

Governor Quinn Signs Home Repair Law
By
Bill Ward, Executive Vice President
Home Builders Association of Illinois
July 22, 2010

Governor Patrick J. Quinn has signed legislation supported by the Home Builders Association of Illinois that attempts to clarify the Home Repair & Remodeling Act. SB2540 was signed on Monday, July 12, 2010, and is now referred to as P.A. 96-1023. The bill was introduced in the Illinois Senate by Senator A.J. Wilhelmi, D-Joliet; and was sponsored in the House by Representative Andre Thapedi, D-Chicago. The bill received unanimous votes both in the Senate and the House.

SB2540, brought forth by the Illinois State Bar Association, addresses two issues that have been ambiguous and interpreted differently by five different courts located throughout Illinois.

Until now, contractors could have problems collecting payment for work requested by home owners because they never received a contract or a consumer rights brochure. Situations have occurred where legitimate home remodelers performing work over \$1000 had to provide the work free of charge because they neglected to provide the *Consumer Rights Acknowledgement Form* as mandated by Illinois law. This brochure is available for download on our website, hbai.org.

For homeowners, the old statute was troublesome as well as it did not clearly state that they had a cause of action to seek damages if a contractor tried to bill them for work they didn't agree to have done. The law stated that the Attorney General's office could prosecute contractors who commit fraud.

The old act also requires contractors to provide a written contract or work order identifying the total cost, including parts and labor with reasonable particularity.

P.A. 96-1023, which is now in effect, provides that if a contractor does not provide the homeowner with a consumer rights brochure, homeowners can only avoid payment if they can prove that not having the brochure caused them a problem.

The new law also removes the word “unlawful” from the act, so contractors may still seek payments based on oral agreements with homeowners under the Mechanics Lien Act.

The law is also written in a manner that clearly states that homeowners can cite the new law when suing contractors for fraud. The new law clarifies that the private remedy and possible damages for a violation of the new law is found in the Consumer Fraud and Deceptive Practices Act.

SB2540 was a “High Priority” for HBAI and was a featured bill at our annual HBAI Lobby Day held last April in Springfield.

A special presentation on the components of the new act will be made at our August 25 Board Meeting in Bloomington, Illinois. More information on that will be made available later.

Portions of this article were provided by the Illinois State Bar Association and reprinted with their permission. A special HBAI thanks goes to Jim Covington from the ISBA, in leading the charge for passage of P.A. 96-1023.