

The remodeler shall adhere to the EPA's lead paint renovation rules and be responsible for the quality of workmanship only for the work performed by the Remodeler as specified in the contract. The Owner acknowledges that the Remodeler has not contracted to perform a total lead abatement of the premises in question, and shall not be responsible for any past or future paint disturbing activities performed by the home owner or by any third parties. The Remodeler shall not be responsible for any lead removal or premises cleaning of dust and debris from any past or future paint disturbing activities performed by the owner or third parties, nor shall the Remodeler be liable for any damages due to the presence of dust, debris or lead arising out of such owner or third party activities, to include but not be limited to property damage, testing expense, loss of use, business interruption, loss of profits, personal injury, mental anguish, wrongful death, or any consequential and/or punitive damages. The Owner agrees to indemnify and hold the Remodeler harmless from any and all third party claims and expenses, including reasonable attorney's fees and court costs, which result from claims that arise in whole or in part from lead paint disturbing activities performed by the Owner or by any third party.

Pre-Renovation Notice for Tenant-Occupied Housing Constructed before 1978

Federal law requires that tenants must receive a copy of the pamphlet “Renovate Right: Important Lead Hazard Information for Families, Child Care Providers and Schools” from the contractor before renovation activities are undertaken that disturb six square feet or more of painted surfaces in a room for interior projects or more than twenty square feet of painted surfaces for exterior projects in housing built before 1978. The pamphlet contains important information on the potential risk of lead hazard exposure from renovation activity.

Confirmation by Tenant - Receipt of Lead Pamphlet

The undersigned tenant hereby acknowledges as follows:

I have received a copy of the pamphlet “Renovate Right: Important Lead Hazard Information for Families, Child Care Providers and Schools” informing me of the potential risk of the lead hazard exposure from renovation activity to be performed in my dwelling unit. I received this pamphlet before the work began.

(Printed name of Tenant)

(Date)

(Signature of Tenant)

Renovator’s Self Certification Option for Tenant-Occupied Dwellings

(If the lead hazard information pamphlet was delivered, but the tenant’s signature was not obtainable, the Renovator may check the appropriate certification below)

____ I certify that I have made a good faith effort to deliver the lead hazard information pamphlet to the rental dwelling unit listed below at the date and time indicated, and that the tenant-occupant declined to sign the confirmation of receipt. I further certify that I have left a copy of the pamphlet at the unit with the tenant-occupant.

____ I certify that I have made a good faith effort to deliver the lead hazard information pamphlet to the rental dwelling unit listed below, and that the tenant-occupant was unavailable to sign the confirmation of receipt. I further certify that I have left a copy of the pamphlet at the unit by doing the following:

_____ (describe means of delivery)

(Unit Address)

(Printed name of person certifying delivery)

(Delivery date)

(Signature of person certifying delivery)

SAMPLE MOVE-OUT CONTRACT CLAUSE (for use in renovation contracts with owner-occupants)

Compensation under this renovation contract has been bid in accordance with the owner's assurance that the premises will be vacant during all lead paint disturbance and clean-up activities. Therefore, the parties agree that during the phase of the renovation activities involving the disturbance of six square feet or more of painted surfaces in interior rooms, or more than twenty square feet of painted exterior surfaces, the owner and all other occupants will, prior to commencement of said disturbance activities, vacate the premises until such time as the surface disturbance and associated clean-up activities have concluded.

Estimated dates of surface disturbance and clean-up activities:

These dates are estimates only, and the Renovator Firm shall not be responsible for any reasonable variances in the allotted time period, or for any additional time that may result from circumstances and events beyond the control of the Renovator Firm.

The owner shall be responsible for all costs and expenses associated with vacating the premises, to include but not be limited to the cost of alternative housing.

In the event that the owner or any other occupant should fail to vacate the premises at the time indicated, the Renovation Firm is authorized to suspend work without penalty. The owner shall have (7)seven days to correct the condition, and if not corrected, the Renovation Firm may continue the contract under mutually agreed amended terms of compensation calculated to reflect the presence of occupants in the premises during performance of surface disturbance activities, or at its sole election the Renovator Firm may terminate the contract and recover either actual damages for breach of contract, or liquidated damages as follows:

this amount having been determined to be a reasonable estimate of actual damages incurred for said breach.

Lead Renovation “Opt Out” Provision for Owner Occupied Dwelling

Under current EPA Rules, the training requirements and work practice standards for lead renovation activities under the Renovation, Repair, and Painting rule in pre-1978 built owner-occupied housing may be waived if the owner has voluntarily signed a statement that:

1. The renovation will occur in the owner’s residence;
2. that no child under six (6) years of age resides there*;
3. that no pregnant woman resides there;
4. that the housing is not a child occupied facility**; and
5. that the owner acknowledges that the renovation firm will not be required to use the work practices contained in the EPA’s Renovation, Repair, and Painting rule.

* For the purpose of this rule, a child resides in the primary residence of his or her custodial parents, legal guardians, and foster parents. A child also resides in the primary residence of an informal caretaker if the child lives and sleeps most of the time at the caretaker’s residence.

** For the purpose of this rule, a child-occupied facility is a pre-1978 building visited regularly by the same child, under six (6) years of age, on at least (2) two different days within any week, for at least three (3) hours each day, provided that the visits total at least sixty (60) hours annually.

OWNER-OCCUPANT OPT-OUT ACKNOWLEDGMENT

I have received and reviewed a copy of the lead hazard information pamphlet informing me of the potential risk of the lead hazard exposure from renovation activity to be performed in my dwelling. I confirm that I own and live in this property, that no child under the age of (6) six resides here, that no pregnant woman resides here, and that this property is not a child occupied facility.

I voluntarily choose to “opt-out” of the EPA training requirements and work practice standards for lead renovation activities, and I understand that the firm performing renovation in my residence will not be required to use the lead-safe work practices of the EPA’s Renovation, Repair, and Painting Rule.

I further agree that in the event of a change in circumstances prior to or during the course of renovation regarding residency upon the premises by any children under (6) six, or by any pregnant women, or regarding status as a child occupied facility, the Renovation Firm is authorized to suspend work without penalty. The owner shall have (7)seven days to correct the condition, and if not corrected, the Renovation Firm may, at its sole election, terminate the contract and recover either actual damages for breach of contract, or liquidated damages as follows:

_____,
this amount having been determined to be a reasonable estimate of actual damages incurred for said breach.

(SIGNATURE OF OWNER-OCCUPANT)

(DATE)

(PRINTED NAME OF OWNER-OCCUPANT)

Mailing Option – Delivery of lead renovations pamphlet, “Renovate Right: Important Lead Hazard Information for Families, Child Care Providers and Schools” to owner-occupants and tenants.

As an alternative to personal delivery, the lead hazard information pamphlet may be sent by registered or certified mail to an owner-occupant or tenant at least seven days before commencing the renovation. Such a mailing must be documented by a certificate of mailing from the post office.

The undersigned Renovator Firm attests that the above-stated lead hazard information pamphlet was mailed to the following owner-occupant, or tenant: _____
at _____ (address)
on _____ (date of mailing – a copy of the certificate of mailing is attached to
this document). Renovation activity commenced on _____ (date)
which is at least seven days after the date of mailing.

(Printed name of Renovation Firm)

by

(Signature of Authorized Representative)

(Printed Name of Authorized Representative)

(Date)

SAMPLE CLAUSE FOR SUBCONTRACTS – COMPLIANCE WITH THE EPA’S RENOVATION, REPAIR, AND PAINTING RULE

Federal law requires all contracting firms that are paid to perform renovations in pre-1978 homes which will disturb six square feet or more of painted surfaces in an interior room, or more than twenty square feet of exterior surfaces, must be certified by the Environmental Protection Agency (EPA), (or, by EPA delegated state or tribal authorities)*, to conduct lead-based paint renovation, repair, and painting activities, and further must conduct these activities in accordance with EPA lead-safe work practices. Each Renovating Firm must assign at least one “Certified Renovator”, who has earned a Certificate of Successful Completion for an EPA* accredited lead renovation training course, to each of its qualifying renovation jobs.

Accordingly:

The Subcontractor hereby certifies that it is an EPA* Lead-Safe Certified Firm. The Subcontractor’s Certification # is: _____. The Certification expiration date is : _____.

The Subcontractor hereby certifies that it’s on-site “Certified Renovator” (CR) is:

_____ (Name) _____ (Name of EPA approved Training Provider)

_____ (Certificate #) _____ (Certificate Expiration Date)

Names, training providers, certificate #'s, and certificate expiration dates of any additional CR’s on-site:

The Subcontractor further certifies that it will adhere to all EPA work practice standards for lead renovation activities under the Renovation, Repair, and Painting Rule for pre-1978 built housing.

The Subcontractor agrees to indemnify and shall hold the Contractor, and the Contractor's agents and employees, harmless from any and all liability, claims, losses, cost of repairs, cost of relocation, consequential and punitive damages, fines, penalties, assessments, and all expenses, including court costs, and attorney’s fees, that may arise out of the Subcontractor’s, or its agent’s, or its employee’s, failure to obtain or possess proper EPA* Certification, proper training certificates, and/or that may arise out of failure to perform proper lead-safe work practices under this contract.

Certified Renovator's Post-Renovation Form

Property Address: _____

Owner: _____ Tenant (if any): _____

Describe work activities performed. Specify all rooms, areas, painted surfaces were affected. Indicate if painted surfaces were exempt from lead-safe work practices due to paint test results or size of the area.

Was a power sander, planer, or other machine used? Yes No If yes, was it attached to HEPA ? Yes No

Was a heat gun used? Yes No If yes, was the temperature kept below 1100° Fahrenheit? Yes No

Was a torch or other open flame used? Yes No

Did a certified renovator perform cleaning verification? Yes No If yes, did all cloths match the verification card on the final wipe? Yes No: where were cloths darker than the verification card?

Number of wet cleaning cloths used ____ Number of dry cleaning cloths used ____

Was a lead dust test performed? Yes No If yes, attach report signed by certified professional who performed it.

I certify under penalty of law that the above information is true and complete to the best of my knowledge.

× _____

Signature of Certified Renovator Date Certified Renovator's Name Renovation Firm Name

Acknowledgment of Post-Renovation Report by Property Owner (and Tenant if any)

1. I understand that the certified renovation firm has completed work and that:

- there is no visible dust and debris is in and around the area.
- cleaning verification was completed and all cleaning cloths matched did not match the cleaning verification card.
- if dust wipe testing performed, lead hazards were were not found.

2. If performed, I have received a copy of the test results for Dust wipe testing Paint testing

Note: Federal law requires property owners to disclose lead test reports to subsequent purchasers or lessors.

× _____

Signature of Property Owner Date

× _____

Signature of Tenant (if any) Date

Certified Renovator's Pre-Renovation Form
(to be added to the existing Pre-Renovation Notification Form)

Project Information

Owner(s): _____

Address: _____

Year Built: _____ **Note:** If the structure is built after 1978, the Renovation Rule does not apply.

Is this project a "minor repair and maintenance activity?" Yes No

Note: "Minor repair and maintenance activities," are defined as work disturbing 6 square feet or less of surfaces per interior room, or disturbing 20 square feet or less of exterior surfaces. Note: such work is exempt unless it involves demolition, window replacement, or use of power tools without HEPA exhaust, heat guns above 1100 degrees, torches, or open flame burning.

Is this project an "emergency renovation?" Yes No

Note: An emergency renovation is unplanned and results from a sudden unexpected event that, if not immediately attended to, presents a health or safety hazard or threatens to cause significant equipment or property damage. Emergency renovation is exempt from advance information distribution requirements but not exempt from final cleaning and cleaning verification using cleaning cloths or dust wipe testing or from certain recordkeeping requirements. Emergency renovations are also exempt from warning sign, containment, waste handling, training and certification requirements to the extent necessary to respond to the emergency.

Were areas affected by renovation tested by a certified inspector or risk assessor? Yes No If yes, attach a copy of the report.

Did a certified renovator use an EPA-recognized test kit to test areas affected by renovation? Yes No If yes, attach a copy of the report.

Note: If results from an inspection by certified lead inspector or risk assessor, or from EPA-recognized test kit used by a certified renovator show that the paint does not contain lead, the Renovation Rule does not apply. If no testing is performed or testing demonstrates that lead is present at levels equal to or greater than 1.0 mg/cm² or 0.5% by weight, the Rule applies.

Renovator Acknowledgement

I certify under penalty of law that the above information is true and complete to the best of my knowledge.

✖ _____
Signature of Certified Renovator Date Certified Renovator's Name Renovation Firm

SAMPLE RENOVATION RECORDKEEPING CHECKLIST

Name of Firm: _____

Address of Renovation: _____

Year Built: _____ Date Work Began: _____ Date Work Ended: _____

Brief Description of Renovation: _____

Name of Assigned Certified Renovator: _____

Name(s) of Trained Workers for this project, if used:

- Signed and dated acknowledgement by owner of receipt of pre-renovation notification/pamphlet
- Signed and dated acknowledgement by tenant of receipt of pre-renovation notification/pamphlet (or certification of attempted delivery or mailing to tenant)

Record of notification/pamphlet for work in common areas child-occupied facilities

Copies of renovator and dust sampling technician course completion certificates:

available at the work site during work performance and on file.

- Certification by the certified renovator that s/he trained all of the non-certified workers on the work practices to be used in performing assigned tasks (*see appended sample form*)

Record of paint testing to determine if lead is present on components affected by renovation:

test kits used by certified renovator: model: _____ manufacturer: _____

lead-based paint inspection performed by _____ Report on file? Yes No

Components tested, with locations and results: _____

- Documentation that test kit results and/or lead-based paint inspection results were provided to the person who contracted for the renovation within 30 days of completion of the renovation. Date provided: _____
- If emergency renovation: description of the nature of the emergency and rule requirements that were not followed. _____

- Warning signs posted at entrance to work area.
- Work area contained to prevent spread of dust and debris

Interiors:

- All objects in the work area removed or covered
- HVAC ducts in the work area closed and covered
- Windows in the work area closed
- Doors in the work area closed and sealed

Floors in the work area covered with taped-down plastic 6 feet beyond the perimeter of surfaces undergoing renovation, or at a distance sufficient to collect falling debris, whichever is greater

Doors that must be used in the work area covered to allow passage but prevent spread of dust
Exteriors:

Windows in and within 20 feet of the work area closed

Doors in and within 20 feet of the work area closed and sealed

Doors that must be used in the work area covered to allow passage but prevent spread of dust

Ground covered by plastic, anchored to building and weighted down by heavy objects, extending 10 feet from work area, or at a distance sufficient to collect falling debris, whichever is greater; or as far as possible if property line prevents coverage of 10 feet

If necessary, vertical containment installed to prevent migration of dust and debris to adjacent property

Waste contained on-site and while being transported off-site

Work site properly cleaned after renovation

All chips and debris picked up, protective sheeting misted, folded dirty side inward, and taped for removal

Work area surfaces and objects cleaned using HEPA vacuum and/or wet cloths or mops (interiors)

Certified renovator performed post-renovation cleaning verification (describe results, including the number of wet and dry cloths used): _____

Dust testing where requested or required was performed by _____ who is certified as a

_____ by _____

Copy of report on file

Documentation that a copy of the report was provided to the person who contracted for the renovation within 30 days following the completion of the renovation.

Post-renovation notification form provided to owner and tenant, if applicable.

I certify under penalty of law that the above information is true and complete to the best of my knowledge.

✖ _____
Signature of Certified Renovator Date Certified Renovator's Name Certified Renovation Firm

Additional Firms and Certified Renovators on site – The Homeowner acknowledges reviewing these additional Lead-Safe Certified Firm certifications, and EPA accredited* lead renovation course Certificates of Completion for other Certified Renovators on site**

1. _____
(Firm) (Certification #) (Expiration Date)

(Certified Renovator) (Training Provider) (Certificate # & Expiration Date)

2. _____
(Firm) (Certification #) (Expiration Date)

(Certified Renovator) (Training Provider) (Certificate # & Expiration Date)

3. _____
(Firm) (Certification #) (Expiration Date)

(Certified Renovator) (Training Provider) (Certificate # & Expiration Date)

4. _____
(Firm) (Certification #) (Expiration Date)

(Certified Renovator) (Training Provider) (Certificate # & Expiration Date)

5. _____
(Firm) (Certification #) (Expiration Date)

(Certified Renovator) (Training Provider) (Certificate # & Expiration Date)

(Signature of Homeowner) (Date)

****Note** – Crews on site may include non-certified contractors who are trained on-the-job by a Certified Renovator to use lead safe work practices.

Pre-Renovation Certification – Year of Building Construction

Federal law requires all contracting firms paid to perform specified lead paint disturbing renovations in buildings/residences constructed before 1978, to be certified by the Environmental Protection Agency (EPA). Further, these renovation activities in pre-1978 homes must be conducted in accordance with EPA lead-safe work practices.

The use of lead paint was discontinued in all building construction conducted on or after January 1, 1978. Based on the following certification by the building/residence owner, it has been determined that the following described building/residence to be renovated was constructed on or after January 1, 1978. Therefore, the proposed renovation activities specified in the contract by and between the Owner and the Remodeler are not subject to the EPA lead paint renovation rules and requirements.

Description of building/residence _____
_____(address)

It is hereby certified by the Owner that the above-described building/residence was constructed on or about _____ (year), but not earlier than January 1, 1978, according to records reviewed by the Owner, or information disclosed to the Owner by a previous title holder, or by actual knowledge of the Owner.

OWNER

DATE

STATE OF _____

COUNTY OF _____

I, _____, A Notary Public in and for the State and County aforesaid, do hereby certify that _____, Owner, whose name is signed to the foregoing Certification, dated _____, has this day personally appeared and acknowledged the same before me.

Given under my hand this ____ day of _____, 20____.

My commission expires: _____