



City of San Diego



**LEAD
SAFE**
NEIGHBORHOODS

**LEAD ORDINANCE
DEVELOPMENT AND
ENFORCEMENT FOR TRUE
PRIMARY PREVENTION**

June 9, 2008



City of San Diego

San Diego Stats

| | |
|-------------------------|--------------------|
| Population: | 1,315,837 |
| Children 5 and under: | 96,562 |
| Pre-1978 Housing Units: | 310,000 |
| Area: | 324 sq. mi. |
| Ave. Medium Income: | \$65,248 |
| Ave. Cost of Home: | \$472,000 |





PROGRAMS AND FUNDING

- HUD Lead Hazard Control Grant
- HUD Lead Hazard Reduction Demonstration Grant
- HUD Healthy Homes Grant
- EPA Lead Education and Outreach Grant
- EPA Lead Community Education and Training Grant
- Community Development Block Grant Funding
- Building Permit Funding - \$120,000/annually
- General Fund



Legal Landscape

- **Local Lead Law in San Diego (2002)**
- **California Lead 2003 Law (SB460)**
- **New Lead Hazard Prevention and Control Ordinance**





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Ordinance Development

Taskforce members:

Council District 6 – *Donna Frye* – Councilmember - ***Co-Chair***
Council District 8 – *Ralph Inzunza* – Councilmember - ***Co-Chair***
Association of General Contractors -- *Brad Barnum*
City Heights Community Development Corporation -- *Jay Powell*
Education Enrichment Systems, Inc. -- *Robin Layton*
Environmental Health Coalition -- *Leticia Ayala*
Family Health Clinics of San Diego -- *Janet Adamain*
Linda Vista Planning Community Group -- *Ed Cramer*
San Diego Association of Realtors -- *Courtney Comer*
San Diego County Apartment Association -- *Bob Grinchuk*
UCSD, School of Medicine -- *Ruth Heifetz, M.D.*
UCSD, Western Region Lead Training Institute -- *Lisa McKay*
YMCA Childcare Resource Service -- *Deborah Boles*



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ORDINANCE DEVELOPMENT

- **Consensus driven process - successful on most issues in both ordinance proposed today except the point of sale language.**
- **Taskforce looked at various ordinances and regulations at local, state and federal level & coupled with ideas generated by subcommittee**
- **Extensive discussions in Taskforce on all details of the ordinance**



Highlights of Ordinance

Lead Hazard Definition:

- (1) *the existence of deteriorated 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; or*
- (2) *the existence of deteriorated paint, in the interior or exterior of a dwelling unit or structure constructed prior to January 1, 1979, 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*



Highlights of Ordinance

Lead Hazard Definition (continued):

- (3) *the disturbance of lead-based paint or presumed lead-based paint without containment barriers; 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.*



Highlights of Ordinance

Renovation and remodeling rule (Section 54.1005-1006)

- Renovators are required to use lead-safe work practices when disturbing lead paint that contains lead concentrations equal or greater than 1000 ppm or 0.5 mg/cm² on all pre-1979 buildings and structures, not just residential. Includes any age steel structure.
- Ordinance provides for very specific minimum work practices taken from the HUD Guidelines, Chapter 8 tables.
- In some cases, relocation of occupants is required.



Highlights of Ordinance

Renovation and remodeling rule (Section 54.1005-1006)

- Visual clearance is required for all work where lead paint is assumed or tested above the 1000 ppm or 0.5 mg/cm². Must use City form and maintain records.
- If contractor is disturbing lead paint at 5000 ppm or 1.0 mg/cm² or above, and they are disturbing over identified quantities, it requires lead dust clearance by state certified personnel.
- Ordinance also mirrors the federal pre-renovation remodeling notification (406b) to provide local enforcement authority.





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Highlights of Ordinance

Lead hazards in housing (Section 54.1007)

- Presence of Lead Hazards constitutes substandard housing and property owners are required to correct lead hazards in pre-1979 residential housing.
- Unlawful to maintain lead hazards.

Relocation requirements (Section 54.1008)

- Identifies when relocation is required to protect occupants.



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Highlights of Ordinance

Rental property lead visual inspection at turnover (Section 54.1009)

- Property owners are required to perform visual inspection and correction of presumed lead hazards prior to re-occupancy of a vacant pre-1978 rental unit.
- Maintain records for three years and provide upon request by City.





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Highlights of Ordinance

Duty to notify (Section 54.1010)

- Home improvement/water pressure equipment rental stores are required to post lead display and provide lead education material to customers provided by the City.
- Mirrors the federal lead property notification rule (1018) to provide local enforcement authority.
- State notification form identifying lead hazards must be provided to the City.
- Maintain records for three years and provide upon request by City.



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Highlights of Ordinance

Childcare Facility (Section 54.1011)

- Childcare facilities are required to obtain proof of blood lead testing at enrollment or within 60 days.

Enforcement Authority, Remedies, and Cost Recovery language (Section 54.1012-14)

- Provides specific language for enforcement authority, enforcement remedies and cost recovery associated with this ordinance.

Strict liability offense regardless of intent (Section 54.1015)





Highlights of Ordinance

This new ordinance will provide the City with additional enforcement opportunities to ensure lead hazards are not created or maintained.

It sends a very clear and loud message to all of San Diego and surrounding communities about the importance of eliminating lead hazards from our environment.



Current Enforcement Directions

1. Lead Safe Work Practices

- Field NOV for up to \$1000
- 1 full time inspector performing random inspections on specific permits
- Compliance Verification





2. Housing Complaints or Tips

- After Risk Assessment, Close Case or Issue NOV
- 30-90 Day Deadline for Compliance
- Discuss Work Plan, next Abate / Clear
- Penalties for Missing Deadline



3. Elevated Blood Lead Case

- If Lead Hazards Identified, issue Abatement Noticed and Order
- 10 day to submit work plan and 30-90 Day Deadline for Compliance
- Non-compliance subject to penalties of \$2,000 per incident up to \$200,000





4. Proactive Cases (self-referred)

- Letter Offering Grace Period
- Guidance in Safe Work Practices
- Compliance Verification
- Move On or Inspect



COSTS

- Identified Lead Hazards abated at City cost of less than \$1,000 per dwelling (inspect / monitor / communicate / investigate / litigate)
- Owner cost to abate: \$500 – \$5,000





KEY RESULTS

- Involvement by City Attorney
- Referrals to HUD Grant Program
- Lead Hazards Found in More than 70% of Cases (includes UWP Cases)
- Lead Hazard Abatement by Owner in more than 770 Housing Units (1/05 – 6/07)



Expected Results 2008-2009



- More Homes Without Hazards
- Improved Lead Education & Outreach
- Increase blood lead screen
- Increase \$ & Lower City Costs





Conclusions and Recommendations



- ✓ **Vigorous Enforcement is the Most Cost-Effective Way to Prevent Lead Poisoning**
- ✓ **Make Federal Grant Funds Available for State and/or Local Enforcement Programs**



ANY QUESTIONS?

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<http://www.sandiego.gov/environmental-services/ep/leadsafe.shtml>

