

SUPERIOR COURT OF PENNSYLVANIA

Shannon Cooper and John Cooper, on behalf of themselves, and a
class of similarly situated persons v. SGYS St. Ives, LLC and
Northbrook Management, LLC

333 A.3d 1046 (Pa. Super. Ct. 2025) · No. 2385 EDA 2024 · Decided March 19, 2025

SUMMARY

The Pennsylvania Superior Court affirmed judgment on the pleadings in favor of SGYS St. Ives, LLC and Northbrook Management, LLC in a putative class action seeking rent abatement under Philadelphia’s Lead Paint Disclosure and Certification Ordinance. The court held that the landlord’s HUD-compliant random-sampling inspection satisfied the ordinance’s lead-testing requirements and that the plaintiffs’ receipt of the lead-free certification by email was admitted through their insufficiently specific denial. The court also concluded that the plaintiffs remained tenants with standing because the lease automatically renewed and the landlord had not taken action to terminate it.

CASE DETAILS

COURT	Superior Court of Pennsylvania
WRITING FOR THE COURT	Stevens, P.J.E.; Bowes, J.; Murray, J.
JURISDICTION	Pennsylvania Superior Court
DECIDED	March 19, 2025
DOCKET	2385 EDA 2024
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from an order of the Philadelphia County Court of Common Pleas granting judgment on the pleadings and dismissing the appellants' claims under Philadelphia's Lead Paint Disclosure and Certification Ordinance with prejudice.
STANDARD OF REVIEW	The Superior Court applies the same standard as the trial court and confines review to the pleadings and documents properly attached to them. Judgment on the pleadings is proper only when the moving party's right to succeed is certain and the case is so free from doubt that trial would be a fruitless exercise.
PRECEDENTIAL VALUE	Published and precedential

PARTIES

Shannon Cooper, John Cooper, Class of similarly situated persons v. SGYS St. Ives, LLC, Northbrook Management, LLC d/b/a Northbrook Apartments

TOPICS

landlord tenant real estate municipal law statutory interpretation motion for judgment on the pleadings

PRACTICE AREAS

Landlord-tenant law Real estate law Municipal law Civil procedure Statutory interpretation Remedies

QUESTIONS PRESENTED

1. Whether the landlord's random sampling of twenty-eight units in a 516-unit apartment complex satisfied Philadelphia Code § 6-803(3)(a)(.1) and the ordinance's lead-testing requirements.
2. Whether the tenants' failure to sign the lead-free certification made the landlord liable under Philadelphia Code §§ 6-803 and 6-809 when the certification had been provided to them.
3. Whether judgment on the pleadings was proper despite the appellants' asserted factual disputes concerning receipt of the certification and the testing methodology.
4. Whether the appellants remained current tenants with standing to invoke the ordinance despite their failure to pay rent.

HOLDINGS

1. The appellants remained tenants under the ordinance because the lease automatically renewed unless terminated by sixty days' written notice, and the landlord had not taken the contractual or legal steps necessary to terminate the lease.
2. The landlord's testing satisfied Philadelphia's lead-disclosure ordinance because the ordinance incorporates EPA regulations, those regulations recognize HUD methodologies, and the applicable HUD multi-family protocol authorized testing a random sample of twenty-eight units in a 516-unit complex built between 1960 and 1977.
3. A lessee cannot recover under Philadelphia Code § 6-809 when the only alleged violation is that the lessee did not sign or acknowledge receipt of a valid lead-free certification that the lessor provided.
4. Judgment on the pleadings was proper because the pleadings established that the appellants received the certification, the testing complied with the applicable methodology, and the appellants identified no material factual dispute requiring a jury.

KEY QUOTATIONS

“Accordingly, since Appellants cite no authority undermining the EPA and HUD guidelines’ approval of random sampling, and since the City of Philadelphia determined that Appellee complied with the ordinance by issuing yearly rental licenses, we conclude that the trial court did not err in determining that Appellee’s lead testing satisfied the requirements of the lead disclosure ordinance.” (at 15)

“However, for the reasons that follow, we hold that a lessee cannot recover under section 6-809 when the only violation of the ordinance is that the certification was not signed by the lessee.” (at 18-19)

“Thus, we find that there are no facts which properly must go to a jury, and Appellee’s right to judgment as a matter of law is certain.” (at 23)

FACTUAL BACKGROUND

The Coopers leased an apartment in Northbrook Apartments, a 516-unit Philadelphia complex built before 1978, and renewed the lease through 2022. Before the property became subject to Philadelphia's lead-disclosure ordinance on April 1, 2022, the landlord obtained a lead evaluation based on random sampling of twenty-eight units, with no positive lead-paint readings, and provided a lead-free certification to tenants by email. The Coopers did not allege that lead-based paint or a lead hazard existed in their unit or the complex, did not obtain an independent inspection, and did not sign the certification. They stopped paying rent in April 2023 but continued occupying the unit when they filed suit.

PROCEDURAL HISTORY

The Coopers filed a class-action complaint seeking rent abatement and other relief based on alleged violations of Philadelphia's lead-disclosure ordinance. The defendants answered with new matter, and the trial court granted judgment on the pleadings on August 21, 2024. The Superior Court affirmed.

DISPOSITION

affirmed

CASES CITED

- Hand v. Fuller, 294 A.3d 468, 473, 477-79 (Pa. Super. 2023)
- Zikria v. Western Pennsylvania Hospital, 668 A.2d 173, 173-74 (Pa. Super. 1995)
- Gordon v. Philadelphia County Democratic Executive Committee, 80 A.3d 464 (Pa. Super. 2013)
- LSI Title Agency, Inc. v. Evaluation Services, Inc., 951 A.2d 384, 389 (Pa. Super. 2008)
- Fidler v. Zoning Board of Adjustment of Upper Macungie Township, 182 A.2d 692, 695 (Pa. 1962)
- Devine v. Hutt, 863 A.2d 1160, 1168 (Pa. Super. 2004)