

LOCAL LAW NO. ___ OF 2026

COUNTY OF ROCKLAND

STATE OF NEW YORK

(Introduced by: Hon. Itamar J. Yeger)

YEGER/HOFSTEIN: M.V.

A local law rescinding and replacing in their entirety Local Laws Nos. 8 of 1984, 5 of 2005, 9 of 2007, 3 of 2009, 6 of 2010, and 1 of 2016 (codified as Chapter 286, *Home Improvement Contractors*, in the *Laws of Rockland County*) regulating the home improvement contractors operating within Rockland County.

Be it enacted by the Legislature of the County of Rockland, State of New York as follows:

Section 1. Codification

This local law rescinds Local Laws Nos. 8 of 1984, 5 of 2005, 9 of 2007, 3 of 2009, 6 of 2010, and 1 of 2016 (codified as Chapter 286, *Home Improvement Contractors*, in the *Laws of Rockland County*), and replaces those local laws with the provisions set forth in Section 2, below.

Section 2. Home Improvement Contractors

This local law shall read, and be codified in the *Laws of Rockland County*, as follows:

Chapter 286 Home Improvement Contractors

§ 286-1. Purpose; Limitations.

- A. It is the purpose of the Legislature of Rockland County in enacting this chapter to safeguard and protect employees, homeowners and consumers by regulating the home improvement business by the licensing of persons engaged in such business and regulating such practices.
- B. Nothing in this chapter shall limit the power of any municipality within Rockland County to adopt any system of permits requiring submission to and approval by that municipality of plans and specifications for an installation prior to the commencement of construction of the installation or of inspection of work done within its borders.

§ 286-2. Definitions.

Unless the context otherwise specifically requires, the following terms, when used in this Article, shall have the following meanings:

- A. **APPLICANT** - The qualifying individual applying for the license.
- B. **BOARD** – the Home Improvement Advisory Board.
- C. **CONTRACTOR** - a person who may perform any or all work licensed under this chapter, and who owns, operates, maintains, controls, transacts or conducts a home improvement business or who undertakes, performs or advertises a home improvement service or offers to undertake or agrees to perform any home improvement. A bona fide employee is not a Contractor for purposes of this definition.
 - (1) **GENERAL CONTRACTOR** - a contractor who enters into a contract to perform home improvement services, performing the work themselves and/or by sub-contracting their responsibilities to other general contractors or to contractors of various trades. General contractors licensed pursuant to this Chapter are licensed to perform any trade requiring a

license pursuant to this Chapter. Contractors who are not “general contractors” may only subcontract services to contractors of the same trade and subject to any other restrictions on contracting in this Chapter.

- (2) **PROJECT MANAGER** - A consultant that advises an owner on planning; coordination; organization; selection of contractors, vendors or material providers; and/or oversight of a home improvement project. Project managers are not contractors and may not perform work requiring a license pursuant to this Chapter or subcontract home improvement work to contractors. Project managers do not require licensing under this Chapter.

D. DIRECTOR - the Director of Consumer Protection.

E. HOME IMPROVEMENT - means the following being done to a private residence: repair, replacement, remodeling, installation, construction, alteration, conversion, modernization made to, in or upon a private residence, apartment or dwelling place of not more than three units, including accessory units, and shall include but not be limited to the following:

- (1) Waterproofing;
- (2) Exterior siding, awnings, leaders and gutters;
- (3) Decks, patios, garages, carports and additional rooms;
- (4) Storm and/or replacement windows and doors;
- (5) Roofs;
- (6) Driveways and walkways;
- (7) Kitchens and bathrooms;
- (8) Masonry;
- (9) Fence installations;
- (10) Chimney maintenance;
- (11) Exterior and interior painting;
- (12) Landscaping and gardening;
- (13) Tree removal services;

- (14) Tile setters;
 - (15) Swimming pools;
 - (16) Underground sprinkler systems; and
 - (17) Excavation.
- F. **HOME IMPROVEMENT BUSINESS** - the business of providing, for a profit, a home improvement to an owner, provided, however, the term shall not include labor or services performed by an employee for a contractor. It shall not include the construction of a new home, building or work done by a contractor in compliance with a guaranty of completion of a new building project or the sale of goods or materials 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 materials or residences owned by or controlled by the state or any municipal subdivision thereof.
- G. **HOME IMPROVEMENT CONTRACT** - An agreement between a contractor and an owner or between a contractor and a tenant for the performance of a home improvement, and includes all labor, services and materials to be furnished and performed thereunder.
- H. **LICENSEE** - a person licensed to engage in the home improvement business under the provisions of this Article, and said license shall permit conducting business under any assumed name pursuant to General Business Law §130.
- I. **OWNER** - a homeowner, tenant, or any other residential dweller who orders, contracts for, or purchases a home improvement. This term shall include anyone who hires a contractor for home improvement, whether or not the owner intends to live in the home or sell it immediately or in the future.
- J. **PERSON** - an individual, firm, company, partnership, association, or corporation.
- K. **SHELVE** - the voluntary placement in inactive status by an applicant of a license issued pursuant to this chapter. No applicant whose license is shelved shall maintain, conduct, operate, advertise, engage in or transact a home improvement business or activity or solicit home improvement contracts for which a license

is required by this chapter, although they may do so as a bona fide employee for another licensee in good standing.

- L. All references to the masculine gender shall be interpreted to mean to all genders.

§ 286-3. License required.

- A. No person shall maintain, conduct, advertise, operate, or engage in the home improvement business within the County of Rockland, or hold himself or herself out as being able to do so, unless such person is licensed pursuant to this Chapter.
- B. Upon issuance of a home improvement license under the provisions of this Chapter, the Director or the director's designee(s) shall issue a vehicle decal for each commercial vehicle identified by the licensee as a vehicle which will be used in connection with the licensed activities. Such vehicle decals shall be conspicuously displayed in or on the vehicle(s) used in connection with the licensed activities during the term of the license. Any personal vehicle used by the contractor or any employee of the subcontractor is excluded from the requirement of having a decal.
- C. If the licensee owns or uses no commercial vehicle, then signage containing, at a minimum, the licensee's business name, a business phone number and the license number must be conspicuously posted at the job site in lettering no less than 2 inches.
- D. The failure of any vehicle at use at a job site to have a decal shall not result in a violation if there is signage complying with subsection C of this Section posted at the job site.
- E. The subcontractors of a general contractor must be licensed in their field as required by this Chapter, by the County of Rockland, and carry their own required insurances as detailed in this chapter. Notwithstanding the foregoing, any licensed contractor except a general contractor can hire a subcontractor in the same trade without any further license required, provided that the licensed contractor is responsible for the work performed and will ensure that either: [i] each subcontractor has liability insurance as

required by this chapter and workers compensation and disability insurance as required by state law; or [ii] the licensed contractor possesses general liability, workers compensation and disability insurance that will cover the subcontractors and all their liabilities and obligations.

§ 286-4. Application for license or renewal; bond and insurance.

- A. An application for a license under this Chapter, or a renewal thereof, shall be made in writing to the Director providing such information and on such forms as the Director shall approve and subject to the rules and regulations.
- B. An application for a license or a renewal application may be accompanied by a bond, executed by a bonding or surety company authorized to do business in the State of New York, or cash security in an amount to be set by the Director on a case by case basis but in no event less than \$50,000 or greater than \$150,000, conditioned upon the assurance that during the term of such license the licensee will continue to comply with the provisions of this chapter, to assure that upon default in the performance of any contract, the advance payments made thereon, less the reasonable value of services actually rendered to the date of such default, or the reasonable costs of completion of the contract in the event of noncompletion thereof, will be refunded to the purchaser, owner or lessee with whom such contract was made. Such bond shall run to the County of Rockland for the use and benefit of any person or persons intended to be protected thereby. The filing of the required bond in the office of the Director shall be deemed sufficient compliance with this section.
- C. If an applicant wishes to provide a surety bond as per Subsection B of this section, the application shall require only the following information: 1) necessary personally identifiable information; and 2) the disclosure of any final and non-appealable civil, criminal, or administrative business related judgments or determinations of liability incurred by the applicant, or by any business for which the applicant was an owner or otherwise exercised control over the business, including but not limited to judgments or determinations of liability related to the nonpayment or underpayment of wages.

The application shall be signed by the applicant and shall be accompanied by a check, credit card or money order in the amount of the fee required under § 286-5 of this Chapter. Within one year of the effective date of this law, all applications for licenses or renewals shall be able to be submitted online.

- D. An individual who has been licensed as a home improvement contractor in another jurisdiction for at least five (5) years with no filed complaints in that jurisdiction shall automatically be granted a license upon submission of proof of such other license and a simplified application as per subdivision C of this section.
- E. All persons licensed pursuant to this chapter shall be required to secure liability insurance to protect all persons from personal injury and property damage that could occur, directly or indirectly, during or as a result of their work licensed by this chapter. Such liability insurance must include proof of personal liability and property damage coverage (with no exclusions for product-completed operations coverage) in such form and amount, and with such other kinds of coverage, as may from time to time be set forth in or required by the rules and regulations, along with proof of workers' compensation and disability insurance in such form and amount as may from time to time be set forth in or required by state law. Such liability insurance shall be occurrence-based.

§ 286-5. Fees

- A. Application for a license, renewal of a license, application to shelve a license, renewal of a shelved license, supplementary, duplicate or transfer license shall be accompanied by the required fee set forth in the rules and regulations.
- B. All fees derived by the Director from the operation of this chapter shall be turned over to the Commissioner of Finance by the Director within 10 days after they are received.

§ 286-6. Grant or denial of license or renewal.

- A. Within 45 days after receipt of a complete application in proper form, the Director shall grant or deny a license, or renewal thereof, under this Article. Any application not denied within the initial 45-day period shall be deemed granted, unless the Director sends a letter to the applicant extended this period for another 30 days via email before the initial 45-day period expires. This letter must contain a bona fide reason why the extension is necessary.
- B. Effective January 1, 2028, every license and renewal granted shall be effective for two (2) years.
- C. The Director shall grant the license or renewal unless the Director makes a determination regarding:
 - (1) fraud, misrepresentation or bribery in securing a license;
 - (2) the making of any false statement as to a material matter in any application for a license, or in any proceeding with respect to the refusal, suspension, or revocation of a license, or in any response to any order, demand, or inquiry by the Board or by the Director or his/her designee with respect to a license or with respect to any home improvement contract ;
 - (3) that the contractor is untrustworthy or not of good character;
 - (4) that the business transactions of the contractor have been marked by a finding of failure to perform its contracts or the manipulation of assets or accounts or by fraud or bad faith; or
 - (5) a finding of repeated failure to display the license as provided in this chapter;
 - (6) a violation of any provision of this chapter or of any rule or regulation adopted hereunder that is the subject of an administrative determination by the Director, or in the event that the Director's determination is subject of an

administrative appeal as permitted by this chapter, from the determination of that administrative appeal panel;

- (7) final outstanding unsatisfied home improvement business related judgments against the applicant; or
- (8) engaging, with only a shelved license, in any activity for which a license is required under this chapter.

D. Upon the granting of a license, the decal and license number shall be issued forthwith within five (5) business days, which may be picked up by the applicant in person or requested to be sent by mail.

E. No license shall be assignable or transferable except as hereinafter provided.

- (1) A license to conduct a home improvement business issued to an individual may be assigned or transferred for the remainder of the license period to a partnership, corporation or other entity if such individual is a member, manager, officer or general partner of such partnership or a corporation.
- (2) A license to conduct a home improvement business issued to a partnership may be assigned or transferred for the remainder of the license period to any one general partner of such partnership, provided that he or she obtains the consent of all of the other members of such partnership.
- (3) A license to conduct a home improvement business issued to a qualifying applicant of a corporation may be assigned or transferred for the remainder of the license period to another qualifying applicant of the same corporation, provided the corporation provides sufficient proof of consent to transfer from the corporation's President, Chief Executive Officer, Chairperson, sole proprietor (if an "S" corporation), owner (if a limited-liability corporation) or other authorized representative of the corporate entity.

- (4) The application for such transfer or assignment must be accompanied by evidence satisfactory to the Director and the Board that the requirements herein provided have been satisfied and that the proposed applicant meets the necessary qualifications for licensure.
 - (5) No assignment or transfer shall become effective unless and until the proper endorsement evidencing said transfer or assignment has been made on the face of the license by the Director and such license, so endorsed, has been returned to the assignee or transferee. All such endorsements shall be made upon payment of a full fee as set forth in accordance with the applicable rules and regulations.
- F. A denial of a license or renewal shall be made by the Director in writing and shall set forth a statement of the reason or reasons therefor, citing to the specific subsections 1-8 in Section B, above. Any denial shall be subject to administrative and judicial review in accordance with §286-9 of this section.
- (1) A notice of the applicant's right to appeal the denial of the grant/renewal of a license must accompany the denial of a license or its renewal.
 - (2) If an applicant corrects the deficiencies noted in the denial, the Director may reconsider the decision to deny a license or renewal. In reconsidering an application after denial and correction of deficiencies, the Director may only consider whether the existing deficiencies listed as the reason(s) for the denial have been corrected – no new reasons may be presented. A decision to deny reconsideration after correction shall be subject to administrative and judicial review in accordance with §286-9 of this section.

§ 286-7. Revocation or suspension of license.

- A. After compliance with the procedure set forth in §286-6, the Director may revoke, or upon such conditions as the Director deems appropriate, suspend for a period of time, a license issued under this Article. Any contractor whose license is suspended or revoked during the pendency of a home improvement project must, at the homeowner's discretion, either return monies paid for unfinished work or hire a licensed contractor to complete the project. On the effective date of such revocation or suspension the licensee shall furnish the Director with a written list of such home improvement contracts with respect to which licensee is under a legal obligation to perform, in accordance with procedures authorized by subsection D of Section 286-11 of this Article.
- B. Grounds for suspension or revocation shall include:
- (1) Any of the grounds to deny a license or renewal under § 286-6(C);
 - (2) Failure by the licensee to fully and satisfactorily perform or furnish any labor, services or materials included under a home improvement contract;
 - (3) the commission by a licensee of an act or acts in violation of § 286-8 of this Chapter.
- C. A license shall be automatically suspended if there is no current proof of liability insurance or required disability or worker's compensation insurance on file. Any license suspended for this reason shall be automatically reinstated for the duration of the license term upon providing proof of current insurance. The licensee shall be given written notice by the Director of the commencement of the revocation or suspension proceeding and a copy of the charges upon which the proceeding is brought. Service shall be made by ordinary and certified mail to the address given in the application made by the licensee for a license under this Article. The licensee shall have the right to answer the charges in writing within twenty business days. A hearing on such charges shall be held by the Director, no later than 30 days after the time to answer has expired. A record of such hearing shall be made. At such hearing the licensee may be represented by counsel and may offer evidence on his or her

behalf. Compliance with technical rules of evidence shall not be required. The burden of proving the charges by substantial evidence shall be upon the inspector.

§ 286-8. Violations and penalties.

A. It shall be a violation to:

- (1) Abandon or fail to perform, or furnish, without justification, any labor, services or materials included under a home improvement contract, or willfully deviate from the plans or specifications of a home improvement contract in any material respect without the consent of the owner;
- (2) Conduct a home improvement business in any name other than the one in which the person is licensed, unless the name is added to the licensee's existing license;
- (3) Fail to agree in writing that the owner may cancel by written notice the home improvement contract without penalty at any time prior to midnight on the third business day after the date such contract is made;
- (4) Make a false statement or provide false information in making application for a license, including a renewal or duplicate license;
- (5) Fail to notify the Director, in writing, of any change of control in the ownership, management or business name or location of a home improvement business within thirty (30) days thereof;
- (6) Fail to disclose on all advertising, stationery, proposals, change orders, and invoices for a home improvement business and in all contracts with an owner for a home improvement, the number of the license issued under this Article;
- (7) Fail to comply with the provisions of Section 286-14 (Contract Provisions) of this Article;

- (8) Fail to carry workers' compensation or disability insurance coverage when the licensee has employees;
 - (9) Fail to carry liability insurance at any time; or
 - (10) Operate a home improvement business without a license as required by this Article; or
- B. The activities contained in above sections 1, 4, 8 and 9 may result in either suspension or a violation. Activities enumerated in above sections 2, 3, 5, 6, and 10 may only result in a violation. Committing an act that falls under section 7 shall result in a violation only, unless there have been three (3) violations within a period of two (2) years, in which case the licensee is subject to suspension of the license.
- C. The foregoing acts are unlawful when committed by a person engaged in the home improvement business within the County of Rockland and violations of the provisions of this section proscribing certain acts shall be enforced in accordance with and shall be subject to the penalties provided in the Laws of the United States, New York State, and the County of Rockland.
- D. An administrative notice of violation assessing a civil penalty not to exceed \$3,000 for any willful or negligent failure by any person to comply with any provision of this chapter may be issued by the Director, as designated herein, and his/her designees and sent by certified, registered, or ordinary mail to the person who has failed to comply. Each failure to comply with one or more separate and distinct provisions of this chapter shall constitute a separate and distinct failure to comply, for each of which the Director or his/her designees may issue a separate and distinct administrative notice of violation assessing a civil penalty not to exceed \$3,000. The continuation of any failure to comply shall constitute a separate and distinct failure to comply for each day the failure is continued. The Director and his/her designees may conduct an initial hearing or hearings for the purpose of taking testimony, reporting findings of fact, recommendations and decisions as a hearing officer concerning any violation, suspension or revocation under this chapter or any rule or regulation adopted hereunder. Any person aggrieved by the assessment of any civil penalty by the Director or his/her designees

may, within 30 days after the mailing of the imposition of penalty, appeal the assessment to the Legislature. The Director may, with the consent of the County Executive, commence a civil action in any court of competent jurisdiction to collect any civil penalty assessed pursuant to this subsection that remains unpaid for more than 30 days after the mailing of the notice of violation.

- E. To allow for a period of transition, the violations described in subsection A shall go into effect six (6) months after the effective date of this law. Until such date, the following prohibited acts described in the current law in §286-10 shall remain in force, after which they will be repealed and replaced with the violations listed in subdivision A above:

§ 286-10. Prohibited acts.

- A. The following acts are prohibited:
 - (1) Abandonment or willful failure to perform, without justification, any home improvement contract or project engaged in or undertaken by a contractor or willful deviation from or disregard of plans or specifications in any material respect without the consent of the owner.
 - (2) Making any substantial misrepresentation in a home improvement contract or in the procurement of a home improvement contract or making any false promise likely to influence, persuade or induce.
 - (3) Any fraud in the execution of or in the material alteration of any contract, mortgage, promissory note or other document incident to a home improvement transaction.
 - (4) Preparing or accepting any mortgage, promissory note or other evidence of indebtedness upon the obligations of a home improvement transaction with knowledge that it recites a greater monetary obligation than the agreed consideration for the home improvement work.

- (5) Directly or indirectly publishing any advertisement relating to home improvements which contains an assertion, representation or statement of fact which is false, deceptive or misleading, provided that any advertisement which is subject to and complies with the then existing rules, regulations or guides of the Federal Trade Commission shall not be deemed false, deceptive or misleading; or any means of advertising or purporting to offer the general public any home improvement work with the intent not to accept contracts for the particular work or the price which is advertised or offered to the public.
- (6) Willful or deliberate disregard and violation of the building, sanitary and health laws of this state or any political or municipal subdivision thereof.
- (7) Willful failure to notify the Board of any change or control in ownership, management, business name, location or person whose qualifications were the subject of review and approval by the Board as designee of a contractor.
- (8) Conducting a home improvement business in any name other than the one in which the contractor is licensed.
- (9) Willful failure to comply with any order, demand or requirement made by the Board pursuant to provisions of this chapter, or the willful making of any false statement as to a material matter in any proceeding with respect to the refusal, suspension, or revocation of a license, or in any response to any order, demand, or inquiry by the Board or by the Director or his designee with respect to a license or with respect to any home improvement contract.
- (10) Willful or other refusal, failure, or neglect to pay or comply with any judgment in favor of any owner, supplier, vendor, materialman, subcontractor, independent contractor, employee, or other person arising out of any home improvement contract or home improvement activity entered in any court of competent jurisdiction, within 60 days after the entry of such judgment, or within 60 days after the disposition of any appeal from it, or within 60 days after the

expiration of any period during which an appeal or further appeal may be taken from it, whichever is later.

- (11) Willful refusal or failure to make any payment, when due, to any supplier, vendor, materialman, subcontractor, independent contractor, employee, or other person for any labor or materials in connection with any home improvement contract, or any willful act or omission that may expose any owner to the imposition of any lien or to any civil or other liability or penalty.
- B. As part of or in connection with the inducement to make a home improvement contract, no person shall promise or offer to pay credit charges or allow to a buyer any compensation or reward for the procurement of a home improvement contract with others.
- C. No contractor shall offer or pay a loan as an inducement to enter into a home improvement.
- D. No acts, agreements or statements of a buyer under a home improvement contract shall constitute a waiver of any provisions of this chapter intended for the benefit or protection of the buyer.
- E. No person shall advertise or hold himself or herself out as being qualified to perform home improvements, as defined in this chapter, in Rockland County unless licensed as herein provided, and the license number shall appear in all such advertising.
- F. No contractor shall employ an unlicensed subcontractor or subcontractors.

§286-9. Appeals

- A. Within 60 days after a denial of an application for a license or a renewal thereof pursuant to §286-6, within 45 days after the Director sustains the charges and revokes or suspends the license pursuant to §286-7, or within 30 days after a finding of violation pursuant to §286-8, the applicant/licensee shall be entitled to appeal and demand a hearing before the Legislature by making a written demand therefor. Said demand shall immediately be transmitted to the Director, who shall forthwith transmit to the

Clerk of the Rockland County Legislature and shall by personal delivery or by first class mail serve upon the applicant/licensee a copy of the recorded proceedings and a copy of all the papers constituting the record upon which the action appealed from was taken. Following receipt of such written demand, a hearing shall be held by a three-member panel ([the “appeals panel”] of the Legislature appointed by the County Executive, subject to confirmation by the Legislature. If the County Executive fails to appoint an appeals panel within 45 days of receipt of the written demand for a hearing, the Chairperson of the Legislature shall appoint the three-member panel. A stenographic record of such hearing shall be made. At such hearing the applicant/licensee may be represented by counsel and may offer evidence on his or her behalf to demonstrate that a license or renewal should be granted or should not be suspended or revoked. Compliance with technical rules of evidence shall not be required. The determination made by the Panel shall be subject to judicial review by the applicant in accordance with Article 78 of the Civil Practice Law and Rules in a proceeding brought within four months after the determination is rendered. Any revocation or suspension shall be stayed until after this procedure is completed, and the right to appeal may not be waived.

- B. A time shall be fixed for the hearing of the appeal, and notices of the hearing shall be mailed to the appellant and the Director at least 20 days before the hearing. Upon the hearing, any party may appear in person or by agent or by attorney and may offer evidence on his or her behalf. Compliance with technical rules of evidence shall not be required. The appellate panel may reverse or affirm, wholly or partly, or may modify the decision, determination or action appealed from and shall make such decision or determination as, in its opinion, ought to be made in the premises.
- C. Appeals shall be a hearing de novo at which the proceedings of and the evidence presented at the hearing before the Director shall be considered, together with such other evidence offered by the appellant or the Director that the three members of the Legislature hearing the appeal deem relevant to the issues decided by the Director.

- D. All exhibits proposed by the appellant or the Director to be submitted as evidence at the hearing of the appeal shall be filed with the Clerk to the Legislature and by email, by personal delivery or by first class mail served upon the other party at least seven days prior to the hearing.
- E. Any proceeding under Article 78 shall be commenced within 30 days after filing the decision in the office of the Clerk to the Legislature.
- F. Any and all other decisions made or actions taken by the Director or his/her designee under this chapter may be appealed to the legislature within 30 days of said decision or action, and the appeals procedure outlined in subsections A-D shall apply.

§ 286-10. Other licenses.

- A. A license issued pursuant to this Article shall not be construed to authorize the licensee to perform any particular type of work or kind of business that is reserved for qualified licensees under separate provisions of state or local law.
- B. Notwithstanding any provision of this Article to the contrary, this Article shall relate only to the area of the County of Rockland outside any municipality during such time as such municipality is regulating or licensing the home improvement business.
- C. Nothing in this chapter shall be construed to limit or restrict the power of a Town or Village to regulate the quality, performance or character of the work of contractors, including a system of permits and inspections designed to secure compliance with and aid in the enforcement of applicable state and local building laws or to enforce other laws necessary for the protection of the public health and safety.
- D. Nothing contained herein shall be construed to obviate the necessity of procuring a permit for work whenever required by statute, local law, resolution, building code or ordinance of the municipality wherein such work is to be performed.

§ 286-11. Liability; applicability.

- A. Nothing set forth in this Chapter shall subject the County of Rockland or its officials, agents or employees to liability for damages or otherwise arising out of or related to the conduct of any home improvement business by a licensee.
- B. The provisions of this Chapter shall not apply to any home improvement to be performed under a home improvement contract made prior to the effective date of this Chapter, and any amendments to this Chapter, other than appeals to the Legislature from the denial, revocation, or suspension of a license, shall not apply retroactively.
- C. Notwithstanding any provision of this Article to the contrary, this Article shall not apply to:
 - (1) Plumbing work;
 - (2) Electrical work;
 - (3) Architectural services;
 - (4) Engineering services;
 - (5) Work or services performed by a person within the scope of an occupation, craft or profession in which such person has met standards of competency or experience established by state law as a condition to engaging in the occupation, craft or profession;
 - (6) Full-time students under the age of 22 engaged in seasonal or part-time employment;
 - (7) The construction of a new home building;
 - (8) The sale of goods or materials 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 materials;
 - (9) Work performed upon a residence or building owned by or controlled by the state or any municipality;

- (10) The sale, leasing, maintaining, installing, repairing, altering, moving, replacing or servicing of an alarm device or system by a county-licensed alarm business or alarm agent;
 - (11) The installation of photovoltaic devices by an individual who is licensed as a master electrician pursuant to Article I of Chapter 250 of the Laws of Rockland County and who is also certified as an installer of photovoltaic devices by the North American Board of Certified Energy Practitioners. For the purposes of this paragraph "photovoltaic device" means a device that absorbs infrared, visible and/or ultraviolet light and produces an electric potential; and
 - (12) The installation of solar heating devices by an individual licensed as a master plumber pursuant to Article -- of Chapter 250 of the Laws of Rockland County and who is also certified as an installer of solar heating devices by the North American Board of Certified Energy Practitioners. For the purposes of this paragraph "solar heating device" means a device that uses flat collector plates to harness the sun's energy to heat water.
- D. The Director is empowered to propose administrative procedures to carry out the provisions of this Article in conformity with the provisions thereof, subject to the approval of the Rockland County Legislature. The Legislature's failure to vote on, or approve after a vote, any proposed procedures shall be deemed a denial thereof. Insurance shall be required as per §286-4(E) of this chapter.
- E. Any licensee using chemicals regulated or controlled by the New York State Department of Environmental Conservation shall show proof of certification for use of said chemicals.

§ 286-12. Disclosures required of certain home improvement contractors; penalties.

- A. If a licensee directly or indirectly arranges or facilitates the financing of a home improvement contract, then, prior to executing the home improvement contract, said licensee must:

- (1) Disclose to the owner, in writing, any payments made or received by the licensee in connection with the financing, including the amount of such payments, on forms provided by the Director;
 - (2) Provide an appropriate Consumers' Bill of Rights, prepared by the Director; and
 - (3) Obtain the owner's written acknowledgement of receipt of the written disclosure of any payments and the appropriate Consumers' Bill of Rights on forms provided by the Director.
- B. Within thirty (30) business days after executing a home improvement contract, any licensee required to comply with the provisions of subdivision 1 must also file with the Director:
- (1) A copy of the home improvement contract; and
 - (2) A copy of the owner's Acknowledgement of Receipt of the written disclosure and the appropriate Consumers' Bill of Rights.
- C. The Director may, after providing notice and an opportunity to be heard, revoke the license or deny the application for license renewal of any licensee that fails to comply with any of the requirements of this section, subject to any appeal procedures noted above.

§ 286-13. Seizure and impoundment of vehicles and tools used in connection with the unlicensed operation of a home improvement business.

- A. Any police officer or authorized officer, employee or agent of the Department of Consumer Protection upon service on the operator of a vehicle and/or person in possession of tools or implements of a notice of violation for operating without a license required by this Chapter – but only if the operator either was never approved for a license or the license was expired for more than 30 days and no renewal application was pending – may seize and impound any vehicle, tool or other implement which such officer has reasonable cause to believe is being used in connection with such violation. If a vehicle, tool or other implement is impounded, the officer shall provide to the operator of said vehicle and/or person in possession

of said tools or implements a property voucher listing all items impounded. Any vehicle, tool or implement seized pursuant to this section shall be delivered into the custody of the Department of Consumer Protection. If stopping the work and impounding any vehicle, tools or implements shall result in rendering the premises being worked on uninhabitable or unsecured, the police officer or authorized officer, employee or agent issuing the notice of violation shall have the discretion to permit the worker or workers to either complete the work or in some manner render the premises temporarily habitable and secure prior to impounding any vehicle, tools or other implements.

- B. A person from whom a vehicle, tool or implement has been seized and impounded pursuant to this section shall receive notice at the time of such seizure and by overnight mail by the next business day after the seizure, informing such person how and when the vehicle, tool or implement may be reclaimed. In the event that the person from whom the vehicle was seized is not the registered owner of the vehicle, separate notice shall be provided by overnight mail to the registered owner of the vehicle. Notice shall also be provided to any lienholder in the same manner. For purposes of this section, the term "lienholder" shall, in the case of a vehicle, mean any person, corporation, partnership, firm, agency, association or other entity who at the time of a seizure pursuant to this section has a financial interest recorded as a lien with the Department of Motor Vehicles of the State of New York or any other state, territory, district, province, nation or other jurisdiction.
- C. The Director shall hold a hearing within five (5) business days - or, at the request of the owner, within 48 hours - after the seizure and impoundment to adjudicate the violation(s) of this Chapter underlying the seizure and impoundment and shall render a determination immediately following the conclusion of such hearing. Such determination shall also include a finding as to whether such vehicle, tool or other implement was used in connection with such violation, and if necessary, an additional finding as to whether the owner of such property, if not the person served with a notice of violation pursuant to subdivision A of this section, permitted the use of such property under circumstances evincing that such owner knew or should have known that such

property would be used for the conduct that was the basis for the seizure of the property. The person served with the notice of violation may, upon written request to the Director, delay the hearing for up to thirty (30) days, but said person will still be responsible for all reasonable costs of additional storage time, as per Subsection D(3) below.

D. A vehicle, tool or other implement seized and impounded pursuant to this section may be released to the owner of such property at any time upon the posting, via certified or bank check, credit card or money order, an amount sufficient to cover:

- (1) the maximum civil penalty which may be imposed for the violation of failure to possess a proper license underlying the seizure and impoundment or \$2,000, whichever is less;
- (2) all outstanding civil penalties previously imposed pursuant to this Chapter against the person served with a notice of violation pursuant to subdivision 1 of this section — if the authorized agent seizing such property pursuant to subdivision 1 of this section alleges, based upon reasonable cause to believe, that such owner, if not the person served with a notice of violation pursuant to subdivision A of this section, permitted the use of such property under circumstances evincing that such owner knew or should have known that such property would be used for the alleged conduct that was the basis for the seizure of the property; and
- (3) all reasonable costs for removal and storage of such vehicle, tool or implement. Release to a person claiming such property shall be conditioned on presentation of, in the case of
 - [a] a vehicle or trailer, proof of ownership or authorization from the owner of the vehicle as ownership is defined by section 388 of the Vehicle and Traffic Law, or
 - [b] in the case of a tool or other implement or equipment, proof of ownership or authorization by the owner satisfactory to the Director and/or the property voucher given at the time of impoundment.

- E. Following an adjudication that has resulted in a determination that the vehicle, tool or other implement was used in connection with unlicensed activity in violation of this Chapter and the exhaustion of the appeals process pertaining to the determination, release of such vehicle, tool or other implement to the owner of such property may be obtained upon payment of: (a) all civil penalties for the violation of this Chapter underlying the seizure and impoundment; (b) all outstanding civil penalties previously imposed pursuant to this Chapter directly against such owner; (c) all outstanding civil penalties previously imposed pursuant to this Chapter against the person served with a notice of violation pursuant to this Chapter — if such owner was finally determined to have permitted the use of such property by the person served with a notice of violation pursuant to this Chapter under circumstances evincing that such owner knew or should have known that such property would be used for the conduct that was the basis for the seizure of the property; and (d) all reasonable costs for removal and storage of such vehicle, tool or implement and proof of ownership as provided in this Chapter.
- F. If, after final adjudication of the violation underlying the seizure the vehicle, tool or other implement has not been found to have been used in connection with unlicensed activity under the provisions of this of the licensing provisions of this Chapter, the Department of Consumer Protection shall promptly cause such vehicle, tool or other implement to be released to its lawful owner. If applicable, the Department of Consumer Protection shall also promptly return any cash bond posted pursuant to this Chapter.

§ 286-14. Contract provisions.

- A. Every home improvement contract in excess of \$500 and all amendments thereto, shall be in writing and shall be signed by all the parties to the contract. The writing shall be legible, in plain English, and shall be in such form to describe clearly any other document which is to be incorporated into the contract. Before any work is done, the owner shall be furnished with a copy of the written

agreement, signed by the contractor. The writing may also contain other matters agreed to by the parties to the contract. Every contract shall comply with the requirements of NYS General Business Law § 771, a current version of which shall be provided to each licensee upon the granting of an application or renewal. The failure to include any enumerated contract provision shall not be a violation nor grounds to refuse payment to the home improvement contractor unless found to be material and necessary to the completion of the contract or to any contractual violation.

- B. No additional work in excess of \$500 shall be performed without prior written authorization of the person contracting for the construction of the home improvement. Any such authorization shall be on a contract change-order form, showing the agreed terms and reasons for such changes and shall be approved by both parties in writing. Any such change-order forms shall be incorporated in, and become part of, the contract.
- C. The contract shall contain not less than a one-year warranty guaranteeing the quality of workmanship.

§ 286-15. Contract funds.

A home improvement contractor must treat all funds received from a customer pursuant to a home improvement contract as trust funds to be applied solely to the payment of expenses directly related to the home improvement. Such funds may not be applied to the payment of expenses unrelated to the home improvement unless and until the home improvement is completed and all the expenses for direct labor, material and subcontractors related thereto have been paid by the contractor.

§ 286-16. Complaints.

The Director shall accept complaints from any person, relating to a contractor or home improvement business. In considering an application for a license or renewal under this Chapter, conducting any investigation, or determining whether to revoke a license granted under this Chapter, the Director, and the Legislature may consider any complaints received.

§ 286-17. Liability for damage.

This chapter shall not be construed to relieve from nor lessen the responsibility of any home improvement contractor for any loss of life or damage to person or property, nor shall the County of Rockland be deemed to have assumed any such liability by reason of any license issued pursuant to this chapter.

§ 286-18. Home Improvement Advisory Board.

- A. There is hereby created a home improvement advisory board consisting of 11 members, hereinafter referred to as the "Board." The members of such Board shall be residents of Rockland County, or shall have their principal place of business in Rockland County, and, ~~with the exception of the sitting legislator,~~ shall be appointed by the Rockland County Executive, subject to confirmation by the County Legislature, and shall serve at the pleasure of the County Executive as follows:
- (1) Three primarily engaged in business as home improvement contractors.
 - (2) One primarily engaged in business as an architect.
 - (3) One primarily engaged in business as a licensed engineer.
 - (4) Four citizens independent of the home improvement business. ~~(removed legislative member and added 4th from public at large)~~
 - (5) One primarily engaged in business as a pool contractor.
 - (6) One primarily engaged in business as a tradesperson.
- B. The Board shall elect a Chair and a Vice Chair from its own members.
- C. A majority of the Board shall constitute a quorum for the transaction of business.

- D. Compensation to be paid to the members of the Board, if any, shall be determined by the Rockland County Legislature.

§ 286-19. Powers and duties of Board.

The Board, which shall act in an advisory capacity and make recommendations and proposals to the Director, shall have the following powers and duties in addition to those elsewhere prescribed in this chapter:

- A. To hold meetings at the call of the Chair and at such other times as the Board may determine when necessary or desirable for the efficient discharge of the business of the Board, but not less than quarterly. All meetings of such Board shall be open to the public, and all recommendations shall be determined by vote of the Board. Such Board shall keep minutes of its proceedings, showing the vote of each member upon every question, or, if absent or failing to vote, indicating such fact, and shall also keep records of its official actions. Every recommendation of the Board shall immediately be filed in the office of the Director and shall be a public record.
- B. To recommend to the Director categories of licenses under this chapter.
- C. When requested by the Director, to advise him/her as to:
 - (1) the qualifications and fitness of applicants for licenses under this chapter or of the representatives of such applicants designated for such purpose;
 - (2) whether to suspend or revoke licenses for cause as prescribed in this chapter; and
 - (3) whether to establish qualifications for, and to grant and renew, temporary licenses not to exceed 120 days for each such grant or renewal, for each category of license established by the Director and establish such pro-rata fee schedule as it deems advisable.

- D. To prepare a manual of the rules and regulations and any other recommended information sheets for and to furnish copies thereof to persons desiring the same upon payment of a fee as set by the Director.
- E. To recommend rules and regulations with respect to procedure before it and with respect to any subject matter contained in this chapter, which shall then be proposed by the Director and subject to the approval of the Rockland County Legislature. Upon adoption and approval of such rules and regulations, they shall be duly filed in the Office of the Rockland County Legislature and with the Director. The Rules and Regulations currently in effect as of the effective date of this law shall expire six (6) months after said effective date.
- F. The Board shall employ experts, clerks and a secretary subject to the appropriations that may be made therefor by the Rockland County Legislature. Said employees shall report to the Director on a day-to-day operational basis. The Rockland County Legislature is hereby authorized and empowered to make such appropriation as it may see fit for such expenses; the amount of the appropriation shall be the estimated charges and expenses less fees, if any, collected pursuant to the license required by this chapter.

§ 286-20. Severability.

If any clause, sentence, paragraph or part of this Chapter shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy and in which such judgment shall have been rendered.

The vote resulted as follows:

Ayes: 14 (Legislators Cleary, Davidson, Earl, Friedman,
Hofstein, Hopstein, Jobson, Kennelly, Malowitz,
Sheridan III, Stilley, Yeger, Paul, Hood, Jr.)
Nay: 01 (Legislator Diviny)
Absent: 02 (Legislators Wolfe, Soskin)

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3/27/26
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04/01/26 [TH]
4/8/2026/dmg
4/13/26 ELY
4/14/2026/dmg revised
4/15/2026/dmg