



juxtapose
Interior Design
Patti Morrow, Designer



U.S. House Committee on Small Business
Subcommittee Hearing on Contracting and Workforce
Testimony of Patti Morrow
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My name is Patti Morrow; I live in Greer, SC:

- Interior Designer/President – Juxtapose Interior Design
- Certified in Residential Design (RIDE)
- Certified Aging in Place Specialist (CAPS)
- Board of Directors, Design Society of America (DSA)
- Founder of Interior Design Protection Consulting (IDPC)

Like many other interior designers, I entered the field as a second career. When my children were 10 and 13, I enrolled in a 2-year interior design program at the New Hampshire Institute of Art (I was living in New Hampshire at the time). There were about 25 women in the class, all second-career changers.

As I was nearing the end of the interior design program, HB-881 was introduced in the New Hampshire legislature. If enacted, this bill would have become the most restrictive interior design law in the country and would have prohibited me from my dream of having my own interior design business.

In order to legally practice, an interior designer would need to have the “proper” credentials, aka “Three E’s:”

1. Education. Graduate with a 4-year Bachelor Degree in Interior Design from an expensive, exclusive, privately accredited college. There are no such schools in the entire state.
2. Exam. Pass the National Council for Interior Design Qualification (NCIDQ) exam, an extremely burdensome private exam, which
 - a. Historically has had a less than 40% passage rate for all three sections taken at the same time;
 - b. Can cost well over \$2,000 to take
 - \$1,200 just to apply for the test
 - Add in the cost of study guides and prep classes
 - Travel and accommodations to take the 2-day exam.
 - Each time a part of the test is failed, there’s another fee to be paid

- c. Is not under the purview of the state legislature, so anytime the exam is changed, it would result in defacto legislation, changing New Hampshire law without the knowledge or consent of the state legislature.
3. Experience. Complete an internship under one of the proposed licensed (NCIDQ-certified) designers which could take anywhere from 2 to 15 years. There were only 25 NCIDQ-certified in the entire state, and there was no guarantee that they:
 - a. Supported the licensing scheme
 - b. Were in a financial position or had enough work to hire an apprentice
 - c. Would be willing to pay vs. just offering a free internship
 - d. Would want to train a new designer who would eventually become a competitor

This bill was well in excess of what is needed to practice interior design, and would have put not only me, but the overwhelming majority of interior designers in New Hampshire out of business.

But why? What logical reason could there be for putting so many small business entrepreneurs out of business and creating a barrier to entry for anyone wishing to enter the field?

The bill asserted that interior design licensing was necessary to protect the health and safety of the public. But after doing my own extensive research, I found some very important facts:

- There's not a shred of evidence which would warrant a conclusion that the unregulated practice of interior design places the public in any form of jeopardy.
- 13 state agencies have studied the need for interior design regulation (sunrise and sunset reviews, Federal Trade Commission investigations, etc.) and without exception, all recommended against any type of regulation on the basis that it would add absolutely nothing to protect the public beyond that which is already in place (building inspectors, Certificate of Occupancy requirements, architects/engineers, fire marshals, construction code enforcement officials, consumer affairs actions, etc.).
- According to the Better Business Bureau and other data, since 1907, only 52 lawsuits have been filed against interior designers in the *entire country*. And nearly every single one of those involved contract disputes, not safety issues.¹

It seemed to me that monopoly and the denial of free enterprise was the true objective of HB-881. This bill had come about not through public outcry or legislative determinations that regulation was necessary for the public good, but solely through the efforts of industry insiders who were asking the legislature to eliminate their competition for their own personal monetary gain.

¹ *Designing Cartels*, Dick Carpenter II, Ph.D., <http://www.ij.org/designing-cartels-economic-liberty>

This is obviously not a legitimate goal of good government, and I was not going to just sit back and let this small special interest group dictate who could and who could not practice interior design!

I contacted every interior designer and student I knew and organized a grassroots group to attend the hearing and testify against this bill. That bill was mercilessly defeated at that hearing in March of 2007 and has never reared its ugly head again.

Two years ago, I moved to South Carolina, and it was déjà vu, all over again. In 2012 and 2013, I had to take time away from my business to drive to Columbia multiple times to speak with legislators and testify at hearings. As of right now, the latest bill has been tabled.

But for how long?

Licensing this industry is nothing more than restraint of trade and is a JOB KILLER.

Interior design is a dynamic profession that celebrates innovation, creativity and diversity. Imposing a one-size-fits-all licensing scheme on the profession could not be more contrary to those values.

Because I am passionate about this topic, for the last eight years I have been networking and helping interior designers all across the country to help them protect their right to practice.

- 80% of interior designers are small business owners² and according to the Bureau of Labor Statistics, 40% are actually sole proprietors.³
- 84% of practicing interior designers do not have a degree in Interior Design⁴
- According to a study done by Harrington and Treber (Kenyon College), interior design regulations disproportionately exclude Hispanics, African Americans and second career-switchers.⁵
- Licensing prevents potential entrepreneurs of low income means from entering the work force, because they may not be able to afford the tuition of a four year college, the burdensome exam costs, or working for several years as an apprentice at little or no pay.⁶

Where do you draw the line? If you don't have the "right" credentials, you would be restricted from offering the following:

- Designs, drawings, diagrams, studies
- Consultations with clients
- Offering space planning services
- Recommend furnishings

² Icon, American Society of Interior Designers, 3/2014 <http://browndigital.bpc.com/publication/?i=199326>

³ *The Interior Design Profession: Facts and Figures*, American Society of Interior Designers, 2007.

⁴ Ibid

⁵ *Designed to Exclude*, Harrington & Treber, 2009

http://www.ij.org/images/pdf_folder/economic_liberty/designed-to-exclude.pdf

⁶ *The Myth of the "Three E's,"* Patti Morrow, 2010, http://www.idpcinfo.org/THREE_E_s.pdf

- Drafting contract documents
- Researching and analyzing a client's requirements

These licensing bills are incredibly far reaching. You could not even give customers a recommendation as an employee of Home Depot!

And consumers lose, too. The Federal Trade Commission concluded that interior design regulations result in higher costs and fewer choices to consumers.⁷

If there's a happy ending to this story, it's this.... Since 2007, over 150 state bills which would have expanded or enacted new interior design regulations have been defeated.

But like zombies, they just won't stay dead!

Conclusion

When Barak Obama was elected President, he did what many Presidents before him did – he redesigned the living quarters of the White House. Now, the District of Columbia is one of only four places in the United States that has full restrictions on practicing interior design without a license. So who did he hire? Michael Smith, an *un-licensed* interior designer from California. I'm sure he did not for one minute think he was placing the health and safety of his little girls in jeopardy.

If it's okay for the most protected person in the world to hire an unlicensed interior designer, shouldn't it be okay for everyone?

⁷ United States of America, Federal Trade Commission, Dallas, 1987 and 1989