

UTAH VALLEY HOME BUILDERS ASSOCIATION

CONSUMER AFFAIRS PROCEDURES

- I. After receiving an oral or written complaint by a homeowner against a builder member, the Home Builders Association will send a letter of acknowledgement to the homeowner. The letter will explain that the complaint should be written on the Official Complaint Form and should note the specific industry standard which has been violated. A complaint form and copy of the Performance Guidelines Manual will be included with the letter. The letter also explains that the HBA will not become involved in contractual disputes or where there is pending litigation between the homeowner and builder. A copy of this letter is forwarded to the builder.
- II. Once the completed complaint form is received, the HBA will notify the builder and forward a copy of the complaint from the homeowner. The builder will be advised that he should contact the homeowner to resolve the concern within 15 days. If the matter is resolved within the prescribed time, no further action will be taken by the Consumer Affairs Sub-Committee. Concurrently, a separate letter will be sent to the homeowner to acknowledge receipt of the complaint and inform the homeowner that his/her complaint has been forwarded to the builder for further action and that he/she should allow 15 days for the builder to rectify the matter. If it is not rectified to his/her satisfaction within the 15 day period, the homeowner should notify the HBA in writing, specifying in what manner the builder failed to remedy the concern. The letter will also state that if no written notice is received within 30 days, the HBA will assume the matter has been settled and the file will be closed. A copy of this letter will also be sent to the builder.
- III. If the builder is not in agreement with the homeowner's complaint, or should fail to respond either to the Association or the homeowner, the Chairman of the Ethics Committee will then refer the matter to the Consumers Affairs Sub-committee who will investigate the entire dispute. Should they wish to do so, the subcommittee has the option to interview both parties and view the subject matter of the complaint. Should the subcommittee decide to make an inspection of the residence in question, the builder is **requested** to be present at the time of said inspection. However, the builder will not be required to make any statements of admission or agreement to comply with any specific recommendations of the subcommittee at the time of said inspection. The **ONLY** parties that may be present at said inspection are members of the subcommittee; the builder or builder representative; and the homeowner(s). The subcommittee will **ONLY** address those items which were completed on the original complaint form. At the first subsequent Ethics Committee meeting after completion of the investigation the subcommittee will report its findings with a recommendation of the entire Ethics Committee. The Ethics Committee will then act upon the subcommittee's written report and recommendations. Within seven (7) days after receiving a copy of the committee's report either side can present a written statement to the committee stating their position if they are not in agreement with the findings of the committee.
- IV. The builder and homeowner will be notified in writing of the findings of the Ethics Committee. If the finding is that the builder has violated Performance Guidelines and the problem can be rectified, the committee will specify the time period it feels would be adequate to rectify the concerns. The builder will be warned that failure to correct the violation will result in the matter being sent to the Board of Directors for further action, including possible suspension of membership or expulsion from the HBA. The homeowner will again be instructed to notify the HBA in writing if the builder fails to remedy the problem within the specified time. Upon receipt of notice of non-satisfaction, the Ethics Committee may then forward the matter to the Board of Directors for their action, according to the Constitution and By-Laws, and based upon the recommendation of the Ethics Committee.
- V. If a builder fails to comply with these Consumer Affairs procedures or to respond to the Ethics Committee at any time during the course of the processing of the complaint, the builder shall be brought before the Board of Directors for reasons of "default", based solely on his failure to comply with requirements of membership in the Association. This is in no way an admission that the home was not built in accordance with the Performance Guidelines. An inspection of the home in question would still be made by the Consumer Affairs Sub-Committee to determine the builder's responsibility. The Board of Directors may recommend temporary suspension of membership in the Association until such time as the problems are satisfactorily rectified.
- VI. The matter may be referred to arbitration on a voluntary basis. If the builder refuses arbitration the Board of Directors will notify the builder of its intent to take disciplinary action. At this point the builder will be afforded the opportunity to appear before the Board and to introduce witnesses as provided in the By-Laws of the HBA.