
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 668 Session of
2017

INTRODUCED BY SCHLOSSBERG, CRUZ, YOUNGBLOOD, DONATUCCI, O'BRIEN,
SIMS, V. BROWN, McNEILL, WHEATLEY AND ROZZI, MARCH 1, 2017

REFERRED TO COMMITTEE ON URBAN AFFAIRS, MARCH 1, 2017

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 any party who enters into a contract with

1 a 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)
19 of the Lead-Based Paint Poisoning Prevention Act (Public Law
20 91-695, 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 act of July 6, 1995

1 (P.L.291, No.44), known as the Lead Certification Act, to
2 perform inspections solely for the purpose of determining the
3 presence of lead-based paint through the use of onsite testing,
4 such as XRF analysis, and the collection of samples for
5 laboratory analysis.

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

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

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

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

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

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

30 "XRF analysis." The use of X-Ray Fluorescence (XRF) to test

1 for the presence of lead-based paint.

2 Section 502-C. Inspection.

3 A lessor or agent shall inspect a residential dwelling,
4 offered by the lessor or agent for lease, rent or sublease for
5 occupation, for the presence of lead-based paint and hazardous
6 conditions as follows:

7 (1) An inspection shall be conducted:

8 (i) after the residential dwelling becomes vacant;

9 or

10 (ii) before the occupancy of the residential
11 dwelling.

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

16 Section 503-C. Disclosure.

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

19 (1) Inform the lessee whether or not the residential
20 dwelling has been tested for lead-based paint and hazardous
21 conditions.

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

28 (3) Disclose to the lessee the presence of any known
29 lead-based paint and hazardous condition in the residential
30 dwelling being leased. The lessor or agent shall also

1 disclose any additional information available concerning the
2 known lead-based paint and hazardous condition, such as the
3 basis for the determination that the lead-based paint and
4 hazardous condition exist, the location of the lead-based
5 paint and hazardous condition and the condition of the
6 painted surfaces.

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

11 (i) Records and reports regarding common areas in
12 the residential dwelling.

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

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

29 (c) Failure to comply.--A contract to lease a residential
30 dwelling is voidable by the lessee until the lessor or agent

1 complies with subsection (a).

2 (d) Construction.--Nothing in this section shall be
3 construed to create an affirmative duty on the part of a lessor
4 to conduct an evaluation or reduction of lead-based paint or
5 hazardous conditions except as provided under Federal law or
6 regulation.

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

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

10 (1) A lead warning statement as follows:

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

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

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

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

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

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

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

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

10 (b) Form.--The provisions required under subsection (a) may
11 be included in an addendum to a contract to lease a residential
12 dwelling.

13 (c) Retention of certification and acknowledgment
14 information.--The lessor, and any agent, shall retain a copy of
15 the completed addendum or lease contract containing the
16 information required under subsection (a) for not less than
17 three years from the commencement of the leasing period.
18 Section 505-C. Penalty.

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

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

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