

GOVERNMENT OF THE DISTRICT OF COLUMBIA

Department of Energy and Environment

Key Points and Frequently Asked Questions About the District of Columbia Lead Laws

Questions of Special Interest to Tenants

What are my rights as a tenant in the District of Columbia, when it comes to lead safety in my home?

- A tenant has a right to live in a home that does not contain any lead-based paint hazards. If a residential property was built before 1978, any deteriorating paint inside or on the exterior of the home is considered a lead-based paint hazard, unless the property owner has documentation showing the paint is not lead-based paint. Other lead-based paint hazards include lead-contaminated dust and lead-contaminated bare soil. **See the [DC regulations](#) at section 3300.2, section 3301, and the definition section 3399.**
- Before a tenant signs a lease to rent a residential property built before 1978, the owner must provide the tenant with a completed DC Lead Disclosure Form, signed and dated by the owner, which must contain any information “reasonably known to the owner” about the presence of any lead-based paint or lead-based paint hazards at the property, as well as information about any lead-related pending actions at the property, ordered by a District government agency. The tenant must be given an opportunity to sign and date the form upon receipt. **See the [DC regulations](#) at sections 3313.1 and 3313.2.**
- Before a lease is signed involving a home built before 1978, if the prospective tenant family contains a child less than 6 years of age or a pregnant woman, or will be visited by one more than 60 hours during the year (and as otherwise specified in the regulatory definition of “regularly visits”), the prospective occupants are entitled to EITHER: (1) a clearance report issued within the previous twelve months; **or** (2) a report from a risk assessor or a lead-based paint inspector certifying that the home is a lead-free unit; **or** (3) three clearance reports that were issued at least a year apart from each other, where the oldest of such reports is not more than seven years old. **See the [DC regulations](#) at sections 3313.3 and 3313.5.**
- Current tenants of a home built before 1978 have a right to inform the property owner **in writing** that their household includes a child less than 6 years of age or a pregnant woman, or that one is spending at least 60 hours during the year (and as otherwise specified in the regulatory definition of “regularly visits”), and to request a clearance report for the home that was either issued within the previous year, or that is issued not more than 30 days after the owner receives the written request. The same alternative options are available to the owner as those described directly above. **See the [DC regulations](#) at sections 3313.4 and 3313.5, and the definition section 3399.**

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- Tenants have a right to require proof of training or certification before allowing a lead-based paint inspector, risk assessor, dust sampling technician, or abatement contractor to gain access to their home or to proceed with their work on behalf of the property owner. **See the DC regulations at section 3317.3(d).**

What are my obligations as a tenant in the District of Columbia, when it comes to allowing access to my home for purposes of establishing lead-safe conditions?

- Staff from the Department of Energy and Environment’s lead program (DOEE) are allowed to have access to your home between 7:30 am and 7:30 pm, if there is reason to believe that activities are being or have been conducted in violation of the District’s lead laws, or if there is reason to believe there may be an imminent threat to the health and safety of the occupants. Either the tenant can consent to this access, or DOEE can gain access by presenting a warrant issued by the District Superior Court. **See the DC regulations at sections 3317.1 and 3317.2.**
- If a property owner or an owner’s employee or representative wants to enter your home for purposes of compliance with the District’s lead laws, or to proactively determine the lead safety of your home or to ensure it is made lead safe or lead free, they must first provide you with a written request for permission to enter your home at a reasonable hour, at least 48 hours prior to the proposed time of entry. **See the DC regulations at section 3317.3.**
- The written notice needs to not only include the proposed date and time of entry, but also the following: (1) the reason access is needed; (2) what kind of work will be done, and where; (3) the training or certification requirements the workers who will be doing the work are required by law to have; (4) a statement confirming that the tenant may request proof of such training or certification before granting access to the home; and (5) a request that you fill out a form provided by the owner or the owner’s representative, stating whether or not you will permit access to your home as requested, and if not, what alternative conditions you would like to propose, such as a different time or day from the ones proposed by the owner, which if they are reasonable, the owner or his/her representative must accept. **See the DC regulations at sections 3317.3, 3317.4 and 3317.5.**
- You must return the completed form in a timely manner. If you don’t, or if you deny access to your home for 7 days or more after the original request for access was made, without proposing reasonable alternatives for the owner, then the owner is no longer required to meet the requirements of the District lead law the owner was trying to satisfy, until and unless you provide the owner with written notice of your permission to enter your home. If the owner or the owner’s employee or representative meets all the requirements established by the lead laws in seeking access to your home, you must provide that access. **See the DC regulations at sections 3317.6, 3317.7 and 3317.9.**

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What are my rights and obligations as a tenant in the District of Columbia, when it comes to temporary relocation to prevent imminently hazardous lead exposure risks?

If DOEE determines that temporary relocation is required to protect a tenant's family from imminent health threats due to the presence of lead-based paint hazards in their home, DOEE may issue to the property owner an Order to Relocate, and in urgent cases may initiate temporary tenant relocation prior to the owner receiving the Order to Relocate. **See the [DC regulations](#) at sections 3319.1 and 3319.6.**

- An owner who receives a DOEE Order to Relocate must provide the tenant with at least 14 days of advance written notice about the specifics of the proposed relocation, unless a shorter time period is ordered by DOEE or is mutually agreed to in writing by the owner and the tenant. **See the [DC regulations](#) at section 3319.1(a).**
- An owner who receives a DOEE Order to Relocate must provide the tenant with a written, signed statement on a DOEE-issued form, that the tenant has the right to return to their home once it has been made lead safe, under the same terms of agreement that exist under the current tenancy. **See the [DC regulations](#) at section 3319.1(b).**
- An owner who receives a DOEE Order to Relocate must: (1) make all reasonable efforts to minimize the duration of any temporary relocation; (2) try to relocate the tenant to a lead-safe home located within the same building; (3) alternatively, try to relocate the tenant to a lead-safe home located within the same school district or ward and close to public transportation; and (4) if no such homes are available, offer to relocate the tenant to other reasonably located, lead-safe and available homes. **See the [DC regulations](#) at sections 3319(c)-(f) and 3319.3.**
- If an owner who receives a DOEE Order to Relocate cannot find a temporary lead-safe home for the tenant family that the family agrees to move to, the tenant may make alternative arrangements for temporary relocation without any interference from the owner. **See the [DC regulations](#) at section 3319.5.**
- An owner who receives a DOEE Order to Relocate must pay all reasonable relocation expenses until the tenant's home has been made lead safe and a reasonable amount of time has passed to allow the tenant to return to the home. These expenses include but are not limited to moving and hauling expenses, payment of a security deposit, installation and connection of utilities and appliances, and the cost of replacement housing, including alternative arrangements identified by the tenant and agreed to by said property owner, provided the tenant continues to pay rent on the home from which the tenant family has been relocated. **See the [DC regulations](#) at section 3319.2.**
- A property owner who receives a DOEE Order to Relocate must comply with all relocation requirements within 14 calendar days of the receipt of a DOEE Order to Relocate, unless the

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Order specifies a different deadline. See the [DC regulations](#) at section 3319.4.

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