

PRE-RENTAL LEAD HAZARD INSPECTION STATUTORY REQUIREMENTS IN THE UNITED STATES

There is no safe level of lead poisoning. Children are especially vulnerable to lead poisoning and its deleterious effects. Once a child is lead poisoned, the damage is irreversible and can result in behavioral problems, decreased IQ, and learning disabilities, as well as neurological, immune, cardiovascular, renal, reproductive, and developmental impairment. The only way to prevent harm to children is to identify and remediate lead hazards before a child is exposed to the neurotoxin. For this reason, the Centers for Disease Control and Prevention and the American Academy of Pediatrics recommend primary prevention strategies. Yet, the vast majority of cities and states in the United States require that a child be lead poisoned, and suffer permanent brain damage, at one to five times the CDC reference value (5 micrograms per deciliter (µg/dL)) before any lead hazard investigation occurs. In fact, there are only 17 cities and states in the country that mandate any form of pre-rental lead hazard inspections. Of those, 6 jurisdictions only require visual assessments, which are ineffective in the identifying the majority of lead-based paint hazards that result in lead poisoning.

This document summarizes the 17 state and/or local statutes and regulations that require pre-rental lead hazard inspections in private market rental units prior to occupancy. Each jurisdiction requires a lead hazard inspection ranging from a visual assessment, a dust wipe plus visual assessment, risk assessment, or lead paint test. More specifically, 6 jurisdictions only mandate a visual assessment, 5 jurisdictions mandate both a dust wipe and visual assessment, 4 jurisdictions mandate a lead paint test, and 2 jurisdictions mandate a risk assessment. Jurisdictions also vary on the frequency inspections, but most commonly, inspections are mandated annually or when there is a change in tenancy, though some jurisdictions require inspections at specified time intervals depending on relevant factors. Most jurisdictions provide exemptions, including, but not limited to, units that have documentation demonstrating that the lead-based hazard has been removed, owner-occupied units, federally assisted housing units, or units built after 1978. In all but 1 jurisdiction (Washington, D.C.), the owner is generally responsible for the cost of the inspection. In all but 2 jurisdictions (Grand Rapids, MI and Burlington, VT), inspector certification is required. 12 jurisdictions mandate clearance testing after remediation. Every jurisdiction includes some form of enforcement or compliance mechanism, such as civil and/or criminal penalties. Finally, 9 jurisdictions include a presumption of lead-based paint in pre-1978 buildings, 1 jurisdiction (New York City) includes a presumption of lead-based paint in pre-1960 buildings, and 3 do not include any presumption.

Pre-Rental Lead Hazard Inspection Requirements in the United States			
Dust Wipe & Visual Assessment	Risk Assessment	Visual Assessment Only	Lead Paint Test (XRF)
Maryland Rhode Island Rochester, NY Lancaster, PA Philadelphia, PA	Washington, D.C. Detroit, MI	San Diego, CA Grand Rapids, MI Vermont Burlington, VT New York, NY Ohio	Newark, NJ Paterson, NJ Massachusetts New Jersey

This document was created by the Columbia Law School Health Justice Advocacy Clinic law and public health students and is current as of October 2019. To request the master version of this document that includes excerpts of the relevant laws, please email Emily Benfer at emily.benfer@law.columbia.edu.

San Diego, California

State Law	Cal. Health & Safety Code § 105250-57 (West 2019).
Local Law	Lead Hazard Prevention and Control Ordinance, San Diego Municipal Code §§ 54.1001 through 54.1015 (2019) (effective May 9, 2008).
Type of Lead Hazard Inspection Required Prior to Rental	Visual inspection. § 54.1009.
Party Responsible for Cost of Lead Hazard Inspection	Whoever is responsible for causing or maintaining a public nuisance or code violation, including, but not limited to, an owner, tenant, person with a legal interest in property, or person in possession of property. §§ 54.1003, 54.1014.
Estimated Cost of Lead Hazard Inspection	The Director may assess a fee of \$295 for reinspection against the responsible person. § 54.1014(a); <i>see also</i> City of San Diego Fiscal Year 2018 User Fee Schedule, Off. of the Cty. Clerk 2 (2018), https://www.sandiego.gov/sites/default/files/fy18_user_fee_schedule_2.pdf .
Inspector Certification Requirements	Inspectors must meet the certification processes used by the California Department of Health Services and the Environmental Protection Agency. § 54.1003.
Clearance Requirements	Yes, at minimum one hour after completion of final cleanup activities, an inspector must take a dust or soil sample to ensure that lead levels are below the threshold. § 54.1003.
Frequency of Lead Hazard Inspections	Each time a tenant vacates the dwelling unit and prior to re-occupancy of the dwelling unit. § 54.1009. Inspections are also authorized to inspect where conditions may exist that could amount to a lead hazard or where activities which may disturb or remove paint, which is lead-based paint or presumed lead-based paint. § 54.1012(b)(1).
Enforcement or Compliance Mechanism	The Director is authorized to pursue injunctive relief, civil penalties, administrative remedies, and/or a criminal misdemeanor for violations of the ordinance. § 54.1013. Strict liability is imposed regardless of intent. § 54.1015.
Presumption of Lead in Pre-1978 Buildings	It is presumed that the paint in dwellings constructed prior to January 1, 1979 is lead-based paint. § 54.1007.
Exemptions to Law	Owners can apply to have units exempted from the pre-1978 presumption when lead-based paint testing results demonstrate that no lead paint is present, or there is documentation showing that existing lead-based paint has been removed. § 54.1007(b).

Maryland

State Law	Maryland “Reduction of Lead Risk in Housing Act,” Md. Code Ann., Envir. §§ 6-801 through 6-852 (West 2019) (effective 1994); Md. Code Regs. 26.16.01 through 26.16.02 (2019) (effective Jan. 1, 2015).
Local Law	N/A
Type of Lead Hazard Inspection Required Prior to Rental	Risk reduction standard, which includes a visual assessment and dust wipes. §§ 6-815-16, 6-819; Md. Code Regs. 26.16.02.03.
Party Responsible for Cost of Lead Hazard Inspection	The owner. See § 6-815(a).
Estimated Cost of Lead Hazard Inspection	The initial dust swipe inspection cost is \$65 and an additional fee of \$13 per dust swipe. The average cost of a lead free XRF inspection is \$295. LeadProbe, Pricing (USD), http://www.leadprobe.com/pricing/ (last visited Mar. 29, 2019).
Inspector Certification Requirements	Inspectors must be accredited by the Department and may not be related to the owner. § 6-818(a)(1); see also Md. Code Regs. 26.16.01.
Clearance Requirements	Yes, the risk reduction standard of § 6-815 includes verification of compliance by passing the dust clearance standard. Md. Code Regs. 26.16.02.03; see also Envir. § 6-815.
Frequency of Lead Hazard Inspections	Inspections must occur at any change in occupancy before new tenant moves in. Envir. § 6-815(b).
Enforcement or Compliance Mechanism	Civil and administrative penalties. §§ 6-843, 6-849, 6-850, 7-226.
Presumption of Lead in Pre-1978 Buildings	The law only applies to affected properties, which are properties constructed before 1978. Envir. § 6-801(b)(1).
Exemptions to Law	(1) Properties constructed after 1978, (2) properties owned by federal, State, or local government, or any public, quasi-public, or municipal corporation that are subject to equivalent or more stringent lead standards, and (3) certified lead free property. Envir. § 6-803(b).
Demonstration Projects or Studies on Outcome of Law	After the law took effect, the overall blood lead testing of children 0-72 months increased by more than 19% compared to CY 2015 when universal testing was not in place. Despite this increase, the number of children with a blood lead level > 10 µg/dL increased by less than 3% (compared to 2015) while the number of children with a blood lead level of 5-9 µg/dL decreased by 7.1% (compared to 2015). The overall number of children identified with blood lead levels of ≥ 5µg/dL decreased from 2,084 in CY 2016 to 2,049 in CY 2017. Md. Dep’t of Env’t, Maryland Childhood Blood Lead Surveillance Calendar Year 2017 2 (2018), https://mde.maryland.gov/programs/LAND/Documents/LeadReports/LeadReportsAnnualChildhoodLeadRegistry/LeadReportCLR2017.pdf

Massachusetts

State Law	The Massachusetts Lead Poisoning Prevention Act, Mass. Gen. Laws ch. 111, §§ 189A through 199B (2017) (effective 1971 with amendments in 1987 and 1993).
Local Law	N/A
Type of Lead Hazard Inspection Required Prior to Rental	The approved testing methods are by x-ray fluorescence analyzer or 6% to 8% sodium sulfide solution. 105 Mass. Code Regs. 460.740 (2017).
Party Responsible for Cost of Lead Hazard Inspection	If a tenant has a unit inspected, and the unit is found to be out of compliance, the owner pays. If a tenant has a unit inspected, and it is in compliance, the tenant pays. § 198.
Estimated Cost of Lead Hazard Inspection	A lead inspection can cost up to \$300 for a small apartment and up to \$500 for a larger home. Childhood Lead Poisoning Prevention Program, All About Deleading 6 (2018), https://www.mass.gov/files/documents/2018/08/03/all-about-deleading-2018.docx .
Inspector Certification Requirements	Inspectors and assessors must be certified. 105 Mass. Code Regs. 460.400(A). The Director establishes the requirements for lead inspector and risk assessor training. 460.400(D).
Clearance Requirements	Yes. After deleading, occupants may not resume occupancy until the unit meets passes a reoccupancy reinspection, which includes visual inspection and dust wiping. 460.760(A).
Frequency of Lead Hazard Inspections	Whenever the Department receives a signed parental request for a lead inspection from an occupant, or conducts an inspection for violations of the State Sanitary Code in pre-1978 housing, where a child under six resides. 460.700(B).
Enforcement or Compliance Mechanism	The State may assess civil penalties. § 198. Further, owners can be liable for damages, including punitive treble damages in certain circumstances. §§ 197A, 199.
Presumption of Lead in Pre-1978 Buildings	The law only applies to premises constructed prior to 1978. § 189A.
Exemptions to Law	(1) Units that are fewer than 250 square feet, (2) units used as rooming houses, provided, that no person occupying said dwelling unit is less than six years old, and (3) where an occupancy is thirty-one days or fewer. § 199B.
Demonstration Projects or Studies on Outcome of Law	In 2016, 629 children in Massachusetts had between 10 and 24 µg/dL in their blood and 57 children were tested over 25 µg/dL. The state started screening children lead levels in 1995, and there were more than 1,300 children who tested over 25 µg/dL. Craig Lemout, Proposed Regulations Target Lead Poisoning in Massachusetts, WGBH News (Apr. 24, 2017), http://news.wgbh.org/2017/04/24/local-news/proposed-regulations-target-lead-poisoning-massachusetts .

Detroit, Michigan

State Law	Lead Hazard Control, Michigan Admin. Code r. 325.99101-04, 325.99201-13, 325.99301-04, 325.99401-09 (2019) (effective 2007); Mich. Comp. Laws Ann. §§ 333.5451 through 333.5477 (West 2019) (effective 1998).
Local Law	Detroit Property Maintenance Code, Detroit City Code §§ 9-1-1 through 12, 9-1-91 through 98 (2017) (effective Oct. 20, 2009). Health and Sanitation, Detroit City Code §§ 24-10-1 through 24-10-31 (2017) (effective Jan. 17, 2007).
Type of Lead Hazard Inspection Required Prior to Rental	Lead inspection and risk assessment. § 9-1-92(a).
Party Responsible for Cost of Lead Hazard Inspection	The owner. § 9-1-92(a).
Estimated Cost of Lead Hazard Inspection	The risk assessment and lead inspection cost \$450-600 for a single-family home. Lead clearance testing costs \$200-300 for a single-family home. Michigan Lead Paint Inspectors and Risk Assessors, Inc., Legal Requirements, Questions and Answers, http://michiganleadpaintinspectors.com/legal-questions-and-answers (last visited Mar. 31, 2019).
Inspector Certification Requirements	Certified lead inspector means an individual who has been trained by an accredited training program and certified by the Michigan Department of Community Health. § 9-1-3.
Clearance Requirements	Yes. After undergoing interim control or abatement, owner must obtain a clearance report. § 9-1-3.
Frequency of Lead Hazard Inspections	Every year where inspection reveals presence of lead paint or interim controls were used, every 3 years where identified lead hazards were abated, and no further inspections where there was full abatement. § 9-1-83.
Enforcement or Compliance Mechanism	Civil fines that increase in value for each subsequent offense. § 9-1-20. The corporation counsel can also bring actions for equitable remedies. § 9-1-21.
Presumption of Lead in Pre-1978 Buildings	All paint on units constructed prior to January 1, 1978, is presumed to be lead-based. § 9-1-91(a).
Exemptions to Law	N/A

Grand Rapids, Michigan

State Law	Lead Hazard Control, Michigan Admin. Code r. 325.99101-04, 325.99201-13, 325.99301-04, 325.99401-09 (2019) (effective 2007); Mich. Comp. Laws Ann. §§ 333.5451 through 5477 (West 2019) (effective 1998).
Local Law	Code of the City of Grand Rapids Tit. VIII, ch. 140 (2018) (effective July 1, 2012) [hereinafter Property Maintenance Code].
Type of Lead Hazard Inspection Required Prior to Rental	Visual assessment. Rental units cannot be occupied without a Certificate of Compliance. Property Maintenance Code § 1000.1. To obtain the Certificate, a visual inspection for loose paint particles is required. § 304.2.1.
Party Responsible for Cost of Lead Hazard Inspection	The owner. § 103.5. The City currently assesses fees of approximately \$110 for a housing inspection, Housing and Zoning Fee Schedule, Cty. of Grand Rapids (July 1, 2018), https://www.grandrapidsmi.gov/files/assets/public/departments/code-compliance/files/housing-and-zoning-fee-schedule.pdf .
Estimated Cost of Lead Hazard Inspection	\$346.48 fixed fee for XRF inspection (typical 3-4 bedroom home) (Range: \$317.45 - \$375.50). ProMatcher Inspection Service, Grand Rapids Inspection Service Costs & Prices, http://inspectors.promatcher.com/cost/grand-rapids-mi-inspectors-costs-prices.aspx (last visited Apr. 4, 2019).
Inspector Certification Requirements	N/A
Clearance Requirements	Yes. Any remodeling, repair or painting of residential structures constructed prior to 1978 must comply with the Lead Safe Work Practices as established by the EPA and/or the HUD. § 304.2.1(3).
Frequency of Lead Hazard Inspections	Every 6 Years: if same owner, prior registration, and no violations or assessments against the property, and the owner contacts city 90 days prior to expiration. Alternatively, can be granted for newly constructed rental dwelling. Every 4 Years: if owner contacts the city 90 days prior to expiration, has a prior registration, and is in compliance. Every 2 Years: if all of the conditions of either a 6 year or 4-year Certificate of Compliance have not been met. § 1000.3.
Enforcement or Compliance Mechanism	The first 3 infractions are civil, and after that a misdemeanor complaint may be issued. § 8.503.
Presumption of Lead in Pre-1978 Buildings	Regulations apply to all buildings regardless of date of construction. § 1000.1.
Exemptions to Law	A Certificate of Compliance is not required for living or sleeping accommodations in jails, hospitals, skilled care facilities, school dormitories, assisted living facilities, foster homes, or where periodic inspections by the City are not otherwise required by law. § 1000.7.

New Jersey

State Law	N.J. Admin. Code §§ 5:10 through 5:17 (2019); N.J. Stat. Ann. §§ 52:27D, 55:13A (West 2019) (effective May 15, 2006).
Local Law	N/A
Type of Lead Hazard Inspection Required Prior to Rental	Inspection, risk assessment, and XRF testing. §§ 5:10-6.6(a), 5:17-3.6(b)(2).
Party Responsible for Cost of Lead Hazard Inspection	The owner. N.J. Stat. Ann. § 55:13A-12.2; N.J. Admin. Code 5:17-3.2.
Estimated Cost of Lead Hazard Inspection	N/A
Inspector Certification Requirements	Must be a licensed inspector of Hotels and Multiple Dwellings and housing code official. § 5:10-1B.2(a).
Clearance Requirements	Yes. At minimum one hour after final cleaning, final visual inspection and clearance testing is required. § 5:17-9.1.
Frequency of Lead Hazard Inspections	Visual inspection at turnover or every 12 months, whichever comes first. § 5:10-6.6(d)(1).
Enforcement or Compliance Mechanism	Violations are subject to continuing monetary penalties until hazards are abated. §§ 5:10-1.17, 5:17-2.6.
Presumption of Lead in Pre-1978 Buildings	Units constructed during or after 1978 are not subject to inspection and evaluation. N.J. Stat. Ann. § 52:27D-437.12
Exemptions to Law	(1) Units certified to be free of lead-based paint, (2) units constructed after 1978, (3) seasonal rentals for fewer than 6 months each year, (4) units with a certified lead-free interior, or (5) owner-occupied units. § 52:27D-437.12.

Newark, New Jersey

State Law	N.J. Admin. Code §§ 5:10 through 5:17 (2019); N.J. Stat. Ann. §§ 52:27D, 55:13A (West 2019) (effective May 15, 2006).
Local Law	Newark Code §§ 16:3-20.1 through 16:3-20.3 (2019) (effective May 1, 2002).
Type of Lead Hazard Inspection Required Prior to Rental	XRF testing. A rental unit must be lead safe prior to being rented to the general public. § 16:3-20.1. Presence of lead may be determined by quantitative measurements of samples in laboratories or by XRF. § 16:3-16.
Party Responsible for Cost of Lead Hazard Inspection	The owner. § 16:3-20.1.
Estimated Cost of Lead Hazard Inspection	N/A
Inspector Certification Requirements	The lead inspector must be state-certified. § 16:3-20.1.
Clearance Requirements	No.
Frequency of Lead Hazard Inspections	Whenever the unit becomes vacant, the owner must recertify it as lead safe prior to it being re-occupied. § 16:3-20.1.
Enforcement or Compliance Mechanism	For each violation, there is a penalty and fine of up to one thousand dollars per day. § 16:3-20.3.
Presumption of Lead in Pre-1978 Buildings	No.
Exemptions to Law	The law exempts hotels, motels, group homes, boarding homes, commercial and noncommercial shelters, public housing units and single room occupancies or dwelling units which have been newly constructed or substantially rehabilitated since 1978. § 16:3-20.2.

Paterson, New Jersey

State Law	N.J. Admin. Code §§ 5:10 through 5:17 (2019); N.J. Stat. Ann. §§ 52:27D, 55:13A (West 2019) (effective May 15, 2006).
Local Law	Code of the City of Paterson §§ 351-1 through 351-10 (2019) (effective Apr. 13, 2010).
Type of Lead Hazard Inspection Required Prior to Rental	XRF testing. A certificate of inspection is required prior to rental. § 351-3(A). Certificate is not issued without inspection by Division of Health inspector to ascertain whether lead paint exists at the premises. § 351-4. A surface-by-surface inspection is performed using an X-ray Fluorescence Analyzer (XRF). Inspection does not include dust wiping. Tina Carpenter, Inspector/ Principal REHS, Child Lead Program, City of Paterson.
Party Responsible for Cost of Lead Hazard Inspection	The owner. § 351-3A.
Estimated Cost of Lead Hazard Inspection	\$175 for a single-family, two-family or three-family dwelling for the first unit inspected, plus an additional fee of \$75 for each additional unit inspected on the same scheduled inspection day. § 351-5.
Inspector Certification Requirements	Inspector is “[a]n employee of the Division of Health or a City employee of any other department who has received the proper training to conduct lead inspections and risk assessments.” § 351-1.
Clearance Requirements	No. <i>But see</i> § 351-6 (“If an inspection uncovers lead-based paint at the premises, the Division shall notify the property owner, contract purchaser in the case of a voluntary inspection and, in cases of re-rentals, the proposed occupants, in writing, of the presence of lead-based paint.”).
Frequency of Lead Hazard Inspections	When a new tenant moves in, unless there has been an inspection within the previous year. § 351-3B. If a unit is inspected twice in five years, and there is no lead paint found, the Division of Health can issue a certificate that is valid for five years. § 351-3E.
Enforcement or Compliance Mechanism	Violating the chapter may be punished by a fine not exceeding \$1,000 or imprisonment for a term not exceeding 90 days, or both. A separate offense is deemed committed on each day during or on which a violation occurs or continues. § 351-7.
Presumption of Lead in Pre-1978 Buildings	Premises constructed after 1978 are exempt. § 351-2.
Exemptions to Law	(1) Owner-occupied single-family dwellings, (2) premises constructed after 1978, and (3) premises for which a valid lead-free certificate is in force. § 351-2.

New York, New York

State Law	N/A
Local Law	The New York City Childhood Lead Poisoning Prevention Act of 2003, known as Local Law 1 of 2004. N.Y.C. Admin. Code, tit. 27, Chapter 2, Subchapter 2, Art. 14, §§ 27-2056.1 through 27-2056.18 (2019) (effective Feb. 4, 2004).
Type of Lead Hazard Inspection Required Prior to Rental	Visual assessment. § 27-2056.4(a). Landlords are required to inspect any unit in which a child under age six “resides,” defined to mean “routinely present for 10 or more hours per week.” § 27-2056.2(12) (amended Apr. 14, 2019).
Party Responsible for Cost of Lead Hazard Inspection	The owner must inform the occupant in writing of the results of an investigation and must provide a copy of any report received or generated. § 27-2056.4(f).
Estimated Cost of Lead Hazard Inspection	XRF testing is \$550 for a 1-bedroom unit and \$600 for a 2-bedroom unit. Quote from New York Lead Paint Experts of Manhattan, https://www.nyleadpaintexperts.com/services/lead-violation-removal/?gclid=EAlaIqObChMI5p3uufa-4QIVAV8NCh2_IQ1hEAAYAiAAEgJzs_D_BwE .
Inspector Certification Requirements	Yes. Department personnel who conduct a visual inspection must receive training which, at a minimum, must be the training approved by HUD for performance of visual inspections. Department personnel who perform lead-based paint inspections using XRF machines must receive training required by the EPA. § 27-2056.10(a). Remediation of lead hazards must be performed by someone who has successfully completed a course on lead-safe work practices given by or on behalf of the EPA or HUD. § 27-2056.11(a)(2)(i).
Clearance Requirements	Yes. If remediation work will disturb more than one hundred square feet of lead-based paint or paint of unknown lead content in a room in a multiple dwelling, or will involve the removal of two or more windows with lead-based paint or paint of unknown lead content, a lead-contaminated dust clearance testing is required. When work cannot be performed safely, the owner must provide temporary. § 27-2056.11(a)(2)(ii).
Definitions	Starting in summer 2020, a unit will be considered to contain “lead-based paint” if it contains 0.5 mg of lead-based paint per cm ² . § 27-2056.2(7)(b) (amended Apr. 14, 2019). The threshold for “lead-contaminated dust” will also decrease to 10 µg/ft ² on floors, 50 µg/ft ² on window sills, and 100 µg/ft ² on window wells. Those thresholds will decrease even further starting on June 1, 2021 to 5 µg/ft ² on floors, 40 µg/ft ² on window sills, and 100 µg/ft ² on window wells. § 27-2056.2(8) (amended Apr. 14, 2019).
Frequency of Lead Hazard Inspections	At least once a year or more often if necessary. § 27-2056.4(a).

	A child found to have a blood-lead level lower than 5 µg/dL will trigger a mandatory lead inspection of the unit. § 27-2056.14 (amended Apr. 14, 2019); see <i>also</i> § 17-912 (amended Apr. 14, 2019).
Enforcement or Compliance Mechanism	Criminal penalties (misdemeanor punishable by a fine of up to \$500 or imprisonment for up to six months or both). Civil penalties (maximum of \$1,500 per violation). § 27-2056.4(g).
Presumption of Lead in Pre-1978 Buildings	Any multiple dwelling built before January 1, 1960 in which a child resides is presumed to have lead-based paint. § 27-2056.5(a)-(b).
Exemptions to Law	Exemptions include a dwelling unit in a multiple dwelling where (1) title is held by a cooperative or is owned as a condominium unit, and (2) the unit is occupied by the shareholder on the lease or the owner of record of the condominium unit. § 27-2056.15(c).

Rochester, New York

State Law	N/A
Local Law	Rochester Municipal Code §§ 90-50 through 90-69 (2019) (effective July 1, 2006).
Type of Lead Hazard Inspection Required Prior to Rental	Visual assessment. Additionally, in units in structures containing five or fewer units and located in the high-risk area identified, when the visual assessment identifies no interior deteriorated paint, the owner also must have dust samples taken to determine whether a dust-lead hazard exists. § 90-55.
Party Responsible for Cost of Lead Hazard Inspection	The owner. § 90-55.
Estimated Cost of Lead Hazard Inspection	\$185 for “3rd Party/dust wipe clearance exams.” Interstate Property Inspections, Inc., http://www.interstatepropertyinspections.com/ (last visited Apr. 5, 2019).
Inspector Certification Requirements	Inspector must attend accredited training program and be certified by the EPA. § 90-57A.
Clearance Requirements	Yes. § 90-55. After a visual assessment in which deteriorated paint is found, owner must get certification from inspector or risk assessor that all violations have been abated, or interim controls implemented, and clearance has been achieved. § 90-56B.
Frequency of Lead Hazard Inspections	Every 6 years: a one-family dwelling or a two-family dwelling not occupied by the owner. § 90-16H(1)(a). Every 3 years: (1) a building with three or more dwelling units or a mixed-occupancy building with at least one dwelling unit. § 90-16H(1)(b), or (2) a one-family dwelling or a two-family dwelling not occupied by the owner, located in the "high-risk area," and where an interior deteriorated paint violation was identified and corrected by applying interim controls. § 90-16H(1)(c).
Enforcement or Compliance Mechanism	Violations of the chapter are subject to civil penalties in accordance with § 13A-11 of the Municipal Code § 90-70B. When there is a failure to comply with a notice and order to remove a violation, each day of such a violation may be held to constitute a separate offense. § 90-70A.
Presumption of Lead in Pre-1978 Buildings	All paint on the exterior of any nonresidential structure on which the original construction was completed prior to January 1, 1978, must be presumed to be lead-based. § 90-53B.
Exemptions to Law	(1) Properties taken by a governmental entity in a foreclosure proceeding which are vacant and secured and either scheduled for demolition or for sale within 12 months, (2) single-family owner-occupied dwellings, and (3) building complex with 10 or more units, (4) any housing development or complex designated for seniors, and (5) all studio apartments are exempt from certain requirements. § 90-62.
Demonstration Projects or Studies on Outcome of Law	A study of this law found that it did not result in significant additional costs for landlords or cause disruption in the rental market. Many landlords were able to obtain monetary grants to subsidize the cost of compliance with the new law. Ctr. for Governmental Research, An Evaluation of the City of Rochester's Lead Law: 2006-2008 20–21 (2008). Of Rochester children under age six tested for lead poisoning, the number with elevated blood lead levels (defined as greater than or equal to 10 µg/dl) dropped from 604 in 2004–05 (8.3% of a total of 7,256 children tested) to 403 during year one of the law, and to 284 in year two (5.6 % of 7,146 children tested). Id. at 10.

Ohio

State Law	Ohio Rev. Code Ann. § 3742 (West 2019) (effective Apr. 7, 2003).
Local Law	N/A
Type of Lead Hazard Inspection Required Prior to Rental	Visual inspection. An annual visual examination for deteriorated paint, underlying damage, and other conditions that may cause exposure to lead is required. § 3742.42(A)(2).
Party Responsible for Cost of Lead Hazard Inspection	The owner is responsible for the cost of an annual visual examination for deteriorated paint, underlying damage, and other conditions that may cause exposure to lead. The owner is also responsible for conducting post-maintenance dust sampling and maintaining a record of residential rental unit lead-safe maintenance practices for at least three years. § 3742.42.
Estimated Cost of Lead Hazard Inspection	\$359.08 fixed fee for an XRF inspection in a typical 3- to 4-bedroom home, with a possible range from \$329.00 to \$389.16. See Toledo Inspection Service Costs & Prices, Pro Matcher (May 1, 2018), https://inspectors.promatcher.com/cost/toledo-oh-inspectors-costs-prices.aspx .
Inspector Certification Requirements	Inspectors are required to be certified by the director of health. The applicant must submit an application, meet the licensing and training requirements, complete the licensing examination, and pay the license fee. § 3742.05.
Clearance Requirements	Yes, a residential unit, child care facility, or school remains subject to a lead hazard control order until the unit, facility, or school passes a clearance examination. § 3742.39.
Frequency of Lead Hazard Inspections	Annually. § 3742.42(A)(2). The owner must also conduct post-maintenance dust sampling. § 3742.42(A)(4). When the director of health or an authorized board of health determines that a residential unit, child care facility, or school is a possible source of the child's lead poisoning, the director or board must conduct a risk assessment of that property. § 3742.36.
Enforcement or Compliance Mechanism	Civil action for civil penalties and other equitable relief. § 3742.18. Criminal action is also possible at the request of the director of health. § 3742.99.
Presumption of Lead in Pre-1978 Buildings	Yes. The owner of a residential rental unit constructed before January 1, 1978 may implement the residential rental unit lead-safe maintenance practices for the control of any lead hazards. § 3741.41.
Exemptions to Law	N/A

Lancaster, Pennsylvania

State Law	Lead Certification Act, tit. 35 Pa. Stat. and Cons. Stat. Ann §§ 5901 through 5916 (West 2019) (effective Jan. 2, 1996).
Local Law	Lead Poisoning Prevention and Lead Hazard Control, City of Lancaster, Pa. Code §182-1-19 (2017) (adopted on July 13, 2010, but amended in its entirety on July 12, 2016).
Type of Lead Hazard Inspection Required Prior to Rental	Visual inspection and dust wipe. A certification that a property is lead safe must state that unit was free of any deteriorated paint, and that interior dust samples were collected in compliance with EPA regulations, were tested, and were found not to contain lead-contaminated dust. § 182-9(B).
Party Responsible for Cost of Lead Hazard Inspection	The owner. § 182-9(D).
Estimated Cost of Lead Hazard Inspection	A swab test done by the city would cost \$250. It would cost \$225 to \$250 if done by a qualified private company. Tim Stuhldreher, Landlords Criticize Expense of City Lead-Hazard Testing Proposal, Lancaster Online (Feb. 15, 2017), http://lancasteronline.com/news/local/landlords-criticize-expense-of-city-lead-hazard-testing-proposal/article_57a15a6e-f335-11e6-a3f9-87418577e871.html
Inspector Certification Requirements	The Lead-Based Paint Risk Assessor must be an individual who is certified by the EPA and licensed by the state to perform on-site investigations to identify the existence, nature, severity and location of lead-based paint hazards and document the findings in order to recommend corrective measures. § 182-2.
Clearance Requirements	A clearance examination is conducted and documented by a Lead-Based Paint Risk Assessor following lead-based paint hazard reduction activities to determine that the hazard reduction activities are complete and no soil lead hazards or settled dust lead hazards as defined exist inside or on the exterior of the dwelling unit or worksite. EPA protocols must be followed. § 182-6(D).
Frequency of Lead Hazard Inspections	The owner can't enter a lease agreement other than renewal without providing a valid Lead Safe Certification prepared by a certified risk assessor stating that the property is either lead free or lead safe. § 182-9(A). For a certification that a property is lead safe, the owner must have a certification based on an inspection no more than 24 months prior to the date a lease is entered into. For a certification that it is lead free, the owner must have a certification based on an inspection performed at any time prior to the date a lease is entered into. § 6-802(15).
Enforcement or Compliance Mechanism	Civil penalties between \$300 and \$1,000 and other legal remedies are possible. If a dwelling is cited two or more times for the same continuing noncompliance by the city, it may be condemned. § 182-19; § 182-14.
Presumption of Lead in Pre-1978 Buildings	Lead inspection is required for all housing constructed before 1978. § 182-2.
Exemptions to Law	(1) Housing for the elderly or persons with disabilities, (2) dwelling units developed by or for an education institution for the occupancy by that institution's students, (3) buildings containing dwelling units all of which are leased only to students enrolled in a college, (4) dwelling units owned by the Lancaster City Housing Authority or its subsidiaries, and (5) dwelling units in which children six and under do not reside during the lease term. Exemptions (1), (2), and (3) do not apply to any dwelling unit where a child six and under resides in, or is expected to reside in. § 182-2. The City may also, on a case-by-case basis, approve an alternative procedure for abatement of a lead paint violation. § 182-12.

Philadelphia, Pennsylvania

State Law	Lead Certification Act, tit. 35 Pa. Stat. and Cons. Stat. Ann §§ 5901 through 5916 (West 2019) (effective Jan. 2, 1996).
Local Law	Lead Paint Disclosure 114, Philadelphia, Pa. Municipal Code §§ 6-801 through 6-813 (2016) (effective Oct. 28, 1995).
Type of Lead Hazard Inspection Required Prior to Rental	Visual assessment and dust wipe. All rental units must have a valid certification stating that a property is lead safe. The certification must state that a certified lead inspector determined that the property was free of any deteriorated paint, and that interior dust samples were collected in compliance with EPA regulations, were tested, and were found not to contain lead-contaminated dust. § 6-803(3)(b).
Party Responsible for Cost of Lead Hazard Inspection	If the City inspects a property rented by a landlord for lead safety, the landlord is liable to the City for the costs of the inspection. § 6-803(d). But the law also requires that every lease must provide that a tenant has a ten-day period during which time the tenant may, at the tenant's expense, obtain a comprehensive lead inspection and risk assessment from a certified lead inspector. § 6-804(c)(2).
Estimated Cost of Lead Hazard Inspection	\$100.00 for a one-bedroom unit, \$125 for a two-bedroom unit, and \$150-200 for a three-bedroom unit. What We Do, Aladdin's Lead Testing, http://www.aladdinleadtesting.com/What-We-Do.html (last visited Apr. 6, 2019).
Inspector Certification Requirements	Inspectors retained to perform comprehensive residential lead inspections must be certified by the Philadelphia Department of Public Health. § 6-807(1).
Clearance Requirements	No.
Frequency of Lead Hazard Inspections	Inspection must be performed no more than 24 months prior to the date a lease is entered into. § 6-802(15).
Enforcement or Compliance Mechanism	If the landlord does not comply with the requirements for an independent inspection, the renter is entitled to double the reasonable cost of a comprehensive residential lead inspection plus attorney's fees. § 6-809(2). This can also result in a fine or penalty of up to \$2,000 per offense. § 6-811. The renter can also bring a claim for an order requiring certification and performance of necessary work, damages, abatement and refund of rent, and attorney's fees and costs. § 6-809(3).
Presumption of Lead in Pre-1978 Buildings	Yes. § 6-802(12).
Exemptions to Law	(1) Units developed for an education institution or college/university, (2) units owned/subsidized by the Philadelphia Housing Authority, including those participating in the Housing Choice Voucher Program.

Rhode Island

State Law	Rhode Island's Lead Hazard Mitigation Act, R.I. Gen. Laws Ann. §§ 42-128.1-1 through 42-128.1-13 (West 2019) (effective July 1, 2004).
Local Law	N/A
Type of Lead Hazard Inspection Required Prior to Rental	Visual inspection and dust testing. Rhode Island law requires a lead-hazard-mitigation compliance, which means an independent clearance inspection and certificate. An independent clearance inspection means an inspection that includes a visual inspection and dust testing. A visual inspection means a visual inspection by a property owner or designated person to determine that the lead-hazard controls have been met. § 42-128.1-4(9).
Party Responsible for Cost of Lead Hazard Inspection	The owner. Property owners of pre-1978 dwellings must evaluate the unit and premises for lead hazards. § 42-128.1-8(a)(2).
Estimated Cost of Lead Hazard Inspection	Inspection including visual assessment and dust wipe starts at \$125. Services and Prices, Lead Inspectors RI, https://leadri.net/services-and-prices/ (last visited Apr. 6, 2019).
Inspector Certification Requirements	Inspectors must be either approved by the housing resources commission to perform independent clearance inspections or approved by the department of health to conduct inspections. § 42-128.1-4(10).
Clearance Requirements	Yes, property owners must provide tenants with a copy of the independent clearance inspection. § 42-128.1-8.
Frequency of Lead Hazard Inspections	Every two years, or at the next turnover of the dwelling unit, whichever period is longer. § 42-128.1-4(9).
Enforcement or Compliance Mechanism	Private right of action to seek injunctive relief against the property owner. § 42-128.1.10(b). Civil and criminal penalties are available for violations of the law. § 42-128.1-11, § 45-24.2-7, § 45-24.3-18.
Presumption of Lead in Pre-1978 Buildings	No. But the standards for lead hazard control and for lead hazard mitigation in pre-1978 housing are considered basic housing standards. § 42-128.1.11(a).
Exemptions to Law	(1) Common areas in condominium complexes that are owned and operated by condominium associations and pre-1978 rental dwelling units that are lead-safe or lead free, (2) temporary housing, (3) elderly housing, and (4) housing comprised of two or three units, one of which is occupied by the property owner. § 42-128.1.8(e).
Retention of Affordable Housing after Law Enacted	During the 5-year study, the proportion of properties that complied with the new law increased for properties that housed young children. However, the majority of rental properties did not comply with the law. Children's lead levels declined by approximately 1 microgram per deciliter on average in properties that did comply, demonstrating that the law could have a protective effect for children. Michelle L. Rogers et al., Primary Prevention of Lead Poisoning: Protecting Children from Unsafe Housing, 104 Am. J. of Pub. Health 1348, e119 (2014).

Vermont

State Law	Vt. Stat. Ann. Tit. 18 §§ 1751 through 1767 (2019) (effective July 1, 2008).
Local Law	N/A
Type of Lead Hazard Inspection Required Prior to Rental	Visual assessment. Owners of rental target housing are required to perform essential maintenance practices (EMP), which include visual inspection of all interior and exterior painted surfaces and components at the property to identify deteriorated paint. § 1759(a).
Party Responsible for Cost of Lead Hazard Inspection	The owner is responsible for the cost of the lead hazard inspection and must maintain record in an EMP compliance statement. § 1759(b).
Estimated Cost of Lead Hazard Inspection	N/A
Inspector Certification Requirements	Lead inspectors must be certified by the Commissioner by completing an accredited training program approved by the Department. They must also have a current license issued by the Department to conduct inspections. §§ 1751(17), 1752.
Clearance Requirements	No.
Frequency of Lead Hazard Inspections	At least once a year and at each change of tenant. § 1759(a)(2).
Enforcement or Compliance Mechanism	A person who violates the law may be subject to civil and criminal penalties. §§ 1760(a); 1766(a).
Presumption of Lead in Pre-1978 Buildings	Yes, all paint in target housing and child care facilities (pre-1978) is presumed to be lead-based unless a lead inspector or lead risk assessor has determined that it is not lead-based. § 1760(a).
Exemptions to Law	Rental target housing is exempt when a lead inspector or a lead risk assessor has certified that the property is lead-free. § 1759(a). Rental target housing does not include a rented single room located within a dwelling in which the owner of the dwelling resides, unless a child age 6 or younger resides in or is expected to reside in that dwelling. § 1751(23).

Burlington, Vermont

State Law	Vt. Stat. Ann. Tit. 18 §§ 1751 through 1767 (2019) (effective 2009).
Local Law	Burlington, Vt. Code of Ordinances, Ch. 18, Art. III, § 18-112 (2019).
Type of Lead Hazard Inspection Required Prior to Rental	The owner of rental target housing is required to conduct visual assessments of the unit. § 18-112(a)(2).
Party Responsible for Cost of Lead Hazard Inspection	The owner is responsible for the cost of lead hazard inspection. The owner must also maintain record of compliance through certification. § 18-112(h).
Estimated Cost of Lead Hazard Inspection	N/A
Inspector Certification Requirements	There are no inspector certification requirements. The owner conducts the visual assessment. § 18-112(a)(2).
Clearance Requirements	No.
Frequency of Lead Hazard Inspections	The owner must conduct a visual assessment of each unit annually and at tenant turnover for the presence of deteriorated painted surfaces. § 18-112(a)(2).
Enforcement or Compliance Mechanism	If a violation is found, the owner may be subject to civil or criminal penalties. The city may also bring suit to enforce orders by the enforcement officer or inspector. § 18-31. Inspectors also have the authority to issue a stop work order if unsafe or prohibited work practices are being performed on the target housing. § 18-112(e).
Presumption of Lead in Pre-1978 Buildings	Yes, unless the paint is found not to be lead-based by a state-certified lead testing inspector who has issued a report to the owner of the findings. § 18-112(b).
Exemptions to Law	If a property owner wants to be exempt from the compliance activities, the property owner must submit a copy of the certified inspector's written report demonstrating that the dwelling is free from all lead-based paint to the code enforcement office. § 18-112(b). The rental target housing must be free from deteriorated painted surfaces. § 18-112(a).

Washington, D.C.

State Law	N/A
Local Law	Lead Hazard Prevention and Elimination, D.C. Code Ann. tit. 8, ch. 2A §§ 8-231.01 through 8-231.20 (West 2012) (effective 2009).
Type of Lead Hazard Inspection Required Prior to Rental	A risk assessment is required. The owner of a unit built before 1978 must provide the tenant with a lead disclosure form and clearance report completed within the previous 12 months. § 8-231.04(b). Instead of providing the lead disclosure form and clearance report, the owner may provide a report from a risk assessor or inspector certifying that the unit is lead-free or three clearance reports issued at least 12 months apart within the previous 7 years. § 8-231.04(d).
Party Responsible for Cost of Lead Hazard Inspection	The District pays for the initial risk assessment. If a lead-based paint hazard is found, the owner must reimburse the District. § 8-231.03.
Estimated Cost of Lead Hazard Inspection	XRF testing costs \$300 for Efficiency Apartments, \$350 for 1-3 bedrooms, \$400 for 4 bedrooms, and \$450 for five bedrooms. Lead Inspection Services, Lead Inspection of Montgomery County LLC, https://leadinspectionsofmc.com/services (last visited Apr. 7, 2019).
Inspector Certification Requirements	An inspector must be certified. Certification is obtained by submitting proof that the individual has passed an examination required by the Mayor or an EPA-approved state program. § 8-231.10.
Clearance Requirements	Yes. A clearance examination is an evaluation of a property to ensure no lead-based paint hazards remain on the property. It is conducted by a certified risk assessor, lead-based paint inspector, or dust sampling technician who will issue a clearance report. § 8-231.01. The clearance examination that occurs after the elimination of lead-based paint hazards ordered by the Mayor or in response to a child with an elevated blood lead level may not be conducted by a dust sampling technician, nor by someone who is related to or has an interest in the owner, tenant, or abatement firm. § 8-231.11.
Frequency of Lead Hazard Inspections	Lead hazard inspections are required in any unit in which a child under age 6 with an elevated blood lead level resides or regularly visits, or is reasonably believed to have contributed to a child's lead exposure. § 8-231.03(a). A tenant may also request an inspection upon reasonable belief that there is risk of a lead-based paint hazard. § 8-231.03(b).
Enforcement or Compliance Mechanism	Possible enforcement or compliance mechanisms include cease and desist orders, fines and penalties, and civil actions. § 8-231.05; <i>see also</i> §§ 8-231.15, 8-231.16. The government may also take action against the owner by placing a lien on the owner's property. § 8-231.05. If access to conduct a risk assessment is denied, the government may apply for a search warrant. Denial of access by the owner subjects the owner to civil and administrative penalties and criminal penalties. § 8-231.05.
Presumption of Lead in Pre-1978 Buildings	Yes. § 8-231.01(32).

