

**LEAD-BASED PAINT INSPECTION PROCEDURES****Page - 1-**

The "Lead-Based Paint Poisoning Prevention Code" went into effect on July 1, 2006. The following procedures are provided to create consistency concerning the application and enforcement of this ordinance.

As a part of all initial inspections, there shall be a visual observation for both interior and exterior deteriorated paint and bare soil violations (as defined in §90-54). Upon completion of this initial inspection, the following relative action(s) shall be taken:

**A) Deteriorated Paint on the Exterior and or Bare Soil**

Upon conducting an exterior inspection, whenever a bare soil violation or an exterior deteriorated paint violation, including an open porch (as defined in §90-52), is observed, a notice and order shall be issued citing the relative violation(s). Concerning these cases, all follow up, including any necessary enforcement, will initially be the responsibility of the area CEO.

**B) Interior Deteriorated Paint**

During all inspections involving the interior of a unit, once an interior deteriorated paint violation has been identified in the unit, the owner/agent, if they are present, shall be advised of the potential hazard that it presents. The expectation of having this violation cleared within sixty days, if the unit is occupied, shall be explained. As a matter of procedure, the following is to be used as a guide when interior deteriorated paint has been cited:

When a deteriorated paint violation is found in the interior of a unit, including enclosed porches, a notice and order shall be issued citing the relative violation. Abatement of the interior deteriorated paint violation(s) in a unit can only be performed by the Lead Paint Program Coordinator after a clearance certificate is received from an EPA Certified Lead-Based Paint Inspector or a Risk Assessor **and** an affidavit are supplied by the owner. For these cases, all follow up, including any necessary enforcement, will initially be the responsibility of the area CEO.

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**C) No Interior Deteriorated Paint**

When an interior inspection **does not** reveal a deteriorated paint violation, the following relative course of action shall be taken:

- 1) Unit is **not** located in the "High Risk" area;

*If the unit is not located in the "High Risk" area and there is no interior lead-related issue, the normal course of processing the inspection results apply.*

- 2) Unit **is located** in the "High Risk" area and is not a studio unit, is not located in a senior citizen facility, is not in a structure with more than five units, or a complex of more than 10;
- 3) Owners of a one or two-family dwelling located in the "High Risk" area occupied by a Section 8 tenant and inspected by the Rochester Housing Authority (RHA) where an RHA waiver has been approved will not require a lead test for that specific unit;
- 4) The inspector will cite PC713 (Lead Dust Wipe Test required). This will initiate the owner's need to schedule the test within 30 days of the Notice and Order citation. After the test, the inspector will prepare the samples to be sent to the contracted lab for analysis. If all results are below the EPA clearance level for the surface tested, the PC713 will be abated by the Lead Paint Program Coordinator (LPPC);
- 5) If any sample result is below but not more than twice the EPA clearance level for the surface tested, the surface shall be tested a second time, not more than 60 days after the first test. If the result is below the EPA clearance level for the surface tested, the PC713 will be abated by the Lead Paint Program Coordinator. If the second test **does not** achieve the EPA clearance level for the surface tested, the PC713 will be closed by the LPPC, and a PC710 will be added for each sample that failed.

**\*\*\*Note**      **Once a PC710 has been added to the case; the LPPC shall only remove it after receipt of a Lead Clearance Report conducted by an EPA Certified Lead-Based Paint Inspector or Risk Assessor;**

- 6) If any sample result is more than twice the EPA clearance level for the surface tested, the PC713 will be closed by the LPPC, and a PC710 will be added for each sample that failed. The surface shall be tested a second time, not more than 30 days

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after the first test, if the result is below the EPA clearance level for the surface tested, the PC710 will be abated by the Lead Paint Program Coordinator. Suppose the second test does not achieve the EPA clearance level for the surface tested. In that case, the LPPC shall only remove it after receipt of a Lead Clearance Report conducted by an EPA Certified Lead-Based Paint Inspector or Risk Assessor.

**D) ENFORCEMENT**

Interior deteriorated paint and or a lead dust violation present a significant health hazard to the respective unit's occupants. For this reason, these violations are to be prioritized in our enforcement efforts. The following procedures for enforcing these violations are specific to only these violations. They are not meant to change our overall policy related to the enforcement and soliciting of voluntary compliance relative to other violations. The enforcement process of these prioritized violations shall not be used as a means to ticket non-related violations outside the specifications of Policy #23.

1. Interior Lead Ordinance Violations (**PC710, PC712, PC717, PC802, PC803, PC806, PC807, or PC808**)

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If a property is identified as having an interior lead-related violation, the following shall be used as a guide when voluntary compliance has not been achieved.

- A Vacant Units (to include vacant partial citation)
  - 1. If the unit is vacant, an extension can be granted at the discretion of the assigned inspector until the unit becomes occupied, as long as an acceptable work schedule has been submitted.
  - 2. If the unit becomes occupied and compliance has not been achieved, follow the procedures listed below in section (B).
- B. Occupied Units
  - 1. Owner/Agent is advised of our expected sixty-day compliance time during the initial inspection if they are present.
  - 2. Once the N&O expires at thirty days, the owner shall be contacted for an update and to reiterate the need to have this violation corrected.
  - 3. If the owner has not complied or progressed within two weeks of the contact made in step 2 above or the unit has not become vacant, the inspector may request a ticket.
  - 4. Upon reinspecting the case, after the ticket has been sent, if the owner has not complied, progressed, or the unit has not become vacant, a second ticket shall be requested for the subject violation.
  - 5. Enforcement shall continue for the relative violation as necessary.

**NOTE: When there is reason to believe that a child under six or a pregnant woman resides in the occupied unit, a vacate order may be issued before a ticket is requested.**

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2. Lead Dust Wipe Test Required (PC713)

In applicable cases involving the "High Risk" area, where it has been established that a lead dust wipe test is required, the CEO will attempt to conduct the required test within sixty days, including an entry letter, when necessary. Once an entry letter has been sent, if the owner does not reschedule or show up for that appointment, a ticket may be requested.

In every situation involving a Lead Dust Wipe Test, the relative case will be monitored monthly by the assigned inspector. This includes C of O cases where this is the only remaining violation. In these situations, the applicable procedures below shall be followed.

1. Vacant Units

In cases involving PC713 for a vacant unit, the inspector will monitor monthly the vacancy status. Once the unit has been occupied, if attempts to conduct the wipe test have been exhausted, the enforcement procedures for occupied units shall be followed as indicated by the case event notes.

2. Occupied Units

In occupied units, where documented attempts, including a lead dust wipe test entry letter to gain access, have failed and the owner has not complied, or the unit has not become vacant, a ticket shall be requested for the subject violation.

**\*Note: Only the Lead Paint Program Coordinator will be authorized to abate PC710, PC712, PC713, PC717, PC802, and PC803.**

**\* All dust wipe tests will be conducted per section 90-57 of the City Code. \***

**\* When occupants and or owners seek any advice and or counseling concerning Lead-Based Paint's health effects, they shall be directed to consult with either their pediatrician or the Monroe County Health Department. More information can be found on the City's website [www.cityofrochester.gov/lead](http://www.cityofrochester.gov/lead). \***