

LOCAL LAW NO. 1 OF 2016
COUNTY OF ROCKLAND
STATE OF NEW YORK

Chairman Wolfe offered the following Local Law, which was seconded by Mr. Falciglia, Mr. Jobson and Mr. Hood, Jr. and unanimously adopted

A local law amending local law number 8 of 1984 as amended by local law number 10 of 1990, local law number 4 of 1993, local law number 3 of 1996, local law number 22 of 1996, local law number 5 of 2005, local law 9 of 2007, local law 3 of 2009 and local law 6 of 2010 (chapter 286 of the laws of Rockland county) relating to the licensing of home improvement contractors in Rockland county.

Be it enacted by the legislature of the county of Rockland as follows:

Section 1. Amending Section 1, as follows:

Local law number 8 of 1984 as amended by local law number 10 of 1990, local law number 4 of 1993, local law number 3 of 1996, local law number 22 of 1996, [and] local law number 5 of 2005, local law 9 of 2007, local law 3 of 2009 and local law 6 of 2010 (chapter 286 of the laws of Rockland county) relating to the licensing of home improvement contractors in Rockland county.

Section 2. Section 286-1. Purpose; limitation. is amended as follows:

- A. It is the purpose of the legislature of Rockland county in enacting this chapter to safeguard and protect employees, the homeowners and the consumer against abuses on the part of swimming pool contractors and itinerant home improvement contractors by regulating the home improvement, remodeling and swimming pool repair business, by licensing of persons engaged in such business and by mandating that contractors are responsible for their employees. The legislature finds that a need [exits] exists for a more complete understanding between customers and contractors engaged in swimming pool construction and home improvement business regarding the content and conditions of transactions for swimming pool construction and home improvement. The legislature also finds that many misunderstandings have arisen because of the lack of a standard body of requirements relating to such transactions and that certain sales and business practices and construction practices have worked financial and safety hardship upon the people of Rockland county.

Section 3. Section 286-2. Definitions; word usage. is amended as follows:

HOME IMPROVEMENT -

- (1) The repair, replacement, remodeling, alteration, conversion, modernization, demolition or removal of, or improvement or addition to any land or building, or that portion thereof which is used or designed to be used as a private residence, dwelling place for not more than six (6) families, a condominium dwelling unit or a cooperative dwelling unit, and shall include, but not be limited to, the installation, construction, replacement or improvement of driveways, swimming pools, roofs, porches, garages, fallout shelters, central vacuum-cleaning systems, storm windows, awnings, [fire or burglar alarms,] installed floor coverings, landscaping, interior and exterior painting, wallpaper and wall covering installations and other improvements to structures or upon land which is adjacent to a dwelling house.

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.

Section 4. Section 286-6. Examinations; exception; bond and insurance. is amended as follows:

- (C) An applicant who has failed in this first examination shall not be eligible for reexamination until one (1) month from the date of such failure. One who fails twice or more shall not be eligible for further reexamination until at least [three (3)] one(1) month[s] from the date of such second or subsequent failure.

Section 5. Section 286-7. License; display; renewals; duplicates. is amended as follows:

- A. All licenses, except temporary licenses, shall be for a period of [two (2)] one (1) year[s] from the date of application and shall expire on the last day of the [24th] 12th month following the application filing date, as set forth in the rules and regulations.
- B. No license shall be assignable or transferable except as hereinafter provided. [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 or corporation if such individual is a member of such partnership or a stockholder of such corporation. A license issued to a partnership may be assigned or transferred for the remainder of the license period to any one (1) member of such partnership, provided that he obtains the consent of all of the other members of such partnership. The application for such transfer or assignment must be accompanied by proof satisfactory to the board that the requirements herein provided have been complied with. No assignment or transfer shall become effective unless and until the endorsement of the transfer or assignment has been made on the face of the license by the board and such license, so endorsed, has been returned to the assignee or transferee. All such endorsements shall be made upon payment of a fee as set forth in the rules and regulations.]

- (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 fee as set forth in accordance with the applicable rules and regulations.
- C. Each license issued pursuant to this chapter shall be posted and kept posted in some conspicuous place in the home improvement establishment.
- D. Any license, except a temporary license, which has not been suspended or revoked may, upon the payment of the renewal fee be renewed for an additional period of [two (2)] one (1) year[s] from its expiration, as set forth in the rules and regulations, upon filing of an application for such renewal on a form to be prescribed by the board. Failure to make application for such renewal within fifteen (15) days prior to the expiration date of the license shall subject the licensee to a penalty as set forth in the rules and regulations, which shall be paid, together with the renewal fee, prior to the issuance of the renewal. After the expiration date of the license, the licensee shall be considered no longer licensed as required by section 286-3 and for purposes of the penalties established by section 286-21. A licensee whose license has expired shall be required to apply for an entirely new license in accordance with this chapter, unless, within ninety (90) days after the expiration date of the license, such licensee makes application for renewal and pays a penalty as set forth in the rules and regulations, together with the renewal fee. A licensee who is able to demonstrate proof of active duty in the armed forces during the period when the license was eligible for renewal will be exempt from the requirement to make application for renewal within ninety (90) days after the expiration date of the license. A licensee who is able to demonstrate good cause for any other reason may be eligible for renewal at the Director's discretion and may be subject to Board review.

Section 6. Section 286-8. Fees. is amended as follows:

- 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.

Section 7. Section 286-9. Refusal, suspension or revocation of license. is amended as follows:

A license required to conduct, operate, engage in and transact a home improvement business as a home improvement contractor or a shelved license may be refused, suspended or revoked by the board for any one (1) or more of the following causes:

- H. Engaging, with only a shelved license, in any activity for which a license is required under this chapter.

Section 8. Section 286-19. Appeals. is amended as follows:

286-19. Appeals.

- A. Any person aggrieved by the action of the board in refusing to issue a license or renewal thereof or in refusing to permit the shelving of a license or renewal of a shelved licensed or reactivation of a shelved license or suspending or revoking a license or making any decision or determination may take an appeal therefrom to the Rockland county legislature within thirty (30) days after the same has been filed with the clerk of the Rockland county legislature as required herein. Such appeal shall be taken by filing with the board and the Rockland county legislature a notice of appeal, specifying the grounds therefor.

Section 9. Rules and Regulations

Rules and regulations in effect on the effective date of this local law shall continue in full force and effect until they shall have been amended or other rules and regulations shall have been adopted in accordance with this chapter.

Section 10. Effective Date.

This local law shall take effect immediately upon filing in the office of the secretary of state pursuant to section 27 of the municipal home law rule.

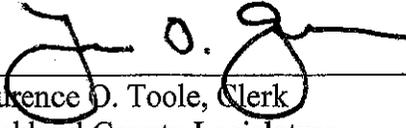
STATE OF NEW YORK)
) ss.:
COUNTY OF ROCKLAND)

I, the undersigned, Clerk to the Legislature of the County of Rockland DO HEREBY CERTIFY that the attached is an original Local Law of such Legislature, duly adopted on the 3rd day of May 2016 by a majority of the members elected to the Legislature while such Legislature was in regular session with a duly constituted quorum of members present and voting.

I FURTHER CERTIFY that at the time said Local Law was adopted said Legislature was comprised of seventeen members.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Legislature this 4th day of May 2016.

Date sent to the County Executive:
May 4, 2016



Laurence D. Toole, Clerk
Rockland County Legislature



Certified or Approved
Edwin J. Day, County Executive
County of Rockland

5/4/16

(date)

LOCAL LAW NO. **1** OF 2016