

PROPOSED LOCAL LAW NO. – 2023

A LOCAL LAW TO AMEND § 21-11.4 OF TITLE D OF CHAPTER 21 OF THE NASSAU COUNTY ADMINISTRATIVE CODE, AS LAST AMENDED BY LOCAL LAW 3-1987, IN RELATION TO HOME IMPROVEMENT LICENSE APPLICANTS.

WHEREAS, the Nassau County Department of Consumer Affairs is charged with safeguarding and protecting homeowners from abuses on the part of home improvement contractors by regulating the home improvement, remodeling and repair business and by licensing persons engaged in such business; and

WHEREAS, the Nassau County Administrative Code currently requires that applicants for a home improvement business license be fingerprinted by the Nassau County Police Department; and

WHEREAS, the Department of Consumer Affairs seeks to make the fingerprinting requirements for home improvement business licenses more consistent with the fingerprinting requirements for other license applicants under Title D of Chapter 21; and

WHEREAS, the Department of Consumer Affairs also seeks to update the amounts of required insurance coverage to provide more appropriate coverage; now therefore

BE IT ENACTED by the County Legislature of the County of Nassau as follows:

Section 1. Subsection 2 of Section 21-11.4 of the Nassau County Administrative Code is amended as follows:

2.

(a) An applicant for a home improvement contractor's license must establish that he is the real owner and possesses title to or is entitled to the possession of the establishment and will conduct, engage in and transact a home improvement business. He must furnish satisfactory evidence of a good moral character and financial responsibility.

(b) All applicants for a license pursuant to this title will submit to fingerprinting of the individual owner, if the applicant is a sole proprietorship, the general partners if the applicant is a partnership, and the officers, principals, directors, and stockholders holding more than 5% of the outstanding stock if the applicant is a

corporation. All individuals fingerprinted in connection with an application for a license shall be subject to a review of their criminal history record by the Commissioner of the Nassau County Department of Consumer Affairs, or his/her designee. All fingerprints and any applicable fees must be submitted in the form and manner as prescribed by the Division of Criminal Justice Services ("DCJS"). Any decision regarding a prospective applicant's fitness for a license based upon a conviction contained in the criminal history background information obtained from the DCJS of any individual fingerprinted pursuant to this section must be made upon consideration of New York State Correction Law Sections 701-703-b and Sections 751-753. The cost for fingerprinting shall be an expense payable by the applicant.

(c) All applicants must furnish certificates of public liability and property damage insurance in the amount of two hundred and fifty thousand dollars (\$250,000) per person, five hundred thousand dollars (\$500,000) per occurrence, bodily injury and one hundred thousand dollars (\$100,000) each occurrence and aggregate, property damage.

§ 2. Severability. If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

§ 3. It is hereby determined, pursuant to the provisions of the State Environmental Quality Review Act (SEQRA), 8 N.Y.E.C.L. Section 0101 et seq. and its implementing regulations, Part 617 of Title 6 of 6 N.Y.C.R.R. and Section 1611 of the County Government Law of Nassau County, that the adoption of this local law is a "Type II" Action within the meaning of Section 617.5(c)(26) of 6 N.Y.C.R.R., and, accordingly, is of a class of actions which do not have a significant effect on the environment; and no further review is required.

§ 4. This local law shall take effect immediately.

