

Builder's Energy Efficiency Disclosure Statement Information

Senate Bill No. 64 was passed during the 2009 Legislative Session, signed into law by Governor Rounds and took effect July 1, 2009. It established certain energy efficiency disclosure requirements for new residential buildings.

11-10-8. Disclosure of information regarding energy efficiency of residential building to buyer or prospective buyer--Time for providing form. Except as provided by § 11-10-9, any person building or selling a previously unoccupied new residential building which is a single-family or multifamily unit of four units or less shall disclose to the buyer or prospective buyer information regarding the energy efficiency of the residential building. The completed disclosure form shall be provided prior to the signing of the contract to purchase and prior to closing if changes have occurred or are requested, and at any other time upon request. For new residential buildings that are completed and suitable for occupancy but unsold, the completed disclosure form shall be made available to the buyer or prospective buyer by the builder or seller when the residence is shown and at any other time upon request. The disclosure shall be made on a form prepared and disseminated by the South Dakota Real Estate Commission.

Source: SL 2009, ch 63, § 2.

11-10-9. Alternative disclosure of information required by federal law. If the new residential building is subject to both the National Manufactured Housing Construction and the Safety Standards Act pursuant to the United States Code, title 42 section 5403 and the Federal Trade Commission regulation on labeling and advertising of home insulation pursuant to 16 C.F.R. section 460.16, both as in effect on January 1, 2009, the builder or seller may disclose, instead of the information required by § 11-10-8, the information regarding the new residential building that is required to be disclosed pursuant to the federal act and regulation.

Source: SL 2009, ch 63, § 3.

11-10-10. Builder's energy efficiency disclosure statement. The disclosure form required in § 11-10-8 shall read as follows: (disclosure form on next page)

BUILDER'S ENERGY EFFICIENCY DISCLOSURE STATEMENT

Builder _____

Property Address _____

This Disclosure Statement concerns the real property identified above situated in the City of _____ County of _____, State of South Dakota.

Part 1. Builder shall provide the following information about the new residential building:

1. Has this new residential building been built or will it be built to meet the energy efficiency standards of the International Energy Conservation Code of 2009 (IECC 2009)?
Yes _____ No _____

2. Has this new residential building received or will it receive any other energy efficient certification?
Yes _____ No _____
If yes, which certification(s): _____

Part 2. Builder shall describe the following energy efficiency elements of the new residential building:

	Actual	2009 IECC*	2009 IECC*
	Value	Zone 5	Zone 6
Wall Insulation R-Value	_____	R-19 (or R-13 cavity + R-5 insulated sheathing)	R-19
Attic Insulation R-Value	_____	R-38	R-49
Foundation Insulation R-Value			
Basement Walls	_____	R-10/13**	R-15-19**
Crawlspace Walls	_____	R-10/13**	R-10/13**
Slab-on-Grade	_____	R-10, 2 ft. depth	R-10, 4 ft. depth
Floors over Unheated Spaces	_____	R-30	R-30
Window U-Value	_____	0.35	0.35
Door U-Value	_____	0.35***	0.35***

Part 3. Builder shall provide the following information about equipment:

1. Does the new residential building contain an Energy Star certified:
 - a. Water heater? Yes _____ No _____
 - b. Heating system (furnace, heat pump, or other)? Yes _____ No _____
 - c. Cooling system (air conditioner, heat pump, or other)? Yes _____ No _____

Part 4. Builder's Notes and Comments:

*IECC stands for International Energy Conservation Code.
 **The first R-Value applies to continuous insulation; the second to framing cavity insulation.
 ***One opaque door per building is exempt from this requirement.

Source: SL 2009, ch 63, § 4; SL 2011, ch 72, § 6.