



INSTRUCTIONS FOR COMPLETING THE STATE-SPONSORED INSPECTION AND DISPUTE RESOLUTION PROCESS (SIRP) FORM

When filling out the SIRP Request Form, please type or print legibly in ink. Read the SIRP Request Form and instructions carefully before completing. Be sure to send the inspection fee page and the appropriate inspection fee along with the SIRP Request Form to the commission. **An SIRP Request must be filed:**

- On or before the tenth anniversary of the initial transfer of title from the builder to the owner of the home. If there is no transfer of title, the SIRP Request should be submitted by the tenth anniversary of the date on which the contract for construction of a new home or an improvement was entered.
- On or before the second anniversary of the date the claimed construction defect was discovered, if discovered after September 1, 2003, but not later than the 90th day after the date the applicable warranty period expires.

Warranty Periods are:

- (1) one year for workmanship and materials;
- (2) two years for plumbing, electrical, heating, and air-conditioning delivery systems; and
- (3) ten years for major structural components of the home.

*****PLEASE COMPLETE EVERY REQUESTED SECTION OF THE SIRP FORM*****

SECTION 1 – ADDRESS OF HOME

- Provide the street address, city, state, zip code and county of the home.
- DO NOT provide a Post Office Box for a street address.
- If the home does not have a physical street address, please provide the legal description and/or the 911 designation for the property.

SECTION 2 – DESCRIPTION OF TRANSACTION

- Check only one (1) of the four boxes provided and insert the date(s) requested.
- If the exact date is unknown, please provide an estimated date.

There are statutory requirements under which an SIRP may be accepted. One of the requirements relates to the information requested. Inaccurate information may cause a delay or denial of the SIRP Request or a determination of ineligibility.

SECTION 3 – PARTIES INVOLVED

- Requestor Information (the person(s) submitting the SIRP Request): Please provide all requested information. Both day and evening contact numbers are needed to allow a third-party inspector to easily contact you. Please also circle the preferred method of contact.
- Other Party Involved: Please provide as much information as is known about the other party.

SECTION 4 –LEGAL COUNSEL INVOLVED (IF ANY)

- If the Requestor prefers to designate legal counsel as the primary contact, please provide the requested information in the area noted Counsel for Requestor.
- If the Requestor is aware that the Other Party Involved is represented by legal counsel, please provide the contact information for the other party's in the area noted Counsel for Other Party Involved.

SECTION 5 – TYPE OF REQUEST

Please check the box for the type of SIRP Request being made. Select one (1) only.

- *Workmanship and Materials Request* - Alleged defect(s) due to the questionable quality and performance of the materials or method used to construct the home, including a defect in the plumbing, electrical, heating and air conditioning delivery systems.
- *Structural Request* - Alleged defect(s) to the home which include, but are not limited to, the foundation or other load-bearing portions of the home.
- *Joint Request* – Alleged defect(s) is both structural and involves workmanship and materials.

SECTION 6 –INFORMATION REGARDING ALLEGED DEFECT(S)

NOTE: Alleged defects must have been discovered on or after September 1, 2003, for the request to be eligible for the SIRP.

Descriptive Details of Alleged Defect(s): Briefly list and describe each alleged defect separately including the date each was first discovered. Itemize your concerns numerically (1, 2, 3, etc.). Include only those alleged defects of which both parties have knowledge as a result of notice as required in Section 7. DO NOT attach a copy of the notice letter in lieu of completing Section 6. It may delay processing your request.

SECTION 7 – 30-DAY WRITTEN NOTICE

1. State law requires that the builder has been provided written notice of each alleged construction defect itemized on this form no less than 30 days prior to submitting an SIRP Request. Please attach documentation showing that the builder was provided 30 days written notice of the alleged defect(s) listed. If a written notice has not been provided to the builder, the SIRP Request will be held for 30 days after the builder is notified.
2. Description of Builder's Response: Briefly describe the builder's response to written notice of the alleged defect(s) and, if any portion of the response is in writing, please attach a copy of the response with the SIRP Request form submission. (*Example: No response; attempted repair; failed to resolve problem; etc.*)

SECTION 8 –TYPE OF WARRANTY

Select the type of warranty you have and provide a **complete copy** of that warranty if it is written.

SECTION 9 – ADDITIONAL INFORMATION AND ATTESTATION

1. (a) Out-of-Pocket Expenses: Please itemize any known out-of-pocket expenses incurred by the Requestor in connection with the alleged construction defect(s) to date. Please do not include loss of time or wages.

(b) Engineering and/or Consulting Fees: Please itemize the amounts of any known engineering and/or consulting fees incurred.
2. Names and addresses of all professionals or other persons known to the Requestor that have inspected the alleged construction defect(s) on behalf of the Requestor.
3. Other Documentation: Please enclose any other documentation, if available, showing the nature and cause of the alleged construction defect(s). Do not submit original documents, only copies. (Examples: written warranties, expert reports, photographs, video tapes, etc.)

EXCLUSIONS:

NOTE: When responding to items (3), (4) and (5) in Section 9, **DO NOT INCLUDE**:

(A) any documents or tangible things that were prepared or developed in anticipation of litigation, for trial or for an arbitration proceeding by the Requestor's attorneys or by the attorneys' representatives or agents for the Requestor;

(B) any documents or tangible things that reflect communications between a Requestor and the Requestor's attorneys or the attorneys' representatives or agents on behalf of the Requestor and that were made in anticipation of litigation, for trial or for an arbitration proceeding; or

(C) the name of any person who inspected the home on behalf of the Requestor in connection with the construction defect(s) alleged in the SIRP Request before the SIRP Request was submitted to the commission, so long as the Requestor will not call upon this person as an expert witness or use any of the materials prepared by this person during either the SIRP or any action between the builder and the homeowner that arises out of an alleged construction defect that is the subject of the SIRP Request.

4. **NOTE: It is required that the Requestor send, via certified mail, return receipt requested, a copy of this SIRP Request — excluding the fee page — and copies of all enclosures and attachments to the other party involved.**
 - If the Requestor is aware the Other Party Involved is represented by legal counsel it is required that a copy of this SIRP Request and all attached documents be submitted to the known legal counsel. *The copy sent to Counsel for Other Party Involved does NOT have to be sent by certified mail.*
5. Please attach any written warranties regarding the construction.
6. Please include a copy of your home sales contract.

SECTION 10 – REQUESTOR NAME

Please provide the Requestor's name and telephone number.

SECTION 11 – REMITTER INFORMATION

If the person or organization paying the fee is different from the Requestor identified in Section 3 and Section 7, please complete this section.

SECTION 12 – PAYMENT

Select the form of payment for the type of SIRP Request selected in Section 5 on page one (1).

For a homeowner, the fee to submit a SIRP request is \$250.

If the builder submits a SIRP request, the following fees apply:

\$450.00—Workmanship and Materials

\$650.00—Structural

\$800.00—Joint

Credit Card payments must include the name of the cardholder, signature of cardholder as it appears on the card and billing address including the zip code.

SECTION 13 – SUBMIT FORM and PAYMENT VIA MAIL, FAX OR HAND DELIVERY

If you use a credit card to pay the fee, please either fax your material to 512-463-9507, or mail it to PO Box 13509, Austin, Texas, 78711-3509. With all other forms of payment, send your form and fee to PO Box 13144, Austin, Texas 78711-3144. If you'd prefer to hand-deliver the documents, please do so to: 311 E. 14th Street, Suite 200, Austin, Texas 78701.

For Information call: (877) 651-TRCC or (512) 305-TRCC or visit the Web at www.texasrcc.org

CHECK LIST:

- Did you send a copy of the SIRP Request Form and attachments — excluding fee page — by certified mail, return receipt requested, to Other Party Involved?
- Did you send a copy of the SIRP Request Form and attachments— excluding fee page — to other party's counsel if Other Party Involved is represented?
- Did you include a copy of the 30-day written notice of alleged defects provided to builder before submitting the SIRP Request Form?
- Did you include a completed SIRP Request Form with fee and attachments submitted to the commission?
- Did you include a copy of your contract?
- Did you include a copy of your written warranty?