

Home Repairs

This section will talk about hiring someone to do work on your house and what to do if problems arise.

Door to Door Solicitations

If a contractor comes to your door and offers to do home repair work for you, you should know that it is **very risky** to hire this person. The materials used by door to door contractors are usually of poor quality and the work is usually not done well. Also, these contractors can be hard to find if they take off with your money. Even if you do find them, you probably won't be able to get your money back because they don't have any to give you. This is true even if you sue them and win.

If you think that you have been scammed by a contractor and you need help figuring out what to do next, you can talk to an attorney for free when you call the Legal Services for the Elderly Helpline: 1-800-750-5353. Legal Services for the Elderly will review your problem and offer advice regarding practical steps to take.

If you want to cancel the contract

The law gives you special protections when you hire a door to door contractor. If you hired a contractor who came to your door and offered to do home repair work for you, you have three (3) days to think over the agreement and cancel the contract without penalty. You should write the contractor to cancel the contract and demand your money back if you have paid him any. Keep a copy of this letter for your records.

If you need help writing this letter, call the Legal Services for the Elderly Helpline at 1-800-750-5353 to speak to an attorney for free.

Hiring a Contractor

If you decide to hire a contractor, consider doing the following to reduce your risk:

Use a contractor with a good reputation

Only use a contractor who is known and who has a good reputation. Do not let yourself be talked into repairs by a person who turns up out of the blue on your doorstep. Make sure someone (other than the contractor) can vouch for the contractor's reputation. Only hire someone who has been recommended by a trusted friend who has had good personal experience with this contractor.

Get a written contract

Get a written contract **before** paying any money to the contractor. If the repairwork is going to cost

more than \$3,000, then you **must** have a written contract that includes certain provisions such as a Warranty for Good Workmanship. This language will protect you if the contractor does a bad job and you end up in court. **Do not pay the total contract price up front.** If you have to pay some money up front, **do not pay more than 1/3 of the total contract price.**

If you need help with this, call the Legal Services for the Elderly Helpline at 1-800-750-5353 to speak to an attorney for free. If the LSE attorney can't help you, they can help you find a private attorney who can.

If something goes wrong, get help

The Maine Attorney General's Office is a helpful resource for any type of home repair problem. It offers a free mediation service that can help you resolve your home repair problem without having to go to court. If you have a problem with a door to door solicitation, you should report it to the Maine Attorney General's Office at 207-626-8800.

If the contracted work was not finished

If most of the work that was finished was done well, then the contractor should be given the chance to complete the job within a reasonable time. Take photographs to document your problems. Write a letter to the contractor stating your complaints specifically. Date the letter and keep a copy for your records. If the contractor does not respond, or refuses to do any more work, then you can get someone else to finish the job.

You can also sue the contractor for what it will cost to complete the job properly. To do so, you need to get an opinion in writing from either the code enforcement officer of your town or from another contractor. The opinion they give you will be the amount of damages you will try to recover in court.

If the amount of damages you are seeking is under \$6,000, you can sue in small claims court without having to hire an attorney. Otherwise, you must sue in a higher court. If you cannot sue in small claims court, you might want to hire an attorney for help.

You can get the court forms you'll need to bring a small claim at your local district court or on the Maine Judicial Branch's website. You can find a link to this guide in the Quick Links section to the left. When you go to small claims court, you will present your Statement of Claim along with your evidence. Your evidence may include:

- a written contract if there was one;
- photographs;
- written estimates of the cost of completion; and,
- records of any communication between you and the contractor.

If you would like help with any of this, call the Legal Services for the Elderly Helpline at 1-800-750-5353 to speak to an attorney for free.

If the work done to your home was done poorly

If the work was done very poorly then you do not have to allow the contractor to return to fix the work. Write to the contractor and list your complaints. Make sure you date the letter and keep a copy for your records.

Take photographs to document your problems. You also need to get expert opinions, in writing, as to the poor quality of the work and what it will cost to repair it. You can get this estimate from the code

enforcement officer of your town or from another contractor. The opinion they give you will be the amount of damages you will try and recover in court.

Once you have this information, you can sue them.

If the amount of damages you are seeking is under \$6,000, you can sue in small claims court without having to hire an attorney. Otherwise, you must sue in a higher court. If you cannot sue in small claims court, you might want to hire an attorney for help.

You can get the court forms you'll need to bring a small claim at your local district court or on the Maine Judicial Branch's website. You can find a link to this guide in the Quick Links section to the left. When you go to small claims court, you will present your Statement of Claim along with your evidence. Your evidence may include:

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If you would like help with any of this, call the Legal Services for the Elderly Helpline at 1-800-750-5353 to speak to an attorney for free.

If none of the work was performed

If the contractor did not do any work, you can cancel the contract. Write a letter to the contractor to tell him that the contract is cancelled and demand your money back. Make sure you date the letter and keep a copy for your records. If the money is not returned you can sue the contractor for the amount you paid him. If it is under \$6,000, you can go to small claims court as outlined in the Guide to Small Claims Court, in the Quick Links section to the left.

If you would like help writing this letter, call the Legal Services for the Elderly Helpline at 1-800-750-5353 to speak to an attorney for free.

Paying for the work

The contractor may say that they can arrange for financing to pay for the job (work and materials). **Beware! Contractor financing is very risky.** Often the interest rates are very high and will end up costing you a lot of money.

Also, be careful taking out a home equity loan to finance the job. Make sure you can afford the payment on top of all of your other debt payments, including your mortgage. If you cannot keep up with the home equity payment, you might lose your home to foreclosure.

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