

1 [Reduce Members of Lead Hazard Reduction Citizens Advisory Committee From 20 to 14.]

2
3 **Ordinance amending section 1608 of the San Francisco Health Code to reduce the**
4 **number of voting members in the Lead Hazard Reduction Citizen Advisory Committee**
5 **from 20 to 14 members by eliminating seats for the affordable housing developers,**
6 **financial expert, ~~parent,~~ and child care representatives, reducing the number of paint**
7 **contractor representatives from two to one and reducing the number of tenant**
8 **representatives from three to two.**

9 Note: Additions are *single-underline italics Times New Roman*;
10 deletions are *~~strikethrough italics Times New Roman~~*.
11 Board amendment additions are double underlined.
Board amendment deletions are ~~strikethrough normal~~.

12 Be it ordained by the People of the City and County of San Francisco:

13 Section 1. The San Francisco Health Code is hereby amended by amending Section
14 1608, to read as follows:

15 **SEC. 1608. LEAD HAZARD REDUCTION CITIZENS ADVISORY COMMITTEE.**

16 (a) There is hereby established a Lead Hazard Reduction Citizens Advisory Committee
17 (hereafter, the "Advisory Committee") of the City and County of San Francisco. The Advisory
18 Committee shall (i) recommend to the Board of Supervisors a range of options for a lead
19 hazard reduction program for residential dwelling units, and (ii) provide consultation and
20 assistance to the Director upon the Director's request with respect to the implementation of
21 those provisions when they become effective. The Advisory Committee shall submit a report
22 to the Board of Supervisors within one year of the effective date of this ordinance and
23 annually thereafter. The report shall at a minimum include recommendations on the following
24 matters:

- 25 (1) Acceptable levels of exposure to various sources of lead;

- 1 (2) The circumstances under which responsible parties must reduce lead
2 exposure hazards to avoid imminent hazards and potential health risks to persons;
- 3 (3) A priority-based schedule of classes of dwelling units and premises
4 where owners or operators must reduce lead hazards based on various factors, such as the
5 age and condition of a building, and the age of the occupants;
- 6 (4) Provisions to insure that occupants are relocated to lead-safe housing
7 during lead hazard reduction activities where necessary;
- 8 (5) Acceptable lead hazard reduction methods;
- 9 (6) Containment and cleanup measures to be taken as part of the lead
10 hazard reduction activities;
- 11 (7) Occupational safety and health provisions for inspectors, contractors,
12 supervisors, workers and other persons who perform lead hazard reduction;
- 13 (8) Provisions to protect the health and safety of occupants, neighbors and
14 the public from exposure to lead during lead hazard reduction activities;
- 15 (9) Provisions for insuring safe disposal of lead-contaminated waste;
- 16 (10) The qualifications necessary for any person (contractors, supervisors,
17 consultants, and workers) to perform lead hazard work
- 18 (11) Assess the extent of the need to implement lead hazard reduction efforts,
19 the potential impact of alternative lead hazard reduction measures on tenants and landlords,
20 and the most effective way to implement the program to reduce lead hazard risks;
- 21 (12) Provide advice to the Mayor's Office with respect to the development of
22 proposed incentive programs pursuant to Section 1634 when the Mayor's Office requests
23 such assistance;
- 24 (13) Appropriate financing mechanisms for any proposals recommended.
25

1 (b) The Advisory Committee shall consist of ~~20~~ 14 members appointed by the Board
2 of Supervisors. The members shall consist of representatives, or their designee, from each of
3 the following categories:

4 ~~(1) — Affordable housing developers: One representative;~~

5 ~~(1 2)~~ Bureau of Building Inspection: One representative;

6 ~~(2 3)~~ Painting contractors: ~~Two~~ One representatives;

7 ~~(3 4)~~ Building trade: One representative;

8 ~~(5) — Child care: One representative;~~

9 ~~(4 6)~~ Mayor's Office: One representative involved in housing and community
10 development issues;

11 ~~(5 7)~~ Public interest organization: One representative;

12 ~~(6 8)~~ Residential owners: Two representatives;

13 ~~(7 9)~~ Tenant organizations: ~~Three~~ One~~Two~~ representatives;

14 ~~(8 10)~~ Testing expert: One representative;

15 ~~(9 11)~~ Abatement expert: One representative;

16 ~~(12) — Financial expert: One representative;~~

17 ~~(14) — Parent: One representative;~~ (10) Parent: One representative;

18 ~~(10 14)~~ United States Environmental Protection Agency, CAL/OSHA, San
19 Francisco Housing Authority: Three representatives; one from each agency to serve as ex
20 officio, non-voting members who shall not be counted in determining the quorum for the
21 Advisory Committee.

22 The Director, or his or her designee, shall attend all meetings of the Advisory
23 Committee.

1 (c) Members of the Committee shall serve without compensation or reimbursement
2 for expenses. In the event a vacancy occurs, the Board of Supervisors shall appoint a
3 successor from the same category.

4 (d) At the initial meeting of the Advisory Committee, and yearly, thereafter, the
5 Advisory Committee members shall select such officers deemed necessary by the Advisory
6 Committee. The Advisory Committee shall establish rules and regulations for its own
7 organization and procedure and shall meet when necessary as determined by the Advisory
8 Committee. All meetings shall, except as provided by general law, be open to the public.

9 (e) The establishment of the Lead Hazard Reduction Committee is not intended to
10 limit the efforts currently engaged in by City departments to reduce the risks of exposure to
11 lead.

12 (f) The Director shall provide clerical assistance to the Lead Hazard Reduction
13 Citizens Advisory Committee and its subcommittees.

14 (g) The Director and the Advisory Committee shall take the following actions to
15 address lead hazards in dwelling units subject to inspection under Section 1626.

16 (1) The Director shall draft Proposed Interim Lead Hazard Reduction
17 Guidelines designed to assist the Advisory Committee in its presentation under Section
18 1608(g)(2), and present them to the Advisory Committee at its first meeting.

19 (2) Within six months after the effective date of this Section, the Advisory
20 Committee shall present Final Interim Lead Hazard Reduction Guidelines (“Interim
21 Guidelines”), including any changes recommended by the Advisory Committee, to the Board
22 of Supervisors in the form of a draft ordinance. The Interim Guidelines shall be designed to be
23 effective pending enactment of any ordinance based on the Advisory Committee's
24 recommendations under Section 1608(a).

1 (3) The Interim Guidelines shall be developed in accordance with sound
2 medical practice and current technical knowledge, and include at least the following:

3 (A) Procedures requiring the owner of a dwelling inspected pursuant to
4 Section 1626 to reduce lead hazards;

5 (B) The amount or concentration of lead that creates a threat of cases
6 of childhood lead poisoning, and the allowable means of detection;

7 (C) The surfaces where lead hazard reduction must be performed
8 shall include areas accessible to children and areas where the condition of the paint, plaster
9 or other surface covering is deteriorating and resulting in accessibility of lead paint to children;

10 (D) Acceptable methods of lead hazard reduction prescribing the
11 removal or adequate covering of lead-based paint. Repainting with common non-lead-based
12 paint, or covering with easily removable materials shall not constitute acceptable methods of
13 lead hazard reduction. Acceptable methods shall prohibit reduction techniques that may
14 damage the health of residents, neighbors or workers. Acceptable methods shall include
15 cleanup and containment procedures;

16 (E) Procedures for inspections after lead hazard reduction work is
17 completed, and for certification that lead hazards have been reduced in accordance with the
18 Interim Guidelines;

19 (F) Procedures requiring notice of the risks of lead paint hazards to
20 tenants, purchasers of real estate, and purchasers of home improvement products. The
21 committee shall consider, among other matters it deems appropriate, how to define tenants,
22 whether tenants in certain buildings (such as those newly constructed) need not receive
23 notice; how and when the notice can be disseminated effectively and economically; whether
24 the notice shall be posted in stores selling building materials and hardware; whether the
25 notice shall be required in real estate transactions; and the content of the notice.

1 (4) Within six months after the effective date of this Section, the Advisory
2 Committee shall propose legislation to the Board of Supervisors amending Chapter 37 of the
3 San Francisco Administrative Code, the Residential Rent Stabilization and Arbitration
4 Ordinance, to provide whether and under what circumstances the costs of lead hazard
5 reduction may be passed on to tenants, and further to provide protection against permanent
6 displacement of tenants due to lead hazard reduction.

7 (h) Members of the Lead Hazard Reduction Citizens Advisory Committee shall be
8 appointed for a term of four years; provided, however, that the 23 members first appointed
9 shall, by lot at the first meeting, classify their terms so that seven shall serve for a term of two
10 years, eight shall serve for a term of three years, and eight shall serve for a term of four years.

11 (i) The Lead Hazard Reduction Citizens Advisory Committee shall sunset on
12 December 31, 2006.

13
14 APPROVED AS TO FORM:
15 DENNIS J. HERRERA, City Attorney

16 By: _____
17 Deputy City Attorney

18
19
20
21
22
23
24
25