

Introduced by Presiding Officer, on request of the County Executive and Legislators Calarco, Horsley

RESOLUTION NO. 649 -2013, ADOPTING LOCAL LAW NO. 36 -2013, A LOCAL LAW TO STRENGTHEN AND IMPROVE REGULATING CERTAIN HOME IMPROVEMENT CONTRACTORS

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on July 30, 2013, a proposed local law entitled "**A LOCAL LAW TO STRENGTHEN AND IMPROVE REGULATING CERTAIN HOME IMPROVEMENT CONTRACTORS**"; now, therefore be it ENACTED IN FORM AS FOLLOWS:

LOCAL LAW NO. 36 -2013, SUFFOLK COUNTY, NEW YORK

A LOCAL LAW TO STRENGTHEN AND IMPROVE REGULATING CERTAIN HOME IMPROVEMENT CONTRACTORS

BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF SUFFOLK, as follows:

Section 1. Legislative Intent.

This Legislature hereby finds and determines that the Suffolk County Code contains various provisions that require licensing of certain occupations and regulate those licensed occupations.

This Legislature also finds and determines that Suffolk County occupational licensing laws need to be updated to keep current with changes in New York State Law, the organization of Suffolk County government and to provide Suffolk County residents with the best possible protection against unscrupulous acts by members of licensed occupations.

Furthermore, due to climate circumstances certain home improvement companies have expanded their practices to include elevating and raising homes to reduce the risk of future flooding.

Therefore the purpose of this law is to strengthen Suffolk County's occupational licensing law to protect the residents of Suffolk County by increasing the insurance these contractors have to provide when undertaking an elevation and reconstruction project.

Section 2. Amendments.

I.) Section 563 of the SUFFOLK COUNTY CODE is hereby amended to read as follows:

Chapter 563 LICENSED OCCUPATIONS.

Article I. Provisions Applicable To All Licenses

§563-11. Powers of Director; disposition of fees; liability.

A. In addition to the powers and duties elsewhere prescribed in this chapter, the Director shall have the power to:

- (1) Keep records of all licenses issued, suspended or revoked and all fines adjudged.
- (2) Issue temporary licenses as may be necessary.
- (3) Promulgate such rules and regulations not inconsistent with the provisions of this chapter as may be necessary with respect to the form and content of applications for licenses, reception thereof, investigation of applicants and their qualification, the conduct, duties as prescribed by this chapter and for the proper administration and enforcement of the provisions of this chapter, and to amend or repeal any such rules and regulations.
- (4) Require any applicant for a home improvement contractor license or a home appliance repair contractor license, or any such licensee, as evidence of financial responsibility, to post a surety bond, in any amount to be set by the Director, but in no event to exceed \$100,000, and/or to furnish certificates of public liability and property damage insurance in the amount of \$500,000 per occurrence combined single limit.
- (5) In addition to the requirements of § 563-11 A(4) above, any home improvement contractor who is performing home raising/elevating services, as those terms are defined in article II of this chapter, shall obtain insurance coverage for those services which coverage shall include a Riggers Liability Extension Endorsement or similar endorsement to insure against damage to a homeowner's movable and immovable property. The amount of insurance coverage required under this § 563-11 A(5) shall be a minimum of \$500,000 per occurrence, including bodily injury, property damage and contractual liability with an aggregate limit of at least \$2,000,000.
- (6) Require reasonable information of an applicant or licensee, including the production of books, papers, records and other documents.

Article II. Home Improvement Contractors

§563-16. Definitions

As used in this article, the following terms shall have the meanings indicated:

HOME IMPROVEMENT CONTRACTING

Excluding work in the electrical and plumbing fields as defined by §563-126 of this chapter, any repair, remodeling, alteration, conversion, modernization, home raising or home elevating services or addition to residential property, and includes but is not limited to painting of residential structures; carpentry; fencing; driveways; exterminating; flooring; ductwork for heating, ventilation and air-conditioning systems, masonry; roofing; siding; swimming pools; and

waterproofing; as well as other improvements to structures or upon land which are part of residential property, including landscaping and arboriculture, which as used herein shall mean tree sprayers, tree pruners, tree stump removers and all other tree services; but shall not include the construction of a new home or work done by a contractor in compliance with a guaranty of completion on new residential property or the sale of goods by a seller who neither arranges to perform nor performs, directly or indirectly, any work or labor in connection with the installation of or application of the goods or improvements to residences owned by or controlled by any government subdivision.

HOME IMPROVEMENT CONTRACTOR

A person who engages in home improvement contracting upon residential property.

HOME MAINTENANCE

The keeping in a state of repair or efficiency residential property, as defined herein. Such work shall not include alteration of or additions to the original design or function of the residence and shall be limited to the simple repair of existing facilities and systems. For the purpose of this article, "home maintenance" work shall be considered minor, casual and inconsequential in nature when performed in connection with the seasonal opening and closing of residences.

HOME RAISING OR HOME ELEVATING SERVICES

Any services involving the separation of a house, or part of a house, from its foundation. Home Raising or Home Elevating Services shall include, but not necessarily be limited to, the temporary raising of a house or part of a house off of its foundation with hydraulic jacks and the shoring and leveling of a house.

Section 3. Applicability.

This law shall apply to all actions occurring on or after the effective date of this law.

Section 4. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm partnership, entity or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 5. SEQRA Determination.

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes a Type II action pursuant to Section 617.5(c)(20), (21) and (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies,

procedures, and legislative decisions in connection with continuing agency administration, management and information collection, and the Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

Section 6. Effective Date.

This law shall take effect immediately upon filing in the office of the Secretary of State.

__ Underlining denotes addition of new language.

DATED: July 30, 2013

APPROVED BY:

/s/ Steven Bellone
County Executive of Suffolk County

Date: August 19, 2013

After a public hearing duly held on August 14, 2013
Filed with the Secretary of State on September 6, 2013