

OTSEGO COUNTY LAND USE DEPARTMENT

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BEWARE OF UNLICENSED CONTRACTORS!

IF YOU ARE PLANNING A HOME IMPROVEMENT PROJECT LIKE A DECK, A NEW BATHROOM OR A GARAGE, YOU WILL PROBABLY NEED TO HIRE A BUILDING CONTRACTOR.

NOT AN EASY TASK

THERE IS NO SHORTAGE OF BUILDING CONTRACTOR HORROR STORIES. ALMOST EVERYONE HAD HEARD TALES OF DAMAGE, SCAMS SHODDY WORKMANSHIP AND BUILDERS WHO DISAPPEAR IN THE MIDDLE OF THE PROJECT. IN FACT, EXCEPT FOR AUTO REPAIR SHOPS AND CAR DEALERSHIPS, NO OTHER INDUSTRY HAS GENERATED AS MANY COMPLAINTS, ACCORDING TO THE COUNCIL OF BETTER BUSINESS BUREAUS. IT WOULD SEEM THAT FINDING A RELIABLE AND QUALIFIED CONTRACTOR IS NOT AN EASY TASK.

YOU CAN PUT THE ODDS ON YOUR SIDE HOWEVER, BY MAKING SURE THAT YOU HIRE ONLY LICENSED CONTRACTORS.

HAZARDS OF HIRING THE UNLICENSED

WHILE LICENSING ISN'T NECESSARILY A MEASURE OF COMPETENCE, IT DOES IMPLY A CERTAIN LEVEL OF PROFESSIONALISM AND SUGGESTS THAT THE CONTRACTOR IS COMMITTED TO HIS/HER JOB. MORE SIGNIFICANTLY, LICENSING CAN PROTECT YOU FROM A NUMBER OF POTENTIAL PROBLEMS, SUCH AS THE FOLLOWING:

- **UNLICENSED USUALLY MEANS UNINSURED**
IF YOU USE A CONTRACTOR WHO IS UNINSURED, IT MEANS THE CONTRACTOR HAS NO WAY OF REIMBURSING YOU FOR ANY PROPERTY DAMAGE HE/SHE CAUSES; THIS MEANS YOU END UP PAYING THE PRICE. LIKEWISE, IF A CONTRACTOR'S CARELESSNESS LEADS TO INJURY OR DAMAGE TO SOMEONE ELSE'S PROPERTY, THE PROBLEM LIKELY BECOMES YOURS.
- **NO COVERAGE UNDER HOMEOWNER'S POLICY**
SOME HOMEOWNERS BELIEVE IT IS SAFE TO USE AN UNINSURED CONTRACTOR, ASSUMING THAT ANY DAMAGES INCURRED WOULD BE COVERED UNDER THEIR OWN INSURANCE POLICIES, HOWEVER, THIS ISN'T THE CASE. MOST HOMEOWNERS' POLICIES REQUIRE THAT ANY WORK TO THE PROPERTY BE DONE BY LICENSED CONTRACTORS; COVERAGE IS OFTEN SPECIFICALLY EXCLUDED FOR DAMAGES CAUSED BY A BOOTLEG CONTRACTOR.
- **NON-COMPLIANCE WITH THE BUILDING CODES**
MOST BUILDING PROJECTS, EVEN MINOR ONES, USUALLY REQUIRE PERMITS AND INSPECTIONS. UNLICENSED CONTRACTORS ARE OFTEN UNFAMILIAR WITH THE APPLICABLE BUILDING CODES AND ARE UNABLE TO OBTAIN PERMITS. IF YOUR PROJECT IS NOT PERMITTED OR DOES NOT COMPLY WITH BUILDING AND ZONING CODES, YOU MAY, AND PROBABLY WILL, BE ORDERED TO REMOVE OR REPAIR THE JOB. EVEN IF A BUILDING INSPECTOR DOESN'T CATCH YOUR CODE VIOLATION RIGHT AWAY, YOU WILL ALMOST CERTAINLY HAVE TO CORRECT IT IF AND WHEN YOU TRY TO SELL YOUR HOUSE.
- **POOR QUALITY WORK**
NOT ALL UNLICENSED CONTRACTORS DO POOR QUALITY WORK AND NOT ALL POOR QUALITY WORK IS DONE BY UNLICENSED CONTRACTORS. HOWEVER, AS A RULE, IF THERE IS SHODDY WORK TO BE DONE, IT IS USUALLY DONE BY UNLICENSED CONTRACTORS BECAUSE UNLICENSED

CONTRACTORS ARE NOT SUBJECT TO MEETING SPECIFIC STANDARDS. THEY ARE OFTEN UNTRAINED, LESS EXPERIENCED AND UNQUALIFIED TO DO CERTAIN TYPES OF WORK. SHODDY WORK BY AN UNLICENSED CONTRACTOR COULD HAVE SERIOUS RAMIFICATIONS-IT IS A SAFETY HAZARD IF YOUR WORK IS NOT DONE PROPERLY. IF IT IS NOT STRUCTURALLY SOUND, IF IT IS NOT WIRED PROPERLY..., YOU COULD FACE MAJOR CONSEQUENCES AT SOME POINT.

- **CON ARTISTS**

SCAMS IN THE CONSTRUCTION INDUSTRY, ESPECIALLY IN THE HOME IMPROVEMENT BUSINESS, HAVE BECOME ALMOST LEGENDARY IN THE LAST FEW DECADES. CON ARTISTS POSING AS QUALIFIED CONTRACTORS AND, OFTEN TARGETING THE ELDERLY, HAVE MADE NATIONAL NEWS A NUMBER OF TIMES. EVEN SO, UNWARY HOMEOWNERS CONTINUE TO BE TAKEN BY THESE PSEUDO CONTRACTORS WHO OFTEN PROMISE UNREALISTICALLY LOW PRICES OR USE SCARE TACTICS TO CLOSE THE DEAL. IN THESE CASES, THE HOMEOWNER TYPICALLY ENDS UP WITH EITHER AN INCOMPLETE OR LOW-QUALITY IMPROVEMENT PROJECT.

- **LIMITED RECOURSE FOR BROKEN CONTRACTS**

IF YOU HAVE A DISPUTE WITH A LICENSED CONTRACTOR, YOU CAN CALL HIS/HER LICENSING AGENCY. SOME LICENSING AGENCIES OFFER MEDIATION SERVICES OR MAINTAIN A GUARANTY FUND TO HELP CONSUMERS RECOVER THEIR LOSSES. AT THE VERY LEAST, THE LICENSING AGENCY HAS THE AUTHORITY TO SUSPEND OR REVOKE A DISHONEST CONTRACTOR'S LICENSE. WHILE THIS DOES NOT NECESSARILY ENSURE A CONTRACTOR WILL PLAY FAIR, IT GIVES HIM/HER CONSIDERABLE MORE INCENTIVE TO DO SO.

THESE REGULATORY AUTHORITIES HOWEVER, CANNOT TAKE THIS SORT OF ACTION AGAINST UNLICENSED CONTRACTORS. THEREFORE, HOMEOWNERS OFTEN FIND THAT THEIR ONLY RECOURSE IS A CIVIL LAWSUIT BUT BECAUSE MANY UNLICENSED CONTRACTORS GO IN AND OUT OF BUSINESS READILY, SUCH LAWSUITS CAN FREQUENTLY BE A WASTE OF TIME. CONSUMERS IN SOME STATES DO NOT EVEN HAVE THIS OPTION. IN AREAS WHERE LICENSING IS REQUIRED, CONTRACTS WITH UNLICENSED CONTRACTORS MAY BE LEGALLY UNENFORCEABLE.

WARNING SIGNS

EVEN WHEN A LICENSE IS REQUIRED, THERE IS NOT GUARANTEE THAT EVERY CONTRACTOR YOU ENCOUNTER WILL ACTUALLY HAVE A LICENSE. WHILE THERE ARE CERTAINLY HONEST AND COMPETENT CONTRACTORS OUT THERE, THE INDUSTRY IS UNFORTUNATELY PLAGUED WITH INCOMPETENCE AND CON ARTISTS. IT IS ESSENTIALLY UP TO YOU TO PROTECT YOURSELF. WHEN EVALUATING POTENTIAL CONTRACTORS, YOU NEED TO BE DILIGENT IN YOUR SCREENING PROCESS. A NUMBER OF 'RED FLAGS' TO WATCH FOR ARE AS FOLLOWS:

- **UNSOLICITED PHONE CALLS OR VISITS**

ALTHOUGH SOME REPUTABLE CONTRACTORS MARKET THEIR SERVICES THIS WAY, IT IS A TACTIC MORE OFTEN USED BY REMODELING CON ARTISTS. BE ESPECIALLY WARY OF CONTRACTOR WHO OFFERS A BARGAIN PRICE BECAUSE HE/SHE HAS LEFTOVER MATERIALS FROM A NEIGHBORING JOB.

- **HIGH PRESSURE SALES PITCHES OR SCARE TACTICS**

DO NOT BE PUSHED INTO HIRING A CONTRACTOR BY FORCEFUL SALES TECHNIQUES SUCH AS, SPECIAL "TODAY ONLY" DEALS OR THE THREAT OF A DEFECT IN YOUR HOUSE AS A SAFETY HAZARD. DISHONEST AND DISREPUTABLE CONTRACTORS OFTEN PREY ON THEIR VICTIM'S FEARS BY WARNING THEM THAT THEIR FURNACE IS ABOUT TO BLOW UP, THEIR ROOF IS ABOUT TO COLLAPSE OR SOME OTHER SIMILAR CATASTROPHE IS ABOUT TO OCCUR.

- **LARGE DOWN PAYMENTS**

STATE LAW MAY GOVERN HOW MUCH MONEY CONTRACTORS CAN ASK FOR AS A DEPOSIT ON A JOB. IF A CONTRACTOR ASKS FOR TOO MUCH MONEY UP FRONT, OR INSISTS YOU PAY IN CASH, IT CAN BE A SIGN THAT HE/SHE IS GOING TO TAKE YOUR MONEY AND RUN.

- **NO VERIFIABLE ADDRESS**
BE CAUTIOUS OF CONTRACTORS WHO GIVE YOU A POST OFFICE BOX WITH NO STREET ADDRESS OR SEEM TO USE ONLY AN ANSWERING SERVICE. MOST HOME IMPROVEMENT CONTRACTORS OPERATE WITHOUT A TRACEABLE PHONE NUMBER.
- **UNWILLINGNESS TO GIVE YOU A PRICE**
A REPUTABLE CONTRACTOR SHOULD BE ABLE TO PROVIDE YOU WITH A BID BEFORE BEGINNING WORK ON YOUR PROJECT. IF THE CONTRACTOR SAYS HE/SHE CANNOT DO SO, OR SKIRTS THE ISSUE OF COST, YOU ARE AT GREAT RISK OF BEING TAKEN ADVANTAGE OF.
- **UNWILLINGNESS TO SIGN A WRITTEN CONTRACT**
ALWAYS GET THE TERMS OF THE CONSTRUCTION AGREEMENT IN WRITING. A COMPLETE CONTRACT SHOULD INCLUDE A DESCRIPTION OF THE WORK DONE, MATERIALS USED, LABOR COST, TIMETABLE, PAYMENT SCHEDULE, COMPLETION DATE, NAMES OF SUBCONTRACTORS, WARRANTY AGREEMENTS, CLEAN UP AND FINANCING ARRANGEMENTS. IT SHOULD ALSO INCLUDE THE CONTRACTOR'S LICENSE NUMBER AND SHOULD ADDRESS THE ISSUES OF PROJECT CANCELLATION AND HOW OVERRUNS ON TIME AND COST WILL BE HANDLED.
- **INSURANCE OR LICENSING INFORMATION YOU CANNOT VERIFY**
A QUALIFIED CONTRACTOR SHOULD BE ABLE TO PROVIDE YOU WITH PROOF OF BOTH LICENSING AND INSURANCE COVERAGE. IF THE CONTRACTOR CANNOT GIVE YOU A COPY OF HIS/HER LICENSE AND INSURANCE POLICY, HAVE HIM/HER AT LEAST GIVE YOU THE LICENSE AND POLICY NUMBERS. IT IS A GOOD IDEA TO ASK FOR SOME PROOF OF IDENTIFICATION AT THIS TIME SO YOU CAN BE SURE YOU ARE ACTUALLY DEALING WITH THE PERSON WHOSE NAME APPEARS ON THE LICENSE. CHECKING THE VALIDITY OF LICENSING AND INSURANCE INFORMATION IS COVERED BELOW.

THIRTEEN (13) STEPS TO HIRE A CONTRACTOR:

1. SEEK A REFERRAL FROM SOMEONE YOU KNOW WHO IS HAPPY WITH THE CONTRACTOR'S WORK.
2. SOLICIT BIDS FROM AT LEAST THREE (3) CONTRACTORS.
3. BE WARY OF PROPOSALS THAT ARE MUCH LOWER THAN OTHER PROPOSALS.
4. CONTACT THE **BETTER BUSINESS BUREAU** TO CHECK OUT ANY CONTRACTORS THAT SUBMIT BIDS **800.684.3222**
5. INSIST ON A WRITTEN CONTRACT THAT OUTLINES YOUR ENTIRE AGREEMENT, INCLUDING STARTING AND COMPLETION DATES.
6. HAVE AN ATTORNEY REVIEW THE DOCUMENTS BEFORE YOU SIGN THEM, INCLUDING CONTRACTS, WARRANTIES AND PLANS.
7. MAKE SURE THERE ARE NO BLANK SPACES ON ANYTHING THAT YOU SIGN.
8. INSIST UPON A WRITTEN WARRANTY ON ALL MATERIALS AND WORK.
9. GET ALL BUILDING PERMITS AND VARIANCES BEFORE STATING THE PROJECT AND IDENTIFY THE CONTRACTOR ON THE APPLICATIONS.
10. INSPECT ALL WORK BEFORE SIGNING A COMPLETION CERTIFICATE.
11. WITHHOLD FINAL PAYMENT UNTIL THE ENTIRE PROJECT IS FINISHED AND INSPECTED.
12. GET A CONTRACTOR'S AFFIDAVIT THAT ALL SUBCONTRACTORS AND MATERIAL SUPPLIERS HAVE BEEN PAID BEFORE MAKING FINAL PAYMENT.
13. REPORT ANY MISREPRESENTATIONS, SHODDY WORK, FAILURE TO HONOR CONTRACTS, UNLICENSED CONTRACTORS OR OTHER PROBLEMS TO THE APPROPRIATE LICENSING BOARD.

DON'T RELY ON A HANDSHAKE

FAMILIARIZE YOURSELF WITH THE LICENSING REQUIREMENTS FOR CONTRACTORS. IF YOU HAVE INTERNET ACCESS, YOU CAN FIND THIS INFORMATION ONLINE. TWO (2) SITES THAT MAINTAIN STATE-BY-STATE CONTRACTOR LICENSING INFORMATION ARE <http://www.contractornet.com> AND <http://www.nationalcontractor.com> . THE NATIONAL ASSOCIATION OF THE REMODELING INDUSTRY

(NARI) ALSO MAINTAINS INFORMATION ON STATE AGENCY PHONE NUMBERS. YOU CAN ALSO CALL YOUR LOCAL BUILDING OR PLANNING DEPARTMENT TO INQUIRE ABOUT LICENSING REQUIREMENTS. WHEN YOU ARE SHOPPING FOR CONTRACTORS, BE SURE TO VERIFY THAT BOTH THE LICENSE AND INSURANCE INFORMATION YOU GET IS CORRECT. USING THE INSURANCE POLICY NUMBER, CALL THE CONTRACTOR'S CARRIER TO ENSURE THE POLICY IS STILL IN EFFECT AND THAT IT COVERS PROJECTS SUCH AS YOURS. ALSO, CALL YOUR STATE OR LOCAL LICENSING BOARD TO VERIFY THE CONTRACTOR'S LICENSING INFORMATION. THE LICENSING AGENCY SHOULD ALSO BE ABLE TO TELL YOU IF THERE HAVE BEEN ANY COMPLAINTS REGISTERED AGAINST THE CONTRACTOR. YOU MIGHT ALSO CALL YOUR CONSUMER AFFAIRS BUREAU AND BETTER BUSINESS BUREAU TO ASK ABOUT ANY CONSUMER COMPLAINTS THEY MAY HAVE RECEIVED.

TO BETTER YOUR CHANCES OF BEING SATISFIED WITH A CONTRACTOR'S WORK, YOU CAN ALSO:

- ASK A RECOGNIZED CONSTRUCTION INDUSTRY ASSOCIATION TO RECOMMEND A REPUTABLE CONTRACTOR IN YOUR AREA. THE NATIONAL ASSOCIATION OF THE REMODELING INDUSTRY (703.575.1100), THE NATIONAL ASSOCIATION OF HOME BUILDERS (800.368.5242, GAYLORD-989.732.6543), ASSOCIATED BUILDERS AND CONTRACTORS (888.422.2277, GAYLORD-989.732.6211) OR THE ASSOCIATED GENERAL CONTRACTORS OF AMERICA (705.548.3118) MAY ALL BE ABLE TO HELP.
- CHECK WITH NEIGHBORS, FRIENDS AND RELATIVES WHO HAVE RECENTLY HAD A HOME IMPROVEMENT PROJECT COMPLETED TO SEE IF THEY CAN RECOMMEND THEIR CONTRACTOR.
- ASK POTENTIAL CONTRACTORS FOR REFERENCES FROM PEOPLE THEY HAVE WORKED FOR IN YOUR AREA. IF POSSIBLE, GET PHOTOGRAPHS OF SOME OF THEIR PREVIOUS PROJECTS.
- GET SEVERAL ESTIMATES, AT LEAST THREE (3), SO YOU CAN COMPARISON SHOP.
- GET REFERENCES ON POTENTIAL CONTRACTORS FROM THEIR BANKS, SUPPLIERS AND SUBCONTRACTORS. ANY INDICATION OF BEING FINANCIALLY UNSOUND OR BEHIND ON BILLS/PAYMENTS SHOULD BE TAKEN AS A WARNING SIGN.
- CHECK THE PUBLIC RECORDS IN YOUR LOCAL COURTHOUSE TO SEE IF POTENTIAL CONTRACTORS HAVE LIENS AGAINST THEM.
- DETERMINE WHO WILL ACTUALLY PERFORM YOUR WORK. ASK TO MEET THE EMPLOYEES OR SUBCONTRACTORS WHO WILL BE WORKING ON YOUR PROPERTY.
- ESTABLISH IN ADVANCE AN AGREED UPON PROCESS FOR ARBITRATING DISAGREEMENTS.
- REQUEST A WARRANTY-LASTING AT LEAST ONE (1) YEAR FROM *COMPLETION* DATE.
- HAVE AN ATTORNEY REVIEW ALL CONTRACTS OR OTHER PAPERWORK BEFORE SIGNING ANYTHING.

EVEN AFTER YOU HIRE A CONTRACTOR, YOUR WORK IS NOT COMPLETE. YOU WILL STILL NEED TO REMAIN IN CLOSE CONTACT WITH THE CONTRACTOR TO ENSURE THE WORK PROCEEDS ON SCHEDULE AND ACCORDING TO CONTRACT. YOU MAY ENCOUNTER COMPLICATIONS OR DISAGREEMENTS THAT NEED TO BE IRONED OUT AS THE PROJECT UNFOLDS, HOWEVER, IF YOU SELECT YOU CONTRACTOR CAREFULLY IN THE BEGINNING, YOU ARE LESS LIKELY TO HAVE PROBLEMS LATER. WHILE SCREENING CONTRACTORS MAY SEEM LIKE MORE WORK THAT THE CONSTRUCTION PROJECT ITSELF, THE EFFORT CAN SAVE ENORMOUSLY IN MONEY, ANNOYANCE AND TIME.