

The School of Hard Rules

California is strengthening its efforts to crack down on unlicensed contractors and various other illegal home improvement operators. They have been taking business away from law-abiding contractors, builders, remodelers, and various related providers in the residential marketplace.

Now, we can only present the following in regard to the State of California, but all who are reading should take this to heart, as this issue is probably the case in the rest of the country. States are realizing that not only illegal contractors are a threat to the homeowner and their neighbors' quality of life, but are driving an "underground" economy (estimated between 60 to 140 billion dollars) that is depriving them of much needed fee and tax revenue.

Homeowners, attracted to a low price, and perhaps a false, yet reassuring sales pitch, put themselves at risk by engaging with these individuals. The reasons to not get involved with these unprofessional outfits are too numerous to list here, but here are a few good examples to make the point.

The unlicensed operator could very well be a criminal—for *anything*, as far as you know—as criminals often resort to "under the table" modes of income generation. Why would you want someone with no certifications even coming close to your electrical wiring and other complex systems in your house? Do you want lead-ridden dust to be left behind on your property? They told you it was not asbestos in the ceiling, but where is the proof? Do they know all the safety codes?

Not only could the property owner be at risk for an accident, but illegal contractor's unwitting employees could be vulnerable as well. You just might have to share in the liability alongside this lawbreaker in a court of law...that is if they can be located, which leaves only you to answer to the authorities.

Along with tracking unlicensed contractors, California is also deploying more "feet on the street" to further enforce OSHA/EPA regulations in residential neighborhoods. Even if a fully licensed home improvement professional is on the premises, there still can be overlooked safety procedures with the way laws have been changing (acceptable lead levels, for example) these past few years. Details such as when to use respirators versus standard dust masks; amount of scheduled water breaks; dust control; fire-rated walls and frames; posted documentation; shoring and piling procedures—everything is up for scrutiny, as it should be.

The big ticket items are lead (paint), asbestos, and mold removal. Double check everything before demolition starts, because you may happen upon a state inspector digging through the debris with sample bags and a camera handy. Brush up on your Pre-1978 construction rules and review all the latest EPA standards, as the fines are substantial. Consult with private environmental companies—they have all the latest

information and updates and offer the best advice. Their cost just may be a fraction of what a major violation would incur on your bottom line.

And a word to the wise in regard to potential asbestos situations: Asbestos is still legal in many countries, and some construction products, such as flooring tiles, are manufactured in these countries and can contain asbestos, so please read the contents before ordering!

This may mean a lot of extra paperwork and some adjustments, as these new efforts now put even the strictest of code followers at risk for a fine...but the upside is tremendous, as the elimination of wrongdoers increases your chance of landing a contract at a fair market value. When you display knowledge of current environmental standards and practices, you increase your chance of winning the project. You also have the capability to report someone who you know is not playing by the rules and costing you business—recently Northern California inspectors have been showing up the very next day for serious violators, so there is a chance you could win one back..

But, stay on top of it, because the same can happen to you as irritated neighbors, competitors, disgruntled employees, and even your own customers can pick up the phone and report you to the state. Random audits are being conducted as well, so take an extra day or two to review your procedures and records. On behalf of Inclinator Company of California, stay safe and have a great summer!

Here are a couple of helpful links to assist you:

<http://www.epa.gov/lead/pubs/renovation.htm>

<http://www.osha.gov/>

To report a potential unlicensed contractor in the state of California:

<http://www.cslb.ca.gov/Consumers/ReportUnlicensedActivity/HowCanIReportUnlicensedContractors.asp>

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