

## **CALIFORNIA LEAD-RELATED CONSTRUCTION CODES AND REGULATIONS**

### **CALIFORNIA STATE HOUSING LAW**

The State Housing Law is Division 13, Part 1.5 *Regulation of Buildings Used for Human Habitation* of the Health and Safety Code and includes Sections 17910 through 17995.5

The following is a summary of some key sections of the State Housing Law that address lead hazards.

#### **17920.10.**

- (a) Any portion of a building or premises that contains lead hazards is in violation of the State Housing Law. Lead hazards under this part are:
- Deteriorated lead-based paint. This includes all paint on pre-1978 structures unless it has been tested by a professional and shown not to be lead-based paint.
  - Lead-contaminated dust
  - Lead-contaminated soil
  - Disturbing lead-based paint without containment
- if one or more of these hazards are present in amounts established for these terms in Title 17 and that are likely to endanger the health of the public or the occupants as a result of their proximity.
- (b) Definitions of terms is in accordance with latest version of Title 17 (currently April 30, 2008)
- (c) and (d) SUPERSEDED: Minimum area requirements for deteriorated paint or disturbed areas to be considered hazards. These sub-sections are no longer applicable as revised Title 17 regulations became effective on April 30, 2008 and Title 17 definitions supersede these sub-sections.

### **Enforcement Agencies**

#### **17960.**

The building department of every city or county shall enforce within its jurisdiction all the provisions of this part pertaining to the reconstruction, movement, enlargement, conversion, alteration, repair, removal, demolition, or arrangement of apartment houses, hotels, or dwellings.

#### **17961**

Health department or environmental department may, in addition to the building department, enforce 17920.10. Agencies shall coordinate enforcement activities to avoid unnecessary duplication. Under certain circumstances the State Department of Public Health may enforce 17920.10.

<http://www.leginfo.ca.gov/calaw.html>

### **OTHER SECTIONS OF HEALTH AND SAFETY CODE**

Lead is also addressed in Health and Safety Code

Division 103, Part 5, Chapter 4: Residential Lead-Based Paint Hazard Reduction

#### **105251**

Definitions for abatement, lead hazard, and lead-related construction work shall have the same meaning as Title 17 of the California Code of Regulations (Chapter 8, starting with section 35001 of Division 1)

- Abatement  
Any set of measures designed to reduce or eliminate lead hazards or lead-based paint for public and residential buildings, but does not include containment or cleaning.
- Lead hazard  
Deteriorated lead-based paint, lead contaminated dust, lead contaminated soil, disturbing lead-based paint or presumed lead-based paint without containment, or any other nuisance which may result in persistent and quantifiable lead exposure.

- **Lead-related construction work**

Any construction, alteration, repair, etc. including preparation and cleanup, that, by using or disturbing lead-containing material or soil, may result in significant exposure of adults or children to lead.

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 the component. Presumed lead-based paint is any paint or surface coating in or on a structure constructed prior to 1978 unless it has been tested by a qualified professional and shown to be not lead-based paint.

**105253 and 105254**

Establishes requirements for Certified Lead-Related Construction Individuals. The California Department of Public Health or a local enforcement agency may investigate. Provides for \$1,000 fine/6 months in jail for violations

**105255**

Lead-Related Construction: Creation of a Lead Hazard at a Public or Residential Building. The California Department of Public Health or a local enforcement agency may order to cease-and-desist or abate and correct. Requires providing a reasonable opportunity to correct. Provides for \$1,000 fine for refusal or disobey.

**105256**

Condition or Activity at location is a lead hazard or is creating a lead hazard. The California Department of Public Health or a local enforcement agency may order to cease and desist or abate/correct. First refusal to obey is an infraction and up to a \$1,000 fine. Second refusal to obey is a misdemeanor.

<http://www.leginfo.ca.gov/calaw.html>

**CALIFORNIA TITLE 17**

California Code of Regulations, Chapter 8, starting with section 35001 of Division 1 Accreditation, Certification, and Work Practices For Lead-Based Paint and Lead Hazards

**36050**

Lead-Safe Work Practices: Anyone conducting abatement, lead-related construction work, or any activity which disturbs lead-based paint, presumed lead-based paint, or creates a lead hazard shall use containment, ensure the work area has no visible dust or debris when the project is complete, and demonstrate compliance to the State Department of Public Health or any local enforcement agency (per 105251) upon request.

<http://www.cdph.ca.gov/programs/CLPPB/Documents/Title17.pdf>

**CALIFORNIA CIVIL CODE**

The Civil Code also addresses lead-based paint as it impacts tenantability as follows:

**1941.1**

A dwelling shall be deemed untenable if it is a residential unit described in Section 17920.10 of the Health and Safety Code.

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