



SPONSOR: Rep. Harris & Sen. S. McBride

HOUSE OF REPRESENTATIVES
152nd GENERAL ASSEMBLY

HOUSE BILL NO. 452

AN ACT TO AMEND TITLES 16 AND 25 OF THE DELAWARE CODE RELATING TO LEAD-BASED PAINT.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. Amend Part III, Title 25 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows:

3 Chapter 54. LEAD-BASED PAINT HAZARD REDUCTION.

4 § 5401. Definitions.

5 For purposes of this chapter:

6 (1) “Alternative housing” means as defined by the regulations promulgated by the Department of Health and
7 Social Services and shall include reasonable out-of-pocket expenses incurred as a result of relocating the tenant to
8 alternative housing such as rent charged for the alternative housing above the cost of the tenant’s existing unit, costs to
9 move back and forth from the alternative housing, and storage costs for personal belongings.

10 (2) “Constructed” means the date on which a construction permit was obtained. If no construction permit was
11 obtained, it shall mean the date that construction was started.

12 (3) “Department” means the Department of Health and Social Services.

13 (4) “Elevated blood lead level” means as defined in § 2601 of Title 16.

14 (5) “Lead-based paint hazard” means as defined by regulations promulgated by the Department.

15 (6) “Lead free” means that lead is not present in any form anywhere in the rental unit or premises.

16 (7) “Lead inspector” means as defined in regulations promulgated by the Department of Health and Social
17 Services.

18 (8) “Lead safe” means that a lead inspector has determined that a rental unit and premises do not have a lead-
19 based paint hazard at the time of the inspection.

20 (9) “Regularly visited” means at least 2 times a week for 3 or more hours at least 10 weeks per year.

21 (10) “Rental unit” means as defined in § 5141 of Title 25.

22 (11) “Rental unit constructed before” a given date means a rental unit for which a construction permit was
23 obtained before that date. If no permit was obtained, it means that construction of the rental unit was started before that
24 date.

25 § 5402. Certification of Rental Units as Lead Free or Lead Safe.

26 (a) A certificate for any rental unit constructed before January 1, 1978, shall be required according to the following
27 schedule:

28 (1) For rental units constructed before 1950, January 1, 2026.

29 (2) For rental units constructed before 1960, January 1, 2027.

30 (3) For rental units constructed before 1970, January 1, 2028.

31 (4) For rental units constructed before 1978, January 1, 2029.

32 (b) The certificate shall certify that the rental unit and premises are “lead free” or “lead safe.” The certificate shall
33 also include the following:

34 (1) The name and address of the landlord and any property manager.

35 (2) The address of the rental unit.

36 (3) The name of the lead inspector issuing the certificate.

37 (4) The date the certificate was issued.

38 (5) The date of the inspection of the rental unit and premises.

39 (6) Whether the rental unit and premises are certified as lead free or lead safe.

40 (c) Only individuals approved as lead inspectors by the Department shall issue certificates. No individual shall be
41 approved by the Department as a lead inspector unless the individual has successfully completed a training program
42 approved by the Department on the identification and evaluation of lead-based paint hazards or a training program of
43 another state that the Department has determined to be as stringent as the program approved by the Department.

44 (d) No certificate shall be issued unless the lead inspector conducts an inspection and evaluation of the rental unit
45 and premises in a manner required by the regulations of the Department.

46 (e) The Department shall establish and maintain a list of all lead inspectors. The list shall be available to the
47 public.

48 (f) The failure to obtain and file a certificate prior to the required date shall be a violation of this section. The
49 Department may assess a civil penalty up to \$500 per day per rental unit until the required certificate is obtained and filed
50 with the Department. No civil penalty shall be imposed if a certificate exemption is issued by the Department prior to the
51 date on which certification is required. A certificate exemption shall only be issued upon a showing that it is not possible to

52 timely obtain a certificate because no lead inspectors approved by the Department are available. The length of the
53 certificate exemption shall not exceed 6 months, and shall be limited to the period of time required for the applicant to have
54 an inspection conducted by a lead inspector approved by the Department. No certificate exemption shall be issued if a lead
55 hazard exists that makes the rental unit uninhabitable unless the landlord provides the tenant alternative housing as required
56 by this chapter.

57 (g) The tenant shall permit reasonable access to the rental unit and premises for an inspection and evaluation by a
58 lead inspector as required by this chapter.

59 (h) The failure to obtain a timely certificate shall preclude the landlord from bringing an action for summary
60 possession of the rental unit for which a certificate is required. This section shall not apply if the landlord has obtained a
61 timely certificate exemption issued by the Department.

62 (i) The landlord shall provide for alternative lodging when an inspection and evaluation by a lead inspector, as
63 required by this chapter, reveals that the rental unit is uninhabitable as a result of a lead-based paint hazard. The alternative
64 lodging must be provided before or during the abatement or remediation of the rental unit. The landlord shall provide the
65 tenant with at least 10 days advance notice before the tenant is required to move into or out of the alternative housing.
66 Nothing in this chapter shall preclude a tenant and landlord from agreeing to terminate a rental agreement so long as such
67 agreement is voluntary and not coerced.

68 (j) The lead inspector shall inform the Department, the landlord, and tenant of any lead-based paint hazard
69 revealed during an inspection and evaluation of a rental unit. The lead inspector shall provide the landlord and tenant with
70 information regarding the safe remediation and abatement of lead-based paint hazards as required by Department
71 regulations.

72 §5403. Recertification of Rental Units as Lead Free or Lead Safe.

73 (a) Any rental unit certified as lead safe shall be recertified as follows:

74 (1) Prior to the commencement of any rental agreement more than four years after the date on which such unit
75 was last certified as lead safe.

76 (2) If an individual residing in the unit develops an elevated blood lead level.

77 (3) If a lead-based paint hazard is discovered in the rental unit or premises.

78 (b) Any rental unit certified as lead free need not be recertified unless:

79 (1) A lead-based paint hazard is discovered in the rental unit or premises.

80 (2) An individual residing in the rental unit develops an elevated blood lead level.

81 § 5404. Disclosure of Certification.

82 (a) Effective July 1, 2026, every rental agreement on a rental unit constructed prior to January 1, 1978, shall
83 contain a disclosure as to whether the rental unit and premises have been certified as lead safe or lead free, the date of the
84 certification, and the name of the lead inspector issuing the certificate.

85 (b) The landlord shall provide the tenant with a copy of a lead safe or lead free certificate identified in the rental
86 agreement within 7 days of a request for the certificate. Failure to provide the certificate shall be a violation of this section
87 and the landlord shall be assessed a civil penalty of \$50 per day until the certificate is provided to the tenant.

88 (c) The Department shall promulgate regulations addressing the format of the disclosures required by this chapter.

89 § 5405. Educational Materials.

90 The landlord shall provide the tenant with any educational materials required to be provided by Department
91 regulations and the U.S. Environmental Protection Agency. The material shall be provided before the tenant occupies the
92 rental unit. Failure to provide the required educational materials shall be a violation of this section and the landlord shall be
93 assessed a civil penalty of \$20 per day until the materials are provided to the tenant. Effective July 1, 2026, every rental
94 agreement on a rental unit constructed prior to January 1, 1978, shall require that a tenant acknowledge receipt of the
95 materials required by this section.

96 § 5406. Lead-Based Paint Hazard Control Grant and Loan Program.

97 The Department shall establish and administer a lead-based paint hazard control grant and loan program to assist
98 eligible landlords in obtaining a required certificate, in the remediation or abatement of lead hazards in a rental unit, and in
99 paying for alternative lodging for tenants when alternative lodging is required by § 2402(i) of this title. Preference in grants
100 shall be given for rental units that are the primary residence for children under 6 years old or pregnant individuals, or are
101 regularly visited by a child under 6 years old. Funds shall be provided to landlords in the form of grants until January 1,
102 2026, after which time funds shall be provided to landlords only in the form of loans. A landlord receiving grant or loan
103 funds pursuant to this section is prohibited from raising the rental fee on the property for which the grant or loan was
104 received for a period of 3 years from the date of the inspection that indicated the need for remediation or abatement of lead
105 hazards.

106 § 5407. Anti-discrimination provision.

107 (a) It shall be unlawful to discriminate against an individual because the individual has made a complaint, testified,
108 assisted, or participated in any manner in an investigation, proceeding, or hearing relating to the presence of a lead-based
109 paint hazard in a rental unit or premises, or the failure to register the rental unit or to obtain or provide a certificate.

110 (b) It shall be unlawful to discriminate against an individual because the individual or someone residing with the
111 individual in a rental unit has an elevated blood lead level or is perceived as having an elevated blood lead level. It shall

112 also be unlawful to discriminate against an individual seeking to rent a rental unit because the individual or someone who
113 would be residing in the rental unit has an elevated blood lead level or is perceived as having an elevated blood lead level.

114 (c) It shall be unlawful to discriminate against an individual because the individual or someone who is or would be
115 residing in the rental unit is pregnant or is under 6 years old, unless the rental unit is qualified as housing for older persons
116 under the Delaware Fair Housing Act, under Chapter 46 of Title 6.

117 (d) Prohibited discriminatory acts include the following:

118 (1) Arbitrary refusal to renew a rental agreement.

119 (2) Arbitrary refusal to enter into a rental agreement.

120 (3) Termination of tenancy.

121 (4) Arbitrary rent increase or decrease in service to which a tenant is entitled.

122 (5) Constructive eviction.

123 §5408. Feasibility Review.

124 (a) There is established a committee known as the “Lead-Based Paint Remediation Certification Committee” (“the
125 Committee”). The Committee shall consist of 5 members as follows:

126 (1) Two members appointed by the Governor, after consultation with Delaware business organizations and
127 tenant advocacy organizations.

128 (2) One member appointed by the Speaker of the House of Representatives.

129 (3) One member appointed by the President Pro Tem of the State Senate.

130 (4) The Secretary of Health and Social Services.

131 (b) Staff support for the Committee shall be provided by the Department of Health and Social Services.

132 (c) The Committee shall, on an ongoing basis, study the available workforce and available public funding to
133 support the inspection and remediation efforts required by this chapter, along with any other factors impacting property
134 owners’ ability to comply with deadlines established in § 5402 of this title. The Committee shall invite and accept input
135 from the public in fulfilling its duties.

136 (d) By January 1, 2025, the Committee shall issue a formal report to the Governor and General Assembly as to
137 whether it is feasible for persons subject to the deadlines established in § 5402 of this title to comply with those deadlines.
138 The Committee shall issue a feasibility report on January 1 of each calendar year through January 1, 2029. Every report
139 issued pursuant to this subparagraph shall, if the Committee believes existing deadlines are not feasible, propose specific
140 new deadlines to replace those enumerated in § 5402 of this title or enacted subsequently pursuant to this section.

141 (e) The Committee shall cease to exist when it issues a report indicating that no new deadlines are required
142 pursuant to subsection (d) of this section.

143 §5409. Regulations.

144 The Department shall adopt regulations to implement this chapter.

145 Section 2. Amend § 5305, Title 25 of the Delaware Code by making deletions as shown by strike through and
146 insertions as shown by underline as follows:

147 § 5305. Landlord obligations relating to the rental unit.

148 (a) The landlord shall, at all times during the tenancy:

149 (1) Comply with all applicable provisions of any state or local statute, code, regulation or ordinance governing
150 the maintenance, construction, use or appearance of the rental unit and the property of which it is a part;

151 (2) Provide a rental unit which shall not endanger the health, welfare or safety of the tenants or occupants and
152 which is fit for the purpose for which it is expressly rented;

153 (3) Keep in a clean and sanitary condition all common areas of the buildings, grounds, facilities and
154 appurtenances thereto which are maintained by the landlord;

155 (4) Make all repairs and arrangements necessary to put and keep the rental unit and the appurtenances thereto
156 in as good a condition as they were, or ought by law or agreement to have been, at the commencement of the tenancy;
157 and

158 (5) Maintain all electrical, plumbing and other facilities supplied by the landlord in good working order.

159 (6) Provide a rental unit that is free of lead-based paint hazards and certified as lead safe or lead free as
160 required by Chapter 54 of this title.

161 Section 3. Amend § 5704, Title 25 of the Delaware Code by making deletions as shown by strike through and
162 insertions as shown by underline as follows:

163 § 5704. Commencement of action and notice of complaint.

164 (a) The proceeding shall be commenced by filing a complaint for possession with the court. Prior to filing a
165 complaint, the court shall require proof that the property in question is in compliance with §§ 5402 and 5403 of this title,
166 relating to lead-based paint hazards.

167 Section 4. Amend § 2612, Title 16 of the Delaware Code by making deletions as shown by strike through and
168 insertions as shown by underline as follows:

169 § 2612. Remediation and abatement duties of Delaware State Lead-Based Paint Program.

170 (d) Competitive bid invitations issued by the Program for lead-based paint abatement or remediation must contain
171 all of the following:

172 (1) Provisions requiring verification by bidders of procedures to be used for risk assessment.

173 (2) Provisions requiring verification by bidders of procedures to be specified by the Program to limit the
174 generation of lead dust, contain lead dust within work areas, conduct daily and final cleanings, and perform clearance
175 testing.

176 (3) Provisions requiring verification by bidders of procedures regarding treatment of exteriors, including
177 siding and carpentry repairs, porch repairs, and garage repairs.

178 (4) Provisions requiring verification by bidders regarding the testing and treatment of soil.

179 (5) Provisions requiring verification by bidders of procedures regarding interior treatment, including initial
180 and daily cleaning; repairs and component replacements; paint stabilization treatment of windows, doors, stairs, walls,
181 ceilings, hard surface and basement floors, and radiators; and final cleaning.

182 (6) Provisions specifically providing for the safety of workers performing lead-based paint abatement or
183 remediation work, including free blood testing for workers performing abatement or remediation work at least every 3
184 months.

SYNOPSIS

This Act requires that all rental units constructed before January 1, 1978, are certified as lead free or lead safe by a specific deadline. Lead inspectors must be approved by the State to conduct inspections and if necessary, lead abatement and remediation. A certificate exemption may be issued for no more than 6 months. If the rental unit is uninhabitable, the landlord must provide alternative housing while the unit undergoes lead abatement or remediation. Recertification for lead safe units must occur prior to commencement of any rental agreement more than 4 years after the date the unit was last certified. Units must be recertified as lead free or lead safe if a lead-based paint hazard is discovered in the rental unit or if individuals residing in the unit develop elevated lead blood levels. Beginning July 1, 2026, every rental unit constructed prior to January 1, 1978, shall include a disclosure as to whether the rental unit has been certified as lead safe or lead free.

To help eligible landlords obtain lead certification or remediate their units, this Act creates a Lead-based Paint Hazard Control Grant and Loan Program. Preference for grants shall be given to families with young children, pregnant individuals, or tenants regularly visited by children under 6 years old. This Act also establishes a Lead-Based Paint Remediation Certification Committee to study the available workforce and available public funding to support the inspection and remediation efforts required by this Act along with the feasibility of meeting deadlines established under this Act.

This Act also does the following:

(1) Prohibits landlords from discriminating against individuals because they make a complaint or assist in an investigation or proceeding relating to a lead-based paint hazard in a rental unit or premises.

(2) Prohibits landlords from discriminating against individuals residing in a unit who have elevated blood lead levels or children or pregnant individuals who may be affected by lead-based paint hazards.

(3) Requires landlords to show proof that their unit is certified as lead free or lead safe in accordance with this Act prior to filing a complaint for possession with JP Court.

(4) Requires that contractors performing lead-based paint abatement or remediation under the Delaware State Lead-Based Paint Program provide for the safety of workers performing lead-based paint remediation work, including free blood testing for workers at least every 3 months.