

SENATE No. 2677

The Commonwealth of Massachusetts

—
**In the One Hundred and Ninety-Second General Court
(2021-2022)**
—

SENATE, February 10, 2022.

The committee on Consumer Protection and Professional Licensure, to whom was referred the petition (accompanied by bill, Senate, No. 175) of Cynthia Stone Creem for legislation relative to the guaranty fund for home improvement contractors, reports the accompanying bill (Senate, No. 2677).

For the committee,
Susan L. Moran

SENATE No. 2677

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act relative to updates to the home improvement contractors registration.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 1 of Chapter 142A of the General Laws, as appearing in the 2018
2 Official Edition, is hereby amended by striking out the definition of “Claimant”, and inserting in
3 place thereof the following definition:-

4 “Claimant”, an owner and resident of a residential building, containing at least one but
5 not more than four dwelling units, who has entered into a construction contract with a contractor
6 to carry out construction work on said building, or, an owner and resident of a single
7 condominium unit in a residential building, who has entered into a construction contract with a
8 contractor to carry out construction work on an area of said building under that owner's exclusive
9 control, and who is making a claim against said contractor for failure of performance under said
10 contract.

11 SECTION 2. Said section 1 of said chapter 142A of the General Laws, as so appearing, is
12 hereby further amended by striking out the definition of “Owner”, and inserting in place thereof
13 the following definition:-

14 “Owner”, any homeowner of a pre-existing owner-occupied building or secondary
15 residence for non-commercial purposes, containing at least one but not more than four dwelling
16 units, or tenant thereof, who orders, contracts for, or purchases the services of a contractor or
17 subcontractor.

18 SECTION 3. Said section 1 of said chapter 142A of the General Laws, as so appearing, is
19 hereby further amended by striking out the definition of “Residential contracting”, and inserting
20 in place thereof the following definition:-

21 "Residential contracting", the reconstruction, alteration, renovation, repair,
22 modernization, conversion, improvement, removal, or demolition, or the construction of an
23 addition to any pre-existing owner occupied building or secondary residence for non-commercial
24 purposes, containing at least one but not more than four dwelling units, which building or portion
25 thereof is used or designed to be used as a residence or dwelling unit, or to structures which are
26 adjacent to such residence or building.

27 SECTION 4. Section 10 of chapter 142A of the General Laws, as so appearing, is hereby
28 amended by striking out subsection (c), and inserting in place thereof the following:-

29 (c) whether the applicant has ever been previously registered in the commonwealth as a
30 contractor or subcontractor pursuant to this chapter, whether the applicant has ever been
31 previously registered as a contractor or subcontractor in any other state, under what other names
32 he was previously registered, whether there have been previous judgments or arbitration awards
33 against him in the commonwealth or any other state, whether there is money owing to the fund
34 on account of such judgments or awards against him, and whether his registration has ever been
35 suspended or revoked by the commonwealth or any other state.

36 SECTION 5. Section 13 of said chapter 142A of the General Laws, as so appearing, is
37 hereby amended by inserting at the end thereof the following new subsection:-

38 (g) The director shall publish an account of registrations issued and the names of all
39 contractors or subcontractors whose registration has been revoked, suspended or surrendered.
40 The director shall also publish a summary of complaints, judgments or awards filed against
41 registrants by the commonwealth or by any other state, the actions taken to investigate
42 complaints, disciplinary hearings, disciplinary actions or revocations or suspensions, and the
43 reasons for such actions by the director.