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SENATE BILL NO. 410

Offered January 12, 2022

Prefiled January 11, 2022

A *BILL to amend the Code of Virginia by adding a section numbered 36-105.1:2, relating to the Uniform Statewide Building Code; lead-safe rental housing.*

Patron—Morrissey

Referred to Committee on General Laws and Technology

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 36-105.1:2 as follows:

§ 36-105.1:2. Lead-safe rental housing; inspections and certification.

A. Terms used in this section shall have the same meanings as those used in § 54.1-500.

B. The local governing body of a locality may adopt an ordinance for the purpose of ensuring the absence of lead hazards in residential dwelling units built prior to 1986.

Such ordinance shall:

1. Require the inspection and certification of any such dwelling unit. Such inspection shall be conducted by a person licensed and qualified pursuant to § 54.1-503 and any appropriate state or federal regulations. The rental of any residential rental dwelling unit shall be prohibited unless it has received a post-inspection certification by the inspecting professional certifying that:

a. Based upon a comprehensive review, all paint in the dwelling unit is free of lead hazards;

b. Based upon a dust-wipe test, the dwelling unit is free of lead hazards;

c. Based upon an evaluation of the presence of lead in the water pipes, all water flowing into the dwelling unit from faucets and other means of entry is free of lead hazards; and

d. Based upon a soil test, all exposed soil on the property of the dwelling unit is free of lead hazards.

2. Require that an owner of a dwelling unit that has been certified as free of lead hazards pursuant to the certification process in subdivision 1 that wishes to continue to rent the unit to residential tenants to confirm, through a sworn affidavit filed with the local governing body of the locality, prior to advertising the dwelling unit for rental to a new tenant, the absence of lead hazards based on a (i) visual inspection for deteriorating paint and (ii) a dust-wipe test of the dwelling unit.

3. Require the remediation of any lead hazard before the dwelling unit is advertised for rent and may either require the landlord to pay for the cost of remediation or direct the locality to establish a fund to pay for the cost of remediation; however, in no event shall a tenant bear the cost of remediation. Any rental agreement, as defined in § 55.1-1200, entered into in violation of this subdivision 3 shall be void and unenforceable.

4. Allow for the inspection requirements outlined in subdivision 1 to be waived by the locality if:

1. The dwelling unit was built after 1986;

2. After a complete investigation of all paint, soil, and water by a licensed lead risk assessor, the dwelling unit was declared lead-free;

3. After a complete inspection of all paint and soil by a licensed lead risk assessor, the dwelling unit was declared free of lead-based paint, in which case the dwelling unit may be exempted from future paint inspections; and

4. The dwelling unit was built between 1978 and 1986, in which case the dwelling unit may be exempted from paint, soil, and dust inspections.

C. A locality that adopts the provisions of this section shall establish a publicly accessible database in which it shall store and maintain all lead-safe and lead-free certifications issued pursuant to this section, arranged by the street address of the residential rental dwelling unit.

D. A locality may allow a residential rental dwelling unit that has had a comprehensive lead inspection less than 12 months prior to the effective adoption of a local program pursuant to this section to qualify for a one-year exemption from the provisions of subsection B.

E. A locality may charge a reasonable fee to the owner of a residential rental dwelling unit for the purposes of maintaining records and performing other administrative tasks necessary for the enforcement of this section.

F. The local governing body of a locality may adopt additional lead-safe and lead-free inspection and certification requirements or higher standards for inspection and certification, if it so chooses.

INTRODUCED

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