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New Jersey Landscape Contractors Association

New Jersey Landscape Contractors Association, Inc.

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April 26, 2013

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The Honorable Mayor Robert Greenbaum
and the Members of the Budd Lake Council
Post Office Box 450
204 Flanders-Drakestown Road
Budd Lake, New Jersey '07828-0450

Dear Mayor Greenbaum and the Members of the Budd Lake Council,

It has come to our attention that many municipalities are unclear as to the language and enforcement of the "Contractors' Registration Act" in the state of New Jersey.

The New Jersey Landscape Contractors Association (NJLCA) requires all of its members who provide home improvements as described in the Contractors' Registration Act to have a current Home Improvement Contractors registration (or better known as the HIC registration) along with proper insurances and several other mandated requirements in order for them to remain members in good standing.

The reason for a contractor to obtain an HIC registration in New Jersey is so that they can be in compliance with both the state and local municipalities. As per the New Jersey Office of the Attorney Generals Division of Consumer Affairs:

"Effective January 1, 2006, the Contractors Registration Act supersedes any municipal law or regulation that provides for the licensing or regulation of home improvement contractors. However, contractors must still obtain construction permits from the municipality in which they're working and must submit to inspections by municipal code officials." (See attached)

Unfortunately, some municipalities are still unclear about these facts and have erroneously ticketed and/or fined HIC compliant, NJLCA members for not having specific town issued licenses or registrations, when the Contractors Registration Act clearly specifies that it "supersedes" local licensing.

The New Jersey Landscape Contractors Association works very hard to make sure that our members operate their businesses safely and are compliant with all of the regulations and licensing requirements of the State of New Jersey and local municipalities. We respectfully request that you review the Contractors Registration Act to avoid this type of confusion in the future.

Thank you in advance for your attention to this matter and please feel free to contact me with any questions or concerns or to discuss this in greater detail.

Sincerely,

Jody B. Shilan, Executive Director
New Jersey Landscape Contractors Association

Contractors' Registration Act

NJSA 56:8-136 et seq.

56:8-145 Applicability of act to out-of-State contractors.

The provisions of this act shall apply to any person engaging in any of the activities regulated by this act in this State, including persons whose residence or principal place of business is located outside of this State.

L.2004,c.16,s.10.

56:8-146 Violations, fourth degree crime.

a. It is an unlawful practice and a violation of P.L.1960, c.39 (C.56:8-1 et seq.) to violate any provision of this act.

b. In addition to any other penalty provided by law, a person who knowingly violates any of the provisions of this act is guilty of a crime of the fourth degree.

L.2004,c.16,s.11.

56:8-147 Supersedure of municipal ordinance, regulation.

a. This act shall supersede any municipal ordinance or regulation that provides for the licensing or registration of contractors or for the protection of homeowners by bonds or warranties required to be provided by contractors, exclusive of those required by water, sewer, utility, or land use ordinances or regulations.

b. No municipality shall issue a construction permit for any home improvement to any contractor who is not registered pursuant to the provisions of this act.

L.2004,c.16,s.12.

56:8-148 Municipal powers preserved.

This act shall not deny to any municipality the power to inspect a contractor's work or equipment, the work of a contractor who performs improvements to commercial property, or the power to regulate the standards and manners in which the contractor's work shall be done.

L.2004,c.16,s.13.