

South Dakota

Landlord-Tenant Compliance Guide

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■■ IMPORTANT LEGAL DISCLAIMER

This guide provides a summary of key compliance requirements for residential landlord-tenant relationships in South Dakota. It is not legal advice and should not be relied upon as a substitute for consultation with a qualified attorney. Laws change frequently; always verify current requirements with official state sources or legal counsel. enCompliance.com provides this information as-is and makes no warranties regarding accuracy or completeness.

■ Severity Indicators:

- **Critical** - Must comply (legal requirement)
- **Important** - Should follow (best practice)
- **Standard** - Good to know (general info)

■ This guide covers 103 compliance requirements across 14 categories

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1. ADDITIONAL REQUIREMENTS

- 1. Death of Tenant (No corresponding statute)
■ *Legal Reference: No corresponding statute*
- 2. Domestic Violence Protections (SDCL § 43-32-19.1)
■ *Legal Reference: [SDCL § 43-32-19.1](#) (click to view statute)*
- 3. Military Service Protections (Federal SCRA - 50 USC § 3901 et seq., SDCL § 43-8-8)
■ *Legal Reference: [Federal SCRA - 50 USC § 3901 et seq., SDCL § 43-8-8](#) (click to view statute)*
- 4. Foreclosure Impact on Tenants (Federal Protecting Tenants at Foreclosure Act)
■ *Legal Reference: [Federal Protecting Tenants at Foreclosure Act](#) (click to view statute)*
- 5. Smoke-Free Housing Policies (No corresponding statute)
■ *Legal Reference: No corresponding statute*
- 6. Marijuana/Cannabis Policies (No corresponding statute)
■ *Legal Reference: No corresponding statute*
- 7. Rent Control (SDCL § 6-1-13)
■ *Legal Reference: [SDCL § 6-1-13](#) (click to view statute)*
- 8. Squatters Rights / Adverse Possession (SDCL § 15-3-1 et seq.)
■ *Legal Reference: [SDCL § 15-3-1 et seq.](#) (click to view statute)*

2. CORE LEASE REQUIREMENTS

- 1. Lease Formation & Disclosures (SDCL § 43-32-30, 43-32-19.2)
■ *Legal Reference: [SDCL § 43-32-30, 43-32-19.2](#) (click to view statute)*
- 2. Written Lease Requirements (SDCL § 43-32-5)
■ *Legal Reference: [SDCL § 43-32-5](#) (click to view statute)*
- 3. Lease Language Requirements (SDCL § 43-32-6, 43-32-8)
■ *Legal Reference: [SDCL § 43-32-6, 43-32-8](#) (click to view statute)*
- 4. Lease Addendums (Various SDCL § 43-32 sections)
■ *Legal Reference: [Various SDCL § 43-32 sections](#) (click to view statute)*

● **5. Lease Renewal** (SDCL § 43-32-14, 43-32-15)

■ *Legal Reference:* [SDCL § 43-32-14, 43-32-15](#) (click to view statute)

● **6. Lease Termination** (SDCL § 43-32-13, 43-32-22)

■ *Legal Reference:* [SDCL § 43-32-13, 43-32-22](#) (click to view statute)

● **7. Early Termination** (SDCL § 43-32-19, 43-32-19.1)

■ *Legal Reference:* [SDCL § 43-32-19, 43-32-19.1](#) (click to view statute)

3. ENTRY & ACCESS

● **1. Landlord Right to Entry** (SDCL § 43-32-32)

■ *Legal Reference:* [SDCL § 43-32-32](#) (click to view statute)

● **2. Notice for Entry** (SDCL § 43-32-32)

■ *Legal Reference:* [SDCL § 43-32-32](#) (click to view statute)

● **3. Emergency Entry** (SDCL § 43-32-32 (implied))

■ *Legal Reference:* [SDCL § 43-32-32 \(implied\)](#) (click to view statute)

● **4. Tenant's Duty to Allow Access** (SDCL § 43-32-32 (implied))

■ *Legal Reference:* [SDCL § 43-32-32 \(implied\)](#) (click to view statute)

● **5. Locks & Security** (No corresponding statute)

■ *Legal Reference:* No corresponding statute

4. EVICTION PROCEDURES

● **1. Grounds for Eviction** (SDCL § 21-16-1, 21-16-2)

■ *Legal Reference:* [SDCL § 21-16-1, 21-16-2](#) (click to view statute)

● **2. Eviction Notice Requirements** (SDCL § 21-16-1, 43-32-13)

■ *Legal Reference:* [SDCL § 21-16-1, 43-32-13](#) (click to view statute)

● **3. Eviction Court Process** (SDCL § 21-16-3 to 21-16-12)

■ *Legal Reference:* [SDCL § 21-16-3 to 21-16-12](#) (click to view statute)

● **4. Tenant Defenses to Eviction** (Various SDCL § 43-32 sections)

■ *Legal Reference:* [Various SDCL § 43-32 sections \(click to view statute\)](#)

● **5. Writ of Restitution (SDCL § 21-16-12)**

■ *Legal Reference:* [SDCL § 21-16-12 \(click to view statute\)](#)

● **6. Attorney Fees in Eviction (SDCL § 21-16-2)**

■ *Legal Reference:* [SDCL § 21-16-2 \(click to view statute\)](#)

● **7. Post-Eviction Property (SDCL § 43-32-25, 43-32-26)**

■ *Legal Reference:* [SDCL § 43-32-25, 43-32-26 \(click to view statute\)](#)

5. FAIR HOUSING & DISCRIMINATION

● **1. Fair Housing - Protected Classes (Federal) (Federal Fair Housing Act - 42 USC § 3604)**

■ *Legal Reference:* [Federal Fair Housing Act - 42 USC § 3604 \(click to view statute\)](#)

● **2. Fair Housing - Protected Classes (State) (SDCL § 20-13-20)**

■ *Legal Reference:* [SDCL § 20-13-20 \(click to view statute\)](#)

● **3. Discriminatory Acts Prohibited (SDCL § 20-13-20)**

■ *Legal Reference:* [SDCL § 20-13-20 \(click to view statute\)](#)

● **4. Reasonable Accommodations (Disability) (Federal Fair Housing Act, ADA, SDCL § 20-13-20)**

■ *Legal Reference:* [Federal Fair Housing Act, ADA, SDCL § 20-13-20 \(click to view statute\)](#)

● **5. Familial Status Protection (Federal Fair Housing Act - 42 USC § 3604)**

■ *Legal Reference:* [Federal Fair Housing Act - 42 USC § 3604 \(click to view statute\)](#)

● **6. Advertising Compliance (SDCL § 20-13-20)**

■ *Legal Reference:* [SDCL § 20-13-20 \(click to view statute\)](#)

● **7. Tenant Screening Standards (Federal Fair Credit Reporting Act - 15 USC § 1681)**

■ *Legal Reference:* [Federal Fair Credit Reporting Act - 15 USC § 1681 \(click to view statute\)](#)

● **8. Source of Income Discrimination (No corresponding statute)**

■ *Legal Reference:* [No corresponding statute](#)

● **9. Exemptions to Fair Housing (SDCL § 20-13-20)**

■ *Legal Reference:* [SDCL § 20-13-20 \(click to view statute\)](#)

6. FINANCIAL TERMS

● 1. Rent Amount & Payment (SDCL § 43-32-12)

■ *Legal Reference:* [SDCL § 43-32-12](#) (click to view statute)

● 2. Rent Increases (SDCL § 43-32-13, § 6-1-13)

■ *Legal Reference:* [SDCL § 43-32-13, § 6-1-13](#) (click to view statute)

● 3. Late Fees (No corresponding statute)

■ *Legal Reference:* No corresponding statute

● 4. NSF/Bounced Check Fees (SDCL § 57A-3-421)

■ *Legal Reference:* [SDCL § 57A-3-421](#) (click to view statute)

● 5. Application Fees (No corresponding statute)

■ *Legal Reference:* No corresponding statute

● 6. Move-In Fees (No corresponding statute)

■ *Legal Reference:* No corresponding statute

● 7. Pet Fees & Deposits (No corresponding statute, SDCL § 43-32-33 to 43-32-36 (service animals))

■ *Legal Reference:* [No corresponding statute, SDCL § 43-32-33 to 43-32-36 \(service animals\)](#) (click to view statute)

● 8. Utilities (SDCL § 43-32-6, 43-32-8)

■ *Legal Reference:* [SDCL § 43-32-6, 43-32-8](#) (click to view statute)

7. HABITABILITY & REPAIRS

● 1. Implied Warranty of Habitability (SDCL § 43-32-8)

■ *Legal Reference:* [SDCL § 43-32-8](#) (click to view statute)

● 2. Landlord Repair Duties (SDCL § 43-32-8)

■ *Legal Reference:* [SDCL § 43-32-8](#) (click to view statute)

● 3. Tenant Repair Notification (SDCL § 43-32-9)

■ *Legal Reference:* [SDCL § 43-32-9](#) (click to view statute)

● **4. Tenant Repair Remedies (SDCL § 43-32-9)**

■ *Legal Reference: [SDCL § 43-32-9 \(click to view statute\)](#)*

● **5. Emergency Repairs (SDCL § 43-32-9 (implied))**

■ *Legal Reference: [SDCL § 43-32-9 \(implied\) \(click to view statute\)](#)*

● **6. Tenant-Caused Damage (SDCL § 43-32-10)**

■ *Legal Reference: [SDCL § 43-32-10 \(click to view statute\)](#)*

● **7. Pest Control (No corresponding statute (implied under habitability))**

■ *Legal Reference: [No corresponding statute \(implied under habitability\) \(click to view statute\)](#)*

● **8. Mold & Environmental Hazards (No corresponding statute (implied under habitability))**

■ *Legal Reference: [No corresponding statute \(implied under habitability\) \(click to view statute\)](#)*

● **9. Lead-Based Paint (Federal requirement - 42 USC § 4852d)**

■ *Legal Reference: [Federal requirement - 42 USC § 4852d \(click to view statute\)](#)*

● **10. Smoke Detectors & Carbon Monoxide Detectors (No corresponding statute)**

■ *Legal Reference: [No corresponding statute \(click to view statute\)](#)*

● **11. Heating Requirements (SDCL § 43-32-8 (implied))**

■ *Legal Reference: [SDCL § 43-32-8 \(implied\) \(click to view statute\)](#)*

● **12. Water & Plumbing (SDCL § 43-32-8)**

■ *Legal Reference: [SDCL § 43-32-8 \(click to view statute\)](#)*

● **13. Building & Housing Codes (Local ordinances)**

■ *Legal Reference: [Local ordinances](#)*

8. LEASE TERMS & PROVISIONS

● **1. Assignment & Subletting (SDCL § 43-32-20)**

■ *Legal Reference: [SDCL § 43-32-20 \(click to view statute\)](#)*

● **2. Guest Policies (No corresponding statute)**

■ *Legal Reference: [No corresponding statute](#)*

● **3. Occupancy Limits (Local housing codes)**

■ *Legal Reference:* [Local housing codes](#) (click to view statute)

● **4. Parking & Vehicle Policies** (No corresponding statute)

■ *Legal Reference:* [No corresponding statute](#)

● **5. Alterations & Modifications** (No corresponding statute)

■ *Legal Reference:* [No corresponding statute](#) (click to view statute)

● **6. Use of Premises** (SDCL § 43-32-11, 43-32-18)

■ *Legal Reference:* [SDCL § 43-32-11, 43-32-18](#) (click to view statute)

● **7. Property Insurance** (No corresponding statute)

■ *Legal Reference:* [No corresponding statute](#)

● **8. Abandoned Property** (SDCL § 43-32-25, 43-32-26)

■ *Legal Reference:* [SDCL § 43-32-25, 43-32-26](#) (click to view statute)

9. LICENSING & PROPERTY MANAGEMENT

● **1. Property Manager Licensing** (No corresponding statute for property managers)

■ *Legal Reference:* [No corresponding statute for property managers](#) (click to view statute)

● **2. Real Estate Broker Requirements** (SDCL Title 36 Chapter 21)

■ *Legal Reference:* [SDCL Title 36 Chapter 21](#) (click to view statute)

● **3. Trust Account Requirements** (SDCL Title 36 Chapter 21 (real estate regulations))

■ *Legal Reference:* [SDCL Title 36 Chapter 21 \(real estate regulations\)](#) (click to view statute)

● **4. Property Management Agreement** (No corresponding statute)

■ *Legal Reference:* [No corresponding statute](#)

● **5. Rent Collection Procedures** (No corresponding statute)

■ *Legal Reference:* [No corresponding statute](#)

10. LOCAL ORDINANCES

● **1. City-Specific Requirements** (Various local ordinances)

■ *Legal Reference:* [Various local ordinances](#)

- 2. Rental Registration (No state requirement, local ordinances may apply)

■ *Legal Reference: No state requirement, local ordinances may apply*

- 3. Rental Inspections (No state requirement, local ordinances may apply)

■ *Legal Reference: No state requirement, local ordinances may apply*

- 4. HOA Rules (No corresponding statute)

■ *Legal Reference: No corresponding statute*

- 5. Condo Association Rules (No corresponding statute)

■ *Legal Reference: No corresponding statute*

- 6. Zoning Compliance (Local zoning ordinances)

■ *Legal Reference: [Local zoning ordinances](#) (click to view statute)*

- 7. Business License (Local ordinances)

■ *Legal Reference: Local ordinances*

11. REPORTING & DOCUMENTATION

- 1. Record Retention (No corresponding statute, general business practice)

■ *Legal Reference: [No corresponding statute, general business practice](#) (click to view statute)*

- 2. Rent Payment Records (General business practice)

■ *Legal Reference: General business practice*

- 3. Maintenance Logs (SDCL § 43-32-8, 43-32-9 (implied))

■ *Legal Reference: [SDCL § 43-32-8, 43-32-9 \(implied\)](#) (click to view statute)*

- 4. Inspection Reports (Best practice)

■ *Legal Reference: Best practice*

- 5. Lead Registry (Federal requirement - 42 USC § 4852d)

■ *Legal Reference: [Federal requirement - 42 USC § 4852d](#) (click to view statute)*

- 6. Methamphetamine Registry (SDCL § 43-32-30)

■ *Legal Reference: [SDCL § 43-32-30](#) (click to view statute)*

- 7. Bedbug Registry (No corresponding statute)

■ *Legal Reference: No corresponding statute*

● **8. Tax Reporting (Federal and state tax law)**

■ *Legal Reference: [Federal and state tax law](#) (click to view statute)*

12. RETALIATION & PROHIBITED ACTS

● **1. Prohibited Retaliation (SDCL § 43-32-27, 43-32-28)**

■ *Legal Reference: [SDCL § 43-32-27, 43-32-28](#) (click to view statute)*

● **2. Presumption of Retaliation (SDCL § 43-32-28)**

■ *Legal Reference: [SDCL § 43-32-28](#) (click to view statute)*

● **3. Self-Help Eviction Prohibited (SDCL § 43-32-6)**

■ *Legal Reference: [SDCL § 43-32-6](#) (click to view statute)*

● **4. Harassment Prohibited (No corresponding statute (covered under quiet enjoyment))**

■ *Legal Reference: [No corresponding statute \(covered under quiet enjoyment\)](#) (click to view statute)*

13. SECURITY DEPOSITS

● **1. Security Deposit Limits (SDCL § 43-32-6.1)**

■ *Legal Reference: [SDCL § 43-32-6.1](#) (click to view statute)*

● **2. Security Deposit Storage (No corresponding statute)**

■ *Legal Reference: No corresponding statute*

● **3. Security Deposit Return (SDCL § 43-32-24)**

■ *Legal Reference: [SDCL § 43-32-24](#) (click to view statute)*

● **4. Allowable Deductions (SDCL § 43-32-24)**

■ *Legal Reference: [SDCL § 43-32-24](#) (click to view statute)*

● **5. Itemization Requirements (SDCL § 43-32-24)**

■ *Legal Reference: [SDCL § 43-32-24](#) (click to view statute)*

● **6. Security Deposit Interest (No corresponding statute)**

■ *Legal Reference: No corresponding statute*

● 7. Walk-Through Inspection (No corresponding statute)

■ *Legal Reference: No corresponding statute*

14. SPECIAL PROPERTY TYPES

● 1. Mobile Home Parks (SDCL § 43-32-31)

■ *Legal Reference: [SDCL § 43-32-31](#) (click to view statute)*

● 2. Manufactured Housing (SDCL § 43-32-31)

■ *Legal Reference: [SDCL § 43-32-31](#) (click to view statute)*

● 3. Subsidized Housing (Federal HUD regulations)

■ *Legal Reference: [Federal HUD regulations](#) (click to view statute)*

● 4. Student Housing (No corresponding statute)

■ *Legal Reference: No corresponding statute*

● 5. Senior Housing (55+) (Federal Fair Housing Act (55+ housing exemption))

■ *Legal Reference: [Federal Fair Housing Act \(55+ housing exemption\)](#) (click to view statute)*

● 6. Short-Term Rentals / Vacation Rentals (No state statute, check local ordinances)

■ *Legal Reference: No state statute, check local ordinances*

● 7. Commercial Property (SDCL § 43-32 generally excludes commercial)

■ *Legal Reference: [SDCL § 43-32 generally excludes commercial](#) (click to view statute)*

Severity Indicators:

- Critical requirement (must comply)
- Important guideline (should follow)
- Standard information (good to know)

■■ LOCAL ORDINANCES & MUNICIPAL REQUIREMENTS

Note: The following requirements are specific to certain municipalities or counties within the state and may differ from or supplement statewide regulations. Always verify local requirements with your city or county government.

● 1. City-Specific Requirements (Various local ordinances)

■ *Legal Reference: Various local ordinances*

● **2. Rental Registration** (No state requirement, local ordinances may apply)

■ *Legal Reference: No state requirement, local ordinances may apply*

● **3. Rental Inspections** (No state requirement, local ordinances may apply)

■ *Legal Reference: No state requirement, local ordinances may apply*

● **4. HOA Rules** (No corresponding statute)

■ *Legal Reference: No corresponding statute*

● **5. Condo Association Rules** (No corresponding statute)

■ *Legal Reference: No corresponding statute*

● **6. Zoning Compliance** (Local zoning ordinances)

■ *Legal Reference: [Local zoning ordinances](#)*

● **7. Business License** (Local ordinances)

■ *Legal Reference: Local ordinances*

For the most current information, always consult official state sources.

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