# ***Fighting for a LeadSafeDC***

# The *Lead Hazard Prevention and Elimination Amendment Act of 2019*

# **How Will the Proposed New Law Strengthen DC’s Current Lead Laws?**

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| **Current Law** | **Proposed New Protections** |
| ***General Obligation.*** All dwelling units, common areas of multifamily properties and child-occupied facilities built before 1978 must be maintained free of lead-based paint hazards.  Creates technical standards for assessing lead hazards. | Updates technical standards and requires clearance examinations to more effectively test for lead dust. |
| ***Disclosures to New Tenants.***Landlords must disclose information about the presence of any known lead-based paint hazards on the property.  If a new tenant (or regular visitor) is a pregnant woman or has a child under 6, or if an existing tenant notifies the landlord that a pregnant woman or child under 6 has moved into the unit, the landlord must provide a clearance report issued within the previous 12 months or other documentation showing the absence of lead-based paint hazards. | Requires the landlord to provide *all* prospective tenants (not just when the tenant is a pregnant woman or has a child under 6) with a clearance report issued within the past 12 months or certain other documentation showing that the unit is lead-free or lead-safe.  Tenants can break the lease without penalty within 10 days of receiving landlord disclosures after signing initial lease. |
| ***Clearance Examinations During the Lease Term****.* Landlords are currently not required to conduct ongoing, proactive lead-paint clearance examinations after an initial clearance report is provided when a pregnant woman or child under 6 first moves into a unit. | Requires the landlord to provide a clearance report issued within the previous 12 months (1) each time a landlord seeks to obtain or renew its business license or (2) when a tenant complains about a lead-based paint hazard. In either case, if the landlord cannot provide the clearance report, DOEE must provide the clearance examination and report. A clearance report is not required when the unit has previously been found to be lead-free. The clearance report may also not be required when renewing a business license if, within the prior 6 years, the landlord has provided a least 4 clearance reports at least 12 months apart for the unit. |
| ***DOEE Inspections****.* DOEE may inspect a unit when (1) a child living in (or regularly visiting) the unit has an elevated blood lead level or (2) a tenant complains about lead-based paint hazards. DOEE finds may order the landlord to abate any hazards and temporarily relocate the family at the landlord’s expense. | Provides additional protections for tenants when they need to be temporarily located, including per diem food and travel expenses in certain circumstances. |
| ***Enforcement****.* The Mayor may impose fines and penalties for non-compliance with the lead laws. The Attorney General may bring a civil action against landlords for non-compliance. Willful non-compliance is subject to criminal penalties. | Creates additional mechanisms to ensure compliance:   * The D.C. government must deny business licenses to landlords who violate lead laws; * Tenants can take their landlord to court to force compliance and recover damages and attorneys’ fees; * Tenants are entitled to 2 months’ rent abatement if they are victims of landlord retaliation; and * A fund is established to defray abatement costs for landlords who demonstrate financial hardship in certain circumstances. |