

INSTRUCTIONS AND APPLICATION TO INITIATE THE HOME WARRANTY DISPUTE RESOLUTION PROCESS

In its 2010 session, the Minnesota legislature enacted legislation creating a dispute resolution process that owners and home improvement contractors (“contractors”) are required to employ before a home warranty dispute may proceed to litigation pursuant to Minn. Stat. 327A. The purpose of this process is for a qualified neutral to assist the owner and contractor in determining an agreeable scope of repair or other resolution of their dispute. The Minnesota Department of Labor and Industry (“DLI”) is required to maintain a list of qualified neutrals and randomly select three names from that list to provide to you and the contractor after this application is submitted. During the course of the dispute resolution process, all applicable statutes of limitation and repose regarding the owner’s potential claims are tolled. The qualified neutral’s written determination is not legally binding on either party and is a confidential settlement communication. (This is more thoroughly described in Minn. Stat. § 327A.051, subd. 3 and 5).

Completing the attached application form and submitting it to DLI begins the dispute resolution process. Once the completed form is submitted, DLI will randomly select the names of three qualified neutrals and your application will be forwarded to them for their review and disclosure of any potential conflict of interest they may have with you, your contractor, or both. If a qualified neutral discloses a potential conflict of interest, DLI will randomly select another qualified neutral from the list and provide them with the information until there are three qualified neutrals for you and the contractor to choose from. At that time, DLI will forward the application, disclosure form, and hourly fee for each of the three qualified neutrals to you and the contractor for your use in selecting a qualified neutral.

If you and the contractor cannot agree on the selection of a qualified neutral, Minn. Stat. § 327A.051 requires that the contractor strike one of the three qualified neutrals and then the owner strikes a second qualified neutral. The remaining qualified neutral will conduct an in-person conference and issue a nonbinding written determination. Once the qualified neutral is selected, you and the contractor must notify DLI and the qualified neutral of your selection (instructions for doing so will be included with the names of the three qualified neutrals). The qualified neutral will initiate contact with you and the contractor to explain how and when the process will proceed, including the required in-person conference. You and the contractor will each be required to pay the DLI \$25 administrative fee to the qualified neutral at the time of the in-person conference. You and the contractor are required to split the qualified neutral’s billed time equally unless you agree to do otherwise.

DLI's contact person is Charlie Durenberger. If you have any questions regarding this application, please contact him by e-mail at ENE.DLI@state.mn.us or by telephone at (651) 284-5827.

APPLICATION INSTRUCTIONS

Contact Information

You must complete this section. To initiate the Home Warranty Dispute Resolution process, you are required to provide DLI with the full name and complete current address of the contact person for you and the contractor. This information will be used by DLI in the administration of the Home Warranty Dispute Resolution process. The qualified neutral may use the information to identify potential conflicts of interest. The qualified neutral selected by you and the contractor will use this information to contact you.

You are not required to provide any of the following information. If you supply the information, it will be used by DLI to provide you with the names of three qualified neutrals. The information may also be used by qualified neutrals, the contractor, and any other persons authorized by law.

1. Claim History

This information is intended to provide DLI and the qualified neutrals with basic information about the efforts that have been made toward resolution that are required by the home warranty law before initiating this dispute resolution process and so that qualified neutrals may more effectively identify potential conflicts of interest. These requirements are more thoroughly explained in Minn. Stat. § 327A.02.

You may provide copies of the owner's notice of claim and the contractor's offer to repair. If you provide copies, they will be provided to qualified neutrals until there are three qualified neutrals for you and the contractor to choose from.

2. Description of Claimed Defect(s)

This information is intended to provide qualified neutral with basic information describing the claimed defects.

3. Desired Remedy

In this section, you are asked to describe the scope of repair, amount of damages, or other resolution that you are seeking to obtain from the contractor. Your response need only be a summary and not a detailed description because you will have an opportunity to provide the qualified neutral with all of the information you would like for them to in understanding your position and desired outcome.

4. Additional Information

In this section, you are asked to provide any additional information regarding your claim that you would like the qualified neutral to know as the process commences. Please feel free to use additional pages and attach them to the application form.

You can submit this application and any attachments to DLI via USPS, fax, or e-mail using the contact information in the upper left corner of the application form.

DLI's contact person is Charlie Durenberger. If you have any questions regarding this application process, please contact him by e-mail at ENE.DLI@state.mn.us or by telephone at (651) 284-5827.

Minnesota Department of Labor and Industry
 Construction Codes and Licensing Division
 Home Warranty Dispute Resolution Program
 443 Lafayette Road N.
 St. Paul, MN 55155
 Phone: (651) 284-5069
 Fax: (651) 284-5746
www.dli.mn.gov/CCLD/ENE.asp
ENE.DLI@state.mn.us



Application for Dispute Resolution

For home warranty dispute resolution pursuant to Minn. Stat. § 327A.051

The information you provide will be used by DLI to randomly select the three qualified neutrals whose names will be provided to you and the contractor. The information you provide is presumed to be public data, unless it is otherwise protected. Minn. Stat. ch. 13. Please see the Instructions for more information. Please complete this form in its entirety and submit to DLI at the address above. Use additional sheets if necessary.

PRINT IN INK or TYPE your responses

YOUR CONTACT INFORMATION

NAME(S)	PHONE NO. 1	PHONE NO. 2
HOME ADDRESS	CITY	STATE ZIP CODE
E-MAIL ADDRESS		

1. CLAIM HISTORY

Warranty Date (Date of initial occupancy or date legal title to property was obtained):

Contractor name:

Contractor license number:

Date of initial notice of claim to Contractor:

Date of Contractor request for inspection:

Date of Inspection:

Date of Contractor's Offer to Repair:

Dollar amount (if applicable) of Contractor's Offer to Repair:

Date of Owner's rejection of Contractor's Offer to Repair:

2. DESCRIPTION OF CLAIMED DEFECT(S)

In the space below, please summarize the nature and scope of the claimed defects:

3. DESIRED REMEDY

In the space below, please summarize the actions (corrections/damages/other) you are seeking from the contractor:

4. ADDITIONAL INFORMATION

In the space below or on a separate sheet, please provide any additional information you would like the qualified neutral to know about your dispute:

Signature of Applicant

Date

This material can be made available in different forms, such as large print, Braille or on a tape. To request, call 1-800-342-5354 (DIAL-DLI) Voice or TDD (651) 297-4198.