Iowa Department of Public Health
Advancing Health Through the Generations

Chester J. Culver
Governor

Patty Judge
Lt. Governor

Mary Mincer Hansen, R.N., Ph.D.
Director

MEMORANDUM

DATE: January 2007

TO: Contractors

FROM: Angela L. Poole, Bureau of Lead Poisoning Prevention

RE: The Pre-Renovation Notification Rule

Since 1999, Iowa law has required contractors to give notification and an approved lead hazard information pamphlet to homeowners and tenants before beginning renovation, remodeling, or repainting services in residential property built before 1978. The law ensures that homeowners and tenants are notified that the work may disturb lead-based paint and that they are given the information they need to protect themselves and their families. The final rule can be found on the internet at http://www.legis.state.ia.us/Rules/Current/iac/641iac/64169/64169.pdf

Enforcement

The Iowa Code authorizes IDPH to impose a penalty of up to $5,000 for each violation of the notification requirement. Since 2002, the Iowa Department of Public Health (IDPH) has conducted random spot checks of contractors to monitor compliance with the rule. In July 2005, IDPH started to impose civil penalties for violations of this regulation.

Housing Covered by the Rule

This rule applies to target housing. Target housing is any residential housing built before 1978. The exceptions are housing for the elderly or persons with disabilities (unless a child under age 6 resides or is expected to reside in the housing) and any 0-bedroom dwelling (living area not separated from sleeping area--includes efficiencies, studio apartments, dormitory housing, etc.).

Work Covered by the Rule

This regulation applies whenever renovation, remodeling, or repainting is done in target housing. Renovation, remodeling, or repainting means any change to an existing structure or part of a structure where painted surfaces are disturbed. This includes, but is not limited to: removing walls, ceilings, and other painted components; window replacement; floor refinishing; and sanding, scraping, stripping, water-blasting, or otherwise removing paint.

Work Not Covered by the Rule

This rule does not cover work that is defined as lead abatement that is conducted by a lead abatement contractor certified by the state of Iowa. Also, if a state-certified inspector has determined the components affected by the renovation, remodeling, or repainting are free of lead-based paint, the notification does not need to be done. Finally, the regulation does not cover work that disturbs less than 0.1 square foot (approximately 3 inches by 4 inches) of paint.

Notification Requirements

- **Single Family Property or Individual Dwelling Unit (Form 1):** You must provide written notification and the pamphlet to the homeowner and the adult occupant (if the owner does not live at the property) no more than 60 days before beginning the work. The written notification **must** contain specific language. The homeowner and adult occupant are required to sign and date the notification. If you cannot obtain a signature, you must certify in writing that the pamphlet was delivered and describe why you could not get the signature (ex., tenant refused to answer door). If you cannot contact the homeowner and/or tenant, you may mail the notification and pamphlet by certified mail at least seven days before starting the work. You need to keep the receipt of the mailing with the completed form. If the nature, scope, or date of the work changes after the original notification, you must issue a revised notification.
- **Emergency Renovation, Remodeling, or Repainting Single Family Property or Individual Dwelling Unit (Form 2):** "Emergency" work is performed when an unexpected event causes a safety or public health hazard or threatens equipment or property with significant damage (e.g., broken window, broken door, flooding, other water damage, fire, etc). You are not required to do the notification before the work is started, but you must provide the notification and pamphlet to the owner and occupants soon as possible after beginning the work.
- **Common Areas of Multi-Family Housing (Forms 3 and 4):** If work is done in common areas (exterior, hallways, laundry room, etc.) of multi-family housing, the homeowner must be notified before the work is started (directions for completing Form 3 are the same as listed above for Form 1).

  You must also notify each tenant in writing and make the pamphlet available upon request (Form 4). You must prepare, sign, and date a statement describing the steps taken to notify all occupants (also on Form 4). If the nature, scope, or date of the work changes after the original notification, you must issue a revised notification. Forms 3 and 4 can also be used for emergency renovation, remodeling, and repainting by checking the appropriate blank at the top of the form.
- **Vacant Property:** You are required to give notification to the homeowner even if the property is vacant.

Copies of Forms and Pamphlets

Copies of the pamphlet, *Lead Poisoning: How to Protect Iowa Families*, are free of charge and can be obtained by calling 1-800-972-2026. Example notification forms (Forms 1-4) are included with this memo. These forms meet all of the requirements of *Iowa Administrative Code* 641 — Chapter 69 of the Iowa Administrative Code. These forms can be found in the middle of the pamphlet.

Recordkeeping

You must keep all records for at least three years. This includes:

- Address and location where the work was done.
- Copies of signed, dated acknowledgments from tenants.
- Copies of signed, dated statements of notification for multi-family housing.
- Certifications of attempted delivery or mailing.
- Report from certified inspector for components free of lead-based paint.

FORM 1 -- WORK DONE IN A SINGLE DWELLING UNIT

NOTIFICATION PRIOR TO RENOVATION, REMODELING, OR REPAINTING

Address: _____

General nature of work: _____

_____

Location of work: _____

_____

Expected starting date: _____ **Expected ending date:** _____

I have received the pamphlet entitled *Lead Poisoning: How to Protect Iowa Families* and am aware of the potential health risk associated with remodeling, renovation, or repainting housing containing lead-based paint or lead-based paint hazards. I received this pamphlet before the work began.

Printed Name of Owner	**Signature of Owner**	**Date**
Printed Name of Occupant	**Signature of Occupant**	**Date**
Printed Name of Contractor	**Signature of Contractor**	**Date**

Contractor Address **City** **State** **Phone**

Note Regarding Certificate of Mailing Option

As an alternative to delivery in person, you may mail the pamphlet to the owner and/or tenant via certified mail with return receipt or its equivalent at least 7 days before the work begins.

On _____, I sent the pamphlet to the owner and/or tenant by _____.
Attach receipt for certified mail or its equivalent.

Printed Name of Contractor	**Signature of Contractor**	**Date**

Contractor Address **City** **State** **Phone**

If the pamphlet was delivered, but the signature of the known adult occupant could not be obtained, check the appropriate box below:

❏ I certify that I have made a good-faith effort to deliver the pamphlet, *Lead Poisoning: How to Protect Iowa Families*, to the unit listed below at the dates and times indicated, and that an adult occupant was unavailable to sign the acknowledgment. I further certify that I have left a copy of the pamphlet at the unit with the occupant.

❏ I certify that I have made a good-faith effort to deliver the pamphlet, *Lead Poisoning: How to Protect Iowa Families*, to the unit listed below at the dates and times indicated, and that the occupant refused to sign the acknowledgment. I further certify that I have left a copy of the pamphlet at the unit.

Printed Name of Person Certifying Lead Pamphlet Delivery	**Signature of Person Certifying Lead Pamphlet Delivery**
Attempted Delivery Date and Time	**Where Pamphlet was Left (ex., taped to the door, slipped under the door, etc.)**

Printed Name of Contractor	**Signature of Contractor**	**Date**

Contractor Address **City** **State** **Phone**

FORM 2 -- EMERGENCY RENOVATION, REMODELING, AND REPAINTING WORK DONE IN A SINGLE DWELLING UNIT

NOTIFICATION PRIOR TO RENOVATION, REMODELING, OR REPAINTING

Address: _____

General nature of work: _____

_____

Location of work: _____

_____

Expected starting date: _____ **Expected ending date:** _____

Some of the paint disturbed during this emergency renovation, remodeling, and repainting may contain lead. I have included a copy of the pamphlet, *Lead Poisoning: How to Protect Iowa Families*, with this notice.

_____ _____ _____

Printed Name of Contractor **Signature of Contractor** **Date**

_____

Contractor Address **City** **State** **Phone**

Note Regarding Certificate of Mailing Option

As an alternative to delivery in person, you may mail the pamphlet to the owner and/or tenant via certified mail with return receipt or its equivalent as soon as possible after the work begins.

On _____, I sent the pamphlet to the owner and/or tenant by _____.

Attach receipt for certified mail or its equivalent.

_____ _____ _____

Printed Name of Contractor **Signature of Contractor** **Date**

_____

Contractor Address **City** **State** **Phone**

FORM 3 -- NOTICE TO OWNER FOR WORK DONE IN COMMON AREAS OF MULTI-FAMILY HOUSING

NOTIFICATION PRIOR TO RENOVATION, REMODELING, OR REPAINTING

Check one below:

Non-emergency renovation, remodeling, or repainting _____

Emergency renovation, remodeling, or repainting _____

Address: _____

General nature of work:_____

_____

Location of work: _____

_____

Expected starting date: _____ **Expected ending date:** _____

I have received the pamphlet entitled *Lead Poisoning: How to Protect Iowa Families* and am aware of the potential health risk associated with remodeling, renovation, or repainting housing containing lead-based paint or lead-based paint hazards. Except in the case of emergency renovation, remodeling, and repainting, I received this pamphlet before the work began.

_____	_____	_____
Printed Name of Owner	Signature of Owner	Date
_____	_____	_____
Printed Name of Contractor	Signature of Contractor	Date

_____

Contractor Address City State Phone

_____

Note Regarding Certificate of Mailing Option

As an alternative to delivery in person, you may mail the pamphlet to the owner via certified mail with return receipt or its equivalent at least 7 days before the work begins. In the case of emergency renovation, remodeling, and repainting, mail the pamphlet to the owner and/or tenant via certified mail with return receiept or its equivalent as soon as possible after the work begins.

On _____, I sent the pamphlet to the owner a by _____.

Attach receipt for certified mail or its equivalent.

_____	_____	_____
Printed Name of Contractor	Signature of Contractor	Date

_____

Contractor Address City State Phone

FORM 4 -- NOTICE TO RESIDENTS FOR WORK DONE IN COMMON AREAS OF MULTI-FAMILY HOUSING

NOTIFICATION PRIOR TO RENOVATION, REMODELING, OR REPAINTING

Check one below:

Non-emergency renovation, remodeling, or repainting _____

Emergency renovation, remodeling, or repainting _____

Address: _____

General nature of work: _____

_____

Location of work: _____

_____

Expected starting date: _____ **Expected ending date:** _____

Some of the paint disturbed during this renovation, remodeling, and repainting may contain lead. You can get a copy of the pamphlet, *Lead Poisoning: How to Protect Iowa Families*, at no cost, by calling me at _____. Please leave a message and be sure to include your name, address, and phone number. I will either mail you a pamphlet or leave one at your unit.

_____ _____ _____

Printed Name of Contractor **Signature of Contractor** **Date**

_____

Contractor Address **City** **State** **Phone**

_____

RECORD OF TENANT NOTIFICATION PROCEDURES FOR WORK DONE IN COMMON AREAS OF MULTI-FAMILY HOUSING

NOTIFICATION PRIOR TO RENOVATION, REMODELING, OR REPAINTING

Project Address

Street _____

City _____ **State** _____ **Zip Code** _____

Owner of Multi-Family Housing _____

Number of Units in Multi-Family Housing _____

Method of Delivering Notices to Each Unit: _____

_____

(ex., slipping under door, taping to door, putting in each mailbox, etc.)

_____ _____ _____

Printed Name of Contractor **Signature of Contractor** **Date**

_____

Contractor Address **City** **State** **Phone**

_____ _____

Printed Name of Person Delivering Notices (if other than contractor) **Date**

_____

Signature of Person Delivering Notices (If other than contractor)