

Barbara Turkewitz Comments
DCWP proposed rule - Home Improvement Contractor Trust Fund

The Department of Consumer Affairs and Worker Protection (DCWP) is again revising its rules for Home Improvement Businesses. Again, they are trying to rid themselves of the enormous amount of cash that has accumulated in the fund that's meant primarily to pay consumers who have been ripped off by licensed contractors who they have hired.

Unfortunately, these proposed changes do nothing to hold bad or corrupt contractors accountable. The primary reason to license businesses is so that you can put them out of business if they are not up to the tasks for which they are charging people. The only way to do this is to **have hearings and deny licenses** to contractors with a history of significant problems who have not reimbursed customers for issues they have caused.

Additionally, even the solutions posed by these changes will do little to increase the payouts to aggrieved consumers as the \$40,000 proposed for it's not likely because the small claims court cap is \$10,000 and very few consumers have the resources to hire attorneys to go to Civil Court for the larger amounts. And, according to Susan Kassapian, the Department's consumer claims process rejects a high percentage of the complaints they receive, therefore the increase from \$10,000 to \$20,000 as the maximum possible award will only help a few complainants.

Having said all of this I want to reiterate that my most pressing point is that without hearings and **holding bad contractors accountable** we expose New Yorkers to unscrupulous and incompetent businesses that charge people who do not have very much money way more than they can afford for bad work. The hearings should be restored; and we should treat Home Improvement Businesses as the licenses they are.