

# LEAD PAINT HAZARDS IN HOMES: A GUIDE FOR CODE ENFORCEMENT

## RELEVANT CODES

### CA Health and Safety Code sections 17920.10

*Lead hazards are identified as a condition of substandard housing.*

**Example:** Deteriorated paint in housing built before January 1, 1978. (Defined as “presumed lead-based paint,” Title 17, California Code of Regulations, section 35043).



### CA Health and Safety Code sections 105256

*Authority to issue an “Order to Abate” or a “Cease and Desist” for any condition or activity that is creating or has created a lead hazard.*

**Example:** Creating a lead hazard by remodeling in a pre-1978 building without using plastic tarps to catch paint chips and dust.

## EXAMPLES OF “ORDER TO ABATE” LANGUAGE

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

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

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

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## KEY CONCEPTS AND DEFINITIONS

- California State Housing Law identifies lead hazards (including “*deteriorated lead-based paint*”) as a condition of substandard housing. State Housing Law requires local enforcement agencies (e.g., building departments, code enforcement, etc.) to order the abatement of identified substandard housing conditions.
- “*Deteriorated lead-based paint*” means lead-based paint or presumed lead-based paint that is cracking, chalking, flaking, chipping, peeling, non-intact, failed, or otherwise separating from a component.
- “*Presumed lead-based paint*” means paint or surface coating affixed to a component in or on a structure constructed prior to January 1, 1978.
- Creating a lead hazard (e.g., by remodeling a pre-1978 home without using “lead safe” work practices) is a violation of CA Health and Safety Code section 105256. Contractors, remodelers and painters are required to use “lead-safe” work practices (such as using plastic tarps to catch paint chips and debris) pursuant to Title 17, CA Code of Regulations, section 36050.

### What to tell owners/managers

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

### What to tell tenants

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