

Complying with Lancaster's Proposed Amendments to Lead Hazards Ordinance

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Lancaster's city council continues to target lead hazards in city rental units with a new version of a city ordinance.

The proposed amendment that attorneys from [Barley Snyder](#) are tracking would impose certification and disclosure requirements on landlords of certain rental housing units within the city. Currently, certification and risk assessment procedures are required for dwelling units rented to people, including children and pregnant women, with elevated blood-lead levels.

If the amendment is adopted, however, a much greater number of landlords will have to provide additional information. According to the proposed amendment, landlords of any dwelling unit constructed before 1978 where children six and under live during the lease term would be affected. Those landlords would be required to provide additional notices and lead-safety certifications to prospective tenants prior to the start of the lease.

Proposed requirements include:

- City inspection of the rental unit prior to renting the unit to a new tenant
- A Lead-Safe Certification submitted to the city when renting to a new tenant with a child six and under
- Disclosure of Lead-Safe Certification prepared by a lead-based paint risk assessor
- Assessor-provided, specific certification language in a certificate submitted to the [Lancaster City Code Compliance and Inspection Office](#)
- Notice to tenant that it should conduct a visual inspection of the premises during the term of the lease and inform the owner of deteriorated paint surfaces
- In addition, the amendment proposes new disclosure and notice requirements for owners selling their properties.

The new ordinance also gives tenants more rights if the ordinance isn't followed. A tenant may abate rent until the unit is certified lead-safe and terminate the lease within 30 days of receiving notice of a child's elevated blood level. The tenant would also receive a refunded security deposit. Landlords also face strict penalties for noncompliance, including fines and fees. A landlord also cannot evict a tenant if the tenant complains about hazardous lead-paint issues. The proposed amendment is unclear as to how a landlord should comply with these requirements if a lease is being renewed.

While this ordinance is being proposed in Lancaster, more cities in central Pennsylvania are evaluating the age and conditions of their residential housing units. As a result, similar ordinances exist, or could be proposed, in other

municipalities in the region. It is important for landlords in Lancaster to become familiar with the disclosure and certification obligations imposed by this ordinance and review all residential leases to address these issues.

Federal law currently imposes notice requirements for landlords and sellers of real estate older than 1978, but those requirements are largely limited to disclosure of the landlord's or owner's knowledge of lead-based paint on the property.

City Council could vote on the ordinance changes at its regular meeting on November 14.

If you have any questions about the proposed ordinance or your lease, please [contact me](#) or any of the attorneys in Barley Snyder's [Real Estate Practice Group](#).

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