



CITY OF PHILADELPHIA DEPARTMENT OF LICENSES AND INSPECTIONS

LEAD DISCLOSURE LAW IMPLEMENTATION

Since 2012, the Lead Disclosure Law, found in the Philadelphia Health Code, has **required landlords to ensure that rental properties are Lead Safe or Lead Free** when the properties (1) were built before 1978 and (2) are or will be occupied by children aged six years or younger. If you are a landlord whose properties fall into this category, the law requires you to have a certified lead inspector test the properties for lead every two years and provide you with a certificate stating that the property is Lead Safe or Lead Free. This certificate must be signed by your tenant, who gets a copy, and sent, along with results of the dust-wipe testing performed to detect lead, to the Philadelphia Department of Public Health.

Unfortunately, although approximately 26,000 rental units are occupied by children aged 6 or younger, only a few thousand Lead Safe or Lead Free certifications are submitted to the Health Department. To encourage compliance with the Lead Disclosure Law, including submission of certificates to the Health Department, **L&I has changed the language on the rental license application.** As you know if you've obtained or renewed your rental license recently, the new language takes you step-by-step through the determination whether you must obtain and submit a certificate, and requires that you certify that you are in compliance with the law. Here's an example of what you might see when you renew your license online through L&I's eCclipse system:

✘ If you have answered Yes to questions 1 and 2 you MUST answer "YES" to question 3

RENTAL

Please fill out the form below with information about your rental.

* Number of Units:

* Will any unit in this property be owner occupied?

Yes No

Philadelphia Code Section 6-803 (Lead Disclosure Obligation) requires you to provide certification of lead-safe or lead-free conditions to the Philadelphia Department of Public Health and to the lessee, and written notification to lessee(s) regarding lead paint conditions, if the property being leased was constructed prior to 1978 and is occupied by a child aged 6 or under.

1. Was this Property constructed prior to 1978? Yes No
2. Is any unit of this property now occupied by a child aged 6 or under?
Answer YES if you are aware that any unit of this property will be occupied by a child aged 6 or under during the next 12 months. Yes No
3. If you have answered YES to the previous two questions, you must comply with the disclosure requirements set forth in Philadelphia Code Section 6-803. Do you certify that you have complied with these requirements, including by submitting a certification of lead-safe or lead-free condition to the lessee(s) and the Philadelphia Department of Public Health? Yes No

Providing knowingly false answers to the above questions will be considered a violation of Philadelphia Code Section 6-803 subject to the penalties set forth in that Section.

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Please note that if you were not required to submit a Lead Safe or Lead Free certificate at the time you obtained your rental license because no occupant was aged 6 or younger, you must do so should a child in that age range become an occupant later in the year. (And of course, refusing to rent to families with young children is unlawful.)

If you need to come into compliance with the Lead Disclosure Law, you should take steps to do so **immediately**. The Health Department is identifying and issuing violations to landlords who are out of compliance with the law. As of next year, L&I will automatically refuse rental license applications when notified electronically by the Health Department that the owner-applicants have not complied. And as you know, you cannot lawfully rent a unit without a rental license.

In 2016, City Council reviewed the Lead Disclosure Law and determined that additional changes were needed to ensure children in rental units are protected against lead poisoning not only from lead paint but also lead in water. In March 2017, **the Lead Disclosure Law was amended** (Bill No. 160687-AAA) **to address the potential lead hazards in water service lines and plumbing components. The changes require landlords to:**

- 1) Notify tenants of how to best protect themselves from the potential risks posed by lead in service lines and plumbing components. The City has created a [supplementary page](#) to the *Partners for Good Housing* handbook – which, as you know, landlords are required to give to every new tenant – that contains the Philadelphia Water Department’s recommendations for keeping lead out of household water. The page is now available from the [home page of the L&I website](#). Pursuant to the new law, please print out this [page](#) and include it with [Partners in Good Housing](#) when you distribute copies of the handbook to tenants.
- 2) Disclose to tenants if they know that the property has a lead water service line.
- 3) Amend the required “Lead Warning Statement” on rental agreements to contain language specific to lead water service lines or lead plumbing components. The new language can be found in Section 6-805 of the Lead Disclosure Law.

For more information and guidance, copies of the law, and more, please visit the Health Department’s website at www.phila.gov/health/leadlaw. You may also want to sign up for L&I’s Licensing and Permitting Update newsletter at <http://www.phila.gov/li/aboutus/Pages/Appointments.aspx>.