

1. Are the existing certification deadlines in this chapter feasible? If not, propose new deadlines to replace those enumerated in sec. 5402 and 5403 of this title.

Answer will depend on information gathered to respond to other questions; deadline specified in sec. 5402 and 5403 is within four years of the implementation date.

2. How many current rental units in the State were constructed before January 1, 1978?

The Committee is unable to determine how many rental units in the state were constructed before January 1, 1978, as there is no statewide rental registry or other centralized database that tracks this information.

At least 34 of the state's 60 local jurisdictions require a rental license or permit, but the majority do not collect the age of registered/permited units. We can provide partial information obtained from six jurisdictions that do track this information or are otherwise able to provide estimates:

- Bridgeville has an estimated 97 rental units built before 1978 (the exact age of some structures is unknown, resulting in an estimated count).
- Camden does not track the age of rental units, but the mayor estimates that approximately 100 multifamily rental units were built before 1978.
- Milford has 660 rental units across 375 buildings that were built before 1978.
- Milton reported 84 rental units built before 1978.
- Newark has 1,026 confirmed rental units built before 1978 (i.e., those that are permitted with the City), and 213 potential rental units built before 1978 (those that are not permitted with the city and are owned by someone not occupying the unit; this includes second homes).
- New Castle County reports that 5,345 rental units were built before 1978.

3. How many are in each county?

Data is not available for Kent and Sussex Counties. See information above regarding New Castle County.

4. How many approved inspectors or certified contractors are there in the State who can perform lead inspection or lead remediation and abatement?

The Administrative Code defines and regulates the work of lead inspectors, lead risk assessors, lead abatement workers, and lead abatement supervisors. Importantly, lead inspectors can confirm the presence and location of lead in a home, but cannot determine whether the lead is hazardous or suggest how to address the hazard(s). Lead risk assessors can determine whether lead presents a hazard and can recommend ways to address the hazard.

[Need to update based on 1/7/26 meeting]

5. How does the State incentivize and train additional inspectors and certified contractors to meet the needs of this chapter?

[DHSS to provide further information]

6. What is an appropriate standard for a lead inspection?

2.0 Definitions

"**Inspection**" means a surface-by-surface investigation to determine the presence of lead-based paint and the provision of a written report, or electronic equivalent, explaining the results of the investigation.

7. How should lead safe be defined and determined?

EPA Definition: Lead-Free (Lead-Based Paint)

The EPA defines "Lead-Based Paint" as any paint or other surface coating that contains lead equal to or in excess of 1.0 milligrams per square centimeter (mg/cm^2) or 0.5% by weight. If paint falls below these thresholds, it is generally considered "lead-free" under EPA standards for regulatory purposes.

EPA Definition: Lead-Safe (Lead-Based Paint)

"Lead-Safe" is not as strictly defined as "Lead-Free." The EPA and associated federal agencies refer to "Lead-Safe" housing or practices as situations where lead-based paint is intact and not creating dust, chips, or exposure hazards. In essence, lead may still be present, but the environment is managed so that people (especially children) are not exposed to lead hazards.

8. What is the predicted demand for loans or grants under this chapter?

9. If not the Department, what State or local agency, department, or program is better situated to implement and enforce this chapter?

DOJ Consumer Protection and local jurisdictions

- 10. What is the potential impact this chapter will have on small property owners, mid-size property owners, and large property owners?**
- 11. If resources are limited, what geographic areas or types of rental units should be prioritized under this chapter?**
- 12. How will property owners be notified and informed of their obligations under this chapter, including the availability of grants and loans from the State?**
- 13. What procedures will be put in place for a property owner to obtain certification?**
- 14. What forms must be created prior to implementation of this chapter?**
- 15. What procedures and forms will the courts have in place for a landlord who seeks summary possession and must comply with section 5704A of this title?**
- 16. Are the new requirements necessary to enforce Chapter 54 of this title?**