

Use this document to determine if your dispute is eligible for review by the Professional Standards Committee of the Building Industry Association of Central Ohio. If your dispute is eligible, please fill out Section 3 of this document and send it to the BIA of Central Ohio Professional Standards Committee with your complaint letter.



Section 1. Procedure

The Building Industry Association of Central Ohio (BIA) encourages all Builders and Owners to resolve any disputes in an orderly and timely fashion. The Owner should notify the Builder of any complaints in writing and allow a reasonable period for the Builder to respond. If the parties are unable to resolve the complaints, the dispute may be brought before the Professional Standards Committee of the Building Industry Association of Central Ohio as outlined below. It's important to note that your warranty is from your Builder and not the BIA. While the BIA has no obligation to make repairs, it may act as a mediator between you and the builder to help resolve problems. It is also important to note that the entire process could take between 5 and 8 months.

Submit Your Complaint:

If a dispute cannot be resolved, the complaining party can write to the BIA and if the complaint is within the guidelines outlined in section 2 of this document, the BIA will write urging the Builder to resolve the dispute.

Request for Review:

If, after a set time, the dispute has not been resolved, the Owner may pay a fee and register for a Dispute Settlement Hearing through the BIA's Professional Standards Committee, providing facts underlying the dispute meet the then existing criteria for such hearing. The fee for a review is \$300 for up to 10 items. Additional items are \$10 each. *The Builder is also required to pay \$300 for the review. This Builder fee will be collected separately and will not impact the processing of the Owners review request.

Notification of Request for Review:

The BIA will notify the Builder that a Request for Review has been received and they will have 10 business days to respond to the BIA that they will or will not fix any or all of the items. If they do not respond or if they do not agree to fix all items, a Review Hearing will be scheduled.

Review Hearing:

Once a Hearing is scheduled, representatives of the BIA's Professional Standards Committee will meet with the Owner and Builder to inspect the issues/defects in the home. All issues will be addressed according to the minimum performance criteria for acceptable workmanship outlined in the BIA Quality Standards found in the BIA Home Owners Manual . The hearing will be limited to issues listed in the written Dispute Settlement Hearing registration form.

Review Decision:

After the hearing, the BIA's Professional Standards Committee will notify both the Owner and the Builder of its decision in the case. If the Committee renders a decision calling for action by the Builder, the Committee will set a deadline for the repairs. The decision must be agreed to in its entirety and signed by the homeowner for it to be binding on the Builder. Should the Builder refuse to comply with a binding Professional Standards Committee decision, the builder's membership in the BIA could be suspended or revoked.

Appeal:

Should either the builder or homeowner disagree with the decision, either may file for an appeal before the full Professional Standards Committee. The decision of the full Professional Standards Committee is final.

Repair Review Hearing:

Once the required repairs are completed, either party may request that the BIA's Professional Standards Committee meet with the Owner and Builder to inspect the repaired items. The repair hearing is limited to issues that were included in the original review decision that required repair. After the first Repair Review Hearing, there will be a cost associated with each additional Repair Review Hearing.

Repair Review Decision:

Same as Review Decision above.

Section 2. Guidelines for Eligibility

Answer the following questions and follow the instructions.	Yes	No
1. Is your closing/occupancy date less than 13 months ago?	Continue to Question 2	STOP, complaint not eligible
2. Is your Builder a current member of the BIA?	Continue to Question 3	STOP, complaint not eligible
3. Does your complaint concern construction defects, not contractual disputes? <i>(The Committee will review elements of construction of the home to determine whether the same were completed with the Quality Standards as set forth by the BIA; the Committee will not make determinations regarding whether or not payments are or are not due, or whether or not promises outside of any written contract Land addendums were or were not made).</i>	Continue to Question 4	STOP, complaint not eligible
4. Do you have an Insured Warranty?	Continue to Question 5	Skip to Question 6
5. Have you sent your list to the Insured Warranty Company and had them take care of any covered items?	Continue to Question 6	Continue to Question 6 AND submit complaint to Insured Warranty Company
6. Has litigation been initiated or is litigation pending between the parties? <i>(The Committee will not hear matters (and will discontinue any pending actions) if litigation has been initiated or is pending between the parties.)</i>	STOP, complaint not eligible	Continue to Section 3

Section 3. Submitting A Complaint

Fill out sections 3 and 4 and send to the BIA office. You may also include a cover letter, photos and related documents.

Owner(s) _____ E-mail _____

Phone(s) _____

Property Address _____ City, State, Zip _____

Mailing Address _____ City, State, Zip _____

Builder Company _____ Representative _____

Work Phone _____ E-mail _____

Address _____ City, State Zip _____

Construction Type: New Build Closing Date: _____ Remodel Completion/Occupancy Date: _____

By requesting the Committee to review the matter which is the subject of this Application the Homeowner agrees:

1. that the matter is submitted in an effort to settle and resolve a dispute and accordingly all writings, communication and observations of the Committee and its members are subject to Ohio Rule of Evidence 408 and are not subject to discovery, subpoena or testimony and are at all times to be maintained in a confidential manner; and
2. that the Homeowner expressly releases the Committee and the Building Industry Association of Central Ohio, Inc. and its affiliates, agents and employees from any and all claims, liabilities or damages relating in any way to Homeowner’s participation in such review by the Committee.

Signature _____ Printed Name _____ Date _____

Section 4. Nature of Complaint

Use this section to list your complaints. Please list the floor and room/area in which each defect appears. A complaint, i.e. painting, is considered a separate item for each room in which it appears. For Exterior Complaints, put ‘Exterior’ under Floor and put the specific area under Room.

#	Alleged Violation	Floor	Room/Area
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			

Section 4. Nature of Complaint - continued

Notes: A complaint, i.e. painting, is considered a separate item for each room in which it appears. For Exterior Complaints, put 'Exterior' under Floor and put the specific area under Room.

#	Alleged Violation	Floor	Room/Area
11			
12			
13			
14			
15			
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22			
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