

PENNSYLVANIA'S NEW HOME IMPROVEMENT LAW

On July 1, 2009, Pennsylvania's new Home Improvement Consumer Protection Act ("HICPA") took effect. Enacted to combat abuses by unscrupulous contractors, the Act imposes a host of stringent requirements on home improvement contractors and provides many tools with which homeowners can protect their rights. This article will present a brief summary of the new Act and how it protects homeowners seeking to improve their property.

Who is subject to the requirements of HICPA? Any person who owns and operates a home improvement business or performs any home improvement will be subject to the Act as long as the value of the home improvements over the previous year exceeds \$5,000. Home improvement is defined very broadly and will include just about any residential improvement not included in the construction of a new home.

Under the new law, anyone who performs home improvement must register with the Bureau of Consumer Protection of the Office of Attorney General. Each registered contractor receives a registration number which must be included in all advertising, contracts, estimates and proposals. Any homeowner who intends to hire a home improvement contractor should check the registry to see if that person is registered.

Most significantly for home owners, HICPA includes an extensive list of information that must be included in every home improvement contract, such as a description of the work, materials to be used, and a set of specifications that cannot be changed without a written change order signed by the owner and contractor. It also includes a significant number of contract provisions that cannot be included in a home improvement contract, such as a waiver of a right to jury trial in any action brought by or against the homeowner, or a hold harmless clause. If a home improvement contract contains any of the prohibited provisions, the homeowner may void the contract.

Also of critical importance for homeowners, HICPA contains a long list of prohibited Acts, the violation of which constitute violations of Pennsylvania's Unfair Trade Practices Law. Contractors held liable in lawsuits brought under the Unfair Trade Practices Law may face triple damages and the cost of the homeowner's attorney fees. We often see cases involving contractors who have abandoned projects without cause. HICPA may greatly increase the possible remedies for homeowners who have been victimized in this manner. The Act also imposes severe criminal liability for fraudulent conduct.

The new home improvement law is a tremendous tool for homeowners in ensuring fair treatment by home improvement contractors and obtaining just remedies when a contractor fails to comply with the law. If you need assistance with a home improvement issue, please contact my office to schedule a free consultation at 1-877-LAW-2555.

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