

Follow Up**Response to questions & suggestions for proposed ordinance change November 2021****City of Lancaster, PA**

November 17, 2021

Dear Lancaster landlords:

Thank you very much for your ongoing creative feedback about the concept for changes to rental and lead ordinances presented in September 2021. This feedback included three major suggestions to consider:

Recommendation #1: Focus on high-risk properties and don't waste resources on low-risk properties.

Response: New proposal adjusts the requirement of lead-safe certification for all rental properties, instead stratifying properties based on the level of lead risk in the property.

Recommendation #2: Reduce cost to the community while still reaching the goal.

Response: New proposal considers combining initial review by City Housing Inspectors and private sector lead-safe certification based on level of lead risk in the property.

Recommendation #3: Ensure tenant as well as landlord education around lead safety.

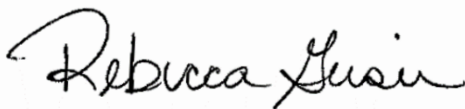
Response: New proposal incorporates landlord and tenant education around lead safety, and considers who is best situated and equipped to provide this education.

We have listened to your concerns and ideas and in response City staff are developing a second proposal to bring to you for your feedback. This proposal will be presented at a landlord meeting on Thursday, December 2, 5:30-7:00 in City Council Chambers, 120 N Duke Street.

During the meeting we also received many technical questions around implementation, lead mitigation grant programs, and response to Elevated Blood Lead Level cases. The questions and answers to technical questions are attached and can also be found at our website: <https://www.cityoflanasterpa.com/rental-ordinance-change/>

We look forward to seeing you at our next meeting on December 2!

Sincerely,



Rebecca Geiser, MPA

Deputy Director, Health, Housing and Community Development

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General questions

What is the cost of a lead-based paint risk assessment by a licensed risk assessor/inspector needed for lead-safe certification and who will pay this cost? Will this cost be passed along to tenants?

The cost is set by private companies and is approximately \$250. Landlords are responsible for this cost.

Will this ordinance impact availability of affordable housing?

Research has shown that lead laws have not resulted in significant expenses for landlords nor had a significant impact on the housing market.¹

Can the City regulate the fees risk assessors/inspectors and contractors charge to avoid price gouging?

The City is researching avenues to avoid price gouging by private companies that are within the City's legal limitations.

What should I do if I cannot afford the lead-safe certification and/or lead remediation?

The City of Lancaster is committed to ensure children are not exposed to lead in houses regulated by the rental property license ordinance. Ensuring rental properties adhere to all property maintenance code to ensure the safety of the tenants is the responsibility of property owners as business owners. These costs are a usual cost of business. Some properties may be eligible for lead hazard mitigation grants from the City (www.cityoflanasterpa.com/lead/) or from Penn Medicine Lancaster General Health (www.lancastergeneralhealth.org/services-and-treatments/community-health/community-programs/lead-free-families) to offset these costs.

How can landlords know if lead-based paint risk assessors/inspectors and contractors are qualified to provide lead-safe certification or do remediation work, and how will we ensure there are enough contractors?

Both lead-based paint risk assessors/inspectors and contractors must be licensed by the PA Department of Labor and Industry. The City and Penn Medicine Lancaster General Health are working with contractors to become certified to increase the availability for these services in Lancaster. Landlords should confirm licensing by requesting to see a copy of the license.

Lead Certified Inspection/Risk Assessment List:

www.dli.pa.gov/Individuals/Labor-Management-Relations/bois/Pages/Individuals-Firms-that-Conduct-Inspections-Risk-Assessments.aspx

Lead Certified Abatement Firms List:

www.dli.pa.gov/Individuals/Labor-Management-Relations/bois/Documents/LEDCONTR.HTM

How do new owners know if there is a valid lead-safe certification on file for the property?

Lead-safe certification of property will be held on file at the City by address. The City will evaluate the feasibility of making this information public on the City website. People purchasing properties may request a copy of the certification from the seller.

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Why does this ordinance only apply to rental properties?

City Code 238: Rental Properties gives the City explicit authority to regulate rental properties as businesses operating within the City. Complex state laws present challenges to regulating owner-occupied homes.

Why were blacks and Latinos underrepresented in the landlord meeting?

People of color are underrepresented nationally in business ownership, homeownership, and as landlords.

- According to the Annual Business Survey for 2018, approximately 18.3% of businesses nationally were owned by minority owners⁵, compared to 23.9% of the total population in the US.⁶
- While the overall homeownership rate in the US was 65.1% in early 2020, only 41% of Black Americans and 45% of Hispanic Americans owned their own homes.⁷
- Likewise, 9.37% of landlords were Black Americans in 2018 compared to 13.4% of the overall population; and 15.14% of landlords were Latino in 2018 compared to 18.5% of the overall population.^{6,8}

In this initiative, the City has conducted outreach to neighborhood groups and has provided all materials in English and in Spanish. While the City is committed to building a stronger, more equitable Lancaster block by block, city government is just one piece of the equation. It will take all of us, business leaders, elected officials, nonprofit leaders, faith community leaders, and neighbors working together to build a more equitable Lancaster. We invite your specific suggestions around how to connect with all landlords in our community. Cityoflanasterpa.com/equity/

How many City rental units are there and how many have children under 6?

According to the US Census Bureau, there are approximately 12,500 residential rental units in the City.³ Based on residential rental units and household demographics, an estimated 1,430 of these have children under 6.^{3,4}

Works cited

1. Levin R, Brown MJ, Kashtock ME, Jacobs DE, Whelan EA, Rodman Jet al.. 2008. Lead exposures in U.S. children, 2008: implications for prevention. *Environ Health Perspect*116:1285-129318941567. <https://ehp.niehs.nih.gov/doi/10.1289/ehp.11241>
2. Landlord Demographics and Statistics in the US. <https://www.zippia.com/landlord-jobs/demographics/>
3. US Census Bureau. Selected Housing Characteristics. <https://data.census.gov/cedsci/table?q=rent&g=1600000US4241216&tid=ACSDP5Y2019.DP04>
4. US Census Bureau. Households and Families. <https://data.census.gov/cedsci/table?q=housing&g=1600000US4241216&tid=ACSST5Y2019.S1101>
5. US Census Bureau. Annual Business Survey Release Provides Data on Minority-Owned, Veteran-Owned and Women-Owned Businesses. <https://www.census.gov/newsroom/press-releases/2021/annual-business-survey.html>
6. US Census Bureau. QuickFacts. <https://www.census.gov/quickfacts/fact/table/US/PST045219>
7. National Association of Realtors. Minority Homeownership Rates Continue to Lag Behind the National Average, NAR Finds. <https://www.nar.realtor/newsroom/minority-homeownership-rates-continue-to-lag-behind-the-national-average-nar-finds>
8. Zippia. Landlord Demographics and Statistics in the US. <https://www.zippia.com/landlord-jobs/demographics/>

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Lead-safe certification questions

What can we do now to know if there is lead in our units?

Anyone can purchase a lead dust wipe kit to test their own property. These cost around \$17. They are available widely at home improvement stores, grocery stores, and general stores. You can also choose to have your property inspected as soon as possible by a professional licensed by L&I to determine if any lead hazards are present.

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www.dli.pa.gov/Individuals/Labor-Management-Relations/bois/Pages/Individuals-Firms-that-Conduct-Inspections-Risk-Assessments.aspx

Lead Certified Abatement Firms List:

www.dli.pa.gov/Individuals/Labor-Management-Relations/bois/Documents/LEDCONTR.HTM

Can a landlord licensed by L&I certify their own properties?

A landlord or property management company licensed by L&I can certify their own properties, given the inspection is conducted in accordance with EPA standards.

What are the dust wipe requirements? Are they more stringent than EPA? Are previous inspections voided because the definition changed?

City requirements follow EPA standards regarding dust wipe collection and thresholds for detection. A lead-safe certificate is valid based on the time of issue and will remain valid for 2 years.

www.epa.gov/lead/hazard-standards-and-clearance-levels-lead-paint-dust-and-soil-tsca-sections-402-and-403

Are basements included in the testing for lead-safe certification?

Only if it's a finished basement.

Is soil tested during a lead risk assessment?

For lead-safe certification, a visual assessment is performed to identify the presence of bare soil. However, soil is tested during the case response for a child under age 6 with an Elevated Blood Lead Level.

Why is a lead-safe certification valid for two years?

Wear and tear and friction between surfaces (windows, doors, etc.) can disturb and damage painted surfaces and produce lead-based paint hazards (i.e. lead dust and paint chips).

Will properties built after 1978 require lead-safe cert?

No

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Grant programs for lead remediation questions

What are the income limits for tenants and landlords that are required for grant eligibility and how long must these income limits be met?

Tenants need to meet income qualifications; landlords do not need to meet the qualifications. See 2021 Family Income Guidelines below (www.hudexchange.info/programs/home/home-income-limits/?filter_Year=2021&filter_Scope=State&filter_State=PA&program=HOME&group=IncomeLmts).

A lien will be placed on the property for three (3) years and landlords must market the unit to families with kids under the age of six, ensure tenants meet income eligibility requirements, and rent must be at or below fair market rent. See Fair Market Rent chart below (www.huduser.gov/portal/datasets/fmr/fmrs/FY2021_code/select_Geography.odn).

See all details of the program on our website: www.cityoflancasterpa.com/lead/

Will the City consider giving grants to properties without kids under 6?

The Department of Housing and Urban Development (HUD) which funds the City's lead remediation program, requires grantees to focus on homes where children under the age of six live or visit frequently. The City is permitted to include only 10% of participating properties that fall outside of these criteria.

If the landlord goes through the HUD grant remediation programs, will they need a lead-safe cert every two years?

A landlord will receive a Lead-Safe Certification upon completion of the HUD Lead grant program process. The new proposal adjusts the requirement of lead-safe certification for all rental properties, instead stratifying properties based on the level of lead risk in the property. Properties that participate in the HUD lead grant program will still need to meet the requirements of the ordinance.

Is there grant assistance for landlords whose tenants do not qualify?

Tenants/landlords must qualify for the programs to receive assistance. City HUD grant (www.cityoflancasterpa.com/lead/); Penn Medicine Lancaster General Health (www.lancastergeneralhealth.org/services-and-treatments/community-health/community-programs/lead-free-families)

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2021 FAMILY INCOME GUIDELINES*

Effective 06/01/2021

**FOR THE CITY OF LANCASTER, PENNSYLVANIA
IN THE LANCASTER STANDARD METROPOLITAN STATISTICAL AREA (SMSA)**

Number of Persons in Family	<u>Extremely Low Income Ceiling for the Lancaster SMSA (30% of Median Family Income)</u>	<u>Very Low Income Ceiling for the Lancaster SMSA (50% of Median Family Income)</u>	<u>Low Income Ceiling for the Lancaster SMSA (80% of Median Family Income)</u>
1	\$17,450	\$29,050	\$46,500
2	\$19,950	\$33,200	\$53,150
3	\$22,450	\$37,350	\$59,800
4	\$24,900	\$41,500	\$66,400
5	\$26,900	\$44,850	\$71,750
6	\$28,900	\$48,150	\$77,050
7	\$30,900	\$51,500	\$82,350
8	\$32,900	\$54,800	\$87,650

The FY 2021 Lancaster, PA MSA FMRs for All Bedroom Sizes

Final FY 2021 & Final FY 2020 FMRs By Unit Bedrooms					
Year	<u>Efficiency</u>	<u>One-Bedroom</u>	<u>Two-Bedroom</u>	<u>Three-Bedroom</u>	<u>Four-Bedroom</u>
FY 2021 FMR	\$684	\$809	\$1,018	\$1,283	\$1,380
<u>FY 2020 FMR</u>	\$684	\$812	\$1,021	\$1,293	\$1,383

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Questions about Elevated Blood Lead Level Case Response
Where in the City have the Elevated Blood Lead Levels been identified?

Quadrant	EBLL in owner-occupied	EBLL in rental property
Northwest quadrant	10	31
Northeast quadrant	27	28
Southwest quadrant	44	67
Southeast quadrant	38	38

Are property owners required to remove soil if there is lead in the soil?

The first four inches (minimum) of soil would need to be removed and covered with fresh soil, thorny bushes or shrubbery, mulch, stone or other acceptable measures.

If a property has a child with an EBLL and there is environmental investigation performed by the City will the landlord be charged?

The current proposal is that owners will not be charged for this environmental investigation.

Does lead ever leave the system?

No, lead remains cumulative, and is distributed to the bones, brain, liver and kidney where it accumulates over time.

Are there studies that show that lead remediation in homes reduced BLL in children?

Yes! Take a look at these two studies, for example:

[Declines in Elevated Blood Lead Levels Among Children, 1997–2011 \(rochester.edu\)](http://rochester.edu)

Levin R, Brown MJ, Kashtock ME, Jacobs DE, Whelan EA, Rodman Jet al.. 2008. Lead exposures in U.S. children, 2008: implications for prevention. Environ Health Perspect 116:1285-129318941567.

<https://ehp.niehs.nih.gov/doi/10.1289/ehp.11241>

Why do only some kids have EBLL in a property with lead risk?

The extent of lead poisoning and for each specific child in a home depends on where the lead hazards/risks exist and how children access them. Lead poisoning varies based on the behavior of the children, particularly if they put items with lead contamination in their mouths.

Can landlords require EBLL testing for kids under 6?

No, but landlords can provide your tenants with education about getting tested and how to prevent poisoning.

If a property is condemned for kids 6 and under with lead poisoning, who is responsible for relocation costs?

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The property owner is responsible for relocation costs unless they are enrolled in a grant program to supplement the relocation costs.

Will the City inspect all properties where the child visits if there is a diagnosed case of EBLL?

At the present time, the property where the child resides is the one that undergoes an environmental lead investigation (ELI). However, the risk assessor does assess where the child spends time.

How does the City identify children with EBLL?

The City has an agreement as a local public health authority to receive this data from the PA Department of Health.

Weren't we all exposed to lead when there was leaded gasoline?

Prior to laws to prevent childhood blood lead poisoning passed in the 1970s, many more children were poisoned with lead. Successful federal laws included banning leaded gasoline for on-road vehicles, banning the sale of lead-based paint for houses, and prohibiting lead solder in water pipes. Incidence decreased from close to 20% in 1990 to 1.6% in 2000.¹

Thank you for your ideas to expand lead testing in children! Here are some ideas we collected and can be considered:

- Can the lead screening occur as part of the school physical?
- What options does LGH have to increase testing? What is the goal at LGH for testing?
- Are there legislative options?
- Can LEMSA do the lead swab to expand availability of lead testing?