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PRESIDENT'S MESSAGE

NARI IN THE KNOW

April/May 2021



Patrick Bentivegna, MCR, CRPM
Benco Construction

We can all agree that these have been challenging times as we navigate beyond the pandemic. I would like to take a moment to say that I am honored to have had your confidence to continue to lead our association through this unprecedented crisis. As we move into this post pandemic era, we have learned a lot about ourselves. We have learned how resilient we are. We have learned that we can rely on each other in tough times. We have learned that we have the courage to pivot when it is necessary. Our New York Association is now in its 67th year, beginning as the Home Improvement Council for 30+ years and then as an affiliate of NARI for the last 30+ years. We now find ourselves primed to pivot once again so we can continue to provide our remodeling professionals with value and relevance to remain true to our mission. Please know that your leadership is working hard on new initiatives and we are excited to share our vision with you in the very near future as we grow through these challenges and turn them into opportunities. With your support and engagement we see a bright future emerging for our association and each of our collective businesses. Our strength is our loyalty and commitment to each other and our community and that is where we are focused.

We look forward to gathering with you once again beginning with a **Backyard Poolside Bash at my own home on June 11th** to celebrate the end of this pandemic era! (Details coming soon.) All are welcome and I hope you will join us to kick off new beginnings!



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by Barry Goggin, Historian (Retired MCR, CKBR)



Since the time is approaching when our annual dues will have to be paid I thought I would take a minute and discuss the relevance of membership in a local association. Membership and participation in a local business association can provide you with a life line to other members in any situation. Whether it's a formal dinner meeting or a day of golf, sooner or later we all need to ask someone "What do you do when you have this problem" or "Where do you get your supplies". Last year especially, members were relying on each other for help with the government grants and applications. The biggest question everyone had was "Can I still work in homes?" or "Are we considered a necessary business?" This year the conversation centers around the cost of building materials and the processing of permits. Members of this association have been in steady contact with each other more than ever.

In a speech I gave two years ago at our annual awards ceremony, I told the crowd gathered in the room that they are all part of the membership committee. I then challenged each member to recruit at least one new member to the organization every year. Ask one of your suppliers or sub-contractors to join. If we all did that we would double our membership every year – which increases your resources, your business prospects and your voice when it comes to legislative initiatives that effect our industry. The simple fact is that we owe it to ourselves and our businesses to belong to the biggest and best organization as possible.

And it doesn't matter if the name is LIBI, NKBA or NARI; an organization made up of those in your field is all that you need to be part of. Our office has received many calls from non-members looking for answers this year to help their business and many of those non-members have recognized the importance of belonging to the association and have joined. Just being a member of a local business organization, no matter what you call it, makes you a professional in the industry. So, whatever the economic climate, no matter how busy you are, and no matter how much you think you know about your profession, always allow in your budget for dues to be part of a Professional Remodeling Organization.

It doesn't matter if the name is LIBI, NKBA or NARI; an organization made up of those in your field is all that you need to be part of.

CONSTRUCTION BLUNDERS



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7 BEST SECURITY PRACTICES

Armando D'Accordo
CMIT Solutions of South Nassau
2019 Who's Who in Technology, Security and Cybersecurity

To put it mildly; 2020 has been interesting... things have certainly changed, and they may stay changed for the foreseeable future. The reality is that this "new normal" affects workflows, communication methods, and customer interactions — but we must not let it affect security, employee focus, or employee satisfaction.

Below are 7 best practices for securing your home office, changing existing workflows, and keeping employees and clients safe as the business world continues to evolve.

- Ensure that all remote access connections are monitored, encrypted, and only available via multi-factor authentication (MFA)
 - Be sure all products and solutions meet or exceed compliance requirements for your industry
 - Do not allow connections via Remote Desktop Protocol
 - ◆ a recent study reports that almost half of all ransomware attacks are attributed to RDP and the required open ports
 - Never use free products for essential security tasks such as MFA
 - Do not allow employees to use public Wi-Fi to connect to the office network
- Re-train and over-communicate with your team
 - Create a system use and policy guide for your employees that educates them, holds them accountable, and creates a new focus on security
 - Adopt private and secure instant messaging so that workflow changes do not impact productivity
 - Provide ongoing phishing training to all employees
- Secure any documents that contain PII (personally identifiable information)
 - If files are transmitted, they must go through a portal or encrypted email
 - Laptops pose a big risk; best practices suggest that you never store anything confidential on a laptop
 - Simply put: avoid thumb drives
- Standardize policies for using office equipment at home (or personal computers for work)
 - Be wary of allowing connections from an employee's personal home PC to your network



- MFA is essential because it not only helps prevent unauthorized access by hackers, it prevents family members from accessing your net work from a shared home device
- Shore up the network security at the office
 - Firewalls are now essential security layers and are required by compliance regulations in many industries
 - Wi-Fi must be commercial grade and have a secure internal network, along with a logically separated guest network
 - Firewalls also offer VPN capabilities, which could come in handy as we adjust to a more distributed workforce
- Review physical security at the office
 - Lock all filing cabinets that contain confidential information about the business or your clients
 - Consider Wi-Fi cameras
- Be agile
 - Be ready to have remote workers by having a business continuity plan
 - Consider VoIP phones that can be brought home
 - Be ready to adjust practices to accommodate client safety concerns
 - Load up on PPE and be sure your employees use it

Don't wait. There's no better time to make our businesses more agile, better protected, and ready for anything, including another lockdown, snow-storm, or other issue that keep employees at home.

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WHAT'S IN YOUR CONTRACT?

Adam Browser, Esq. / Ruskin Moscou Faltischek, P.C.

In the often-played commercial, Jennifer Garner asks, "What's in your wallet?" While I am no Jennifer Garner, I ask you, "What's in your contract?" You may be surprised by what is in it. You may be more surprised by what is not, and the consequences that can befall your business as a result. Both New York State and many counties mandate certain information and disclosures that must appear in home improvement contracts. The exclusion of some of the required information may lead to no adverse consequences. However, if you fail to comply with some of the requirements, you may be unable to enforce your contract rights. Your company may also be subject to fines or other consequences.

New York's General Business Law section 771 sets forth most, but not all, of the State-imposed contractual requirements. That section imposes more than ten items to include in a home improvement contract. These items are: (1) the name, address, telephone number and license number of the contractor; (2) the approximate or estimated dates when the work will begin and be substantially completed; (3) a statement of any contingencies that would materially change the approximate or estimated completion date; (4) whether or not time is of the essence for the completion date; (5) a description of the work to be performed and materials to be provided, including the make, model number or other identifying information; (6) the price for the work; (7) a schedule for progress payments; (8) a specific statement about the lien law rights of the contractor, any subcontractor or supplier; (9) a statement that the contractor is obligated to deposit payments in accordance with Lien Law section 71-a(4); and (10) a statement about the owner's right to cancel the contract.

The requirement to notify the owner of the lien law rights of the contractor, subcontractor and supplier is very specific. The statute sets forth the precise language the contract must contain to notify the owner of the lien law rights, including that the notice appear in boldface type.

Additional contractual requirements often are imposed by New York City or at the county level. Complying only with New York State's requirements will not immunize

your contract from a legal challenge. These requirements, at both the state and local level, change from time to time. You should review your contract periodically to make sure it is up to date and complies fully with all legal requirements.

The public policy behind all these requirements is consumer protection. While your contract should comply with legal requirements, its prime function is to set forth your rights and obligations, and to do in a way that provides maximum protection for your business. There are many provisions your contract can include to maximize that protection. For example, most contracts set forth the purchaser's or owner's payment obligations. However, few contracts set forth the consequences that will follow when payment is delayed, or not made at all.

Your contract should spell out those consequences explicitly and can include some or all of the following: suspension of work; termination of the contract; late fees; default interest; remobilization fees and assurances of future payment.

Your contract can also impose conditions that make it easier to manage the project. Examples of such conditional contract provisions are:

(a) specifying the people who can make decisions on behalf of the contractor; (b) specifying that change orders and other decisions must be in writing and signed to be binding; and (c) precluding the owner from interacting directly with subcontractors.

Since every project and every contractual arrangement can potentially go bad, you cannot afford to ignore that possibility in your contract. It should include a dispute resolution clause that covers the manner of dispute resolution (litigation or arbitration), any conditions precedent to dispute resolution, a statute of limitations clause, limits on damages and recovery of attorneys' fees. The protections offered by these types of provisions is not well understood and all too often overlooked. However, like with insurance, they are highly valuable. You may only need to rely on them once or twice, but they can save you tens of thousands of dollars in legal fees or potential damages.

So, what's in your contract?





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ON-TREND KITCHEN AND BATH UPGRADES

Kitchens and bathrooms remain among the top picks for homeowners looking to upgrade because their functional contributions to the household can't be overstated and they typically provide high return on investment.

If you're considering a renovation project for either in-demand space, consider some of these on-trend ideas from Doug King, CR, MBA, owner of King Contracting, Inc.[\(Opens in a new window\)](#) and president of the National Association of the Remodeling Industry.



Kitchen

Bigger functional spaces. Not only do many kitchen renovations result in added square footage, they also add practical features to make living and entertaining more comfortable and enjoyable. When it comes to physical space, a popular choice is removing or relocating walls to make the room larger.

This added space can be instrumental in adding an island or peninsula for bar seating, which many homeowners view as a necessity when it comes to entertaining. Other features like icemakers, tall wine refrigerators and walk-in pantries are high on the frequent request list. Another growing trend is a kitchen designed for two, complete with a second full-size sink, dishwasher and microwave drawer, along with a larger island.

Clever storage. Making the most of storage space has always been a top desire, and homeowners are getting increasingly clever about how to maximize their cabinetry. Drawer organizers are in high demand, along with pull-out waste baskets that hide recycling bins within. Another popular approach is large base cabinets with pivoting shelving mechanisms for storing large items like mixers and other taller countertop appliances. Making use of

every inch of space is common; even the toe-kick area for drawers are proving useful to hold smaller items or put kid-friendly essentials in easy reach.

Feature-rich appliances. Appliance manufacturers are adding all kinds of bells and whistles, and those features are increasingly attractive to homeowners. Upper-end appliances are becoming more mainstream as homeowners discover features the more expensive models offer for ease of use and comfort. Larger freezer and column-style refrigerators are especially growing in popularity.

Bathroom

Spa-like setting. One long-term trend that is still in top demand for the master bath is design that mimics a serene spa. This plays out in cooler colors like white, blues and grays. Glass tiles are taking on a bigger role with many homeowners using them as artistic focal points in showers or opting for pebble-like tiles that spill from walls onto the floor.

Upscale practicality. Little touches that may have once gone unnoticed are now trending as opportunities to add elements of style. For example, curbless showers with offset lineal drains are preferred to traditional centered circular versions. Similarly, homeowners are upping the ante with lighting such as fixtures integrated with fans and mirrors, and even below floating vanities for ambient light at night. One more place you might find lighting: on the bidet, which is also an increasingly hot addition in the master bath.

A splash of tech. Whether it's used to control smart features or simply add entertainment like TV or soothing music, technology has a permanent place on the list of bathroom trends. The available features make it easy to make a full escape from the daily grind of life.



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Construction is off to a good start in 2021, and Riverhead Building Supply is optimistic about the home building industry for the rest of the year.

That's not to say that there won't be some bumps along the way. Recently, John Callahan, president of Riverhead Building Supply, shared some insights on what to expect in the coming months.



Q: Can you tell us what makes you optimistic about 2021?

A: Demand for single-family housing is very strong across the country, driven by low mortgage rates and the continuing urban exodus. On the plus side, this creates significant opportunities for all of us.

Q: What's the downside to that?

A: The flip side is that there is not enough production capacity at any level of the supply chain. Shortages and shipping delays are becoming a regular frustration.

Q: What can you tell us about pricing?

A: Prices for lumber, OSB, and plywood are continuing to climb through record territory. Supply is very tight and the producers are in the driver's seat. The only constant seems to be that the lumber we buy today will be more expensive than it was yesterday.

Q: What advice do you have for builders, general contractors, and others in residential construction?

A: The pressure to protect profits from erosion due to future price escalation has never been more important. Our customers need to be in regular contact with their clients, to convey what is happening in the industry.

Q: Are there particular product categories that are being affected more than others?

A: There are several. The supply of treated lumber is tightening; certain lengths of 2 X 12 are extremely difficult to source. The demand for engineered lumber seems to have caught most manufacturers off guard, forcing them to implement allocations to spread their production equitably among customers. February storms in Texas crippled the production of a common resin component that is used in the manufacturing of other products including glue, insulation, vinyl, and PVC. As a result, prices of vinyl siding, composite decking, and PVC trim are expected to rise as their production costs increase. To give you an idea of how challenging the asphalt roofing situation is, it is not unusual for us to place an order and have the manufacturer confirm a shipment date six months from now.

Q: And yet, you remain optimistic?

A: Yes, I am optimistic! Residential construction is a great business with a promising future. Demand is strong, and home values continue to appreciate. Everyone I have spoken with recently has more work than they can handle. Our buyers are working tirelessly to stay on top of our inventory to fill our customers' needs. The forecast for the rest of the year is strong. Let's work together to make the most of it!



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We were able to create a TV area, bar area, a full bathroom, a laundry closet, a walk-in closet, a utilities closet, automatic blinds and a built in desk. It took careful planning and a lot of work, but we were able to create a dream space for the homeowners that they can now enjoy for years to come.

SBA INCREASES LOAN LIMITS FOR COVID-19 EIDL PROGRAM



The Small Business Administration (SBA) has announced a policy change to help businesses weather the financial hardship brought on by the COVID-19 pandemic by significantly increasing loan limits up to 24 months of economic injury with a maximum loan amount of \$500,000.

These loans were previously limited to six months of economic injury up to a maximum of \$150,000.

The SBA's new increased loan limits for the COVID-19 Economic Injury Disaster Loan (EIDL) program are now in effect. For loan amounts over \$25,000, SBA will continue to take a security interest in business assets evidenced by a general security agreement and UCC filing. SBA will also require an unsecured personal guarantee for loan amounts over \$200,000 from any individual with 20% or more ownership. Real estate collateral will not be required for any loans of \$500,000 or less.

SBA announced last month that it is extending the first payment due date for all loans until 2022. For COVID-19 EIDL loans made in calendar year 2020, the first payment due date is extended until 24 months from the date of the note, and for loans made in calendar year 2021 the first payment due date is extended until 18 months from the date of the note.

Loan interest continues to accrue during the deferment period, and a loan increase will not further extend the first payment due date.

Companies that wish to request a loan increase should:

- Send an email to: CovidEIDLIncreaseRequests@sba.gov
- Use subject line "EIDL Increase Request for [insert your 10-digit application number]".
- Be sure to include in the body of your email identifying information for your current loan including application number, loan number, business name, business address, business owner name(s) and phone number.
- **Do not include any financial documents or tax records with your initial request. SBA will send a follow up email notification if it needs additional documents.**

Due to high volume of incoming requests, SBA reports it may be several weeks before a response is received from the agency on the next steps to follow. Those who request a loan increase should not resend multiple requests if they do not hear back right away from the SBA as the extra emails could slow down the overall response time.

If you have any questions regarding the COVID-19 EIDL program, or SBA's other COVID relief program, please visit SBA's website at [SBA.gov/relief](https://www.sba.gov/relief) for the most current updates.

Filed in Business Management, Disaster Response on April 7, 2021

SOMETHING TO SHARE?

NARI members may submit articles and/or photographs of interest.

**Contact Regina Biondo at
631-673-6274 or
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NEW YORK STATE SICK LEAVE LAW TAKES EFFECT

Kimberly B. Malerba, Esq. / Nicole E. Della Ragione, Esq.

Earlier this year, New York adopted a statewide paid sick leave law ("Sick Leave Law") as part of its fiscal year 2021 budget. For the first time in New York State, employers of all sizes are required to provide paid or unpaid sick leave to employees.

Sick Leave Available

The amount of sick leave time that an employee is entitled to receive, and whether that time is paid or unpaid, depends upon the size of the employer. The Sick Leave Law provides that:

- Employers with 4 or fewer employees and a net income of less than \$1 million in the prior tax year must provide employees with up to 40 hours of unpaid sick leave.
- Employers with between 5 and 99 employees and employers with 4 or fewer employees and a net income of greater than \$1 million in the prior tax year must provide each employee with up to 40 hours of paid sick leave per year.
- Employers with 100 or more employees will provide up to 56 hours of paid sick leave per year.

To determine an employer's size under the Sick Leave Law, a calendar year is defined as the 12-month period from January 1 to December 31. For the purpose of using and accruing paid or unpaid leave under the law, a calendar year means the 12-month period from January 1 through December 31, or an employer may choose an alternate regular and consecutive 12-month period.

Employees accrue sick leave at a rate of 1 hour for every 30 hours worked. Employers may also fulfill their obligation by front loading employees' annual allotment of sick leave time at the beginning of each year. While under this new law employees are not entitled to take sick leave until January 1, 2021, employees began accruing time on September 30, 2020.

Use of Sick Leave

Beginning January 1, 2021, employees may take sick leave under the new law for the following covered reasons:

- Employee's mental or physical illness, or injury, or diagnosis, care, treatment, or preventive care for employee's mental or physical illness or injury;
- Covered family member's mental or physical illness or injury or diagnosis, care, treatment, or preventive care for a covered family member's mental or physical illness or injury;
- Absences related to employee's status as a victim of domestic violence, family offense, sexual offense,

stalking, or human trafficking; or

- Absences related to a covered family member's status as a victim of domestic violence, family offense, sexual offense, stalking, or human trafficking.

For purposes of sick leave, a "family member" includes an employee's child (including foster child, legal ward, or equivalent legal relationship), spouse, domestic partner, parent (including a step- or foster parent, legal guardian, or equivalent legal relationship), sibling, grandchild, grandparent, and the child or parent of an employee's spouse or domestic partner.

Employers may set a reasonable minimum increment of time in which leave must be used. However, the minimum increment may not exceed 4 hours.

In granting employees time under the Sick Leave Law, employers may not require the disclosure of confidential information, such as information relating to a mental or physical illness, injury or health condition of the employee or family member, as a condition of granting the leave.

Carryover and Payout

Employees must be allowed to carry over their unused sick leave to the next calendar year, but an employer may limit the amount of sick leave that can be used in a calendar year to 40 hours (employers with fewer than 100 employees) or 56 hours (employers with 100 or more employees). Employers are not required to pay an employee for unused sick leave upon termination of employment.

Interaction with Other Leaves

While the Labor Commissioner has the power to adopt regulations and to issue guidance, such guidance has not yet been issued regarding this new law. It is currently unclear how this law will interplay with the New York COVID-19 leave law.

This new law does not prevent a city or local municipality with a population of one million or more from enforcing local laws or ordinances that meet or exceed the standard of this law, like New York City and Westchester.

For additional information, please contact
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How did you get started in your remodeling career

In 1988 I started answering the phones for a small mortgage company. Within 2 years I was working with clients and getting their loan applications through as a support team member. As the years "flew" by, I became a Loan Officer. Renovation loans were not very familiar back then and there was only one man in my office that did them. I asked him to explain them to me, but he was hesitant. I took it upon myself to learn it and have never looked back. That man in the office eventually left our company and I was the Renovation/Construction Lending Manager for many years.

Do you have any formal training

The Education from NARI allowed me to become a Certified Remodeling Associate. This education helped me to truly realize how much the contractors need to know and to be an expert in my specialized field. To maintain my license as a Loan Officer, it is required that I complete 20 hours of Federal and State training and pass a test every year.

What at the top 3 skills any remodeling Loan Officer should have

1. To be very updated on all lending guidelines, as they change frequently.

2. To understand how a remodeling project works from the first vision in the client head, to the permit process, the architect's designs and the final coat of paint.
3. To be able to explain to the client exactly what they are about to get into and how it will effect and benefit them financially, and to show them how an improvement in their home will add to its value.

What is your biggest success or defining moment in your career

It has to be the before and after pictures of a home that has just been completed. I will always offer to throw a house-warming party for the homeowner after the project is complete. Seeing them showing off their new home or newly renovated home is why I do this. They are so proud and happy and can't wait to share that with their friends and family.

Looking back, what advice would you give your future self about a career in remodeling

Devour any information or education that I could get my hands on. Stay relevant and always keep in touch with your clients and referral sources. Your past clients can be the best source of future business, so make sure to treat every client as they are your only one.

What's your criteria for a successful project

Communication is #1. There are a lot of people involved with a renovation loan. My job is to be the orchestra leader and make sure that all plates are spinning in the air in harmony. Being organized and responsive is key.

What technologies have had the greatest positive impact on your business

Being able to have the client securely scan and email me their documentation makes everyone's job and life much easier. However, I will never

give up on the personal phone call or especially a face to face meeting.

What is the best advice you even received and from whom

In order to get what you want in life, you must first help others get what they want. – Zig Ziglar

In your opinion, what is the biggest challenge facing the remodeling industry today

Since the pandemic, lending guidelines have really tightend up and it's a bit more of a struggle to secure financing for some. However, we always look for the solution, and if it's not a now answer, it can be in the near future.

How many people are in your crew and office

My team consists of myself, my assistant, my processor and my concierge department. All they do all day long is renovation financing tasks and taking care of my contractors involved in the transaction. They make me look good!

Chevy, Ford or Dodge

I've always been a Ford / Lincoln girl myself. My first car was a 1976 Mark IV. Big boat, but beautiful.

Favorite type of jobsite tunes

Red Hot Chili Peppers, Lynyrd Skynyrd and maybe a little old-time disco.

Greatest benefit from being a NARI member.

I joined NARI purely for networking reasons, back in 2001. This chapter quickly became the family that I was fortunate enough to choose. It's a blessing to be able to have such loyal, professional friends that you can count on and trust. I need them for business and I wish to do the same for them by financing their client's projects and them completed!

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