

PROTECTING CHILDREN THROUGH CODE ENFORCEMENT

FUNDED BY A GRANT FROM THE U.S.
ENVIRONMENTAL PROTECTION AGENCY

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**STATE HOUSING LAW,
HEALTH AND SAFETY
CODE AND TITLE 17**

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-
-



EXISTING HAZARDS

**CREATED HAZARDS/
UNSAFE
RENOVATION**

STATE HOUSING
LAW
& TITLE 17



78
ASSUME



***IS THIS
LEAD?
1965
HOUSE***



PRESUMED LEAD- BASED PAINT

T.17 | CCR, §35043

CALIFORNIA CODE OF REGULATIONS

**ALL PAINT ON PRE-1978 BUILDINGS IS
PRESUMED TO BE LEAD-BASED PAINT**

- Unless it has been tested by a professional and shown not to be lead-based paint.
- Chemical test kits are not sufficient to say paint is not lead-based paint



STATE HOUSING LAW | H&S §17920.10

(A) ANY PORTION OF A BUILDING OR PREMISES THAT CONTAINS LEAD HAZARDS IS IN VIOLATION OF THE STATE HOUSING LAW. LEAD HAZARDS UNDER THIS PART ARE:



DETERIORATED LEAD-BASED PAINT*

INCLUDING
PRESUMED



LEAD
CONTAMINATED
DUST



STATE HOUSING LAW | H&S §17920.10

(A) ANY PORTION OF A BUILDING OR PREMISES THAT CONTAINS LEAD HAZARDS IS IN VIOLATION OF THE STATE HOUSING LAW. LEAD HAZARDS UNDER THIS PART ARE:



LEAD CONTAMINATED
SOIL



DISTURBING LEAD-
BASED PAINT
WITHOUT
CONTAINMENT



WHO ENFORCES

H&S §17960 | THE BUILDING DEPARTMENT OF EVERY CITY OR COUNTY SHALL ENFORCE WITHIN ITS JURISDICTION ALL THE PROVISIONS OF THIS PART



H&S §17961 | HEALTH DEPARTMENT OR ENVIRONMENTAL DEPARTMENT MAY, IN ADDITION TO THE BUILDING DEPARTMENT, ENFORCE 17920.10. AGENCIES SHALL COORDINATE ENFORCEMENT ACTIVITIES TO AVOID UNNECESSARY DUPLICATION.

UNDER CERTAIN CIRCUMSTANCES THE STATE DEPARTMENT OF PUBLIC HEALTH MAY ENFORCE 17920.10



**YOUR
JURISDICTION**



**HEALTH
DEPARTMENT**





LEAD ACTIVITIES:

TITLE 17 §36050 LEAD-SAFE WORK PRACTICES

USE CONTAINMENT

ENSURE WORK AREA HAS NO
VISIBLE DUST OR DEBRIS UPON
COMPLETION

DEMONSTRATE COMPLIANCE WITH ABOVE
TO THE DEPARTMENT OR LOCAL
ENFORCEMENT AGENCY



**COMPLIANCE:
EXISTING HAZARDS**



VOLUNTARY COMPLIANCE

GOALS

NOTICE AND ORDER

- PAINT USING LEAD-SAFE PRACTICES
- TEST: STATE CERTIFIED INSPECTOR/ ASSESSOR

EDUCATE THE
PUBLIC AND
RAISE AWARENESS



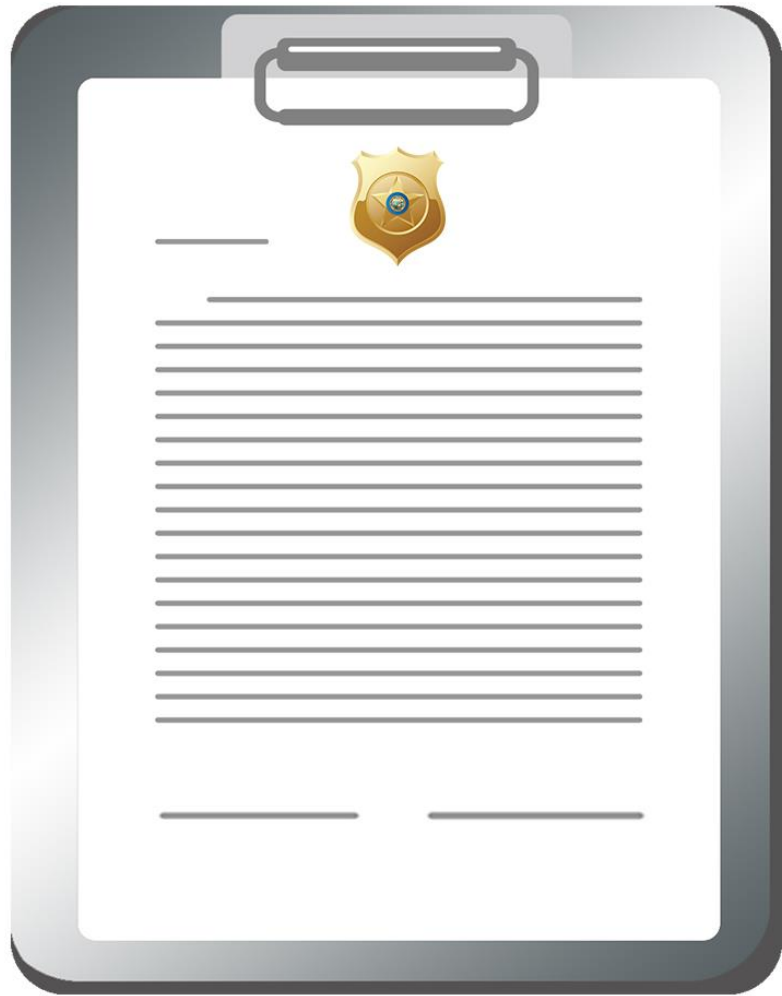
CITY OF GARDEN GROVE

NOTICE AND ORDER TO REPAIR OR ABATE

DELIVERED VIA POSTING ON SUBJECT PROPERTY AND
FIRST CLASS MAIL AND CERTIFIED MAIL, RETURN RECEIPT
REQUESTED TO SUBJECT PROPERTY

Date: July 18, 2019

Subject Property: 123 Main Street
Garden Grove, CA 92840
APN 0008-675-309



HEALTH AND SAFETY CODE

§17920.10

(STATE HOUSING LAW):



LEAD HAZARDS ARE A CONDITION OF SUBSTANDARD HOUSING



VIOLATION OF §17920.10 IS A VIOLATION OF THE STATE HOUSING LAW AND,
PURSUANT TO §17995 IS A MISDEMEANOR





**HEALTH AND SAFETY CODE
§105256: AUTHORITY TO
ISSUE AN ORDER TO ABATE
FOR A CONDITION THAT
HAS CREATED A LEAD
HAZARD**



**T. 17, CCR, §35022:
INCLUDES DETERIORATED
PRESUMED LEAD-BASED
PAINT**

DETERIORATED LEAD-BASED PAINT

EXAMPLE 1

ORDER TO REPAINT DETERIORATED PRESUMED LBP
USING LEAD-SAFE PRACTICE
(OWNER HAS OPTION TO TEST)



NOTICE AND ORDER TO REPAIR OR ABATE

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Date: July 18, 2019

- **IF LBP: REPAIR AND DISCLOSE**
- **NOT LBP: NO FURTHER REPAIR NEEDED**



- **DA /PROSECUTOR REFERRAL**
- **PAINT TESTING BEFORE COURT CASE**

EXAMPLE 2

OWNER REQUIRED TO HIRE LEAD INSPECTOR TO TEST
DETERIORATED PAINT

- **IF LBP: REPAIR AND DISCLOSE**
- **NOT LBP: NO FURTHER REPAIR NEEDED**



- **FINE AND/OR MISDEMEANOR CRIMINAL CITATION**
- **ADDITIONAL REMEDIES: CIVIL SUIT AND RECEIVERSHIP**



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FAILURE TO COMPLY



HEALTH AND SAFETY CODE §17995

- **\$1,000 FINE AND/OR 6 MONTHS IN JAIL.
MISDEMEANOR CRIMINAL CITATION**
- **SUBSEQUENT VIOLATIONS AT SAME ADDRESS:
\$5,000 FINE AND 6 MONTHS IN JAIL**
- **CONDITION OF PROBATION FOR SUSPENDED JAIL
TERM CAN MANDATE SALE OF RENTAL HOUSING**
- **RECEIVERSHIP**



HEALTH AND SAFETY CODE

§105256

PROVIDES ENFORCEMENT AUTHORITY
IN ADDITION TO STATE HOUSING LAW



- AUTHORITY TO ORDER THE ABATEMENT OF A LEAD HAZARD
- ENFORCEMENT AUTHORITY VESTED WITH MANY AGENCIES AND AN ADDITIONAL \$1,000 FINE FOR NON-COMPLIANCE



- LEAD HAZARD CONTROL WORK DONE IN RESPONSE TO A CASE OF LEAD POISONING (T.17)
- PERMANENT ABATEMENT PROJECTS (T.17)
- CERTAIN FEDERALLY-ASSISTED HOUSING UNITS
- (LEAD SAFE HOUSING RULE)

• • •
CLEARANCE
TESTING
REQUIRED



***ACHHD STRONGLY RECOMMENDS CLEARANCE TESTING AFTER PAINT DISTURBING WORK WHERE CHILDREN UNDER SIX LIVE OR SPEND TIME**



OFFICER DISCRETION

CONSIDERATION



- Lead-Poisoned Child (EBL - Elevated Blood Lead Level)
- Child-occupied facilities (Site or neighboring property)
- Neighboring properties, especially with children, pregnant occupant

**COMPLIANCE:
CREATED HAZARDS/ UNSAFE
RENOVATION**

PRO-ACTIVE STEPS FOR WORK REQUIRING PERMITS:

EDUCATION/REQUIREMENTS:

- PERMIT OFFICE INFORMATION
- PLAN SET STICKER OR STAMP

SIGNED ACKNOWLEDGMENT

QUALIFICATIONS CHECK-RRP CERTIFICATION





UNSAFE RENOVATION COMPLAINTS

- DOCUMENTATION CHECK: JOB FILE, CLEANING VERIFICATION
- QUALIFICATIONS CHECK/REQUIRE (RRP)
- NOTICE AND ORDER TO ABATE





FAILURE TO USE LEAD-SAFE WORK PRACTICES

TITLE 17, CCR, §36050: LEAD SAFE WORK PRACTICES REQUIRED FOR ANY REMODELING ACTIVITY IN PRE-1978 BUILDING



FAILURE TO USE LEAD-SAFE WORK PRACTICES

NO PERSON SHALL PERFORM LEAD-RELATED CONSTRUCTION ON ANY RESIDENTIAL OR PUBLIC BUILDING IN A MANNER THAT CREATES A LEAD HAZARD





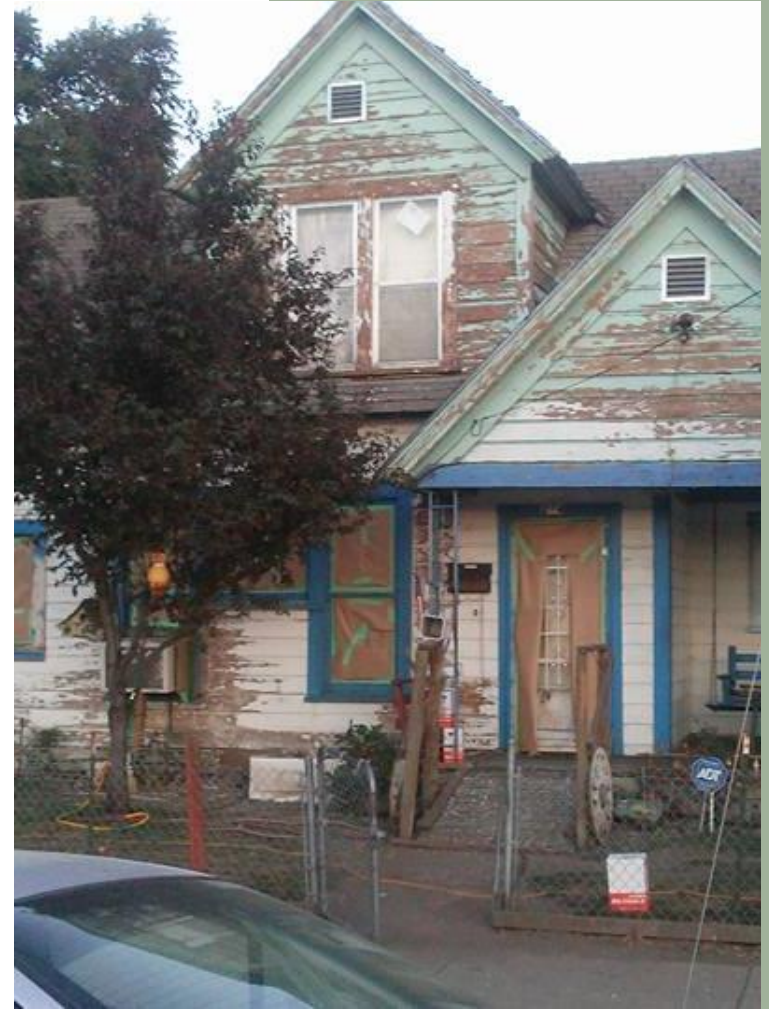
TITLE 17, CCR, §36050:

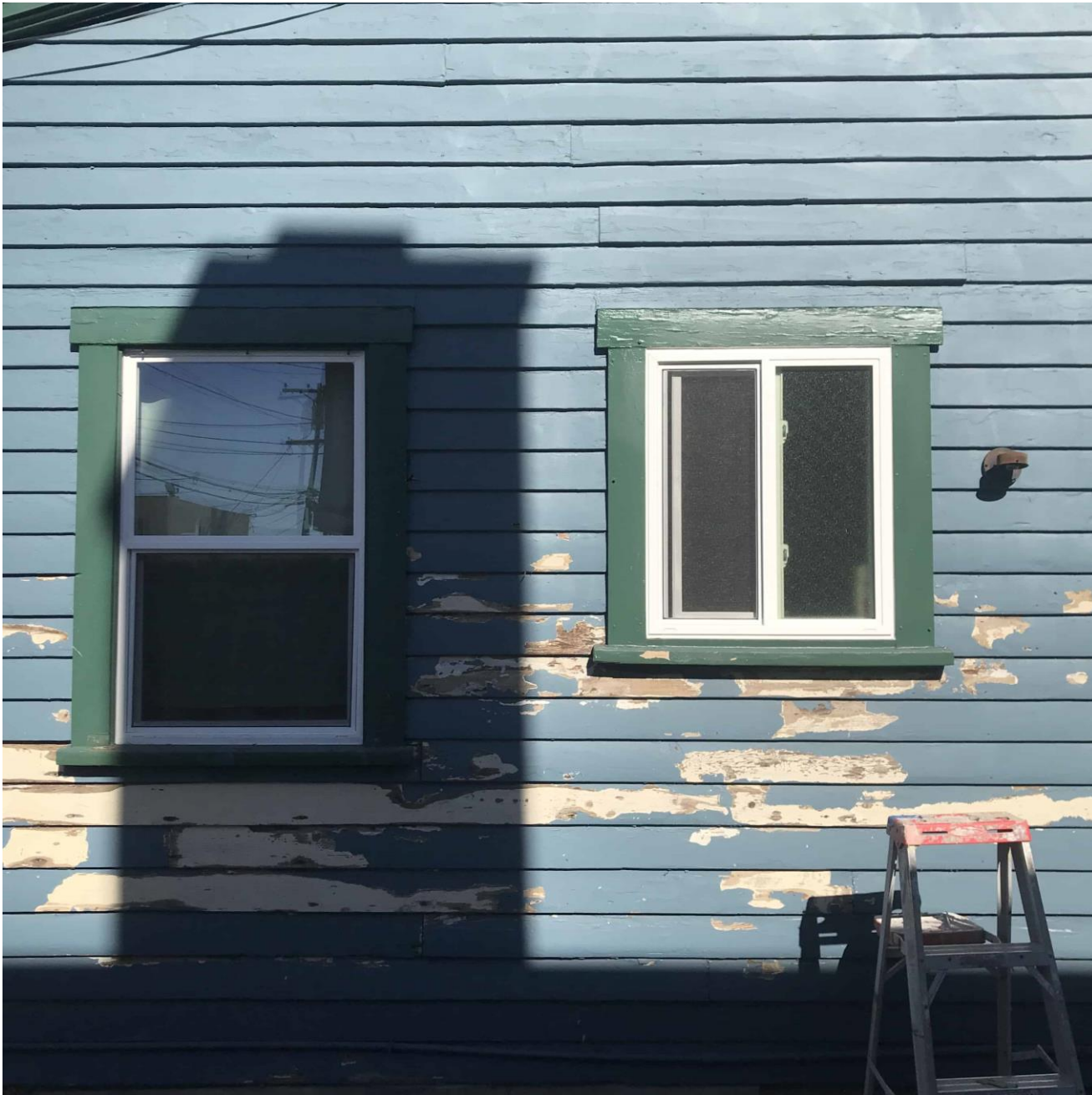


- LEAD SAFE WORK PRACTICES: REQUIRED FOR ANY REMODELING ACTIVITY IN PRE-1978 BUILDING

HEALTH AND SAFETY CODE §105255:

- NO PERSON SHALL PERFORM LEAD-RELATED CONSTRUCTION ON ANY RESIDENTIAL OR PUBLIC BUILDING IN A MANNER THAT CREATES A LEAD HAZARD





ORDER TO ABATE OR CEASE AND DESIST

HEALTH AND SAFETY CODE §105256: AUTHORITY TO ISSUE
AN ORDER TO ABATE FOR A CONDITION OR ACTIVITY
THAT IS CREATING OR HAS CREATED A LEAD HAZARD



EXAMPLES OF “ORDER TO ABATE” LANGUAGE

Example 1: (insert Agency name) conducted an inspection on (insert date) at a property you own at (insert address) and identified lead-based paint hazards that are violations of State Housing Law (California Health and Safety Code section 17920.10). Pursuant to California Health and Safety Code sections 17961 and 17980, (insert Agency name) is ordering you to abate the identified lead hazards within 30 days in order to protect current and future residents from lead poisoning.

Example 2: (*insert Agency name*) conducted an inspection on (*insert date*) at (*insert address*) and identified an activity that is creating a lead hazard. Pursuant to California Health and Safety Code section 105256, (*insert Agency name*) is issuing a Stop Work Order. You are required to (1) immediately stop the work that is disturbing paint, (2) clean up any paint chips, dust, and debris, and (3) place plastic tarps on the ground to catch any paint chips or dust before resuming work. Failure to comply may result in \$1,000 fine.

Second Paragraph for both Example 1 and Example 2: All deteriorated presumed lead-based paint shall be re-painted using “lead-safe” work practices, such as identified in Title 17, California Code of Regulations, sections 35016 and 36050. When the work is completed, contact our office and we will conduct a re-inspection to confirm that substandard housing conditions have been abated. For additional information on “lead safe” work practices, or to find a contractor who is trained and certified to conduct lead abatement activities, please contact the California Department of Public Health at (800) 597-5323 or via the internet at www.cdph.ca.gov/programs/clppb

What to tell owners/managers

- Ensure that all of your maintenance staff and any contractors you hire use lead-safe work practices.
- Consider hiring a certified lead inspector to test the property for lead hazards.
- Conduct inspections for deteriorated paint at turnover and annually and repair immediately.
- Eliminating lead hazards improves property and avoids liability.

What to tell tenants

- If you live in a building built before 1978, report any deteriorated paint to your landlord immediately.
- Maintenance staff and contractors remodeling any building built before 1978 are required to use “lead-safe” work practices (such as putting down plastic tarps to catch paint chips and debris).
- If you see a worker who is not using “lead-safe” work practices, contact your local building department.



RELEVANT CODES:

DETERIORATED LEAD-BASED PAINT

- HEALTH AND SAFETY CODE SECTION 17920.10 (STATE HOUSING LAW)
- HEALTH AND SAFETY CODE SECTION 105256
- FAILURE TO USE LEAD-SAFE WORK PRACTICES/CREATING A LEAD HAZARD HEALTH AND SAFETY CODE SECTION 105255 | TITLE 17, CA CODE OF REGULATIONS, SEC. 36050

HEALTH AND SAFETY CODE §105256: AUTHORITY TO ISSUE AN ORDER TO ABATE FOR A CONDITION THAT HAS CREATED A LEAD HAZARD

HEALTH AND SAFETY CODE §17920.10:

ANY PORTION OF A BUILDING OR PREMISES THAT CONTAINS LEAD HAZARDS IS IN VIOLATION OF THE STATE HOUSING LAW. LEAD HAZARDS UNDER THIS PART ARE:

- DETERIORATED LEAD-BASED PAINT-INCLUDING PRESUMED.
- LEAD-CONTAMINATED DUST
- LEAD-CONTAMINATED SOIL
- DISTURBING LEAD-BASED PAINT WITHOUT CONTAINMENT

REFERENCES

WWW.CDPH.CA.GOV/PROGRAMS/CCDPHP/DEODC/CLPPB

HUD ONLINE LEAD-BASED PAINT VISUAL ASSESSMENT COURSE

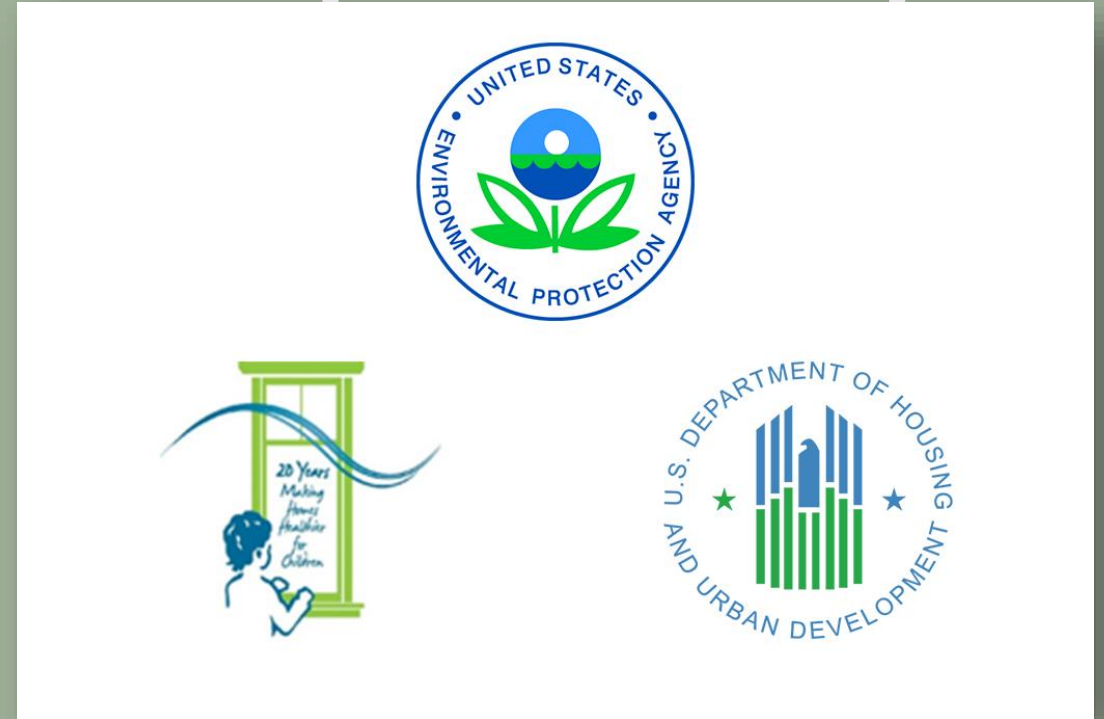
WWW.HUD.GOV/OFFICES/LEAD/TRAINING/VISUALASSESSMENT/H00101.HTM

HUD GUIDELINES-LEAD HAZARD CONTROL

WWW.HUD.GOV/OFFICES/LEAD/LPB/HUDGUIDELINES/INDEX.CFM

EPA RENOVATION, REPAIR, AND PAINTING (RRP):

WWW.EPA.GOV/LEAD/RENOVATION-REPAIR-AND-PAINTING-PROGRAM



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