



The Regulation Of Interior Designers: The California Solution

How Does It Affect You?

As a home furnishings retailer you are always looking for ways to offer more to your consumers in the way of additional features and services in order to stay competitive. Many of you employ, or retain the services of interior designers, so that consumers can get professional advice when choosing new furniture or elements for their homes. Offering these services has never, or seldom been an issue, but with over 24 states now regulating interior designers in some form or another there could be some issues for you on the not too distant horizon.

Some states now prevent interior designers from not only using this title, but from offering interior design services without a state license. If you are in a state that already has these types of restrictions you may be encountering some of these issues. For those who haven't encountered these problems yet, there are some proactive things to think about and do. If your state is thinking, or actually in the process of adopting interior design regulations, there are some things you can do to make sure that you protect your right to continue to do business and offer interior design services.

What Can You Do?

First, contact your local state legislative representatives and share the California model with them. This model embodies the best in consumer protection without harming or preventing those who offer or practice interior design services, and is the most inclusive interior design regulation program in the country without any impact on the taxpayer or businessperson.

A Proven Track Record In California!

Here is the California solution that you should share with your legislators.

The first question is should interior designers be regulated in order to protect the general public? The answer to this question from the

regulators in Sacramento, California, is in the form of another question, "Can you prove consumer harm?" There have been many convoluted arguments over the years from the interior design profession to bolster the idea that the "Health, Safety and Welfare" of the general public is at risk from unqualified, uneducated interior designers, or decorators, across the country. Of course every stakeholder from professional associations to examination vendors all claim to be the last line of defense when it comes to protecting the Health, Safety and Welfare of the public.

The reality is that the closest thing to real consumer protection comes only from a statutory regulation scheme like those imposed by states on general contractors, cosmetologists, hairdressers, real estate agents and brokers, amongst many others. For interior designers this has been a difficult goal to obtain partly due to the ill-informed public perception as decorators, pillow fluffers and furniture pickers. Basically they are not taken seriously by legislators and are often vehemently opposed in their legislative efforts by other regulated professionals such as architects and engineers, who claim that interior design is a subordinate profession that they should control by having interior designers work under them. What people who espouse this argument don't understand is that a vast majority (80 percent) of interior designers practice in the residential field

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working directly with consumers who are looking for personal service to a degree that no other professional can or would provide. Consumers don't think of architects or engineers when they want to renovate a kitchen, bathroom, select new colors and finishes, or new furniture, they think of hiring an interior designer. The other issue is that architects for the most part do not have the patience, or the interest in providing personal at-home services to consumers on weekends and nights for what essentially would be for little compensation. Most independent residential interior designers make their money selling furniture and finishes to their clients, often providing consultation free-of-charge just to get the order. Architects don't do that!

Over the 13 years of its existence the certification board in California, the California Council for Interior Design Certification (CCIDC), has received hundreds of complaints from consumers about interior designers. Most complaints, but not all, are against non-regulated or non-certified interior designers. Ninety-nine percent of all the complaints are against residential interior designers with very few against commercial interior designers. The reason is that businesses that hire commercial interior designers have a better vetting procedure than the average consumer for determining who is qualified and who is not, and in the event of a problem a business will usually fire the designer, seek redress through the courts if necessary, or just write it off and hire another professional making sure they hire the right person or firm the second time around. The average consumer in most cases cannot afford this option. Based upon the CCIDC's experience it is safe to say the biggest

area of concern to the health, safety and welfare of the consumer is clearly a "welfare" issue, not health, not safety. Just about all complaints with interior designers have to do with money whether it is overcharging, not completing services, delivering poor quality products, or even renegeing on the delivery of products and services altogether.

Of course the consumer, if they have the resources and the will to follow through, can always go to the courts to seek recompense. This doesn't stop the alleged offender from continuing to practice, and in some cases prey on other consumers, and so the circle continues. The only way to break the circle is a reporting agency that can identify and provide a list to the consumers of those who have offended before. Typically in the past this has fallen to a state agency, or to no one at all.

Back in 1991 California passed a title act for interior designers creating the title "Certified Interior Designer" under the Business and Professions Code (Section 5800). Compliance with the title act for interior designers was completely voluntary and still is today, with those who wish to use the title having to adhere to rigorous standards of education, experience and examination, the most comprehensive in the nation. This is not a title handed on a plate to those who just pony up a fee, and the title is protected by statute for those who may try to use it without complying with the law. There are also requirements for continuing education in order for one to maintain one's eligibility to keep the title current. California has over 3,000 active Certified Interior Designers today, the second largest number of regulated interior designers by state in the nation. This is quite significant considering it is purely a voluntary program. What is even more significant is that the CCIDC board is a private non-profit organization that does not rely on any state funding or taxpayer support in any way whatsoever. It is completely self supporting and has been a model for the State of California in converting several other boards to a private non-profit status, most notably the board that oversees the state's registered tax preparer's.

The goal of the interior design certification program in California is to give consumers a choice of hiring an individual who has demonstrated their abilities through the three "E's", education, examination and experience, without putting those who chose not to participate in the program out of business. It is a model to other states considering a program for regulating interior designers, or states that are reviewing existing programs that register, license or certify interior designers, but are struggling with dwindling resources and increasing demands on their tax revenues. Something state legislators should look at as an example of state regulation without the state.

It should be noted however that these private boards are required by law to report to the Legislature's Sunset Review Committee on a regular basis in order to examine their validity and efficiency. Just because they are private boards, the titles they oversee are still written into statute and can be removed, or extended as the legislature sees fit. There is still board accountability.

So in summary, California has a voluntary program for "Certified Interior Designers" recognized by law that doesn't cost taxpayers or the state anything, that doesn't prevent anyone from practicing interior design or from calling themselves interior designers, thus allowing those who offer these services to continue to do so. No one gets put out of business and consumers who are concerned about hiring an unknown individual to provide these services can go to the private certification board for a listing of qualified individuals in their area. It is the best of both worlds. **W**

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