeling paint or address other problems found on a lead inspection?

- You may find an updated list on the EPA website: <https://www.epa.gov/lead/renovation-repair-and-painting-program-contractors>
- You may also visit the EPA website at: <https://cfpub.epa.gov/flpp/pub/index.cfm?do=main.firmSearch>
- If you consider using a contractor to remediate the hazards, be certain the contractor is EPA-certified Renovation Repair and Painting (RRP). The landlord must ask the contractor to provide their RRP certification and/or PA license before hiring.

13. Does the tenant need to sign the certificate? What if the tenant is unable to or refuses to sign the certificate?

No, the tenant does not need to sign the certificate; however, the landlord must provide a copy of the Lead safe/lead free certificate at the time the lease is signed.

14. What is to be done if a current existing tenant refuses entry to perform a lead test? What steps do we need to take legally to prove they refused entry?

As a landlord if the tenant refused to let you in to conduct a lead safe test, you must contact the tenant in writing via e-mail or postal mail. A copy of this documentation along with verification that the tenant received it must be submitted to the Health Department.

15. After the law begins to take effect in October 2020, what are the penalties for the owner being non-compliant and how will it be enforced?

The owner will not be able to renew the rental license without a valid lead safe or lead free certificate. The Health Department will proceed legal action, which may include code violations,

Notices of Violation and issuance of fines. Property owners may also be prohibited from evicting the tenant while this matter is pending.

16. Do the properties that are located in the 1st set of zip codes need to be either lead free or lead safe certified by 10/1/2020 OR 3/31/2021?

Landlords in Region 1 have to have valid certificates on file if their rental license renewals are due any time after October 1, 2020. This means that some landlords will have to submit certificates before October 1 in order to be in compliance and renew their rental license.

17. How do I submit my lead certificate to the City?

- On a computer, they will need to go to <https://leadcertification.phila.gov/login> and create a Username and Password. The user will then search for their property and create a new document submission by filling out the required information, entering the dust wipe report numbers and finally uploading a PDF or JPEG copy of the certificate and dust wipe report. The LHHP office will be notified of the submission and will review it.
- If the user is looking for further assistance, they may contact the Lead and Healthy Homes Program (LHHP) at 215-685-2788 or e-mail leadcert@phila.gov.

18. Are current lead certificates valid now for 4 years from the date of the certification? (The ones already in date prior to Oct 1, 2020).

Lead-safe certificates that were completed prior to January 31, 2020 are valid for two years. All certificates completed after February 1, 2020 are valid for four years.

19. Can a landlord provide the dust wipe test in his/her own rental property?

There is no prohibition on a landlord or his staff conducting the inspection and dust wipe test, but the person performing the test must be an EPA-certified lead dust sampling technician or a PA certified risk assessor.

20. What is the city's position on homes that were demolished and rebuilt under L&I codes. Is this considered new construction?

Even if the property was re-built and remodeled, it still needs a lead free or lead safe certificate. If the property was completely built after February 1978, it is exempt.

21. What do I need to provide if I own a multi-unit building?

If the landlord is renting multiple units as part of one rental license, he or she must obtain a lead safe or lead free certificate for each unit. The dust wipe test results and/or the inspection report must be uploaded onto the Lead Certification Submission Site in order to be verified with the Health Department Lead and Healthy Homes Program.

22. If a landlord owns a single condominium in a building with multiple units can his/her unit be considered lead free if the unit plus common areas and hallways test lead-free using an XRF analyzer?

Yes.

23. The EPA recently changed the threshold for dust wipe levels, what does this mean and how does it affect the lead safe test?

The EPA created new numbers to define lead safety hazard levels. This change does not affect the clearance level for dust wipe test results.

24. Do the same rules apply if I own a family childcare facility?

A dust wipe test and certification are still required for family childcare providers. These results must be uploaded onto the Lead Certification Submission Site.

25. Where can I learn more?

Please contact the Philadelphia Department of Public Health, Lead and Healthy Homes Program at 215-685-2788 or send questions to leadcert@phila.gov. You may also find information on our website at <https://www.phila.gov/programs/lead-and-healthy-homes-program/>