

66-1228. Same; disclosures required on sale of new residence. (a) Except as provided by subsection (b), the person building or selling a previously unoccupied new residential structure which is a single family or multifamily unit of four units or less shall disclose to the buyer or a prospective buyer, 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, information regarding the energy efficiency of the structure. For new residential structures that are completed and suitable for occupancy, but unsold, the completed disclosure form shall be made available to the buyer or a 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 state corporation commission, which form shall be substantially as follows:

KANSAS ENERGY EFFICIENCY DISCLOSURE

As required by KSA 66-1228

Kansas law requires the person building or selling a previously unoccupied new residential structure which is a single family or multifamily unit of four units or less shall disclose to the buyer or a prospective buyer, 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, information regarding the energy efficiency of the structure. For new residential structures that are completed and suitable for occupancy, but unsold, the completed disclosure form shall be made available to the buyer or a prospective buyer by the builder or seller when the residence is shown and at any other time upon request.

Common Address or Legal Description of Residence:

Part 1: Builder must describe the following energy efficiency elements of this house:

Actual 2006 IRC/IECC* 2006 IRC/IECC*
Value Zone 4 Zone 5
Wall Insulation R-Value _____ R-13 R-19 or 13 + 5
Attic Insulation R-Value _____ R-38 R-38
Foundation Insulation R-Value
 Basement Walls _____ R-10/13 R-10/13
 Crawlspace Walls _____ R-10/13 R-10/13
 Slab-on-Grade _____ R-10, 2 ft R-10, 2 ft
Floors over Unheated Spaces R-Value _____ R-19 R-30
Window U-Value _____ 0.40 0.35

Actual Current Federal Value Manufacturing Standards**

Water Heater
 Gas or Propane (Energy Factor) _____ $0.67 - (0.00019 \times \text{_____}^{***}) = \text{_____}$
 Electric (Energy Factor) _____ $0.97 - (0.00019 \times \text{_____}^{***}) = \text{_____}$

Heating and Cooling Equipment
 Warm-Air Furnace (AFUE) _____ 0.78
 Air Conditioner (SEER) _____ 13
 Air-Source Heat Pump-Cooling (SEER) _____ 13
 Air-Source Heat Pump (HSPF) _____ 7.7

[Note: Federal standards for geothermal heat pumps are not available in 2006.]

Part 2: Builder may provide the following additional information about this house:

- This residence has been/will be built to meet the energy-efficiency standards of the International Energy Conservation Code of 2006 (IECC 2006).
- This residence is an Energy Star Qualified Home and has been verified and field tested in accordance with RESNET standards by a RESNET-accredited provider.
- This residence has received a Home Energy Rating (HERS) index score of 100 or less based on an energy audit performed in accordance with the Mortgage Industry National Home Energy Rating Systems Standards (July 1, 2006) by a rater certified by Residential Energy Services Network (RESNET).

Seller Signature: Date:
 Seller Name and Address:
 Buyer Signature: Date:
 Buyer Signature: Date:

* See reverse for more information on existing standards and explanation of abbreviations.
 ** Equipment meeting federal standards may not always be available.
 *** Insert rated storage volume in gallons.

R-value = Thermal Resistance Rating of insulation materials. The higher the R-value, the better the material resists heat flow (i.e., the better it insulates).

U-value = Heat Loss Rating of windows. The lower the U-value, the less the window loses heat (i.e., the better it prevents heat loss).

Equipment Performance Ratings (the higher the number, the more efficient the equipment)

- AFUE = Annual Fuel Utilization Efficiency:** used to rate gas or propane warm-air furnaces and small boilers.
- SEER = Seasonal Energy Efficiency Ratio:** performance indicator for residential air conditioners and air source heat pumps.
- HSPF = Heating Seasonal Performance Factor:** measures heating performance of air-source heat pumps.
- Energy Factor:** performance indicator of water heater's overall energy efficiency based on the amount of hot water produced per unit of fuel consumed.

Energy Star (based on climate zone as defined in the most current Energy Star Qualified Homes National Performance Path Requirements) qualified homes are at least 15% more energy efficient than homes built to the 2006 International Energy Conservation Code (IECC). Energy Star is a joint program of the U.S. Environmental Protection Agency and Department of Energy. Energy Star Performance Requirements: To qualify as Energy Star, a home must meet the minimum requirements specified, be verified and field-tested in accordance with the RESNET standards by a RESNET-accredited Provider, and meet all applicable codes.

The International Energy Conservation Code (IECC), developed by the International Code Council, sets standards for energy efficiency in homes and commercial and industrial buildings. It is revised on a three-year cycle, with a supplement issue midway through each cycle.

The HERS Index is a scoring system established by the Residential Energy Services Network (RESNET) in which a home built to the specifications of the HERS Reference Home (based on the 2006 International Energy Conservation Code) scores a HERS Index of 100, while a net zero energy home scores a HERS Index of 0. The lower the score, the more energy efficient a home is in comparison to the HERS Reference Home. Each 1-point decrease in the HERS Index corresponds to a 1% reduction in energy consumption compared to the HERS Reference Home. Thus a home with a HERS Index of 85 is 15% more energy efficient than the HERS Reference Home and a home with a HERS Index of 80 is 20% more energy efficient.

RESNET Standards ensure that accurate and consistent home energy ratings are performed by accredited home energy rating systems nationwide; increase the credibility of the rating systems with the mortgage finance industry; and promote voluntary participation in an objective, cost-effective, sustainable home energy rating process. This accreditation process will be used by the mortgage industry to accept home energy ratings and by the states to assure accurate, independent information upon which a state may recognize the home energy ratings as a compliance method for state building energy codes; as qualification for energy programs designed to reach specific energy saving goals; and as a way to provide its housing market the ability to differentiate residences based on their energy efficiency. The Mortgage Industry National Home Energy Rating Systems Standards (July 1, 2006) can be found at http://www.natresnet.org/standards/mortgage/RESNET_Standards-2006.pdf.

(b) If a structure is subject to both the national manufactured housing construction and safety standards act (42 U.S.C. § 5403) and the federal trade commission regulation on labeling and advertising of home insulation, 16 C.F.R. section 460.16, both as in effect on the effective date of this act, the builder or seller may disclose, instead of the information required by subsection (a), the information regarding such structure that is required to be disclosed pursuant to such federal act and regulation.

History: L. 1997, ch. 132, § 18; L. 2003, ch. 86, § 2; L. 2007, ch. 100, § 2; July 1.

Revisor's Note:

The current federal manufacturing standards formulas for water heaters set forth in the statutory form differ from the corresponding formulas set forth on the form disseminated by the state corporation commission. The state corporation commission form accurately reflects the federal standards.