

**STATUS:**

**S. 4463** HUNTLEY No Same as

ON FILE: 01/09/08 General Business Law

TITLE....Requires home improvement contractor to be licensed by municipality in which it does business

04/17/07 REFERRED TO HOUSING, CONSTRUCTION AND COMMUNITY DEVELOPMENT

01/09/08 REFERRED TO HOUSING, CONSTRUCTION AND COMMUNITY DEVELOPMENT

04/01/08 NOTICE OF MOTION TO PETITION - FILED

04/09/08 MOTION TO PETITION - LOST

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**BILL TEXT:**

**STATE OF NEW YORK**

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4463

2007-2008 Regular Sessions

**IN SENATE**

April 17, 2007

Introduced by Sens. HUNTLEY, GONZALEZ, KRUEGER, PARKER, SABINI --  
read  
twice and ordered printed, and when printed to be committed to  
the  
Committee on Housing, Construction and Community Development

AN ACT to amend the general business law, in relation to licensing  
of  
home improvement contractors

The People of the State of New York, represented in Senate and  
Assem-  
bly, do enact as follows:

1 Section 1. The general business law is amended by adding a new  
section

2 773-a to read as follows:

3 § 773-a. Licensing. Notwithstanding any other provision of law, a  
home

4 improvement contractor shall not conduct business as defined in  
this  
5 article without obtaining a license issued by the municipality in  
which  
6 the business is to be conducted pursuant to an ordinance or local  
law  
7 adopted by said municipality. Upon a violation of this section the  
muni-  
8 cipality may make an application to a court or justice to enjoin  
and  
9 restrain the continuance of the violation. In addition the court  
may  
10 impose a civil penalty not to exceed five hundred dollars and  
the  
11 contractor shall be enjoined from conducting said business for a  
period  
12 not to exceed one year. The same remedies shall be available against  
a  
13 home improvement contractor who does not complete work for which  
payment  
14 has been made by an owner or has completed work which is not to  
the  
15 satisfaction of the owner in the court's judgment.

16 § 2. This act shall take effect on the first of January next  
succeed-  
17 ing the date on which it shall have become a law and all ordinances  
or  
18 local laws necessary for the implementation of this act shall be  
enacted  
19 by the following first of January.

EXPLANATION--Matter in italics (underscored) is new; matter in  
brackets

[-] is old law to be omitted.

LBD10891-

01-7

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## SPONSORS MEMO:

### NEW YORK STATE SENATE INTRODUCER'S MEMORANDUM IN SUPPORT submitted in accordance with Senate Rule VI. Sec 1

BILL NUMBER: S4463

SPONSOR: HUNTLEY

TITLE OF BILL:

An act to amend the general business law, in relation to licensing of  
home improvement contractors

PURPOSE:

Prohibits a home improvement contract to conduct business without obtaining a license issued by the municipality in which the business is to be conducted, Imposes a civil penalty for violators and for home improvement contractors who do not complete work, or such work is deemed unsatisfactory by the Court.

**SUMMARY OF PROVISIONS:**

Prohibits a home improvement contractor from conducting business without obtaining a license from the municipality in which the business is to be conducted. Allows a municipality, upon a violation, to may make an application to a court or justice to enjoin and restrain the continuance of such violation, Also, allows the court to impose a civil penalty, not to exceed \$500, and enjoin a contractor from conducting business for up to one year. Provides that the same remedies be imposed when a home improvement contractor fails to complete work for which payment has been remitted by the owner or, when such completed work is not to the satisfaction of the owner in the court's judgment.

**EXISTING LAW:**

General Business Law - Article 36-A Home Improvement Contracts - requires that home improvement contracts be in writing and establishes the criteria for such contracts. However, the law does not require the licensing of such contractors by the municipality in which a homeowner resides.

**JUSTIFICATION:**

Many homeowners, particularly, senior citizens are subjected to unscrupulous home improvement contractors, who fail to complete work or perform unsatisfactory work. A lot of these contractors are in actuality "handymen", who present themselves as qualified home improvement contractors. This bill would provide protection for homeowners against fraudulent home improvement practices by requiring such contractors to be licensed. It would also provide a means for homeowners, who are victims, to be compensated for unfinished or poor work.

**LEGISLATIVE HISTORY:**

New bill.

**FISCAL IMPLICATIONS:**

None.

**LOCAL FISCAL IMPLICATIONS:**

None.

**EFFECTIVE DATE:**

This act shall take effect on the one hundred first of January next succeeding the date on which it shall have become a law and all ordinances or local laws necessary for the implementation of this act shall be enacted by the following of January.