



## District Attorney's Office • 18<sup>th</sup> Judicial District

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# Consumer Advisory

## Roof Repair -Think Ahead as Hail Season Approaches

Spring and hailstorm damage go hand in hand, making it “high season” for contractor complaints. Given the numerous complaints law enforcement receives this time of year, now is the time to consider steps to take for repairing a roof or property in the event of hail or storm damage. Consider the following:

The greatest number of complaints are against door-to-door contractors, especially those who come knocking right after a hailstorm.

The most common complaint type is *contractor nonperformance*—the homeowner gives money up front to an untrustworthy contractor who may or may not begin the work and then disappears—closely followed by *poor quality of work* grievances.

If the loss to the consumer exceeds the \$7,500 amount for small claims court, the consumer may have to risk hiring an attorney to file a lawsuit. Consumers may end up winning judgments that they can never collect.

Under the Colorado Mechanics Lien Law – C.R.S. 38-22-101, subcontractors and suppliers have the right to place a lien on an owner's property if they are not paid by the contractor for the work they performed on the home. The law insures that subs/suppliers are fairly paid for the value they provide to a home as a result of their work.

### Do your due diligence:

Door-to-door contractors are not necessarily scam artists, but doing business with one out of sheer convenience is risky.

- ❖ Research all prospective contractors. Ask your insurance company for a recommendation. Review the business on the Better Business Bureau website at [www.bbb.org](http://www.bbb.org). Things to look for include the length of time the company has been in business and the number of complaints the business has received. *How* the business handles such complaints is often revealing.
- ❖ Check with the building department in your city or county to see if the contractor is licensed.
- ❖ Get at least three bids. Many companies will not request any payment before work is completed. A roofing contractor is prohibited by law from waiving your obligation to pay your insurance deductible.
- ❖ Understand the contract before signing. The contract should have a *start* and *end* date, and a clause that indicates how disputes will be handled. Understand your obligation if the insurance company does not pay for something. Once the work commences, get all change orders in writing.
- ❖ Get a signed lien waiver from the contractor when you make your payment to insure that all subcontractors and suppliers have been paid to avoid a lien being slapped on your home (see *Mechanics Lien Law*, above)
- ❖ Understand your rights under the Residential Roofing Services statute, C.R.S. 6-22-101. A roofing contractor must disclose their surety and liability coverage insurer and provide the homeowner with written notification that the roofing contractor shall hold any payment from the residential property owner in trust until the roofing contractor has delivered roofing materials or has performed a majority of the roofing work on the residential property.