



- Don't be pressured into signing a Certificate of Completion until you're certain that all work has been completed to your satisfaction and to the specifications set forth in the contract.
- Inspect the work while the contractor isn't looking over your shoulder. Take your time.
- If possible, pay by credit card. You have additional protection if there's a problem.
- If necessary, get lien waivers from subcontractors before final payment is made.
- Don't give the contractor the run of the job or a key to your house during your absence.
- Never ignore notices from subcontractors or suppliers about nonpayment. The problem will only get worse if you ignore it.
- Get extra materials such as tiles, siding, paint and wallpaper so you can make repairs at a later date and don't have to worry about finding the right match. Even worse, the type you used may be discontinued.

### What Should I Do If There's a Problem?

If you have a problem, you don't have to fight it alone. The Department of Consumer Protection can help, and there is no fee for our assistance. You can file a complaint online at [www.westchestergov.com](http://www.westchestergov.com) or by calling 914-995-2155. Your complaint should include a complete description of the problem, the name, address and telephone number of the contractor, and a copy of relevant documents such as the contract, any guarantees or warranties, photographs, correspondence, and canceled checks (both front and back) showing proof of payment.

The Department of Consumer Protection will investigate your complaint and try to mediate your dispute with the contractor. In many cases intervention by our office in the form of telephone calls, letters or visits by one of our inspectors can resolve the matter. If the contractor committed violations of law, an appearance ticket can be issued and may result in the imposition of civil penalties.

Westchester County Department of Consumer Protection  
148 Martine Avenue, Room 407, White Plains, New York 10601  
Phone: (914) 995-2155  
FAX: (914) 995-3115

[westchestergov.com/consumer](http://westchestergov.com/consumer)



George Latimer, County Executive  
Jim Maisano, Director  
Department of Consumer Protection

# Time to modernize your home?

## Choosing A Home Improvement Contractor



Each year thousands of Westchester residents hire a contractor to improve or remodel their home or apartment. While most consumers are satisfied with the work done by their contractor, others complain about shoddy workmanship, overcharges, missed deadlines or the contractor's failure to complete the work. Some even complain that the contractor failed to start the project at all.

Your home is your biggest investment. So for your own protection, there are things you should know before hiring a home improvement contractor. You should also be aware of some important legal rights and protections that you have.

### What is a home improvement?

Examples include waterproofing, exterior siding, gutters, decks, roofs, construction of additional rooms, window replacement, driveway repaving, kitchen and bathroom renovation, masonry, fence installation, chimney maintenance, exterior painting, landscaping and gardening, and swimming pool repair and installation.

### Where Do I Start?

Take your time, plan ahead and do your homework. Think about the specific design you want and what you can afford. Think about the materials you want to use. Visit home improvement centers, read magazines, browse the Internet and talk to others who have completed similar renovations. Figure in all the costs, including materials, supplies, labor, permits, and financing. Create a workable, realistic budget.

Be sure to know what you want. Be specific. If you don't know what you want, you might not like what you get. It will probably cost more to make changes after work has begun.

### How Do I Find a Contractor?

Shop around. Try to get recommendations from people you know: your friends, neighbors, and colleagues at work. Good contractors are usually found by word of mouth.

### How Many Estimates Should I Get?

Get at least three estimates, especially if the job is big. Make sure all estimates are based on the same set of specifications, materials and scope of work. Be sure the estimates include details and specifications, responsibility for clean up, and amount of downpayment required.

In assessing the estimates, don't always go with the low bidder. A higher price may be worth it if the contractor is the most experienced, will use better materials, will do a better job, and keep to a timeline.

Be wary of an extremely low bid. It may be an indication that the contractor is overeager for your business, made a mistake in preparing the bid or is not including all the work quoted by the other bidders

### Should I Ask for References?

Yes. Ask each contractor for local references, and call the references to see if they were satisfied with the work. Ask questions such as: Did the contractor keep to the schedule and the terms of the contract? Were you pleased with the work? Was the project completed on time? Were there unexpected costs? Did the contractor clean up after finishing the job? Were there any problems, and if so, was the contractor responsive to your concerns? And most important: Would you hire the contractor again?

Get references on jobs that are still in progress, not just completed jobs.

Don't just call the references – see for yourself by visiting the homes where the contractor has done work.

Also, ask each contractor for references from material suppliers and subcontractors. Make sure that the contractor has been paying his bills on time.

### What Should I Ask the Contractor?

Ask each contractor:

- Are you licensed? Home improvement contractors require a license issued by the Department of Consumer Protection. Contractors who operate without a license are guilty of a Class A misdemeanor, punishable by one year in jail, a \$1,000 fine or both.





- How long have you been in business? Generally speaking, the longer the better.
- How many projects like mine have you done before? In the last year?
- What is your business address and business telephone number? Verify this information, and remember – a contractor who only gives a P.O. box address or a cell phone number may be difficult to find if the job goes uncompleted or you need him to come back to fix something after the last bill has been paid.
- Will your employees do the work or you will you subcontract?
- Will my project require a permit? Be suspicious if the contractor asks you to get the permit - - it could mean that the contractor is not licensed and does not want to contact the local building authorities.
- How many other jobs will you take on at the same time?
- Will you personally be on site while work is done? All of the time? Some of the time? If so, when?
- Are you a member of any remodeling and contracting industry organizations?

**How Do I Make Sure That the Contractor is Licensed?**

Check with the Department of Consumer Protection. You can check online at [www.westchestergov.com](http://www.westchestergov.com) or by telephone at 914-995-2155. Note: Contractors who do work in Yonkers must be licensed by the consumer affairs office in that city.

All vehicles used by a licensed contractor must display a decal issued by the Department of Consumer Protection.

**Why Should I Hire a Licensed Contractor?**

License holders undergo a criminal background check, and must supply proof of insurance and financial responsibility. A license can be revoked for violations of law and for failure to resolve consumer complaints. An unlicensed contractor could have a serious criminal record. Remember, you'll be letting this person into your home.

An unlicensed contractor might lack insurance. Remember, this could expose you to liability in the event of an accident or injury. An unlicensed contractor could have unpaid judgments. Remember, the contractor's failure to pay subcontractors or suppliers could delay the completion or your project, or result in mechanics liens being placed against your home.

**Should I Find Out Whether There Have Been Complaints Against the Contractor?**

Yes. You can contact the Department of Consumer Protection, your local consumer affairs office if you live in Yonkers or Mount Vernon, and the Better Business Bureau. You can also check with your local building department.

**What Are the “Red Flags” I Should Look Out For?**

- Avoid unlicensed contractors. The risks are high, and you have little recourse against them.
- Avoid contractors who show up at your doorstep unannounced or contact you through telemarketing.
- Avoid contractors who engage in high pressure sales pitches, whose promises appear “too good to be true,” or whose references can’t be reached.
- Avoid contractors who tell you there’s no need for a written contract. By law, all contracts for \$500 or more must be in writing. And it's a good idea to get a written contract for all projects.
- Avoid transient contractors who only have a P.O. box address or a cell phone number.
- Avoid contractors who offer rebates or discounts for referring other customers or using your home as a model.
- Avoid contractors who demand payment in cash or want more than one-third of the total payment before work has begun. Give as small a deposit as possible and avoid cash deposits.
- Be wary of contractors who ask for money to buy materials before starting the job. Reputable contractors can buy materials on credit.
- Avoid contractors who ask you to get the necessary permits.

**How Do I Know if the Contractor is Insured?**  
Ask the contractor to provide you with a certificate of insurance. Don't just take his word that he's insured.

**Should I Get a Written Contract?**

Yes. Contracts for jobs costing \$500 or more must be in writing, but it's best to get a written contract in all cases. Insist on a written contract, and make sure to get a copy. Do NOT agree to an oral contract.

**What Must the Contract Include?**

By law, the contract must include:

- The complete name, address and phone number of the contractor.
- The contractor's license number.
- A consumer notice which states in bold print that the customer has an unconditional right to cancel the contract until midnight of the third business day after the contract was signed. Cancellation must be done in writing.
- The approximate start date and completion date of the work, including any contingencies that would change the completion date.
- A specific description of the work and materials, including brands, model numbers and other identifying information, along with the price.
- A clause which states that the contractor is legally required to deposit all progress payments received prior to completion in an escrow account or post a bond to protect these payments.
- A clause which states that if the contractor or subcontractor who does the work is not paid, he may have a claim against the owner's property under the Lien Law.

**What Else Should I Put in the Contract?**

- Any guarantees on workmanship and materials. If you don't get these in writing, they will be difficult to enforce.
- Clarification on who obtains and pays for permits.
- A requirement that the contractor remove and cart away construction debris, including the frequency with which this must be done.

- The total price, including materials, labor and any additional charges.
- The payment schedule. Any schedule of progress payments must bear a reasonable relationship to the work done, materials purchased or other project-related costs.
- A “lien waiver” clause which allows you to withhold final payment until the contractor gives you proof of payment to all subcontractors, suppliers and vendors. This helps prevent unpaid subcontractors, suppliers and vendors from putting liens on your home.
- A requirement that the contractor will comply with all applicable laws, regulations and codes, and that no work will be done until the contractor has obtained all necessary permits.
- A penalty clause that allows you to reduce the price if work is not completed on time. For example, “\$100 per day to be deducted from the contract price for each day the job is unfinished beyond June 1st.” This is important because some contractors overextend themselves by taking on several jobs at once.

**What if the Contractor is Providing Financing?**

A contractor who directly or indirectly arranges for financing of a home improvement project must give you a copy of a Consumers' Bill of Rights which advises you to shop around and compare loan rates and fees, and consider consulting with a financial advisor or reputable counseling agency.

**What Should I Do After the Project Has Begun?**

- Supervise the project as much as possible. If at all possible, be home while work is being done. If you can't be around, arrange for someone you trust to be at your home.
- Take pictures of the job in progress. Pictures can be especially helpful if there's a dispute about the timing or quality of work that was done.
- Keep a job file of important papers, including the contract, plans and specifications, warranties, advertisements, bills and invoices, canceled checks (front and back), lien releases from subcontractors, correspondence, and pictures of the job in progress.