



Homeowners Protection Guide

**How To Successfully Plan, Contract and Complete
Your Finished Basement Project**

Home improvement contracting can be risky business – for the consumer and the contractor. And building finished basements is a little trickier than you might think. So whether or not you hire Designyourbasement.com to design and build your finished basement, I want you to be successful in making your home improvement dreams come to life.

My team spent several months gathering resources and information and pulling them together this comprehensive Homeowner Protection Guide. You won't find a lot of information specific to my company in this document, but you will find honest answers to a variety of questions and situations that I hope will help you define your project and expectations so that you are in the driver's seat when choosing the best contractor for your project.

Sincerely,

Scott Stephens

Fellow homeowner

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Introduction

If you are dreaming about an elegant finished basement improvement for your home, then these concerns are probably foremost on your mind:

- Great design
- High quality construction
- Fair and honest price
- Smooth sailing
- Timely delivery
- Maximizing your resale value

Make the wrong choices, however, and your dreams could easily turn into nightmares like these:

- You pay a deposit and your contractor never shows up for work
- Your contractor starts working but disappears in the middle of your job ... you get socked with mechanics liens and pay twice
- Your contractor encourages you to do some of the work yourself ...then you find how much trouble it really is
- Hidden cost escalators blow your budget ... and there's nothing you can do about it
- Your finished basement still feels like a basement when it is done ... so you don't use or enjoy it like you intended and get lousy resale value
- You pay too much for cheap materials and workmanship
- You pay too much for good materials and workmanship
- You battle for months with lazy, inept contractors who never do what they say

You may laugh at these “nightmare” scenarios. But the fact is they happen every day to innocent homeowners like you.

The Shark-Infested Waters of Home Improvement Contracting

Home improvement contracting is risky business ... maybe the *riskiest* business in America. So you must be on guard.

Americans spend over \$153 billion annually on home improvement projects. But sadly, this is what you face when doing business in our industry:

FACT: The National Association of Consumer Agency Administrators cited home improvement contracting as the number one source of consumer complaints in 2002. It is in the top five sources of complaints year after year.

FACT: According to Dun & Bradstreet, about 10,000 construction contractors go out of business every year, and the failure rate for these businesses is 30% higher than the national average for all industries.

FACT: Industry publisher and consultant Walt Stoeppelwerth says that remodeling contracting is the most fragmented industry in America:

- Including free-lancers, painters and part-timers, there are about 500,000 remodeling contractors in the United States. About **half of them go out of business every year**, and about **90% go out of business** every five years.

- **Half** of all consumers are **completely dissatisfied** with the work they receive. Just one in five are completely satisfied.

Shaky Practices from Shady Operators

According to the Journal of Consumer Affairs, the most common fraudulent practices among contractors include:

- Charging high prices for low quality materials
- Misrepresenting the work to be performed or the materials to be used
- Using deceptive pricing

Here are some others problems we often see among contractors:

- Requiring disproportionately large deposits or progress payments
- Having sub-contractors start work and then not paying them
- Understating allowances for items like carpet, tile, plumbing and lighting fixtures to make the price appear lower
- Convincing you to do part of the work
- Asking you to take out permits
- Vague or incomplete specifications in estimates and contracts
- Incomplete design specs
- Hidden change order triggers, accompanied by high change order fees and penalties

If you see or hear any of these red flags in your dealings, that is good cause to be wary.

It's close to home

You may think these problems won't happen to you or don't happen in your city. Think again. This headline appeared in the January 14, 2003, issue of *The Denver Post*:

“Indicted contractor agrees to surrender Franktown man accused in scam”

This contractor cheated 38 homeowners out of \$250,000 to \$500,000 by taking their money, having subcontractors start work, then failing to pay them. Homeowners got stuck with mechanics liens and wound up paying twice.

Surprise -- the rip-off artists are not your biggest risk

While the number of pure rip-off artists out there would probably surprise you, there's an even greater risk that is more difficult to spot.

Far more common—and thus a greater risk to you—are the contractors who author and consumer advocate Tom Philbin calls “the bad good guys.” These are mostly well-intentioned contractors who simply don't know what they are doing in one way or another. This may include craftsmanship, business skills or both.

The Washington University Department of Construction Management cites these problems that can all create problems for well-meaning contractors and their customers:

- Pursuit of volume, not profits
- Lack of comprehensive business plans
- Ineffective financial management
- Unrealistic prices
- Slow collections
- Poor internal communications
- Inadequate marketing
- Poor people management

To help you overcome problems with rip-off artists and hapless business people, we've listed some helpful Resources in the next section.

Helpful Resources

If you are new to home improvement contracting, there is a wealth of information available in books, articles and on the Internet. We won't bore you by repeating it all here. But here are some of the best resources we found:

Books

Hiring Contractors Without Going Through Hell: How to Find, Hire, Supervise, and Pay Professional Help for Home Renovations and Repairs by Ellis Levinson (Walker & Co; ISBN: 0802773818; June 1995)

How to Hire a Home Improvement Contractor Without Getting Chiseled by Tom Philbin (St. Martin's Press; ISBN: 0312146205; Revised edition February 1997)

The Homeowners' Guide to Hiring Contractors by Bertt P. Kenelley (Information Services Group; ISBN: 0965197980; 1 edition April 1, 1998)

All of these books were available from www.amazon.com the last time we checked.

Web sites

These Web sites offer a wealth of consumer information about home improvement contracting:

Remodeling Magazine

<http://www.remodeling.hw.net>

Remodeling Magazine surveys realtors each year in an effort to assess home improvement resale values. The results of their *Cost vs. Value Survey* are posted at the magazine Web site referenced above.

Federal Trade Commission

<http://www.ftc.gov/bcp/online/pubs/services/homeimpv.htm>

National Association of Home Builders Remodelers Council

<http://www.nahb.com/consumers/remodeling/remodelinfo.htm>

<http://www.nahb.com/consumers/remodeling/remodelmain.htm>

National Association of the Remodeling Industry (NARI)

<http://www.nari.org/level2/homeowners>

Note: NARI offers a complete Homeowners Guide that provides tips on where to find contractors, how to interview contractors, what to ask references, reviewing and managing contracts, and more.

Better Business Bureau Consumer Information

<http://www.bbb.org/library/home-imp.asp>

Many city and county building authorities also post useful information on their Web sites.

Articles

The following article discusses resale values for home remodeling projects:

Making Your House Pay Off - Consumer Reports, November 2002

Other

Hop onto your favorite Internet search engine—like Google, MSN, AOL, or Yahoo. Search for phrases like “home improvement contracting”, “hiring a contractor” and others. You’ll be amazed at the wealth of information you find!

Planning your space

Before you begin talking with contractors, it’s a good idea to write down some basic information about your space and what you are looking for.

A sample Planning Outline is included in Appendix A of this document.

By preparing this information ahead of time, you will make communications with contractors and family members easier and avoid omissions and inconsistencies as you move forward in your project.

TIP: Think beyond just the rooms you want—to the end results you want to achieve. Then, prioritize your wish list. This will help you resolve the constant tug of war between money and features. It will help you focus on features or attributes that are critical to usability and satisfaction with your space.

For example, say you want a playroom for your young children. If the room is too dark, cold or otherwise uninviting, the kids won’t feel safe and comfortable. So you should place a premium on good lighting, storage space for toys and maybe decorative paint or wallpaper.

By writing them down, these things won’t be overlooked or overshadowed as you create and refine your design. The last thing you want is to invest lots of hard-earned cash, only to be disappointed with the results.

Your Budget

If money is an issue, then these tips should help you get what you want while avoiding unpleasant or disastrous surprises:

Set a realistic budget for your project and stick to it

When you are careless about managing costs, things can easily get out of control. Seek out good design help. Insist on detailed, accurate estimates. Make firm decisions and make them early. You will avoid costly changes and mistakes.

Discuss your budget openly

We do not suggest you say “I’ve got exactly \$37,468.43 and I want you to use it all.” We do suggest, however, that you openly communicate a reasonable budget range to your contractor.

Some homeowners think the best way to guard against getting ripped off is to be totally secretive about their budget. But this typically hurts much more than it helps. Here’s why:

- You force contractors to guess what you want—or can afford. This promotes inconsistent communications and non-comparable bids.
- You could waste lots of time talking to the wrong contractors.
- You start the relationship off with distrust.
- You could scare off the best people for the job. Good and honest contractors are usually busy. They don’t want to waste time playing budget guessing games.
- Dishonest contractors, on the other hand, prey on uncertainty. So you play into their hands when you encourage poor communications.
- You may incur extra design charges if you commission people to do designs and bids that are way off the mark.

The best way to guard against being over-charged is to obtain competitive bids—not to be secretive about your budget while soliciting them.

If you have no idea about costs and don’t know where to start --

- Talk with contractors on the phone. Some may give you a baseline cost per square foot to use as a starting point for planning.
- Most contractors offer a free home consultation to start the sales process. After they have seen your space and discussed your requirements, ask them for a non-binding, rough estimate of what your space might cost you.

Many contractors are reluctant to give out ballpark estimates. They fear losing the business or getting stuck with a bad deal by throwing out the wrong number, too soon. So make sure they understand that you are looking for a budgetary estimate only and are doing so to ensure that you don’t waste anyone’s time—theirs or yours.

- Visit retail home improvement centers and inquire about costs for various types of projects or features that are to be included in your design.

- Talk with friends, neighbors or relatives who have had a basement finished. Ask what it cost and see the work that was done, if possible.

Remember, these steps will only give you a rough idea about costs. *Only a **detailed quotation**, backed by a **complete design specification** and **written offer** can be counted on in the end. To protect yourself, do not rely on anything else.*

Be realistic

Don't expect too much for too little. After you've received bids, do what you can to ask for their best price, but don't try to squeeze water from a rock. Coercing contractors into doing too much work for too little money will only get you in trouble. Only weak contractors will fall for those tactics. And these type of contractors are the ones that often disappear in the middle of your job.

1. If resale value is a big concern, stretching your budget a little might pay off handsomely

We don't encourage you to over-spend. But under-spending can actually cost you more in the end. See our analysis in the Resale section that follows.

All About Resale Value

You might wish to know how much of your original finished basement investment you can recover if you later sell your home.

Unfortunately, there's no scientific answer to this question. Once built, your finished basement is inseparable from your home, and home improvement costs are not itemized in the listing or sales contract for your home.

The best you can get is an educated guess. But fortunately, someone has already done that work for you.

Remodeling Magazine surveys approximately 200 realtors in 60 metropolitan areas across the United States each year to estimate resale values for various types of home improvements. Here are the 2002 estimates for finished basements, based on an assumed original cost of just under \$40,000:

Area	Resale Value as Percent of Original Cost
Denver Metro area	57%
U.S. national average	79%
Lowest metro average (Columbus, OH)	21%
Highest metro average (Oakland, CA)	137%
Source: Remodeling Magazine	

What factors will most impact your resale value?

Remodeling Magazine states this:

“There are many variables that determine what homeowners can expect to recoup from their remodeling investment: the value of the home, the value of similar homes in the neighborhood, the rate at which property values in the neighborhood and the area are rising, and the quality of the design and construction performed by the remodeler.”

Other factors we hear from Realtors include:

- The extent to which your finished basement complements the style and quality of the rest of your home.
- Features with high universal appeal or that add additional living capacity to your home, such as bathrooms and bedrooms.

How to save more by spending more

What happens if you get *too budget-conscious* with your finished basement addition? You can actually lose more in the end. Here's how:

Let's say your home is valued at \$425,000 and you want to finish 1,500 square feet of your basement space. You are debating which of these two construction bids to choose:

- A high-quality design costing \$40,000
- An “economy” design costing \$30,000 (a do-it-yourself job or a low-budget contractor)

Now let's suppose that the high-quality design will recoup 77% of original cost when you sell your home, while the economy design will recoup just 37%. (These figures are plus-or-minus 20% of the Denver Metro average cited by *Remodeling Magazine*.)

Based on these assumptions, here's how you would come out after you sell your home:

	Economy Design	High-Quality Design	Difference
Original cost of basement finish	\$ 30,000	\$ 40,000	
Resale-to-cost recovery ratio	37%	77%	
Resale value	\$ 11,100	\$30,800	\$ 19,700
Your net cost after resale	\$ 18,900	\$9,200	\$ 9,700

As you can see, the high-quality design yields a \$19,700 higher resale value, even though it cost \$10,000 more. So you got **\$9,700 richer** by spending \$10,000 more on the front end.

The moral of the story is simple: think twice before embarking on a do-it-yourself project or hiring journeyman contractors to do “economy” construction jobs.

Note: You also can sacrifice resale value by over-spending on your space. Most people on that side of the ledger, however, are less motivated by savings and more motivated by image and lifestyle.

Consumer Reports summed it up well

Consumers Union submitted the *Remodeling Magazine* home improvement resale estimates to real estate appraisers provided by the Appraisers Institute. In a November 2002 article entitled *Making Your House Pay Off*, they reported:

“After three years, return [on investment from home improvements] is impossible to estimate.”

“On all projects: those that add square footage to bring a house up to—but not beyond—community norms pay off the most.”

“You’ll get the biggest bang for your buck by keeping up with the Jones’es, not by going them one better. If houses have two baths and you only have one, adding a second will boost you home’s value. The same goes for bedrooms.”

“If of the same quality as the rest of the house, a finished basement will be a plus. Amateur, do-it-yourself jobs won’t yield maximum return.”

Licenses, Permits, and Building Codes

Before finalizing a contract for your finished basement project, make sure that your contractor:

- Is licensed to perform construction services in your jurisdiction
- Warrants that all permits and inspections will be obtained and all building codes strictly observed
- Is adequately insured for property damage and workmen’s compensation

If you plan on doing some or all of the work yourself, make sure that you comply with all building codes and obtain the required permits and inspections.

Licensing— who is licensed by whom?

The only construction trades licensed by the **State of Colorado** are **electricians** and **plumbers**. General contractors and all other subcontractors are not licensed by the state or federal government.

HOWEVER, most **counties or cities and towns** in Colorado do issue **contractor's and subcontractor's licenses**. To determine whether your contractor needs a license in your location and which entity is the proper licensing authority, you must contact your local city or county building department.

The types of contracting licenses and the requirements for licensure vary a great deal from city to city. Requirements may include an application and license fee, references, proof of experience, examination, bonding, or proof of liability insurance.

If the construction job is in an un-incorporated area of a county, you must call the county building department or the county clerk to determine if there are any requirements. The requirements may include building permits, local codes or building inspections.

Electricians and plumbers must obtain a state license to work in Colorado. In addition, many cities require electricians and plumbers to register on the local level also before doing work in those cities.

A partial list of local contacts for contractor licensing can be found at:

http://www.state.co.us/gov_dir/oed/industry/Const.html

Hiring unlicensed contractors is risky business

If you hire unlicensed contractors to perform work, you may expose yourself to liability for injuries suffered by employees of the contractor or by third parties. Appellate courts in two states recently ruled against homeowners who hired unlicensed contractors to perform work. In both cases, the homeowners may have reasonably believed the contractors were licensed.

Permits

Whether you do work yourself or hire a contractor, make sure that you comply with all local building codes and permitting requirements.

The International Code Council¹ cites the following as benefits of having a building permit:

Increases Value

Your home is an investment. If your construction project does not comply with the codes adopted by your community, the value of your investment could be reduced. Buyers often balk at paying full price if home inspections reveal modifications that were not permitted or do not comply with code.

Property insurers usually exclude claims that involve faulty workmanship at the affected site. And faulty workmanship is assumed by default when work has been done without permits and inspections.

If you decide to sell a home that has had modifications without a permit, you may be required to tear down the addition, leave it unoccupied or do costly repairs.

Protects

If you can show that code requirements were strictly and consistently met, as demonstrated by a code official's carefully maintained records, you have a strong ally if something happens to trigger a potentially destructive lawsuit.

Ensures Safety

By following code guidelines, your completed project will meet minimum standards of safety and will be less likely to cause injury to you, your family, your friends or future owners.

If you skip permits or inspections on any interim aspects of your project, subsequent inspectors can make you tear up what was done and do it again, or cut through walls or other structures to access and inspect the underlying improvements. It is just not worth the risk to cheat.

TIP: While you should always comply with local building codes, don't assume that doing so will satisfy *your* design and usability preferences. Lighting and light switches are good examples. What is required by code may not be enough to create the brightness, ambience and convenience

¹ The International Code Council is a nonprofit organization dedicated to developing a single set of comprehensive and coordinated national model construction codes.

you want for your new space. Yet many contractors use the “it’s code” argument when making or justifying design decisions.

Insurance

The following advice is reproduced with permission from the Insurance Information Institute
Web site at: www.iii.org/individuals/home/tips/remodel/

If you plan to remodel your home, make sure that your home, the contractor and subcontractors have adequate insurance coverage.

Don’t make the mistake of waiting until an addition or extra room is completed to increase the insurance coverage on the structure of your home. If the new addition is destroyed or damaged before insurance coverage has been increased, you may be responsible for the cost of repairing or rebuilding the addition.

Contact your insurance agent or representative before or shortly after the construction begins to increase the insurance coverage on your house to reflect the increase in the cost to rebuild the structure.

When hiring a general contractor, find out if the contractor has workers compensation and ask to see a copy of the policy. Workers compensation pays for medical and rehabilitation expenses and covers lost wages if the workers sustain injuries on the job. Injured workers may sue you if the contractor does not have proper insurance.

In most home improvement projects, the contractor subcontracts the builders, electricians and plumbers. The workers hired may not be full-time employees of the contractor and therefore not covered under the contractor's workers compensation policy. While some independent builders, electricians and plumbers may carry their own workers compensation coverage; others may not.

You should verify the insurance coverage of the contractor and the subcontractors. If the coverage is insufficient, you may need to fill in the gaps by extending the limits of the liability portion of your homeowner’s policy.

If you purchase additional items, such as furniture, exercise equipment or electronics, you may need to increase the amount of insurance you have on your personal possessions. Keep receipts and add them to your home inventory.

The supplementary liability coverage mentioned in the next-to-last paragraph above is a smart idea. It is very inexpensive and can protect you from legal loopholes in state Workers Compensation insurance regulations or other unforeseen risks.

The importance of design

The key to creating a finished basement that **gets used** and brings **maximum resale value** is design. And it's not as simple as it looks.

Finished basements pose unique design challenges. Obstructions like poles, pipes, soffits, HVAC, electrical, furnaces, stairs, water heaters and foundation anomalies all conspire to make designing comfortable, appealing lower-level living spaces a challenging task.

But that is not all. Every basement is born with a negative stigma. Basements have long been exploited by authors, screenwriters and directors as settings for eerie mysteries and frightening encounters. These psychological impressions stick with us forever.

What's more, the concept of *down* gets little respect in our English society. There's *the bottom of the totem pole, the lowest rung on the ladder, getting sent down to the minors* and more. Up is good. Down is bad.

So how do you overcome all of these problems in a way that doesn't come across like a cheap retrofit? How do you turn your spooky old basement into an inviting and seamless extension of your home? The key is design. So when you hire a contractor, look for someone with proven design-construction expertise.

Unfortunately, many basement contractors are little more than handymen or construction laborers trading up to the lure of bigger jobs. Their idea of good design may be sheet-rocking around everything they see. The result? Your basement still *feels like a basement* when it's done.

That's why, when we do basements, we suggest features like these ...

- Beautiful open layouts
- Elegant wood window surrounds
- Hand-crafted, coffered ceilings with rope lighting accents
- Exquisite granite or ceramic tile countertops and floors
- Open staircases with wooden handrails
- Crown molding
- Rounded drywall corners
- Art niches lit just right
- Generous lighting

And extra steps like these ...

- Move water heaters, furnaces, plumbing and HVAC that inhibit efficient use of space or attainment of open design layouts
- Compensate for irregularities in support structures, floors or foundation walls
- Insulate ceilings so you don't feel like the tenant in a first-floor apartment
- Use steel framing for straighter, truer construction (see The Benefits of a Steel Frame Home in Appendix B)

Insist on architectural quality drawings and 3D visualizations

It's hard to believe, but many contractors still design and bid basements based on hand sketches. This can only get you in trouble.

Others deliver professional-looking 2D drawings or blueprints, but get this: Have you ever tried to visualize the "look and feel" of a living space from a 2D floor plan? It's impossible!

Today's top design software for building and architectural professionals can produce dynamic 3D renderings of your design space in addition to professional blueprints. If your design contractor isn't providing these, they are being lazy. The computers and software just aren't that expensive. It's just the effort and the care that's missing.

Seeing your space in 3D can both stimulate your imagination and help you catch issues that you might otherwise never have done until it's too late or too costly to correct.

Finding, qualifying and closing deals with contractors

We could write a small book on how to find, qualify, interview, reference-check and write contracts with contractors. But a lot of people already have. So we won't re-write it all here. Rather, you can check out the sources listed in our Resources section.

Two of the best resources are:

1. The **Home Owners Guide** posted at the National Association of the Remodeling Industry (NARI) Web site. You can find it at www.nari.org/level2/homeowners.
2. The materials posted at the National Association of Home Builders (NAHB) Web site at www.nahb.org. (Look under Resources ... For Consumers ... Remodeling Your Home)

For convenience—and because it is so important—we have reproduced content from the NAHB article entitled *Understanding Your Remodeling Contract* below:

Once you've picked a remodeler, no work should begin until you have reviewed and signed a written agreement or contract that spells out in detail the what, where, how, time span, and cost of your project.

What should your contract include?

- The contractor's name, address, telephone number, and license number (if applicable).
- A visual representation - blueprint, floor plan, sketches - that shows what the remodeler will do and where.
- The timetable for the project, including approximate start and completion dates.
- The price and payment schedule.
- Detailed specifications for all products and materials. The description of each item should provide enough detail to clearly identify it, such as the brand name, model number, color, and size. This section of the contract may also describe any materials to be selected later, who will choose them, and the amount of money (called an allowance) set aside to pay for each item.
- Information on who will obtain and pay for necessary permits and other approvals.
- Insurance information.
- The procedures for handling change orders.

- Lien releases to ensure that you are not held liable for any third-party claims of nonpayment.
- Provisions for conflict resolution in the event of a contract dispute.
- Notice of your right under the FTC's Cooling Off Rule to cancel the contract within three days if it was signed someplace other than the remodeler's place of business.
- Details on issues like access to your home, care of the premises, phone and bathroom use, and cleanup and trash removal.

Once you have read your contract carefully, review it with your remodeler to clarify any wording you do not understand. If you still have questions after this meeting, you should discuss them with your attorney. When all your questions have been answered, you're ready to sign the contract.

Appendix A

Finished Basement Planning Sheet

Basic information about your space and home

Approximate total area of basement (sq. ft.)	_____ sq. ft.
Approximate area you plan to finish (sq. ft.)	_____ sq. ft.
Basement elevation	<input type="checkbox"/> Below grade <input type="checkbox"/> Garden level <input type="checkbox"/> Walkout
Floor type	<input type="checkbox"/> Concrete slab on grade <input type="checkbox"/> Structural wood <input type="checkbox"/> Structural concrete
Approximate fair market value of home (\$)	\$ _____
Approximate budget	Min \$ _____ Max \$ _____ <input type="checkbox"/> Need help figuring

Features, goals and priorities

Features	Priority	Special needs, issues concerns
<input type="checkbox"/> Home theater or media center		
<input type="checkbox"/> Bedroom(s)		
<input type="checkbox"/> Bathroom(s)		
<input type="checkbox"/> Sauna, whirlpool or steam shower		
<input type="checkbox"/> Kids play room		
<input type="checkbox"/> Bar or other entertainment area		
<input type="checkbox"/> Game or recreation room		

<input type="checkbox"/> Arts and crafts studio		
<input type="checkbox"/> Sewing room		
<input type="checkbox"/> Workout or exercise studio		
<input type="checkbox"/> Home office		
<input type="checkbox"/> Mother-in-law apartment		
<input type="checkbox"/> Wine cellar		
<input type="checkbox"/> Other (list below)		