

ORDINANCE NUMBER O- 21912 (NEW SERIES)

DATE OF FINAL PASSAGE JAN 23 2025

AN ORDINANCE AMENDING CHAPTER 5, ARTICLE 4, DIVISION 10 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 54.1001, 54.1003, 54.1004, 54.1005, 54.1006, 54.1007, 54.1008, 54.1009, 54.1010, 54.1011 AND 54.1012; AND BY ADDING NEW SECTION 54.1016, RELATING TO THE LEAD HAZARD PREVENTION AND CONTROL ORDINANCE.

RECITALS

The Council of the City of San Diego (Council) adopts this Ordinance based on the following:

- A. The existing language of Chapter 5, Article 4, Division 10 of the San Diego Municipal Code, which regulates lead hazards, was adopted by San Diego Ordinance O-19732 (Apr. 8, 2008).
- B. Since April 8, 2008, federal and California law regulating lead hazards have significantly changed, which requires changes to the City of San Diego's (City) lead hazard regulations.
- C. Since April 8, 2008, the Centers for Disease Control and Prevention has updated the Blood Lead Reference Value, used to identify children with significant lead exposure, which requires changes to the City's lead hazard regulations.
- D. Environmental Services Department collected and considered public comment in this update to the City's lead hazard regulations.
- E. The Office of the City Attorney prepared this Ordinance based on the information provided by City staff (including information provided by affected third parties and verified by City staff), with the understanding that this information is complete, true, and accurate.

Be it ordained by the Council of the City of San Diego:

Section 1. Chapter 5, Article 4, Division 10 of the San Diego Municipal Code is amended by amending sections 54.1001, 54.1003, 54.1005, 54.1006, 54.1007, 54.1008, 54.1009, 54.1010, 54.1011 and 54.1012, to read as follows:

**§54.1001 Findings**

(a) through (d) [No change in text.]

(e) Lead Paint Ban: The Consumer Product Safety Commission banned the use of *lead* in concentrations greater than 600 parts per million in residential paint after February 27, 1978. For this reason, *paint* applied to a *dwelling unit* or *structure* prior to January 1, 1978, is presumed to contain *lead* unless *lead-based paint testing* proves it is not *lead-based paint*. All *paint* applied to a *steel structure* is presumed to contain *lead* unless *lead-based paint testing* proves it is not *lead-based paint*.

(f) through (g) [No change in text.]

(h) Authority: The implementation of Division 10 and the associated enforcement will assist in reducing the presence of *lead hazards* and, thereby, help the City of San Diego in achieving its goal of eliminating childhood *lead* poisoning. Under Senate Bill 460, which modified California Civil Code section 1941.1 and California Health and Safety Code sections 17920.10, 17980, 105255, and 105256, the existence of *lead hazards* in housing can constitute a violation of State Housing Law and maintenance or construction activities which generate *lead hazards* are prohibited. Amended Health and Safety Code sections 17961, 17980, 105255, and 105256 provide local jurisdictions with specific authority to

correct and prevent *lead hazards*. Division 10 establishes the City of San Diego's enforcement mechanism for *lead*-related provisions of the California Civil Code and Health and Safety Code, and provides additional regulation and enforcement tools which will help reduce the exposure of children and others to *lead hazards*.

- (i) [No change in text.]
- (j) Necessary Service: The performance of a *lead risk assessment* in the interior and on the *exterior* of a *dwelling unit* constructed prior to January 1, 1978, as well as the common areas of the *dwelling unit*, is a necessary service and/or repair to protect the health, safety, and welfare of the occupants of the *dwelling unit* and the public.

#### §54.1003 Definitions

All defined terms in Division 10 appear in *italics*, except for the terms Building Permit and Demolition/Removal Permit which refer to those terms respectively as used in the Land Development Code and which, consistent with the Land Development Code, are not italicized in this Division. For purposes of Division 10, the following terms have the following meanings:

*Accredited laboratory* [No change in text.]

*Adjacent properties* means *properties* that abut the *property* at which activities which *disturb or remove paint* have been, are being, or will be performed, or where a *lead hazard* has been identified.

*Blood lead reference value* means the current blood *lead* concentration level set by the Centers for Disease Control and Prevention which identifies

children with higher levels of *lead* in their blood as compared with the blood lead level in most children.

*CDPH* means the California Department of Public Health.

*Certified Lead Abatement Contractor* means a Certified Lead Supervisor as defined in title 17, section 35008 of the California Code of Regulations, as may be amended, and any Certified Lead Worker as defined in Title 17, section 35009 of the California Code of Regulations, as may be amended, who works under the direction of a Certified Lead Supervisor, as may be amended.

*Certified Lead Inspector/Assessor* has the meaning given in title 17, section 35005 of the California Code of Regulations, as may be amended.

*Certified Lead Project Monitor* has the same meaning given in title 17, section 35006 of the California Code of Regulations, as may be amended.

*Certified Lead Sampling Technician* has the same meaning given in title 17, section 35089 of the California Code of Regulations, as may be amended.

*Certified Renovator* has the same meaning given in 40 C.F.R. § 745.90, as may be amended.

*Child* through *Child-care facility* [No change in text.]

*Clearance inspection* has the same meaning given in title 17, section 35013 of the California Code of Regulations, as may be amended.

*Clearance Inspection Report* means a report that documents the abatement activity and includes the information outlined in 24 C.F.R. 35.1340(c).

*Containment barriers* has the same meaning given in title 17, section 35016 of the California Code of Regulations, as may be amended.

*De minimis levels* means an area representing less than ten percent of any building component with a small surface area such as a window sill, baseboard, or trim; or a portion of large surface such as a wall, ceiling, or floor with an area less than: (1) two square feet in any one interior room or space of a *dwelling unit* or *structure*; or (2) twenty square feet on an *exterior* surface.

*Department* means the City Environmental Services Department.

*Deteriorated lead-based paint* has the same meaning given in title 17, section 35022 of the California Code of Regulations, as may be amended.

*Director* [No change in text.]

*Disturb or remove paint* means any action that creates friction, pressure, heat, or a chemical reaction upon any *paint* on an interior or *exterior* surface so as to abrade, loosen, penetrate, chip, cut through, remove, or eliminate *paint* from that surface. This term shall include all *lead hazard* correction activities, all demolition activities, and all surface preparation activities performed upon an interior or *exterior painted* surface.

*Dwelling unit* has the same meaning as set forth in section 113.0103 of this Code and for purposes of this Division 10, also includes *multiple dwelling unit*, *single dwelling unit*, *Accessory Dwelling Unit*, and *Junior Accessory Dwelling Unit* as those terms are defined in section 113.0103 of this Code.

*Enforcement official through HEPA* [No change in text.]

*Home improvement store* means all retail stores which sell any home improvement products including, *paint* and *paint* removal products, construction and building materials, tools, and hardware.

*HUD Guidelines* means the most recent version of the United States Department of Housing and Urban Development "Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing," and when referenced in this Division, includes the practices and standards in those *HUD Guidelines* without regard to whether a structure is target housing under 15 U.S.C. § 2681.

*Imminent lead hazard* through *Lead* [No change in text.]

*Lead-based paint* or *lead paint* has the meaning given in title 17, section 35033 of the California Code of Regulations, as may be amended.

*Lead-based paint testing* means: (1) testing of surfaces to determine the presence of *lead-based paint* performed by an independent *Certified Lead Inspector/Assessor*, or *Certified Lead Sample Technician* under the supervision of a *Certified Lead Inspector/Assessor*, in accordance with the *HUD Guidelines*, and which testing includes bulk *paint* samples analyzed by an *accredited laboratory*; or (2) testing by an *XRF*.

*Lead-containing paint* means paint or other surface coatings which contain an amount of *lead* equal or greater than 1,000 parts per million (ppm) or 0.5 milligrams per square centimeter (mg/cm<sup>2</sup>), but an amount less than *lead-based paint*.

*Lead-contaminated dust* has the same meaning given in title 17, section 35036 of the California Code of Regulations, as may be amended.

*Lead-contaminated soil* has the same meaning given in title 17, section 35036 of the California Code of Regulations, as may be amended.

*Lead hazard* means: (1) the existence of *deteriorated lead-based paint* over a surface area larger than *de minimis levels* in the interior or exterior of a *dwelling unit* or *structure* constructed prior to January 1, 1978; or (2) the existence of *deteriorated lead-based paint*, in the interior or exterior of a *dwelling unit* or *structure* constructed prior to January 1, 1978, over a surface area smaller than *de minimis levels* but which, as determined by an *enforcement official*, is likely to endanger the health of the public or the occupants of the *dwelling unit* or *structure*; or (3) the disturbance of *lead-based paint* or *presumed lead-based paint* without required worksite preparation measures set forth in section 54.1006(b) of this Code; or (4) the creation or maintenance of any other condition which may result in persistent and quantifiable *lead* exposure; or (5) the presence of *lead-contaminated dust* or *lead-contaminated soil*.

*Lead hazard evaluation* has the same meaning given in title 17, section 35038 of the California Code of Regulations, as may be amended, and for purposes of this Division, includes a record of the cause of *paint* deterioration written on HUD Form 5.2 per *HUD Guidelines* (1995 edition, or any subsequent edition adopted by *CDPH*), or equivalent form for each *lead paint hazard* identified by those identified in title 17 section 36000(a)(1). The cause of *paint* deterioration is to be included in the *lead hazard evaluation report* summary.

*Lead hazard evaluation report* means a report that documents a *lead hazard evaluation* and includes the requirements listed in title 17, Division 1, Chapter 8, Article 16, Section 36000(a)(4)(A-D).

*Lead paint contaminants* [No change in text.]

*Lead risk assessment* has the same meaning as in title 17, section 35047 of the California Code of Regulations, as may be amended.

*Minor repair and maintenance activities* has the same meaning given in 40 C.F.R. § 745.83 , as may be amended.

*Occupants through Paint* [No change in text.]

*Person* means any natural person, municipal, county, or state agency to the extent allowable by law, or any firm, joint venture, joint stock company, business concern, trust, organization, club, association, partnership, company, or corporation, or the officers, agents, employees, managers, representatives, heirs, executors, administrators, successors, or assigns of any of them or any other entity which is recognized by law as the subject of rights and duties.

*Premises* [No change in text.]

*Presumed lead-based paint* has the same meaning given in title 17, section 35043 of the California Code of Regulations, as may be amended, and for purposes of this Division, includes *paint* applied to *steel structures* unless tested in accordance with that section 35043 and determined to be below the *lead* concentration limits established by that section 35043.

*Prohibited practices through Public nuisance* [No change in text.]

*Reasonable relocation costs* means costs incurred during temporary relocation which are in excess of the costs that otherwise would be incurred while the *occupant* is residing at the *dwelling unit*, and may include the excess costs of lodging, food if cooking facilities are unavailable during relocation, and transportation when displaced residents need to travel further for necessary



activities than they otherwise would from their *dwelling unit*. *Reasonable relocation costs* are not the total of such expenses but only those costs which are above the costs that would be incurred in the absence of required relocation.

*Regulated area* means an area in which work is being performed that *disturbs or removes paint* and to which access is restricted in order to prevent migration of *paint* contaminants. *Regulated area* shall also include any area contaminated with *lead paint* as a result of a violation of the containment requirements set forth in section 54.1006 of this Code, until such area has been decontaminated and cleared in accordance with section 54.1006 of this Code.

*Renovation through Renovator* [No change in text.]

*Responsible person* has the same meaning as set forth in section 11.0210 of this Code, and for purposes of this Division, a contractor determined by the *Director* to be responsible for causing or maintaining a public nuisance or a violation of this Division.

*Steel structure through Underlying Defect* [No change in text.]

*Window treatment* means any activity which involves the removal of window sashes when *lead-based paint* or *presumed lead-based paint* is present on the window sash or adjacent window trim components (such as jambs, sills, or stops).

*XRF* [No change in text.]

**§54.1004      Lead Hazard Unlawful**

(a)      [No change in text.]

- (b) It is unlawful for a *responsible person* to fail to reduce or eliminate a *lead hazard*.

**§54.1005 Lead Safe Work Practice Standards Required**

- (a) Any person who *disturbs or removes lead paint, presumed lead-based paint, or lead-containing paint* from any surface in the interior or on the exterior of a *dwelling unit or structure* shall use *lead-safe work practice standards* as set forth in section 54.1006.
- (b) Any person who *disturbs or removes paint* in any amount in the interior or on the exterior of a *dwelling unit* to correct a *lead hazard* where a *child* with a blood lead level greater than or equal to the *Blood Lead Level Reference Value* resides or receives services from a *child care facility* shall use *lead-safe work practice standards* as set forth in section 54.1006.
- (c) The failure to use *lead-safe work practice standards* as set forth in section 54.1006 shall constitute a violation of this Division. The *lead-safe work practice standards* set forth in this Division are in addition to, and are not a substitute for, any requirements under state or federal law. Compliance with the *lead-safe work practice standards* set forth in section 54.1006 does not negate responsibility for a violation of section 54.1004.

**§54.1006 Lead Safe Work Practice Standards**

The *lead-safe work practice standards* in this section 54.1006 apply to all activities which *disturb or remove paint* which is *lead-based paint, presumed lead-based paint, or lead-containing paint*.

(a) Temporary Relocation Required Unless Occupant Protection Conditions Satisfied

(1) Occupants of a *dwelling unit* shall be temporarily relocated, before and during the course of activities which *disturb or remove paint*, to a suitable, decent, safe, comparable, and similarly accessible *dwelling unit* that does not have a *lead hazard*, unless:

- (A) the activities will not disturb *presumed lead-based paint*, *lead-based paint*, *lead-contaminated dust* or *lead-contaminated soil*; or
- (B) the activities affect only the *exterior* of the *dwelling unit*, and windows, doors, ventilation intakes, and other openings in or near the *regulated area* are sealed during the course of the activities and cleaned afterward, and at least one entrance is maintained free of *lead-contaminated dust*, *lead-contaminated soil*, and *lead paint contaminants*.

(C) through (D) [No change in text.]

(2) The *owner* of a *dwelling unit* and any *responsible person* who has failed to implement *lead-safe* work practice standards set forth in section 54.1006, such that relocation is required, are jointly liable for the *reasonable relocation costs* associated with the temporary relocation of *occupants* when required under section 54.1006.

(b) Worksite Preparation

- (1) The *regulated area* shall be prepared to prevent the release of dust, and contain any *lead containing paint chips, presumed lead-based paint chips, lead-based paint chips, lead-contaminated dust, lead-contaminated soil, and lead paint contaminants* from activities which *disturb or remove paint* in a manner at least as protective as the procedures contained in *HUD Guidelines Chapter 8* ("Resident Protection and Worksite Preparation"), as may be amended.
- (2) Practices that minimize the spread of *lead-contaminated dust, lead containing paint, presumed lead-based paint chips, lead-based paint chips, lead-contaminated soil, and lead paint contaminants* shall be used during preparation of the *regulated area* for work which *disturbs or removes paint*.
- (3) Only those *persons* employed or otherwise engaged in the conduct of activities which *disturb or remove paint* which is *lead-based paint, presumed lead-based paint, or lead-containing paint* or perform *clearance inspection* activities are permitted to enter a *regulated area* until after activities which *disturb or remove paint* which is *lead-based paint, presumed lead-based paint, or lead-containing paint* have been completed and a *clearance inspection* as provided in section 54.1006(g) has been completed and demonstrates that the *regulated area* is not contaminated,

(c) Specialized Cleaning

After activities which *disturb or remove paint* or abate a *lead hazard* have been completed, the *regulated area* shall be cleaned by using:

- (1) wet misting and *HEPA* vacuuming as provided in *HUD Guidelines* Chapter 14.
- (2) wet cleaning with all purpose general detergents or *lead-specific* detergents and rinsing as provided in *HUD Guidelines* Chapter 14 (“Cleaning”), as may be amended.

(d) Visible Lead Paint Contaminants

[No change in text.]

(e) High Risk Paint Disturbance

Any *person* who *disturbs or removes paint* which is *lead-based paint* or *presumed lead-based paint* in an area greater than defined as a *minor repair and maintenance activity*, or in any area in the interior or *exterior* of a *dwelling unit* to correct a *lead hazard* shall utilize the lead-safe work practice standards established in 40 C.F.R. § 745.85 and the following:

- (1) The cleaning verification process described in 40 C.F.R. §745.85(b)(1)(ii) is optional.
- (2) The clearance testing as provided in 40 C.F.R. § 745.85(c) and section 54.1006 is required.
- (3) Warning signs shall remain posted until the *regulated area* has passed a *clearance inspection* as provided in section 54.1006(g).

(f) Disposal

All waste generated from activities which *disturb or remove paint*, which contains *lead containing paint, lead-based paint* or *presumed lead-based paint*, is deemed hazardous waste under Title 22 of the California Code of Regulations, as may be amended, and must be disposed of lawfully.

(g) Lead-Safe Work Practice Clearance Inspection Standards

(1) Visual Inspection. A visual inspection to verify the absence of visible dust or debris must be performed by the person who *disturbs or removes paint* upon the completion of all activities which *disturb or remove paint* in excess of two square feet in an interior room or space, or on an exterior surface area in excess of ten square feet, or any window replacement or *window treatment* under the following circumstances:

- (A) where the *paint* is *presumed lead-based paint*; or
- (B) where *lead-based paint testing* performed on the *paint* revealed *lead-containing paint*.

Where the *paint* is *lead-containing paint* but not *presumed lead-based paint* or *lead-based paint*, the person who *disturbed or removed paint* as described in (g)(1) shall record the results of the visual inspection on the form provided by the City (Form ES-127), and shall maintain that form for a minimum of three years and shall make all such forms available to the City of San Diego upon request.

- (2) Clearance Inspection. A *clearance inspection* must be performed upon the completion of all activities which *disturb or remove paint* in excess of two square feet in an interior room or space, or on an *exterior* surface area in excess of ten square feet, window replacement or *window treatment* under the following circumstances and after visual inspection:
- (A) where the *paint* is *presumed lead-based paint*; or
  - (B) where *lead-based paint testing* performed on the *paint* revealed *lead-based paint*.

A copy of the CDPH Form 8552 for each *clearance inspection* shall be submitted to the City of San Diego at [Lead-Safe@saniego.gov](mailto:Lead-Safe@saniego.gov) or by mail to:

Environmental Services Department  
Lead Safety and Healthy Homes Program  
9601 Ridgehaven Court, Ste 310  
San Diego, CA 92123

Submittal of the 8552 form to the City of San Diego does not satisfy the requirement of Title 17 of the California Code of Regulations, as may be amended, for submittal of the 8552 form to the CDPH.

- (3) The *lead-safe work practice clearance inspection* shall be performed only by a *Certified Lead Inspector/Assessor* or *Certified Lead Project Monitor*.
- (4) [No change in text.]
- (5) A *clearance inspection* shall either:

- (a) Meet the “Recommended Minimum Number and Location of Single-Surface Dust Samples” for the appropriate clearance category in Table 15.1 of Chapter 15 of the 1995 *HUD Guidelines* (“Clearance”), as may be amended; or
- (b) Be conducted in accordance with the procedures described in the most recent revision of Chapter 15 of the *HUD Guidelines*, as may be amended.

(h) Prohibited Practices

[No change in text.]

**§54.1007 Lead Hazards in Housing**

(a) Presumption

For all *dwelling units* constructed prior to January 1, 1978, it is presumed that the *paint* in the interior or on the *exterior* of the *dwelling unit* is *lead-based paint*.

(b) Owner’s Opportunity to Rebut Presumption

The *owner* of a *dwelling unit* constructed prior to January 1, 1978, may apply to the *Department* to have such *dwelling unit* exempted from the presumption contained in section 54.1007(a) when either:

- (1) *lead-based paint testing* results demonstrate that no *lead paint* is present in the interior or on the *exterior* of such *dwelling unit*; or
- (2) documentation from a *Certified Lead Inspector/Assessor* demonstrates that alterations have been made to the



*dwelling unit* and such alterations have resulted in the removal of all *lead-based paint* in that *dwelling unit*.

(c) Owner's Duty to Correct; Work Plan Required

(1) Lead hazards unlawful. The existence of a *lead hazard* in any *dwelling unit* is hereby declared to constitute a condition dangerous to life and health. It is unlawful for a *responsible person* to allow a *lead hazard* to exist. The *owner* of a *dwelling unit* shall take action to prevent the occurrence of a *lead hazard* and shall expeditiously correct a *lead hazard*, upon receiving notice from the *Director*, or notice by any other means, of its existence, in accordance with section 54.1006. If the *lead hazard* is caused in whole or in part by an *underlying defect* the *owner* of the *dwelling unit* shall correct the *underlying defect* to prevent a further *lead hazard*.

(A) Within 30 days of receiving notice from the *Director* of the existence of a *lead hazard*, the *owner* of a *dwelling unit* shall submit to the *Director* or designee a statement of intent and a work plan to correct the *lead hazard*, a proposed work schedule, and the methods by which the *owner* will accomplish compliance with this Division, including compliance with the temporary relocation requirements of section 54.1006, if applicable.

(B) Upon receipt of the work plan, the *Director* may require any additional information or plan adjustments to ensure such conformance with the requirements of this Division. All work plans shall require written approval of the *Director*. Written approval may be by electronic mail or other writing.

(2) The *owner* of a *dwelling unit* shall correct all identified *lead hazards* according to the approved work plan and schedule, including any revisions required by the *Director*, and complete the *clearance inspection* within thirty (30) calendar days of the approval date of the work plan, unless:

(A) the *Director* determines that a *lead hazard* is present, which *lead hazard* constitutes an immediate threat to the health and safety of occupants of the *dwelling unit*, in which case the *owner* of the *dwelling unit* shall comply with the *Director's* directives; or

(B) the *owner* of the *dwelling unit* files a request for a time extension summarizing (i) the *owner's* efforts to date to comply with the approved work plan and schedule; (ii) demonstrating the need for additional time to correct the *lead hazard*; (iii) a proposed adjusted work schedule; (iv) the methods by which the *owner* will accomplish compliance with this Division including compliance with

the temporary relocation requirements of section 54.1006(a); and the *Director* approves an extended time for compliance with this Division. The *Director* shall have sole discretion to approve or disapprove time extension requests.

- (3) Within seven days after obtaining the *clearance inspection report*, the *owner* of a *dwelling unit* shall provide proof of compliance with section 54.1007 by submitting a copy of the *clearance inspection report* to the City of San Diego at: by email to Lead-Safe@sandiego.gov, or by mail to the assigned inspector for the case at:

Environmental Services Department Lead Safety and Healthy Homes Program 9601 Ridgehaven Court, Ste 310 San Diego, CA 92123
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Submittal of the *clearance inspection report* to the City of San Diego does not satisfy the requirement of Title 17 of the California Code of Regulations, as may be amended, for submittal of the 8552 form to the *CDPH*.

- (4) The *owner* of a rental *dwelling unit* determined to be in violation of section 54.1007 may be required by the *Director* to implement maintenance and monitoring schedules as provided in a Lead Risk Assessment Report prepared by the City under title 17,

section 36000 of the California Code of Regulations, as may be amended, and Chapters 5 and 6 of the *HUD Guidelines*.

(d) through (f) [No change in text.]

**§54.1008      Procedures for Onsite Occupant Protection and Offsite Temporary Relocation**

- (a)      Where *occupant* relocation is not required under section 54.1006, a *responsible person* who has created or maintained a *lead hazard* is responsible for implementing *occupant* protection measures to reduce or eliminate *occupant* or public exposure to *lead hazards* as required by the City. A *responsible person* shall complete the *occupant* protection measures no later than 10 calendar days from the date of notice from the *Director*.
- (b)      Where *occupant* relocation is required under section 54.1006, the *responsible persons* are responsible for the *reasonable relocation costs* of any *occupants* displaced as a result of a judicial, administrative, or summary abatement action under this Division and must follow applicable requirements of state law.
- (c)      If *reasonable relocation costs* are paid by the City, the costs shall be assessed against the *responsible person* as an administrative or summary abatement cost or as part of a judicial action and may be recovered under the procedures Chapter 1, Article 3, Division 3 (Recovery of Abatement Costs) of this Code.

**§54.1009 Visual Lead inspection and Correction Prior to Re-Occupancy of Rental Housing**

For all rental *dwelling units* constructed prior to January 1, 1978, the *responsible person* shall conduct a visual inspection for *deteriorated paint* each time a tenant vacates the *dwelling unit* and prior to re-occupancy of the *dwelling unit*. The *responsible person* shall document the results of the visual inspection in writing on a form made available by the *Director*. *Deteriorated paint* shall be corrected prior to re-occupancy under this Division, unless *lead-based paint testing* proves the *deteriorated paint* is not *lead-based paint*. Inspection, testing, and correction documents shall be maintained for three years after the tenant vacates the *dwelling unit*. The visual inspection required by section 54.1009 is separate from the visual inspection required under section 54.1006.

**§54.1010 Duty to Notify**

- (a) [No change in text.]
- (b) *Home improvement stores* and stores which sell or rent high pressure water equipment shall conspicuously post the *Lead-Safe Work Practices* sign prepared by the *Director* or a sign of substantially the same size, typeface, and language. The sign shall make the following statement, or a substantially equivalent statement, in large or boldface capital letters no less than one-half inch in size:

PAINTING AND REMODELING CAN EXPOSE YOUR FAMILY  
TO LEAD. IT IS UNLAWFUL TO CREATE A LEAD HAZARD.  
YOU ARE REQUIRED TO USE LEAD-SAFE WORK PRACTICES  
IF YOU LIVE IN A PRE 1978 DWELLING AND WILL BE  
DISTURBING PAINT. ASK FOR A FREE PAMPHLET ON LEAD-  
BASED PAINT HAZARDS.

- (c) [No change in text.]
- (d) All CDPH-certified lead personnel conducting *lead hazard evaluations* (e.g., risk assessment, *clearance inspection*, *paint* testing, dust sampling, etc.) shall deliver a completed copy of the *CDPH Lead Hazard Evaluation Report* (Form 8552) to the City of San Diego, if the *property* evaluated is located within the city limits of the City of San Diego, within thirty days of conducting the evaluation. The copy shall be submitted by email to Lead-Safe@sandiego.gov, or by mail to:

Environmental Services Department  
Lead Safety and Healthy Homes Program  
9601 Ridgehaven Court, Ste 310  
San Diego, CA 92123

Submittal of the 8552 form to the City of San Diego does not satisfy the requirement of Title 17 of the California Code of Regulations, as may be amended, for submittal of the 8552 form to the CDPH. Complete copies of *lead hazard evaluation reports* shall be made available by the *certified lead inspector / assessor, project monitor*, or the *owner* to the City of San Diego upon request.

**§54.1011 Child-Care Facility**

Each *child-care facility* licensed or approved by the State of California, except for a *child-care facility* located on public school property, shall require a parent or legal guardian of each *child* older than six months and less than seven years of age inclusive to provide a statement from a physician or health care provider that the *child* older than six months has been screened for *lead* poisoning. This statement must indicate that the screening of the *child* older than six months has

been performed in accordance with applicable criteria mandated by Title 17, division 1, chapter 9, article 1 of the California Code of Regulations titled "Screening for Childhood Lead Poisoning." For purposes of section 54.1011, "screening" means testing an asymptomatic *child* older than six months for *lead* poisoning by analyzing the *child's* blood for concentrations of *lead*. This statement shall be provided prior to admission, but in no event later than thirty days after admission. The *child-care facility* shall maintain the statement for three years after receipt and shall make such statements available to the City for review during normal operating hours upon request.

**§54.1012 Enforcement Authority**

(a) through (b)(3) [No change in text.]

(4) Demonstrate Compliance with Records Requirements.

A *person* or firm responsible for the keeping and maintenance of records under this Division must make all such records available to the City of San Diego upon request.

(5) State Certification Required for *Certified Lead Abatement Contractors*.

In addition to permanent abatement measures, any *window treatment* or *hazard* that involves the stripping of *lead-based paint* to the substrate is to be conducted by a *Certified Lead Abatement Contractor*.

**§54.1013 Enforcement Remedies**

(a) through (b) [No change in text.]

**§54.1014 Cost Recovery**

(a) through (e) [No change in text.]

**§54.1015 Strict Liability Offenses**

[No change in text.]

**§54.1016 Incorporation of Federal and California Regulations by Reference**

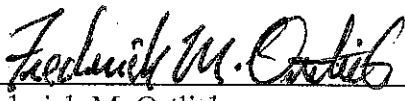
Any violation of the following regulations, as they may be amended, shall also constitute a violation of this Division:

- (a) Title 17, sections 36000 to 36100 of the California Code of Regulations, relating to Work Practice Standards for *lead* substances,
- (b) 40 C.F.R. Part 745, Subpart E,
- (c) 24 C.F.R. Part 35, Subpart A.

Section 3. The Council dispenses with a full reading of this Ordinance before its passage because a written copy of this Ordinance was made available to the Council and the public before the date of its passage.

Section 4. This Ordinance will take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: HEATHER FERBERT, City Attorney

By   
Frederick M. Ortlieb  
Deputy City Attorney

FMO:cw  
April 9, 2024  
02/20/2025 COR. COPY  
Or.Dept.: Environmental Services Department  
Doc. No.: 3700456\_2



I certify that the Council of the City of San Diego adopted this Ordinance at a meeting held on  
JAN 14 2025

DIANA J.S. FUENTES  
City Clerk

By \_\_\_\_\_  
Deputy City Clerk

Approved: \_\_\_\_\_  
(date)

\_\_\_\_\_  
TODD GLORIA, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
TODD GLORIA, Mayor

(See attached memo and signature page.)

Office of  
The City Attorney  
City of San Diego

MEMORANDUM  
MS 59

(619) 533-5800

**DATE:** February 20, 2025

**TO:** Sonia Pickens, Municipal Code Administrator, Office of the City Clerk  
Connie Patterson, Legislative Recorder, Office of the City Clerk  
Gilbert Sanchez, Associate Management Analyst, Office of the City Clerk

**FROM:** City Attorney

**SUBJECT:** Corrections to City Attorney Ordinance and Strikeout O-2024-43, adopted January 23, 2025 (Item #58)

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This Memorandum is presented, pursuant to San Diego Charter (Charter) section 275(a), to notify the Office of the City Clerk that this Office has made corrections of typographical errors to City Attorney Ordinance and Digest O-2024-58, amending the San Diego Municipal Code and Local Coastal Program related to accepting the California Coastal Commission's suggested modifications for certification of the 2020 San Diego Land Development Code/Municipal Code Update. This Office approves of the below corrections, as permitted under the provisions of Charter section 275(a).<sup>1</sup>

The corrections are as follows:

1. Ordinance, page 4: Section 54.1003. A double underline was removed from the second line.
2. Strikeout, page 3: Section 54.1003. No change was needed.
3. Ordinance, page 10: Section 54.1005(b). On the seventh line, the plural letter "s" in the word "levels" was shown as struck out and removed.
4. Strikeout, page 12: Section 54.1005(b). No change was needed.

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<sup>1</sup> Charter section 275 addresses modifications to ordinances after second reading, as follows:

An alteration necessary only to correct a typographical or clerical error or omission may be performed by the City Clerk with the written approval and concurrence of the City Attorney, so long as the alteration does not materially or substantially alter the contents, requirements, rights, responsibilities, conditions, or prescriptions contained in the original text of the ordinance. A typographical or clerical error shall include, but is not limited to, incorrect spelling, grammar, numbering, punctuation, transposed words or numbers, and duplicate words or numbers.

5. Ordinance, page 10: Section 54.1006. On the first line of this section, the word “this” was added before section 54.1006. On the second line of this section, after *lead based paint*, the double underline was removed from the comma and the word “or” removed.
6. Strikeout, page 12: Section 54.1006. On the first line of this section, the word “this” was added before section 54.1006. On the second line of this section, no change was needed.
7. Ordinance, page 12: Section 54.1006(b)(1). On the second line of this section, the struck-out word “to” was removed.
8. Strikeout, page 16: Section 54.1006(b)(1). On the second line of this section, no change was needed.
9. Ordinance, page 20: Section 54.1008(b). On the third line of this section, after “administrative,” the double underline was removed.
10. Strikeout, page 25: Section 54.1008(b). On the fourth line of this section, no change was needed.
11. Ordinance, page 23: Sections 54.1013, 54.1014 and 54.1015 were included to read as follows:

**§54.1013      Enforcement Remedies**

(a) through (b) [No change in text.]

**§54.1014      Cost Recovery**

(a) through (e) [No change in text.]

**§54.1015      Strict Liability Offenses**

[No change in text.]

12. Strikeout, page 28: Sections 54.1013, 54.1014 and 54.1015 were included to read as follows:

**§54.1013      Enforcement Remedies**

(a) through (b) [No change in text.]

Sonia Pickens  
Connie Patterson  
Gilbert Sanchez  
February 20, 2025  
Page 3

**§54.1014 Cost Recovery**

(a) through (e) [No change in text.]

**§54.1015 Strict Liability Offenses**

[No change in text.]

13. Ordinance, page 24: Section 54.1015. "Appendix A" has been struck out and Section 54.1016 follows.
14. Strikeout, page 29: Section 54.1015. On the Strikeout, "Appendix A" is struck out and the following section was placed after it.

**§54.1016 Incorporation of Federal and California Regulations by Reference**

Any violation of the following regulations, as they may be amended, shall also constitute a violation of this Division:

- (a) Title 17, sections 36000 to 36100 of the California Code of Regulations, relating to Work Practice Standards for lead substances,
- (b) 40 C.F.R. Part 745, Subpart E,
- (c) 24 C.F.R. Part 35, Subpart A.

No other changes were made to the ordinance or strikeout.

FMO:cw  
Doc. No.: 3970614  
cc: Diana Fuentes, City Clerk  
Attachments:  
City Attorney Ordinance O-2025-43 COR. COPY  
City Attorney Strikeout O-2025-43 COR. COPY

I certify that the Council of the City of San Diego adopted this Ordinance at a meeting held on  
JAN 14 2025

DIANA J.S. FUENTES

City Clerk

By Connie Patterson  
Deputy City Clerk

Approved: 1/23/25  
(date)

Todd Gloria  
TODD GLORIA, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
TODD GLORIA, Mayor

STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Struck Out~~

NEW LANGUAGE: Double Underline

ORDINANCE NUMBER O-\_\_\_\_\_ (NEW SERIES)

DATE OF FINAL PASSAGE \_\_\_\_\_

AN ORDINANCE AMENDING CHAPTER 5, ARTICLE 4,  
DIVISION 10 OF THE SAN DIEGO MUNICIPAL CODE BY  
AMENDING SECTIONS 54.1001, 54.1003, 54.1004, 54.1005,  
54.1006, 54.1007, 54.1008, 54.1009, 54.1010, 54.1011 AND  
54.1012; AND BY ADDING NEW SECTION 54.1016,  
RELATING TO THE LEAD HAZARD PREVENTION AND  
CONTROL ORDINANCE.

§54.1001 Findings

(a) through (d) [No change in text.]

(e) Lead Paint Ban: The Consumer Product Safety Commission banned the use of *lead* in concentrations greater than 600 parts per million in residential paint after February 27, 1978. For this reason, *paint* applied to a *dwelling unit* or *structure* prior to January 1, 1979 1978, is presumed to contain *lead* unless *lead-based paint testing* proves it is ~~below thresholds defined in Division 10~~ not lead-based paint. All *paint* applied to a *steel structure* is presumed to contain *lead* unless *lead-based paint testing* proves it is ~~below thresholds defined in Division 10~~ not lead-based paint.

(f) through (g) [No change in text.]

(h) Authority: The implementation of Division 10 and the associated enforcement will assist in reducing the presence of *lead hazards* and, thereby, help the City of San Diego in achieving its goal of eliminating childhood *lead* poisoning. ~~On January 1, 2003, California implemented~~

Under Senate Bill 460, which modified California Civil Code section 1941.1 and California Health and Safety Code sections 17920.10, 17980, 105255, and 105256, ~~that state that~~ the existence of *lead hazards* in housing can constitute a violation of State Housing Law and ~~make it illegal for~~ maintenance or construction activities to which generate *lead hazards* are prohibited. Amended Health and Safety Code sections 17961, 17980, 105255, and 105256 provide local jurisdictions with specific authority to correct and prevent *lead hazards*. Division 10 establishes the City of San Diego's enforcement mechanism for ~~purposes of Senate Bill 460~~ lead-related provisions of the California Civil Code and Health and Safety Code, and ~~also~~ provides additional regulation and enforcement tools which will help reduce the exposure of children and others to *lead hazards*.

- (i) [No change in text.]
- (j) Necessary Service: The performance of a *lead risk assessment* in the interior and on the *exterior* of a *dwelling unit* constructed prior to January 1, ~~1979~~1978, as well as the common areas of the *dwelling unit*, is a necessary service and/or repair to protect the health, safety, and welfare of the occupants of the *dwelling unit* and the public.

#### §54.1003 Definitions

All defined terms in Division 10 appear in *italics*, except for the terms Building Permit and Demolition/Removal Permit which refer to those terms respectively as used in the Land Development Code and which, consistent with the Land

Development Code, are not italicized in this Division. For purposes of Division 10, the following terms have the following meanings:

*Accredited laboratory* [No change in text.]

*Adjacent properties* means *properties* that abut the *property* at which activities which *disturb or remove paint* have been, are being, or will be performed, or where a *lead hazard* has been identified.

*Blood lead reference value* means the current blood *lead* concentration level set by the Centers for Disease Control and Prevention which identifies children with higher levels of *lead* in their blood as compared with the blood lead level in most children.

*CDPH* means the California Department of Public Health.

*Certified* means a process used by the State of California Department of Health Services and the United States Environmental Protection Agency to identify individuals who have completed training and other requirements to permit the proper and safe execution of *lead risk assessments* and *lead inspections, lead dust clearance sampling, or lead hazard reduction and control work.*

*Certified Lead Abatement Contractor* means a Certified Lead Supervisor as defined in title 17, section 35008 of the California Code of Regulations, as may be amended, and any Certified Lead Worker as defined in Title 17, section 35009 of the California Code of Regulations, as may be amended, who works under the direction of a Certified Lead Supervisor, as may be amended.

*Certified Lead Inspector/Assessor* has the meaning given in title 17, section 35005 of the California Code of Regulations, as may be amended.



*Certified Lead Project Monitor* has the same meaning given in title 17, section 35006 of the California Code of Regulations, as may be amended.

*Certified Lead Sampling Technician* has the same meaning given in title 17, section 35089 of the California Code of Regulations, as may be amended.

*Certified Renovator* has the same meaning given in 40 C.F.R. § 745.90, as may be amended.

*Child* through *Child-care facility* [No change in text.]

*Clearance inspection* means ~~an onsite limited investigation, performed by a certified lead inspector/assessor or a certified lead project monitor, of single surface dust sampling or soil sampling a minimum of one hour after completion of final cleanup activities to determine whether dust or soil lead levels are below thresholds defined in Division 10. The methodology for conducting the sampling shall follow procedures as defined in 40 Code of Federal Regulations part 745.227, as it may be amended from time to time.~~ has the same meaning given in title 17, section 35013 of the California Code of Regulations, as may be amended.

*Clearance Inspection Report* means a report that documents the abatement activity and includes the information outlined in 24 C.F.R. 35.1340(c).

*Containment barriers* means ~~a system, process, or barrier, on the interior or exterior of a dwelling unit, structure, or steel structure, designed to ensure that lead-contaminated dust, lead-contaminated soil, or lead paint contaminants are not spread, blown, or tracked from inside to outside of a work site, which system, process, or barrier is at least as effective as those contained within the HUD Guidelines, or, for steel structures, at least as effective as those contained in the most recent edition of the Lead Paint Removal Guide published by the Steel~~

~~Structures Painting Council.~~ has the same meaning given in title 17, section 35016 of the California Code of Regulations, as may be amended.

*De minimis levels* means an area representing less than ten percent of any building component with a small surface area such as a window sill, baseboard, or trim; or a portion of large surface such as a wall, ceiling, or floor with an area less than: (1) two square feet in any one interior room or space of a dwelling unit or structure; or (2) twenty square feet on an exterior surface; or (3) ten percent of the surface area on any component part, either interior room or space or exterior, with a small surface area such as a window sill, baseboard or trim.

*Department* means the City Environmental Services Department, ~~and/or the Neighborhood Code Compliance Department.~~

*Deteriorated lead-based paint* means ~~paint that is cracking, flaking, chipping, peeling, or otherwise separating from the substrate of the dwelling unit or any component thereof.~~ has the same meaning given in title 17, section 35022 of the California Code of Regulations, as may be amended.

*DPH* means the California Department of Public Health.

*Director* [No change in text.]

*Disturb or remove paint* means any action that creates friction, pressure, heat, or a chemical reaction upon any *paint* on an interior or *exterior* surface so as to abrade, loosen, penetrate, chip, cut through, remove, or eliminate *paint* from that surface. This term shall include all *lead hazard* correction activities, all demolition activities, and all surface preparation activities performed upon an interior or *exterior painted* surface ~~containing paint.~~

*Dwelling unit* has the same meaning as set forth in section 113.0103 of this Code and for purposes of this Division 10, also includes *multiple dwelling unit, and single dwelling unit, Accessory Dwelling Unit, and Junior Accessory Dwelling Unit* as those terms are defined in section 113.0103 of this Code.

*Enforcement official* through *HEPA* [No change in text.]

*Home improvement store* means all retail stores which sell any home improvement products including, *paint* and *paint* removal products, construction and building materials, ~~and tools,~~ and hardware.

*HUD Guidelines* means the most recent version of the United States Department of Housing and Urban Development "Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing," and when referenced in this Division, includes the practices and standards in those *HUD Guidelines* without regard to whether a structure is target housing under 15 U.S.C. § 2681.

*Imminent lead hazard* through *Lead* [No change in text.]

*Lead-based paint* or *lead paint* ~~means *paint* or other surface coatings that contain an amount of *lead* equal to, or in excess of, one milligram per square centimeter (1.0 mg/cm<sup>2</sup>) or one-half of one percent (0.5%) by weight.~~ has the meaning given in title 17, section 35033 of the California Code of Regulations, as may be amended.

*Lead-based paint testing* means: (1) testing of surfaces to determine the presence of *lead-based paint* performed by an independent *Certified Lead Risk Assessor/Inspector/Assessor, or Certified Lead Sample Technician* under the supervision of a *Certified Lead Inspector/Assessor*, in accordance with the *HUD*

*Guidelines*, and which testing includes bulk *paint* samples analyzed by an *accredited laboratory*; or (2) testing by an *XRF*.

*Lead-containing paint* means paint or other surface coatings which contain an amount of *lead* equal or greater than 1,000 parts per million (ppm) or 0.5 milligrams per square centimeter (mg/cm<sup>2</sup>), but an amount less than *lead-based paint*.

*Lead-contaminated dust* means dust that contains an amount of *lead* equal to, or in excess of, forty micrograms per square foot (40 µg/ft<sup>2</sup>) for interior floor surfaces, two hundred and fifty micrograms per square foot (250 µg/ft<sup>2</sup>) for interior horizontal window surfaces, and four hundred micrograms per square foot (400 µg/ft<sup>2</sup>) for *exterior* floor and *exterior* horizontal window surfaces. has the same meaning given in title 17, section 35036 of the California Code of Regulations, as may be amended.

*Lead-contaminated soil* means bare soil that contains an amount of *lead* equal to, or in excess of, four hundred parts per million (400 ppm) in childrens' play areas and one thousand parts per million (1000 ppm) in all other areas. has the same meaning given in title 17, section 35036 of the California Code of Regulations, as may be amended.

*Lead dust testing* means tests conducted in accordance with the most recent federal guidelines to determine the presence or absence of *lead-contaminated dust* within a defined area.

*Lead hazard* means: (1) the existence of *deteriorated lead-based paint* over a surface area larger than *de minimis levels* in the interior or *exterior* of a *dwelling unit* or *structure* constructed prior to January 1, ~~1979~~ 1978; or (2) the

existence of *deteriorated lead-based paint*, in the interior or exterior of a *dwelling unit* or *structure* constructed prior to January 1, ~~1979-1978~~, over a surface area smaller than *de minimis levels* but which, as determined by an *enforcement official*, is likely to endanger the health of the public or the occupants of the *dwelling unit* or *structure*; or (3) the disturbance of *lead-based paint* or *presumed lead-based paint* without ~~*containment barriers*~~ required worksite preparation measures set forth in section 54.1006(b) of this Code; or (4) the creation or maintenance of any other condition which may result in persistent and quantifiable *lead* exposure; or (5) the presence of *lead-contaminated dust* or *lead-contaminated soil*.

*Lead hazard evaluation* has the same meaning given in title 17, section 35038 of the California Code of Regulations, as may be amended, and for purposes of this Division, includes a record of the cause of *paint* deterioration written on HUD Form 5.2 per *HUD Guidelines* (1995 edition, or any subsequent edition adopted by CDPH), or equivalent form for each *lead paint hazard* identified by those identified in title 17 section 36000(a)(1). The cause of *paint* deterioration is to be included in the *lead hazard evaluation report summary*.

*Lead hazard evaluation report* means a report that documents a *lead hazard evaluation* and includes the requirements listed in title 17, Division 1, Chapter 8, Article 16, Section 36000(a)(4)(A-D).

~~*Lead inspection* means a surface by surface investigation to determine the presence of *lead paint*, as described in Chapter 7: Lead-Based Paint Inspection, *HUD Guidelines*, as they may be amended from time to time, conducted by a *Certified Lead Inspector/Assessor*.~~

*Lead paint contaminants* [No change in text.]

*Lead risk assessment* ~~means an on-site investigation by a Certified Lead Inspector/Assessor to determine the existence, nature, severity, and location of lead hazards and the preparation of a written report describing the results of the investigation and options for eliminating lead hazards.~~ has the same meaning as in title 17, section 35047 of the California Code of Regulations, as may be amended.

*Lead soil testing* ~~means tests conducted in accordance with the most recent federal guidelines to determine the presence or absence of lead-contaminated soil within a defined area.~~

*Minor repair and maintenance activities* has the same meaning given in 40 C.F.R. § 745.83, as may be amended.

*Occupants through Paint* [No change in text.]

*Person* means any natural person, municipal, county, or state agency to the extent allowable by law, or any firm, joint venture, joint stock company, business concern, trust, organization, club, association, partnership, company, or corporation, or the officers, agents, employees, managers, representatives, heirs, executors, administrators, successors, or assigns of any of them or any other entity which is recognized by law as the subject of rights and duties.

*Premises* [No change in text.]

*Presumed lead-based paint* ~~means paint or surface coating affixed to a component in or on a dwelling unit, structure, or steel structure, excluding paint or surface coating affixed to a component in or on a dwelling unit or structure constructed on or after January 1, 1979~~ has the same meaning given in title 17,

section 35043 of the California Code of Regulations, as may be amended, and for purposes of this Division, includes *paint* applied to *steel structures* unless tested in accordance with that section 35043 and determined to be below the *lead* concentration limits established by that section 35043.

*Prohibited practices* through *Public nuisance* [No change in text.]

*Reasonable relocation costs* means costs incurred during temporary relocation which are in excess of the costs that otherwise would be incurred while the *occupant* is residing at the *dwelling unit*, and may include the excess costs of lodging, food if cooking facilities are unavailable during relocation, and transportation when displaced residents need to travel further for necessary activities than they otherwise would from their *dwelling unit*. *Reasonable relocation costs* are not the total of such expenses but only those costs which are above the costs that would be incurred in the absence of required relocation.

*Regulated area* means an area in which work is being performed that *disturbs or removes paint* and to which access is restricted in order to prevent migration of *paint* contaminants. *Regulated area* shall also include any area contaminated with *lead paint* as a result of ~~a breach or lack of containment barriers~~ or a violation of the containment requirements set forth in section 54.1006 of this Code, until such area has been decontaminated and cleared in accordance with section 54.1006 of this Code.

*Renovation* through *Renovator* [No change in text.]

*Responsible person* ~~means a person who a Director determines is responsible for causing or maintaining a public nuisance or a violation~~ has the same meaning as set forth in section 11.0210 of this Code, and for purposes of

~~this Division, or applicable state codes. The term *responsible person* includes, but is not limited to, an owner, tenant, a contractor determined by the Director to be responsible for causing or maintaining a public nuisance or a violation of this Division, person with a legal interest in property or improvements thereon, and/or a person in possession of property.~~

*Steel structure through Underlying Defect* [No change in text.]

Window treatment means any activity which involves the removal of window sashes when *lead-based paint* or *presumed lead-based paint* is present on the window sash or adjacent window trim components (such as jambs, sills, or stops).

*XRF* [No change in text.]

**§54.1004      Lead Hazard Unlawful**

- (a)    [No change in text.]
- (b)    It is unlawful for a *responsible person* to fail to reduce or eliminate a *lead hazard*.

**§54.1005      Lead Safe Work Practice Standards Required**

- (a)    ~~It is presumed that *paint* in the interior or on the exterior of all dwelling units and all structures constructed prior to January 1, 1979, and all steel structures is *lead-based paint*.~~
- (ba)    Any person who disturbs or removes *lead paint, presumed lead-based paint, or lead-containing paint* from any surface in the interior or on the exterior of a *dwelling unit* or *structure* ~~constructed prior to January 1, 1979, or from any surface on a *steel structure*~~ shall use *lead-safe work practice standards* as set forth in section 54.1006, ~~unless a *Certified Lead*~~



~~Inspector/Assessor determines, prior to the commencement of activities which disturb or remove paint, that the concentration of lead in the paint is below 1000 ppm or .5 mg/cm<sup>2</sup>.~~

- (eb) Any person who *disturbs or removes paint* in any amount in the interior or on the *exterior* of a *dwelling unit* to correct a *lead hazard* where a *child* with a blood lead levels greater than or equal to 10 µg/dL has been identified the Blood Lead Level Reference Value resides or receives services from a child care facility shall use *lead-safe* work practice standards as set forth in section 54.1006.
- (d) ~~Section 54.1005 does not change the definition of *lead-based paint* and is only intended to identify when *lead-safe* work practice standards are required.~~
- (ec) The failure to use *lead-safe* work practice standards as set forth in section 54.1005 54.1006 shall constitute a violation of this Division. The *lead-safe* work practice standards set forth in this Division are in addition to, and are not a substitute for, any requirements under state or federal law. Compliance with the *lead-safe* work practice standards set forth in section 54.1006 does not negate responsibility for a violation of section 54.1004.

#### §54.1006      **Lead Safe Work Practice Standards**

The *lead-safe* work practice standards in this section 54.1006 apply to all activities which *disturb or remove paint* which is *lead-based paint*, ~~or presumed~~ lead-based paint, or lead-containing paint.

- (a) ~~Notice to Occupants~~

~~Not less than seven business days before beginning activities which disturb or remove paint, a written notice, in accordance with state and federal law, shall be posted in a conspicuous location and provided to each occupant of a dwelling unit and/or structure where such activities will be conducted. A person who engages in unplanned activities that disturb or remove paint, in response to a sudden, unexpected event which, if not immediately attended to, would present a safety or public health hazard or would threaten property with significant damage, shall provide written notice to each occupant of a dwelling unit and/or structure prior to engaging in such activities.~~

- (1) ~~The written notice shall identify the location in the dwelling unit and/or structure where such activities will take place, state that lead-related activities will be performed at the dwelling unit and/or structure, and state the dates for the performance of such activities.~~
- (2) ~~The written notice shall be in the form of a sign and letter or memorandum, shall be placed in a conspicuous location open and available to occupants of or any person visiting the dwelling unit and/or structure, and shall prominently state the following: "Work is scheduled to be performed beginning [date] on this property that may disturb or remove lead-based paint."~~
- (3) ~~Prior to beginning activities which disturb or remove paint, the owner of the property shall provide each occupant with a copy of the U.S. Environmental Protection Agency pamphlet entitled "Protect Your Family From Lead-Based Paint in Your Home,"~~

~~unless the owner has previously provided this pamphlet to the  
occupant.~~

- (4) ~~For purposes of Division 10, renovators performing activities  
which disturb or remove paint shall comply with 40 Code of  
Federal Regulations part 745, subpart E, as they may be amended  
from time to time, by providing to each occupant the U.S.  
Environmental Protection Agency pamphlet entitled "Protect Your  
Family From Lead-Based Paint in Your Home," by complying  
with the required paperwork, and by maintaining the required  
records.~~

(b) ~~Occupant Protection~~

~~Occupants shall not be permitted to enter the regulated area during the  
course of activities which disturb or remove paint (unless they are  
employed in the conduct of these activities in the regulated area), until  
after activities which disturb or remove paint have been completed and  
clearance as set forth in section 54.1006 has been achieved.~~

(ea) ~~Temporary Relocation Required Unless Occupant Protection Conditions  
Satisfied~~

- (1) ~~Occupants of a dwelling unit shall be temporarily relocated, before  
and during the course of activities which disturb or remove paint,  
to a suitable, decent, safe, comparable, and similarly accessible  
dwelling unit that does not have a lead hazard, unless:~~

- (A) the activities will not disturb presumed lead-based paint,  
*lead-based paint, lead-contaminated dust or lead-*  
*contaminated soil; or*
- (B) the activities affect only the *exterior* of the *dwelling unit*,  
and windows, doors, ventilation intakes, and other openings  
in or near the *regulated area* are sealed during the course of  
the activities and cleaned afterward, and at least one  
entrance is maintained free of *lead-contaminated dust*,  
*lead-contaminated soil*, and *lead paint contaminants*.
- (C) through (D) [No change in text.]

- (2) ~~Occupants' belongings shall be protected from contamination by~~  
~~*lead-contaminated dust* and *lead paint contaminants* during the~~  
~~course of activities which *disturb or remove paint*. Occupants'~~  
~~belongings in the *regulated area* shall be relocated to a safe and~~  
~~secure area outside the *regulated area* or shall be completely~~  
~~covered with an impermeable covering with all seams and edges~~  
~~taped or otherwise sealed.~~

The owner of a *dwelling unit* and any *responsible person* who has  
failed to implement *lead-safe work practice standards* set forth in  
section 54.1006, such that relocation is required, are jointly liable  
for the *reasonable relocation costs* associated with the temporary  
relocation of *occupants* when required under section 54.1006.

(db) Worksite Preparation

- (1) The *regulated area* shall be prepared to prevent the release of dust, and to contain, ~~within the regulated area, any lead containing paint chips, presumed lead-based paint chips, lead-based paint chips, lead-contaminated dust, lead-contaminated soil, and lead paint contaminants~~ from activities which *disturb or remove paint* until they can be safely removed from the *regulated area* in a manner at least as protective as the procedures contained in *HUD Guidelines Chapter 8 ("Resident Protection and Worksite Preparation")*, as may be amended.
- (2) Practices that minimize the spread of *lead-contaminated dust, lead containing paint, presumed lead-based paint chips, lead-based paint chips, lead-contaminated soil, and lead paint contaminants* shall be used during preparation of the *regulated area* for work which *disturbs or removes paint*. ~~The tables in Appendix "A" identify the minimum required levels of worksite preparation, as excerpted from the HUD Guidelines.~~
- (3) Only those persons employed or otherwise engaged in the conduct of activities which disturb or remove paint which is lead-based paint, presumed lead-based paint, or lead-containing paint or perform clearance inspection activities are permitted to enter a regulated area until after activities which disturb or remove paint which is lead-based paint, presumed lead-based paint, or lead-containing paint have been completed and a clearance inspection

as provided in section 54.1006(g) has been completed and demonstrates that the regulated area is not contaminated.

(ec) Specialized Cleaning

After activities which *disturb or remove paint or abate a lead hazard* have been completed, the *regulated area* shall be cleaned by using:

- (1) ~~methods, products, and devices which are successful in removing lead-contaminated dust, such as a HEPA vacuum or other method of equivalent efficacy; and wet misting and HEPA vacuuming as provided in HUD Guidelines Chapter 14.~~
- (2) wet cleaning with all purpose general detergents or lead-specific detergents and rinsing or by following as provided in the HUD Guidelines Chapter 14 ("Cleaning"), as may be amended.

(fd) Visible Lead Paint Contaminants

[No change in text.]

(e) High Risk Paint Disturbance

Any person who disturbs or removes paint which is lead-based paint or presumed lead-based paint in an area greater than defined as a minor repair and maintenance activity, or in any area in the interior or exterior of a dwelling unit to correct a lead hazard shall utilize the lead-safe work practice standards established in 40 C.F.R. § 745.85 and the following:

- (1) The cleaning verification process described in 40 C.F.R. § 745.85(b)(1)(ii) is optional.
- (2) The clearance testing as provided in 40 C.F.R. § 745.85(c) and section 54.1006 is required.

- (3) Warning signs shall remain posted until the regulated area has passed a clearance inspection as provided in section 54.1006(g).

(gf) Disposal

All waste generated from activities which *disturb or remove paint*, which is ~~contains~~ lead containing paint, *lead-based paint* or *presumed lead-based paint*, is deemed hazardous waste pursuant to under Title 22 of the California Code of Regulations, as may be amended, and must be disposed of lawfully.

(hg) Lead-Safe Work Practice Clearance Inspection Standards

- (1) Visual Inspection. A visual inspection to verify the absence of visible dust or debris must be performed by the person who disturbs or removes paint upon the completion of all activities which *disturb or remove paint* in excess of two square feet in an interior room or space, or on an exterior surface area in excess of ten square feet, or any window replacement or window treatment under the following circumstances:

- (A) where the *paint* is *presumed lead-based paint* covering a surface area and/or affecting a component, as described in the tables in Appendix "A"; or
- (B) where *lead-based paint testing* performed on the *paint* revealed *lead-levels* greater than 1000 ppm or 0.5 mg/cm<sup>2</sup> - containing paint.

Where the paint is lead-containing paint but not presumed lead-based paint or lead-based paint, A renovator the person who

disturbed or removed paint as described in (g)(1) shall record the results of the visual inspection on the form provided by the City of San Diego ~~(Form ES-127)~~, and shall maintain that form for a minimum of three years and shall make all such forms available to the City of San Diego upon request.

- (2) Clearance Inspection. A *clearance inspection* must be performed upon the completion of all activities which *disturb or remove paint in excess of two square feet in an interior room or space, or on an exterior surface area in excess of ten square feet, window replacement or window treatment* under the following circumstances and after visual inspection:

- (A) where the *paint is presumed lead-based paint* covering a ~~surface area and/or affecting a component as described in the tables in Appendix "A"; or~~
- (B) where *lead-based paint testing* performed on the *paint* revealed lead-based paint levels greater than 5000 ppm or 1.0 mg/cm<sup>2</sup>.

A copy of the CDPH Form 8552 for each *clearance inspection* shall be submitted to the City of San Diego at Lead-Safe@sandiego.gov or by mail to:

Environmental Services Department  
~~Lead-Safe Neighborhoods Program Form 8552~~  
Lead Safety and Healthy Homes Program  
9601 Ridgeway Court, Ste 310  
San Diego, CA 92123



Submittal of the 8552 form to the City of San Diego does not satisfy the requirement of Title 17 of the California Code of Regulations, as may be amended, for submittal of the 8552 form to the CDPH.

- (3) The *lead-safe work practice clearance inspection standards* shall be performed only by a *Certified Lead Inspector/Assessor* or *Certified Lead Project Monitor*.
- (4) [No change in text.]
- (5) A clearance inspection shall either:
  - (a) Meet the “Recommended Minimum Number and Location of Single-Surface Dust Samples” for the appropriate clearance category in Table 15.1 of Chapter 15 of the 1995 HUD Guidelines (“Clearance”), as may be amended; or
  - (b) Be conducted in accordance with the procedures described in the most recent revision of Chapter 15 of the HUD Guidelines, as may be amended.

- (ih) Prohibited Practices
  - [No change in text.]

**§54.1007 Lead Hazards in Housing**

- (a) Presumption

For all *dwelling units* constructed prior to January 1, 1979-1978, it is presumed that the *paint* in the interior or on the *exterior* of the *dwelling unit* is *lead-based paint*.
- (b) Owner’s Opportunity to Rebut Presumption

The *owner* of a *dwelling unit* constructed prior to January 1, ~~1979~~1978, may apply to the *Department* to have such *dwelling unit* exempted from the presumption contained in section 54.1007(a) when either:

- (1) *lead-based paint testing* results demonstrate that no *lead paint* is present in the interior or on the *exterior* of such *dwelling unit*; or
  - (2) documentation from a *Certified Lead Inspector/Assessor* demonstrates that alterations have been made to the *dwelling unit* and such alterations have resulted in the removal of all *lead-based paint* in that *dwelling unit*.
- (2) ~~The Director shall establish written policies that set forth criteria for granting the exemption described in section 54.1007(b).~~
- (c) Owner's Duty to Correct; Work Plan Required
- (1) Lead hazards unlawful. The existence of a *lead hazard* in any *dwelling unit* is hereby declared to constitute a condition dangerous to life and health. It is unlawful for a responsible person to allow a lead hazard to exist. The *owner* of a *dwelling unit* shall take action to prevent the occurrence of a *lead hazard* and shall expeditiously correct a *lead hazard*, upon receiving notice from the Director, or notice by any other means, of its existence, in accordance with section 54.1006. If the *lead hazard* is caused in whole<sup>e</sup> or in part by an *underlying defect* the *owner* of the *dwelling unit* shall correct the *underlying defect* to prevent a further *lead hazard*.

- (A) Within 30 days of receiving notice from the *Director* of the existence of a *lead hazard*, the owner of a *dwelling unit* shall submit to the *Director* or designee a statement of intent and a work plan to correct the *lead hazard*, a proposed work schedule, and the methods by which the owner will accomplish compliance with this Division, including compliance with the temporary relocation requirements of section 54.1006, if applicable.
- (B) Upon receipt of the work plan, the *Director* may require any additional information or plan adjustments to ensure such conformance with the requirements of this Division. All work plans shall require written approval of the *Director*. Written approval may be by electronic mail or other writing.
- (2) The owner of a *dwelling unit* shall correct all identified *lead hazards* according to the approved work plan and schedule, including any revisions required by the *Director*, and complete the clearance inspection within thirty (30) calendar days of receiving notice of the existence of the *lead hazard* the approval date of the work plan, unless:
- (A) the *Director* determines that a *lead hazard* is present, which *lead hazard* constitutes an immediate threat to the health and safety of occupants of the *dwelling unit*, in which case

the *owner* of the *dwelling unit* shall comply with the  
*Director's* or ~~designee's~~ directives; or

- (B) the *owner* of the *dwelling unit* files a ~~statement of intent~~  
~~and work plan request for a time extension summarizing~~  
(i) the owner's efforts to date to comply with the approved  
work plan and schedule; (ii) demonstrating the need for  
additional time to correct the lead hazard; (iii) a proposed  
adjusted work schedule; (iv) the methods by which the  
owner will accomplish compliance with this Division 10  
including, but not limited to, compliance with the  
temporary relocation requirements of section 54.1006(ea);  
in which case and the Director or designee may approve  
an extended the time for compliance with this Division 10.  
The Director shall have sole discretion to approve or  
disapprove time extension requests.

- (3) Within seven days after ~~completing~~ obtaining the *clearance*  
*inspection report*, the *owner* of a *dwelling unit* shall provide proof  
of compliance with section 54.1007 by submitting a copy of the  
~~DPH Form 8552 for each clearance inspection report~~ to the City  
of San Diego at: by email to Lead-Safe@sandiego.gov, or by mail  
to the assigned inspector for the case at:

Environmental Services Department  
~~Lead Safe Neighborhoods Program Form 8552~~  
Lead Safety and Healthy Homes Program  
9601 Ridgehaven Court, Ste 310  
San Diego, CA 92123

Submittal of the 8552 form clearance inspection report to the City of San Diego does not satisfy the requirement of Title 17 of the California Code of Regulations, as may be amended, for submittal of the 8552 form to the CDPH.

- (4) The owner of a rental dwelling unit determined to be in violation of section 54.1007 may be required by the Director to implement maintenance and monitoring schedules as provided in a Lead Risk Assessment Report prepared by the City under title 17, section 36000 of the California Code of Regulations, as may be amended, and Chapters 5 and 6 of the HUD Guidelines.

(d) through (f) [No change in text.]

§54.1008 Procedures for Onsite Occupant Protection and Offsite Temporary Relocation

- (a) Where occupant relocation is not required under section 54.1006, a responsible person who has created or maintained a lead hazard is responsible for implementing occupant protection measures to reduce or eliminate occupant or public exposure to lead hazards as required by the City. A responsible person shall complete the occupant protection measures no later than 10 calendar days from the date of notice from the Director.

- (ab) Where occupant relocation is required under section 54.1006, The responsible persons is are responsible for the relocation and associated costs reasonable relocation costs of any occupants displaced as a result of a judicial, administrative, or summary abatement action pursuant to under this Division 10 and must follow applicable requirements of state law.
- (bc) If reasonable relocation costs are paid by the City, the costs shall be assessed against the *responsible person* as an administrative or summary abatement cost or as part of a judicial action and may be recovered pursuant to under the procedures in San Diego Municipal Code Chapter 1, Article 3, Division 3 (Recovery of Abatement Costs) of this Code.

**§54.1009 Visual Lead inspection and Correction Prior to Re-Occupancy of Rental Housing**

For all rental *dwelling units* constructed prior to January 1, ~~1979~~1978, the *responsible person* shall conduct a visual inspection for *deteriorated paint* each time a tenant vacates the *dwelling unit* and prior to re-occupancy of the *dwelling unit*. The responsible person shall document the results of the visual inspection in writing on a form made available by the Director. Deteriorated paint shall be corrected prior to re-occupancy in accordance with under this Division 10, unless lead-based paint testing proves the deteriorated paint is not lead-based paint.

Inspection, testing, and correction documents shall be maintained for three years and shall be made available to the City of San Diego upon request, after the tenant vacates the dwelling unit. The visual inspection required by section 54.1009 is separate from the visual inspection required under section 54.1006.

§54.1010      Duty to Notify

- (a) [No change in text.]
- (b) *Home improvement stores* and stores which sell or rent high pressure water equipment shall conspicuously post the *Lead-Safe Work Practices* sign prepared by the *Director* or a sign of substantially the same size, typeface, and language. The sign shall make the following statement, or a substantially equivalent statement, in large or boldface capital letters no less than one-half inch in size:

PAINTING AND REMODELING CAN EXPOSE  
YOUR FAMILY TO LEAD. IT IS UNLAWFUL TO  
CREATE A LEAD HAZARD. YOU ARE  
REQUIRED TO USE LEAD-SAFE WORK  
PRACTICES IF YOU LIVE IN A PRE-1978  
DWELLING AND WILL BE DISTURBING PAINT.  
~~PAINTING AND REMODELING CAN EXPOSE  
YOUR FAMILY TO LEAD.~~ ASK FOR A FREE  
PAMPHLET ON LEAD- BASED PAINT  
HAZARDS.

- (c) [No change in text.]
- (d) All CDPH-certified lead personnel conducting *lead hazard evaluations* (e.g., risk assessment, *clearance inspection*, *paint* testing, dust sampling, etc.) shall deliver a completed copy of the CDPH Lead Hazard Evaluation Report (Form 8552) to the City of San Diego, if the *property* evaluated is located within the city limits of the City of San Diego, within thirty days of conducting the evaluation. The copy shall be submitted by email to Lead-Safe@sandiego.gov, or by mail to:

City of San Diego  
~~Environmental Services Lead Form 8552~~  
Environmental Services Department  
Lead Safety and Healthy Homes Program  
9601 Ridgehaven Court, Ste 310  
San Diego, CA 92123

Submittal of the 8552 form to the City of San Diego does not satisfy the requirement of Title 17 of the California Code of Regulations, as may be amended, for submittal of the 8552 form to the CDPH. Complete copies of lead hazard evaluation reports shall be made available by the certified lead inspector / assessor, project monitor, or the owner to the City of San Diego upon request.

**§54.1011 Child-Care Facility**

Each *child-care facility* licensed or approved by the State of California, except for a *child-care facility* located on public school property, shall require a parent or legal guardian of each *child* between the ages of older than six months and less than seven years of age inclusive to provide a statement from a physician or health care provider that the *child* older than six months has been screened for *lead* poisoning. This statement must indicate that the screening of the *child* older than six months has been performed in accordance with applicable criteria mandated by ~~the State of California~~ Title 17, division 1, chapter 9, article 1 of the California Code of Regulations titled "Screening for Childhood Lead Poisoning." For purposes of section 54.1011, "screening" means testing an asymptomatic *child* older than six months for lead poisoning by analyzing the child's blood for concentrations of lead. This statement shall be provided prior to admission, but in no event later than thirty days after admission. The *child-care facility* shall



maintain the statement for three years after receipt and shall make such statements available to the City for review during normal operating hours upon request.

~~Nothing in section 54.1012 shall be construed to require any child to undergo a blood lead level screening or test when the parent or guardian of the child objects on the grounds that the screening or test conflicts with his or her religious beliefs.~~

**§54.1012 Enforcement Authority**

(a) through (b)(3) [No change in text.]

(4) Demonstrate Compliance with Records Requirements.

A person or firm responsible for the keeping and maintenance of records under this Division must make all such records available to the City of San Diego upon request.

(5) State Certification Required for Certified Lead Abatement Contractors.

In addition to permanent abatement measures, any window treatment or hazard that involves the stripping of lead-based paint to the substrate is to be conducted by a Certified Lead Abatement Contractor.

**§54.1013 Enforcement Remedies**

(a) through (b) [No change in text.]

**§54.1014 Cost Recovery**

(a) through (e) [No change in text.]

**§54.1015 Strict Liability Offenses**

[No change in text.]

<b>APPENDIX "A"</b>				
<b>*INTERIOR WORKSITE PREPARATION LEVELS (NOT INCLUDING WINDOWS)</b>				
<b>Description</b>	<b>Level 1</b>	<b>Level 2</b>	<b>Level 3</b>	<b>Level 4</b>
<b>Typical Applications (Hazard Controls)</b>	Dust removal and any abatement or interim control method disturbing no more than 2 square feet of painted surface per room.	Any interim control or abatement method disturbing between 2 and 10 square feet of painted surface per room.	Same as Level 2.	Any interim control or abatement method disturbing more than 10 square feet per room.
<b>Time Limit Per Dwelling</b>	One work day.	One work day.	Five work days.	None.
<b>Containment and Barrier System</b>	Single layer of plastic sheeting on floor extending 5 feet beyond the perimeter of the treated area in all directions. No plastic sheeting on doorways is required, but a low physical barrier (furniture, wood planking) to prevent inadvertent access by resident is recommended.	Two layers of plastic on entire floor or isolate the work area. Plastic sheet with primitive airlock flap on all door ways. Doors secured from inside the work area need not be sealed.	Two layers of plastic on entire floor or isolate the work area. Plastic sheet with primitive airlock flap on all door ways to work areas. Doors secured from inside the work area need not be sealed. Overnight barrier should be locked or firmly secured.	Two layers of plastic on entire floor or isolate the work area. If entire unit is being treated, cleaned, and cleared, individual room door ways need not be sealed. If only a few rooms are being treated, seal all doorways with primitive airlock flap to avoid cleaning entire dwelling. Doors secured from inside the work area need not be sealed.

<p align="center"><b>APPENDIX "A"</b></p> <p align="center"><b>*INTERIOR WORKSITE PREPARATION LEVELS (NOT INCLUDING WINDOWS)</b></p>				
<b>Description</b>	<b>Level 1</b>	<b>Level 2</b>	<b>Level 3</b>	<b>Level 4</b>
<b>Warning Signs</b>	Required at entry to room but not on building (unless exterior work is also under way).	Same as Level 1.	Posted at main and secondary entryways, if resident will not be present to answer the door.	Posted at building exterior near main and secondary entryways, if resident will not be present to answer the door.
<b>Ventilation System</b>	Dwelling ventilation system turned off, but vents need not be sealed with plastic if they are more than 5 feet away from the surface being treated. Negative pressure zones (with "negative air" machines) are not required, unless large supplies of fresh air must be admitted into the work area to control exposures to other hazardous substances (for example, solvent vapors).	Turned off and all vents in room sealed with plastic. Negative pressure zones (with "negative air" machines) are not required, unless large supplies of fresh air must be admitted into the work area to control exposure to other hazardous substances (for example, solvent vapors).	Same as Level 2.	Same as Level 2.
<b>Furniture</b>	Left in place uncovered if furniture is more than 5 feet from working surface. If within 5 feet, furniture should be sealed with a single layer of plastic or moved for paint	Removed from work area. Large items that cannot be moved can be sealed with a single layer of plastic sheeting and left in work area.	Same as Level 2.	Same as Level 2.

	treatment. No covering is required for dust removal.			
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APPENDIX "A"				
*INTERIOR WORKSITE PREPARATION LEVELS (NOT INCLUDING WINDOWS)				
Description	Level 1	Level 2	Level 3	Level 4
<b>Cleanup</b> (See Chapter 14 of HUD Guidelines for further discussion of cleanup methods)	HEPA vacuum, wet wash, and HEPA vacuum all surfaces and floors extending 5 feet in all directions from the treated surface. For dust removal work alone, a HEPA vacuum and wet wash cycle is adequate (i.e., no second pass with a HEPA vacuum is needed). Also, wet wash and HEPA vacuum floor in adjacent area(s) used as pathway to work area. Do not store <i>lead paint contaminants</i> inside dwelling overnight; transfer to a locked secure area at the end of each day.	HEPA vacuum, wet wash, and HEPA vacuum <i>all</i> surfaces in room. Also wet wash and HEPA vacuum floor in adjacent area(s) used as pathway to work area. Do not store <i>lead paint contaminants</i> inside dwelling overnight; use a secure locked area.	Remove top layer of plastic from floor and discard. Keep bottom layer of plastic on floor for use on the next day. HEPA vacuum, wet wash, and HEPA vacuum <i>all</i> surfaces in room. Also wet wash and HEPA vacuum floor in adjacent area(s) used as pathway to work area. Do not store <i>lead paint contaminants</i> inside dwelling overnight; use a secure locked area.	Full HEPA vacuum, wet wash, and HEPA vacuum cycle, as detailed in Chapter 14 of HUD Guidelines.

APPENDIX "A"				
*INTERIOR WORKSITE PREPARATION LEVELS (NOT INCLUDING WINDOWS)				
Description	Level 1	Level 2	Level 3	Level 4
<i>Clearance Inspection</i>	Visual Clearance only	<i>Clearance inspection if it is presumed lead-based paint or testing determines lead levels are greater than 5000 ppm or 1.0 mg/cm<sup>2</sup>.</i>	<i>Clearance inspection if it is presumed lead-based paint or testing determines lead levels are greater than 5000 ppm or 1.0 mg/cm<sup>2</sup>.</i>	<i>Clearance inspection if it is presumed lead-based paint or testing determines lead levels are greater than 5000 ppm or 1.0 mg/cm<sup>2</sup>.</i>

\* Worksite preparation levels for floor sanding and abrasive blasting on surfaces that contain lead paint or presumed lead-based paint are not included in this table. Work shall follow the HUD Guidelines chapter 8, section VII.

**NOTE:** Primitive air locks are constructed using two sheets of plastic. The first one is taped on the top, the floor, and two sides of doorway. Next, cut a slit 6 feet high down the middle of the plastic; do not cut the slit all the way down to the floor. Tape the second sheet of plastic across the top of the door only, so that it acts as a flap. The flap should open into the work area.

<p align="center"><b>APPENDIX "A"</b></p> <p align="center"><b>*EXTERIOR WORKSITE PREPARATION LEVELS (NOT INCLUDING WINDOWS)</b></p>			
<b>Description</b>	<b>Level 1</b>	<b>Level 2</b>	<b>Level 3</b>
<b>Typical Applications</b>	Any interim control or abatement method disturbing less than 10 square feet of exterior painted surface per dwelling. Also includes soil control work.	Any interim control or abatement method disturbing between 10 to 50 square feet of exterior painted surface per dwelling. Also includes soil control work.	Any interim control or abatement method disturbing more than 50 square feet of exterior painted surface per dwelling. Also includes soil control work.
<b>Time Limit Per Dwelling</b>	One day.	None.	None.
<b>Containment and Barrier System</b>	One layer of plastic on ground extending 10 feet beyond the perimeter of working surfaces. Extend plastic further if necessary to collect paint chips and associated debris. Do not anchor ladder feet on top of plastic (Puncture the plastic to anchor ladders securely to ground). For all other exterior plastic surfaces, protect plastic with boards to prevent puncture from falling debris, nails, etc., if necessary. Raise edges of plastic to create a basin to prevent contaminated runoff in the event of unexpected precipitation. Secure plastic to side of building with tape or other anchoring system (no gaps between plastic and building). Weight all	Same as Level 1.	Same as Level 1.

	plastic sheets down with two-by-fours or similar objects. Keep all windows within 20 feet of working surfaces closed, including windows of adjacent structures.		
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APPENDIX "A"			
*EXTERIOR WORKSITE PREPARATION LEVELS (NOT INCLUDING WINDOWS)			
Description	Level 1	Level 2	Level 3
Playground Equipment, Toys, Sandbox	Remove all movable items to a 20-foot distance from working surfaces. Items that cannot be readily moved to a 20-foot distance can be sealed with taped plastic sheeting.	Same as Level 1.	Same as Level 1.
Security	Erect temporary fencing or barrier tape at a 20-foot perimeter around working surfaces (or less if distance to next building or sidewalk is less than 20 feet). If an entryway is within 10 feet of working surfaces, require use of alternative entryway. If practical install vertical containment to prevent exposure. Use a locked dumpster, covered truck, or locked room to store <i>lead paint contaminants</i> before disposal.	Same as Level 1.	Same as Level 1.
Signs	Post warning signs on the building and at a 20-foot perimeter around building (or less if distance to next building or sidewalk is less than 20 feet).	Same as Level 1.	Same as Level 1.



APPENDIX "A"			
*EXTERIOR WORKSITE PREPARATION LEVELS (NOT INCLUDING WINDOWS)			
Description	Level 1	Level 2	Level 3
Weather	Do not conduct work if wind speeds are greater than 20 miles per hour or if paint chips and/or associated debris are blown off containment. Work must stop and cleanup must occur before rain begins.	Same as Level 1.	Same as Level 1.
Cleanup (See Chapter 14 of HUD Guidelines)	Do not leave <i>lead paint</i> contaminants or plastic out overnight if work is not completed. Keep all <i>lead paint</i> contaminants in secured area until final disposal.	Same as Level 1.	Same as Level 1.
Porches	If dwelling is occupied, one lead-safe entryway must be made available to residents at all times. Do not treat front and rear porches at the same time if there is not a third doorway.	Same as Level 1.	Same as Level 1.
Clearance Inspection	Visual Clearance Inspection	Clearance inspection required if it is <i>presumed lead-based paint</i> or testing determines <i>lead</i> levels are greater than 5000 ppm or 1.0 mg/cm <sup>2</sup> .	Clearance inspection required if it is <i>presumed lead-based paint</i> or testing determines <i>lead</i> levels are greater than 5000 ppm or 1.0 mg/cm <sup>2</sup> .

\*—— Worksite preparation levels for floor sanding and abrasive blasting on surfaces that contain *lead paint* or *presumed lead-based paint* are not included in this table. Work shall follow the *HUD Guidelines* chapter 8, section VII.

<b>APPENDIX "A"</b> <b>WINDOW TREATMENT OR REPLACEMENT WORKSITE PREPARATION</b>	
<b>Appropriate Applications</b>	<b>Any Window Treatment or Replacement</b>
<b>Time Limit Per Dwelling</b>	None.
<b>Containment and Barrier System</b>	One layer of plastic on ground or floor extending 5 feet beyond the perimeter of window being treated/replaced. Two layers of plastic taped to interior wall if working on window from outside; if working from the inside, tape two layers of plastic to exterior wall. If working from inside, implement a minimum interior Worksite Preparation Level 2. Children cannot be present in an interior room where plastic sheeting is located due to suffocation hazard. Do not anchor ladder feet on top of plastic (place a hard surface such as plywood under ladder). For all other exterior plastic surfaces, protect plastic with boards to prevent puncture from falling debris, nails, etc. (if necessary). Secure plastic to side of building with tape or other anchoring system (no gaps between plastic and building). Weigh all plastic sheets down with two-by-fours or similar objects. All windows in dwelling should be kept closed. All windows in adjacent dwellings that are closer than 20 feet to the work area should be kept closed.
<b>Signs</b>	Post warning signs on the building and at a 20-foot perimeter around building (or less if distance to next building or sidewalk is less than 20 feet). If window is to be removed from inside, no exterior sign is necessary.
<b>Security</b>	Erect temporary fencing or barrier tape at a 20-foot perimeter around building (or less if distance to next building or sidewalk is less than 20 feet). Use a locked dumpster, covered truck, or locked room to store <i>lead paint</i> <i>contaminants</i> before disposal.
<b>Weather</b>	Do not conduct work if wind speeds are greater than 20 miles per hour or if paint chips and/or associated debris are blown off containment. Work must stop and cleanup must occur before rain begins.
<b>Playground Equipment, Toys, Sandbox</b>	Remove from work area and adjacent areas. Remove all items to a 20-foot distance from dwelling. Large, unmovable items can be sealed with taped plastic sheeting.

<b>APPENDIX "A"</b> <b>WINDOW TREATMENT OR REPLACEMENT WORKSITE PREPARATION</b>	
<b>Cleaning</b>	If working from inside, HEPA vacuum, wet wash, and HEPA vacuum all interior surfaces within 10 feet of work area in all directions. If working from the exterior, no cleaning of the interior is needed, unless the containment is breached. Similarly, no cleaning is needed on the exterior if all work is done on the interior and the containment is not breached. If containment is breached, then cleaning on both sides of the window should be performed. No <i>lead paint contaminants</i> or plastic should be left out overnight if work is not completed. All <i>lead paint contaminants</i> must be kept in a secure area until final disposal.
<b>Clearance Inspection</b>	<i>Clearance inspection</i> required if work is performed from interior of <i>dwelling unit</i> and if it is <i>presumed lead-based paint</i> or testing determines <i>lead levels</i> are greater than 5000 ppm or 1.0 mg/cm <sup>2</sup> .

**§54.1016**      **Incorporation of Federal and California Regulations by Reference**

Any violation of the following regulations, as they may be amended, shall also constitute a violation of this Division:

- (a)    Title 17, sections 36000 to 36100 of the California Code of Regulations,  
relating to Work Practice Standards for *lead* substances,
- (b)    40 C.F.R. Part 745, Subpart E,
- (c)    24 C.F.R. Part 35, Subpart A,

FMO:cw  
April 9, 2024  
02/20/2025 COR. COPY  
Or.Dept: Environmental Services Department  
Doc. No. 3708968\_2

Passed by the Council of The City of San Diego on JAN 14 2025, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Henry Foster, III	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kent Lee	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Raul A. Campillo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage JAN 23 2025.

AUTHENTICATED BY:

TODD GLORIA

Mayor of The City of San Diego, California.

(Seal)

DIANA J.S. FUENTES

City Clerk of The City of San Diego, California.

By *Linda Irwin*, Deputy

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

DEC 17 2024

, and on JAN 23 2025.

I FURTHER CERTIFY that said ordinance was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.

(Seal)

DIANA J.S. FUENTES

City Clerk of The City of San Diego, California.

By *Linda Irwin*, Deputy  
*For Connie Patterson*

Office of the City Clerk, San Diego, California

Ordinance Number O- 21912