

**Summary of Philadelphia Lead Paint Bill 100011-A, Entitled “Amendments Regarding Lead Paint Disclosure and Certification in Residential Properties,” amending Chapter 6-800 and Chapter PM-102 of the Philadelphia Code, Effective December 21, 2012**

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New Requirements Applicable to “Targeted Housing,” Effective December 21, 2012:

Bill 100011-A applies new requirements to the rental of “Targeted Housing,” which is residential rental property built before March 1978 with several significant exceptions. It excludes:

- units in which children 6 and under will not reside during the lease term.
- student housing owned or built by educational institutions,
- buildings leasing entirely to college or university students,
- PHA owned or subsidized units,
- units leases under the HUD Housing Choice Voucher Program (“Section 8”), and

The intent of these exclusions was to recognize that lead paint largely impacts children under six; therefore, property owners – and ultimately renters – should not bear the significant inspection and remediation costs if children under six are not expected to occupy the property. Additionally, the bill seeks to avoid unnecessarily passing down those significant costs to tenants who could not afford them.

When entering into a lease, lessors renting “Targeted Housing” must provide the lessee and the Department of Public Health with a certification from a certified lead inspector stating that the property is lead safe (good for 2 years) or lead free (good permanently). Lessors shall annually certify compliance or be subject to revocation of their housing inspection license.

Lessors must advise the lessee of Targeted Housing that the lessee is responsible for periodically inspecting and notifying the lessor of deteriorated paint. Upon such notification, the lessor must promptly make necessary repairs. If a City inspection finds that the lessor failed to conduct a required inspection, the lessor will be liable to the City for the costs of an inspection and penalties up to \$2000 per offense.

The bill provides new damages related to Targeted Housing: lessees can seek an order requiring the lessor to inspect for and remediate lead paint harms, reimburse any damages, pay up to \$2000 in exemplary damages, refund rents paid during noncompliance, and pay attorneys fees and costs.

Unchanged Requirements for Housing Constructed Before 1978:

The bill retains the obligation of sellers and lessors to advise buyers and lessees of residential housing constructed before 1978 that either an inspection revealed lead based paint, or the buyer or lessee should assume the house contains lead based paint. Sellers and lessors must provide notice of this in their sales and lease agreements, but under the Bill, only the buyer will additionally get a separate statement and pamphlet.

For all pre-1978 housing, the bill retains the right of new lessees and buyers to a 10 day period to test for lead paint, and the buyer’s right to 5 more days to terminate the sales agreement if a lead hazard is found. It changes existing rights of lessees to terminate their lease if a lead hazard is

found, providing a 10 day period for lessees to notify the lessor of their intent to vacate, and 90 days thereafter for the lessor to vacate. The bill retains existing damages for violations of the above requirements: buyers and lessees are entitled to twice the cost of a lead inspection, plus attorneys fees and costs, and may seek injunctive relief.