



Jonathan Mintz
Commissioner

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VIA EMAIL

RE: **Electrician Licensed by DOB cannot use that License to do Home Improvement Work**

Dear Ms. [REDACTED]

I write in reply to your email request for a letter of interpretation on two issues. Your first question is whether a home improvement contractor can use his electrician's license to do home improvement work. The answer is no.

According to your email, you retained [REDACTED], an electrician who is licensed by the New York Department of Buildings ("DOB"), but does not have a home improvement contractor license issued by the New York City Department of Consumer Affairs ("the Department" or "DCA"). You stated that Mr. [REDACTED] provided the following services to your home: replacement of ceilings with sheet rock, replacement of radiator valves, re-arrangement of kitchens, installment of kitchen cabinets and installment of ceramic tiles. You also stated that Mr. [REDACTED] built walls and repaired leaks in the basement. You advised us that Mr. [REDACTED] stated that he does not need a license from the Department to engage in home improvement contractor work because of his DOB electrician license.

Pursuant to Section 20-386 (2) of the New York City Administrative Code ("Code"), "home improvement" is defined as "the construction, repair, replacement, remodeling, alteration, conversion, rehabilitation, renovation, modernization, improvement, or addition to any land or building, or that portion thereof which is used or designed to be used as a residence or dwelling place. . . ." The work that you have said Mr. [REDACTED] performed is covered in the Code's definition of "home improvement." Accordingly, he would be required to also have a Department home improvement contractor license for providing such services.

Your second question is whether the electrician is entitled to money he collected for the home improvement work. The question is one for the courts to answer. Numerous courts have ruled that an unlicensed contractor that should be licensed is not entitled to payment for work performed. However, at least one appellate court in New York has ruled that a homeowner who has had the benefit of an unlicensed contractor's work is not entitled to recover payments already made to the contractor for the work.

Sincerely,

[REDACTED]
Staff Counsel