



## HOMEOWNERS ACTING AS GENERAL CONTRACTOR

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There are many reasons why a homeowner may choose to act as the general contractor on a repair or remodel project for their home or even new construction of a residence. Often times the thought of saving the contractor's overhead and markup expense warrants the decision, sometimes it's the individual challenge to build it yourself. Whatever the reason, homeowners acting as the general contractor need to be aware of the potential liability they are accepting for the proper jobsite safety of all people working on or visiting the project site.

Construction safety in the State of Washington is governed by the Washington Industrial Safety and Health Act (WISHA) addressed in the Revised Code of Washington (RCW), Chapter 49.17 and the Washington Administrative Code (WAC), Chapter 296-155 Safety Standards for Construction Work. The rules and regulations for construction safety are stringent and somewhat complex with the underlying intent to provide a safe work place for all workers (employees). RCW 49.17.060 stipulates that each employer shall furnish to each of his or her employees a place of employment free from recognized hazards that are causing or likely to cause serious injury or death to his employees. The RCW as it relates to homeowners acting as general contractors defines "employer" in part as "any person, firm, corporation, partnership, business trust, legal representative or other business entity which engages in any

business, industry, profession, or activity in this state and employs one or more employees or who contracts with one or more persons, the essence of which is personal labor of such person or persons" (underlines added).

Homeowners might be issued citations for violating safety and health requirements whenever they are functioning as general contractors and it is determined that the essence of the contract establishes the homeowner as controlling or directing the contractor's day-to-day activities, e.g. setting work hours or controlling how payment/compensation occurs. Additionally, a homeowner's potential liability for any injury incurred by an employee or visitor while on the homeowner's project site is a concern. These individuals may also be seen as social or business invitees in the eye of the law and may fall under the umbrella of the homeowner's liability. It would be prudent for a homeowner wishing to act as the general contractor to first seek the advice of an insurance broker and an attorney to get the proper contracts and insurance coverage in place.

Homeowners need to be aware of their role and responsibilities if acting as a general contractor. The Division of Occupational Safety and Health's Directive 1.19 Homeowners as General Contractors (July 3, 2012) can be reviewed at <http://www.lni.wa.gov/Safety/Rules/Policies/PDFs/WRD119.pdf>.