

## If You Have Already Been Taken Advantage Of

### DO

- Seek help right away.
- Contact the DCCA Consumer Resource Center at (808) 587-3295.
- Contact an attorney.
- If you don't know an attorney, contact the Lawyer Referral Information Service at (808) 537-9140 or online at <http://hawaiilawyerreferral.com/>.
- Leave honest reviews of issues you have had with contractors on reputable crowd-sourced review websites such as Angie's List.

### DON'T

Don't delay seeking help – the longer it takes for you to find help, the more difficult it may be to resolve the dispute.

## Resources

- **Department of Commerce and Consumer Affairs Consumer Resource Center**  
Call (808) 587-3295. Online at: <http://cca.hawaii.gov/rico/licensedcontractor/>
- **Better Business Bureau of Hawaii Inc.**  
Call (808) 536-6956.  
E-mail to: [info@hawaii.bbb.org](mailto:info@hawaii.bbb.org)
- **KHON2 Action Line**  
Call (808) 591-0222 between 11 am to 1 pm.  
E-mail to [actionline@khon2.com](mailto:actionline@khon2.com)
- **Lawyer Referral Information Service**  
Call (808) 537-9140 or online at <http://hawaiilawyerreferral.com>
- **Legal Aid Society of Hawaii**  
Call toll-free 1-800-499-4302 or online at <https://www.legalaidhawaii.org/>
- **Volunteer Legal Services Hawaii Online Pro Bono (HOP)**  
online at <https://hawaii.freelegalanswers.org/>
- **Hilo Self-Help Center**  
777 Kilauea Avenue, 1st Floor, Hilo, HI 96720  
Tuesday & Friday, 11:15 a.m. – 12:45 p.m.



HAWAII COUNTY BAR ASSOCIATION



## DISASTER LEGAL ASSISTANCE

## DO's and DON'Ts of Hiring a Contractor After a Natural Disaster



Provided as a community service by the Hawaii State Bar Association, the Hawaii County Bar Association, the HSBA Young Lawyers Division, and the Legal Aid Society of Hawaii with support from the Hawaii Community Foundation.



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Phone: 1-800-499-4302  
[www.legalaidhawaii.org](http://www.legalaidhawaii.org)  
[www.lawhelp.org/hi](http://www.lawhelp.org/hi)

## DO

- ☑ Get more than one written estimate for the work.
- ☑ Get a list of all subcontractors to be used by the contractor, if any.
- ☑ Contact the Department of Commerce and Consumer Affairs (DCCA) at (808) 587-3295 or online at <https://pvl.hawaii.gov/pvlsearch/> to find out if all contractors and subcontractors are licensed and have been named in any prior DCCA complaints.
- ☑ Verify customer references provided by contractors.
- ☑ Make sure that the contractor provides all lien disclosures required under Hawaii law.
- ☑ Obtain building and other permits, if required, for the work being done.
- ☑ Make sure everything is in writing, including but not limited to the price, what work is to be done, any specific exclusions or restrictions, the grade and brand of materials to be used, the timeframe for completing the project, etc.
- ☑ Get copies of the contractor's general liability insurance declarations page.

- ☑ Remember, a contract is a legal, binding document. Read the entire contract, including any plans and blueprints, and understand all the terms and conditions before approving them. If you do not understand, consider hiring an attorney to review and explain it to you.
- ☑ On bigger jobs, ask the contractor to explain to you the possibility of purchasing a performance and payment bond which will guarantee completion of the project and payment of all liens. This bond is usually provided by surety companies or material supply houses to qualified contractors.
- ☑ Discuss with the contractor the possibility of agreeing to withhold a portion of the total payment until the 45-day period for filing liens has expired. The amount withheld should be sufficient to cover all claims which might be filed.
- ☑ Get lien releases from the contractor, subcontractors, and suppliers, for progress payments made, and a final lien release from the contractor, subcontractors, and suppliers upon final payment. A mechanic's lien could be placed on your home for work performed on it by a subcontractor or materials furnished by a supplier if the contractor fails to pay the subcontractor or supplier – even if you paid the contractor for the work or the supplier for the materials. Contractors could provide you with a lien release form.

- ☑ Periodically check on the progress of the work.
- ☑ Make sure your checks are made out to the contractor, not to a salesperson.
- ☑ Publish a notice of completion in the newspaper once the job is done.

## DON'T

- ☒ Don't let a contractor pressure you to hire them until you have performed your due diligence and understand and accept all the terms of your agreement with the contractor for the work.
- ☒ Don't pay in cash.
- ☒ Don't pay in full up front. Typically, pay no more than 1/3 up front. Don't make the final payment until the job is done as agreed under the contract.
- ☒ Don't simply take the contractor's word that it is licensed, registered to perform work in the State of Hawaii, bonded and insured. Require them to show you their paperwork and verify the information.
- ☒ Don't verbally agree to any changes in the contract, such as the price of the contract or scope of work, without documenting the specific change in writing signed by the parties to the contract.