



**COMMONWEALTH
OF MASSACHUSETTS**

Office of Consumer Affairs and Business Regulation

**HOME IMPROVEMENT CONTRACTOR ARBITRATION
PROGRAM**

**CONSUMER
REQUEST FOR ARBITRATION
FORM**

As of May 13, 2000, the Office of Consumer Affairs and Business Regulation provides the administrative services of the program and serves as the “arbitration firm.” Independent professional arbitrators hear the cases and render decisions according to procedures outlined in 201 CMR 14.00.

You should send the original *Request for Arbitration* and two copies, and three copies your contract (three sets altogether) to:

Home Improvement Contractor Arbitration Program
Office of Consumer Affairs and Business Regulation
10 Park Plaza, Suite 5170
Boston, MA 02116
(617) 973-8700 or 1-(888) 283-3757

Payment of the arbitration fee is not required at the time of filing.

Please answer all questions. Do not make references to attachments instead of completing questions.

**Commonwealth of Massachusetts
Home Improvement Contractor Arbitration Program**

Consumer Request for Arbitration

Section 1- Applicant Information

Name: _____

Street Address: _____

City: _____ State: _____ Zip: _____

Daytime Phone: _____ Evening Phone: _____

Section 2- Agent/Attorney Information

If you will be represented by an agent or attorney in this action, complete this section.

Name of Agent/Attorney: _____

Firm: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____

Section 3- Qualification Information

Circle yes or no to each question.

- A. Is there a written contract for the job? yes no
- B. Was the contractor registered with the state as a Home Improvement Contractor on the date the contract was signed? yes no
- C. Was the contract for improvements, repairs, renovations, alterations, or additions to a pre-existing, owner-occupied residence with no more than 4 units? yes no
- D. Is the property or residence located in Massachusetts? yes no
- E. Is the property your primary residence? yes no
- F. Will this *Request for Arbitration* be filed within 2 years of the contract date? yes no

Please answer all questions. Do not make references to attachments instead of completing questions.

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Section 4- Contractor Information

Name of contractor on contract: _____

Name of contractor representative you dealt with: _____

Title or affiliation with business: _____

Street Address: _____

City: _____ State: _____ Zip: _____

Phone: _____

Contact the Board of Building Regulations and Standards (617-727-3200, press "0" for the operator) to obtain the following information about the Registrant:

Home Improvement Contractor Registration Number: ____ _

Effective Dates of Registration: ____/____/____ to ____/____/____

All registered home improvement contractors will have both an "Applicant" name and a "Responsible Individual" name on file with the Board of Building Regulations and Standards. You will need to list both the "Applicant" name and the "Responsible Individual" name below. (Be aware that sometimes the "Applicant" and "Responsible Individual" names will be the same.)

Contractor's Business Name (on file as "Applicant") _____

Individual Responsible for Contractor's Work _____

Address on file with the Board of Building Regulations and Standards (if different from above):

Street Address: _____

City: _____ State: _____ Zip: _____

Phone: _____

Section 5: Contract Information

A. Date contract was signed: ____/____/____

B. Total Contract Amount: \$ _____

C. Scheduled work start date: ____/____/____ Actual work start date ____/____/____

D. Scheduled work finish date: ____/____/____ Actual work finish date: ____/____/____

E. Include three copies of your contract with your *Request for Arbitration*.

Please answer all questions. Do not make references to attachments instead of completing questions.

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Section 7- Requested Relief

A. Indicate whether you are seeking money from the contractor for your damages, or a specific work performance by the same contractor against whom you are filing this claim. **You must fill in the total dollar amount of your claim.**

Check one:

_____ I am seeking monetary damages from the contractor in the total amount of \$_____.

OR

_____ I am seeking a specific work performance by the same contractor, valued at \$_____.

(Note: Before you determine that you are seeking a specific work performance by the same contractor, you should carefully consider the likelihood of the contractor performing the work, given that the contractor allegedly has already failed to perform the work or has performed shoddy work, which has resulted in this action against the contractor.)

B. List the work that requires completion as well as the work that must be repaired. Circle whether the item is defective or incomplete. For each defective or incomplete item, list an estimated dollar value of how much it will cost to repair or complete that item. **You should consult with a professional in the construction industry to obtain this information (i.e. another contractor, building inspector, etc.)**

List of Defective or Incomplete Items-	Estimated Dollar Value
Defective/Incomplete _____	\$ _____
Defective/Incomplete _____	\$ _____
Defective/Incomplete _____	\$ _____
Defective/Incomplete _____	\$ _____
Defective/Incomplete _____	\$ _____
Defective/Incomplete _____	\$ _____
Defective/Incomplete _____	\$ _____
Defective/Incomplete _____	\$ _____
Defective/Incomplete _____	\$ _____
Defective/Incomplete _____	\$ _____
Defective/Incomplete _____	\$ _____
Defective/Incomplete _____	\$ _____
Defective/Incomplete _____	\$ _____

C. List any additional expenses that you are claiming that were not included in the above list of defective and incomplete work.

Description of expense	Dollar Value of Expense
_____	\$ _____
_____	\$ _____
_____	\$ _____

Please answer all questions. Do not make references to attachments instead of completing questions.

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Section 8- Agreement Signature

Please read the statements below and then sign where indicated.

- I understand that I am required to submit **the original and two photocopies sets (3 complete sets altogether)** of this *Request for Arbitration*.
- I understand that this *Request For Arbitration* must be received by the state-approved arbitration firm provided with this application **no more than 24 months after the date the contract was signed** (unless tolled while in formal mediation).
- I understand and agree to pay the following Arbitration Fees:

Amount of Claim	Arbitrator Fee
Up to \$1,999	\$150
\$2,000 to \$4,999	\$300
\$5,000 to \$9,999	350
\$10,000 to \$24,999	\$450
\$25,000 to \$49,999	\$600
\$50,000+	\$850

The above maximum fees are payable by the filing party. The fee is due upon appointment of the Arbitrator. **DO NOT SEND THE FEE WITH THE APPLICATION.** Should the opposing party file a counterclaim, s/he must pay a fee based upon the same maximum fee schedule.

For claims under \$10,000, the arbitration procedures presuppose that the dispute will be resolved through the submission of written documents, unless any party requests an oral hearing, or the arbitrator determines that an oral hearing is necessary.

An oral hearing should last no longer than four hours. If the arbitrator determines that additional hearing time is necessary to obtain sufficient evidence to render an award, the arbitrator may extend the hearing time. (The hearing also may be extended upon the agreement of each of the parties and the arbitrator.) The arbitrator is authorized to charge an additional fee of up to a maximum \$150.00 per hour if the hearing is extended beyond four hours (some arbitrators may charge less). The total additional fee will be shared equally by the filing and opposing parties.

- I understand that if I win my arbitration case, I may need to pursue further legal action in court to enforce the arbitration award should the contractor fail to comply with the order of the arbitrator.
- **Privacy:** once you voluntarily submit personally identifiable information to us, its dissemination is governed by the Public Records Law, the Fair Information Practices Act, Executive Order 412, and other applicable laws and regulations. For this reason, **part or all of the information you send us may be provided to a member of the public in response to a public records request.**

I hereby request that the state-approved arbitration firm arbitrate my home improvement contract claim, and I hereby certify that all statements made in connection with this request for arbitration are true to the best of my knowledge.

Signed under the pains and penalties of perjury.

Applicant Signature: _____ Date ____/____/____

Applicant Name Printed: _____

Please answer all questions. Do not make references to attachments instead of completing questions.