



NEW EXPANDED PHILADELPHIA LEAD DISCLOSURE LAW FOR RENTAL OWNERS

Philadelphia Members:

Mayor Kenney signed Philadelphia's new lead hazard disclosure bill into law on March 7, 2017. **It becomes effective on April 5, 2017. It expands the current lead paint disclosure and inspection ordinance** to include mandates for rental owners regarding disclosure of lead service lines and plumbing components.

Bill No. 160687 amends Title 6, Chapter 6-800 Lead Paint Disclosure with the following additions and changes:

- The **definition of “lead-based paint” is expanded to “Lead-based Hazard”**- In addition to lead-contaminated dust, soil and paint, **lead service lines or plumbing components are included** in the list of items, the exposure to which would result in adverse human health effects as established by the appropriate Federal agency or the Philadelphia Department of Public Health.
- **“Lead Plumbing Component”** is a new definition, meaning: “Any pipe, pipefitting, plumbing fitting, solder, flux or fixture through which drinking water may pass that is not lead-free within the applicable standard set pursuant to the Safe Drinking Water Act, 42 U.S.C. § 300g-6.”
- **“Lead Service Line”** is a new definition, meaning: A service line made of lead which connects the water main to the building inlet and any lead fitting which is connected to such lead service line.”
- **§6-803 Lead Disclosure Obligation is expanded.** In addition to requiring lessors to provide lessees with a valid certification from a certified lead inspector stating the property is either lead free or lead safe and requiring the lessee to acknowledge receipt of the certification by signing a copy, the lessor will have to provide the lessee with a current pamphlet ****produced by the City that describes best practices for reducing the risk of lead exposure from lead service lines and lead plumbing components.**

****Note:** as of this writing (March 27, 2017) no such updated pamphlet exists – we are keeping an eye out.

- **§6-803 (3) has also been amended** to say that no lessor shall enter into a lease agreement with a lessee to rent any residential housing unless the **lessor discloses to the lessee the existence of any known lead service line.**
- **§6-804 currently provides lessees with the Right to Conduct Independent Lead Inspections or Risk Assessments and a Right to Rescind.**
§6-804 (2) is expanded:
 - In addition to allowing lessees 10 days to obtain at their expense a lead inspection and risk assessment from a certified lead inspector, they can also get an inspection for lead service lines and lead plumbing components:
 - Lead service lines or lead plumbing components inspections will be allowed for any residential housing. Should an inspection reveal a lead service line or lead plumbing components, the lessee may terminate the lease within two business days of receipt of the inspection report, with all moneys paid on account to be refunded. Failure of the lessee to obtain such an inspection within the permitted ten days or failure to terminate the lease upon finding a lead service line or lead plumbing components in the allowed two business days will constitute a waiver of those rights and the lease remains in effect.
 - For residential housing constructed prior to 1978, if an inspection reveals lead-based paint or lead-based paint hazards, the lessee may terminate the lease within two business days of receipt of the inspection report, with all moneys paid on account to be refunded to the lessee. Failure of the lessee to obtain such an inspection within the permitted ten days or failure to terminate the lease upon finding of lead-based paint ... or hazards, in the allowed two business days will constitute a waiver of those rights and the lease remains in effect.
- **§6-805 (2) Lead Warning Statement: The required warning statement for rental agreements are changed.** These statements must be inserted in to the appropriated leases:
 - “For residential housing constructed prior to 1978:
 - “Every lessee of any interest in residential property on which a residential dwelling was built prior to 1978 is notified that such property may present exposure to lead from lead-based paint that may place young children at risk of developing lead poisoning. Lead poisoning in young children may produce permanent neurological damage, including learning disabilities, reduced intelligence quotient, behavior problems and impaired memory. Lead poisoning also poses a particular risk to pregnant women. The lessor of any interest in residential real property is required to disclose to the lessee the presence or absence of any lead-based paint and/or lead-based paint hazards. In residential housing

- constructed prior to 1978, a comprehensive lead inspection or risk assessment, for possible lead-based paint and/or lead-based paint hazards is recommended prior to lease.”
- “For all residential housing(including housing constructed prior to 1978):
 - Every lessee of any interest in residential property is notified that any residential dwelling, regardless of construction date, may have a lead water service line or lead plumbing components. Regardless of the construction date, the Lessor of any interest in **residential** real property is required to disclose to the lessee the known existence of a lead water service line. You are advised to read the pamphlet containing information or lead water service lines and lead plumbing components provided at the time of entering into the lease.”
 - **Penalties:** §6-809 Adding insult to injury, the new ordinance removes the provision that gave lessors 10 days grace period to remedy any noncompliance after which the lessee could bring court action.
 - The new ordinance also expands §6-810 (1) that specifies sellers or **lessors still have a duty to abate** lead-paint hazards and, if at any time required by law, to abate lead service lines or lead plumbing components. Sellers and lessors are also not relieved of any liability for damages or other relief under any applicable law or legal theory arising from the disclosure of lead-based paint, lead services lines or lead plumbing components.
 - The prohibition against including provisions in a lease that would preclude renting to a family with children because the housing contains lead-based paint or hazard, lead service lines or lead plumbing components remains in the law, as does the prohibition against any attempted waivers of the Ordinance.
- PAA East members are urged to keep PAA East abreast of any and all experiences with efforts to comply with this bill, so we can present cogent facts to Council in the future and argue for a change in the law. Contact Christine at cgertz@paa-east.com