



Home Builders Association of Fort Wayne, Inc.



Re: Indiana Quality Assurance Builder Standards

On May 1, 2001 the Fort Wayne HBA Board of Directors adopted the Indiana Quality Assurance Builder Standards. This is an extremely important program that benefits the builders and remodelers in our association. Even the members who build above the standard will be able to use this as a useful tool to show your customers that your quality is superior compared to what is considered acceptable in the industry.

Participation in this program is required by all builder/remodeler members of the Home Builders Association of Fort Wayne, Inc. Books cost \$35 a piece, including sales tax, and should be purchased through our office. An online version is in the works and will be available in 2020. To participate in the Indiana Quality Assurance Builders Standards Program the builder/remodeler member agrees to:

- Provide a manual to every customer at the time of contract signing for each new construction and/or remodeling project undertaken.

Please note, any remodeling projects which exceed \$15,000 will require a book to be given to the customer. Any project below \$15,000 is at the discretion of the builder. This amount has been approved by the Board of Directors and the Remodelers' Council.

- Include language incorporating the Standards in all sales contracts with customers.
- Identify a third party dispute resolution mechanism in all sales contracts with customers.
- Comply with the Standards identified in the manual.
- Maintain membership in a local builders association participating in the Standards program.

The Standards book is to be included as a part of the construction and sales contract for the project. The book is intended to be used as a tool by both the builder and the homeowner when questions arise regarding the new home or remodeling project.

- Prior to calling the builder, the homeowner should use the standards manual to determine if the particular concern is necessary.
- The builder should use these standards as the tool to determine what action is necessary to meet homeowner expectations created by the standards.

The standards do not do the following:

- Constitute a warranty nor are they intended as a substitute for a warranty.
- To replace any manufacturer's warranties that may apply to materials and products used in the project.
- Take precedent over building code.

Enclosed you will find a commitment form for both new builds and remodeling projects. Please sign and return both documents at your earliest opportunity.

If you have any questions regarding this program, please call our office at (260) 420-2020.

Sincerely,

Beth A. Johnson

Executive Director

305 West Main Street · Fort Wayne, IN 46802 · (260) 420-2020

Affiliated with The National Association of Home Builders and the Indiana Builders Association



Home Builders Association of Fort Wayne, Inc.



Program Objectives:

- To encourage professionalism within the home building industry.
- To increase the likelihood that homebuyers will have a satisfactory experience when buying a new home.
- To provide the builder and remodeler membership with a set of standards that homebuyers can rely upon.

One objective of the builders association is to improve the community image of our building industry. Towards that objective, a committee of dedicated industry professionals, representing builders, developers, remodelers and suppliers volunteered thousands of hours to develop the Indiana Quality Assurance Builder Standards. (Hereafter referred to as “Standards.”)

The Standards Include:

- A set of “Standards” for common issues outlined to establish realistic expectations to the consumer in the building or remodeling of their home.
- Recommended language for including the “Standards” and “Mediation/Arbitration” binding language into all member projects, contracts and marketing information.

The Standards are the culmination of the builders association’s commitment to create a series of performance guidelines that all members can use to establish their customer’s expectations regarding the building/remodeling process. The Standards address the most prevalent issues that arise between the builder/remodeler and the customer, before, during, and most importantly, *after* the project is completed.

Disputes will inevitably arise that cannot be settled between two parties by using the Standards. The Standards include a mediation/binding arbitration mechanism to provide another vehicle to dispute resolution outside of the costly and time-consuming court process.

The Board of Directors has determined that the most important opportunity to meet our objective is to require the use of, and adherence to, these Standards as a commitment to membership. More importantly, these Standards are a written commitment by our members of quality assurance for their customers. This allows every member, along with the Association, the opportunity to promote the message of professionalism and standards.

It’s a measurable difference.

What the Standards Are:

- A tool used to establish realistic customer expectations at the beginning of the building process for the service period of one year.
- Designed to eliminate further government intervention into the industry caused by customer complaints.
- Used to define common issues that would typically lead to disputes and independent inspections of a builders’ product.
- A method used to improve the consumer’s image of builders and the building process.

What the Standards Are NOT:

- An attempt to drastically change the way you are doing business today.
- An attempt to add another review process to your business of building homes.
- An attempt to re-write building codes.
- An attempt to have your Association tell you how you should build homes or what materials to use in the construction of those homes.

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Member Commitment Form—Indiana Quality Assurance Builder Standards

As a commitment to membership in the Home Builders Association of Fort Wayne, Inc. every builder, remodeler, and interim builder member (hereinafter referred to as “member”) shall sign and agree to the following conditions:

- The Indiana Quality Assurance Builder Standards manual must be provided to every customer at the time of contract signing for each new construction and/or remodeling project undertaken by the member.
- All contracts must include language incorporating the Standards as a part of each new construction and/or remodeling project undertaken by the member. *(Recommended contract language included)*
- A third party dispute resolution mechanism, selected by the builder to handle disputes arising from the Standards shall be a part of all contracts for construction and/or remodeling projects undertaken by the member.
- The member understands that non-compliance with these commitments, unresolved dispute resolutions, or a large number of complaints against the member may require that the member address the Indiana Quality Assurance Builder Standards Coordinator/Committee of the Association. The Coordinator/Committee may recommend that the Board of Directors impose sanctions on the member. Those potential sanctions may include, but are not limited to eliminating membership privileges and/or expulsion from the Association.

I have read, understand, and agree to, the above-described commitments, including all exhibits, as a part of my membership in the Home Builders Association of Fort Wayne, Inc. This commitment is valid until written notification is given by either party to cancel the membership.

Signature—Authorized Representative of Member Firm

Title—Authorized Representative of member Firm

Company

Date





Home Builders Association of Fort Wayne, Inc.



Member Commitment Form—Indiana Quality Assurance Builder Standards (Remodeling Project Modification)

The Quality Assurance Builder Standards program shall be modified ONLY for remodeler members completing a project below \$15,000:

- To the extent practical for the given scope of a remodeling project, the member shall provide a complete Quality Assurance Builder Standards manual (hereinafter referred to as “manual”) to each customer and include the Standards into the contract for the project. If, due to the limited scope of the remodeling project, the member deems it not practical to provide a manual to the customer and/or not include the Standards in the contract, they understand that they do so at their own risk and will hold the Association harmless from any legal action taken against the member.
- Notwithstanding the above modification, the member shall comply with all Standards applicable to the project, regardless of having given the customer a manual and/or included the Standards into the contract for the project. In addition, the member agrees to provide a manual to any customer requesting one regardless of the extent or nature of the project.

This modification is only between the member and the Association in the remodeling project commitment form to the Standards. The consumer should not have occasion to review this modification to the remodeling project Standards’ commitment form.

Finally, it is understood that the member’s decision to not provide a manual to their customer will not necessarily be the basis by which a complaint and determination regarding adherence to the remodeling project Standards’ commitment will be reviewed. A review of a membership in accordance with the Standards’ commitment will predominately be based on that member’s adherence to the Standards.

I have read, understand, and agree to, the above-described commitments, including all exhibits, as a part of my membership in the Home Builders Association of Fort Wayne, Inc. This commitment is valid until written notification is given by either party to cancel the membership.

Signature—Authorized Representative of Member Firm

Title—Authorized Representative of member Firm

Company

Date





**Home Builders Association
of Fort Wayne, Inc.**

Indiana Quality Assurance Builder Standards

This form is part of the Construction Contract dated _____ (“Contract”) in which _____
_____ is Builder, and _____
_____ is Buyer.

The Builder agrees that the home or addition shall be constructed to comply with the “Builder Responsibilities” as set forth in the Indiana Quality Assurance Builder Standards ____ edition (hereinafter referred to as “Standards”) subject to the terms and conditions of the Standards. The Standards shall be deemed a part of this contract.

With respect to any Builder who participates in an additional purchased home warranty program, in the event that there is any inconsistency between the Standards, on the one hand, and the terms and provisions of any of the documents comprising such warranty insurance program, on the other hand, then the terms and provisions of the document comprising such warranty insurance program shall govern and apply to the extent of any such inconsistency.

* The foregoing shall be an affirmative covenant of the builder under paragraph 3.01 hereof, Home Builders Association of Fort Wayne Construction Contract. Revised August 2012.

The parties agreement to the provisions of this paragraph, along with the receipt of a copy of the Indiana Quality Assurance Builder Standards, is evidenced by their signatures below:

BUYER: (Signature) _____

Printed Name: _____

BUYER: (Signature) _____

Printed Name: _____

BUILDER: (Name of Builder/Company) _____

By: (Signature) _____

Printed Name and Position: _____

By: (Signature) _____

Printed Name and Position: _____