

# Legal aspects of Home Improvements

HOME IMPROVEMENT COMPANIES ARE NOT ALWAYS AS PROFESSIONAL AS WE WOULD THINK. SURPRISES CAN BE FOUND. **By Miguel Ruiz Manz, VIP HOMES, [www.viphomes.es](http://www.viphomes.es)**

When searching for a construction company to refurbish our homes we usually compare several options before choosing the best one. This sounds very simple, but most clients do not realise some of the consequences this decision could have. Do we know where we are getting into?

With many professionals on the market it is a tough decision. Varying quotations (presupuestos) for the same project only add to the confusion. Some companies enter with an interesting price prevailing many important and necessary legal issues and other companies go for an all inclusive offer which protects their clients in case the unexpected happens. But there are some issues clients need to be aware of when contracting a contractor.

For example, a very regular case is when a neighbour calls to inform the police or Town Hall due to loud noise or inadequate street occupancy during your construction or reform. This usually results in a building inspection to ensure that the contractor has followed the correct procedures, building license, working permissions, workers papers. If any faults are seen, the job can be stopped until all paperwork is in order. Heavy fines could be applied, the job is delayed and everyone involved including the property owner is responsible. If “illegal” workers are contracted, and an accident occurs, or in the worst case scenario, a death, the situation can get very serious indeed. Although most people trust nothing will happen, the incident can result in police involvement and a delicate legal issue.

It is necessary to be aware of the consequences when employing “illegal” workers. Inspections are made often, and the property owner has no protection. For this reason a cheaper contractor can be more expensive in the end. The safest option is to choose a company that is covered, including the legal aspects, so you are also covered which prevents undesired surprises.

Any construction company needs to have all their paperwork on place, all workers should have their social security and taxes paid, and the company should have no open debts with “hacienda” or “social security”. Constructors that work with cash do not come with guarantees and self employed workers should have their “Autónomo” payment up to date.

For your benefit, a technical support team should be used. Ideally an architect should have made a detailed study in order to advise. Something which most construction companies do not use, as they consider it unnecessary and saves costs. This is a very wrong approach. An architect is the person that will advise on what is possible to build and how it should be done, the type of license that should be requested and when a project has to be supervised from the Architects School. On major jobs this is used, but on smaller jobs this is usually not the case. No matter how small the project, it is highly recommended that an architect supports the job: walls are changed, pools are done, structure is moved or any major change is planned.

Some Europeans believe that constructors can do this part of the job, but surprisingly this not the case, and “why should they?”. Then surprises happen, walls break down, cracks on the floors as just to mention some cases. Sadly this is not valued, or constructors just do not use architects as it takes their authority away. Many workers presume “I have 30 years of experience”, but have no technical background, or simply are not up to date with new and better building methods. A typical comment we could find is “I have always done it this way”. Times change and the foreign clients demand and require a different and more professional approach.