

# *Beware of Solicitation Contracts*

by George F. Dickerman, Attorney and Counselor at Law

Few things tick me off more than rip-off contractors and scam artists, particularly when their scams take place at your own home.

Here's a typical scenario: you notice a leaky pipe under your kitchen sink and decide you'd better call a plumber before you get too much water damage. A plumber comes out immediately and, after a look under your house, tells you that the problem is very severe and you need to have your entire plumbing pipes re-done-immediately! They quote you a price of \$7,000 and then have you sign an "emergency waiver" of your right to cancel the contract within three business days.

- ✓ They tell you this is necessary because the pipes are about to burst and you will suffer severe water damage to your house.
- ✓ They use scare tactics to have you sign a contract immediately, rather than wait a day or two to give you time to contact other contractors and obtain second opinions.

California Civil Code Section 1689.6 gives you the right to cancel a contract within three business days of the date you sign the agreement. Rip-off contractors know this law, and will try to circumvent it by having you sign an "emergency waiver".

There are certainly times when a real emergency exists. It may be 105 degrees outside and your infirm spouse may die if the air conditioning is not repaired immediately. If so, then the laws allows you to waive your three-day right to cancel by personally writing an explanation that describes the emergency and that specifically acknowledges your three-day right to cancel and waiver of that right.

However, I've been involved in cases where there was no emergency at all. The elderly client was legally blind, and the contractor wrote some chicken-scratch explanation, himself, that described the alleged "emergency", and then had the client sign it.

## How do you protect yourself?

1. Before you call a contractor, ask your family, friends and neighbors for referrals.
2. Before you call the contractor, place a call to the Contractors State License Board at 1-800-321-2752 and ask if the contractor is licensed, bonded and in good standing. Are there any outstanding complaints against the company?
3. Get AT LEAST TWO, if not three written estimates before you agree to hire a contractor. Any honest contractor will not be offended. Even if your situation



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**is truly an emergency, you can still schedule at least two different contractors to come out to your home (i.e., 10:00 a.m. and 1:00 p.m.) to give estimates.**

**Home solicitation contracts do not have to be a nightmare. Keep this article for future reference to review if you need to call a contractor to make home repairs.**

George F. Dickerman devotes much time to assisting seniors in matters of elder law.

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