



Legislation Details (With Text)

File #: 2021-2101 **Version:** 2

Type: Ordinance **Status:** Reported from Standing Committee

File created: 10/26/2021 **In control:** Committee on Land Use and Economic Development

On agenda: 11/22/2021 **Final action:**

Enactment date: **Enactment #:**

Effective date:

Title: Ordinance amending and supplementing the Pittsburgh City Code of Ordinances in multiple locations with provisions related to lead safety and mitigation in order to reduce, and thereby mitigate the health risks of, exposure of City residents, and particularly young children, to lead (Pb) hazards.

Sponsors: Erika Strassburger, Corey O'Connor, Deborah L. Gross, Bobby Wilson

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
11/22/2021	2	Standing Committee	Affirmatively Recommended as Amended	Pass
11/22/2021	2	Standing Committee	AMENDED BY SUBSTITUTE	Pass
11/17/2021	1	Standing Committee	Held in Committee	Pass
11/9/2021	1	Standing Committee	Held in Committee	Pass
11/1/2021	1	Standing Committee	Held in Committee	Pass
10/26/2021	1	City Council	Read and referred	

Ordinance amending and supplementing the Pittsburgh City Code of Ordinances in multiple locations with provisions related to lead safety and mitigation in order to reduce, and thereby mitigate the health risks of, exposure of City residents, and particularly young children, to lead (Pb) hazards.

WHEREAS lead, the metal (Pb), is a neurotoxin that adversely affects many body systems, including the nervous, circulatory, endocrine, immune, renal, skeletal and muscular systems;

Monograph on Health Effects of Low-Level Lead, National Toxicology Program, Research Triangle Park, NC: National Institute of Environmental Health Sciences; 2012: xvi, xxii, xxi, 62, 72, 77, 114.

Low Level Lead Exposure Harms Children: A Renewed Call for Primary Prevention, Advisory Committee on Childhood Lead Poisoning Prevention of the Centers for Disease Control and Prevention (January 4, 2012).

Prevention of Childhood Lead Toxicity, American Academy of Pediatrics, Council on Environmental Health, *Pediatrics* (July 2016), 2016;138(1):e20161493.

Blood lead level and kidney function in US adolescents: the Third National Health and Nutrition Examination Survey. Fadrowski JJ, Navas-Acien A, Tellez-Plaza M, Guallar E, Weaver VM, Furth SL,

Arch Intern Med. 2010;170(1):75-82.

Cleveland City Council, Lead Safe Cleveland Coalition, at 1 (May 2019).

WHEREAS the adverse effects of lead exposure and poisoning are cumulative and largely permanent;

Joint State Government Commission of the General Assembly of the Commonwealth of Pennsylvania, Lead Exposure Risks and Responses in Pennsylvania: Report of the Advisory Committee and Task Force on Lead Exposure, at 1 (April 2019).

Low Level Lead Exposure Harms Children: A Renewed Call for Primary Prevention, Advisory Committee on Childhood Lead Poisoning Prevention of the Centers for Disease Control and Prevention (January 4, 2012),

Katrina S. Korfmacher and Michael L. Hanley, *Are Local Laws the Key to Ending Childhood Lead Poisoning?*, 38 J. Health Polit Policy Law 757, 757 (August 2013).

WHEREAS children are at the greatest risk of lead exposure and lead poisoning, especially children under the age of 6, including pre-natal children;

Joint State Government Commission of the General Assembly of the Commonwealth of Pennsylvania, Lead Exposure Risks and Responses in Pennsylvania: Report of the Advisory Committee and Task Force on Lead Exposure, at 46 (April 2019).

American Academy of Pediatrics. Council on Environmental Health. "Prevention of Childhood Lead Toxicity." *Pediatrics* 2016;138 (2016). DOI: 10.1542/peds2016-1493.

Maternal low-level lead exposure and fetal growth, Zhu M, Fitzgerald EF, Gelberg KH, Lin S, Druschel CM, *Environ Health Perspect*, 2010;118(10):1471-1475.

WHEREAS there is no safe blood lead level, especially in young children;

Joint State Government Commission of the General Assembly of the Commonwealth of Pennsylvania, Lead Exposure Risks and Responses in Pennsylvania: Report of the Advisory Committee and Task Force on Lead Exposure, at 48 (April 2019).

Low Level Lead Exposure Harms Children: A Renewed Call for Primary Prevention, Advisory Committee on Childhood Lead Poisoning Prevention of the Centers for Disease Control and Prevention (January 4, 2012).

A Clinical study of the effects of lead poisoning on the intelligence and neurobehavioral abilities of children, Shuangxing Hou, Lianfang Yuan, Pengpeng Jin, Bojun Ding, Na Qin, Li Li, Xuedong Liu, Zhongliang Wu, Gang Zhao, and Yanchun Deng, *Theoretical Biology and Medical Modeling*, 2013, 10:13.

WHEREAS even small amounts of lead in the blood, at levels of less than 5 micrograms per decileter ($\mu\text{g}/\text{dL}$), which is the threshold used by the CDC to identify children exposed to lead who require case management, can cause permanent neurological and physiological damage in young children, leading to, among other things, impaired memory, decreased IQ and academic performance, and impulsivity, hyperactivity, attention deficit and

other behavioral disorders;

Health Impact Project, 10 Policies to Prevent and Respond to Childhood Lead Exposure: An Assessment of the Risks Communities Face and Key Federal, State, and Local Solutions, at 8 (August 2017).

American Academy of Pediatrics. Council on Environmental Health. "Prevention of Childhood Lead Toxicity." *Pediatrics* 2016:138 (2016). DOI: 10.1542/peds2016-1493.

Joint State Government Commission of the General Assembly of the Commonwealth of Pennsylvania, Lead Exposure Risks and Responses in Pennsylvania: Report of the Advisory Committee and Task Force on Lead Exposure, at 48 (April 2019).

Low Level Lead Exposure Harms Children: A Renewed Call for Primary Prevention, Advisory Committee on Childhood Lead Poisoning Prevention of the Centers for Disease Control and Prevention (January 4, 2012).

A Clinical study of the effects of lead poisoning on the intelligence and neurobehavioral abilities of children, Shuangxing Hou, Lianfang Yuan, Pengpeng Jin, Bojun Ding, Na Qin, Li Li, Xuedong Liu, Zhongliang Wu, Gang Zhao, and Yanchun Deng, *Theoretical Biology and Medical Modeling*, 2013, 10:13.

WHEREAS high levels of lead can cause seizures, coma, and even death;

Allegheny County Lead Task Force, Final Report and Recommendations, at 11 (December 2017).

LITERATURE REVIEW: OVERVIEW OF CHILDHOOD LEAD POISONING AND ITS HEALTH EFFECTS, Columbia Law School Health Justice Advocacy Clinic at Morningside Heights Legal Services, Inc. (July 2019)

WHEREAS most young children with elevated blood lead levels do not immediately show obvious symptoms when they are first exposed to lead;

Donna Keyser, Ray Firth, Amy Richardson, and Maria Zeglen Townsend, Improving Childhood Blood Lead Level Screening, Reporting, and Surveillance in Allegheny County, Pennsylvania, xiv (2006).

Childhood Lead Poisoning Prevention, FAQs, Centers for Disease Control and Prevention, <https://www.cdc.gov/nceh/lead/faqs/lead-faqs.htm>

WHEREAS in 2019, 198 children under the age of six were newly identified in the City of Pittsburgh with a confirmed elevated blood lead level of greater than 5 µg/dL.

Allegheny County Health Department, 2020.

WHEREAS these young City residents comprised 45.62% of all newly identified cases in Allegheny County.

Allegheny County Health Department, 2020.

WHEREAS from 2015 through 2019, 849 children in the City of Pittsburgh were newly confirmed with lead

poisoning, representing approximately 39% of all new cases in the County;

Allegheny County Health Department, 2020.

WHEREAS in Pittsburgh, as in many municipalities, children of color have been and continue to be disproportionately impacted by lead exposure and lead poisoning;

Allegheny County Lead Task Force, Final Report and Recommendations, at 12 (December 2017).

WHEREAS lead exposure also causes health concerns for adults, such as cardiovascular disease, adverse neurological effects, renal damage, thyroid hormone alterations, and decreased fertility;

Joint State Government Commission of the General Assembly of the Commonwealth of Pennsylvania, Lead Exposure Risks and Responses in Pennsylvania: Report of the Advisory Committee and Task Force on Lead Exposure, at 45 (April 2019).

Toxicological Profile for Lead, U.S. Department Of Health And Human Services. Public Health Service. Agency for Toxic Substances and Disease Registry. 2005, at pp. 31-32.

Toxicological Profile for Lead, Draft for Public Comment, U.S. Department Of Health And Human Services. Public Health Service. Agency for Toxic Substances and Disease Registry. (May 2019).

WHEREAS lead exposure during pregnancy and breastfeeding can result in lasting adverse health effects to both maternal and child health, independent of lead exposure during other life stages;

Guidelines for the Identification and Management of Lead Exposure in Pregnant and Lactating Women, National Center for Environmental Health/Agency for Toxic Substances and Disease Registry Centers for Disease Control and Prevention (Nov. 2010).

WHEREAS the pathways to lead exposure and lead poisoning are well known, most commonly resulting from contact with lead contained in paint, dust, soil and drinking water;

Allegheny County Lead Task Force, Final Report and Recommendations, at 8 (December 2017).

WHEREAS exposure to lead-based paint hazards, including lead-containing dust, is the primary cause of lead poisoning;

Joint State Government Commission of the General Assembly of the Commonwealth of Pennsylvania, Lead Exposure Risks and Responses in Pennsylvania: Report of the Advisory Committee and Task Force on Lead Exposure, at 5 (April 2019).

Allegheny County Lead Task Force, Final Report and Recommendations, at 19 (December 2017).

WHEREAS, in 2019, of the homes tested for lead hazards by the Allegheny County Health Department following the identification of a child with an elevated blood lead level over 5 µg/dL, 87% of the homes had defective lead-based paint, and 65% had lead dust hazards;

Allegheny County Health Department, 2020.

WHEREAS lead-based paint was banned for residential use in 1978 and lead was banned in residential plumbing fixtures in 1990;

Joint State Government Commission of the General Assembly of the Commonwealth of Pennsylvania, Lead Exposure Risks and Responses in Pennsylvania: Report of the Advisory Committee and Task Force on Lead Exposure, at 1 (April 2019).

WHEREAS American homes built prior to 1980 contain more than 3 million tons of lead in the form of lead-based paint;

42 U.S.C.A. § 4851(3).

See also *American Lead & Healthy Homes Survey: Lead and Arsenic Findings*, U.S. Department of Housing and Urban Development Office of Healthy Homes and Lead Hazard Control (April 2011).

WHEREAS more than 80% of homes in the City of Pittsburgh were built prior to 1978, and 41% were built before 1950;

Allegheny County Lead Task Force, Final Report and Recommendations, at 10 (December 2017).

WHEREAS individuals who rent their homes are more likely to depend upon landlords to perform the maintenance or improvements necessary to make their homes lead-safe;

Health Impact Project, 10 Policies to Prevent and Respond to Childhood Lead Exposure: An Assessment of the Risks Communities Face and Key Federal, State, and Local Solutions, at 11 (August 2017).

WHEREAS lead-contaminated soil is another common pathway to lead exposure and lead poisoning, as lead in soil can be directly consumed by children or brought into a home on the shoes of occupants or visitors or by pets;

Allegheny County Lead Task Force, Final Report and Recommendations, at 23 (December 2017).

WHEREAS, in 2019, of the homes tested for lead hazards by the Allegheny County Health Department following the identification of a child with an elevated blood lead level over 5 µg/dL, 70% had elevated lead in soil levels;

Allegheny County Health Department, 2020.

WHEREAS the federal Environmental Protection Agency's standard for lead in bare soil in areas where children may play is 400 parts per million by weight;

40 CFR Part 745

WHEREAS Allegheny County and the City of Pittsburgh have a unique topography in which historical lead emissions, including from industry and motor vehicles, settled near the points of emission;

Allegheny County Lead Task Force, Final Report and Recommendations, at 22 (December 2017).

WHEREAS traditional demolition techniques of buildings with lead-containing material also contributes to lead-contaminated soil and has been associated with increased lead exposure in children;

Aaron Lauer, *Lead-Safe Demolition Working Group Report*, 6, 11 (August 2019).

Rabito, Felicia A., Shahed Iqbal, Charles Franklin Shorter, Patricia Osman, P.E. Philips, Elizabeth Cullen Langlois, Luann Ann Ellis White, “The Association Between Demolition Activity and Children’s Blood Lead Levels,” *Environmental Research* 103, no. 3 (2007): 345-351.

Blumenthal, Herman T., Robert Mayfield, “An Update on Blood Lead Levels in Pediatric Patients of a Neighborhood Health Center and an Analysis of Sources of Exposure,” *Journal of the National Medical Association* 82, no. 2 (1995): 99-104

Jacobs, David E., Salvatore Cali, Alison Welch, Bogdan Catalin, Sherry L. Dixon, Anne Evens, Amy P. Mucha, Nicole Vahl, Serap Erdal, and John Bartlett, “Lead and Other Heavy Metals in Dust Fall from Single-Family Housing.” *Public Health Report* 128, no. 6 (2013): 454-62.

WHEREAS the risk of lead exposure from demolition can be decreased through lead-safe demolition practices;

Aaron Lauer, *Lead-Safe Demolition Working Group Report*, 11, 13 (August 2019).

Farfel, Mark R., Anna O. Orlova, Peter S J Lees, Charles Rohde, Peter J. Ashley, and J Julian Chisholm, Jr., “A Study of Urban Housing Demolition as Sources of Lead in the Ambient Dust: Demolition Practices and Exterior Dust Fall,” *Environment Health Perspectives* 111, no. 9 (2003): 1228-34.

WHEREAS demolitions that use lead-safe practices can result in lower soil lead levels than before demolition;

Aaron Lauer, *Lead-Safe Demolition Working Group Report*, 13 (August 2019).

WHEREAS buildings with lead-containing materials are commonly demolished in the City of Pittsburgh, often to ensure public safety;

Aaron Lauer, *Lead-Safe Demolition Working Group Report*, 11 (August 2019).

WHEREAS older publicly owned buildings, including school buildings, have a substantial risk of containing lead-based hazards via exposed lead-based paint, lead-based paint dust, bare soil and drinking water systems containing lead;

Joint State Government Commission of the General Assembly of the Commonwealth of Pennsylvania, *Lead Exposure Risks and Responses in Pennsylvania: Report of the Advisory Committee and Task Force on Lead Exposure*, at 6, 60 (April 2019).

Joint State Government Commission of the General Assembly of the Commonwealth of Pennsylvania, *Lead Exposure Risks and Responses in Pennsylvania: Report of the Advisory Committee and Task Force on Lead Exposure*, at 60 (April 2019).

WHEREAS Pittsburgh Public School District has 36 early childhood education programs located in various

school buildings through the district;

Joint State Government Commission of the General Assembly of the Commonwealth of Pennsylvania, Lead Exposure Risks and Responses in Pennsylvania: Report of the Advisory Committee and Task Force on Lead Exposure, at 61 (April 2019).

WHEREAS an adequate supply of safe, pure drinking water is essential to the public health, safety and welfare, and that supply is an important natural resource in economic development;

35 Pa. Cons. Stat. § 721.2(a)

WHEREAS drinking water has contributed over time to approximately 20% of the overall lead exposure to children;

Allegheny County Lead Task Force, Final Report and Recommendations, at 20 (December 2017).

WHEREAS lead in water is a risk not only when water is consumed directly, but also when contaminated water is used to cook food;

Allegheny County Lead Task Force, Final Report and Recommendations, at 20 (December 2017).

WHEREAS preventing lead exposure and mitigating risk is critical to protecting children's health;

Allegheny County Lead Task Force, Final Report and Recommendations, at 2 (December 2017).

WHEREAS primary and secondary prevention, which includes testing, identifying and remediating lead hazards before children are affected, is necessary to avoid and mitigate lead exposure and poisoning;

Allegheny County Lead Task Force, Final Report and Recommendations, at 5 (December 2017).

WHEREAS for every dollar spent on controlling lead hazards, up to \$221 would be returned in lifetime health benefits, increased IQ, higher earnings, higher tax revenues, reduced spending on special education, and reduced criminal activity.

Childhood Lead Poisoning: Conservative Estimates of the Social and Economic Benefits of Lead Hazard Control, Elise Gould, Economic Policy Institute, Environmental Health Perspectives, Volume 117, No. 7 (July 2009)

WHEREAS the City of Pittsburgh desires to protect City residents, and especially young children, from inadvertent exposure to lead-based paint hazards in their homes and in child-occupied facilities caused by the deterioration of painted surfaces with lead-containing material;

WHEREAS the City of Pittsburgh desires to protect City residents, and especially young children, from inadvertent exposure to lead-based paint hazards caused by renovations, repairs and painting activities, and to help consumers recognize lead based paint hazards and utilize lead-safe work practices, to choose persons/firms that are certified to safely handle lead when contracting for renovation, repair and paint work;

WHEREAS the City of Pittsburgh desires to protect City residents, and especially young children, from inadvertent exposure to lead-based paint hazards caused by demolition activities, and to help consumers to

choose persons/firms that are certified to safely handle lead when contracting for demolition activities;

WHEREAS the City of Pittsburgh desires to protect City residents, and especially young children, from inadvertent exposure to lead hazards in publicly owned, managed or financed buildings and spaces in the City;

WHEREAS the City of Pittsburgh desires to protect City residents, and especially young children, from inadvertent exposure to lead hazards in the drinking water supply of the City;

WHEREAS federal and state laws regulate certain aspects of the lead hazard problem, but these laws are far from comprehensive, and they are insufficiently monitored and enforced.

WHEREAS, for instance, the federal Lead-based Paint Renovation, Repair and Painting Rule, codified at 40 CFR §§ 745.80-75.92, is designed to reduce lead hazards in pre-1978 homes and child-occupied facilities caused by work that disturbs lead-based painted surfaces, this Rule is insufficiently monitored and enforced within the City;

WHEREAS, for instance, Pennsylvania law regulating lead abatement work and activities is insufficiently monitored and enforced within the City;

WHEREAS there is no federal or state regulation of residential demolitions for lead safety, so as to mitigate the risk of contaminating the site or neighboring lots and homes;

WHEREAS municipalities around the Nation have enacted lead safety ordinances to fill these voids and protect their residents from lead exposure caused by deteriorated paint surfaces, renovations, demolitions or at-risk drinking water supplies;

WHEREAS the City of Pittsburgh is authorized and empowered under its Home Rule Charter and the Pittsburgh City Code to enact ordinances and otherwise act to protect the health, safety and welfare of City residents;

WHEREAS the City of Pittsburgh is authorized and empowered by the Second Class Cities Law to enact such ordinances as are necessary or expedient for the maintenance of the health, safety and welfare of City residents;

53 P.S. §§ 23103 and 23158.

WHEREAS the City of Pittsburgh is authorized and empowered by the General Municipal Law, in order to promote the public health, safety, and general welfare of City Residents, to enact and enforce suitable ordinances to govern and regulate the occupation and use of all buildings and housing;

53 P.S. § 4101

WHEREAS, as a Home Rule municipality, the City of Pittsburgh is authorized and empowered by the Home Rule Charter Law to enact and exercise any municipal power or authority provided by other Pennsylvania statutes which are applicable in every part of this Commonwealth or which are applicable to all municipalities or to a class or classes of municipalities; and

53 Pa.C.S. § 2962(f).

WHEREAS public health crises that necessitate that City residents shelter in place, spending more time at home,

highlight the need for policies that will help to prevent or reduce lead exposure and lead poisoning in the City; and

WHEREAS, the City of Pittsburgh wishes to protect City residents, and especially young children, from exposure to lead (Pb):

- (a) in residential rental housing and child-occupied facilities;
- (b) caused by renovations, repairs, or painting activities that disturb surfaces with lead-based paint or are presumed to contain lead based paint;
- (c) caused by demolitions of residential, commercial and publicly-owned structures with lead-containing materials;
- (d) in the soil; and
- (e) in the drinking water; and

WHEREAS, the City wishes to pass the following ordinance known hereinafter as the “Pittsburgh Lead Safety Law.”

The Council of the City of Pittsburgh hereby enacts as follows:

Section 1. The City of Pittsburgh Code of Ordinances shall be amended to include new Chapter 782: - Lead Safety at Title Seven: - Business Licensing; Article X: - Rental of Residential Housing as follows:

Section 782.01. Lead-safe Housing.

(a). Applicability.

This Section shall apply to any buildings, or portion of a building, that was built before January 1, 1978 and is used as a residential rental dwelling. All elements of any inspection required hereunder shall be performed in accordance with applicable state and federal law.

(b). Inspections for Lead-based Paint Hazards.

Inspections conducted pursuant to Section 781.04 of the City Code by the Department of Permits, Licenses and Inspection of a building, or a portion of a building, built before January 1, 1978 and used as a residential rental dwelling shall include:

- (1) a visual assessment for bare soil on the lot(s) upon which the building or relevant portion thereof is situated;
- (2) a visual assessment for deteriorated paint surfaces in the interior, exterior and common areas of the building or relevant portion thereof;
- (3) lead dust wipe sampling inside of any dwelling, which shall include, at minimum, the following elements:
 - (A) dust wipe samples shall be taken on floors and windowsills / window troughs that have a paint history in at least four rooms, including the entryway / entry room, not less than one bedroom, and the living room;
 - (B) dust samples shall be collected by persons authorized and/or certified by the federal Environmental Protection Agency as a lead inspector, risk assessor, dust wipe technician or lead sampling technician;
 - (C) dust samples shall be submitted to a certified third party for analysis, interpretation and preparation of a report on the presence of lead and any lead hazards.

(c). Requests for Inspection for Lead-based Hazards.

The Department of Permits, Licenses and Inspection shall establish and maintain a system whereby City residents who own or rent a dwelling may request and obtain a free lead hazard inspection of their home which satisfies the minimum inspection requirements set forth in Subsection (b). The results of any such lead hazard inspection shall be provided in writing to the person who requested the inspection and, for any rental dwelling, to the property owner or the property owner's duly authorized agent.

(d). Remediation of Lead-based Hazards and Enforcement

(1.) Any bare soil, deteriorated paint surface or lead dust hazard identified in an inspection required by this Section shall be remedied by the property owner using properly certified lead professionals in accordance with applicable provisions of federal law, state law and the City Code and the "Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing" issued by U.S. Department of Housing and Urban Development.

(2.) The Department of Permits, Licenses and Inspection shall re-inspect any property where such a bare soil, deteriorated paint surface or lead dust hazard has been identified in order to determine whether the hazard(s) has been remedied. This re-inspection shall be within 30 days of the citation of the hazard(s) or of the receipt of documentation from the property owner certifying correction of the hazard(s) and may be repeated, as necessary, until such hazard has been remedied.

(3.) The Department of Permits, Licenses and Inspection shall enforce this Section in accordance with the enforcement provisions set forth in Section 1001.10 of Title 10 (the Building Title) of the City Code.

(e). Retaliation Prohibited. An owner or landlord shall not retaliate against any tenant for an exercise of any rights provided hereunder, including the receipt of a lead inspection of tenant's rental unit. There shall be a rebuttable presumption of unlawful retaliation whenever an owner or landlord takes an action to evict a tenant within ninety (90) days of a lead inspection of tenant's rental unit. All applicable terms herein shall be defined as provided under Section 781.01 of the City Code.

(f). Buildings Receiving City Assistance.

Henceforth, any building, or portion of a building, built before January 1, 1978 and used as a residential rental dwelling that receives any financial assistance from the City as of the effective date of this Ordinance, shall be consistent with applicable law, subject to the the requirements of 782.01.

(g). Exceptions.

Notwithstanding any other provision of this Section, the requirements of this Section shall not apply to any building, or relevant portion thereof, where the property owner, or the property owner's duly authorized agent, demonstrates to the Department of Permits, Licenses, and Inspections with credible evidence that the building, or relevant portion thereof, contains no lead-based hazards. Credible evidence for purposes of this subsection may include a report, prepared by a professional who is certified by the Pennsylvania Department of Labor & Industry (PA L&I) as a lead risk assessor that the building, or relevant portion thereof, contains no lead-based paint hazards.

(h). Public Information

Subject to applicable law, the results of all inspections and remediation work required by this Section shall be made publicly available on the Department of Permits, Licenses and Inspection webpage in a manner that

permits renters, parents, and other consumers to meaningfully consider this information.

(i). Fees.

In accordance with and subject to the provisions of Section 170.01 of the City Code, the Department of Permits, Licenses and Inspections is hereby authorized to develop a fee schedule and charge lawful fees necessary to implement and enforce this Section. This fee shall be included in the annual fee schedule, by the process set forth in Chapter 170 of the City Code.

(j). Necessary Regulations, Policies, Procedures or Code Revisions.

The Department of Permits, Licenses and Inspections shall, within 180 days of the enactment of this Ordinance, submit to Council for review and approval, as appropriate, any regulation, policy, procedure, or Code revision that the Department deems necessary to implement the requirements of this Section.

Section 2. The City of Pittsburgh Code of Ordinances shall be amended to include new Chapter 620: - Lead-safe Demolitions at Title Six: - Conduct; Article I: - Regulated Rights and Actions as follows:

Chapter 620: - Lead-safe Demolitions.

Section 620.01. Lead-safe Demolitions and Deconstruction Pilot.

(a). Applicability.

This Section shall apply to all demolitions of residential, commercial, or publicly owned structures in the City of Pittsburgh that were built before January 1, 1978, as set forth in this Section.

(b). Demolitions Conducted or Funded by the City.

The City of Pittsburgh shall ensure that all demolitions of structures built before January 1, 1978 that are conducted by the City or funded, in whole or in part, by the City are carried out in a lead-safe manner and pursuant to a City-approved “Demolition Work Plan,” in accordance with regulations which shall be promulgated by the Department Permits, Licenses, and Inspections; where such regulations shall include but not be limited to provisions addressing community notices and postings, both prior to and during demolitions; certifications and training; wetting and dust control demolition procedures in order to minimize the release of airborne particulates and mitigate the spread of lead dust; minimizing soil and water runoff; containing and disposing of contaminated materials; and site remediation: pursuant to Article III of the City Code.

(c). Demolitions Permitted by the City.

Permits for private demolitions of any structure shall be conditioned upon the permit holder’s compliance with the requirements set forth in Title X, Section 1004.02 and subsection 110.5 of the same.

(d). Deconstruction Pilot.

The Department of Permits, Licenses and Inspection shall explore the development and implementation of a pilot program to test and document any additional costs associated with deconstructing (i.e. removing prior to demolition) the following painted, non-structural, exterior components of properties to be demolished by the City: windows, doors, railings, soffits, trim, siding and porches (except for concrete or masonry materials). To offset any such costs, the Department shall explore selling any deconstructed materials that are suitable for resale, but any such sale shall be conditioned on the removal by any lead-based paint prior to re-use of the

deconstructed materials. The Department shall explore operating such a pilot project for at least two years, accomplishing such deconstruction on no less than five structures per year, with a report to City Council detailing the findings of any such pilot project within ninety (90) days of the end of the applicable fiscal year. The Department shall ensure that this pilot program is coordinated with the deconstruction pilot created by the Executive Order issued by the Mayor of Pittsburgh on April 20, 2021.

(e). Fees.

In accordance with and subject to the provisions of Section 170.01 of the City Code, the Department of Permits, Licenses and Inspections is hereby authorized to develop a fee schedule and charge lawful fees necessary to implement and enforce this Section. The fee shall be included in the annual fee schedule, by the process set forth in Chapter 170 of the City Code.

(f). Necessary Regulations, Policies, Procedures or Code Revisions.

The Department of Permits, Licenses and Inspection shall, within 180 days of the enactment of this Ordinance, submit to Council for review and approval, as appropriate, any regulation, policy, procedure or Code revision that the Department deems necessary to implement the requirements of this Section.

(g). Effective Date.

This Section 620.01 shall take effect 180 days following the effective date of this ordinance.

Section 3. The City of Pittsburgh Code of Ordinances shall be amended to include new Chapter 621: - Lead-safe Child Occupied Facilities at Title Six: - Conduct; Article 1: - Regulated Rights and Actions as follows

Chapter 621: - Lead-safe Child Occupied Facilities.

Section 621.01 Child Occupied Facilities.

(a). For purposes of this Chapter 620, Child Occupied Facilities shall be defined as a building, or a portion of a building, constructed prior to 1978, that includes an active day care, pre-school, or kindergarten classroom.

(b). Child Occupied Facilities shall be subject to the lead inspection requirements enumerated under 728.01 of the City Code of Ordinances.

(c). The Department of Permits, Licenses and Inspections shall, within 120 days of the enactment of this Ordinance, explore and report to Council the feasibility of developing and implementing of a mechanism for inventorying all child-occupied facilities built before 1978 that operate within the City and making this information publicly available for use by consumers.

Section 4. The City of Pittsburgh Code of Ordinances shall be amended to include new Chapter 492: - Lead-safe Drinking Water at Title Four: - Public Places and Property; Article XIV: - Public Buildings; as follows:

Chapter 490A2: - Lead-safe Drinking Water

Section 490A2.01. Lead-safe Drinking Water in City Owned and Funded Buildings and Facilities

Within 180 days of the enactment of this Ordinance, a lead-capturing water filtration mechanism shall be installed, and thereafter maintained within the manufacturer's specifications, in/on each drinking water fountain and each sink in each building built before January 1, 1986 that is owned or leased by the City or with City funding and is used as residential housing or a child-occupied facility.

Section 5. The City of Pittsburgh Code of Ordinances shall be amended at Title Six: - Conduct; Article I: - Regulated Rights and Actions, to include new Chapter 622: Lead Disturbance Activities.

Chapter 622: Lead Disturbance Activities

Section 622.01: Permitting Activities Involving Lead Disturbance

The Department of Permits, Licenses and Inspections shall, in the course of issuing any permit for an activity that may disturb a painted interior surface or exterior surface of a building, or a portion of a building that was built before 1978 and is used as a residential dwelling or a child-occupied facility as defined in Section 621.01, require the permit applicant to affirm their understanding of the risks of disturbing paint in buildings built before 1978. The Department of Permits, Licenses, and Inspections shall also furnish information to the permit applicant of the risks of disturbing lead-based paint, and of lead-safe work practices to reduce exposure. Permit applications that include work performed by individuals or firms covered by the Code of Federal Regulations, Title 40, Section 745.89 shall also be required to certify that they will comply with this regulation.

Section 622.02: Lead Disturbance in Buildings Owned or Leased by the City or with City Funds

Any renovation, repair, or painting activity that may disturb more than six (6) square feet per room of a painted interior surface or more than twenty (20) square feet of a painted exterior surface of a building, or a portion of a building, that was built before 1978 and is owned or leased by the City or with City funds and is used as a residential dwelling or a child-occupied facility, shall be completed in accordance with the lead safety requirements set forth by the City's Department of Permits, Licenses, and Inspections.

Section 6. The City of Pittsburgh Code of Ordinances shall be amended at Title Seven: - Business Licensing; Article V: - Trade Occupations as follows:

Chapter 751: GENERAL CONTRACTOR REGISTRATION

§ 751.03 - QUALIFICATIONS.

(d) Applicants must provide a copy of a Lead Renovation, Repair, and Painting (RRP) certification to be issued, or to renew a city contractor license.

Section 7. Severability.

If any subsection or portion of this ordinance is for any reason held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, that subsection or portion shall be deemed severable and shall not affect the validity of the remaining portions of the ordinance. This Ordinance shall be specifically construed as separate and apart from Chapter 781 for the purposes of severability.

Section 8. Effective Date. The requirements of this Ordinance shall take effect one hundred and eighty (180) days after the date of enactment.