

City of San Diego Lead Hazard Prevention and Control Ordinance
San Diego Municipal Code Sections 54.1001 - 54.1015
Documentation of Visual Inspection for Deteriorated Paint
In/On Dwelling Units Constructed Prior to 1/1/1979
Instruction Sheet

Definitions

Deteriorated paint means *paint* that is cracking, flaking, chipping, peeling, or otherwise separating from the substrate of the *dwelling unit* or any component thereof.

Paint includes any paint, varnish, shellac or other similar coating. It does not include stucco.

Renovation means any modification of all or part of an existing dwelling unit, structure that disturbs or removes paint.

Instructions

Purpose:

The Lead Hazard Prevention and Control Ordinance requires owners of rental properties built before January 1, 1979 to perform certain duties once a dwelling unit becomes vacant. Unless a unit has been tested by a state certified lead inspector and proven to be free of lead-based paint, the ordinance requires every unit to be visually inspected for *deteriorated paint* each time a tenant vacates the unit and prior to re-occupancy. By law, *deteriorated paint* in excess of certain minimum levels that is found in pre-1979 structures during a visual inspection is presumed to be a lead hazard that must be corrected, unless the dwelling was proven to be lead-free as described above. Any condition causing paint deterioration must also be addressed, to eliminate the cause of this paint deterioration. This includes moisture problems, rust, friction surfaces, deteriorating substrates, etc. These repairs require the use of various lead-safe work practices depending on the level of hazard and must be completed and pass inspection prior to the unit's re-occupancy. Repairs must be consistent with the relevant requirements contained in Sections 54.1005-1006 (includes Appendix "A"). The owner must maintain all inspection, testing and correction documentation that is pertinent to these requirements for at least three years and provide them to the City upon request. Owners do have a duty to correct lead hazards in a dwelling unit anytime they are found to be present, not just at unit turnover. (Section 54.1007)

When to Use:

Use this form at every unit turnover, every time, unless the unit has been tested by a certified inspector and proven to be lead-based paint free. If the unit has been tested and proven to be lead-based paint free, a completed copy of California Department of Public Health (CDPH), *Lead Hazard Evaluation Report (Form 8552)*, must be filed with the City within 30 days from when a qualifying activity occurs. *Deteriorated paint* that is proven to contain lead in concentrations less than 1,000 ppm or 0.5 mg/cm² by a state certified lead inspector is not considered a lead hazard and normal non-lead paint maintenance procedures may be performed.

Preparation of the Form

Visual Inspection

The owner/owner's agent of the dwelling unit is responsible for conducting the visual inspection for *deteriorated paint*. Every painted surface, or component thereof, in the interior and proximate exterior of the dwelling unit should be inspected for cracking, flaking, chipping, peeling, or other separation from the substrate. Unless the paint is proven to be lead-free, you must presume it to be lead-based paint.

Documentation of Visual Inspection

Using the grid, draw a diagram that approximates the layout of the unit. If you find deteriorated paint, for example on the living room windowsill, place a number 1 on the box closest to that location (see example below). On the following page, next to item 1, describe the location and description of the deteriorated paint (e.g. lower left corner of living room windowsill, paint cracked). If work site preparation is required such as sanding, as in example 2, note that worksite preparation is needed and indicate the approximate surface area disturbed. Be sure to inspect all painted surfaces, such as, but not inclusive of, walls, ceilings, floors, moldings (door, window, and floor), closet interiors, windows and sills, and places where moisture can accumulate such as in bathrooms as well as kitchens. Exterior painted surfaces proximate to the unit also should be inspected. Indicate on the diagram whether a deteriorated surface was found on the interior or exterior.

Correction of Deteriorated Paint

All persons who disturb or remove paint on any surface in a pre-1979 structure must use lead-safe work practice standards, unless the structure has been certified lead-based paint free by a certified inspector. Section 54.1006 and Appendix "A" of the Lead Hazard Prevention and Control Ordinance, set forth the minimum required levels of worksite preparation and lead safe work practices, as excerpted from the *HUD guidelines*. It would be advised to never allow a tenant to paint or correct a lead hazard in a rental unit, especially a pre-1979 dwelling unit/structure.

For repair guidance, see HUD's *Lead Paint Safety* field guide available at <http://www.hud.gov/offices/lead/library/lead/LeadSafetyFieldGuide.pdf> or visit the SDCAA or the City of San Diego's Web site for training seminars.

Documentation of Final Inspection

Insert date, and the name of the person doing the final inspection.

Copies and Distribution

This form is not provided to the tenant. The original and any copies should be retained in the Owner/agent's file for three years and provided to the City upon request.

Pitfalls and Precautionary Notes

Federal law requires landlords to disclose the presence of known lead-based paint and lead-based paint hazards in the dwelling. Each occupant is to be provided with a copy of U.S. Environmental Protection Agency pamphlet entitled "Protect Your Family From Lead-Based Paint In Your Home" prior to occupancy.

Federal and local law requires that prior to beginning activities that disturb or remove lead paint, each occupant shall be provided, either by the owner/agent or by the *renovator*, with a copy of US Environmental Protection Agency pamphlet entitled "Protect Your Family From Lead-Based Paint In Your Home."

Not less than seven business days before beginning activities which disturb or remove lead based paint, a written notice, in accordance with local, state and federal law, shall be posted in a conspicuous location and provided to each occupant of a dwelling unit/or structure where activities will be conducted.

This form has been prepared by the SDCAA to help members comply with applicable law. The SDCAA does not make representation or warranty about the legal sufficiency or effect of this form. Consult with an attorney if you require assistance in completing the form or to determine if use of the form is appropriate or changes to the form are necessary in any particular situation.

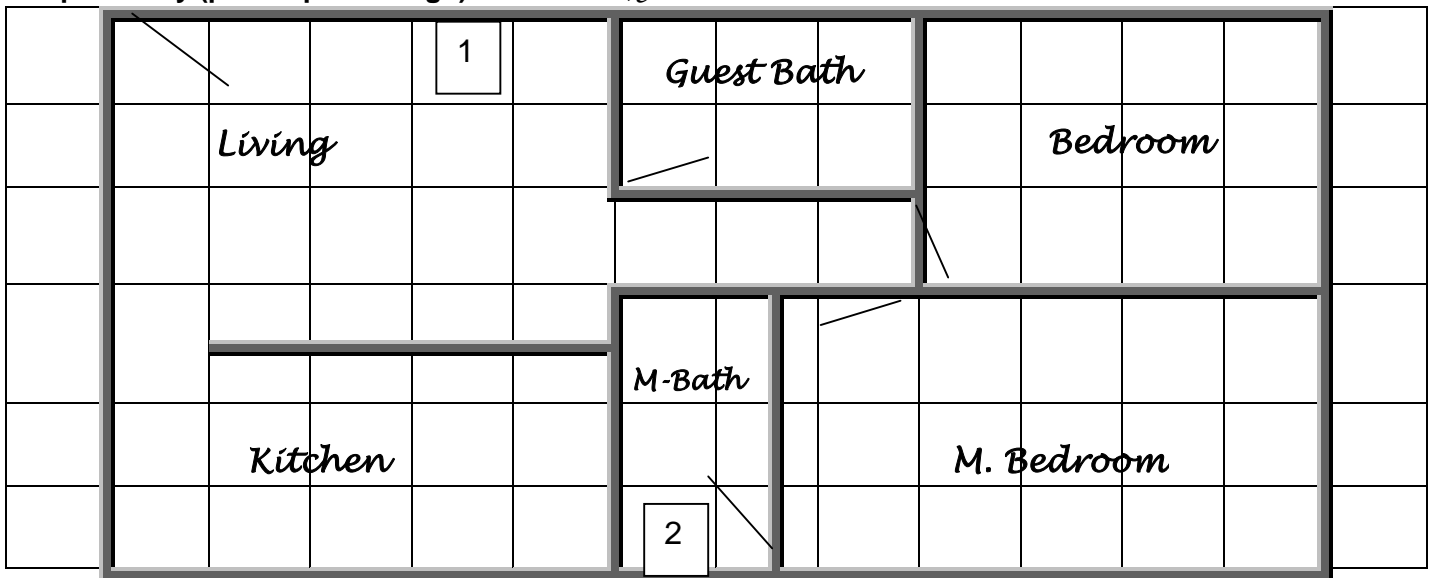
The SDCAA does not sanction any SDCAA form that has been altered or changed in any way.

Sample - City of San Diego Documentation of Visual Inspection for Deteriorated Paint

Date of inspection: January 1, 2000

Address: 123 America Road, San Diego, CA 98765 **Unit Number:** A555

Inspected by (please print & sign): John Smith, *John Smith*



Item #	Location	Description of Issue	Corrective Measures Taken (Date)
1	<i>Lower left corner of Living Room windowsill</i>	<i>Cracked paint</i>	<i>Prime and paint, 1/1/08</i>
2	<i>Bathroom window</i>	<i>Moisture damage, blistered, peeling paint due to lack of ventilation, <2 sq/ft</i>	<i>Scrape paint, requires preparation, installed more powerful ventilation fan, 1/1/08</i>

Description of Problem Area (See instruction sheet for examples):

Item #	Location	Description of the Issue	Corrective Measures Taken (Date)
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			

For additional items, attach a separate sheet.

Additional Sheets

Date of final inspection: _____

Address: _____ Unit Number: _____

Inspected by (Print): _____ (Sign) _____