

FILE NO.

1 [Reduce Members of Lead Hazard Reduction Citizens Advisory Committee From 20 to 15]

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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 15 members by eliminating seats for the affordable housing developers,**  
6 **financial expert, 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.**

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

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

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

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

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

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- (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.  
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1 (b) The Advisory Committee shall consist of 15 members appointed by the Board of  
2 Supervisors. The members shall consist of representatives, or their designee, from each of  
3 the following categories:

4 (1) Bureau of Building Inspection: One representative;

5 (2) Painting contractors: *One* representative;

6 (3) Building trade: One representative;

7 (4) Mayor's Office: One representative involved in housing and community  
8 development issues;

9 (5) Public interest organization: One representative;

10 (6) Residential owners: Two representatives;

11 (7) Tenant organizations: Two representatives;

12 (8) Testing expert: One representative;

13 (9) Abatement expert: One representative;

14 (10) Parent: One representative;

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

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

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

24 (d) At the initial meeting of the Advisory Committee, and yearly, thereafter, the  
25 Advisory Committee members shall select such officers deemed necessary by the Advisory

1 Committee. The Advisory Committee shall establish rules and regulations for its own  
2 organization and procedure and shall meet when necessary as determined by the Advisory  
3 Committee. All meetings shall, except as provided by general law, be open to the public.

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

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

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

11 (1) The Director shall draft Proposed Interim Lead Hazard Reduction  
12 Guidelines designed to assist the Advisory Committee in its presentation under Section  
13 1608(g)(2), and present them to the Advisory Committee at its first meeting.

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

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

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

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

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

4 (D) Acceptable methods of lead hazard reduction prescribing the  
5 removal or adequate covering of lead-based paint. Repainting with common non-lead-based  
6 paint, or covering with easily removable materials shall not constitute acceptable methods of  
7 lead hazard reduction. Acceptable methods shall prohibit reduction techniques that may  
8 damage the health of residents, neighbors or workers. Acceptable methods shall include  
9 cleanup and containment procedures;

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

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

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

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

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

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8 APPROVED AS TO FORM:  
9 DENNIS J. HERRERA, City Attorney

10 By: \_\_\_\_\_  
11 Deputy City Attorney

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