



Jonathan Mintz  
Commissioner

October 5, 2009

[Redacted]  
Staff Counsel  
[Redacted]

**RE: Home Improvement Work for Individual Tenant in High Rise Building and Home Improvement Work Single Family Dwelling but Contract with Corporation**

42 Broadway  
9th Floor  
New York, NY 10004

Dear Mr. [Redacted]

[Redacted] tel  
[Redacted] fax

I am writing in reply to your email request for a letter of interpretation on two issues. Your first question is if a home improvement license is required for home improvement work performed for the owner of a unit in a high rise building with multiple units. The answer is yes.

[nyc.gov/consumers](http://nyc.gov/consumers)

Pursuant to Section 20-386 (6) of the New York City Administrative Code ("Code") a Home Improvement Contract is defined as an "agreement, whether oral or written, or contained in one or more documents, between a contractor and an owner, or contractor and a tenant, regardless of the number of residences or dwelling units contained in the building in which the tenant resides, provided said work is to be performed in, to or upon the residence or dwelling unit of such tenant, for the performance of a home improvement and includes all labor, services and materials to be furnished and performed thereunder." A contract to perform home improvement work for an owner of a unit in a high rise building with multiple units is covered in the definition of home improvement contract and a home improvement license is required.

Your second question is if a home improvement license is required for home improvement work performed on a single family dwelling where the contract is with a corporation. Pursuant to Section 20-386 (4) an owner is defined as "any homeowner, cooperative shareholder, condominium unit owner, tenant, or any other person who orders, contracts for or purchases the home improvement services of a contractor or the person entitled to the performance of the work of a contractor pursuant to a home improvement contract." An owner includes a person who resides in the building or who intends to reside in the building once the contractor's work is completed, but does not include real estate investors who do not intend to reside in the building. *Routier v. Waldeck*, 708 N.Y.S.2d 270 (Dis. Ct. Nassau Co. 2000). A corporation cannot use the property as a residence. Consequently, a contract with a corporation is not a home improvement contract within the meaning of section 20-386(6) of the Code and a home improvement business license is not required.

Sincerely,

[Redacted signature]

Staff Counsel