

**COMMONWEALTH OF MASSACHUSETTS
OFFICE OF CONSUMER AFFAIRS AND BUSINESS REGULATION**

Ten Park Plaza, Suite 5170
Boston, Massachusetts 02116

Phone (617) 973-8700

Fax: (617) 973-8799

**Home Improvement Contractor
Complaint Form**

M.G.L. CHAPTER 142A & 201 CMR 18



To file a complaint against a home improvement contractor, you must fill out this form completely and submit it to the Office of Consumer Affairs and Business Regulation ("OCABR"). OCABR will review all complaints. The submission of a complaint will not automatically result in a hearing against a contractor. If OCABR determines that your complaint is appropriate for a hearing, your complaint may result in disciplinary action against the contractor's registration and/or administrative fines. You will be notified in writing if a hearing is scheduled to address your complaint. You will be asked to testify at that hearing. Please refer to the OCABR website (www.mass.gov/oca) for additional information about OCABR's home improvement contractor complaint process.

FILING A COMPLAINT WITH OCABR WILL NOT RESULT IN A MONETARY AWARD FOR YOU. IF YOU SEEK A MONETARY AWARD, CONTACT OCABR'S ARBITRATION & GUARANTY FUND PROGRAMS.

1. Your information: (Please type or print neatly)

Name: _____

Current address: _____

Address of building at issue: _____

Number of dwelling units in the building at issue: _____ Is it a residential property? (circle) Yes No

Is the building at issue your primary residence or did you intend for it to become your primary residence? (circle) Yes No

Was the building originally constructed before 1978? (circle) Yes No

Day phone: () _____ Fax: () _____ E-mail _____

2. Contractor Information:

Contractor name: _____

Business name (if any): _____

Business address: _____

Phone: () _____ Home Improvement Contractor Registration (HIC) # _____

Date contract signed: ____ / ____ / ____ Amount of contract: \$ _____

To the best of your knowledge, has the contractor filed for bankruptcy? (circle) Yes No

3. Other Information:

If you have included photographs with your complaint, do you want OCABR to return them to you later? (circle) Yes No N/A

4. Complaint Information: Please circle the number of any of the following acts that you allege took place in your dealings with the contractor. You must circle at least one allegation.

1. Operating without a certificate of registration;
2. Abandoning or failing to perform, without justification, any contract or project engaged in or undertaken by a registered contractor or subcontractor, or deviating from or disregarding plans or specifications in any material respect without the consent of the owner;
3. Failing to credit to the owner any payment they have made to the contractor or his salesperson in connection with a residential contracting transaction;
4. Making any material misrepresentation in the procurement of a contract or making any false promise of a character likely to influence, persuade or induce the procurement of a contract;
5. Knowingly contracting beyond the scope of the registration as a contractor or subcontractor;
6. Acting directly, regardless of the receipt or the expectation of receipt of compensation or gain from the mortgage lender, in connection with a residential contracting transaction by preparing, offering or negotiating; or attempting to or agreeing to prepare, arrange, offer or negotiate a mortgage loan on behalf of a mortgage lender;
7. Acting as a mortgage broker or agent for any mortgage lender;
8. Publishing, directly or indirectly, any advertisement relating to home construction or home improvements which does not contain the contractor's or subcontractor's certificate of registration number or which does contain an assertion, representation or statement of fact which is false, deceptive, or misleading;
9. Advertising in any manner that a registrant is registered under this chapter unless the advertisement includes an accurate reference to the contractor's or subcontractor's certificate of registration;
10. Violation of the building laws of the commonwealth or of any political subdivision thereof; *If your complaint alleges structural violations of Massachusetts State Building Code, those allegations will be referred to the Board of Building Regulations and Standards (BBRS), within the Department of Public Safety (DPS), for possible action against the contractor's construction supervisor license or you may proceed by filing your own separate complaint to DPS/BBRS*
11. Misrepresenting a material fact in obtaining a certificate of registration;
12. Failing to notify the OCABR of any change of trade name or address as required by section thirteen;
13. Conducting a residential contracting business in any name other than the one in which the contractor or subcontractor is registered;
14. Failing to pay for materials or services rendered in connection with his operating as a contractor or subcontractor where he has received sufficient funds as payment for the particular construction work, project or operation for which the services or materials were rendered or purchased;
15. Failing to comply with any order, demand or requirement lawfully made by the administrator or fund administrator under and within the authority of this chapter;
16. Demanding or receiving payment in violation of clause (6) of paragraph (a) of section (2), which states: "Any deposit required under the contract to be paid in advance of the commencement of work under said contract shall not exceed the greater of one-third of the total contract price or the actual cost of any materials or equipment of a special order or custom made nature, which must be ordered in advance of the commencement of work, in order to assure that the project will proceed on schedule. No final payment shall be demanded until the contract is completed to the satisfaction of the parties thereto;"
17. Violating any other provision of Chapter 142A. (Please specify below)
 - a. Failing to present the homeowner with a written contract for residential contracting work exceeding \$1,000 as required by section 2
 - b. Failing to include required terms in a written contract for residential contracting work exceeding \$1,000 as required by section 2
 - c. Other provisions of Chapter 142A (please specify in your detailed narrative in Section 5 of this form)

5. Please provide a detailed narrative of the acts or omissions committed by the contractor that lead you to file this complaint. If necessary, please attach any additional pages. Your complaint will not be processed without a detailed narrative.

6. I hereby affirm that the information contained in this complaint package is true and accurate to the best of my knowledge and belief. Signed under pains and penalties of perjury:

Signature

____/____/_____
Date

7. Please submit the complaint application, and all supporting documentation, e.g., building application, court judgments, contract, photographs (limited to 5 photographs), and the like (the documents or photographs should **NOT** be stapled) to:

**Office of Consumer Affairs and Business Regulation
Program Coordinator HIC Complaint Program
10 Park Plaza, Suite 5170
Boston, MA 02116**