

**Nancy E. Barr****Legislator, 6th District****Chair, Environment, Health & Energy****Committee Assignments:**Appointments  
Budget & Appropriations  
Law & Major Contracts  
Public Safety  
Social Services**DATE:** September 12, 2018**TITLE:** Home Improvement Licensing Law Amendments**SPONSORS:** Legislators Barr, Johnson, Covill  
Boykin, Parker, Shimsky, Borgia, Maher**PURPOSE OR GENERAL IDEA OF BILL:** To clarify and amend the application process for a Home Improvement Contracting License or renewal in Westchester County.**INTENT:** To codify and make transparent the process in which the Department of Consumer Affairs vets applicants and renewal applications for the Home Improvement Contracting License to ensure consistency and fairness to each application. This bill also seeks to tighten the vetting process in order to prevent contractors who have a record of non-payment of employees from receiving or renewing a license.**JUSTIFICATION:** Home owners put their trust in the contractors that they hire to not only complete the job with high quality and in a timely manner, but to also pay their workers. There has been a rising number of complaints and reports by workers who have done their jobs and simply have not been paid. While this is an issue that must be resolved with the State Department of Labor in order to recoup wages, the County can review these cases make sure that contractors who do not pay their employees are no longer licensed to operate.**PRESENT LAW:** Article XVI of Chapter 863 of the Laws of Westchester County**FISCAL IMPACT:** Passage of these amendments would have a positive fiscal impact for both the County and its residents.

TO: BOARD OF LEGISLATORS  
WESTCHESTER COUNTY

Your Committee has reviewed “A LOCAL LAW amending Article XVI of Chapter 863 of the Laws of Westchester County in relation to the licensing of persons engaged in the home improvement business.”

Article XVI of Chapter 863 regulates the licensing of persons engaged in the business of performing home improvements. The purpose of the law is to protect consumers by making sure that only responsible individuals serve as home improvement contractors. To that end, the Sealer is empowered to consider a variety of factors in determining whether to grant, renew, or revoke a license. Among those factors, the Sealer can consider any final business related judgments against an applicant or licensee, as those judgments may reflect on how responsible the applicant or licensee is. The proposed local law makes clear that business related judgments includes judgments for the under- or non-payment of wages, as failing to pay wages to employees is evidence of how responsible the applicant or licensee is.

The proposed local law amends Article XVI to further strengthen the protections for the consumers. The proposed local law adds additional categories of activities to the definition of “home improvement,” contains detailed requirements for contracts between contractors and consumers, and formally establishes the long-standing practice of the Sealer to accept and consider complaints regarding licensees and applicants.

The proposed local law also provides additional clarity for various provisions of the law, removes a provision of the law that has not been in effect since 2009, and makes a nominal change to the law by renumbering a section that had duplicative numbering.

Finally, the proposed local law increases the biannual fee for a license from \$300.00 to \$400.00, the first such increase since 2002. This fee increase is reasonable given the lengthy passage of time, to offset the costs of processing and investigating license applications.

Your Committee is aware that this Honorable Board must comply with the requirements of the State Environmental Quality Review Act (“SEQRA”) and its implementing regulations. See Title 6, Part 617 of the New York Code Rules and Regulations (N.Y.C.R.R.). The Department of Planning has reviewed the applicable SEQRA regulations, and has concluded that this proposed Local Law is not an action which requires any environmental review. Your Committee concurs in this conclusion.

In light of all of the foregoing, your Committee recommends the adoption of this Local Law, which amends Article XVI of Chapter 863 of the Laws of Westchester County to strengthen the protections of the Consumer Protection Code with respect to persons engaged in the practice of performing home improvements.

Dated: 2018

White Plains, New York

COMMITTEE ON

**RESOLUTION NO. \_\_\_\_\_ - 2018**

RESOLVED, that this Board hold a public hearing pursuant to Section 209.141(4) of the Laws of Westchester County on Local Law Intro. No. \_\_\_\_ - 2018, entitled "A LOCAL LAW amending Article XVI of Chapter 863 of the Laws of Westchester County in relation to the licensing of persons engaged in the home improvement business." The public hearing will be held at \_\_.m. on the \_\_\_\_\_ day of \_\_\_\_\_, 2018 in the Chambers of the Board of Legislators, 8th Floor, Michaelian Office Building, White Plains, New York. The Clerk of the Board shall cause notice of the time and date of such hearing to be published at least once in one or more newspapers published in the County of Westchester and selected by the Clerk of the Board for that purpose in the manner and time required by law.