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**What to Know Before Signing a Home Improvement Contract**

By Susan Chana Lask, Esq.

**What to Know Before Signing a Home Improvement Contract**

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It is important to be a very careful consumer when it comes to home improvement contractors. For instance, I had a case where my client, an elderly and blind woman, signed a contract and paid \$30,000.00 to a home improvement company that disappeared with all of her money! Unfortunately, the company was a scam operation, my client lost her life's savings and it will take some time in court before my client may ever see her money again however, her mistake will be a lesson to all of you because this article explains how to protect yourself from home improvement fraud.

Before signing any contract with a home improvement company, first ask that company for its license number and check it out with your State or County Consumer Affairs' Business License Division. Find the License Division on the web or call information and get their number. You want to find out (1) the name and address of the company associated with the license number given to you, (2) if the company is currently licensed and the license expiration date and (3) whether any complaints have been made against that company. The answers to those questions will help you determine if you want to proceed with signing a contract. Make sure both the contractor and the company he works for are licensed to work in your State.

If your going to sign the contract then make sure certain things are included pursuant to your understanding and as required by your State's Home Improvement Business Law. The contracting company's name, address and phone number should be printed on the contract. Also, it is important that the contracting company's home improvement license number is printed on the contract and that it is not different from the number you called and inquired about with Consumer Affairs. Lastly, make sure that all of the work to be performed is listed in the contract and that the approximate start and end dates of work are included. You should put a penalty clause in the contract regarding the contractor's failure to timely complete the work because contractors are notorious for starting jobs and then leaving for a few days or weeks to do other jobs while you sit and wait in your dismantled kitchen for him to return. Once the contract terms are satisfactory then the contract should be signed by both you and the company's representative.

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An example of a consumer protection law is New York's General Business Law §771 ("GBL") requiring all home improvement contracts shall be in writing and contain certain terms of payment, fees for services and materials and start and completion dates, among other terms. GBL §771 is a consumer protection statute to prevent the misunderstandings between contractor had consumer and to protect the consumer from overreaching of the contractor, such as charging for work that was not agreed upon. GBL §771 limits the contractor who disregards its written contract requirements to satisfactorily proving to a court each and every item of work he did and the reasonable value of each item by detailed invoices, timesheets and proof of hourly rates, among other proofs. So, if the contractor who failed to put your home improvement work in writing attempts to collect \$20,000.00 from you, he has to prove the value of his services in detail before scaring you into paying an amount you had no idea about. New Jersey's Consumer Fraud Act and the Home Improvement Act protect the consumer even more by denying the contractor from recovering any monies if he violates any of the consumer laws AND he will pay three times the amount of damages (called treble damages) to the consumer for his

failing to obtain proper permits or licenses or any other violation of those laws.

Lastly, protect yourself by not paying 100% upfront. Most contracting companies ask for a deposit upon your signing the contract. I suggest that you put down as little as possible and arrange a payment schedule with the company where you will pay a certain amount as certain work is completed. Of course, always get a receipt, signed by the company and stating the date and amount of any monies paid to the company if you pay anything in cash.

This article is certainly not all inclusive and is intended only as a brief explanation of the legal issue presented. Not all cases are alike and it is strongly recommended that you consult an attorney if you have any questions with respect to any legal matters.

Any questions and/or comments with respect to this topic or any other topic, contact:

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Susan Chana Lask is named in the media as New York's "high powered attorney". She practices sucessfully all civil, criminal & appeals cases in State & Federal courts nationwide.

## **How To Read A Construction Contract**

**By Leah Gorecki**

At some point or another in your life, you will want to construct something, be it a small shed or a treehouse all the way up to your very own custom built home. Many construction companies are

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required for larger projects and the contracts they can throw at you seem like they're written in latin. This article will help you to make sense of construction contracts.

### 1. Construction contract

Home construction projects usually require signed contracts. A construction contract will not only protect the contractor, but it will also protect you. In today's day and age it is critical that a contract is signed for almost any undertaking. Contracts can help to solve numerous disputes.

### 2. Comprehending construction contracts

Without legal knowledge, reading your first construction contract can be a challenge. But the good thing about most of these contracts is that they are written so that the buyer can understand them. Even though there may be some terminology that you are not familiar with, you should not have too difficult of a time deciphering a construction contract.

### 3. Prices and hidden fees

The first thing that most people check for is the price. There is nothing wrong with this, but make sure that you do not get caught up on this area. Simply make sure that the price is what you agreed to, and that there are no hidden fees included. If there is something that you do not understand on the pricing portion, make sure that you ask. It is better to get all of the details up front, than to end up with a large bill in the end that you did not expect.

### 4. Completion dates

It is important to comprehend completion dates in contracts. If the construction contract that you are given does not outline this, ask for a revision. By signing a construction contract that does not specify a completion date, you will be leaving yourself open for a big problem. Often times, one of the biggest problems that people have during a construction project is the length of time that they take. When you have a construction contract that says when the job has to be completed, you will be able to put your mind to rest. Numerous people have regretted not sorting out completion dates.

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