



**HOME BUILDERS & REMODELERS ASSOCIATION
OF CONNECTICUT, INC.**

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*Your Home
Is Our
Business*

February 28, 2014

To: Senator Ed Meyer, Co-Chairman
Representative Linda Gentile, Co-Chairman
Members of the Environment Committee

From: Bill Ethier, CAE, Chief Executive Officer

Re: **Raised Bill 238, An Act Establishing a Landscape Contractor License**

The HBRA of Connecticut is a professional trade association with nine hundred (900) member firms statewide employing tens of thousands of CT's citizens. Our members, all small businesses, are residential and commercial builders, land developers, remodelers, subcontractors, suppliers and businesses and professionals that provide services to our industry and to consumers. Our members build between 70% and 80% of all new homes and apartments in the state each year and perform countless home improvements. Landscaping work is a routine portion of new home construction. And, landscaping work on an existing home requires a home improvement contractor (HIC) registration.

We cannot support SB 238 as drafted and have serious concerns about the adverse regulatory impact and costs it will have on home builders and many home improvement contractors and the harm it could bring to consumers.

First, it is our understanding that this proposal is NOT about any adverse environmental impacts caused by excessive chemical use by those performing landscaping work. If it was, a much simpler non-licensing bill that, perhaps, increases the notification on how to apply pesticides and fertilizers correctly, or one that increases penalties on landscape contractors and property owners for not applying chemicals properly, should be discussed. **We also point out that another bill to license landscape contractors has been raised in the General Law Committee.** Therefore, if the purpose behind SB 238 is not related to the environment, we urge you to not act on SB 238 and let the General Law Committee, which has primary jurisdiction over the licensed trades, deal with its proposal.

Second, it is our understanding that very few states license landscaping work. We know of Hawaii (which has 168 different licenses for every trade specialty), Oregon and North Carolina. But North Carolina's license merely allows a firm to call itself a "landscape contractor" – it does not prohibit anyone else from doing landscaping work.

Third, whenever any trade or business is licensed, it has the dual impact of depressing competition and raising prices. We urge you to not do anything that would produce either of these results. Neither result is warranted at any time but especially while CT supposedly is striving to repair or produce its reputation as being open for business.

The language of SB 238 is both: 1. far too inclusive of work routinely performed by home builders and other contractors and 2. confusing or vague. It includes: grading work, performed by site work contractors; the installation of garden pools and fountains

(with no minimum size limit), often done by your local pet store or garden center; retaining walls, fencing, and walkways, done by home builders on every project and many HICs; drainage (undefined), which must currently be done in compliance with local, state and federal stormwater regulations; and “incidental construction” (undefined) to all of the above and more. **The definition of landscape contractor is so inclusive and vague, it basically means any work done outside of the four corners of a building will require this new license.**

Moreover, the \$5,000 annual cash income threshold for requiring this license is not worded correctly and would be administratively difficult to implement (lines 11-14). A landscaper would have to recalculate its receipts every month to look at the previous 12 months. And, the bill captures any industrious high school or college student who wants to mow lawns over the summer (at, say, \$40 per cut, it takes only 125 cuts – that’s perhaps 8 or 9 customers – to cross the licensing threshold). Why would we do that to these kids?

At lines 44 – 46, a landscaper licensed under this bill would not have to register as a HIC. As stated, all landscaping work done on existing homes requires a HIC registration. But, this minor exemption does not afford any relief to HICs or any new home construction contractor (NHCC), a different registration program within the Dept. of Consumer Protection, who performs both construction work on a home and any outside work. They’d be required to have both their HIC or NHCC registration and this new license. **The exemption should be reversed. That is, any HIC or NHCC who is properly registered with DCP should be exempt from this new license.** That essentially means that landscaper licensing would be an option for those firms who want to set themselves apart from other landscape work done by HICs and NHCCs. But, it would not be required on HICs and NHCCs who perform landscaping. This is consistent with the bill’s optional sublicense categories for a landscaper’s employees (see lines 48-50), i.e., keep the license optional for those who want it.

This new license does not duplicate – and, in fact, removes – the protections afforded home owners that are contained in the home improvement contractor registration act. All HICs pay into a home owners guaranty fund, which assists in paying claims for harm done by HICs. All HICs are required by law to include certain provisions in their contracts with home owners, to provide specific notices to consumers, and to provide a three-day right of rescission under the Homes Solicitations Sales Act. **Under SB 238, all those protections disappear, and we assert that existing law provides better consumer protection while SB 238 would simply raise the price for landscaping work and limit the number of contractors consumers can choose to do the work they need done.**

Finally, for some construction trades, it makes sense to require education and testing. Certainly, electrical, plumbing, and heating & air conditioning work require education and competency testing to protect the public’s and those industry’s worker’s health and safety. We would be interested to hear the public health and safety reasons that elevate landscaping work to the level of these other licensed trades.

Without a compelling public health or safety rationale, we urge you to not support this licensing proposal.

Thank you for the opportunity to comment on this legislation.