
Municipal Lead-Safe Policy Toolkit

Lead Safe Allegheny County Coalition Policy Committee

About

This toolkit contains policy recommendations for municipal action to reduce lead exposure and lead poisoning that occurs as a result of: deferred maintenance in rental housing, unsafe renovations and repairs that disturb lead paint, unsafe demolitions, and drinking water contamination. Municipalities around the nation have begun to implement policies to address these pathways to lead poisoning. Policies that promote lead-safety in these areas ensure that exposure to this neurotoxin never occurs in our most valuable community asset: children.

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Tools

Proactive Rental Inspections:

Proactive inspection for lead hazards in rental housing reduces lead poisoning, and many municipalities use these inspections to this end, typically by including these inspections in their occupancy permitting or rental licensing or registration processes.

Certificate of Occupancy/Rental Licensing:

Permit issued to certify a property meets all applicable codes like building or zoning regulations. Proactive rental inspections are commonly incorporated into the occupancy permitting process. These processes often already require an inspection for safety and health standards, and adding lead-specific protocols to these inspections can be easily accomplished.

Rental Registry: Inventory with accurate contact information for all rental properties, so that property owners/managers can be reached in the event of an emergency or to facilitate code compliance activities, such as scheduling proactive rental inspections. Rental registries also sometimes incorporate property inspections into the registration process, when such inspections are not otherwise implemented under other codes.

Lead Safety

Identify lead hazards in homes before lead poisoning occurs, via visual paint inspection, lead dust-wipe sampling, and perhaps soil and water sampling

Require proof of a successful lead inspection, dust-wipe clearance test

Publicly searchable online database that includes results from any lead testing and records of any lead remediation

Benefits

- Primary prevention of lead poisoning
- Encourages on-going maintenance of housing
- Identify and prioritize unsafe properties
- Protects most vulnerable tenants (wouldn't complain in complaint-based system)
- Incentivizes lead-safe work practices
- Low-barrier implementation as lead-specific protocols can be added to existing inspections for safety and health
- Facilitates necessary communications with landlords, including out-of-state landlords
- Promotes code compliance and accountability
- Generates up-to-date rental housing data
- Preserves / promotes neighborhood property values and local tax base



Lead Safe Rental Housing

Enforcement

Proactive Code Enforcement: Strong enforcement mechanisms are a vital element to any effective proactive rental inspection program. Municipalities have implemented varying combinations of these tools, depending on the needs and context of their individual communities. These tools include, but are not limited to:

- **Proactive:** Enforcement directly by the implementing agency. For example, municipal code enforcement may take action to pursue and achieve correction of lead hazards in a rental property through the use of violation notices and fines.
- **Passive:** Enforcement through the denial of a rental permit or license if rental property owners and managers cannot show proof of a successful lead inspection.
- **Self-Help Tenant Protections:** Enforcement through legal disputes initiated by a tenant to declare their rental housing unsafe in regards to lead. Policies may protect tenants from eviction based on the discovery of lead hazards in the home.

Example Municipalities with Lead-Safe Rental Housing Ordinances

Brooklyn Center, MN (31,000) Performance-based licensing program. Requires visual inspection for deteriorating paint.

Burlington, VT (42,239) Property owner conducts visual inspection annually at tenant turnover for certificate of compliance and rental registration.

Grand Rapids, MI (198,829) Visual inspection and rental registration required for certificate of occupancy. Inspections every 2, 4 or 6 years depending on performance.

Lancaster, PA (542,903) Dust wipe sample and visual inspection must be conducted by third party Risk Assessor to certify rental homes where children under the age of 6 reside are "lead free" before occupancy.

Philadelphia, PA (1.5 million) Rental property built before 1978 must be certified as lead-safe with dust wipe sampling and visual inspection in order to receive rental license.

Rochester, NY (208,000) Visual inspection in all pre-1978 rental units required for registration and certificate of occupancy. Dust-wipe sampling required in buildings with 1-5 units in high-risk areas that passed visual inspection.

Topenish, WA (8,906) Rental licensing program.

Example Municipalities with Lead-Safe Rental Housing Enforcement Tools

Franklin County (1.29 million) Escrow accounts can be started at County Municipal Court if code violations are not addressed within 30 days.

Los Angeles (4 million) Rent Escrow Account Program (REAP) offers rent reduction and an escrow account to tenants whose landlords do not address code violations within the allotted time.

Maryland (6.04 million) The Maryland supreme court ruled in 2011 that a rental license must be obtained before evicting a tenant.

Philadelphia, PA (1.5 million) Lead Court established to improve compliance with orders to remediate lead hazards. Since its creation in 2002, compliance is eight times more likely than before it existed.

Lead-Safe Renovations, Repairs and Painting (RRP)



The 2010 federal RRP Rule requires that renovations, repairs and painting done in pre-1978 homes, childcare centers and preschools be performed by firms who are certified in lead-safe work practices, so as not to expose children to lead hazards. Additionally, this rule requires that individuals and firms must be RRP certified through an EPA accredited program.

Enforcement of the RRP rule is generally conducted by the EPA, on a complaint-driven basis. However, under-reporting and lack of federal resources are significant nationwide barriers to effective EPA enforcement.

Although authorized to enforce the RRP Rule directly, Pennsylvania has not undertaken enforcement of the Rule, nor have most municipalities. This is a key area where municipalities can act to prevent lead exposure and lead poisoning.

Municipal Strategies

Partial Implementation

Verify RRP certification upon application for building permits.

Full Implementation

Adopt RRP rule into housing code.
Enforce violations as a code violation.

Benefits

- Ensure primary prevention through lead-safe practices before children are exposed
- Minimal resources needed for implementation
- Reduce need for enforcement on the "back end" when units fail dust-wipe testing
- Grow pool of lead-certified contractors

Examples of Municipal RRP Enforcement

Burlington, VT (42,239) Requires all work done on pre-1978 homes must be RRP compliant.

Rochester, NY (208,000) Requires all work done on pre-1978 homes must be RRP compliant.

Superior, WI (26,194) Proof of EPA certification required for building permit. RRP administered by Wisconsin Department of Health.

Schenectady County, NY (155,565) Requires all work done on pre-1978 homes must be RRP compliant.

Lead-Safe Demolitions



Cities across the nation have instituted lead-safe demolition protocols to prevent exposure to lead hazards that are caused by demolitions. In Allegheny County, municipalities and private parties conducting demolitions already must ensure that demolitions are done in an asbestos-safe manner.

However, there are no protocols in place within the County to ensure that demolitions are conducted in a lead-safe manner. Municipalities in Allegheny County can fill this gap by including cost-effective, lead-safe demolition standards in the demolitions that they carry out and permit.

Below is a summary of a report released in August 2019 by the Institute of Politics and Lead-Safe Demolition Working Group on best demolition practices and a model ordinance. These recommendations apply to both private and public demolitions.

5 Steps

Pre-demolition: All supervisory personnel must be trained in lead abatement and all workers must be accredited lead hazard reduction workers according to the state DEP.

Deconstruction: Contractors must deconstruct specific housing components by hand, wrap debris thoroughly and transport it off site.

Demolition: The municipal staff or independent contractor monitors lead emissions in air, soil, and water before, during and after demolition.

Post-demolition: At the conclusion of demolition, debris must be wetted, covered, and transported to an EPA-approved landfill.

Ongoing Site Safety: Pending redevelopment of the site, a ground cover that grows, a ground cover that grows at a short height and requires little maintenance must be in place.

Benefits

- Decreases the risk to neighbors of lead exposure
- Increased property value
- Creates development-ready lots

Examples of Municipalities with Lead-Safe Demolition Ordinances

Baltimore, MD (619,493) requires supervisory personnel to be accredited and trained in lead abatement; requires extensive community outreach

Portland, OR (647,805) requires written notices to all residents and businesses within 150 feet of a site; utilizes plastic barriers for deconstruction

Detroit, MI (673,104) requires supervisors to undergo lead awareness training; requests that children under 12 stay inside during demolition

Lead-Safe Water



The Clean Water Act and Safe Drinking Water Act (Lead and Copper Rule) regulate the amount of lead in drinking water. While water authorities are responsible for complying with these requirements, local municipalities can formally support the following solutions to protect their residents' water quality.

For example, a resolution could request and state the need for the following actions by water authorities operating in the municipality:

- Moratorium on partial lead service line replacements
- Corrosion controls to limit lead release from pipes

Phosphate solutions

PbO₂ scale formation

Remove adverse pipe scale deposits