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*Sent via email to: CSCPSRules@Lni.wa.gov*

Alicia Curry  
Department of Labor & Industries  
Customer Service, Compliance, and Public Safety Division  
P.O. Box 44400  
Olympia WA  
98504-4400

***Re: Homeowner Recovery Program under the Contractor Registration Rule***

Dear Alicia Curry,

Thank you for the opportunity to provide comments on Labor and Industries (“L&I”) draft rule changes to the contractor registration rules to implement a new Homeowner Recovery Program following the passage of House Bill 1534 in 2023. On behalf of the Building Industry Association of Washington (“BIAW”) representing over 8,000 business in the home building industry, we write to comment on the proposed administrative rule changes that permits eligible homeowners to apply for recover payments from the program for financial losses stemming from work by registered construction contractors. BIAW builder members are all required to be registered contractors per our Bylaws and Policies, and we strongly encourage our members to abide by all relevant rules and regulations. BIAW’s number one concern, which we believe is currently addressed in the proposed language, but we wish to reiterate here, is that the bad acts by *non-registered* contractors should not be imputed to registered contractors like our members. Only homeowner claimants with judgments against lawfully registered contractors should be eligible to recover under this program.

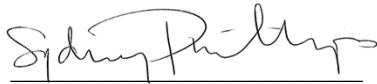
BIAW is a Washington state-based trade association representing over 8,000-member home builders, remodelers, suppliers, and other professionals supporting the home building industry. The Association is made up of fourteen affiliated local associations. BIAW is one of the largest home-building associations in America, championing the rights of its members and fighting for affordable home ownership at all levels of government. BIAW pursues these goals through several means including legal challenges, legislative and policy work, and through our research center, the Washington Center for Housing Studies (“WCHS”). Additionally, BIAW supports its members by providing award-winning education, employee healthcare plans, and the state’s largest, longest-operating Retro (Retrospective Rating) safety incentive program, ROII.

BIAW is committed to ensuring the best experience for contractors registered in Washington. BIAW is also committed to ensuring that homeowners in Washington work with competent, qualified, and registered contractors. It is damaging to our industry when homeowners are taken advantage of by non-registered contractors who provide inadequate quality work or in worst cases no work. With that said, the homeowner recovery program, due to its reliance on funds paid by penalties against *registered* contractors, should work to ensure that only homeowners harmed by *registered* contractors recover under the program. Victims of non-registered contractors have other judicial mechanisms to recover and should not be eligible to participate in the homeowner recovery program.

BIAW appreciates the demanding work that comes with changes that provide mechanisms for protecting homeowners from failures by registered contractors. BIAW looks forward to continuing its relationship with L&I and ensuring compliance with relevant RCW and WACs on behalf of our builder members.

Please let us know if there are any additional questions or concerns.

Sincerely,



Sydney Phillips  
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Building Industry Association of Washington  
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