S T A T E O F N E W Y O R K

5240--A

Cal. No. 405

2011-2012 Regular Sessions

I N A S S E M B L Y

February 14, 2011

Introduced by M. of A. HOOPER -- Multi-Sponsored by -- M. of A. CLARK, PERRY, J. RIVERA, WRIGHT -- read once and referred to the Committee on Consumer Affairs and Protection -- advanced to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the general business law, in relation to requiring a reasonable time for inspection of home improvements made pursuant to contract

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Subdivision 1 of section 771 of the general business law is amended by adding two new paragraphs (i) and (j) to read as follows:

(I) A NOTICE TO THE OWNER THAT, IN ADDITION TO ANY RIGHT OF INSPECTION, THE OWNER SHALL HAVE FIFTEEN DAYS FROM THE APPROXIMATE OR ESTIMATED COMPLETION DATE SPECIFIED IN THE CONTRACT WITHIN WHICH TO MAKE AN INSPECTION OF THE WORK COMPLETED. NO SCHEDULE OF PAYMENTS SHALL REQUIRE FINAL PAYMENT BE MADE PURSUANT TO THE CONTRACT UNTIL SUCH PERIOD OF INSPECTION HAS EXPIRED.

(J) A NOTICE TO THE OWNER PURCHASING THE HOME IMPROVEMENT THAT HE OR SHE SHALL PAY ONE-THIRD OF THE AGREED UPON CONSIDERATION FOR THE WORK AND MATERIALS AS A DOWN PAYMENT TO THE HOME IMPROVEMENT CONTRACTOR PRIOR TO THE COMMENCEMENT OF ANY WORK, ANOTHER ONE-THIRD OF THE AGREED UPON CONSIDERATION ON THE FIRST DAY WORK IS COMMENCED AND THE FINAL ONE-THIRD OF THE AGREED UPON CONSIDERATION TO BE PAID UPON THE COMPLETION OF SUCH WORK, PROVIDED HOWEVER, SUCH OWNER SHALL HAVE THE RIGHT TO WITHHOLD THE FINAL ONE-THIRD PAYMENT UNTIL THE FIFTEEN DAY PERIOD SPECIFIED IN PARAGRAPH (I) OF THIS SUBDIVISION HAS ELAPSED.

S 2. This act shall take effect immediately and shall apply to all home improvement contracts entered into on or after such date.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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