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THE #1 MISTAKE CONTRACTORS MAKE UNDER HICPA: NOT USING A LEGALLY COMPLIANT CONTRACT



LEGAL PERSPECTIVES

By **Alexis I. Roth, Wolf, Baldwin & Associates, P.C.**

Contractors lose leverage — and payment — every day in Pennsylvania for one avoidable reason: using a home improvement contract that does not comply with the Home Improvement Consumer Protection Act (HICPA). Below is a concise roadmap to (1) mandatory HICPA contract elements, (2) prohibited clauses that void the owner's obligations, and (3) how missing language can derail your right to be paid.

To be valid and enforceable against the owner, a home improvement contract must include all of the following:

Writing, Signatures, and Registration:

The contract must be in writing, legible, and include the contractor's HICPA registration number. It must be signed by the owner (or authorized agent) and the contractor (or salesperson).

Complete Agreement and Key Disclosures:

The contract must contain the entire agreement between the parties, including

attached copies of all required notices; it must state the date of the transaction; it must list the contractor's name, address (not a P.O. Box alone), and telephone number; and it must provide the approximate start date and completion date.

Scope, Specs, and Change Orders:

The contract must describe the work, the materials to be used, and include specifications that cannot be changed without a written change order signed by both the owner and contractor.

Price Structure:

The contract must include the total sales price or, if using time-and-materials, a compliant time/management provision. For time/management, the contractor must give an initial written cost estimate before work starts; the contract must state (a) the dollar value of the initial estimate, (b) that costs may not exceed ten percent above that estimate; (c) the total potential cost including the ten percent; and (d) that any increase beyond that requires a signed written change order.

Down Payments and Special Order Materials:

The contract must itemize the down payment amount and any amount advanced for special order materials, listed separately.

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THE DINNER

May 13 | 5 p.m.

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Guest Speaker
MICHAEL MASSIMINO
Former NASA Astronaut

