

Secretary of State
Certificate and Order for Filing
PERMANENT ADMINISTRATIVE RULES

I certify that the attached copies* are true, full and correct copies of the PERMANENT Rule(s) adopted on January 26, 2010 by the
(Date prior to or same as filing date.)

<u>Construction Contractors Board</u> (Agency and Division)	<u>700 Summer Street NE Suite 300, Salem OR 97310</u> (Address)	<u>OAR 812</u> (Administrative Rules Chapter Number)
<u>Catherine Dixon</u> (Rules Coordinator)		<u>378-4621 ext. 4077</u> (Telephone)

to become effective February 1, 2010 Rulemaking Notice was published in the January 2010 Oregon Bulletin.**
(Date upon filing or later) (Month and Year)

RULE CAPTION

Amendments to Division 5 – Civil Penalties and Division 7 – Lead-Based Paint Rules

Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

RULEMAKING ACTION

List each rule number separately, 000-000-0000.

ADOPT: Secure approval of rule numbers with the Administrative Rules Unit prior to filing.

812-007-0025	812-007-0140	812-007-0210	812-007-0260	812-007-0350
812-007-0100	812-007-0150	812-007-0220	812-007-0300	812-007-0360
812-007-0110	812-007-0160	812-007-0230	812-007-0310	812-007-0370
812-007-0120	812-007-0200	812-007-0240	812-007-0320	812-007-0372
812-007-0130	812-007-0205	812-007-0250	812-007-0330	812-007-0374

AMEND:

812-005-0800	812-007-0000	812-007-0020
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REPEAL:

812-007-0010	812-007-0040	812-007-0060	812-007-0080
812-007-0030	812-007-0050	812-007-0070	812-007-0090

Renumber: Secure approval of rule numbers with the Administrative Rules Unit prior to filing.

Amend & Renumber: Secure approval of rule numbers with the Administrative Rules Unit prior to filing.

ORS 183.310 to 183.500, 670.310, 701.235, & 701.992

Stat. Auth.

Chapter 757 OR Laws 2009 (HB 2134)

Other Authority

ORS 87.093, 279C.590, 701.005, 701.026, 701.042, 701.046, 701.073, 701.091, 701.098, 701.106, 701.109, 701.227, 701.305, 701.315, 701.330, 701.345, & 701.992

Stats. Implemented

RULE SUMMARY

- 812-005-0800 is amended to revise (30) to conform to Chapter 757, OR Laws 2009 (HB 2134), adds a new (31) and (32) regarding penalties for violation of the lead-based paint requirements, and renumbered.
- 812-007-000 is amended to correspond with amendments to ORS 701.505 to 701.515 and new provisions in chapter 757 OR Laws 2009 (HB 2134).
- 812-007-0010, 812-007-0030, 812-007-0040, 812-007-0050, 812-007-0060, 812-007-0070, 812-007-0080, and 812-007-0090 are repealed.
- 812-007-0020 is amended to create new definitions to match federal regulations, specifically 40 CFR §§ 745.83, 745.85, 745.223, 745.226 and Health Division rules.
- 812-007-0025 is adopted to recognize that civil penalty monies relating to lead-based paint will be deposited in a special fund and that the special fund will be used for payment of CCB lead-based paint activities.

- 812-007-0100 is adopted to prohibit any individual offering to perform or performing lead-based paint activities without having 1) a Department certification and 2) a CCB license. This includes lead assessor, lead inspector, lead supervisor, and lead worker (also known as lead abatement worker).
- 812-007-0110 is adopted to set forth the application and eligibility requirements for lead-based paint activities license for individuals.
- 812-007-0120 is adopted to set forth the effective date of the license, the period of the license (1 year) and other administrative matters regarding the license.
- 812-007-0130 is adopted to set forth requirements for license renewal.
- 812-007-0140 is adopted to require individuals to follow work practice standards for lead-based paint activities, as set forth by the Department (Oregon Dept. of Human Services).
- 812-007-0150 is adopted to set forth the basis for denial, suspension or revocation of individual license.
- 812-007-0160 is adopted set forth the fees for lead-based paint activity license for individuals.
- 812-007-0200 is adopted to prohibit any non-exempt person acting as a lead-based paint activities contractor from offering to perform lead-based paint activities without having: 1) a Department certification, and 2) a CCB license.
- 812-007-0205 is adopted to require lead abatement contractors to have at least one owner or employee that is a licensed lead supervisor or licensed lead (abatement) worker.
- 812-007-0210 is adopted to set forth applicant and eligibility requirements for lead-based paint activity licenses for contractors.
- 812-007-0220 is adopted to set forth the effective date of the license, the period of the license (1 year) and other administrative matters regarding the license.
- 812-007-0230 is adopted to set forth requirements for license renewal for lead-based paint activities contractors.
- 812-007-0240 is adopted to require contractors to follow work practice standards for lead-based paint activities, as set forth by the Department (Oregon Dept. of Human Services)
- 812-007-0250 is adopted to set forth the basis for denial, suspension or revocation of a contractor's license.
- 812-007-0260 is adopted to set forth the license fees for lead-based paint activities contractors.
- 812-007-0300 is adopted to prohibit any non-exempt contractor from offering to perform or performing renovation work without being a certified lead-based paint renovation contractor.
- 812-007-0310 is adopted to set application and eligibility requirements for certified lead-based paint renovation contractors.
- 812-007-0320 is adopted to set forth the effective date of the license, the period of the license (1 year) and other administrative matters for certified lead-based paint renovation contractors.
- 812-007-0330 is adopted to set forth requirements for license renewal for certified lead-based paint renovation contractors.
- 812-007-0350 is adopted to set forth the basis for denial, suspension or revocation of a contractor's license.
- 812-007-0360 is adopted to set forth the fees for certified lead-based paint renovation contractor licenses.
- 812-007-0370 is adopted to set forth the notification requirements for certified lead-based paint renovation contractors in target housing dwelling units.
- 812-007-0372 is adopted to set forth the notification requirements for certified lead-based paint renovation contractors in target housing common areas.
- 812-007-0374 is adopted to set forth the notification requirements for certified lead-based paint renovation contractors in child-occupied facilities.

Authorized Signer

Catherine Dixon
Printed Name

February 1, 2010
Date

*With this original, file one photocopy of certificate, one paper copy of rules listed in Rulemaking Actions, and electronic copy of rules.

**The *Oregon Bulletin* is published on the 1st of each month and updates the rule text found in the Oregon Administrative Rules Compilation. Notice forms must be submitted to the Administrative Rules Unit, Oregon State Archives, 800 Summer Street NE, Salem, Oregon 97310 by 5:00 pm on the 15th day of the preceding month unless this deadline falls on a Saturday, Sunday or legal holiday when Notice forms are accepted until 5:00 pm on the preceding workday.

ARC 930-2005

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812-005-0800

Schedule of Penalties

The agency may assess penalties, not to exceed the amounts shown in the following guidelines:

(1) \$600 for advertising or submitting a bid to do work as a contractor in violation of ORS 701.026 and OAR 812-003-0120, which may be reduced to \$200 if the respondent becomes licensed or to \$50 if the advertisement or bid is withdrawn immediately upon notification from the agency that a violation has occurred and no work was accepted as a result of the advertisement or bid; and

(2) \$700 per offense without possibility of reduction for advertising or submitting a bid to do work as a contractor in violation of ORS 701.026 and OAR 812-003-0120, when one or more previous violations have occurred, or when an inactive, lapsed, invalid, or misleading license number has been used; and

(3) \$1,000 per offense for performing work as a contractor in violation of ORS 701.026 when the Board has no evidence that the person has worked previously without having a license and no consumer has suffered damages from the work, which may be reduced to \$700 if the respondent becomes licensed within a specified time; and

(4) \$5,000 per offense for performing work as a contractor in violation of ORS 701.026, when an owner has filed a complaint for damages caused by performance of that work, which may be reduced to \$700 if the contractor becomes licensed within a specified time and settles or makes reasonable attempts to settle with the owner.

(a) A "complaint for damages" as used in section (4) of this rule includes, but is not limited to:

(A) A Construction Contractors Board Dispute Resolution Services (DRS) complaint; or

(B) A letter to Construction Contractors Board indicating that a citizen has been damaged by the contractor; and

(5) \$5,000 per offense for performing work as a contractor in violation of ORS 701.026, when one or more violations have occurred, or when an inactive, lapsed, invalid, or misleading license number has been used; and

(6) \$500 per offense for failure to respond to the agency's request for the list of subcontractors required in ORS 701.345; and

(7) \$1,000 per offense for hiring a unlicensed subcontractor; and

(8) For failing to provide an "Information Notice to Owners about Construction Liens" as provided in ORS 87.093, when no lien has been filed, \$200 for the first offense, \$400 for the second offense, \$600 for the third offense, \$1,000 for each subsequent offense. Any time a lien has been filed upon the improvement, \$1,000.

(9) Failure to include license number in advertising or on contracts, in violation of OAR 812-003-0120: First offense \$100, second offense \$200, subsequent offenses \$400.

(10) Failure to list with the Construction Contractors Board a business name under which business as a contractor is conducted in violation of OAR 812-003-0260: First offense \$50, second offense \$100, subsequent offenses \$200.

(11) Failure to notify the Construction Contractors Board of a new or additional business name or personal surname (for sole proprietors) under which business as a contractor is conducted, in violation of OAR 812-003-0320: First offense warning, second offense \$50, subsequent offenses \$200.

(12) Failing to use a written contract as required by ORS 701.305: \$500 for the first offense; \$1,000 for the second offense; and \$5,000 for subsequent offenses.

(13) Violation of OAR 812-012-0130(1), failure to provide a Consumer Notification form; \$100 first offense; \$500 second offense; \$1,000 third offense; and \$5,000 for subsequent offenses. Civil penalties shall not be reduced unless the agency determines from clear and convincing evidence that compelling circumstances require a suspension of a portion of the penalty in the interest of justice. In no event shall a civil penalty for this offense be reduced below \$100.

(14) Failure to conform to information provided on the application in violation of ORS 701.046(4), issuance of a \$5,000 civil penalty, and suspension of the license until the contractor provides the agency with proof of conformance with the application and the terms of the application.

(a) If the violator is a limited contractor or residential limited contractor working in violation of the conditions established pursuant to OAR 812-003-0130 or 812-003-0131, the licensee shall be permanently barred from licensure in the limited contractor category or residential limited contractor endorsement.

(b) If the violator is a licensed developer, residential developer or commercial developer working in violation of the conditions established pursuant to ORS 701.005(3), (6) or (13) or 701.042, the licensee shall be permanently barred from licensure in the licensed developer category or residential developer or commercial developer endorsement.

(15) Knowingly assisting an unlicensed contractor to act in violation of ORS chapter 701, \$1,000.

(16) Failure to comply with any part of ORS chapters 316, 656, or 657, 701.035, 701.046 or 701.091, as authorized by ORS 701.106, \$1,000 and suspension of the license until the contractor provides the agency with proof of compliance with the statute.

(17) Violating an order to stop work as authorized by ORS 701.225(3), \$1,000 per day.

(18) Working without a construction permit in violation of ORS 701.098, \$1,000 for the first offense; \$2,000 and suspension of CCB license for three (3) months for the second offense; \$5,000 and permanent revocation of CCB license for the third and subsequent offenses.

(19) Failure to comply with an investigatory order issued by the Board, \$500 and suspension of the license until the contractor complies with the order.

(20) Violation of ORS 701.098(1)(k) by engaging in conduct as a contractor that is dishonest or fraudulent and injurious to the welfare of the public: first offense, \$1,000, suspension of the license or both; second and subsequent offenses, \$5,000, per violation, revocation or suspension of the license until the fraudulent conduct is mitigated in a manner satisfactory to the agency or both.

(21) Engaging in conduct as a contractor that is dishonest or fraudulent and injurious to the welfare of the public by:

- (a) Not paying prevailing wage on a public works job; or
- (b) Violating the federal Davis-Bacon Act; or
- (c) Failing to pay minimum wages or overtime wages as required under state and federal law; or
- (d) Failing to comply with the payroll certification requirements of ORS 279C.845; or
- (e) Failing to comply with the posting requirements of ORS 279C.840:

\$1,000 and suspension of the license until the money required as wages for employees is paid in full and the contractor is in compliance with the appropriate state and federal laws.

(22) Violation of ORS 701.098(1)(k) by engaging in conduct as a contractor that is dishonest or fraudulent and injurious to the welfare of the public, as described in subparagraphs (19) or (20), where more than two violations have occurred: \$5,000 and revocation of the license.

(23) When, as set forth in ORS 701.098(1)(g), the number of licensed contractors working together on the same task on the same job site, where one of the contractors is licensed exempt under ORS 701.035(2)(b), exceeded two sole proprietors, one partnership, or one limited liability company, penalties shall be imposed on each of the persons to whom the contract is awarded and each of the persons who award the contract, as follows: \$1,000 for the first offense, \$2,000 for the second offense, six month suspension of the license for the third offense, and three-year revocation of license for a fourth offense.

(24) Performing home inspections without being an Oregon certified home inspector in violation of OAR 812-008-0030(1): \$5,000.

(25) Using the title Oregon certified home inspector in advertising, bidding or otherwise holding out as a home inspector in violation of OAR 812-008-0030(3): \$5,000.

(26) Failure to conform to the Standards of Practice in violation of OAR 812-008-0202 through 812-008-0214: \$750 per offense.

(27) Failure to conform to the Standards of Behavior in OAR 812-008-0201(2)-(8): \$750 per offense.

(28) Offering to undertake, bidding to undertake or undertaking repairs on a structure inspected by an owner or employee of the business entity within 12 months following the inspection in violation of ORS 701.355: \$5,000 per offense.

(29) Failure to include certification number in all written reports, bids, contracts, and an individual's business cards in violation of OAR 812-008-0201(4): \$400 per offense.

(30) Violation of work practice standards for lead-based paint (**LBP**) activity pursuant to OAR [812-007-0070; **812-007-0140 or 812-007-0240**; ~~[\$5,000 per violation and suspension of the lead-based paint business endorsement]~~ **first offense, \$1,000; second offense, \$3,000; and third offense, \$5,000 plus suspension of license** for up to one year. **The civil penalty is payable to the Construction Contractors Board LBP Activities Fund as provided in ORS 701.995 and OAR 812-007-0025.**

(31) Violation of OAR 812-007-0100, 812-007-0200 or 812-007-0300: first offense, \$1,000; second offense, \$3,000; and third offense, \$5,000. The civil penalty is payable to the Construction Contractors Board Lead-Based Paint (LBP) Activities Fund as provided in ORS 701.995 and OAR 812-007-0025.

~~[(31)]~~ **(32)** Violation of ORS 279C.590:

(a) Imposition of a civil penalty on the contractor of up to ten percent of the amount of the subcontract bid submitted by the complaining subcontractor to the contractor or \$15,000, whichever is less; and

(b) Imposition of a civil penalty on the contractor of up to \$1,000; and

(c) Placement of the contractor on a list of contractors not eligible to bid on public contracts established to ORS 701.227(4), for a period of up to six months for a second offense if the offense occurs within three years of the first offense.

(d) Placement of the contractor on a list of contractors not eligible to bid on public contracts established to ORS 701.227(4), for a period of up to one year for a third or subsequent offense if the offense occurs within three years of the first offense.

~~[(32)]~~ **(33)** Violation of ORS 701.315, inclusion of provisions in a contract that preclude a homeowner from filing a breach of contract complaint with the Board: \$1,000 for the first offense, \$2,000 for the second offense, and \$5,000 for the third and subsequent offenses.

~~[(33)]~~ **(34)** Violation of ORS 701.345, failure to maintain the list of subcontractors: \$1,000 for the first offense; \$2,000 for the second offense, and \$5,000 for the third and subsequent offenses.

~~[(34)]~~ **(35)** Violation of 701.098(1)(e), knowingly providing false information to the Board: \$1,000 and suspension of the license for up to three months for the first offense; \$2,000 and suspension of the license for up to one year for the second offense; and \$5,000 and permanent revocation of license for the third offense.

~~[(35)]~~ **(36)** Failing to provide a written contract with the contractual terms provided by ORS 701.305 or OAR 812-012-0110: \$200 for the first offense; \$500 for the second offense; and \$1,000 for subsequent offenses.

~~[(36)]~~ **(37)** Working while the license is suspended if the licensee was required to provide an increased bond under ORS 701.068(5), 701.068(6), or OAR 812-003-0175: revocation.

~~[(37)]~~ **(38)** Working while the license is suspended for any violation of ORS 701.098(4)(a)(A) or ORS 701.098(4)(a)(B): \$5,000 for first offense, and revocation for second or subsequent offense.

~~[(38)]~~ **(39)** Working while the license is suspended for any reason except as otherwise provided for by this rule: revocation.

~~[(39)]~~ **(40)** Failure to comply with ORS 701.106(1)(a); \$1,000 for the first offense, \$5,000 for the second offense; \$5,000 and permanent revocation of CCB license for the third offense.

~~[(40)]~~ **(41)** Failure to deliver as required by ORS 701.109(2) a copy of a final judgment; \$200 first offense, \$400 second offense; \$600 for the third offense; \$1,000 for each subsequent offense.

~~[(41)]~~ **(42)** Failure to maintain insurance as required under ORS 701.073 or to provide proof of insurance as required under OAR 812-003-0200, where there is no claim of loss submitted to the insurance company: first offense, \$500; second offense, \$1,000; third and subsequent offenses, \$5,000.

~~[(42)]~~ **(43)** Failure to maintain insurance as required under ORS 701.073 or to provide proof of insurance as required under OAR 812-003-0200, where there is a claim of loss submitted to the insurance company: first offense, \$2,000; second and subsequent offenses, \$5,000.

Stat. Auth.: ORS 183.310 to 183.500, 670.310, 701.235, 701.515, 701.992 & 701.995

Stats. Implemented: ORS 87.093, 279C.590, 701.005, 701.026, 701.042, 701.046, 701.073, 701.091, 701.098, 701.106, 701.109, 701.227, 701.305, 701.315, 701.330, 701.345, 701.510, 701.515, 701.992 & 701.995

(4/82, 10/82, 1/83, 3/83, 10/83, 3/84, 5/84, 3/85, 4/85, 1/87, 3/87, 1/88, 2/88, 6/88, 1/89, 11/89, 2/90, 3/90, 4/90, 5/90, 6/90, 7/90, 10/90, 11/90, 3/91, 9/91, 1/92, 2/92, 4/92, 6/92, 5/93, 12/93, 1/95, 9/95, 10/95, 8/96, 10/98), temp. 11/99, 5/00, 6/00, temp. 11/00, 4/01, 12/01, temp. 3/02, 3/02, 6/02, 9/02, 12/03, 6/04, 12/04, 12/05, 1/06, 6/06, 12/06, 6/07, 2/08, 6/08, 9/08, 11/08, 1/09 (eff. 2/1/09), 5/09, 2/10)

DIVISION 7

LICENSING OF INDIVIDUALS AND BUSINESSES ENGAGED IN LEAD-BASED PAINT ACTIVITIES AND RENOVATION

General

812-007-0000

Authority, Purpose, Scope

(1) Authority. These rules are promulgated in accordance with and under the authority of ORS 701.505 to ~~[701.515]~~ 701.520 and 701.995.

(2) Purpose. **These rules establish a system to license individuals certified by the Oregon Department of Human Services to perform lead-based paint (LBP) activities. These rules establish a system to license contractors as LBP activities contractors and as certified LBP renovation contractors.**

~~[(a) The purpose of these rules is to address Oregon's need for a qualified and properly trained workforce to perform inspection, risk assessment and removal of hazards associated with lead-based paint, to safeguard the environment and protect human health, and the health of building occupants, especially for high-risk groups (children under six years of age), from lead-based paint hazards.~~

~~[(b) These rules prescribe the requirements for licensing of individuals and firms engaged in lead-based paint activities in target housing and child-occupied facilities.~~

~~[(c) These rules will establish work practice standards for the performance of lead-based paint inspection, risk assessment, and paint removal and stabilization activities for individuals and firms and will require that all lead-based paint activities be performed only by licensed individuals and firms.]~~

(3) Scope. **These rules:**

[~~(a) These rules apply to all individuals and firms who are engaged in lead-based paint activities as defined in ORS 701.505, except persons who perform these activities within residential dwellings that they own, unless the residential dwelling is occupied by a person or persons other than the owner or the owner's immediate family while these activities are being performed, or a child residing in the building has been identified as having an elevated blood lead level.~~

~~(b) These rules establish the requirement that lead-based paint activities be performed only by licensed individuals and firms.~~

~~(c) These rules prescribe]~~

~~(a) **Prescribe** the requirements for, and the manner of, licensing applicants, [for lead-based paint inspector, risk assessor, supervisor, project designer, and worker, and licensing of firms employing such individuals].~~

~~(d) These rules prescribe work practice standards for the removal or migration of lead-based paint hazards and for the performance of lead-based paint inspection and risk assessment, and those actions or circumstances that constitute failure to achieve or maintain a license, or that otherwise are contrary to the public interest, for which Construction Contractors Board may deny, suspend, or revoke a license;~~

~~(e) These rules establish]~~

~~(b) **Establish** fees, [to extent necessary to defray costs of those activities prescribed herein].~~

~~(c) **Prescribe actions that constitute failure to achieve or maintain licensing requirements, or that otherwise are contrary to the public interest, for which the board may deny, suspend or revoke a license.**~~

~~Stat. Auth.: ORS 670.310, 701.235 & 701.515~~

~~Stats. Implemented: ORS 701.515~~

~~(6/96, 11/96, 1/97, 5/97, 6/00, 12/06, 2/10)~~

[812-007-0010

Adoption by Reference

~~All standards, listings, and publications referred to in these rules are by those references made a part of these rules as though fully set forth.]~~

~~Stat. Auth.: ORS 670.310, 701.235 & 701.515~~

~~Stats. Implemented: ORS 701.515~~

~~(6/96, 11/96, 1/97, 5/97, 12/06, 2/10)~~

812-007-0020

Definitions

~~[As used in division 7 of these rules, terms defined in ORS 701.505 have the same meaning given those terms in ORS 701.505.] The following definitions apply to division 7 of OAR chapter 812.~~

~~(1) **“Abatement” means any measure or set of measures designed to permanently eliminate LBP hazards.**~~

~~(2) **“Accredited training program” means a training program provisionally accredited or accredited by the Department, either directly or reciprocity, to provide training for individuals engaged in LBP activities or renovation.**~~

~~(3) **“Certified” means certified by the Department to perform LBP activities.**~~

~~(4) **“Certified lead-based paint renovation contractor” means a construction contractor that is licensed by the board to conduct LBP renovation under ORS 701.515.**~~

~~(5) **“Child-occupied facility” means a building, or portion of a building, constructed before 1978 and visited regularly by the same child, 6 years of age or under, on at least two different days within any week (Sunday through Saturday), provided that each day’s visit lasts at least 3 hours and the combined weekly visit lasts at least 6 hours, and the combined annual visits last at least 60 hours. Child-occupied facilities may include, but are not limited to, day-care centers, preschools and kindergarten classrooms. Child-occupied facilities may be located in target housing or in public or commercial buildings. With respect to common areas in public or commercial buildings that contain child-occupied facilities, the child-occupied facility encompasses only those common areas that are routinely used by children under age 6, such as restrooms and cafeterias. Common areas that children under age 6 only pass through, such as hallways, stairways, and garages are not included. In addition, with respect to exteriors of public or commercial buildings that contain child-occupied facilities, the child-occupied facility encompasses only the exterior sides of the building that are immediately adjacent to the child-occupied facility or the common areas routinely used by children under age 6.**~~

~~(6) **“Course completion certificate” means documentation issued by an accredited training program to an individual as proof of successful completion of an accredited renovator training program (initial or refresher).**~~

(7) “Department” means the Oregon Department of Human Services.

(8) “Deteriorated lead-based paint (LBP)” means any interior or exterior paint or other covering that is peeling, chipping, chalking, cracking, flaking or any paint or coating located on an interior or exterior surface or fixture that is otherwise damaged or separated from the substrate.

(9) “Dust-lead hazard” means surface dust that contains a mass-per-area concentration of lead equal to or exceeding 40 µg/ft² on floors or 250 µg/ft² on interior windows or 400 µg/ft² in troughs based on wipe samples.

(10) “Inspection” means a surface-to-surface investigation to determine the presence of LBP and an accompanying report explaining the results of the investigation.

(11) “Lead abatement contractor” means a construction contractor that is licensed by the board to perform abatement.

(12) “Lead assessor” or “risk assessor” means an individual who has been trained by an accredited training program and certified by the Department to conduct risk assessments.

(13) “Lead-based paint” or “LBP” means paint or other surface coatings that contain lead equal to or in excess of 1.0 milligrams per square centimeter or more than 0.5 percent by weight.

(14) “Lead-based paint activities” means, in the case of target housing and child-occupied facilities, inspection, risk assessment, and abatement.

(15) “Lead-based paint (LBP) hazard” means deteriorated LBP, dust-lead hazard or soil-lead hazard.

(16) “Lead inspection contractor” means a construction contractor that is licensed by the board to perform inspections or risk assessments.

(17) “Lead inspector” means an individual who has been trained by an accredited training program and certified by the Department to conduct inspections.

(18) “Lead supervisor” means an individual who has been trained by an accredited training program and certified by the Department to supervise and conduct abatements and prepare abatement reports.

(19) “Lead worker” or “lead abatement worker” means an individual who has been trained by an accredited training program and certified by the Department to perform abatements.

(20) “Minor repair and maintenance” means activities, (including minor heating, ventilation, air conditioning work, electrical work, or plumbing) that disrupt 6 square feet or less of painted surface per room for interior activities or 20 square feet or less of painted surface for exterior activities, that do not involve prohibited or restricted work activities and do not involve window replacement or painted surface demolition. Jobs, other than emergency renovations, performed within the same 30 days must be considered the same job for the purpose of determining whether the job is a minor repair and maintenance activity.

(21) “Prohibited or restricted work activities” include:

(a) Open flame burning or torching;

(b) Machines to remove paint through high-speed operation without HEPA exhaust control; and

(c) Operating a heat gun at temperatures at or above 750 degrees Fahrenheit.

(22) “Renovation” means the modification of any existing structure, or portion thereof, which results in the disturbance of painted surfaces, unless that activity is performed as part of an abatement. The term renovation includes, but is not limited to:

(a) Removal, modification or repair of painted surfaces or painted components, such as modification of painted doors, surface restoration, window repair, surface preparation activity (such as sanding, scraping or other such activities that may generate paint dust);

(b) The removal of building components, such as walls, ceilings, plumbing and windows;

(c) Window replacement;

(d) Weatherization projects, such as cutting holes in painted surfaces to install blown-in insulation or to gain access to attics, or planing thresholds to install weather-stripping;

(e) Interim controls that disturb painted surfaces.

A renovation for the purpose of converting a building, or part of a building, into target housing or a child-occupied facility is a renovation. The term “renovation” does not include minor repair and maintenance.

(23) “Renovation Right Pamphlet” means the pamphlet entitled *Renovate Right: Important Lead Hazard Information for Families, Child Care Providers and Schools* or any pamphlet approved by the Environmental Protection Agency (EPA) for the same purpose.

(24) “Risk assessment” means an on-site investigation to determine the existence, nature, severity, and location of a LBP hazard and an accompanying report explaining the results of the investigation and options for reducing LBP hazards.

(25) “Soil lead hazard” means 400 ppm of lead in child play areas or 1200 ppm in non-child play areas.

(26) "Target housing" means any housing constructed before 1978, except housing for the elderly or persons with disabilities or any housing with no bedrooms.

Stat. Auth.: ORS 670.310, 701.235 & 701.515

Stats. Implemented: ORS 701.505-701.520

(6/96, 11/96, 1/97, 5/97, 11/97, 10/98, 3/99, 6/00, 12/06, 2/10)

812-007-0025

Construction Contractors Board Lead-Based Paint Activities Fund

(1) Civil penalties imposed under ORS 701.995 will be deposited to the Construction Contractors Board LBP Activities Fund.

(2) The board will use the monies in the Construction Contractors Board LBP Activities Fund for lead poisoning prevention, including consumer and industry outreach, public education, and enforcement activities.

Stat. Auth.: ORS 670.310, 701.235 & 701.515

Stats. Implemented: ORS 701.515, 701.520 & 701.995

(2/10)

[812-007-0030

Licenses Required

~~(1) No person, firm or public agency shall offer to perform or perform lead-based paint inspection, risk assessment, or abatement activities in target housing or child-occupied facilities without first receiving certification from the Oregon Department of Human Services and a license from the Construction Contractors Board except if such a person, firm or public agency is exempt from Construction Contractors Board licensing requirements.~~

~~(2) All licenses to perform lead-based paint activities issued under ORS 701.515 shall terminate within one year from date of issue and are renewable upon meeting all the requirements as determined by the Construction Contractors Board.~~

~~(3) Licensed persons or firms conducting lead-based activities shall comply with the work practice standards for performing lead-based paint activities as prescribed in these rules and OAR 333-069-0070. Painters shall follow the work practices described on the Permit application.~~

~~(4) It shall be considered a violation of these rules for any person to conduct any of the lead-based paint activities described unless the individual has received certification from the Oregon Department of Human Services and licensure from the Construction Contractors Board, except if such a person, is exempt from Construction Contractors Board licensing requirements.~~

~~(5) The Construction Contractors Board shall issue a numbered license to the individual. The Construction Contractors Board shall issue a numbered license to each firm.~~

~~(6) A firm or public agency that contracts with a certified firm or public agency to provide lead-based paint activities on its behalf need not be certified or licensed.~~

~~(7) Employees or agents of regulatory agencies are exempt from these rules if: (a) those employees or agents are acting in a regulatory capacity, and (b) if they are carrying out activities within the scope of the agency's regulatory authority, and (c) if they have been trained in a manner consistent with the public and environmental health objectives of these rules.~~

Stat. Auth.: ORS 670.310, 701.235 & 701.515

Stats. Implemented: ORS 701.515

(6/96, 11/96, 1/97, 5/97, 3/99, 6/00, 12/06)}

[812-007-0040

Application Requirements

~~(1) No person, firm or public agency removing lead-based paint from or stabilizing lead-based paint in or on target housing and/or child-occupied facilities, shall conduct such activities without first applying to the Oregon Department of Human Services for and receiving a permit to conduct such activities and without first obtaining a license from the Construction Contractors Board to conduct such activities.~~

~~(2) An individual must do the following to qualify for a license.~~

~~(a) Submit an application on a form presented by the Construction Contractors Board together with the license fee and;~~

~~(b) Submit a copy of the certificate issued by the Oregon Department of Human Services showing that the individual is qualified to perform the activities.~~

~~(3) A firm must do the following to qualify for a license.~~

- (a) Become licensed with the Construction Contractors Board as a residential general contractor, residential specialty contractor, commercial general contractor or commercial specialty contractor;
 - (b) Have as an owner or employee one or more individuals who have obtained a license from the Construction Contractors Board to perform the activities;
 - (c) Submit an application on a form prescribed by the Construction Contractors Board together with the fee payment and;
 - (d) Submit a copy of the certificate issued by the Oregon Department of Human Services showing that the firm is qualified to conduct the activities.
- Stat. Auth.: ORS 670.310, 701.235 & 701.515
 Stats. Implemented: ORS 701.081, 701.084 & 701.515
 (6/96, 11/96, 1/97, 5/97, 11/97, 10/98, 3/99, 6/00, 12/06, 2/08)]

[812-007-0050

Renewal

Applicants for license renewal shall submit required documentation and complete the Construction Contractors Board renewal form along with the appropriate fee.

Stat. Auth.: ORS 670.310, 701.235 & 701.515
 Stats. Implemented: ORS 701.515
 (6/96, 11/96, 1/97, 5/97, 10/98, 3/99, 12/06)]

[812-007-0060

License Issuance

(1) The Construction Contractors Board shall inform the applicant, in writing, when his/her application is granted, denied or incomplete and of the additional information or documentation that is requirement to complete the application.

- (a) When granted, the license shall be mailed to the applicant and the effective date of the license will be the date applicant meets all Construction Contractors Board requirements unless otherwise agreed in writing between the parties.
- (b) A unique certification number will be assigned to each license holder.
- (c) An application may be withdrawn at any time by written request to the Construction Contractors Board.

(2) If denied, the Construction Contractors Board shall state, in writing, the reasons for denial.

(3) A license shall be non transferable and shall be effective for one year from date of issue.

Stat. Auth.: ORS 670.310, 701.235 & 701.500 to 701.515
 Stats. Implemented: ORS 701.500 to 701.515
 (6/96, 11/96, 1/97, 5/97, 3/99, 12/06)]

[812-007-0070

Work Practice Standards

When performing paint removal or stabilization, or any lead-based paint activity described by a certified and licensed individual as an inspection, lead hazard screen, risk assessment or abatement, a certified and licensed person must perform that activity in compliance with these rules and OAR 333-069-0070.

Stat. Auth.: ORS 670.310, 701.235 & 701.515
 Stats. Implemented: ORS 701.515
 (1/97, 5/97, 11/97, 10/98, 3/99, 6/00, 12/06)]

[812-007-0080

Denial, Suspension or Revocation of Certification

(1) The Construction Contractors Board may deny issuance of, suspend, or revoke a license for an individual or a firm for circumstances including but not limited to the following:

- (a) Performing work requiring license at a job site without having a current valid original license identification card available at the job site for inspection;
- (b) Permitting the duplication or use of the individual's own certificate or license by another;
- (c) Performing work for which appropriate certification and license has not been received from the Oregon Department of Human Services and the Construction Contractors Board;
- (d) Having been subject to a final administrative order imposing a civil penalty or a criminal conviction for engaging in a prohibited act under Oregon Department of Human Services or Construction Contractors Board rules;

- (e) Failing to comply with local, state, or federal statutes or regulations including execution of a consent agreement in settlement of an enforcement action;
 - (f) Failing to comply with work practices and standard set forth in these rules and other generally accepted work practices;
 - (g) Obtaining certification or license through fraudulent representation of documentation satisfying eligibility requirements;
 - (h) Failing to renew certification and license or to rectify in a timely manner.
 - (i) Gaining admission to and completing education through fraudulent representation of initial or previous education documents;
 - (j) Obtaining certification through fraudulent representation of certification requirements such as education, training, professional registration, or experience;
 - (k) Performing work requiring certification at a job site with individuals who are not certified;
 - (l) Failing to maintain required records; and
 - (m) Failing to comply with these rules including execution of a consent agreement in settlement of an enforcement action.
- (2) The Construction Contractors Board may deny issuance of, suspend, or revoke license for an individual for circumstances including but not limited to the following:
- (a) Obtaining training documentation through fraudulent means, and/or;
 - (b) Gaining admission to and completed education through fraudulent representation of initial or previous education documentation.
- (3) The Construction Contractors Board may deny issuance of, suspend, or revoke license of a firm for circumstances including but not limited to the following:
- (a) Performing work requiring certification or license at a job site with individuals who are not certified or licensed.
 - (b) Failing to maintain required records.
- (4) Hearings on the denial, suspension or revocation of a license shall be conducted as a contested case in accordance with ORS 183.310 to 183.550.
 Stat. Auth.: ORS 670.310, 701.235 & 701.515
 Stats. Implemented: ORS 701.510 & 701.515
 (6/96, 11/96, 1/97, 5/97, 10/98, 3/99, 6/00, 12/06)]

[812-007-0090

Fees

The following fees are established:

- (1) Contractor firms shall pay a non-refundable fee of \$50 for an endorsement on their Construction Contractors Board license in addition to the regular contractor license application fee that will allow them to perform lead-based paint activity for one year.
- (2) Inspectors, risk assessors, supervisors and project designers shall pay a non-refundable license fee of \$50 for a one-year license.
- (3) Abatement workers shall pay a non-refundable license fee of \$25 for a one-year license.
 Stat. Auth.: ORS 670.310, 701.235 & 701.515
 Stats. Implemented: ORS 701.515
 (6/96, 11/96, 1/97, 5/97, 9/99, 6/00, 12/06)]

Lead-Based Paint Activity Licenses – Individuals

812-007-0100

Licenses Required for Lead-Based Paint Activities – Individuals

No individual shall offer to perform or perform LBP activities in target housing or child-occupied facilities without first receiving certification from the Department and a license from the board, unless such individual is exempt from the board’s licensing requirements. The following are individuals that perform LBP activities:

- (1) Lead assessor;**
- (2) Lead inspector;**
- (3) Lead supervisor;**
- (4) Lead worker.**

Stat. Auth.: ORS 670.310, 701.235 & 701.515

Stats. Implemented: ORS 701.510 & 701.515
(2/10)

812-007-0110

Application and Eligibility Requirements for Lead-Based Paint Activity Licenses – Individuals

- (1) An individual applying for a license as a lead assessor must submit the following:
(a) Completed application on a form provided by the board;
(b) The fee established in OAR 812-007-0160; and
(c) Proof that the Department certified the individual as a certified risk assessor.
(d) Copy of Department photo identification badge.
- (2) An individual applying for a license as a lead inspector must submit the following:
(a) Completed application on a form provided by the board;
(b) The fee established in OAR 812-007-0160; and
(c) Proof that the Department certified the individual as a certified inspector.
(d) Copy of Department photo identification badge.
- (3) An individual applying for a license as a lead supervisor must submit the following:
(a) Completed application on a form provided by the board;
(b) The fee established in OAR 812-007-0160; and
(c) Proof that the Department certified the individual as a certified supervisor.
(d) Copy of Department photo identification badge.
- (4) An individual applying for a license as a lead worker must submit the following:
(a) Completed application on a form provided by the board;
(b) The fee established in OAR 812-007-0160; and
(c) Proof that the Department certified the individual as a certified abatement worker.
(d) Copy of Department photo identification badge.

Stat. Auth.: ORS 670.310, 701.235 & 701.515

Stats. Implemented: ORS 701.515

(2/10)

812-007-0120

Effective Dates of New License and License Term for Lead-Based Activity Licenses – Individuals

- (1) The effective date of the license will be the date the applicant meets all board requirements, including, but not limited to, the receipt of the fee required under OAR 812-007-0160.
- (2) All licenses issued will be non-transferable and will be effective for one year from the date of issue.
- (3) All licenses will be assigned a unique number.
- (4) An applicant for a license may withdraw the application at any time before issuance of the license upon written request to the board.
- (5) If the board denies the license, it shall state, in writing, the reasons for denial.

Stat. Auth.: ORS 670.310, 701.235 & 701.515

Stats. Implemented: ORS 701.515

(2/10)

812-007-0130

Renewal of Lead-Based Paint Activity Licenses – Individuals

Individuals licensed under these rules may renew their licenses by submitting the following:

- (1) A properly completed application for license renewal on a form provided by the board;
(2) The fee established in OAR 812-007-0160; and
(3) Proof that the individual is certified by the Department.

Stat. Auth.: ORS 670.310, 701.235 & 701.515

Stats. Implemented: ORS 701.515

(2/10)

812-007-0140

Work Practice Standards for Lead-Based Paint Activity Licenses – Individuals

A lead assessor, lead inspector, lead supervisor, and lead worker must comply with work practice standards as provided in OAR 333-069-0070.

Stat. Auth.: ORS 670.310, 701.235 & 701.515

Stats. Implemented: ORS 701.515
(2/10)

812-007-0150

Denial, Suspension or Revocation of Lead-Based Paint Activity Licenses – Individuals

(1) The board may deny, suspend, or revoke an individual's license on the following grounds:

(a) Obtaining Department certification through misrepresentation of certification requirements such as education, training, professional registration, or experience;

(b) Gaining admission to or completing continuing education by misrepresenting initial or previous education;

(c) Obtaining a license through invalid documentation;

(d) Permitting the duplication or use of the license by another;

(e) Failing to comply with applicable work practice standards set forth in these rules and OAR 333-069-0070; or

(f) Being subject to a final administrative order or criminal conviction based on engaging in a prohibited act under rules of the Department or the board.

(2) Hearings on denial, suspension or revocation of a license shall be conducted as a contested case in accordance with ORS 183.310 to 183.550.

Stat. Auth.: ORS 670.310, 701.235 & 701.515

Stats. Implemented: ORS 701.515

(2/10)

812-007-0160

Fees for Lead-Based Paint Activity Licenses – Individuals

(1) All license and renewal application fees are non-refundable and non-transferrable.

(2) The following fees are established:

(a) Lead assessor, \$50/year.

(b) Lead inspector, \$50/year.

(c) Lead supervisor, \$50/year.

(d) Lead worker, \$25/year.

(3) If the board receives payment of fees by check and the check is returned to the agency as an NSF check, the agency will charge the applicant \$25 in addition to the required fees.

Stat. Auth.: ORS 670.310, 701.235 & 701.515

Stats. Implemented: ORS 701.515

(2/10)

Lead-Based Paint Activity Licenses – Contractors

812-007-0200

Licenses Required for Lead-Based Paint Activities – Contractors

(1) No contractor shall offer to perform or perform LBP abatement in target housing or child-occupied facilities without first receiving certification from the Department and a license from the board as a lead abatement contractor, unless such contractor is exempt from the certification or licensing requirements.

(2) No contractor shall offer to perform or perform LBP inspection or risk assessment in target housing or child-occupied facilities without first receiving certification from the Department and a license from the board as a lead inspection contractor, unless such contractor is exempt from the certification or licensing requirements.

Stat. Auth.: ORS 670.310, 701.235 & 701.515

Stats. Implemented: ORS 701.510 & 701.515

(2/10)

812-007-0205

Qualified Owner or Employee Required for Lead-Based Paint Activities – Contractors

(1) A lead abatement contractor must, at all times, have at least one owner or employee who is a licensed lead supervisor.

(2) A lead inspection contractor must, at all times, have at least one owner or employee who is a licensed lead inspector or a licensed lead risk assessor.

Stat. Auth.: ORS 670.310, 701.235 & 701.515
Stats. Implemented: ORS 701.515
(2/10)

812-007-0210

Application and Eligibility Requirements for Lead-Based Paint Activity Licenses – Contractors

(1) A person applying for a license as a lead abatement contractor must submit the following:

(a) Completed application on a form provided by the board;

(b) Proof that the person is licensed by the board as a construction contractor;

(c) The fee established in OAR 812-007-0260;

(d) Proof that the applicant is owned by or employs one or more persons who are licensed lead supervisor(s); and

(e) Proof that the Department certified the person as qualified to perform abatement.

(2) A person applying for a license as a lead inspection contractor must submit the following:

(a) Completed application on a form provided by the board;

(b) Proof that the person is licensed by the board as a construction contractor;

(c) The fee established in OAR 812-007-0260;

(d) Proof that the applicant is owned by or employs one or more persons who are licensed lead inspector(s) or licensed lead risk assessor(s); and

(e) Proof that the Department certified the person as qualified to perform inspection or risk assessment.

Stat. Auth.: ORS 670.310, 701.235 & 701.515

Stats. Implemented: ORS 701.515

(2/10)

812-007-0220

Effective Dates of New License and License Term for Lead-Based Activity Licenses – Contractors

(1) The effective date of the license will be the date the applicant meets all board requirements, including, but not limited to, the receipt of the fee required under OAR 812-007-0260.

(2) All licenses issued will be non-transferable and will be effective for one year from the date of issue.

(3) All licenses will be assigned a unique number.

(4) An applicant for a license may withdraw the application at any time before issuance of the license upon written request to the board.

(5) If the board denies the license, it shall state, in writing, the reasons for denial.

Stat. Auth.: ORS 670.310, 701.235 & 701.515

Stats. Implemented: ORS 701.515

(2/10)

812-007-0230

Renewal of Lead-Based Paint Activity Licenses – Contractors

Persons licensed under these rules may renew their licenses by submitting the following:

(1) A properly completed application for license renewal on a form provided by the board;

(2) Proof that the person is licensed by the board as a construction contractor;

(3) The fee established in OAR 812-007-0260; and

(4) Proof that the contractor is certified by the Department.

Stat. Auth.: ORS 670.310, 701.235 & 701.515

Stats. Implemented: ORS 701.515

(2/10)

812-007-0240

Work Practice Standards for Lead-Based Paint Activity Licenses – Contractors

A lead abatement contractor or lead inspection contractor must comply with work practice standards in OAR 333-069-0070.

Stat. Auth.: ORS 670.310, 701.235 & 701.515

Stats. Implemented: ORS 701.510 & 701.515

(2/10)

812-007-0250

Denial, Suspension or Revocation of License for Lead-Based Paint Activities – Contractors

(1) The board may deny, suspend, or revoke a license of a lead abatement contractor or a lead inspection contractor on the following grounds:

- (a) Obtaining Department certification through misrepresentation of certification requirements such as education, training, professional registration, or experience;**
 - (b) Obtaining a license through invalid documentation;**
 - (c) Performing work requiring a license without having a current valid original license identification card available at the job site for inspection;**
 - (d) Performing work for which there is no current, appropriate certification issued by the Department;**
 - (e) Permitting the duplication or use of the license by another;**
 - (f) Failing to comply with applicable work practice standards set forth in these rules and OAR 333-069-0070;**
 - (g) Failing to comply with local, state, or federal statutes or regulations including execution of a consent agreement in settlement of an enforcement action;**
 - (h) Failing to maintain required records;**
 - (i) Being subject to a final administrative order or criminal conviction based on engaging in a prohibited act under rules of the Department or the board;**
 - (j) Failing to comply with a consent agreement in settlement of an enforcement action;**
 - (k) For a lead abatement contractor, failing to have an owner or employee that is a licensed lead supervisor or lead worker; or**
 - (l) For a lead inspection contractor, failing to have an owner or employee that is a licensed lead inspector or licensed lead assessor.**
- (2) Hearings on denial, suspension or revocation of a license shall be conducted as a contested case in accordance with ORS 183.310 to 183.550.**
Stat. Auth.: ORS 670.310, 701.235 & 701.515
Stats. Implemented: ORS 701.510 & 701.515
(2/10)

812-007-0260

Fees for Lead-Based Paint Activity Licenses – Contractors

- (1) All license and renewal application fees are non-refundable and non-transferrable.**
 - (2) The following fees are established:**
 - (a) Lead abatement contractor, \$50/year.**
 - (b) Lead inspection contractor, \$50/year.**
 - (3) If the board receives payment of fees by check and the check is returned to the board as an NSF check, the board will charge the applicant \$25 in addition to the required fees.**
- Stat. Auth.: ORS 670.310, 701.235 & 701.515**
Stats. Implemented: ORS 701.515
(2/10)

**Lead-Based Paint Renovation and
Certified Lead-Based Paint Renovation Contractors**

812-007-0300

License Required for Lead-Based Paint Renovation

Effective April 22, 2010, no contractor shall offer to perform or perform renovation in target housing or child-occupied facilities without first receiving a certified LBP renovation contractor license from the board, unless such contractor is exempt from the board's licensing requirements.

Stat. Auth.: ORS 670.310, 701.235 & 701.515
Stats. Implemented: ORS 701.510 & 701.515
(2/10)

812-007-0310

Application and Eligibility Requirements for Certified Lead-Based Paint Renovation Contractor

- A person applying to become a certified LBP renovation contractor must submit the following:**
- (1) Completed application on a form provided by the board;**

(2) Proof that the person is licensed by the board as a construction contractor;
(3) The fee established in OAR 812-007-0360; and
(4) Proof that the licensee is owned by or employs at least one individual who has a current and valid course completion certificate evidencing that the individual is a certified renovator.
Stat. Auth.: ORS 670.310, 701.235 & 701.515
Stats. Implemented: ORS 701.515
(2/10)

812-007-0320

Effective Dates of New License and License Term for Certified Lead-Based Paint Renovation Contractor License

(1) The effective date of the license will be the date the applicant meets all board requirements, including but not limited to the receipt of the fee required under OAR 812-007-0360.
(2) All licenses issued will be non-transferable and will be effective for one year from the date of issue.
(3) All licenses will be assigned a unique number.
(4) An applicant for a license may withdraw the application at any time before issuance of the license upon written request to the board.
(5) If the board denies the license, it shall state, in writing, the reasons for denial.
Stat. Auth.: ORS 670.310, 701.235 & 701.515
Stats. Implemented: ORS 701.515
(2/10)

812-007-0330

Renewal of Certified Lead-Based Paint Renovation Contractor License

Persons licensed under these rules may renew their licenses by submitting the following:

(1) A properly completed application for license renewal on a form provided by the board;
(2) Proof that the person is licensed by the board as a construction contractor;
(3) The fee established in OAR 812-007-0360; and
(4) Proof that the licensee is owned by or employs at least one individual who has a current and valid course completion certificate evidencing that the individual is a certified renovator.
Stat. Auth.: ORS 670.310, 701.235 & 701.515
Stats. Implemented: ORS 701.515
(2/10)

812-007-0350

Denial, Suspension or Revocation of Certified Lead-Based Paint Renovation Contractor License

(1) The board may deny, suspend, or revoke a license of a certified LBP renovation contractor on the following grounds:
(a) Obtaining a license through invalid documentation;
(b) Permitting the duplication or use of the license by another; or
(c) Violating a rule of the board.
(2) Hearings on denial, suspension or revocation of a license shall be conducted as a contested case in accordance with ORS 183.310 to 183.550.
Stat. Auth.: ORS 670.310, 701.235 & 701.515
Stats. Implemented: ORS 701.515
(2/10)

812-007-0360

Fees for Certified Lead-Based Paint Renovation Contractor Licenses

(1) All license and renewal application fees are non-refundable and non-transferrable.
(2) The fee for a certified LBP renovation contractor license is \$50/year.
(3) If the board receives payment of fees by check and the check is returned to the agency as an NSF check, the board will charge the applicant \$25 in addition to the required fees.
Stat. Auth.: ORS 670.310, 701.235 & 701.515
Stats. Implemented: ORS 701.515
(2/10)

812-007-0370

Notification Requirements for Certified Lead-Based Paint Renovation Contractors – Renovation in Target Housing Dwelling Units

(1) No more than 60 days before beginning renovation in target housing dwelling units, the contractor must provide the owner of the dwelling unit with an Renovation Right Pamphlet and do one of the following:

(a) Obtain from the owner a written acknowledgment that the owner has received the Renovation Right Pamphlet; or

(b) Obtain a certificate of mailing of the Renovation Right Pamphlet dated at least 7 days before the start of the renovation.

(2) In addition to the requirements of (1), if the owner does not occupy the dwelling unit, the contractor must provide the Renovation Right Pamphlet to an adult occupant of the dwelling unit and comply with one of the following:

(a) Obtain, from the adult occupant, a written acknowledgment that the occupant has received the Renovation Right Pamphlet;

(b) Obtain a certificate of mailing of the Renovation Right Pamphlet at least 7 days before the start of the renovation; or

(c) Certify in writing that the contractor delivered the Renovation Right Pamphlet to the dwelling unit but was unsuccessful in obtaining a written acknowledgment from an adult occupant. Certification must include:

(A) The address of the dwelling unit undergoing renovation;

(B) The date and method of delivery of the Renovation Right Pamphlet;

(C) The name of the person delivering the Renovation Right Pamphlet;

(D) A reason for lack of acknowledgment (e.g., occupant refuses to sign, no adult occupant available);

(E) The signature of an owner or employee of the contractor; and

(F) The date the contractor's owner or employee signed the certification.

(3) The written acknowledgment required by paragraphs (1)(a) and (2)(a) must:

(a) Include a statement acknowledging receipt of the Renovation Right Pamphlet before the start of the renovation, the name of the recipient, the address undergoing renovation, the signature of the recipient and the date of signature;

(b) Be either a separate sheet of paper or part of a written contract or service agreement for the renovation; and

(c) Be written in the same language as the agreement for renovation or, in the case of non-owner target housing, the same language as the lease or rental agreement.

Stat. Auth.: ORS 670.310, 701.235 & 701.515

Stats. Implemented: ORS 701.510 & 701.515

(2/10)

812-007-0372

Notification Requirements for Certified Lead-Based Paint Renovation Contractors – Renovation in Target Housing Common Areas

(1) No more than 60 days before beginning renovation in target housing common areas, the contractor must provide the owner of the target housing with an Renovation Right Pamphlet and do one of the following:

(a) Obtain from the owner a written acknowledgment that the owner has received the Renovation Right Pamphlet; or

(b) Obtain a certificate of mailing of the Renovation Right Pamphlet dated at least 7 days before the start of the renovation.

(2) In addition to the requirements of (1), the contractor must comply with one of the following:

(a) Notify, in writing, each affected dwelling unit occupant and make the Renovation Right Pamphlet available upon request before the start of renovation. The written notice should describe:

(A) The general nature and locations of the planned renovation activities;

(B) The expected starting and ending dates; and

(C) A statement of how the occupant can obtain the Renovation Right Pamphlet, at no charge, from the contractor performing the renovation.

(b) While the renovation is ongoing, post signs describing the general nature and locations of the renovation and the anticipated completion date. These signs must be posted in areas where they are likely to be seen by the occupants of all of the affected dwelling units. The signs must be accompanied by:

(A) A posted copy of the Renovation Right Pamphlet; or

(B) Information on how interested occupants can review or obtain a copy of the Renovation Right Pamphlet from the contractor at no cost.

(3) The contractor must prepare, sign, and date a statement describing the steps taken to notify occupants of the intended renovation and to provide the Renovation Right Pamphlet.

(4) The written acknowledgment required by paragraphs (1)(a) and (2)(a) must:

(a) Include a statement acknowledging receipt of the Renovation Right Pamphlet before the start of the renovation, the name of the recipient, the address undergoing renovation, the signature of the recipient and the date of signature;

(b) Be either a separate sheet of paper or part of a written contract or service agreement for the renovation; and

(c) Be written in the same language as the agreement for renovation or, in the case of non-owner target housing, the same language as the lease or rental agreement.

(5) If the scope, location, or expected starting or ending dates of the planned renovation change and the contractor provided written notification in accordance with (1) or (2)(a), the contractor must provide further written notification to the owners and occupants including revised information on the ongoing or planned renovation. This subsequent notification must be provided before the contractor performing the renovation initiates work beyond that described in the original notice.

Stat. Auth.: ORS 670.310, 701.235 & 701.515

Stats. Implemented: ORS 701.510 & 701.515

(2/10)

812-007-0374

Notification Requirements for Certified Lead-Based Paint Renovation Contractors – Renovation in Child-Occupied Facilities

(1) No more than 60 days before beginning renovation in any child-occupied facility, the contractor performing the renovation must provide the building owner with the Renovation Right Pamphlet and comply with one of the following:

(a) Obtain from the owner a written acknowledgment that the owner has received the Renovation Right Pamphlet; or

(b) Obtain a certificate of mailing of the Renovation Right Pamphlet dated at least 7 days before the start of the renovation.

(2) In addition to the requirements of (1), if the owner does not occupy the building, the contractor must provide the Renovation Right Pamphlet to an adult representative of the child-occupied facility and comply with one of the following:

(a) Obtain, from the adult representative, a written acknowledgment that the adult representative has received the Renovation Right Pamphlet;

(b) Obtain a certificate of mailing of the Renovation Right Pamphlet at least 7 days before the start of the renovation; or

(c) Certify in writing that the contractor delivered the Renovation Right Pamphlet to the dwelling unit but was unsuccessful in obtaining a written acknowledgment from an adult occupant. Certification must include:

(A) The address of the facility undergoing renovation;

(B) The date and method of delivery of the Renovation Right Pamphlet;

(C) The name of the person delivering the Renovation Right Pamphlet;

(D) A reason for lack of acknowledgment (e.g., occupant refuses to sign, no adult occupant available);

(E) The signature of an owner or employee of the contractor; and

(F) The date the contractor's owner or employee signed the certification.

(3) In addition to the requirements of (1) and (2), the contractor must provide the parents and guardians of children using the child-occupied facility with the Renovation Right Pamphlet and information describing the general nature and locations of the renovation and the anticipated completion date. The contractor may comply by doing one of the following:

(a) Mail or hand-deliver the Renovation Right Pamphlet and the renovation information to each parent or guardian of a child using the child-occupied facility;

(b) While the renovation is ongoing, post signs describing the general nature and locations of the renovation and the anticipated completion date. These signs must be posted in areas where they are likely to be seen by the parents or guardians of the children frequenting the child-occupied facility. The signs must be accompanied by:

(A) A posted copy of the Renovation Right Pamphlet; or

(B) Information on how the parents or guardians can review or obtain a copy of the Renovation Right Pamphlet from the contractor at no cost.

(4) The contractor must prepare, sign, and date a statement describing the steps performed to notify all parents and guardians of the intended renovation activities and to provide the pamphlet.

(5) The written acknowledgment required by paragraphs (1)(a) and (2)(a) must:

(a) Include a statement acknowledging receipt of the Renovation Right Pamphlet before the start of the renovation, the name of the recipient, the address undergoing renovation, the signature of the recipient and the date of signature;

(b) Be either a separate sheet of paper or part of a written contract or service agreement for the renovation; and

(c) Be written in the same language as the agreement for renovation.

Stat. Auth.: ORS 670.310, 701.235 & 701.515

Stats. Implemented: ORS 701.510 & 701.515

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