



**HOME BUILDERS & REMODELERS ASSOCIATION  
OF CONNECTICUT, INC.**

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*Your Home  
Is Our  
Business*

February 27, 2018

To: Senators Leone and Witkos, and Representative D'Agostino, Co-Chairs  
Representative Smith, Ranking Member  
Members of the General Law Committee

From: Bill Ethier, CAE, Chief Executive Officer

Re: **Oppose Section 4, SB 193, AAC Revisions to Department of Consumer Protection Statutes**

The HBRA of Connecticut is a professional trade association with about eight hundred (800) member firms statewide employing tens of thousands of CT's citizens. Our members, all small businesses, are residential and commercial builders, land developers, remodelers, general contractors, subcontractors, suppliers and those businesses and professionals that provide services to our diverse industry and to consumers. We build between 70% to 80% of all new homes and apartments in the state each year and engage in countless home remodeling projects.

Our home builder and home remodeler members are regulated by the Dept. of Consumer Protection as, respectively, registered New Home Construction Contractors or registered Home Improvement Contractors. In addition, many of our members hold licenses in the various construction trades.

Section 4 of SB 193 (lines 163 – 188) proposes to require those regulated by DCP to respond within fourteen days to the agency's notice to the business about a consumer complaint. Second, the bill authorizes DCP to impose a fine of up to \$250.00 on the business if the regulated business fails to respond within those fourteen days.

While it seems wise, in most cases, for a business to reply to DCP about a consumer complaint in order to explain the business' side of the issue, there may be any number of reasons why a business chooses to not do so. The complaint may be from a crackpot consumer. The complaint may be one of a long line of nuisance complaints and the small business owner can no longer afford the time it takes to respond to the agency. The complaint may have no validity on its face and the regulated business reasonably expects, as it should, that DCP would summarily reject the complaint. The business owner or owners (e.g., sole proprietor, or husband and wife) leave for a 2-week or longer vacation or other travel, and return to find a bill from DCP for \$250 because they missed the agency's notice.

Other questions surround this issue. Is a business' simple acknowledgment of receipt of DCP's notice of a complaint a sufficient response to avoid the fine? What if the business provides a written response but it is not entirely responsive to all the allegations in a

consumer's complaint? How does a business respond to a nonsensical or unintelligible consumer allegation? Isn't it the right of a business to stay silent on an issue? What if the business owner receives legal counsel's advice to not respond?

This could become a cash cow for the agency and be used simply as an alternative revenue source as state agency budgets are cut. And, it's not necessary. If a business does not respond to notice of a complaint, after several attempts to reach the business, then the agency should simply accept the nonresponse and note it in the records. Then, deal with the complaint on its face, investigate the consumer's alleged violations or issues, and make a decision within the confines of its authority.

This is another regulatory burden that should not be placed on the many thousands of small businesses across the state that are regulated by DCP's many licensing and registration programs. This state desperately needs to go in the other direction, to repeal and reduce government's regulatory oversight and heavy hand over entrepreneurs trying to make a go of it in Connecticut. This state needs to become more business-friendly and not impose more requirements or new ways to fine, fee, charge or tax its residents.

We urge you to delete section 4 from SB 193.

Thank you for the opportunity to comment on this legislation.