

**State of California
Office of Administrative Law**

In re:
Contractors State License Board

Regulatory Action:

Title 16, California Code of Regulations

Adopt sections:

Amend sections: 872.1

Repeal sections:

**NOTICE OF APPROVAL OF CHANGES
WITHOUT REGULATORY EFFECT**

**California Code of Regulations, Title 1,
Section 100**

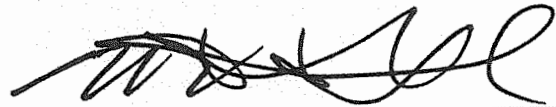
OAL Matter Number: 2021-1008-02

OAL Matter Type: Nonsubstantive (N)

In this change without a regulatory effect, the Board amends its regulation to remove references to Business and Professions Code section 7159.3, which has been repealed by Senate Bill 30 (Stats. 2004, ch. 566.).

OAL approves this change without regulatory effect as meeting the requirements of California Code of Regulations, title 1, section 100.

Date: November 22, 2021



**Thanh Huynh
Senior Attorney**

**For: Kenneth J. Pogue
Director**

Original: David R. Fogt, Registrar

Copy: Betsy Figuera

NONSUBSTANTIVE

For use by Secretary of State only

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-	REGULATORY ACTION NUMBER 2021-1008-02	EMERGENCY NUMBER <input checked="" type="checkbox"/>
For use by Office of Administrative Law (OAL) only			
NOTICE		REGULATIONS	

ENDORSED - FILED
the office of the Secretary of State
of the State of California

NOV 22 2021
received at
1:14pm

OFFICE OF ADMIN. LAW
2021 OCT 8 AM 9:31

AGENCY WITH RULEMAKING AUTHORITY
Contractors State License Board (CSLB)

AGENCY FILE NUMBER (If any)

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE	TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	NOTICE REGISTER NUMBER	PUBLICATION DATE

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Checklist for Homeowners	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)	ADOPT
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	AMEND 872.1 per agency request 11/22/21 (TH)
TITLE(S)	REPEAL 872.1

3. TYPE OF FILING			
<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input checked="" type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))	<input type="checkbox"/> Other (Specify) _____		

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)			
<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input type="checkbox"/> Effective on filing with Secretary of State	<input checked="" type="checkbox"/> \$100 Changes Without Regulatory Effect	<input type="checkbox"/> Effective other (Specify) _____

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY			
<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal	
<input type="checkbox"/> Other (Specify) _____			

7. CONTACT PERSON Betsy Figueira	TELEPHONE NUMBER (916) 255-3369	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional) betsy.figueira@cslb.ca.gov
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE <i>David Fogt</i> <small>David Fogt (Sig) (Rev. 10/16/2019)</small>	DATE 09/28/2021
TYPED NAME AND TITLE OF SIGNATORY David R. Fogt, Registrar	

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

NOV 22 2021

Office of Administrative Law

**CONTRACTORS STATE LICENSE BOARD
PROPOSED LANGUAGE**

**California Code of Regulations
Title 1, Section 100 Changes**

Title 16, Division 8

Article 7. Special Provisions

Repeal Section 872.1 as follows:

§872.1 Checklist for Homeowners.

(a) As used in this regulation, home improvement is defined in Code Section 7151.2.

(b) The following statement, must accompany every estimate (bid) intended to result in a home improvement contract and every home improvement contract that does not include a swimming pool. The heading shall be printed in at least 14-point type, the questions in at least 12-point type, and the comments in italics of at least 11-point type. The text should be bold where indicated. This is 14-point type. This is 12-point type. *This is 11-point type in italics.*

~~Pursuant to Bus. & Prof. §7159.3 (SB 2029), h~~Home improvement contractors must provide this notice.



Check Out Your Contractor

- Did you contact the Contractors State License Board (CSLB) to check the status of the contractor's license?
Contact the CSLB at 1-800-321-CSLB (2752) or visit our web site: www.cslb.ca.gov.
- Did you get at least 3 local references from the contractors you are considering?
Did you call them?
- Building Permits — will the contractor get a permit before the work starts?



Check Out the Contract

- Did you read and do you understand your contract?
- Does the 3-day right to cancel a contract apply to you?
Contact the CSLB if you don't know.
- Does the contract tell you when work will start and end?
- Does the contract include a detailed description of the work to be done, the material to be used, and equipment to be installed?
This description should include brand names, model numbers, quantities and colors. Specific descriptions now will prevent disputes later.
- Are you required to pay a down payment?
If you are, the down payment should never be more than 10% of the contract price or \$1,000, whichever is less.
- Is there a schedule of payments?
If there is a schedule of payments, you should pay only as work is completed and not before. There are some exceptions — contact the CSLB to find out what they are.
- Did your contractor give you a "Notice to Owner," a warning notice describing liens and ways to prevent them?
Even if you pay your contractor, a lien can be placed on your home by unpaid laborers, subcontractors or material suppliers. A lien can result in you paying twice or, in some cases, losing your home in a foreclosure. Check the "Notice to Owner" for ways to protect yourself.
- Did you know changes or additions to your contract **must** be in writing?
Putting changes in writing reduces the possibility of a later dispute.

(c) The following statement, must accompany every estimate (bid) intended to result in a home improvement contract and every home improvement contract that includes a swimming pool. The heading shall be printed in at least 14-point type, the questions in at least 12-point type, and the comments in italics of at least 11-point type. The text should be bold where indicated. This is 14-point type. This is 12-point type. *This is 11-point type in italics.*

Checklist for Homeowners (Swimming Pools)

Pursuant to ~~Bus. & Prof. §7159.3 (SB 2029)~~, hHome improvement contractors building swimming pools must provide this notice.



Check Out Your Contractor

- Did you contact the Contractors State License Board (CSLB) to check the status of the contractor's license?
Contact the CSLB at 1-800-321-CSLB (2752) or visit our web site: www.cslb.ca.gov.
- Did you get at least 3 local references from the contractors you are considering?
Did you call them?
- Building permits — will the contractor get a permit before the work starts?



Check Out the Contract

- Did you read and do you understand your contract?
- Does the 3-day right to cancel a contract apply to you?
Contact the CSLB if you don't know.
- Does the contract tell you when work will start and end?
- Does the contract include a complete description of the work to be done, the material that will be used and equipment to be installed?
This description should include a plan and scale drawing showing the shape, size, dimensions and specifications. It should include brand names, model numbers, quantities and colors. Specific descriptions now will prevent disputes later.
- Are you required to pay a down payment?
The down payment for swimming pools should never be more than 2% of the contract price or \$200, whichever is less.
- Is there a schedule of payments?
If there is a schedule of payments, you should pay only as work is completed and not before. There are some exceptions—contact the CSLB to find out what they are.
- Did your contractor give you a "Notice to Owner," a warning notice describing liens and ways to prevent them?
Even if you pay your contractor, a lien can be placed on your home by unpaid laborers, subcontractors, or material suppliers. A lien can result in you paying twice or, in some cases, losing your home in a foreclosure. Check the "Notice to Owner" for ways to protect yourself.
- Did you know changes or additions to your contract **must** all be in writing?
Putting changes in writing reduces the possibility of a later dispute.

Note: Authority cited: Sections 7008 and 7159.3, Business and Professions Code.
Reference: Sections 7151.2 and 7159, Business and Professions Code.