



Frequently Asked Questions About Home Repair & Remodeling

Q: Who Establishes the Building Code in Virginia?

Answer: 2 The Uniform Building Code (UBC) is promulgated by the Virginia Department of Housing and Community Development-Division of Building and Fire Regulation.

Virginia has a common building code for all cities and counties. It is a leader among states in adopting safe, current, and stringent fire and building codes.

Each municipality, County, City or Town administers the code by issuing permits and inspecting the work. A local Building Official administers the code and makes final decisions on questions under the UBC.

Q: Which of the following requires a Permit?

1. Building a Deck
2. Adding a garage
3. Adding a ceiling fan
4. Changing to a pedestal sink from a vanity

Answer: All the above.

Any construction of, addition to, or modification of a residential dwelling requires a permit issued by the Building Official. This

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includes changing plumbing or electrical systems in addition to structural work.

Q: Who may secure a Permit

1. Homeowner
2. Licensed Contractor
3. Master Plumber
4. Master Electrician
5. Certified Remodeler
6. Master Carpenter
7. Handyman

Answer: As the homeowner, you may secure a permit and serve as the general contractor on your home. However, you are responsible for ensuring the work is completed correctly and according to code. If you hire an unlicensed workman, they may, but often do not, complete work according to code. If they fail to do so, you must either hire a licensed contractor or complete the work yourself.

It is best to have a licensed contractor obtain the permit in its name. This way, both the state and the municipality have enforcement leverage and are better able to protect you. Master Plumbers and Master Electricians may obtain permits for their trades only.

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The UBC does not recognize “Master Carpenters” or “Certified Remodelers”; therefore these designations do not qualify a person to obtain any sort of building permit.

Q: If the work isn’t exactly to code, who will care?

Answer: First, you could have a serious safety threat. Many code violations are concealed and could cause a fire.

Second, you could have serious property damage if poorly performed work results in flooding, structural damage or electrical faults. Damage due to faulty work not done to code could give your insurance company a basis to deny coverage.

Finally, when you sell your home, Realtors and Home Inspectors are trained to look for poor remodeling work. An indication that work does not meet code invites more detailed investigation. You could be required to revise or even remove the work. It is significantly more expensive to revise improperly performed modifications. Poor workmanship could also jeopardize an otherwise timely and beneficial sale. In severe cases, your occupancy permit could be revoked, requiring you to find temporary quarters until the repairs are made.

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Q: The contractor I like is not licensed, but has offered an attractive price and tells me he can hire licensed contractors for anything requiring a permit. Am I ok?

Answer: Definitely not. There are several very dangerous problems with this approach. First of all, only a Builder (Class A or B License with the BLD classification) is allowed to serve as a general contractor. To claim otherwise is fraudulent and a misdemeanor.

Second, if something goes wrong, you only have recourse to the person or company you have a contract with. If the sub-contractors are licensed, you may be able to get state assistance. However, the person who took the money is the one you want recovery from. There is a risk the sub-contractors were not even paid. If that happens, the subcontractor could file a lien against your property. Most licensed trades people are wary of working for unlicensed persons and the good ones don't have any reason to.

Q: If your property is damaged in a home repair project who is responsible?

1. You
2. Your insurance company
3. The Contractor
4. The Contractor's insurance company
5. The Sub-Contractors

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Answer: All are responsible. However, in the end, it is your home and if the contractor and sub-contractors don't have insurance or are insolvent, you could be left with a very expensive problem. It happens frequently, so make sure you are dealing with a contractor who displays "Licensed and Insured" prominently. Also ask to see evidence of the license and insurance and make sure it is current. You should request to see a Certificate of Insurance that is signed and dated by an insurance representative rather than a copy of the contractor's policy, which may have been purchased and then cancelled.

Remember, if something does not quite seem right, it probably is not.

Q: If you suffer damage what recourse do you have?

1. County Police
2. State Police
3. County Building Department
4. City Government
5. State Dept. of Occupational and Professional Regulation

Answer: Virginia's Department of Occupational and Professional Regulation maintains a Contractor Transaction

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Recovery Fund from which consumers may recover funds due to improper or dishonest conduct of a *Licensed Contractor*. There is no provision other than going to court to recover the cost of damage caused by an *unlicensed* entity.

Q: Who may remodel your home?

1. Licensed Building Contractor
2. Master Carpenter
3. Master Plumber
4. Master Electrician
5. Certified Remodeler

Answer: Only a licensed Building Contractor (either Class A or B License with BLD Classification) can remodel single, two or multi-family residences. Other master trades people may work as sub-contractors. Note that the Board does not have a “Master Carpenter” designation.

Certification by an organization such as the National Association of the Remodeling Industries (NARI) may provide additional credentials, but they are not a substitute for Licensure by the Commonwealth of Virginia. Industry certifications may provide additional assurance that a company takes its reputation seriously and has taken steps to enhance its knowledge and skills. However, check the certification with the issuing association to ensure it is valid, current and does indeed require a higher level of knowledge. Some trade groups promote “certifications” as

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marketing tools and may have little by way of consumer protection.

Q: If a workman is injured on your property what is the extent of your liability?

1. None
2. Emergency medical treatment
3. Emergency Treatment & Rehabilitation
4. Medical care and disability payments for life

Answer: Worker's Compensation Insurance (WCI) provides a homeowner protection against injury claims by a worker, provided the contractor or you have this coverage. Most homeowners do not carry this insurance and your homeowner's policy may have limits or provide no coverage for workmen. Without this protection, you could be liable for providing medical care and support for the rest of that person's life. You could lose your home to provide that support.

Q: If a workman steals your property, who is responsible for recovery?

1. Sub-Contractor
2. General Contractor
3. Employer
4. You

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Answer: You are responsible since the contractor and their subcontractors cannot be held liable for the criminal acts of another person. Reputable contractors make every effort to know whom they are hiring and will perform background checks to ensure they are hiring honest people. You may also wish to request a surety bond if you have valuables in the home and you will not be able to secure them while work is being performed. This is an extra cost and will be added to your contract charges. In the end, it is up to you to ensure you are dealing with a reputable contractor, one who is licensed, insured, and bonded and takes care in hiring its workers.

Q: Should I be concerned if a workman does not have a Business License?

Answer: An individual doing work without a business License is an employee. You could be liable for the employer portion of Federal and state employment taxes, (currently over 7%) plus penalties, interest and a damaged reputation.

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Q: Most craftsmen prefer the customer

1. Watch them work
2. Leave them alone
3. Check in periodically
4. Offer helpful suggestions

Answer: Most everyone prefers to be left alone. Craftsmen in particular go into this line of work because it suits a certain personality type. However, a good contractor will look for people who have both the talent and the temperament for home repair. That is, the skill to repair and remodel as well as an ability to understand and work with the homeowner. These people are not common and those that do both well command premium pay.

You should not feel uncomfortable in checking in frequently and to ask questions about how the work is being planned and performed. If you are not comfortable, contact your contractor's customer service representative immediately.