

Have you been sued by a Home Improvement Contractor? Has a Mechanic's Lien been filed against your home for failure to pay the contractor for its services? If your Contractor is not licensed, you may not have to pay.

An unlicensed home improvement contractor in New York City, Nassau and Suffolk Counties, and other surrounding counties cannot sue homeowners for non-payment of its bills for services rendered. This law was enacted to protect homeowners from unscrupulous construction contractors and its solicitors. The law sends a clear message to contractors - if you perform construction or home improvement work on a home, you can only recover payment if you are licensed.

Even in instances where the homeowner knew that the contractor was unlicensed prior to the performance of the work, courts have still prevented recovery for payment to contractor. In fact a court has denied recovery for payment even in instances where the homeowner stopped payment on checks that were sent to the home improvement contractor. **Courts have consistently stated that contracts made by unlicensed home improvement contractors are illegal and unenforceable. Consequently a mechanic's lien filed by an unlicensed home improvement contractor is also void.**

What type of work requires a contractor to possess a home improvement license? As a partial guide, the New York City Department of Consumer Affairs states that "A person or business must have a Home Improvement Contractor license if engaged in the construction, repair, remodeling, or addition to any land or building used as a residence. This includes, but is not limited to, the construction, replacement, or improvement of basements, driveways, fences, garages, landscaping, patios, porches, sidewalks, swimming pools, terraces, and other improvements to structures or upon land that is adjacent to a home or apartment building." This description is not all-inclusive however. In fact Nassau and Suffolk Counties appears to be much broader than New York City by explicitly including carpentry, flooring, and kitchens among other work.

There are limitations however on this strict treatment against unlicensed home improvement contractors. This rule is not necessarily applicable to developers and real estate investors or speculators. This law primarily protects the unsuspecting homeowner as a consumer, and not a person who has no intention of residing in the property after the improvements.

Therefore if you are sued by a home improvement contractor for failure to pay for services or a mechanic's lien has been filed against your home, first check the license status of the contractor. The contractor must be licensed at the time the contract is signed or the agreements are made, at the time the work is performed, and at the time the contractor sues.

Home improvement licenses can be checked at the websites for the Department of Consumer Affairs for New York City, Nassau County, Suffolk County, Westchester County, or Rockland County

To determine whether a home improvement contractor is licensed by the Department of Consumer Affairs, visit the following websites:

For New York City: [click here](#)

For Nassau County: [click here](#)

For Suffolk County: [click here](#)