

DOOR COUNTY HOME BUILDERS ASSOCIATION

Membership Mediation Policy

The Door County Home Builders Association has developed a Mediation Policy to assist homeowners and members to settle construction disputes. All members are required to submit to this procedure when requested by an owner. Members may also request mediation to settle disputes with owners.

Definitions & Scope

The purpose of this policy is to define our procedure. Our mediation process is a voluntary collaborative process that is non-binding. Door County Home Builders Association's Mediation Team serves as a neutral facilitator who can assist the participants in reaching their own voluntary, fully informed resolution concerning the issues. The goal of Door County Home Builders Association mediation is to deliver a recommendation to both parties based on the information presented, the Construction Industry Quality Standards set forth from the Wisconsin Builders Association, and the experience of the Mediation Team members. This process is provided to members and their clients free of charge.

Mediation Team: The Door County Home Builders Association Board of Directors will form a team as needed when a request for mediation is received. This team will consist of three Door County Home Builders Association members, and ideally there will be at least one builder and one associate member on the team.

Mediation Team Leader: The Mediation Team will select a Team Leader who will be the sole point of contact between the owner, member, and the Mediation Team. All emails and scheduling of meetings will be done through the Team Leader.

Requirements for application

1. Complaint must pertain to a construction project, such as quality of workmanship or breach of contract.
2. Complaint must be made within 12 months of occupancy or completion of the contracted project, whichever occurs first.

Initial complaint/ Application

The Door County Home Builders Association strongly encourages direct communication between owners and our members to settle disputes. If a legitimate attempt has been made, but a resolution cannot be reached, the party requesting mediation can complete the Door County Home Builders Association Mediation Application. The Door County Home Builders Association reserves the right to decline a grievance request.

The Process

1. A party can apply for mediation with the Door County Home Builders Association using the Mediation Application found on our website or requested from info@dchba.org.
2. Upon receipt of the application, the current President will review it to make sure that the situation meets the requirements. If so, the following will be sent to the other party: A copy of the application, a copy of this policy, a Statement of Acknowledgement (for them to complete, which outlines their response to the complaint), and a letter from the President, encouraging an attempt to remedy the problem within thirty (30) calendar days.
3. If the complaint is not resolved within 30 days, the Door County Home Builders Association President will form a Mediation Team. The Mediation Team will be given copies of both the owner's Mediation Application and the member's Statement of Acknowledgement.
4. Within 10 business days, the Mediation Team Leader will reach out to schedule a mediation session with the team and both parties.
5. Both the owner and the member will be given the contact information of the Team Leader and will then have the opportunity to present additional information. Examples of supporting documents include relevant contracts, plans, specifications, photographs, invoices, correspondence, etc. All relevant information should be presented to the Mediation Team at least 5 business days prior to the mediation session.
6. The Mediation Team will have the option to visit the site if they feel it is necessary to discern a solution. The Mediation Team can request additional information or clarification from either of the parties if needed ahead of the mediation session. The Mediation Team will discuss the situation and materials presented prior to the mediation session.
7. At the joint mediation session, the owner and member will each have 15 minutes to present their case. The Mediation Team may ask additional questions if they feel the need to clarify any of the information presented.
8. Following the joint mediation session, the Mediation Team may choose to meet privately with each party to discuss the issues and possible resolutions.
9. Optionally, if the Mediation Team feels that an agreement could be reached via a second joint session, they may choose to bring the parties together again.
10. If an agreement was not reached at the mediation session(s), the Mediation Team will meet to discuss their recommendation.
11. Within 5 business days of the mediation session, the Mediation Team will prepare and present to both the owner and the member a letter outlining their recommendation. This letter will be accompanied by a Settlement Agreement. If the Settlement Agreement is signed by all parties, the document becomes binding in a court of law. In the event that mediation is not successful, the parties shall have the right to submit their grievance to formal arbitration or may take other legal action. Door County Home Builders Association does not offer arbitration services.

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Mediation Application

The party indicated below is requesting mediation services from the Door County Home Builders Association. A signature of this form is an agreement to abide by the rules set forth in the Door County Home Builders Association Mediation Policy. Parties involved in construction-related contract are:

Contractor: _____

Homeowner(s): _____

Address of project: _____

Party requesting mediation is: Contractor Homeowner(s)

Date of project completion or last day of work performed: _____

Brief summary of dispute (attach additional page if needed):

Describe any attempts between the homeowner and contractor to settle the dispute:

Signature of applicant(s): _____ Date: _____

Contact information of applicant:

Phone: _____

Email: _____

Mailing address: _____

DOOR COUNTY HOME BUILDERS ASSOCIATION

Statement of Acknowledgement

Date: _____

Dear _____,

Mediation has been requested by _____ in regard to a project at the following address:

A copy of the application with complaint is enclosed. Before mediation begins, please acknowledge that you have received this complaint, and if desired, offer a rebuttal. Please sign and return this acknowledgement within 5 days of receipt. By signing this form you also agree to abide by the rules set forth in the Door County Home Builders Association Mediation Policy.

Brief rebuttal:

Describe any attempts made to settle the dispute:

Acknowledged by: _____ Date: _____

DOOR COUNTY HOME BUILDERS ASSOCIATION Mediation Settlement Agreement

Date of initial complaint: _____

Mediation session date(s): _____

A mutual resolution and/or recommendation has been made by the Mediation Team, outlined in an attached letter dated _____ and signed by members of the Door County Home Builders Association Mediation Team.

Signatures on this form indicate that all parties involved agree to the resolution reached, and/or the recommendation of the Mediation Team as outlined in the attached letter. This agreement, once signed, is considered binding.

Today's Date: _____

Contractor's Legal Business Name: _____

Authorized signature of contractor: _____

Today's Date: _____

Homeowner Name(s): _____

Signature homeowner: _____

Signature homeowner: _____