
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 213 Session of
2019

INTRODUCED BY SCHLOSSBERG, CRUZ, KINSEY, McNEILL, OTTEN, HILL-
EVANS AND NEILSON, JANUARY 28, 2019

REFERRED TO COMMITTEE ON URBAN AFFAIRS, JANUARY 28, 2019

AN ACT

1 Amending the act of April 6, 1951 (P.L.69, No.20), entitled "An
2 act relating to the rights, obligations and liabilities of
3 landlord and tenant and of parties dealing with them and
4 amending, revising, changing and consolidating the law
5 relating thereto," providing for lead-based paint and related
6 hazardous conditions; and imposing a penalty.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. The act of April 6, 1951 (P.L.69, No.20), known
10 as The Landlord and Tenant Act of 1951, is amended by adding an
11 article to read:

12 ARTICLE V-C

13 LEAD-BASED PAINT AND

14 RELATED HAZARDOUS CONDITIONS

15 Section 501-C. Definitions.

16 The following words and phrases when used in this article
17 shall have the meanings given to them in this section unless the
18 context clearly indicates otherwise:

19 "Agent." A party who enters into a contract to act on behalf
20 of a lessor, including a party who enters into a contract with a

1 representative of the lessor, for the purpose of leasing a
2 residential dwelling.

3 "Certified contractor." A person approved by the Department
4 of Labor and Industry to perform lead-based paint activities in
5 this Commonwealth under the act of July 6, 1995 (P.L.291,
6 No.44), known as the Lead Certification Act.

7 "Children." Individuals who are under six years of age.

8 "Hazardous condition." Any condition that causes exposure to
9 lead from lead-contaminated dust, lead-contaminated soil or a
10 lead-contaminated paint that is deteriorated or present in
11 accessible surfaces, friction surfaces or impact surfaces that
12 would result in adverse human health effects as established by
13 the administrator of the Environmental Protection Agency under
14 section 403 of the Toxic Substances Control Act (Public Law 94-
15 469, 15 U.S.C. § 2683).

16 "Inspection." Comprises both of the following:

17 (1) A surface-by-surface investigation to determine the
18 presence of lead-based paint as provided in section 302(c) of
19 the Lead-Based Paint Poisoning Prevention Act (Public Law 91-
20 695, 42 U.S.C. § 4822(c)).

21 (2) A written report explaining the results of the
22 investigation.

23 "Inspector-risk assessor." A person trained and certified in
24 accordance with the requirements of the Lead Certification Act
25 to perform all activities of the inspector-technician, as well
26 as to identify the presence of lead-based paint and to collect
27 additional information designed to assess the level of risk to
28 residents of residential dwellings.

29 "Inspector-technician." A person trained and certified in
30 accordance with the requirements of the Lead Certification Act

1 to perform inspections solely for the purpose of determining the
2 presence of lead-based paint through the use of onsite testing,
3 such as XRF analysis, and the collection of samples for
4 laboratory analysis.

5 "Lead-based paint." Paint or other surface coatings that
6 contain lead in excess of the most current Department of Housing
7 and Urban Development standards or, in the case of paint or
8 other surface coatings on residential dwellings, a lower level
9 as may be established by the Secretary of Housing and Urban
10 Development under the Lead-Based Paint Poisoning Prevention Act.

11 "Lessee." A person that enters into a contract to lease or
12 rent a residential dwelling for occupation, including a
13 nonprofit organization.

14 "Lessor." A person that offers a residential dwelling for
15 lease, rent or sublease, including a nonprofit organization.

16 "Residential dwelling." Any of the following if built or
17 constructed prior to 1978:

18 (1) A single-family dwelling, including attached
19 structures such as porches and stoops.

20 (2) A single-family dwelling unit in a multifamily
21 dwelling that contains more than one separate residential
22 dwelling unit and in which each unit is used or occupied, or
23 intended to be used or occupied, or actually occupied, in
24 whole or in part, as an individual home or residence of one
25 or more households. A multifamily dwelling shall include an
26 apartment and tenement building as defined in section 501-A.

27 "XRF analysis." The use of X-Ray Fluorescence (XRF) to test
28 for the presence of lead-based paint.

29 Section 502-C. Inspection.

30 A lessor or agent shall inspect a residential dwelling

1 offered by the lessor or agent for lease, rent or sublease for
2 occupation for the presence of lead-based paint and hazardous
3 conditions as follows:

4 (1) An inspection shall be conducted:

5 (i) after the residential dwelling becomes vacant;

6 or

7 (ii) before the occupancy of the residential
8 dwelling.

9 (2) Lead inspection shall be completed by a certified
10 contractor, an inspector-risk assessor or an inspector-
11 technician in accordance with the act of July 6, 1995
12 (P.L.291, No.44), known as the Lead Certification Act.

13 Section 503-C. Disclosure.

14 (a) General rule.--Prior to entering into a contract to
15 lease a residential dwelling, a lessor or agent shall:

16 (1) Inform the lessee whether or not the residential
17 dwelling has been tested for lead-based paint and hazardous
18 conditions.

19 (2) Provide the lessee with a lead hazard information
20 pamphlet approved by the Environmental Protection Agency
21 (EPA). The pamphlet shall include the EPA publication
22 entitled Protect Your Family From Lead in Your Home (EPA-747-
23 K-94-001) or an equivalent pamphlet that has been approved
24 for use in this Commonwealth by the EPA.

25 (3) Disclose to the lessee the presence of any known
26 lead-based paint and hazardous condition in the residential
27 dwelling being leased. The lessor or agent shall also
28 disclose any additional information available concerning the
29 known lead-based paint and hazardous condition, such as the
30 basis for the determination that the lead-based paint and

1 hazardous condition exist, the location of the lead-based
2 paint and hazardous condition and the condition of the
3 painted surfaces.

4 (4) Provide the lessee with records or reports available
5 to the lessor or agent pertaining to lead-based paint and
6 hazardous conditions in the residential dwelling being
7 leased, including:

8 (i) Records and reports regarding common areas in
9 the residential dwelling.

10 (ii) Records and reports regarding other residential
11 dwelling units in a multifamily dwelling if the
12 information is part of an evaluation or reduction of
13 lead-based paint and hazardous conditions in the
14 multifamily dwelling as a whole.

15 (b) Disclosure to agent.--A lessor shall disclose to the
16 agent the presence of any known lead-based paint and hazardous
17 condition in the residential dwelling being leased and the
18 existence of any available records or reports pertaining to the
19 lead-based paint and hazardous condition. The lessor shall also
20 disclose any additional information available concerning the
21 known lead-based paint and hazardous condition, such as the
22 basis for the determination that the lead-based paint and
23 hazardous condition exist, the location of the lead-based paint
24 and hazardous condition and the condition of the painted
25 surfaces.

26 (c) Failure to comply.--A contract to lease a residential
27 dwelling is voidable by the lessee until the lessor or agent
28 complies with subsection (a).

29 (d) Construction.--Nothing in this section shall be
30 construed to create an affirmative duty on the part of a lessor

1 to conduct an evaluation or reduction of lead-based paint or
2 hazardous conditions except as provided under Federal law or
3 regulation.

4 Section 504-C. Certification and acknowledgment of disclosure.

5 (a) Lease requirements.--Each contract to lease a
6 residential dwelling shall include the following provisions:

7 (1) A lead warning statement as follows:

8 Housing built before 1978 may contain lead-based
9 paint. Lead from paint, paint chips and dust can pose
10 health hazards if not managed properly. Lead exposure
11 is especially harmful to young children and pregnant
12 women. Before renting pre-1978 housing, lessors must
13 disclose to lessees the presence of lead-based paint
14 and hazardous conditions in the dwelling. Lessors
15 must provide to lessees a federally-approved pamphlet
16 on lead poisoning prevention.

17 (2) A statement by the lessor disclosing the information
18 under section 503-C(a) (2) or indicating no knowledge of the
19 presence of lead-based paint and hazardous conditions.

20 (3) A list of records or reports available to the lessor
21 pertaining to lead-based paint and hazardous conditions that
22 have been provided to the lessee. If no records or reports
23 are available, the lessor shall so indicate.

24 (4) A statement by the lessee acknowledging receipt of
25 the information under paragraphs (2) and (3) and the lead
26 hazard information pamphlet required under section 503-C.

27 (5) When an agent is involved in the transaction, a
28 statement that:

29 (i) The lessor has informed the agent of the
30 lessor's obligations under sections 502-C and 503-C.

1 (ii) The agent is aware of the duty of the lessor to
2 ensure compliance with the requirements of this article.

3 (6) The signatures of the lessors, agents and lessees
4 certifying to the accuracy of their statements to the best of
5 their knowledge, along with the dates of signature.

6 (b) Form.--The provisions required under subsection (a) may
7 be included in an addendum to a contract to lease a residential
8 dwelling.

9 (c) Retention of certification and acknowledgment
10 information.--The lessor, and any agent, shall retain a copy of
11 the completed addendum or lease contract containing the
12 information required under subsection (a) for not less than
13 three years from the commencement of the leasing period.

14 Section 505-C. Penalty.

15 (a) Violation.--A person who violates this article commits a
16 misdemeanor of the third degree and shall, upon conviction, be
17 sentenced to pay a fine of not less than \$5,000.

18 (b) Disposition of fines.--Notwithstanding the provisions of
19 42 Pa.C.S. §§ 3571 (relating to Commonwealth portion of fines,
20 etc.) and 3573 (relating to municipal corporation portion of
21 fines, etc.), fines collected under subsection (a) shall be paid
22 into the State Treasury and shall be credited to the Department
23 of Health for the operation and maintenance of the Lead and
24 Healthy Homes Program.

25 Section 2. This act shall take effect in 180 days.