

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.

There are **17** individuals certified as **lead inspectors** in Delaware, and **65** individuals certified as **lead risk assessors**. Further, there are 91 firms certified to perform Lead-Based Paint abatement work in Delaware, and 375 firms certified to perform RRP work in Delaware. However, not all firms that are certified in these areas actually provide those services.

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?

Additional Questions Submitted by Committee Members:

Q. Does Philadelphia, New Jersey, or Maryland have a Lead-Free, Lead-Safe program?

Yes, Philadelphia, New Jersey, and Maryland each have programs or laws related to *lead-safe* or *lead-free* conditions, but the specifics differ by location:

Philadelphia (Pennsylvania)

Yes, Lead Safe/Lead Free program exists.

The **Philadelphia Department of Public Health's Lead and Healthy Homes Program** enforce the city's *Lead Safe/Lead Free* law for rental properties. Landlords must obtain *lead-safe* or *lead-free* certification for rental housing (including dust wipe testing) in order

to lease or renew licenses — a requirement that expanded citywide by 2022. The city also offers in-home inspections and remediation for eligible families and works to prevent lead exposure to children.

New Jersey

Yes, Lead-Safe Certification law for rental properties.

New Jersey's **Lead Safe Certification Law** (P.L.2021, c.182) requires **lead hazard inspections and lead-safe certifications** for rental units built before 1978. Rental properties must be inspected upon tenant turnover or every few years, depending on certificate status, and landlords must provide tenants with valid *lead-safe* certificates. Lead-safe certificates are valid for a set period (often ~2–3 years).

There are also state programs like **NJ's Lead Remediation and Abatement Program (LRAP)** that help qualifying households pay for lead removal if hazards are identified.

Maryland

Yes, state lead risk reduction/lead-free certifications exist.

Maryland's **Lead Poisoning Prevention Program** (through the Maryland Department of the Environment) oversees statewide lead hazard reduction efforts, including requirements for rental housing constructed before 1978. Under Maryland's *Reduction of Lead Risk in Housing Act*, rental properties must meet *risk-reduction standards* and be registered; properties that pass inspection can receive **lead-free** or **limited lead-free** certificates, which provide exemptions from some registration requirements.

Maryland also has public health programs focused on inspections, education, and supporting families affected by lead exposure.

Summary:

- **Philadelphia:** Has an active *Lead Safe/Lead Free* certification and enforcement program.
- **New Jersey:** Requires lead-safe certification on pre-1978 rental properties under state law.
- **Maryland:** Has statewide lead risk reduction laws including *lead-free/lead-safe* certification options and registration requirements.

Q. Who does the inspections, a lead inspector or a lead risk assessor?

Short answer: it depends on whether the property is being certified as *lead-safe* or *lead-free*, and on the jurisdiction.

Here's the clean breakdown:

Q. Who does the inspection?

Lead-Free = Lead Inspector:

- A **lead inspector** is required when the goal is to certify a property as **lead-free**.
 - This involves a **full inspection of all painted surfaces**, often using XRF equipment.
 - Lead-free means *no lead-based paint is present*.
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Lead-Safe / Risk Reduction = Lead Risk Assessor:

- A **lead risk assessor** evaluates whether **lead hazards are present** (not whether lead paint exists).
- Typically includes:
 - Visual inspection (**NOTE:** Delaware requires using an XRF Analyzer for all risk assessments)
 - Dust wipe sampling
- Lead-safe means *lead paint may exist, but hazards are controlled*.

By location:

Philadelphia

- **Lead-Safe certification:**
Lead Risk Assessor (or certified inspector acting as a risk assessor)
- **Lead-Free certification:**
Lead Inspector

New Jersey

- **Lead-Safe Certification (required for many rentals):**
Certified Lead Risk Assessor or Lead Inspector
(Often hired by or working with the municipality)
- **Lead-Free:**
Lead Inspector

Maryland

- **Risk Reduction / Lead-Safe compliance:**
Lead Risk Assessor
 - **Lead-Free or Limited Lead-Free certificate:**
Lead Inspector
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Quick rule of thumb:

- **Lead-Free = Inspector**
- **Lead-Safe = Risk Assessor**