

City of Philadelphia



(Bill No. 180700)

AN ORDINANCE

Amending Subcode "A" (The Philadelphia Administrative Code) of Title 4 (The Philadelphia Building Construction and Occupancy Code) of The Philadelphia Code, by amending Section A-703, entitled "Special Certificate of Inspection," to provide for lead paint requirements for educational occupancies, under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Section A-703 of Subcode "A" of Title 4 of The Philadelphia Code is hereby amended to read as follows:

SECTION A-703 SPECIAL CERTIFICATE OF INSPECTION

A-703.1 Special occupancy requirement for structures in Group E occupancy: No structure in Group E occupancy, the Educational occupancy, as defined in Subcode "B" of Title 4 owned or operated by an entity to which the City provides substantial funding, shall be occupied unless a current special certificate of inspection has been issued in connection with such structure.

* * *

A-703.2 Issuance of special certificates of inspection: Special certificates of inspection shall be issued on the following basis:

* * *

4. The Department shall not issue a special certificate of inspection unless the building has been inspected for fire, safety, electrical, lead paint, water quality and all other property-related hazards and:

* * *

B. [the Health Department has certified that the building is in substantial compliance with applicable lead paint requirements of this Code and that the building can be occupied safely without endangering life or public safety or welfare, and] the Health Department or a testing agency certified by the Pennsylvania Department of Environmental

City of Philadelphia

BILL NO. 180700 *continued*

Certified Copy

Protection has certified, within the previous five years, that the building is in substantial compliance with applicable water quality requirements of the Board of Health, provided that in no event shall applicable water quality requirements be deemed to permit lead in water at an outlet such as a sink or water fountain that is in service at 10 ppb or more. Any water outlet determined to exceed any such water quality requirements shall be taken out of service within 24 hours of notification of the relevant test. The owner of the educational occupancy shall post the results of the most recent water quality testing at each particular educational occupancy to a generally available website within ten days of receipt of the results.

* * *

D. the owner of the building or its agent has provided certification that the building either (i) was built subsequent to 1978; or (ii) is not regularly occupied by students; or (iii) all areas of the building that are frequented by students have been inspected and determined to be safe from lead based paint hazards.

(.1) An area of a building shall be determined to be safe from lead based paint hazards only if it is free of any lead contaminated debris, such as dust, chips or other paint particulate, on surfaces; and it is free of any condition that may cause exposure to lead from lead-contaminated paint dust or debris, including, but not limited to: flaking, peeling, spalling or efflorescing paint. Flaking or peeling means that paint is visibly flaking from the surface or a person is able to get a fingernail under a paint layer. Spalling means moisture intrusion causing plaster to delaminate from substrate. Efflorescing means that crystalline deposits or white powdery residue is on plaster surfaces.

(.2) A building area shall be certified as safe from lead based paint hazards based on the visual observation of a certified lead inspector. A "certified lead inspector" shall be as defined in Section 6-802.

(a) All inspections relating to lead paint, including any assessments or evaluations, performed pursuant to subsection (.1) or otherwise, shall be performed in accordance with the following:

(i) No fewer than ten (10) days prior to the inspection, the person responsible for management of the building shall ensure that notice of the pending inspection and the scope of work involved is given to staff and parents of children in the school, or their representatives.

(ii) No more than ten (10) days after the completion of any inspection, the person responsible for management of the building shall

City of Philadelphia

BILL NO. 180700 continued

Certified Copy

ensure that the results of the inspection, including the location, amount and condition of any lead paint that was found, is posted on the website of the entity responsible for operation of the building.

(.3) To the extent any condition is found during the course of any inspection pursuant to subsection (.2) or otherwise that would prevent any portion of the building frequented by students from being certified as safe from lead based paint hazards, the entity responsible for operation of the building shall take all appropriate steps to achieve such certification within ninety (90) days of the adverse finding. Until any appropriate remediation or stabilization activity takes place, the area shall be kept clean by the use of a HEPA (high efficiency particulate air) filtration vacuum cleaner or wet wiping; monitoring of paint conditions; and ongoing cleaning of surfaces; and if there is a potential for occupant contact with any damaged conditions, the area shall be isolated by means of a plastic barrier adhered to the wall surface, or other appropriate isolation tool. During remediation or stabilization, the person responsible for management of the building shall not allow any students to occupy the affected portion of the building.

(a) The person responsible for management of the building shall ensure that advance notice of any remediation, abatement or clean-up work be given to staff and parents of children in the school, or their representatives, and posted on the entity's website, as promptly as practicable; and that the results of the work be posted on the website within ten (10) days after completion.

SECTION 2. Council recognizes the establishment of the Lead Paint & Plaster Stabilization Advisory Group, formed jointly by the School District of Philadelphia, the Philly Healthy Schools Initiative & Coalition, and the Philadelphia Federation of Teachers. Council calls on the Advisory Group to continue to develop lead paint standards, practices and procedures for lead paint-related stabilization work in School District buildings, relating to, among other things, evaluation and assessment, lead stabilization and clean-up practices, testing methods and approaches, and communication, information sharing and related public outreach. Council further calls on the Advisory Group to report to Council on any recommendations for further legislation relating to the health or safety of schoolchildren, particularly as it relates to lead paint.

Explanation:

[Brackets] indicate matter deleted.
Italics indicate new matter added.

City of Philadelphia

BILL NO. 180700 continued

Certified Copy

CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on December 13, 2018. The Bill was Signed by the Mayor on January 22, 2019.



Michael A. Decker
Chief Clerk of the City Council