

Frequently Asked Questions about the Lead Disclosure and Certification Law:

1. **When do I need to get my property certified as Lead Safe or Lead Free?**

When ALL of these conditions exist: A property was built before 1978, AND there is a new rental (after December 21, 2012), AND the new tenants have a child 6 years of age or under. THEN you need to take the additional step of having the property certified Lead Safe or Lead Free.

2. **Do I need to obtain a lead-safe or lead-free certificate for my property before I get or renew my Housing Inspection License?**

No, however you must certify on the application that you you have complied with the law's requirement that you have provided a lead-safe or lead-free certification to all new tenants who entered into a lease after December 21, 2012, in a building before 1978 with children 6 years of younger.

3. **Does the law apply to current tenants who have young children?**

No. The Law applies only to **new rentals** after 12/21/12. The law does not require a lead-safe or lead-free certificate for current tenants. However, the Philadelphia Building Maintenance Code requires every landlord to correct any peeling paint, cracked or loose plaster, decayed wood or other defective surface conditions in a rental unit. These conditions are usually the source of lead poisoning of children.

4. **How about when I renew their lease?**

No. The Law applies at the time of turnover, when a new tenant takes occupancy, not when an existing tenant continues occupancy. However, the Philadelphia Building Maintenance Code requires every landlord to correct any peeling paint, cracked or loose plaster, decayed wood or other defective surface conditions in a rental unit. These conditions are usually the source of lead poisoning of children.

5. **What if a new tenant has no children at the time I rent to them, but a child 6 years or under moves in during the term of the lease?**

The landlord is responsible for providing an up-to-date lead-safe or lead-free certificate when a child age 6 or under moves into property built before 1978.

6. **How do I get someone to come and certify my property?**

As a courtesy to landlords, the Philadelphia Department of Health has posted a list of “Certified/Licensed Lead Professionals” at www.phila.gov/health/leadlaw. This list is not an endorsement or recommendation and the Department makes no claims as to the individual's credentials or abilities. It is important that property owners ask for the credentials of the dust wipe technicians and, if appropriate, references.

7. **What is the cost of obtaining a lead-safe or lead-free certificate?**

At the time of this writing (3/12/13), professionals providing this service are charging approximately \$350.

8. **What does the lead-safe or lead-free certification include?**

A properly done certification consists of a visual inspection to determine that all painted surfaces are not deteriorated (no peeling, chipping, cracked, broken or otherwise defective surfaces). If the visual inspection passes, then the professional can take dust wipe samples (1 window sill and 1 floor in each bedroom; 1 window sill and 1 floor in the main [living] room; and one blank sample). These are sent to an EPA-accredited laboratory for analysis. If they pass, the property can be certified.

9. **What if an area fails the dust wipe?**

That area has to be re-cleaned, repaired if necessary, and new dust wipes tested. Any areas that have passed do not need to be repeated.

10. **What is a passing reading for dust wipes?**

Less than 40 ug/ft² on floors and less than 250 ug/ft² on window sills is a passing reading.

11. **If I sell a property that has a valid lead-safe or lead-free certificate, does that certificate transfer to the new owner?**

Yes.

NOTE: *This information not intended or offered as legal advice. These materials have been prepared by the Philadelphia Department of Public Health for educational and information purposes only. You should consult your own attorney for legal advice.*