

Home Improvement and Right to Cure

Wisconsin does not require all contractors to be licensed. If a contractor is doing general construction work like siding, insulation, or roofing on one or two-family homes and they will be the ones getting the building permits, the contractor must have a Dwelling Contractor Certification and a Dwelling Contractor Qualifier Certification from the Wisconsin Department of Safety and Professional Services (DSPS). You can contact DSPS at (608) 266-2112 or [check the contractor's trade license online](#). The certification confirms that the contractor has liability insurance. If the contractor does not have a registration card, you can also ask for a certificate of insurance from the contractor to confirm they have liability coverage.

Home Improvement Consumer Tips are available from the Wisconsin Department of Agriculture Trade and Consumer Protection (DATCP) here:

<https://datcp.wi.gov/Pages/Publications/Hi-ConsumerTips136.aspx>.

Notice to Owner

Under Wisconsin law, a contractor must give a homeowner a “Notice Concerning Construction Defects” when entering into a written contract to do work and before starting work on a project. This notice tells the homeowner about the procedures they must follow before filing a lawsuit against the contractor. The procedure starts with the homeowner sending the contractor a detailed notice of defective or incomplete work, and giving the contractor a chance to correct and complete its work.

Notice to Contractor and Opportunity to Repair

Before the homeowner can start a legal action their contractor, they must send a written notice to the contractor describing the defects, provide evidence (inspection reports, pictures etc.) of the defects, and offer the contractor the chance to repair the defects. The homeowner cannot start a legal action against the contractor until at least 90 working days (not including weekends or holidays) have passed since they gave their contractor written notice and an opportunity to repair the defects.

Contractor Reply to Notice

After the homeowner serves the notice of defect, the contractor must respond in writing within 15 working days. The contractor can:

1. Offer to repair the defect at no cost to the homeowner, including a description of what they will do to fix the defect, and a timeline for completion;
2. Offer to settle the dispute by paying the homeowner money;
3. Offer to repair the defect and pay the homeowner money;
4. Reject the claim, providing reasons for rejection including any evidence (e.g. inspections) the contractor has to support rejecting the claim and any offer of settlement that the contractor's supplier has made;
5. Request an inspection. If the contractor asks for an inspection, the homeowner must allow access to the home within 15 days of getting the inspection request. This access extends to the contractor, any window or door supplier, and their experts. If some demolition is necessary to inspect the claimed defect, the contractor must deliver this request five working days before starting the inspection, and the contractor must return the home to "pre testing" condition within a reasonable time after the inspection.

Within ten working days after the inspection, the contractor must send a written proposal to the homeowner. This proposal can either offer to repair the defect and/or pay money to settle the claim, or it will notify the homeowner that the contractor rejects the claim.

Homeowner Response to Contractor Reply

The homeowner must respond to a contractor's settlement offer to repair and/or pay money, in writing, within 15 working days of getting the offer. The homeowner can accept the offer, explain why the offer is unreasonable, propose a counteroffer, or list anything they think was left out. The contractor may then add to or change their offer.

Alternative Dispute Resolution or Lawsuit

If the contractor refuses to make another offer or the homeowner rejects the updated offer, the homeowner can pursue binding dispute resolution with the contractor. If the contract between the homeowner and contractor requires arbitration, then the homeowner can start arbitration. If the contract does not say anything about alternative dispute resolution, then the homeowner can start a lawsuit by filing a Summons and Complaint in Wisconsin circuit court in the county where the project is located. If the homeowner and the contractor reach an agreement, but the contractor does not make the repairs or pay the settlement, the homeowner can also start a legal action against the contractor.

If the contractor seeks a contribution from a supplier for defective materials, they must send the supplier a notice within five working days of getting the homeowner's claim in order to bring the supplier into the settlement process.

Definition: A supplier is a person who manufactures windows or doors for dwellings.

Process Must be Followed Before Suing Contractor

The "Right to Cure" law provides the steps that are required to be followed by consumers in resolving construction defects against contractors and/or suppliers.

The “Right to Cure” path must be followed before a lawsuit or arbitration can be started. If the homeowner received the Notice Concerning Defects from the contractor, they must follow the above Notice and Opportunity to Repair process before filing a lawsuit against the contractor or supplier. If they do not, the homeowner’s case will be dismissed. If the contractor did not give the homeowner the Notice Concerning Defects, the case will be paused until the contractor gives notice and the homeowner follows the Notice and Opportunity to Repair procedure.

Wisconsin Agencies to File Complaints and Find Resources

The Wisconsin DATCP takes complaints about residential remodeling contractors and tries to resolve them between the homeowner and contractor. See

https://datcp.wi.gov/Pages/Programs_Services/FileConsumerComplaint.aspx

Wisconsin DSPS takes complaints against licensed professionals in the trades as well as other construction-related occupations at

<https://dsps.wi.gov/Pages/SelfService/FileAComplaint.aspx>. The complaint process may result in revocation of the person/entity’s license or other disciplinary action; DSPS does not recover money. They also have [information regarding state building codes](#). Some cities and counties have building inspection departments and their own more particular building codes and local licensing requirements. Check with your local municipality to learn any that might apply to your project.

Last updated on April 10, 2025.

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