

Background: Lead is a soft blue-gray metal found in the natural environment. It was added to paint and gasoline until 1978, when it was banned in the United States.

It is still used in some consumer products such as: imported candy, foot powder, jewelry, stained-glass, pottery, etc. People are exposed to lead through dust, paint, soil, water, and imported home remedies.

Children are the most at risk from lead poisoning which can result in learning and reading disabilities, loss of IQ, hearing loss, Attention Deficit Disorder, hyperactivity, and speech delays. A child that is lead poisoned is:

- 7 times more likely to drop out of school
- 6 times more likely to be involved with the juvenile justice system

It is estimated that lead poisoning costs \$50.9 billion per year in medical, special education, lost earnings, and criminal justice costs.

To give you an idea of how dangerous lead is, and how little needs to be ingested, there are 20,000 “doses” of potential lead poisoning in the amount of sugar substitute in a packet you’d find on a table in a restaurant.

NO LEVEL OF LEAD IS SAFE AND ITS EFFECTS ARE IRREVERSIBLE.

Proposed Legislation:

In 2010, the City adopted a new Lead Ordinance to address lead poisoned children. The Ordinance was amended in 2016. A copy of the current Ordinance is attached and can be found on the City’s website at: <http://ecode360.com/8118273>.

Below is an explanation of the most recent amendments, which impact Investor Owned/Rental properties, being considered by City Council for approval on March 14, 2017. A copy of the proposed amendments is attached.

LANCASTER CITY RENTAL PROPERTIES:

Once every four years, or during the time of the systematic inspection conducted by the City’s assigned Housing Inspector, a landlord or investor owner will be required to provide a Lead-Safe Certification completed by a Pennsylvania Lead Risk Assessor indicating the unit(s) are lead-safe. It is important to understand that we are requiring a Lead-Safe Certification for each unit in a building.

The Clearance Examination, required to obtain a Lead-Safe Certification, can be completed and submitted at the time a unit turns over to another tenant, rather than at the time of the systematic inspection. As long as the City has a Lead-Safe Certification on file for the unit that is dated within a four-year period of time, the unit/property will be in compliance with the proposed ordinance amendments and will not be subject to at the systematic inspection.

The City will also have staff available to conduct the Clearance Examination, for a fee to be established by City Council. The proposed fee for City staff at this time for the initial Clearance Examination, including materials and lab costs, is estimated to be a maximum of \$250 for the initial Clearance Examination and \$120.00 if a follow-up test is necessary. You may be contract with a private firm that has been licensed by the Commonwealth of Pennsylvania. You will not be required to use City staff and the availability of City staff to conduct clearance testing will be dependent on their schedule.

It is important to note that this does not require that a Lead Hazard Evaluation or Risk Assessment be done on the unit to identify lead paint hazards. The City will allow the investor owner/landlord to assume that lead paint exists in the unit. It does require that a Clearance Examination be done to insure that the lead paint that exists is not a lead hazard, since a Risk Assessment was not completed. This follows the federal guidelines issued by the HUD Office of Healthy Homes and Lead Hazard Controls.

If the unit fails the first Clearance Examination, the landlord/investor owner will be notified of those areas that failed and provided additional time to clean the area and do a second Clearance Examination. There will be a charge for each time a Clearance Examination must be completed (see above for rates associated with additional Clearance Examinations). If the unit is vacant at the time, occupancy will not be permitted until a Lead-Safe certification can be provided.

If the investor owner/landlord intends to provide the Lead-Safe Certification for units at the time of the City's systematic inspection on the property, the certifications will be required before the property is approved by the City's Housing Inspector.

Failure to provide the Lead-Safe Certification (Clearance Examination results) that the unit is Lead-Safe at least once every four years may result in the rescission of the rental license for the unit, or the property. If the property/unit continues to be rented without a license the investor owner/landlord is subject to the penalties in the City's Rental Housing Ordinance, including penalties associated with renting a unit without a license.

CONDEMNED PROPERTIES:

If a property has been condemned by the City, the owner (or the person that will conduct the repairs to remove the condemnation) is required at a minimum to obtain the 8-hour Renovate, Repair, Painting Course issued by the Environmental Protection Agency (EPA) prior to acquiring a permit to do lead remediation work at the property. The owner may also provide a copy of a contract entered into with a PA Certified Lead Safe Supervisor or PA Licensed Lead Abatement Company to complete the remediation/abatement.

After the repairs have been made, a Lead-Safe Certification must be presented to the City's Senior Health Officer or the City's Chief Building Code Official in order to have the condemnation lifted and obtain the required Certificate of Occupancy from the City.

LANCASTER CITY OWNER OCCUPIED PROPERTIES:

When a property has been identified by the City of Lancaster as having lead hazards because we have been notified that a child with an elevated lead blood level under the age of 6 resides in the property, and the owner is interested in selling the property before or during the remediation takes place, the Seller Disclosure Statement must be provided to the City Senior Health Officer at the time the property is listed for sale. This will insure that the proper Lead Paint disclosures have been included in the sales listing.

If a Risk Assessment has been completed by the City staff, or a certified PA Lead Risk Assessor, prior to the sale of the property, a copy of the Risk Assessment must also be included in the Seller Disclosures.

Resources:

Area Lead Professionals: <http://www.dli.pa.gov/Individuals/Labor-Management-Relations/bois/Pages/Lead-Occupations.aspx#h>

The City will conduct a public meeting on Monday, February 27 beginning at 6:00 PM and ending at 7:30 in City Council Chambers to review the current amendments and provide an opportunity for questions and dialogue concerning the amendments.