

Wisconsin Act 201, the “Right to Cure Law” Tip Sheet

For Builders and Remodelors

Complying With the Law at Time of Contract

First, be sure to thoroughly review the Wisconsin Department of Commerce’s “Right to Cure Law” Brochure to become familiar with the claim and response process. To be in compliance with the law, include the following items at time of contracting for construction or remodeling work:

- 1) The “*Right to Cure Law*” Brochure developed by the Wisconsin Department of Commerce. This is available as a download from the WBA website, www.wisbuild.org or at <http://commerce.wi.gov/SB/SB-DivPublications.html> .
- 2) A “*Notice Concerning Construction Defects*” as specified in state law. This language has been included in the newly revised WBA Building Contract. It is also available in a freestanding addendum format to include with your current Building or Remodeling contract. Both forms are available on the WBA website, www.wisbuild.org under the “Members Only” section. Remodelors, please add the addendum to your current Remodelor Contract.
- 3) Be sure to keep thorough documentation of compliance in your files. All written correspondence must be delivered by either depositing the document in the U.S. mail by certified mail, return receipt requested, addressed to the contractor or by giving the written notice personally to the contractor.

Complying With the Law at Time of Consumer Claim

How to use the WBA “Right to Cure Response Form”

The WBA “Right to Cure Response Form” is an easy-to-use letter template designed to help you respond to a customer complaint. The attached reference document on page 2 will help you correctly format your response:

- Insert your company and consumer mailing information in the response form template.
- Use the current date for your response. Keeping track of and meeting critical timelines are an important requirement of this law.
- Determine if this is a single or multiple item claim. We recommend that you create a separate response form for each complaint when dealing with multiple issues.
- Clearly define the consumer’s complaint.
- Check the appropriate response box. NOTE: There are separate notice and timing issues if the claim involves a window or door supplier. Please see the “Claims Involving Window or Door Suppliers” Tip Sheet for details on this special process. Under the law, suppliers are defined as persons who manufacture or provide windows or doors for a dwelling. We recommend you send a “Notice of Contribution Claim” to both the window and door supplier and manufacturer if applicable.
- Timing is critical. Keep detailed records of all correspondence, all critical dates of communications, and all actions that are completed. The records you keep will establish, if necessary, that you complied with the required timelines. See the “Right to Cure Response Timeline”.

Insert your company name and return address or print this form on your letterhead

Name:
Address:

The date of the letter

Date: _____

Complete name, title, and address of the Consumer

Name:
Address:

Consumer's Name

Detailed description of the Consumer's claim

Dear _____:

We have received your letter alleging the following construction defects:

Check the appropriate response box

Our response to your claim is set forth below at the marked box:

We offer to repair the alleged defect in full settlement and satisfaction of your claim by:

_____ [offer should include a description of any additional construction necessary and a timeline to complete construction] _____

We offer to pay you the following amount in full settlement and satisfaction of your claim: _____

We offer to pay you the following amount of _____ and to make the following repairs in full settlement and satisfaction of your claim: _____

We request to inspect and or test (if necessary) the alleged defects prior to responding further to your claim.

We reject your claim for the following reasons: _____

If you have any questions regarding this response, please feel free to contact us.

Sincerely, _____ Insert your signature

This response is made pursuant to Chapter 895 of the Wisconsin Statutes as an offer to compromise and settle a disputed claim, and pursuant to Section 904.08 of the Wisconsin Statutes is not admissible as evidence to infer or establish the validity of your claim.