



# ROOFING INDUSTRY HAPPY HOUR

B

Legal Trivia



The contents of this presentation should not be construed as legal advice on any specific fact or circumstance. Nothing in this presentation should be construed so as to create an attorneyclient relationship between the recipient and the partners or associate attorneys of Galvanize Law Group, LLC. The information presented is not legal advice or a legal opinion, and it may not necessarily reflect the most current legal developments. Galvanize Law Group, LLC hereby disclaims all warranties, express or implied, potentially arising from such information in the presentation.



# **Residential Roofing Bill of Rights**

According to C.R.S. 6-22-103, your residential roofing contract must allow the homeowner to rescind the contract within what period of time?



72 hours



The number of days in the title of a 2010 movie starring Russell Crowe.



The number of hours equal to the number of miles between Denver and Frisco.



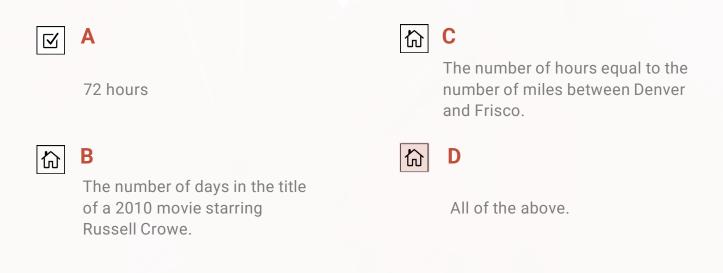
D

All of the above.



# **Residential Roofing Bill of Rights**

According to C.R.S. 6-22-103, your residential roofing contract must allow the homeowner to rescind the contract within what period of time?



## DELAYS



Contract provisions to address the next time your job materials get stalled out in a shipping container off the coast of California. பீ 🗛

Work to negotiate out LD and consequential damages.

Include a provision expressly

allowing material

substitutions.

றீ **B** 

தீ **D** 

С

தி

Include an extension of the completion date for any materials delays outside the control of the parties.

Include a provision allowing

cancellation if materials delivery is

work completed up to cancellation.

delayed by 30+ days, with payment for

# lude an extens

## DELAYS



Contract provisions to address the next time your job materials get stalled out in a shipping container off the coast of California.

Work to negotiate out LD and consequential damages.

✓ B

Include a provision expressly allowing material substitutions.

### **∠** C

Include a provision allowing cancellation if materials delivery is delayed by 30+ days, with payment for work completed up to cancellation.

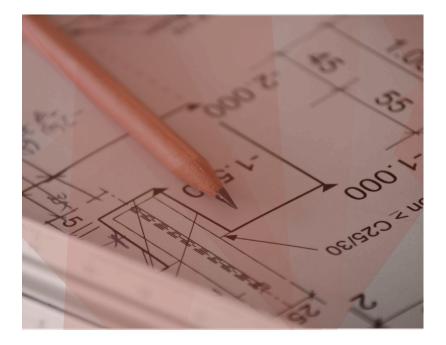
#### ☑ D

Include an extension of the completion date for any materials delays outside the control of the parties.

# Galvanize Law

### *Kyle W. Larson Enterprises, Inc. v. Allstate*

# Why should you care about this case?



### 10-3-1115 and 1116who is a 'first party claimant'

A roofer or contractor who brings a claim on behalf of the insured has standing to make a claim of unreasonable denial or delay.

# Residential Roofing Bill of Rights



Under C.R.S. 6-22-103, what provision needs to be in **bold** font on the face of your residential roofing contracts?

### **≩** A

Contact information for your commercial general liability insurance carrier.

₽ В

That you will hold in trust any payments received until materials have been delivered to the site or a majority of the roofing work has been completed. ⇒ C

The approximate dates of work.

⇒ ₽

The scope of services.

# Residential Roofing Bill of Rights



Under C.R.S. 6-22-103, what provision needs to be in **bold** font on the face of your residential roofing contracts?

### **≩** A

Contact information for your commercial general liability insurance carrier.

#### ☑ B

That you will hold in trust any payments received until materials have been delivered to the site or a majority of the roofing work has been completed.



The approximate dates of work.

⇒ ₽

The scope of services.



### **Material Price Escalations**

You've received numerous supplier and distributor price increase notifications effective January 1, 2022. In response you:

**\*** 

٩٩ ١٩

В

Stick with the contract you've used for the past five years.

Bid the project based on current costs, and keep your fingers crossed pricing stays consistent.

### r c €

Revise your contract to provide a cost plus change order for any material cost increase of 3%+ from time of contract to time of material purchase for job.



### **Material Price Escalations**

You've received numerous supplier and distributor price increase notifications effective January 1, 2022. In response you:

**\*** 

r ₽ B

Stick with the contract you've used for the past five years.

Bid the project based on current costs, and keep your fingers crossed pricing stays consistent.

### ✓ C

Revise your contract to provide a cost plus change order for any material cost increase of 3%+ from time of contract to time of material purchase for job.

# CONTRACT PAYMENT DISCOUNTS



What kind of payment discount does Colorado law prohibit you from making on a residential roofing contract? 습 A

A "friends discount".

協 B

> A discount that involves the payment, waiver or rebate of any part of an insurance deductible.

습 C

Neighborhood referral discount.

습 D

A discount if the customer provides a 'non-refundable' deposit.

# CONTRACT PAYMENT DISCOUNTS



What kind of payment discount does Colorado law prohibit you from making on a residential roofing contract? 습 A

A "friends discount".

☑ B

A discount that involves the payment, waiver or rebate of any part of an insurance deductible. **습** 

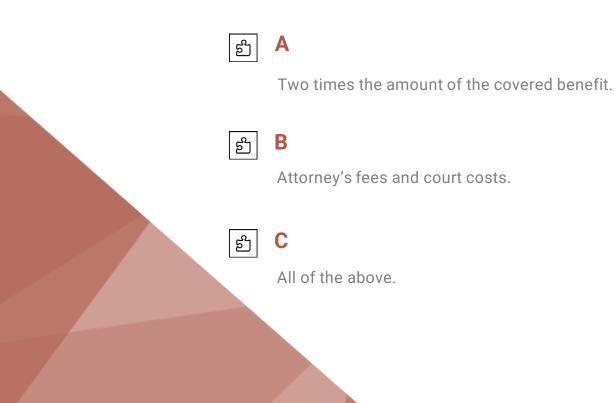
Neighborhood referral discount.

**協**D

A discount if the customer provides a 'non-refundable' deposit.

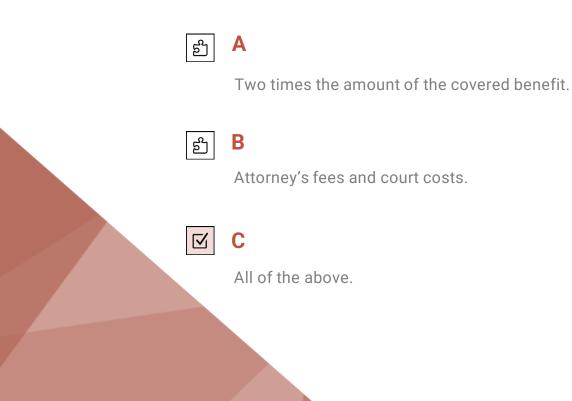


# What remedies are recoverable under Colorado's bad faith statutes?





# What remedies are recoverable under Colorado's bad faith statutes?





### If it walks like, talks like...

#### Your worker may not be an independent contractor if:



Α

D

You require them to work exclusively for you.



Pay a salary instead of fixed or contract rate.



Provide more than minimal training.

### ව් E

You establish a quality standard other than compliance with plans and specs.

Pay them personally rather than through a business or trade name.



### If it walks like, talks like...

### Your worker may not be an independent contractor if:



Α

You require them to work exclusively for you.



Pay a salary instead of fixed or contract rate.



Provide more than minimal training.

$\checkmark$	D
_	



You establish a quality standard other than compliance with plans and specs.

Pay them personally rather than through a business or trade name.

# Galvanize Law

# Labor Shortages

Whether chalked up to 'the Great Resignation,' the pandemic, or generational differences, how are labor shortages impacting your business and what legal steps can you take to minimize the impact?



- Project Delays
- Impact on workmanship
- Impact on jobsite safety





# GALVANIZE LAW

Bonus Question: Who am I talking to on the phone?



### **OUR SERVICES**



**CONTRACT DRAFTING**, **REVIEW & NEGOTATION** 

# **RISK MANAGEMENT**

 $\mathbf{\nabla}$ 

**MECHANIC'S LIENS** FILINGS & FORECLOSURES

 $\square$ 



**PAYMENT DEMAND LETTERS & COLLECTION** LITIGATION

**CONSULTING & ASSISTANCE** 

 $\square$ 

**PROJECT DISPUTES, INCLUDING** 

DELAY CLAIMS, BACK

CHARGES, BID DISPUTRES

 $\square$ 

**CIVIL LITIGATION INCLUDING COMPLEX COMMERCIAL DISPUTES** 

$\mathbf{\nabla}$	

**BUSINESS FORMATION** & TRANSACTIONS

**TRADEMARK AND COPYRIGHT APPLICATIONS & GUIDANCE** 

 $\square$ 

CONSTRUCTION **DEFECT DEFENSE** 

 $\square$ 



#### A PROGRESSIVE LAW FIRM SERVING THE CONSTRUCTION INDUSTRY

Galvanize Law Group, LLC is a progressive law firm focused on serving the needs of the construction industry. We are passionate counselors and advocates who enjoy learning about our clients and offering them real solutions as they build their companies and navigate both simple and complex legal issues.

www.galvanize.law | @Galvanizelaw



## **OUR TEAM**



JANUARY ALLEN Founding Partner

Email: jallen@galvanize.law Phone: 303.704.4061



DANIELLE MAYA Founding Partner

Email: dmaya@galvanize.law Phone: 303.704.4486



M. KATE STRAUSS Founding Partner

Email: kstrauss@galvanize.law Phone: 303.704.4585

# **CONTACT US SLIDE**

**Learn more:** Visit Galvanize Law at www.galvanize.law

#### **OUR ADDRESS**

6145 Broadway Suite 49 Denver, CO 80216

**EMAIL** 

info@galvanize.law

#### **FOLLOW US**



@Galvanize-law



@Galvanizelaw