

DO YOUR PROJECTS HAVE WRITTEN CONTRACTS?

By: **Courtney Moates Paulk, Esq.**

In Virginia, all “contractors” are regulated by the Virginia Department of Professional and Occupational Regulations (“DPOR”). DPOR regulates both commercial and residential Contractors. “Contractor” is broadly defined to include anyone who is paid to bid, contract, order, manage, perform, supervise, or undertake the “construction, removal, repair or improvement of any building or structure permanently annexed to real property ... or any other improvements to such property.” Any person operating as Contractor in these ways must have a DPOR Contractor’s license and is subject to a whole host of DPOR rules and regulations.

DPOR specifically requires residential Contractors to have written contracts and to include specific language and terms in their contracts. Failure to have a written contract or the required terms is punishable by monetary fines and license restrictions or revocation. Frequently, residential Contractors fail to comply with DPOR requirements resulting in many complaints being filed against residential Contractors. Whether you are a residential Contractor or a consumer, DPOR’s requirements are important to remember.

Interestingly, DPOR does not expressly require commercial Contractors to enter into written contracts with owners or consumers. Even so, DPOR does have other obligations that apply to all Contractors, that appear to implicitly require commercial Contractors to enter into written contracts. For example, DPOR can punish a contractor’s “failure ... to maintain for a period of five years from the date of contract a complete and legible copy of all documents relating to that contract, including, but not limited to, the contract and any addenda or change orders.”

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The bottom line – all Contractors, whether residential or commercial, are advised to enter into written contracts with owners or consumers prior to beginning work. This will ensure that the Contractor is in compliance with DPOR’s requirements and should make the project progress smoothly.

If you are a Contractor but do not have a contract that you generally use or would like to

have your contract reviewed, please feel free to contact one of the members of our Construction Group.