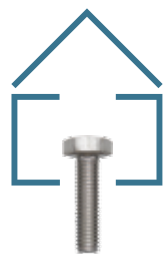




Earthquake Brace + Bolt Program: Rules for Participation

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**EARTHQUAKE
BRACE+BOLT[®]**
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About EBB

The Earthquake Brace + Bolt Program (“EBB Program”, “EBB” or “Program”) was developed to help homeowners lessen the potential for damage to their houses during an earthquake.

A seismic retrofit strengthens an older house, making it more resistant to earthquake activity such as ground shaking and soil failure. The seismic retrofitting is performed in accordance with California Existing Building Code Chapter A3 (“Chapter A3”) and involves (1) bolting the house to its foundation and (2) bracing, as necessary, the perimeter of the crawlspace.

A typical Chapter A3 retrofit costs between \$3,000 and \$7,000, depending on the location and size of the house, contractor fees, and the materials and work involved. Most homeowners hire a licensed contractor to do the seismic-retrofit work instead of doing it themselves—but if the homeowner is an experienced do-it-yourselfer, a retrofit can cost less than \$3,000.

Owner-occupied houses in Program ZIP Codes as listed on the EBB website that are suitable for a Chapter A3 retrofit may qualify for an incentive payment of up to \$3,000 to help pay for the retrofit, whether performed by a contractor or by the homeowner.

EBB Program benefits are made possible by funding from the California Residential Mitigation Program (“CRMP” is a joint powers authority established under California Government Code Section 6500, et.seq, whose members are the California Earthquake Authority, a public instrumentality of the State of California, and the California Governor’s Office of Emergency Services, an agency of the State of California) and the Federal Emergency Management Agency.

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Introduction

These Rules (“Rules”) govern the operations of the FEMA-funded Earthquake Brace + Bolt Program and are binding on all homeowners who participate in FEMA-funded EBB and on all Participating Homeowners, Participating Contractors and Licensed Design Professionals participating in the FEMA-funded EBB program.

These Rules may be amended at any time, and amended Rules become effective upon the date posted on the EBB website (www.EarthquakeBraceBolt.com).

All Definitions stated in these Rules apply to these Rules, to EBB Program documents, and to content on the EBB website.

Section 1 – Homeowners and the EBB Program

1.1 Official Source of EBB Program Information

The EBB Program is described on the EBB website, which is the only official source of information about EBB.

1.2 Locations Where EBB Is Offered; ZIP Code Selection Process

The EBB website lists the ZIP Codes in which EBB currently operates. Houses located in ZIP Codes not listed on the EBB website are not eligible for EBB participation.

The ZIP Codes are selected from time to time using criteria approved by the CRMP Governing Board. Applying those criteria entails ordering all California ZIP Codes and then weighting them equally between two categories:

- (a) Earthquake Hazard: Higher-hazard areas were identified using the United States Geological Survey (USGS) earthquake-hazard map for California.
- (b) Seismic Vulnerability of Houses: The seismic vulnerability of houses located in California’s higher-hazard ZIP Codes was represented by the percentage of pre-1940 houses in each of those ZIP Codes—older houses are more likely to require seismically resistant bracing and bolting.

1.3 Incentive Payments

EBB offers an incentive payment of up to \$3,000 per house for a seismic retrofit done in accordance with California Existing Building Code, Chapter A3 (“Chapter A3”) on Qualifying Houses (see Section 1.6) after the applicant has been accepted for participation in EBB, provided the Participating Homeowner:

- (a) Is an Eligible Applicant (see Section 1.5);
- (b) Completes a qualifying seismic retrofit in accordance with the Program Rules;

- (c) Sends to the EBB Program all the documentation required by these Rules (see Section 1.8); and
- (d) Abides by all EBB Program Rules.

The cost of a qualifying seismic retrofit may exceed the \$3,000 EBB incentive payment—any and all costs associated with a qualifying seismic retrofit that are greater than the EBB incentive payment are the sole responsibility of the Participating Homeowner.

An EBB program incentive payment is a grant of funds, not a loan, and does not have to be repaid. All payments must be used for purposes consistent with these Rules. Incentive payments may constitute taxable income to the Participating Homeowner (see Section 1.10).

1.4 Qualifying Seismic Retrofit

Only seismic retrofits performed in accordance with Chapter A3 qualify for an EBB Program incentive payment.

EBB requires a Chapter A3 seismic retrofit to be done by a licensed contractor listed in the EBB Contractor Directory or by an owner-builder, either using a standard plan-set for Type 1 Qualifying Houses (see Section 1.6.1) or using plans prepared by a “Licensed Design Professional” (defined herein as an engineer or architect) for Type 2 Qualifying Houses (see Section 1.6.2). (Note: The value of the labor provided by an owner-builder is not a recoverable cost under the EBB Program and is not considered a reimbursable out-of-pocket expense.)

No Partial Chapter A3 Retrofits Are Permitted: All retrofits, including engineered retrofits, must be in accordance with Chapter A3, which means the retrofit must strengthen all structural weaknesses identified in Chapter A3. The qualifying EBB retrofit must meet or exceed the Chapter A3 requirements for both sill-plate anchorage and cripple-wall bracing (if cripple walls are present). For example, a retrofit that includes new sill-plate anchors but does not brace existing cripple walls will not qualify for the EBB grant.

In addition to the seismic retrofit, the water heater must also be properly strapped. During an earthquake, unsecured water heaters often fall over, rupturing rigid water and gas connections—strapping the water heater will reduce the likelihood of water and fire damage. Note: Incentives for water-heater strapping are only eligible for Program benefits when bracing (if cripple walls are present) and bolting are also being performed on the house.

There may be other code requirements (e.g., installation of smoke and carbon monoxide detectors) when a permit is obtained for residential construction; work performed to meet such other code requirements does not qualify for EBB Program incentive payments.

The seismic-retrofit permit must be issued after acceptance into the Program. However, the retrofit work must not start before pre-retrofit documents and photos are approved by FEMA and EBB. Retrofit work started (whether or not completed) before receiving approval from FEMA and EBB, will make the retrofit wholly ineligible for an EBB incentive payment.

1.5 Eligible Applicants

“Eligible Applicant” for purposes of EBB requirements means that the homeowner who registers and answers the EBB-qualification questions must:

- (a) use the house as their primary residence as of the date of EBB application submission and as of the date the retrofit is completed, as evidenced by driver license, utility bill, or other form of evidence acceptable to EBB;
- (b) be an owner of record on the deed; and
- (c) register for the EBB Program by completing the EBB Program application with their legal name.

1.5.1 Eligible Applicants—Houses Held in Trust

If the Qualifying House (See Section 1.6) is owned by or otherwise held in a trust, then the named trustee must satisfy the following “Owner-Occupied” requirements to participate in the EBB Program:

- (a) provide evidence they are a trustee of the trust that owns the Qualifying House;
- (b) register for the EBB application using their legal (trustee) name and
- (c) provide evidence they, the trustee, reside in the Qualifying House.

1.6 Qualifying Houses

There are two types of Qualifying Houses, and each Qualifying House must satisfy all of the following requirements and be either a Type 1 or Type 2 Qualifying House. The requirements are:

- (a) located in an EBB-Program-eligible ZIP Code, as listed on the EBB website;
- (b) meet California Existing Building Code, Chapter A3, specifications;
- (c) built before 1980 and sit on level ground or a low slope;
- (d) be a detached residential building composed of one to four dwelling units, with a continuous, raised-perimeter foundation;
- (e) no Chapter A3 brace-and-bolt retrofit has been started or completed before the date of acceptance into the EBB program; and

- (f) no incentive payment from (i) EBB, (ii) the California Earthquake Authority Brace + Bolt program, or (iii) any other earthquake-retrofit-incentive grant program has been received previously for the legal parcel

1.6.1 Type 1 Qualifying House

The Type 1 Qualifying House, if a cripple wall is present, has a cripple wall (defined as a wood-frame stud wall extending from the top of the foundation to the underside of the lowest floor framing) that does not exceed 4 feet in height in any part of the crawl space. In addition, the Type 1 Qualifying House must not:

- (a) have a lateral-force-resisting system that uses poles or columns embedded in the ground;
- (b) exceed three stories in height or be a three-story house with cripple-wall studs exceeding 14 inches in height;
- (c) be constructed in whole or in part on concrete slab(s)-on-grade*; or
- (d) be classified by the local building department as a house required to be retrofitted with plans prepared by a Licensed Design Professional.

The local building department can approve a Type 1 Qualifying House retrofit to be performed using a standard plan set for Chapter A3 retrofits, such as the Los Angeles Standard Plan Number One or the ABAG (Association of Bay Area Governments) Standard Plan A (sometimes called ABAG Plan Set A).

- * *A local building department may determine that a house can qualify as a Type 1 Qualifying House if a portion of the house is constructed on a concrete slab-on-grade and the retrofit work is limited to the remainder of the house.*

1.6.2 Type 2 Qualifying House (Plans Prepared by Licensed Design Professional)

Chapter A3 requires that a Type 2 Qualifying House be retrofitted according to plans prepared by a Licensed Design Professional, who must sign the plans and certify in writing that the plans conform to Chapter A3.

The Type 2 Qualifying House has one of the following characteristics:

- (a) a cripple wall that exceeds 4 feet in height but not taller than 7 feet; or
- (b) a lateral-force-resisting system using poles or columns embedded in the ground; or
- (c) exceeds three stories in height; or
- (d) is a three-story house with cripple wall studs exceeding 14 inches in height; or
- (e) is constructed in part on concrete slab(s)-on-grade; or
- (f) is classified by the local building department as a house required to be retrofitted with plans prepared by a Licensed Design Professional.

1.7 Registering for EBB

During the 30-day registration period stated on the EBB website for the ZIP Code in which the house is located, the homeowner must either (1) complete their EBB Program registration on the EBB website or (2) request and submit a completed paper EBB Program application, with the date of submittal to be evidenced by official proof of mailing or other documentary evidence of dispatch by a courier service such as FedEx or UPS.

No incomplete, early, or late registrations will be considered.

By answering the EBB-qualification questions on the EBB website, the homeowner can determine whether the house is a Qualifying House (see Section 1.6) and that the person registering and answering the EBB qualification questions is an Eligible Applicant (see Section 1.5).

If the house is a Qualifying House and the homeowner is an Eligible Applicant, the homeowner will be permitted to complete registration, add contact information, and authorize EBB to send text alerts when important email communications are sent.

Successfully registering for the EBB Program does not guarantee acceptance into the program.

If the house is not a Qualifying House or if the homeowner is not an Eligible Applicant, the homeowner may sign up for future EBB Program notices and updates but is not eligible to receive an EBB incentive grant.

EBB is aware that houses may be owned by more than one person. EBB does not undertake, however, and is not responsible for confirming, that a house is owned solely by the person applying to EBB or owned with others, or whether the person applying to EBB is authorized to perform or authorize the performance of seismic-retrofit work on the house. It is the sole responsibility of each Participating Homeowner to make sure that any and all co-owners have been notified of, and agree to the performance of, the seismic retrofit in connection with the EBB Program.

The EBB Program determines, in its sole discretion, the number of Participating Homeowner incentive payments it will award.

1.7.1 Registration

Registering as an EBB Participating Homeowner and qualifying for the Program after answering registration questions does not guarantee acceptance into the EBB program.

Once homeowner registration closes, EBB will conduct the random-selection process and randomly selected Participating Homeowners will be placed on the registration list. The remainder of the registrants will be placed on a wait list. EBB will communicate by email with all homeowners who have applied for the Program as Eligible Applicants with Qualifying Houses, regardless of whether they have been

selected as a Participating Homeowner or whether they have been placed on a wait list for possible EBB Program participation. Being placed on a wait list, however, does not guarantee acceptance into the Program or eligibility for future EBB incentive payments.

Participating Homeowners should visit <https://www.earthquakebracebolt.com/> within 30-days following the notification date of being accepted into the EBB program and log in with their user credentials, as set up during registration. Each Participating Homeowner will have an online “Homeowner Dashboard,” which must be used to upload all required documentation and photographs.

All Participating Homeowners will receive a homeowner packet by mail with detailed Program instructions, including a Step-by Step Guide and a Homeowner Checklist.

For Participating Homeowners in the 2019 EBB Program that receive funding from the Federal Emergency Management Agency (FEMA), pre-retrofit documents and photos (see Section 1.8.1) will be sent to FEMA for its review and approval. The FEMA approval process is expected to take 2-6 weeks. To remain eligible for the \$3,000 grant, retrofit work must not begin before the Participating Homeowner receives approval from EBB for retrofit work to proceed.

1.8 Required Documentation for Incentive Payment

Using the Homeowner Dashboard, participating Homeowners must submit all documents described in Sections 1.8.1 and 1.8.2 to EBB to qualify for the incentive payment.

A Participating Homeowner may authorize their licensed contractor to submit retrofit documentation on behalf of the Participating Homeowner by following the instructions on the Homeowner Dashboard.

1.8.1 Before the Retrofit Begins

Within 12 weeks after receiving the Program acceptance email from EBB, all Participating Homeowners must do all of the following, using their online Homeowner Dashboard:

- (a) Indicate whether the retrofit project will be performed by a licensed contractor or by the Participating Homeowner as an owner-builder. If the Participating Homeowner is going to hire a licensed contractor to do the retrofit work, the licensed contractor must be an EBB Participating Contractor listed on the EBB Contractor Directory—retrofit projects performed by any contractor who is not an EBB Participating Contractor from the EBB Contractor Directory will not qualify for the incentive payment.
- (b) If hiring a licensed contractor, the Participating Homeowner must do all of the following:
 1. Obtain and submit a bid from an EBB Participating Contractor. If that bid is more than \$10,000, the Participating Homeowner must secure and upload an additional bid from at least one other EBB Participating Contractor.

2. If the Participating Homeowner wishes to select a bid other than the lowest bid, the Participating Homeowner must provide EBB the name of the Participating Contractor selected to do the work and state the reason for selecting the higher bid by uploading all that information using the Homeowner Dashboard on the EBB website.
- (c) Using the Homeowner Dashboard, upload a building permit that is issued after the date of acceptance into the EBB Program. Building permits are obtained from the local building inspection department (actual names of these departments vary). The building permit must be solely for the seismic retrofit work and may not include other work on the premises. For example, remodeling or other construction work must be on a separate permit. The building permit must include the following information:
1. If the house is a Type 1 Qualifying House, the building permit must state that the seismic retrofit is to be performed in accordance with Chapter A3 or in accordance with a standard plan set.
 2. If the house is a Type 2 Qualifying House, the building permit must state that the seismic retrofit is to be performed in accordance with Chapter A3 using plans prepared by a Licensed Design Professional.
 3. The wording on building permits varies, but the criteria immediately above apply to every permit for every Qualifying House.
- (d) Upload Scope of Work/Plans
- (e) Take and upload eight (8) photographs:
1. Three (3) photos taken in the basement or crawl space showing the cripple walls, if present, and the foundation.
 2. Five (5) photos of the exterior of the house. Photos must be date stamped, taken **BEFORE** the retrofit work begins and showing the following views:
 - View one: front of the house
 - View two: front of the house and the left side
 - View three: back of the house and the right side
 - View four: back of the house and the left side
 - View five: front of the house and the right side
- (f) Upload a copy of homeowner's driver license or a utility bill to provide proof of residing in the Qualifying House.
- (g) Review local County Assessor's or State Board of Equalization's website regarding any pre-construction requirements concerning the seismic retrofitting construction exclusion from assessment provided by section 74.5 of the California Revenue and Taxation Code.

Once all of the required pre-retrofit documents and photos are uploaded and approved by EBB, they will be forwarded to FEMA for review. After receiving approval from FEMA (most likely 2-6 weeks after submission), EBB will inform the Participating Homeowner that the retrofit work may begin and that they have six (6) months from that day to complete their retrofit.

1.8.2 After the Retrofit is Complete

The seismic retrofit must be completed within six (6) months after the date of receiving approval to start the retrofit job from EBB. Within 30-days after completion of the retrofit, the following items must be submitted to EBB using the online Homeowner Dashboard:

- (a) Signed Building Permit
 1. A copy of the building permit signed by the building inspector after final inspection.
- (b) Eleven (11) photos:
 1. Three (3) showing the completed retrofit work: in the crawl space from the same locations as the “before” photos and showing the cripple walls, if present, the foundation, and the completed retrofit work. Photos must clearly depict the completed retrofit work.
 2. Two (2) of the strapped water heater: One (1) taken from the front and one from the side, at an angle, showing the water heater has been strapped with two (2) straps that wrap completely around it and are screwed into the studs or masonry of the wall. If the Participating Homeowner has a tankless hot water heater, it must be secured according to the building code and two (2) photos provided.
 3. One (1) showing the access to the crawl space including something to show scale (such as a ruler or yardstick).
 4. Five (5) photos of the exterior of the house. Photos must be date stamped, taken **AFTER** the retrofit work is done and taken from the same views as the pre-retrofit photos:
 - View one: front of the house
 - View two: front of the house and the left side
 - View three: back of the house and the right side
 - View four: back of the house and the left side
 - View five: front of the house and the right side
- (c) A completed and signed Payment Authorization Form (PAF).
- (d) A final invoice(s) and receipt(s) (not the contractor’s initial bid or proposal) for retrofit-related expenses must be submitted by a Participating Contractor and include:
 1. Date submitted to Participating Homeowner;

2. Participating Contractor contact information, including Participating Contractor's California license number;
 3. Date(s) retrofit work performed;
 4. A brief description of the work completed (e.g., seismic retrofit of home for EBB Program or seismic bracing and bolting of residence in accordance with CEBC Chapter A3).
 5. Cost of labor per hour and number of hours worked;
 6. Cost and types of materials used;
 7. Amount of overhead and profit;
 8. If services of a Licensed Design Professional were required, the cost of those services must be included;
 9. A statement of whether the invoice has been partially or fully paid. If the Participating Homeowner is assigning the incentive payment to the Participating Contractor, that fact must be stated on the invoice; and
 10. The invoice may include only EBB-charges related to specific retrofit work. Removal or disposal of previous retrofit work is not an expense that is reimbursable by EBB.
- (e) If the Participating Homeowner performed the work as an owner-builder, the homeowner must submit legitimate and legible receipts to verify out-of-pocket "House Retrofit Expenses," which may include the building permit fee and the cost of materials and rented equipment used for the retrofit project.
1. Receipts must show the vendor name, address, and phone number and the date(s) of the equipment rental and purchase(s) of materials.
 2. The value of labor provided by an owner-builder is not a recoverable cost under the EBB Program and is not considered a reimbursable out-of-pocket expense.

Incentive payments will not be provided if a Participating Contractor is not in good standing with the Contractor's State License Board or appears on the state or federal debarment list or is not listed on the EBB Contractor Directory.

1.8.3 Additional Conditions Regarding Documentation

- (a) The Participating Homeowner must confirm that they have reviewed, and are fully responsible for, the accuracy of all documentation submitted to EBB, including documentation submitted by a licensed Participating Contractor on behalf of the Participating Homeowner.

- (b) EBB will reject incomplete documentation and will make reasonable efforts to promptly advise the Participating Homeowner to complete and re-submit the required documentation.
- (c) Failure to submit any completed required documentation to EBB may render the Participating Homeowner ineligible for an EBB incentive payment.
- (d) The Executive Director or Managing Director of CRMP, in their sole discretion, may waive any requirements or extend any time limits stated in Sections 1.7 and 1.8 and their Subsections.

1.9 Retrofit Inspections

As a condition of payment approval, or for quality-assurance purposes, EBB reserves the right to inspect, upon reasonable notice to the Participating Homeowner, the seismic retrofit work performed on any Qualifying House.

1.10 Payment and Tax Reporting

Incentive payments typically will be mailed within four (4) weeks following final approval by EBB.

Incentive payments in the FEMA-funded EBB program are not subject to federal or state taxation.

Each Participating Homeowner is encouraged to seek appropriate professional advice on the federal and state tax implications of their receiving the EBB incentive payment and whether the incentive payment will affect eligibility, income thresholds or limitations, or other issues relating to any healthcare or other programs of interest to the Participating Homeowner.

1.11 Program Communications

EBB communications will be delivered to Participating Homeowners by email, except the Participating Homeowner Packet, which will be sent through regular mail delivery by the U.S. Postal Service. Participating Homeowners may also opt in to receive SMS text alerts to alert them to important email communications.

Neither CRMP nor EBB is (a) responsible or liable for any email communications that are missed, scrubbed, or filtered by anyone's computer system or email functions or (b) responsible or liable for any communications that are missed, lost, damaged, misdirected, or otherwise not delivered or received through use of U.S. Postal Service mail. EBB has no obligation to provide other forms of communication.

Section 2 – Participating Contractors and Licensed Design Professionals

Participating Contractors and Licensed Design Professionals hired by Participating Homeowners are not selected by, approved by, governed by, or in any way the responsibility of CRMP or EBB. The appearance of any Participating Contractor or Licensed Design Professional on the Contractor Directory or Design Professional Directory on the EBB website is not an endorsement or approval. EBB hereby disclaims any and all obligation to maintain, keep current, or monitor the Contractor Directory or Design Professional Directory or to monitor the licensing, financial condition, contracts, or competence of any Participating Contractor listed on the Contractor Directory or Design Professional Directory or of any Licensed Design Professional hired by a Participating Homeowner.

2.1 Contractor Directory

The Contractor Directory on the EBB website is a list of California-licensed contractors in good standing that:

- (a) have one or more employees, workers, or other associated personnel who have successfully completed the FEMA training videos and quizzes offered on the EBB website;
- (b) register on the EBB website as a “Participating Contractor” and maintain an online EBB account via the EBB “Contractor Dashboard”;
- (c) affirm on the Contractor Dashboard that the contractor is a California-licensed contractor in good standing in a field reasonably related to residential retrofit work on dwellings in California and have that standing accurately reflected on the State of California Contractors State License Board website;
- (d) confirm, acknowledge, and agree that neither CRMP nor EBB will have any liability or responsibility for any work bid on or performed by the contractor; and
- (e) affirm by signifying on the Contractor Dashboard, that the contractor is not currently barred by the State of California or the federal government from bidding on, accepting, or performing any State of California or federal government-funded public works contracts, either as a contractor or subcontractor.

EBB provides the Contractor Directory on its website as a resource for Participating Homeowners—the listing in that Directory of a contractor who has become a Participating Contractor does not constitute CRMP’s or EBB’s endorsement, approval, or recommendation of that Participating Contractor.

2.1.1 To remain listed in the Contractor Directory, a Participating Contractor must:

- (a) comply with all applicable EBB rules and requirements;
- (b) perform all EBB retrofits in accordance with Chapter A3 and ensure that an employee, worker, or other associated person who has taken and successfully completed the FEMA training videos and quizzes offered on the EBB website, oversees and approves all EBB retrofit work performed by the Participating Contractor;
- (c) provide Participating Homeowners with invoices that clearly and separately show charges for materials, taxes, labor, and overhead, profit, or margin and lists the date the retrofit work was done (see Section 1.8.2 (d) for additional requirements);
- (d) ensure that each and every building permit for EBB retrofits is solely for the seismic retrofit work and does not include other work on the premise and includes the required references to Chapter A3 or a standard plan set (for a Type 1 Qualifying House) or the required references to plans prepared by a Licensed Design Professional (for a Type 2 Qualifying House);
- (e) provide on the Contractor Dashboard, upon EBB's request, evidence of:
 - o a current California contractor's license; and,
 - o a current Contractor Bond or Bond of Qualifying Individual, or both, that meets the statutory requirement, and retain evidence of current workers' compensation insurance for all employees;
- (f) not be barred by the State of California or the federal government from bidding on, accepting, or performing any State of California or federal-government-funded public works contracts, either as a contractor or subcontractor;
- (h) demonstrate a commitment to work within the local jurisdiction's building-construction permitting and inspection processes; and
- (i) provide good workmanship, reasonable pricing, and in good faith follow all Rules of the EBB program.

Incentive payments will not be provided if a Participating Contractor is not in good standing with the Contractor's State License Board and/or on the state or federal debarment list.

2.2 Licensed Design Professionals (e.g., engineers, architects) must:

- (a) ensure all submissions (e.g., plans, design, letters) completed for an EBB retrofit are in accordance with Chapter A3 of CEBC;
- (b) ensure a stamped and signed letter is provided to the homeowner or Participating Contractor affirming the retrofit plans are in accordance with Chapter A3 of the CEBC; and
- (c) maintain an active license.

2.2.1 To remain listed in the Directory, a Licensed Design Professional must:

- (a) comply with all applicable EBB rules and requirements;
- (b) not be barred by the State of California or the federal government from bidding on, accepting, or performing any State of California or federal-government-funded public works contracts, either as a contractor or subcontractor;
- (c) maintain an active license; and
- (d) provide good workmanship, reasonable pricing, and in good faith follow all Rules of the EBB program, as applicable.

EBB has no obligation to maintain, keep current, or monitor licensing, financial condition, contracts, or competence of any Licensed Design Professional listed in the Directory or any other Licensed Design Professional hired by a Participating Homeowner.

2.3 Removal of Participating Contractor from “Contractor Directory” or Licensed Design Professional from “Design Professional Directory”

- (a) In its sole discretion, EBB may remove a Participating Contractor or Licensed Design Professional from their respective directory in the event EBB determines that the Participating Contractor or Licensed Design Professional has failed to meet any or all requirements of Section 2.
- (b) In its sole discretion, EBB may remove a Participating Contractor or Licensed Design Professional who is using EBB’s trademark or EBB’s phrase “Brace + Bolt” —or any mark or phrase that is, in EBB’s sole opinion and discretion, reasonably similar to EBB’s registered marks—in any manner that implies that the Participating Contractor or Licensed Design Professional is affiliated with EBB in any manner beyond its status as a Participating Contractor or Licensed Design Professional.
- (c) EBB has no obligation to maintain, keep current, or monitor the licensing, financial condition, contracts, or competence of any Participating Contractor or Design Professional listed on their respective directory.
- (d) A Participating Contractor or Licensed Design Professional may be removed from their respective directory in the event EBB determines that the Participating Contractor or Licensed Design Professional has failed to meet the Program requirements. This includes an engineered retrofit submittal that does not address both sill plate anchorage and cripple wall bracing (if cripple walls are present).
- (e) Any Participating Contractor or Licensed Design Professional that completes work not in accordance with Chapter A3 may be removed from their respective directory.

2.4 Advertising

Participating Contractors are permitted to use wording in their marketing and sales materials that describes their successful completion of the FEMA training videos and testing offered on the EBB website. In no instance and under no circumstances may a Participating Contractor use language indicating “approval,” “endorsement,” “qualified,” or “referred” by EBB in marketing or sales materials.

Section 3 – Dispute Resolution

By applying to participate, or participating, in the EBB Program, homeowners, Participating Homeowners, Participating Contractors, contractors and Licensed Design Professionals agree to resolve any dispute or controversy with, or claim against, CRMP or EBB according to the Terms of Use posted on the EBB website.

3.1 Informal Procedure

In the event a controversy or claim arises out of the use of the EBB website or participation in EBB, a homeowner, Participating Homeowner, Participating Contractor, contractor or Licensed Design Professional may contact EBB and discuss the matter informally with the Managing Director or a designee. If the controversy or claim is not resolved in that manner, any party who still feels aggrieved may send a letter to the Managing Director.

The Managing Director or a designee will meet, in person or by telephone, or both, with the parties within 10 business days of receipt of the letter or such longer period as may be mutually acceptable.

The Managing Director will provide a written statement within 20 days of the conclusion of the meeting.

Homeowners, Participating Homeowners, Participating Contractors, and contractors and Licensed Design Professionals are not required to follow this informal dispute-resolution procedure and following this informal dispute resolution procedure does not prevent them from initiating the arbitration procedure described in Section 3.2.

3.2 Mandatory Arbitration

By using the EBB website or by participating in any way in any EBB program, homeowners, Participating Homeowners, Participating Contractors, contractors and Licensed Design Professionals agree that any claim or controversy arising out of their use of the EBB website or participating in EBB—that is not settled or resolved by use of the Informal Procedure in Sub-section 3.1—must be settled solely by arbitration administered by the American Arbitration Association in accordance with its Home Construction Arbitration Rules, and judgment on the award rendered by the arbitrator(s) may be entered in any court having jurisdiction.

In doing so, homeowners, Participating Homeowners, Participating Contractors, contractors and Licensed Design Professionals, and each of them, acknowledge that (1) each is giving up the right to sue in court, including the right to trial by jury, except as provided by the rules of the American Arbitration Association; (2) arbitration awards are generally final and binding, and the ability to have a court reverse or modify an arbitration award is limited; (3) the ability to obtain documents, witness statements, and other discovery is generally more limited in arbitration than in court proceedings; (4) the arbitrators do not have to explain the reasons for their award; and (5) the rules of the American Arbitration Association may impose time limits for bringing a claim in arbitration. The costs of the arbitration, including any American Arbitration Association administration fee, the arbitrator's fee and costs for the use of facilities during the hearings, shall be borne by the least prevailing party to the arbitration as determined by the arbitrator.

Section 4 – Personal Information, Privacy Policy, and Terms of Use for Participants, Participating Contractors and Licensed Design Professionals

- (a) The information that EBB and CRMP collects, maintains, and uses includes, but is not limited to:
- Personal information about homeowners, Participating Homeowners, Participating Contractors, contractors (and their employees and subcontractors), and Licensed Design Professionals;
 - Applications for building permits and building permits;
 - Documentation of costs and materials associated with the seismic retrofit;
 - Information about houses belonging to homeowners and Participating Homeowners; and
 - Photographs of houses and of the seismic retrofit work.
- (b) Any Participating Homeowner, Participating Contractor or Licensed Design Professional who does not agree that the information described in Section 4 may be collected, maintained, and used for the purposes described in the Privacy Policy and Terms of Use referred to in Sub-sections (a) and (c) may not become or remain an EBB Participating Homeowner, Participating Contractor or Licensed Design Professional.
- (c) The Privacy Policy posted on the EBB website www.EarthquakeBraceBolt.com pertains to the information described in Subsection 4 (a); that Policy is part of and is incorporated into these Rules by this reference. The Privacy Policy may be amended at any time, and any amendment becomes effective when posted on the EBB website.

Section 5 – Contact Information

Please contact EBB if you have questions. California Residential Mitigation Program
801 K Street, Suite 1000, Sacramento, CA 95814
Toll free: (877) 232-4300

For general questions about EBB, email: **info@EarthquakeBraceBolt.com**
or visit the EBB website at: www.EarthquakeBraceBolt.com

A Project of the

CALIFORNIA RESIDENTIAL MITIGATION PROGRAM

A Joint Powers Authority of the
California Earthquake Authority and the
California Governor's Office of Emergency Services

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