

**FILE OF THE CITY CLERK**

**ADMINISTRATION ORDINANCE NO. 06 – 2022**

**ADMINISTRATION BILL NO. 06 - 2022**

**INTRODUCED – APRIL 12, 2022**

**ADOPTED BY COUNCIL – APRIL 26, 2022**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LANCASTER RE-WRITING CHAPTER 182 OF THE CODE OF THE CITY OF LANCASTER- LEAD POISONING PREVENTION AND LEAD HAZARD CONTROL; PROVIDING FOR THE REPEAL OF INCONSISTENT ORDINANCES; PROVIDING FOR THE SEVERABILITY OF THE ORDINANCE AND PROVIDING THAT THE ORDINANCE SHALL TAKE EFFECT IN ACCORDANCE WITH PENNSYLVANIA LAW.**

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED** by the City Council of the City of Lancaster, Lancaster County, Pennsylvania as follows:

Section 1.

Chapter 182 of the Code of the City of Lancaster-Lead Poisoning Prevention and Lead Hazard Control be and hereby is re-written as set forth on the document attached hereto and incorporated herein as Exhibit "A".

Section 2.

Subject to the provisions of Section 4 below, all ordinances or resolutions or parts of ordinances or resolutions in so far as they are inconsistent herewith are hereby repealed and rescinded.

Section 3.

In the event any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, such invalidity shall not affect or impair any of the remaining provisions, sections, sentences, clauses or parts of this Ordinance; it being the intent of the City of Lancaster that the remainder of the Ordinance shall be and shall remain in full force effect.

Section 4.

This Ordinance shall take effect in accordance with Pennsylvania Law. Notwithstanding the foregoing, the terms and provisions set forth in the Ordinance shall become effective on January 1, 2023. The effective date of the Ordinance shall not have any effect or effect on any enforcement proceedings pending at the time that this Ordinance become effective. All provisions of Chapter 182 in effect at the time such enforcement proceedings began shall remain in full force and effect for purposes of any such enforcement proceedings.

**DULY ORDAINED AN ENACTED**, this 26<sup>th</sup> day of April, 2022, by the City Council of the City of Lancaster, Lancaster County, Pennsylvania in lawful session duly assembled.

  
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Danene Sorace, Mayor

ATTEST:

  
\_\_\_\_\_  
Bernard W. Harris Jr., City Clerk

## **ARTICLE I.**

### **GENERAL**

#### **§ 182-1 Purpose.**

The purpose of this chapter is to protect and promote public health, safety and welfare through the identification and elimination of lead source hazards in the built environment and identification and protection of children with Elevated Blood Lead Levels (EBLL).

#### **§ 182-2 Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

#### **ABATE or ABATEMENT**

Any set of measures designed to permanently eliminate lead-based paint hazards, including the removal of lead-based paint and lead-contaminated dust, the permanent containment or encapsulation of lead paint; replacement of lead-painted surfaces, or fixtures, and removal, or the covering of lead-contaminated soil and all prep, cleanup, disposal, and post-abatement clearance testing activities associated with such measures.

#### **BARE SOIL**

Soil or sand not covered by grass, sod, other live ground cover, wood chips, gravel, acritical turf, or similar covering.

#### **BLOOD LEAD LEVEL (BLL)**

The amount of lead in blood which is measured in micrograms of lead per deciliter of blood ( $\mu\text{g}/\text{dL}$ ).

#### **BOARD OF HEALTH/BOARD**

A board established by the Code of the City of Lancaster which addresses conditions that may be detrimental to public health and promotes health practices that enhance the community.

#### **CERTIFIED LEAD ABATEMENT COMPANY**

An individual, firm or company certified by the EPA in Lead Abatement work who gains approval by the PA Department of Labor & Industry to become certified and licensed to conduct lead based paint abatement in the Commonwealth of PA.

#### **CHILD CARE FACILITY**

A dwelling, building, structure or portion thereof, used for supervision or personal care services for children 6 years of age or less for under 24 hours as approved by the City and licensed by the State Department of Public Welfare.

**CLEARANCE EXAMINATION**

An activity conducted and documented by a Lead Risk Assessor to determine if a unit is lead-safe consisting of a visual inspection and dust wipe sampling according to EPA regulations under 40 CFR 745.65. Passing results in a Lead-Safe Certification.

**CODE OFFICIAL**

Any inspector and/or employee of the City empowered to act as a Code Official by the Director of the Department of Community Planning and Economic Development including without limitation, Bureau Chiefs, Deputy Directors, Technical Officers and Inspectors. When acting within the scope of their appointment, Code Officials shall have the power of a police officer of the City of Lancaster, provided, however, that under no circumstances shall they have the power of arrest.

**CONDEMNED PROPERTY**

A property condemned by the City of Lancaster under the Property Code, Building Code or Fire Code, of the City of Lancaster, or any incorporated codes providing for the power of condemnation, including, without limitation, the International Property Maintenance Code, adopted pursuant to Chapter 223 of the Code of the City of Lancaster - Property Maintenance, the Uniform Construction Code of the Commonwealth of Pennsylvania adopted and incorporated into Chapter 116 of the Code of the City of Lancaster - Construction Codes, Uniform, and the International Fire Code adopted pursuant to the City of Lancaster's Fire Prevention Code codified in Chapter 142 of the Code of the City of Lancaster - Fire Prevention.

**DETERIORATED PAINT**

Any interior or exterior paint or other coating that is peeling, chipping, chalking or cracking, or any paint or coating located on an interior or exterior surface or fixture that is otherwise damaged or separated from the substrate.

**DWELLING**

A building or part thereof occupied as a residence.

**DWELLING UNIT**

A single unit providing independent living facilities for one or more persons, including provisions for living, sleeping, eating, cooking and sanitation. For purposes of this article, a dwelling unit includes, amongst other dwelling units, a single apartment or efficiency, a single-family house, a dwelling unit within a multifamily house, and dwelling units within other types of facilities.

**ELEVATED BLOOD LEAD LEVEL (EBLL)**

A BLL confirmed to be equal to or greater than the Centers for Disease Control's blood lead reference value as set by the United States Federal Advisory Committee, called the Lead Exposure and Prevention Advisory Committee (LEPAC).

## **ENVIRONMENTAL INVESTIGATION**

The process of determining the source of lead exposure for a child age 6 or under with an elevated blood lead level, consisting of a risk assessment and additional questions for the family regarding other sources of lead exposure (e.g., water, pottery, daycare settings), and testing of other potential sources of lead exposure.

## **EPA**

United States Environmental Protection Agency.

## **INITIAL INSPECTION**

An examination of a residential rental property conducted by a Code Official prior to the issuance of a rental license under the provisions of Chapter 238 of the Code of the City of Lancaster – Rental Property.

## **INTERIM CONTROLS**

A set of measures designed to reduce temporary exposure or likely exposure to lead-based paint hazards. Interim controls include, but are not limited to, repairs, painting, temporary containment, specialized cleaning, clearance, ongoing lead-based paint maintenance activities, and the establishment and operation of management and resident education programs.

## **LEAD-CONTAMINATED DUST**

Surface dust that contains a mass per area concentration of lead equal to or exceeding acceptable levels of lead defined in EPA regulations under 40 CFR 745.65.

[Added 11-14-2017 by Ord. No. 14-2017]

## **LEAD-CONTAMINATED SOIL**

Bare soil on residential real property or on the property of a child-occupied facility that contains total lead equal to or exceeding acceptable levels of lead in a play area or yard defined in EPA regulations under 40 CFR 745.65.

## **LEAD HAZARD EVALUATION**

A point in time check consisting of a visual inspection and/or dust wipe sampling to detect lead-based paint hazards and is performed by a Code Official or Lead Risk Assessor in accordance “to determine compliance” with “Lead Safe” Standards established by the City. Passing results in a Notice of Compliance with Lead Safe Standards.

## **LEAD-SAFE CERTIFICATION**

A form provided by the City of Lancaster signed by a Lead Risk Assessor indicating a property has passed a Lead Risk Assessment or Clearance Examination. The form can be found in the policies and procedures.

**LEAD SAFE RENOVATOR**

An individual who has successfully completed an EPA eight-hour class titled "Renovator" under the Renovate Repair and Painting Rule, also known as the RRP Rule. The company that the Renovator owns or works for must also be certified as a "firm" under the RRP Rule.

**LEAD SAFE STANDARDS**

Standards for determining whether properties pass a Lead Hazard Evaluation developed by the City and approved by resolution of City Council from time to time.

**LEAD HEALTH HAZARD**

Any lead source identified by an Environmental Investigation shall be considered a lead health hazard to children age 6 or under and pregnant women.

**LEAD RISK ASSESSOR**

An individual who is certified by the EPA and licensed by the Commonwealth of Pennsylvania Department of Labor & Industry as a lead risk assessor.

**LEAD INSPECTOR**

An individual who is certified by the EPA and licensed by the Commonwealth of Pennsylvania Department of Labor & Industry as a lead inspector.

**NOTICE OF COMPLIANCE WITH LEAD SAFE STANDARDS**

A form provided by the City of Lancaster signed by a Code Official, Lead Risk Assessor, or Lead Inspector indicating a property is compliant with Lead Safe Standards. The form can be found in the policies and procedures.

**ORDER OF REMOVAL**

Order executed by the Health Officer upon receipt of documentation of a child with an EBLL greater than or equal to 45 mg/dl that the child be required to be removed from the property causing the lead poisoning and be placed in a lead safe dwelling to prevent re-exposure to toxic lead hazards.

**OWNER**

Any person, agent, operator, housing authority or fiduciary having legal, equitable or other interest in any real property; as recorded in the official records of the state, county or municipality as holding title to the real property; or otherwise having control of the real property, including the guardian of the estate of such person and the executor or administrator of such person's estate. When used in this article in a clause proscribing any activity or imposing a penalty, the term, as applied to partnerships and associations, shall mean each general partner; as applied to corporations, the officers thereof; and as applied to limited liability companies, the members and any managers thereof.

**POLICIES AND PROCEDURES**

That document entitled Policies and Procedures for the implementation of this Chapter by the Department of Community Planning and Economic Development as approved and

signed by the Director of the Department of Community Planning and Economic Development and posted on the City's website. The Policies and Procedures may be altered from time to time and will only become effective upon their posting on the City's website.

### **REMEDIATION**

Measures designed to reduce or eliminate human exposure to lead-based paint hazards through approved methods, including interim controls and abatement.

### **RENOVATION, REPAIR AND PAINTING RULE (RRP RULE)**

This EPA rule as codified in 40 CRF Part 745 requires that firms performing renovation, repair and painting projects that disturb lead-based paint in homes, child-care facilities and preschools built before 1978 have their firm certified by the EPA (or an EPA-authorized state), use certified renovators who are trained by EPA-approved training providers and follow lead-safe work practices.

### **RESIDENTIAL RENTAL PROPERTY**

Any parcel of real estate, including land and all buildings and appurtenant structures and dwellings thereon that contain therein one or more residential rental units.

### **RISK ASSESSMENT**

An on-site inspection both on the interior and exterior of the structure conducted by a Lead Risk Assessor to determine and report the existence, nature, severity and location of lead poison hazards that could affect humans, especially children. Passing results in a Lead-Safe Certification.

### **SYSTEMATIC RENTAL INSPECTION**

An examination of a residential rental property conducted by a Code Official under and pursuant to the provisions of Chapter 238 of the Code of the City of Lancaster – Rental Property.

### **TARGETED HOUSING**

Any rental dwelling unit constructed before 1978, except: 1) housing for the elderly or persons with disabilities, 2) any unit defined as an efficiency unit in the City Zoning Ordinance; 3) dwelling units developed by or for an education institution for the exclusive residential use and occupancy by that institution's students; 4) buildings containing dwelling units all of which are leased only to students enrolled in a college or university degree program.

- A. The above exemption of any dwelling unit in (1), (2) and (3) for pre-1978 housing for the elderly or persons with disabilities, or educational institution housing does not apply to any dwelling unit where a child age six and under resides in, or is expected to reside in, such dwelling unit.

### **TENANT**

The individual named as the lessee in a lease, rental agreement or occupancy agreement for a dwelling unit or any structure with a child-care facility.

**§ 182-3 Inspection and Access and Policies and Procedures.**

- A. The City, through its agents or employees, is authorized to make inspections upon display of proper identification to determine compliance with this chapter.
- B. Every occupant of a dwelling shall grant to the owner thereof or his agent or employee or any person with whom the City has contracted free access to it at all reasonable times for the purpose of testing or inspection to effect compliance with this chapter and with any notice or order issued under this chapter.
- C. The Director of Community Planning and Economic Development is authorized to promulgate Policies and Procedures.

**§182-4 Liability of City.**

The issuance of a statement by the City to an owner and/or occupant that a lead health hazard has been abated or a Notice of Compliance with Lead Safe Standards does not subject the City to any claims for liability if the issuance of the statement or notice was made in good faith.

**§ 182-5 Means of local agency appeals.**

- A. Any party aggrieved by a decision of any designated and authorized agent of the City regarding lead-based paint shall have the right to file an appeal with the City Housing Board of Appeals.
- B. Filing of appeal. Any appeal filed shall be filed within 10 days of the date of the Notice of Lead Health Hazard. Any such appeal shall be in writing and directed to the Lancaster City Housing Board of Appeals, with a check payable to the City of Lancaster in the amount of \$150 for the appeal. Furthermore, the Board may require the party bringing the appeal to pay any costs associated with hearing the appeal, including, but not limited to, attorney's fees in excess of the appeal fee, regardless of other expenses incurred, whether or not the Board partially or fully upholds the City's issuance of the appealed decision.
- C. Any party aggrieved by a decision of the Board may appeal to the Court of Common Pleas of Lancaster County as provided by law, within 30 days of receiving the Board's decision.

**ARTICLE II**

**PROHIBITION ON USE OF LEAD-BASED PAINT**

**§ 182-6 Use of lead-based paint prohibited.**

No person shall use or apply or cause to be used or applied lead-based paint to the interior or exterior surfaces of any dwelling, dwelling unit, rooming house, rooming unit or facility or any structure containing a child-care facility. Such interior surfaces include, but are not limited to, windowsills, window frames, doors, door frames, walls, ceilings, stair rails and spindles or other appurtenances.

**§ 182-7 Penalties**

Any person found to have violated Section 182-6 above shall be subject to penalties of up to One Thousand (\$1,000.00) Dollars or a term of imprisonment not exceeding ninety (90) days or both.

**ARTICLE III.  
LEAD HAZARD EVALUATIONS AND REMEDIATION**

**§ 182-8 Lead Hazard Evaluation and Notice of Compliance with Lead Safe Standards Required**

- A. No targeted housing shall be rented without being issued a rental license in accordance with Chapter 238 of the Code of the City of Lancaster and the targeted housing property may not receive such license until it has received a Notice of Compliance with Lead Safe Standards or a Lead-Safe Certification.
- B. Lead Hazard Evaluations shall be conducted at the time of systematic inspection for all targeted housing, except when the property has a valid Lead-Safe Certification at the time of the systematic inspection and the owner opts out.
- C. A Notice of Compliance with Lead Safe Standards shall be issued by the City to all targeted housing that undergoes a Lead Hazard Evaluation and satisfactorily complies with Lead Safe Standards.
- D. All targeted housing that fails to comply with Lead Safe Standards shall be required to undergo a Clearance Examination and obtain a Lead-Safe Certification within 45 days of the systematic inspection to pass the systematic inspection.
- E. Lancaster City Housing Authority is required to demonstrate compliance with HUD's Lead Safe Housing Rule in order to receive a Notice of Compliance with Lead Safe Standards for Public Housing properties under their ownership.
  1. Public Housing properties owned by Lancaster City Housing Authority are subject to Lead Hazard Evaluation at the time of systematic inspection.

**§ 182-9 Clearance Examination and Lead-Safe Certification Required**

- A. Clearance Examination and Lead-Safe Certification shall be required for the following:
  1. Targeted housing
    - a. All targeted housing that does has not been issued a Notice of Compliance with Lead Safe Standards must obtain Lead-Safe Certification every two years.
    - b. A property owner may opt out of the Lead Hazard Evaluation if the owner produces a valid Lead-Safe Certification at the time of the systematic inspection.
  2. Child care facilities
    - a. If a property was built before 1978, the owner and/or operator of any proposed child care facility shall have a Clearance Examination conducted and obtain a Lead-Safe Certification prior to opening and/or operating the child care facility.
    - b. All child care facilities built before 1978 are required to maintain Lead-Safe Certification, obtaining and submitting certification every two years.
    - c. If lead remediation is required, child care facilities must utilize a Certified Lead Abatement Company and provide proof of certification if requested.
  3. Condemned residential structures



- a. Any condemned residential structure prior to the issuance of a certificate of habitability or certificate of occupancy.
  - b. If a dwelling unit in targeted housing is condemned, the owner must submit a clearance examination report and Lead-Safe Certification as a condition precedent to the lifting of the condemnation.
  - c. The owner is responsible for all costs associated with lead remediation, the clearance examination and obtaining the Lead-Safe Certification.
  - d. Condemned dwellings that do not require building code permits to remove condemnation also do not require a Lead Safe Certification to remove condemnation. Condemnations not requiring permits for removal include condemnations issued for reasons such as utility shutoffs, unsanitary conditions, vermin infestation, contamination, poor ventilation or illumination, or lacking heating facilities and other essential equipment as defined in the International Property Maintenance Code.
- B. Any property where two- or three-unit family dwelling units are created by subdividing space or when two or three existing family dwelling units are combined into one or two units.
  - C. Lead-Safe Certifications are valid for two years from the date of issue.
  - D. Lead-Safe Certification renewals must be submitted to the City within 30 days from the expiration date of the previous Lead-Safe Certification to remain in compliance.

**ARTICLE IV.  
ELEVATED BLOOD LEAD LEVELS**

**§ 182-10 Environmental Investigation and documentation of lead health hazard**

- A. An environmental investigation must be conducted for every documented case of an elevated blood lead level among children six years of age and under and pregnant women. This investigation must document all lead health hazards which may be contributing to an elevated blood lead level..
- B. Sources of lead health hazards include:
  - 1. Lead on any flaking, peeling, nonintact deteriorated surface or on any exposed surface or in any soil or dust found in or about the dwelling or in any rugs, carpet or other surface coverings in or about the dwelling containing a quantity of lead in excess of 1.0 milligrams of lead per square Centimeter (1.0 mg/cm<sup>2</sup>) when tested by a radioisotope X-ray fluorescence analyzer (XRF) or more than 0.5% lead by weight when tested by a certified laboratory; or
  - 2. Lead in drinking water, as determined when no other sources of lead have been identified, and lead water pipes or lead solder have been identified inside the structure, and the presence of lead has been detected in a water sample at levels determined to be actionable in accordance with the Pennsylvania Department of Environmental Protection's Lead and Copper Rule.
- C. Lead health hazards may exist in the following locations:
  - 1. Inside or on the exterior of a dwelling in which the affected person commonly resides or visits;
  - 2. Inside or on the exterior of a structure containing a child care facility in which the affected person commonly visits; or

3. On a structure in proximity to a dwelling or structure in which the affected person commonly resides or visits.

## **§ 182-11 Response for children with Elevated Blood Lead Level**

### Targeted Housing

#### **A. Notice of Lead Health Hazard**

Whenever a Health Officer receives documented notification that a child six years of age and under has an elevated blood lead level, a Health Officer shall issue a written Notice of Lead Health Hazard to the property owner and/or management company.

#### **B. Environmental Investigation**

The property owner will be required to:

1. Within 5 calendar days of the Notice of Lead Health Hazard, demonstrate proof of a scheduled appointment for an environmental investigation to occur within 10 days of the notice of violation.
2. Within 15 calendar days of the Notice of Lead Health Hazard, submit a report documenting the results of an environmental investigation.

If any of these requirements are not met, the City may order an environmental investigation and bill the cost of this investigation to the property owner.

Environmental Investigations shall be conducted in accordance with guidance from the Centers for Disease Control and Prevention and federal law (15 USC § 2681; 40 CFR § 745.63).

#### **C. Lead abatement and remediation**

1. If the results of the environmental investigation indicate that lead-based paint or other source of lead in the dwelling in which the child resides or visits may have contributed to the person's elevated blood lead level, the property owner must contract with a licensed lead abatement company to abate all lead health hazards and remediate other identified lead hazards as identified in the environmental investigation.
2. The property owner shall submit a copy of the signed contract, including scope of work and timeframe, with the licensed lead abatement company to the Health Officer within 21 days of the Notice of Lead Health Hazard. The property owner shall proceed with remediation only after the contract has been submitted to the Health Officer. If the scope of work is determined to be insufficient according to the environmental lead investigation as determined by the Health Officer, the property owner shall resubmit a new contract within 5 days.
3. The owner shall complete the remediation, conduct a clearance examination, and submit a Lead Safe Certification to the City within 45 days, or within the timeframe approved by the Health Officer.
4. The full cost of abatement and remediation is the responsibility of the property owner.

#### **D. Order of Removal**

When a child with an EBLL meets the following conditions, the Health Officer may issue an order of removal to have the child placed in a lead-safe dwelling until the order of removal is lifted. Conditions are as follows:

1. The child has an EBLL of greater than or equal to 45 micrograms per deciliter; and
2. The results of an environmental investigation demonstrate the property in which the child is living may be a cause of the EBLL; or
3. The child's licensed medical doctor, Certified Registered Nurse Practitioner, or Physician's Assistant recommends the child be removed from the poisoning environment.

#### Child Care Facilities

##### **A. Notice of Lead Health Hazard**

Whenever a Health Officer receives documented notification of an EBLL case and determines that a lead health hazard may exist at a child care facility, a Health Officer shall issue a written Notice of Lead Health Hazard to the owner and/or operator of the child care facility and property owner.

##### **B. Environmental Investigation**

Health Officer may require access to and inspection of a child care facility as part of an Environmental Investigation to determine the presence of lead health hazards.

Environmental Investigations shall be conducted in accordance with guidance from the Centers for Disease Control and Prevention and federal law (15 USC § 2681; 40 CFR § 745.63).

##### **C. Lead abatement and remediation**

1. If the results of the environmental investigation indicate that lead-based paint or other source of lead in the Child Care Facility may have contributed to the person's elevated blood lead level, the property owner must contract with a Certified Lead Abatement Company to abate all lead health hazards and remediate other identified lead hazards as identified in the environmental investigation.
2. The Child Care Facility owner shall submit a copy of the signed contract, including scope of work and timeframe, with the licensed lead abatement company to the Health Officer within 21 days of the Notice of Lead Health Hazard. The Child Care Facility owner shall proceed with remediation only after the contract has been submitted to the Health Officer. If the scope of work is determined to be insufficient according to the environmental investigation as determined by the Health Officer, the Child Care Facility owner shall resubmit a new contract within 5 days.
3. The Child Care Facility owner shall complete the remediation, conduct a clearance examination, and submit a Lead-Safe Certification to the City within 45 days, or within the timeframe approved by the Health Officer.
4. The full cost of abatement and remediation is the responsibility of the Child Care Facility owner.

#### **ARTICLE V.**

## PROTECTION OF OCCUPANTS

### § 182-12 Protection of occupants.

- A. No owner, landlord, agent or person found to be in violation of this part may evict, or cause to be evicted from any apartment or building, occupants for the purpose of avoiding corrective maintenance which may have been ordered by the City or a court of law.  
[Amended 11-14-2017 by Ord. No. 14-2017]
- B. In the event the dwelling or dwelling unit or premises in which a lead hazard is found is vacated by the occupant voluntarily, who occupied it at the time of the issuance of a corrective notice, such dwelling, dwelling unit or premises shall not be let or occupied by any other person until corrective measures have been taken to bring it into compliance.
- C. Temporary relocation.
1. When a lead risk assessor determines that pregnant women and children six years of age and under are present and cannot safely remain in the dwelling while the abatement or remediation efforts are being undertaken, the property owner shall be responsible for the following:
    - a. If the tenants noted herein are required to leave the dwelling for more than 10 hours while treatments are performed, the property owner must pay for reasonable expenses for overnight housing and meals for the duration of the remediation process. Payment must be made by the property owner immediately, to include the following temporary relocation costs:
      - i. Rent or cost per day of the temporary dwelling or hotel;
      - ii. The cost of moving, hauling or storing furniture or other personal belongings, if necessary;
      - iii. Reasonable meal expenses if the temporary housing does not have food storage/refrigeration and cooking facilities.
    - b. If the temporary relocation accommodations are rental dwellings in targeted housing, the owner must provide the tenant and City with a valid copy of a Lead Safe Certificate.
  2. Temporary relocation is not to last for more than 30 days unless agreed to by both the landlord and the tenant.
  3. If furnishings and personal belongings were relocated to another address as part of the remediation efforts, it shall be the landlord's or property owner's responsibility to pay for moving them back into the remediated unit, unless agreed to by both the landlord and the tenant.
  4. The landlord or property owner shall be responsible for relocation expenses as noted above, plus any fine amounts which accumulate through legal action taken by the City for failure to correct an unsafe property condition.
  5. Tenant remedies.
    - a. For any residential rental property for which the Health Officer has issued an order of removal in accordance with the provisions of this Chapter:
      - i. The landlord will be responsible for covering the cost of housing the child and one parent or guardian in a dwelling that is lead-safe until the order of removal is lifted.
      - ii. The tenant shall be entitled to abate rent payment(s) until such time that the dwelling or dwelling unit has been certified as lead safe as determined by this

chapter. Once a dwelling or dwelling unit has been certified as lead safe, the tenant will be responsible for paying the balance of the rent for the month in which the property is found to be lead safe, and all future rent. If the owner is otherwise in compliance with this chapter as determined by the City of Lancaster, and there is a delay in attaining the Lead Safe Certification caused by licensed lead abatement company availability, the tenant shall be responsible for resuming all other rent payments after the first month that rent was abated.

- iii. The tenant shall be entitled to terminate the lease by giving notice to the owner or its designated responsible agent within 30 days of receiving notice of a child's elevated blood level, and the tenant shall be entitled to receive his/her security deposit refunded at the time he/she vacates the property. The tenant must vacate the property no later than one month following notification of the child's elevated blood level test.
  - iv. Tenants are required to cooperate with the owner, all City departments, and all other contractors associated with the owner's actions to obtain the Lead Safe Certification. An owner may seek to collect any rent that is abated by the tenant based on the tenant noncooperation. Noncooperation shall include failure to be present for inspections and repairs when notified, and without good cause and failure to permit City inspectors and health officials into a unit for inspections.
  - b. Nothing in this subsection shall preclude the tenant from exercising any other rights he/she may have under law.
5. Retaliatory eviction.
- a. The owner of an affected property covered by this chapter may not illegally evict or take any other retaliatory action against a tenant as a result of the tenant providing information to the owner, or the owner's responsible agent, or the City in accordance with this Chapter; i.e., complaining about hazardous lead paint conditions or chipping, peeling, or flaking paint in targeted housing. Prohibited retaliatory actions include:
    - i. Arbitrary refusal to renew a lease; termination of tenancy; arbitrary rent increase or decrease in service to which a tenant is entitled; or any type of constructive eviction.
    - b. A tenant subjected to a retaliatory eviction or other prohibited retaliatory action by a landlord is permitted relief and is entitled to reasonable attorney's fees and costs, as allowed under Pennsylvania law. This subsection does not affect the owner's or the tenant's rights arising from a material breach of a lease.

## **ARTICLE VI**

### **REMEDIES AND SALE OF PROPERTY**

#### **§ 182-13 Remedy and collection.**

- A. The imposition of a penalty herein prescribed shall not preclude the City from instituting appropriate action by injunction or any other legal remedy to prevent or correct any violation of this chapter and collecting such costs by lien or otherwise as may be authorized by law. The City retains the right to enforce these remedies irrespective of any other ordinance or code enforcement efforts.

- B. Any bill or any repairs or corrections to the property pursuant to this chapter shall be paid by the property owner in accordance with Chapter 36, Municipal Claims. Upon failure of the property owner to pay the amounts due the City in accordance with Chapter 36, the City shall be entitled to collect all amounts and pursue any or all of the remedies identified in Chapter 36, Municipal Claims, including attorney's fees.
- C. Any person found to have violated any provisions of Article III-VI shall be subject to penalties of up to One Thousand (\$1,000.00) Dollars or a term of imprisonment not exceeding ninety (90) days or both.
- D. Each day that any offense continues and/or exists under the provisions of this Chapter shall constitute separate and independent offense subject to the penalty provisions set forth herein.

**§ 182-14 Sale of property.**

- A. If a lead health hazard is known to exist at a dwelling, then upon the sale of said property, the owner shall notify or disclose to the potential buyer/purchaser of the unsafe existing lead condition, provide any documentation related to the lead health hazard, and provide a copy of the sales disclosure statement indicating that lead health hazards do exist in the dwelling. A copy of the sales disclosure statement must also be provided to the City.
- B. When a dwelling is found to have lead health hazards, and remediation was begun by the owner, but had not been completed by the owner prior to the sale of a dwelling, the owner of record must provide the new owner with any documentation related to lead health hazards and provide a copy of the sales disclosure statement to the City.
- C. If the dwelling is an investment property, and a child with an elevated blood lead level has been identified in a dwelling unit in the investment property prior to the sale, the new owner will be required to complete the remediation and submit to the City a clearance examination report and a Lead-Safe Certification by a Lead Risk Assessor that the dwelling unit is lead (paint) safe or lead (paint) free.