

## When Can A Lien Be Filed Against Your Property?

- Before making any payments to your contractor, you should get a written notarized partial or full release of lien that the contractor has paid all of the bills for your job.
- If you received a "Notice to Owner" from anyone, you should require your contractor to get a notarized release of lien from each person stating that they have been paid for all work done on your job. This should be done before making payments to your contractor.
- If you are borrowing money to complete the improvements and the lender pays the contractor directly, you should make sure the lender is getting these notarized releases of liens before any payments are made to the contractor.

## Tips

- Avoid any contractor who requires advance payment. Arrange to pay after the work is completed or in regular payments according to the amount of work done.
- A notarized release of lien ensures that you will not have to face double payment or possible loss of property to the unpaid parties.
- Don't sign a work completion certificate until ALL work is completed to your satisfaction.
- Avoid paying cash.
- If you are financing the improvement or repair, compare the interest rates and payments of several lending institutions, especially if you are considering a second mortgage to finance the improvements.
- Do not use an unlicensed contractor — the possible savings in initial costs doesn't outweigh the risk.

## Unlicensed Activity Enforcement

The Orange County Board of County Commissioners amended Chapter 9 of the Orange County Code concerning unlicensed contractors. Highlights of the ordinance are:

- Orange County Fraud Investigators have been designated as Code Enforcement Officers and will proactively address unlicensed activity in Orange County.
- Violators will be issued civil citations and fines will be assessed.
- Appeals will be brought before the Building Code Board of Adjustment and Appeals.
- These actions are in addition to our ability to file criminal charges with the Office of the State Attorney, Ninth Judicial Circuit.

## To report an Unlicensed Contractor, you can;

Call 407-836-2490 or 407-836-5690

Via Orange County 311 APP or Dial 311

By e-mail: [fraudhelp@sao9.org](mailto:fraudhelp@sao9.org)

By fax: (407) 836-1210

Web Site: [www.orangecountyfl.net](http://www.orangecountyfl.net)



## Orange County Consumer Fraud Unit

407-836-2490

[www.ocfl.net/fraud](http://www.ocfl.net/fraud)

[Fraudhelp@sao9.org](mailto:Fraudhelp@sao9.org)

# HOME REPAIR



Education is Protection;  
Knowledge is Power.



Home improvements and repairs can pose many difficult problems and complaints for consumers. The general guidelines and cautions contained in this pamphlet can assist consumers and should be considered when dealing with home contractors

## **Beware of Con Artists!**

They may:

- Solicit door-to-door (and have usually “just finished a job down the street”).
- Arrive in unmarked vans or trucks.
- Have a Post Office Box or give an address of a local motel as their address.
- Promise to use your home as a “demonstration model” – at a bargain price.
- Offer to work for you only if you will obtain any necessary building permits, which makes YOU responsible for the work done.

## **Find a Reputable and Reliable Contractor:**

- Verify if the contractor has a Local Tax Receipt with the City and County.
- Determine how long a contractor has been in business.
- Check with the Better Business Bureau: 407-621-3300 [www.bbb.org](http://www.bbb.org), and the Department of Professional Regulation to determine if complaints have been filed and verify their state license. (850-487-1395 [www.MyFloridaLicense.com](http://www.MyFloridaLicense.com))
- Ask for references of persons for whom the contractor has done work, and check them out.

## **Narrowing the Field**

- Choose several contractors and obtain written estimates from each. Explain what you want done, specifying such items as the quality and type of materials, the length of time the job will take, and the total cost.

- Be suspicious of a contractor who offers the fastest, cheapest job on a “now or never” basis. Poor workmanship, inferior materials and unfinished jobs are often the results of thier efforts.
- After checking the complaint history, weigh everything you have learned before jumping into hiring a firm. Remember, don't let this be your only criteria for selection.

## **Before Signing the Contract ...**

- Read it carefully.
- Ask for legal explanations and/or clarifications –understand what you are signing.
- Fill in ALL blanks.
- Consult your insurance agent to see if repairs are to be covered by your insurance.
- **The Contract Should Include**
  - Construction completion date.
  - Contractor's name, address, phone number, and their license or certification number.
  - Precise description of work to be completed and materials to be supplied.
  - Financing information that is required by law or that is part of the transaction.
  - Any warranty agreements.
  - Names of those supplying the contractor with labor or materials. Be certain they are insured so that you are protected against theft or damage.
  - All necessary building permits or licenses. Make sure the job site will be cleaned thoroughly, and that no debris remains after the job is completed.

## **Cancellation of Contract**

Home repair or improvement contracts eligible for cancellation without penalty or obligation by midnight of the third business day after signing are:

- Signed anywhere other than the seller's normal

place of business.

- All door-to-door agreements, except for emergency home repairs.

## **Mechanics' Lien Law**

- A summarization of the Mechanics' Lien Law, prepared by the Division of Consumer Services and sent to all building officials, must be given to contractors and property owners when building permits are obtained. The “Notice of Commencement” must be filed by the homeowner with the Clerk of the Circuit Court in the county where the work will be performed.
- The Mechanics' Lien Law (Florida Statute Ch. 713, Part I) provides for a method by which a contractor, subcontractor, laborer, building material supplier, architect, landscape architect, interior designer, engineer, or a land surveyor may claim a lien on real property on which they have done work or to which they have furnished materials. If the lien is not satisfied, your property may be sold to pay the lien. Before any construction begins, and after the construction mortgage has been recorded, the owner should take the following steps:
  1. Before applying for a building permit, a “Notice of Commencement” form should be obtained from an office supply store.
  2. Complete the “Notice” form with the required information.
  3. After the building permit is issued, record the “Notice” with the Clerk of the Circuit Court in the county where the work will be performed. If a performance bond is posted, a copy of the bond must be attached at the time of, or prior to, the recording of the “Notice of Commencement.”
  4. Post the certified copy of the “Notice” at the job site. There is no requirement to post a copy of the bond.