

Measuring Up:

A Consumer's Guide to Hiring Contractors for Home Repairs

From the Office of the
West Virginia Attorney General



Consumer Tips in Dealing with Contractors

The Attorney General's Office is pleased to provide the following tips for consumers who are looking to hire a contractor. When looking for a contractor, it is important to remember to not pay cash or money up front for any materials. Make sure the contractor has a valid contractor's license. Consumers can also call the Attorney General's Consumer Protection Division at 1 (800) 368-8808 to see if any complaints have been filed against a contractor.

Tips for Hiring a Contractor

- Do not take the contractor's word that he or she has a valid contractor's license.
- Check with the WV Contractor Licensing Board at (304) 558-7890 or http://www.wvlabor.com/newwebsite/Pages/contractor_licensing_contractor_search.html.
- Make sure the contractor carries general liability insurance and pays Workers' Compensation.
- Whenever possible, inspect the contractor's work.
- Ask the contractor for references, and make sure you check them.
- Verify the contractor's credentials, training, and experience.
- Pay by check or credit card, not cash.
- Shop around before hiring a contractor (prices, quality of materials, timeliness, etc.).
- Try to obtain at least three written bids on your project.
- If a contractor offers a "free inspection," follow him as he inspects your property and get a second opinion before signing a contract.
- Check with your circuit clerk to see if there have been lawsuits filed against the contractor.

Things to Do Before Signing a Home Improvement Contract

- When requesting bids, provide the contractor with accurate plans or drawings to enable him or her to determine the scope and cost of work.
- Get several written estimates with a complete description of all work to be done, required materials, and all associated costs.
- Under West Virginia law, a contractor is required to provide you with a written contract.
- Do not sign a contract until you read and understand it. Make sure that the contract contains every promise made by the contractor and all material, product and performance warranties, and an approximate completion date.

Tips for Avoiding Home Improvement Scams

- Avoid door-to-door work crews, who often pose as contractors from another job with leftover materials such as asphalt or roofing supplies.
- Avoid a contractor that can only be reached by leaving a message on an answering machine or cell phone.
- Avoid a contractor that pressures you for an immediate decision.
- Avoid a contractor that offers you a discount for finding him other customers.
- Avoid a contractor that has workers or suppliers who tell you they have had trouble getting paid.
- Avoid a contractor who says you have won a prize, but in order to get your prize, you must buy a home improvement product or service.
- Be wary of prices that seem too good to be true.



Three Day Right to Cancel Home Solicitation Sale

A home solicitation sale is one that occurs at a place other than the seller's place of business. A home improvement contract that is signed at your home is a home solicitation sale, even if you contacted the contractor first and asked him or her to come to your home. In such a sale, the contractor is required to include notice of the right to cancel in the contract.

If the contractor gives you proper notice of the right to cancel in the contract:

- Your right to cancel lasts until midnight of the third business day;
- Your notice of cancellation must be in writing;
- The notice must say that you do not want the goods or services covered by the contract;
- The notice does not need to be in any particular form;
- You must deliver the notice to the seller at the address on the contract; and
- Delivery can be made by hand, facsimile, or mail. If you hand deliver or fax the notice, cancellation becomes final when you deliver it to the seller at the address on the contract. If you mail the notice, cancellation becomes final when it is deposited in a mailbox properly addressed and with the correct postage attached.

If the contractor does not give you proper notice of the right to cancel, your right to cancel continues until the contractor has given you proper notice. Until that time, you may cancel the contract by notifying the contractor of your intention to cancel.

If you cancel the contract, the contractor must return any payments you made within 10 days of cancellation. The contractor may require you to return any goods or materials that he or she delivered to you.



Contractor Licensing in West Virginia



In West Virginia, a contractor is required to be licensed if a job, including labor and materials, is \$2,500 or more.

Contractors are licensed in several different areas of specialty. When you are looking for a contractor, be sure to hire one who is licensed to do the type of work you need to have done.

The categories of licenses include:

- Electrical contractors;
- Heating, ventilating and cooling contractors;
- Plumbing contractors;
- Residential contractors, who restrict their primary business to residential jobs; and
- General contractors, who are licensed in all categories and can supervise the whole project.

A contractor is required to:

- Include his or her license number in every advertisement;
- Include his or her license number in every contract; and
- Post a copy of his or her license at every job site in a conspicuous place.

The West Virginia Contractor Licensing Board can tell you whether a contractor is licensed and whether the license is in good standing. A contractor's license must be renewed annually, so you should check with the Board to make sure the contractor is still in good standing by calling (304) 558-7890.



The Home Improvement Rule

If a contractor does residential work regardless of the type of license, he or she is considered a “home improvement” contractor under the West Virginia Home Improvement Rule. This rule does not apply to construction of new homes.

The Home Improvement Rule covers the following types of work:

- Installing roofing, siding, paving, replacement windows, doors, awnings, heating and air conditioning equipment, water softeners and purifiers, swimming pools, fire protection devices, fixtures of any kind, or performing substantial landscaping work, such as earth moving or large scale replanting; and
- Remodeling or repair of any portion of an existing home or non-commercial structure or building.

In every home improvement job, a written contract is required whenever a job is \$250 or more. The contract must be written in plain language and include all the material terms of the agreement. All blank spaces must be filled in before you are asked to sign. The contract must include the following information:

- The contractor’s name, address, telephone number, and contractor license number;
- A list of the goods and services being purchased;
- The contract price or a good faith estimate on “cost plus” agreements;
- Complete financing information and credit terms;
- Either an approximate completion date, or a clear and conspicuous disclosure that no completion date is provided;
- Any promises as to the type, model, or quality of the goods to be installed;
- Notice of the buyer’s right to cancel, if the home improvement contract resulted from a home solicitation sale; and
- The total cost of the contract and payment arrangements.

- 5 Consumers entering roofing contracts should refer to West Virginia Code § 46 A-6M for additional protections.



Helpful Resources

Office of the Attorney General

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Charleston, WV 25305

Phone: (304) 558-2021

Fax: (304) 558-0140



Consumer Protection Hotline: 1 (800) 368-8808



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

Consumer Protection Division P.O. Box 1789 Charleston, WV 25326 Toll-Free: 1 (800) 368-8808 Phone: (304) 558-8986 Email: consumer@wvago.gov	Eastern Panhandle Consumer Protection Office 269 Aikens Center Martinsburg, WV 25404 Phone: (304) 267-0239 Fax: (304) 267-0248
West Virginia Division of Labor Contractor Licensing Board State Capitol Complex Bldg. 6, Room B-749 Charleston, WV 25305 Phone: (304) 558-7890 www.wvlabor.com	Federal Trade Commission 600 Pennsylvania Avenue, N.W. Washington, D.C. 20580 Phone: 1 (202) 326-2222 Toll Free: 1 (877) 382-4357 www.ftc.gov
Better Business Bureau 1018 Kanawha Blvd. E. #301 Charleston, WV 25301 Phone: (304) 345-7502 www.bbb.org	Home Builders Association of West Virginia 2220 Washington St. E. Charleston, WV 25311 Phone: (304) 342-5176 www.hbawv.org



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