

Mayor's Office of Consumer Affairs

The Mayor's Office of Consumer Affairs (MOCAL) consumer mediation program began in July of 1997. MOCAL works in conjunction with the Massachusetts' Office of the Attorney General to resolve consumer cases.

MOCAL provides assistance to Boston consumers by providing information regarding consumer rights and methods of dealing with businesses, advocating for better consumer protection regulations and laws, and mediating disputes between consumers and business entities.

Follow us on Twitter

[@ConsumerBoston](https://twitter.com/ConsumerBoston)

Call (617)635-3834 or email

MOCAL@boston.gov for consumer assistance or for copies of helpful consumer brochures.

Visit us at Boston City Hall (Room 809

Monday through Friday

9:00 a. m. – 5:00 p.m.



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CITY of BOSTON

MAYOR'S OFFICE OF CONSUMER AFFAIRS

HOME IMPROVEMENT CONTRACTOR GUIDE



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MAYOR

Updated March 2023

HIRING A REGISTERED HOME IMPROVEMENT CONTRACTOR

The Home Improvement Contractor Law (M.G.L. c. 142A) was created in 1992 to protect consumers and regulate the practices of home improvement contractors (HIC). The law establishes a HIC registration requirement, a complaint and enforcement program, an arbitration program for resolving disputes, and a Guaranty Fund of last resort to compensate consumers up to \$10,000 for unpaid judgments against contractors. The MA's Office of Consumer Affairs and Business Regulation (Office) registers contractors, conducts enforcement hearings and facilitates and administers the arbitration program and Guaranty Fund. Under the law, **registered** contractors must follow certain requirements regarding contracts, payments, advertising, business practices, etc. These laws and regulations provide standards throughout the industry and provide protections for homeowners from being taken advantage of by a bad contractor.

Any individual or any company that solicits, bids on, or performs residential contracting as a contractor or subcontractor on an **existing one-to four-unit, owner-occupied primary residence** in Massachusetts must register as a home improvement contractor.

DIFFERENCE BETWEEN HIC AND CONSTRUCTION SUPERVISOR LICENSE

A holder of a Construction Supervisor License (CSL) is required to have passed an examination which demonstrates knowledge of the state building code. A CSL is generally required for any work that involves a building's structural elements.

The holder is required to register with the state by paying an application or renewal fee and paying a one-time fee which is deposited into the Guaranty Fund administered by OCABR.

Whether your contractor is required to have both a CSL and an HIC depends upon the scope of work of your project and the construction they perform or advertise to perform. Most construction projects will require both a licensed and registered contractor. However, if your contractor does not hold a valid CSL but the work he/she contracts to perform requires it, he/she must obtain a CSL or hire an active Construction Supervisor Licensee to supervise the project.

Check a HIC license: <https://services.oca.state.ma.us/hic/licenseelist.aspx>
Check a CSL license : <https://www.mass.gov/how-to/check-a-construction-supervisor-license>

BEFORE HIRING A HIC

- 1. Interview at least 3 contractors** and request a written, detailed estimate.
- 2. Check the license and registration status** to make sure that the contractor or subcontractor you hire is currently registered with the state. See their Construction Supervisor License, if applicable. If the contractor or subcontractor is not registered, you will **not** be protected by the Home Improvement Contractor Law. However, there may be other remedies available to you through the court system. Please note that there are some exceptions to the registration requirement.
- 3. Confirm references for each contractor.** Ask the contractor for a written list of their 3 most recent projects with names, telephone numbers, and addresses of the owners. Contact the other homeowners who have hired the contractor and find out if they have had any problems.
- 4. Ensure that the contractor** has adequate liability insurance and workers' compensation insurance (if necessary).
- 5. Check a Contractor's Arbitration and Guaranty Fund history** to review any past disputes: <https://services.oca.state.ma.us/hic/hicarbitrationlookup.aspx>. You may also check with the Better Business Bureau for any past complaints regarding the Contractor.

BEFORE SIGNING A CONTRACT

- 1. Always ask for a detailed written contract**, even for small projects. It will protect you and help ensure that you and the contractor understand the scope of the job and the price. Your contract is also where you can outline the breakdown of costs, the project time frame, and when payments are due. **State law requires that home improvement contracts over \$1,000 be in writing.** See sample contracts here: <https://www.mass.gov/service-details/required-contract-terms-in-a-home-improvement-contract>
- 2. Be sure your registered contractor obtains the building permit.** Building Departments are required to issue building permits upon application and approval. The permit card must be posted at the job site until completion. If **you** apply for the permit, you may not be eligible for compensation from the Guaranty Fund. Under the Home Improvement Contractor Act, it is the responsibility of the registered HIC to obtain all the necessary permits.
- 3. By law, the contractor cannot collect more than 1/3 of the cost of the contract in advance**, unless special order materials are needed.
- 4. If you are financing your home improvements**, be aware that contractors are not allowed to lend you the money, or act in association with any lending institution if the loan is secured by a mortgage on your home. You have the right to choose any lender who is willing to negotiate your loan. Get a cost estimate from the contractor for the work that needs to be done, and then shop around for the best financing option..

Source: "Homeowner's Guide to Hiring a Home Improvement Contractor." *Mass.gov*, <https://www.mass.gov/info-details/homeowners-guide-to-hiring-a-home-improvement-contractor>.