

COUNCIL OF THE DISTRICT OF COLUMBIA

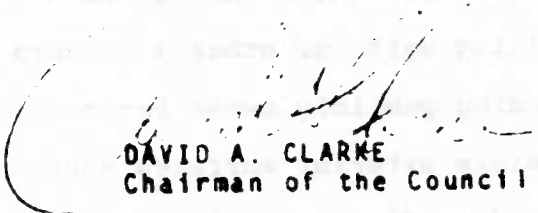
NOTICE

D.C. LAW 5-35

"Lead-Based Paint Poisoning Prevention Act of 1983".

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P. L. 93-198, "the Act", the Council of the District of Columbia adopted Bill No. 5-38 on first and second readings, June 21, 1983 and July 5, 1983, respectively. Following the signature of the Mayor on July 21, 1983, this legislation was assigned Act No. 5-57, published in the August 19, 1983 edition of the D.C. Register, (Vol. 30 page 4156) and transmitted to Congress July 22, 1983 for a 30-day review, in accordance with Section 602 (c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired, and therefore, cites this enactment as D.C. Law 5-35, effective October 8, 1983.


DAVID A. CLARKE
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

July 22, 25, 26, 27, 28, 29

August 1, 2, 3, 4

September 12, 13, 14, 15, 16, 19, 20, 21, 22, 23, 26, 27, 28, 29, 30

October 3, 4, 5, 6, 7

D.C. LAW 5-35

AN ACT

EFFECTIVE
DATE OCT - 8 1983

D.C. ACT 5-57

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUL 21 1983

To amend the Housing Regulations of the District of Columbia to reduce the permissible lead content of paint used in and around residential buildings.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,

That this act may be cited as the "Lead-Based Paint Poisoning Prevention Act of 1983".

Sec. 2. The Housing Regulations of the District of Columbia, effective August 11, 1955 (C.O. 55-1503), is amended as follows:

CODIFICATION
D.C. Municipal
Regulations
(DCMR)

(a) Section 1102 is amended by adding the following definitions to be appropriately placed within alphabetical order and to read as follows:

Note,
D.C. Code,
sec. 9-302
(1981 ed.)

"'Exterior surface' means exterior surfaces readily accessible to children under the age of 8 years for any dwelling, dwelling unit, or other structure on residential premises including publicly owned residential property. Readily accessible exterior surfaces shall specifically include doors, door frames, railings, steps, window frames and sills.

"'Residential premises' means any building wholly or partly used or intended to be used for living and sleeping by human occupants, together with any fences, walls, sheds, garages, or other accessory buildings appurtenant to such a

building, and the area of land surrounding the building and actually or by legal construction forming one enclosure in which such a building is located."

(b) Section 2102 is amended by adding immediately following the phrase "part thereof" the phrase "(including those owned by the District of Columbia government)".

(c) Section 2605.2 is amended to read as follows:

"2605.2 The Mayor of the District of Columbia shall designate an agent of the District of Columbia to inspect any residential premises where there is reason to believe lead may present a health hazard because of the presence of a child under the age of 8 years who (a) lives in the premises or (b) is a regular visitor to the premises who spends a substantial portion of his time there. For the purpose of this section, the phrase 'a substantial portion of his time' shall mean at least ten (10) hours per week in the aggregate on a regular basis. The designated agent, whenever (a) upon inspection finds the presence of flaking, peeling, chipped or loose paint, plaster, or structural materials on any interior or exterior surface of any residential premises, or (b) has other reasonable grounds to believe that a hazard may exist to the health of any inhabitant of or visitor to the residential premises because of the presence of lead or lead in its compounds on such surfaces, is authorized to secure specimens of paint, plaster, or structural materials, and to analyze or cause an analysis to be made of the specimens to determine the quantity of lead or lead in its compounds contained in the

material. The agent may, instead of securing specimens, test a surface with an in situ analyzer device. In instances where suspected lead poisoning has been reported and verified, the Mayor or his designated agent may cause the inspection of any exterior surface, beyond those surfaces specifically mentioned in section 1102, and order corrections of any exterior surface condition found hazardous under section 2605.3, provided that there is a reasonable probability that the exterior surface conditions on the property other than those specifically noted in section 1102 are related to the reported lead poisoning."

(d) Section 2605.3 is amended to read as follows:

"2605.3 In any case in which analysis reveals the presence of lead or lead in its compounds in a quantity exceeding 0.5 of 1 percent or more of the total weight of the materials or 0.7 milligrams or more per square centimeter (0.7 mg/cm²) or in a quantity otherwise sufficient to constitute a hazard to the health of any inhabitant of the residential premises under the age of 8 years, or regular visitor to the residential premises under the age of 8 years who spends a substantial portion of his time there, the agency shall notify the Director of the Department of Housing and Community Development, in writing, within seventy-two (72) hours, that a lead poisoning hazard exists. The Director of the Department of Housing and Community Development shall notify, in writing, the inhabitants and the owner of record of the property that lead in a quantity sufficient to constitute a hazard was

found and that a lead poisoning hazard exists."

(e) Section 2605.4 is amended to read as follows:

"2605.4 The owner of any residential premises (a) in which there resides a child under the age of 8 years or (b) to which a child under the age of 8 years is a regular visitor who spends a substantial portion of his time in the premises, shall maintain the interior and exterior surfaces of the residential premises free of lead or lead in its compounds in any quantity exceeding 0.5 of 1 percent of the total weight of the material or more than 0.7 milligrams per square centimeter (0.7 mg/cm^2), or in any quantity sufficient to constitute a hazard to the health of any resident of the residential premises or any regular visitor to the residential premises who spends a substantial portion of his time in the residential premises. The Director of the Department of Housing and Community Development shall order the owner of the residential premises in which a lead poisoning hazard was found to:

"(a) Remove all materials containing lead or lead in its compounds from the interior or exterior surfaces to their base surface, under the safety conditions approved by the Director of Housing and Community Development, and then either cover surfaces with a paint not containing lead or lead in its compounds in a quantity exceeding 0.5 of 1 percent of the total weight of the material or 0.7 milligrams per square centimeter (0.7 mg/cm^2) of the material or leave the surfaces in their natural state provided that the flame spread rating of the natural state

is at least equal to that required by the Second Amendment to the 1972 D.C. Building Code;

"(b) Cover the interior or exterior surfaces with a durable material approved by the Director of the Department of Housing and Community Development; or,

"(c) Eliminate the lead hazard by other methods approved by the Director of the Department of Housing and Community Development.

"Inaccessible exterior surfaces must be scraped to remove peeling and flaking paint and to make the surface tight.

"No surface which is the subject of a notice pursuant to this section shall be refinished until an inspector from the Department of Housing and Community Development has certified in writing that the condition affecting the surface has been abated in accordance with these regulations.

"Any owner who is served with an order pursuant to this section shall comply with such an order within ten (10) days of its service upon him or shall obtain an extension of the ten (10)-day period from the Director of the Department of Housing and Community Development. No extension shall exceed thirty (30) days, but thirty (30)-day extensions may be renewed at the discretion of the Director of the Department of Housing and Community Development."

(f) By adding a new section 2605a to read as follows:

"2605a - Right of Entry, Inspection, and Subpoena Powers

"(a) The Mayor and any other duly authorized official of the District of Columbia having jurisdiction over, or responsibilities pertaining to, any residential premises shall have the right, after presenting official credentials of identification and authority issued by the District of Columbia either with or without prior notice, to enter upon and into any residential premises in which (a) one (1) or more children under the age of 8 years reside and there is chipped, peeling, or flaking paint, or other materials on one (1) or more surfaces which are reasonably accessible to children under the age of 8 years, or (b) a medical evaluation completed within the sixty (60)-day period preceding an inspection has revealed the presence of lead toxicity in any occupant or regular visitor to the premises who spends a substantial portion of his time there, in order to determine compliance with the provisions of these regulations. The entry and inspection shall take place with the least possible disruption to the occupants.

"(b) The right of entry and inspection shall be extended to any residential premises which the Mayor has reason to believe are in violation of the provisions of these regulations. No entry or inspection of any residential premises shall be made without the permission of the occupant of the premises unless a warrant is obtained first from the Superior Court of the District of Columbia pursuant to the District of Columbia Code, section 11-941, authorizing the entry and inspection for the purpose of determining compliance with provisions of these regulations.

COUNCIL
CHMN. C
CRAWFO
JARVIS
KANE
MASON

Chairman

COUNCIL
CHMN. CL
CRAWFORD
JARVIS
KANE
MASON

Mayor

District of Columbia

APPROVED: July 21, 1983