Kentucky's Notice and Opportunity to Repair Construction Defects

- "Residence" includes single-family house, duplex, triplex, or quadruplex or unit in a multiunit residential structure in which title to each individual unit is transferred to the owner under a condominium regime – includes general common elements and limited common elements – 411.252(5)
- If claimant files complaint, counterclaim or cross-claim prior to meeting these requirements, court may issue an order holding action in abeyance until parties comply with requirements – 411.258(6)
- Construction Professional (CP) shall provide notice to each homeowner, upon entering into contract for construction, of CP's right to cure a defect before commencement of litigation – 411.260(1) Such notice shall read substantially similar to KRS 411.260(2)

	Claimant	Construction Professional (CP)
Notice of claim	Shall serve notice of claim on CP and describe claim in reasonable detail – 411.258(1)	Must serve response by registered mail or personal service on claimant within 21 days after notice of claim – 411.258(2)
CP response		Shall propose to inspect the residence within specified time; offer to compromise and settle by monetary payment without inspection; or dispute claim – 411.258(2)(a-c)
CP disputes claim or does not respond	May bring action against CP without further notice – 411.258(3)(a)	
Claimant rejects inspection proposal or settlement offer	Must serve written notice of rejection on CP. May bring action against CP after notice of rejection – 411.258(3)(b)	If no acceptance or rejection received within 30 days after CP's response, CP may terminate proposal or offer by serving written notice to claimant – 411.258(3)(b)
Claimant allows CP to inspect	Must provide CP with reasonable access during normal working hours – 411.258(4)(a)	
After inspection	Has right to accept or reject proposed defect correction or monetary settlement	Within 14 days following completion of inspection, CP must serve on claimant: written offer to remedy defect at no cost to claimant; written offer to compromise and settle by monetary payment; or written statement CP will not proceed further to remedy defect – 411.258(4)(b)
CP does not proceed or fails to comply	May bring action against CP without further notice – 411.258(c)	
Claimant rejects offer to remedy or settle	Shall serve written notice of rejection on CP. After notice of rejection, may bring action – 411.258(d)	If no acceptance or rejection has been received within 30 days after claimant received CP's response, CP may terminate offer by serving written notice to claimant – 411.258(d)

	Claimant	Construction Professional (CP)
Claimant accepts offer to remedy	Shall accept by serving CP with written notice of acceptance within reasonable time period after receipt of offer but no later than 30 days – 411.258(5)(a) Must allow CP reasonable access to residence during normal working hours – 411.258(5)(a)	

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