Texas Real Estate Commission - General Provisions (R.) Licensed Real Estate Inspectors 535.227-535.233

This document will help the reader to understand were changes were made to the Standrds of Practice.

Topics Highlighted In Yellow = Additions to the Standards
Topics Highlighted in Gray = Changes in wording of a standard that already exsisted.
Arrows → = Removal of a Standards

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§535.227. Standards of Practice: General Provisions

(a) Definitions.

(1) Accessible – In the judgment of the inspector, capable of being approached, entered, or viewed without:

(A) hazard to the inspector;

(B) having to climb over obstacles, moving furnishings or large, heavy, or fragile objects;

(C) using specialized equipment or procedures;

(D) disassembling items other than covers or panels intended to be removed for inspection;

(E) damaging property, permanent construction or building finish; or

(F) using a ladder for portions of the inspection other than the roof or attic space.

(2) Chapter 1102 – Texas Occupations Code, Chapter 1102.

(3) Component - A part of a system.

(4) Cosmetic – Related only to appearance or aesthetics, and not related to performance, operability, or water penetration.

(5) Deficiency – In the judgment of the inspector, a condition that:

(A) adversely and materially affects the performance of a system, or component; or

(B) constitutes a hazard to life, limb, or property as specified by these standards of practice.

(6) Deficient – Reported as having one or more deficiencies.

(7) Inspect – To operate in normal ranges using ordinary controls at typical settings, look at and examine accessible systems or components and report observed deficiencies as specified by these standards of practice.

(8) Performance - Achievement of an operation, function or configuration relative to accepted industry standard practices with consideration of age, as-built conditions and normal wear and tear from ordinary use.

(9) Report – To provide the inspector's opinions and findings on the standard inspection report form as required by §§535.222 and 535.223 of this title.

(10) Specialized equipment – Equipment such as thermal imaging equipment, moisture meters, gas leak detection equipment, environmental testing equipment and devices, elevation determination devices, and ladders capable of reaching surfaces over one story above ground surfaces.

(11) Specialized procedures – Procedures such as environmental testing, elevation measurement, calculations and any method employing destructive testing that damages otherwise sound materials or finishes.

(12) Standards of practice – §§535.227-535.233 of this title.

(13) Substantially completed – The stage of construction when a new building, addition, improvement, or alteration to an existing building is sufficiently complete that the building, addition, improvement or alteration can be occupied or used for its intended purpose.

(14) Technically Exhaustive – A comprehensive investigation beyond the scope of a real estate inspection which would involve determining the cause or effect of deficiencies, exploratory probing or discovery, the use of specialized knowledge, equipment or procedures.

(b) Scope.

(1) These standards of practice define the minimum levels of inspection required for substantially completed residential improvements to real property up to four dwelling units. A real estate inspection is a non-technically exhaustive, limited visual survey and basic performance evaluation of the systems and components of a building using normal controls and does not require the use of specialized equipment or procedures. The purpose of the inspection is to provide the

client with information regarding the general condition of the residence at the time of inspection. The inspector may provide a higher level of inspection performance than required by these standards of practice and may inspect components and systems in addition to those described by the standards of practice.

(2) General Requirements. The inspector shall:

(A) operate fixed or installed equipment and appliances listed herein in at least one mode with ordinary controls at typical settings;

(B) visually inspect accessible systems or components from near proximity to the systems and components, and from the interior of the attic and crawl spaces; and

(C) complete the standard inspection report form as required by §§535.222 and 535.223 of this title.

(3) General limitations. The inspector is not required to:

(A) inspect:

(i) items other than those listed within these standards of practice;

(ii) elevators;

(iii) detached buildings, decks, docks, fences, or waterfront structures or equipment;

(iv) anything buried, hidden, latent, or concealed;

(v) sub-surface drainage systems;

(vi) automated or programmable control systems, automatic shut-off, photoelectric sensors, timers, clocks, metering devices, signal lights, lightning arrestor system, remote controls, security or data distribution systems, solar panels or smart home automation components; or

(vii) concrete flatwork such as; driveways, sidewalks, walkways, paving stones or patios;

(B) report:

(i) past repairs that appear to be effective and workmanlike except as specifically required by these standards;

(ii) cosmetic or aesthetic conditions; or

(iii) wear and tear from ordinary use;

(C) determine:

(i) insurability, warrantability, suitability, adequacy, compatibility, capacity, reliability, marketability, operating costs, recalls, counterfeit products, product lawsuits, life expectancy, age, energy efficiency, vapor barriers, thermostatic performance, compliance with any code, listing, testing or protocol authority, utility sources, or manufacturer or regulatory requirements except as specifically required by these standards;

(ii) the presence or absence of pests, termites, or other wood-destroying insects or organisms;

(iii) the presence, absence, or risk of asbestos, lead-based paint, mold, mildew, corrosive gypsum board “Chinese Drywall” or any other environmental hazard, environmental pathogen, carcinogen, toxin, mycotoxin, pollutant, fungal presence or activity, or poison;

(iv) types of wood or preservative treatment and fastener compatibility; or

(v) the cause or source of a conditions;

(D) anticipate future events or conditions, including but not limited to:

(i) decay, deterioration, or damage that may occur after the inspection;

(ii) deficiencies from abuse, misuse or lack of use;

(iii) changes in performance of any component or system due to changes in use or occupancy;

(iv) the consequences of the inspection or its effects on current or future buyers and sellers;

(v) common household accidents, personal injury, or death;
(vi) the presence of water penetrations; or
(vii) future performance of any item;
(E) operate shut-off, safety, stop, pressure or pressure-regulating valves or items requiring the use of codes, keys, combinations, or similar devices;
(F) designate conditions as safe;
(G) recommend or provide engineering, architectural, appraisal, mitigation, physical surveying, realty, or other specialist services;
(H) review historical records, installation instructions, repair plans, cost estimates, disclosure documents, or other reports;
(I) verify sizing, efficiency, or adequacy of the ground surface drainage system;
(J) verify sizing, efficiency, or adequacy of the gutter and downspout system;
(K) operate recirculation or sump pumps;
(L) remedy conditions preventing inspection of any item;
(M) apply open flame or light a pilot to operate any appliance;
(N) turn on decommissioned equipment, systems or utility services; or
(O) provide repair cost estimates, recommendations, or re-inspection services.
(4) In the event of a conflict between specific provisions and general provisions in the standards of practice, specific provisions shall take precedence.
(5) Departure.
(A) An inspector may depart from the inspection of a component or system required by the standards of practice only if:
(i) the inspector and client agree the item is not to be inspected;
(ii) the inspector is not qualified to inspect the item;
(iii) in the judgment of the inspector, conditions exist that prevent inspection of an item;
(iii) the item is a common element of a multi-family development and is not in physical contact with the unit being inspected, such as the foundation under another building or a part of the foundation under another unit in the same building;
(iv) the inspector reasonably determines that conditions or materials are hazardous to the health or safety of the inspector; or
(v) in the judgment of the inspector, the actions of the inspector may cause damage to the property.
(B) If an inspector departs from the inspection of a component or system required by the standards of practice, the inspector shall:
(i) notify the client at the earliest practical opportunity that the component or system will not be inspected; and
(ii) make an appropriate notation on the inspection report form, stating the reason the component or system was not inspected.
(C) If the inspector routinely departs from inspection of a component or system required by the standards of practice, and the inspector has reason to believe that the property being inspected includes that component or system, the earliest practical opportunity for the notice required by this subsection is the first contact the inspector makes with the prospective client.
(c) Enforcement. Failure to comply with the standards of practice is grounds for disciplinary action as prescribed by Chapter 1102.

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§535.228. Standards of Practice: Minimum Inspection Requirements for Structural Systems

(a) Foundations. The inspector shall:

(1) render a written opinion as to the performance of the foundation; and

(2) report:

(A) the type of foundations;

(B) the vantage point from which the crawl space was inspected;

(3) generally report present and visible indications used to render the opinion of adverse performance, such as:

(A) binding, out-of-square, non-latching doors;

(B) framing or frieze board separations;

(C) sloping floors:

(D) window, wall, floor, or ceiling cracks or separations; and

(E) rotating, buckling, cracking, or deflecting masonry cladding.

(4) report as Deficient:

(A) deteriorated materials;

(B) deficiencies in foundation components such as; beams, joists, bridging, blocking, piers, posts, pilings, columns, sills or subfloor;

(C) deficiencies in retaining walls related to foundation performance;

(D) exposed or damaged reinforcement;

(E) crawl space ventilation that is not performing; and

(F) crawl space drainage that is not performing;

(5) The inspector is not required to:

(A) enter a crawl space or any area where headroom is less than 18 inches or the access opening is less than 24 inches wide and 18 inches high;

(B) provide an exhaustive list of indicators of possible adverse performance; or

(C) inspect retaining walls not related to foundation performance.

(b) Grading and drainage. The inspector shall:

(1) report as Deficient:

(A) drainage around the foundation that is not performing;

(B) deficiencies in grade levels around the foundation; and

(C) deficiencies in installed gutter and downspout systems.

(2) The inspector is not required to:

(A) inspect flatwork or detention/retention ponds (except as related to slope and drainage);

(B) determine area hydrology or the presence of underground water; or

(C) determine the efficiency or performance of underground or surface drainage systems.

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(c) Roof covering materials. The inspector shall:
(1) report:
(A) type of roof coverings;
(B) vantage point from where the roof was inspected,
(C) evidence of water penetration;
(2) report as Deficient:
(A) deficiencies in:
(i) fasteners;
(ii) adhesion;
(iii) roof covering materials;
(iv) flashing details;
(v) skylights; and
(vi) other roof penetrations.
(3) The inspector is not required to:
(A) determine the remaining life expectancy of the roof covering;
(B) inspect the roof from the roof level if, in the inspector's judgment, the inspector cannot safely reach or stay on the roof or significant damage to the roof covering materials may result from walking on the roof;
(C) determine the number of layers of roof covering material;
(D) identify latent hail damage;
(E) exhaustively examine all fasteners and adhesion, or
(F) provide an exhaustive list of locations of deficiencies and water penetrations.

(d) Roof structures and attics. The inspector shall:
(1) report:
(A) the vantage point from which the attic space was inspected;
(B) approximate average depth of attic insulation;
(C) evidence of water penetration;
(2) report as Deficeint:
(A) attic space ventilation that is not performing;
(B) deflections or depressions in the roof surface as related to adverse performance of the framing and decking;
(C) missing insulation;
(D) deficiencies in
(i) installed framing members and decking;
(ii) attic access ladders and access openings; and
(iii) attic ventilators.
(3) The inspector is not required to:
(A) enter attics or unfinished spaces where openings are less than 22 inches by 30 inches or headroom is less than 30 inches;
(B) operate powered ventilators; or
(C) provide an exhaustive list of locations of deficiencies and water penetrations.

(e) Interior walls, ceilings, floors, and doors. The inspector shall:

(1) report evidence of water penetration;

(2) report as Deficient:

(A) deficiencies in the condition and performance of doors and hardware;

(B) deficiencies related to structural performance or water penetration; and

(C) the absence of or deficiencies in fire separation between the garage and the living space and between the garage and its attic.

(3) The inspector is not required to:

(A) report cosmetic damage or the condition of floor, wall, or ceiling coverings; paints, stains, or other surface coatings; cabinets; or countertops, or

(B) provide an exhaustive list of locations of deficiencies and water penetrations.

(f) Exterior walls, doors, and windows. The inspector shall:

(1) report evidence of water penetration;

(2) report as Deficient:

(B) the absence of performing emergency escape and rescue openings in all sleeping rooms;

(C) a solid wood door less than 1-3/8 inches in thickness, a solid or honeycomb core steel door less than 1-3/8 inches thick, or a 20-minute fire-rated door between the residence and an attached garage;

(D) missing or damaged screens;

(E) deficiencies related to structural performance or water penetration;

(F) deficiencies in:

(i) weatherstripping, gaskets or other air barrier materials;

(ii) claddings;

(iii) water resistant materials and coatings;

(iv) flashing details and terminations;

(v) the condition and performance of exterior doors, garage doors and hardware; and

(vi) the condition and performance of windows and components.

(2) The inspector is not required to:

(A) report the condition of awnings, blinds, shutters, security devices, or other non-structural systems;

(B) determine the cosmetic condition of paints, stains, or other surface coatings; or

(C) operate a lock if the key is not available.

(D) provide an exhaustive list of locations of deficiencies and water penetrations.

(g) Exterior and interior glazing. The inspector shall:

(1) report as Deficient:

(A) insulated windows that are obviously fogged or display other evidence of broken seals;

(B) deficiencies in glazing, weather stripping and glazing compound in windows and doors; and

(C) the absence of safety glass in hazardous locations.

(2) The inspector is not required to:

(A) exhaustively inspect insulated windows for evidence of broken seals;

(B) exhaustively inspect glazing for identifying labels; or

(C) identify specific locations of damage.

(h) Interior and exterior stairways. The inspector shall:

(1) report as Deficient:

(A) spacing between intermediate balusters, spindles, or rails for steps, stairways, guards, and railings that permit passage of an object greater than 4 inches in diameter, except that on the open side of the staircase treads, spheres less than 4-3/8 inches in diameter may pass through the guard rail balusters or spindles; and

(B) deficiencies in steps, stairways, landings, guardrails, and handrails.

(2) The inspector is not required to exhaustively measure every stairway component.

(i) Fireplaces and chimneys. The inspector shall:

(1) report as Deficient:

(A) built-up creosote in accessible areas of the firebox and flue;

(B) the presence of combustible materials in near proximity to the firebox opening;

(C) the absence of fireblocking at the attic penetration of the chimney flue, where accessible; and

(D) deficiencies in the:

(i) damper;

(ii) lintel, hearth, hearth extension, and firebox;

(iii) gas valve and location;

(iv) circulating fan;

(v) combustion air vents; and

(vi) chimney structure, termination, coping, crown, caps, and spark arrestor.

(2) The inspector is not required to:

(A) verify the integrity of the flue;

(B) perform a chimney smoke test; or

(C) determine the adequacy of the draft.

(j) Porches, Balconies, Decks, and Carports. The inspector shall:

(1) inspect:

(A) attached balconies, carports, and porches;

(B) abutting porches, decks, and balconies that are used for ingress and egress; and

(2) report as Deficient:

(A) on decks 30 inches or higher above the adjacent grade, spacings between intermediate balusters, spindles, or rails that permit passage of an object greater than four inches in diameter; and

(B) deficiencies in accessible components.

(3) The inspector is not required to:

(A) exhaustively measure every porch, balcony, deck, or attached carport components; or

(B) enter any area where headroom is less than 18 inches or the access opening is less than 24 inches wide and 18 inches high.

§535.229. Standards of Practice: Minimum Inspection Requirements for Electrical Systems

(a) Service entrance and panels. The inspector shall:

(1) report as Deficient:

(A) a drop, weatherhead or mast that is not securely fastened to the building;

(B) the absence of or deficiencies in the grounding electrode system;

(C) missing or damaged dead fronts or covers plates;

(D) conductors not protected from the edges of electrical cabinets, gutters, or cutout boxes;

(E) electrical cabinets and panel boards not appropriate for their location; such as a clothes closet, bathrooms or where they are exposed to physical damage;

(F) electrical cabinets and panel boards that are not accessible or do not have a minimum of 36-inches of clearance in front of them;

(G) deficiencies in:

(i) electrical cabinets, gutters, cutout boxes, and panel boards;

(ii) the insulation of the service entrance conductors, drip loop, separation of conductors at weatherheads, and clearances;

(iii) the compatibility of overcurrent devices and conductors;

(iv) the overcurrent device and circuit for labeled and listed 240 volt appliances;

(v) bonding and grounding;

(vi) conductors;

(vii) the operation of ***installed*** ground-fault or arc-fault circuit interrupter devices; and

(H) the absence of:

(i) trip ties on 240 volt overcurrent devices;

(ii) appropriate connections;

(iii) anti-oxidants on aluminum conductor terminations;

(iv) a main disconnecting means.

(2) The inspector is not required to:

(A) determine present or future sufficiency of service capacity amperage, voltage, or the capacity of the electrical system;

(B) test arc-fault circuit interrupter devices when the property is occupied or damage to personal property may result, in the inspector's judgment;

(C) conduct voltage drop calculations;
(D) determine the accuracy of overcurrent device labeling;
(E) remove covers where hazardous as judged by the inspector;
(F) verify the effectiveness of overcurrent devices; or
(G) operate overcurrent devices.

(b) Branch circuits, connected devices, and fixtures. The inspector shall:
(1) manually test the installed and accessible smoke and carbon monoxide alarms;
(2) report:
(A) the type of branch circuit conductors;
(3) report as Deficient:
(A) the absence of ground-fault circuit interrupter protection in all:
(i) bathroom receptacles;
(ii) non-appliance dedicated garage receptacles;
(iii) outdoor receptacles;
(iv) crawl space receptacles;
(v) unfinished basement receptacles;
(vi) kitchen countertop receptacles; and
(vii) laundry, utility, and wet bar sink receptacles located within 6 feet of the outside edge of a laundry, utility, or wet bar sink;
(B) the failure of operation of ground-fault circuit interrupter protection devices;
(C) missing or damaged receptacle, switch or junction box covers;
(D) the absence of:
(i) equipment disconnects;
(ii) appropriate connections, such as copper/aluminum approved devices, if branch circuit aluminum conductors are discovered in the main or sub-panel based on a random sampling of accessible receptacles and switches;
(E) deficiencies in:
(i) receptacles;
(ii) switches;
(iii) bonding or grounding;
(iv) wiring, wiring terminations, junction boxes, devices, and fixtures, including improper location;
(v) doorbell and chime components;
(vi) smoke and carbon monoxide alarms;
(F) improper use of extension cords;
(G) deficiencies in or absences of conduit, where applicable; and
(H) the absence of smoke alarms:
(i) in each sleeping room;
(ii) outside each separate sleeping area in the immediate vicinity of the sleeping rooms; and
(iii) in the living space of each story of the dwelling.

(4) The inspector is not required to:

(A) inspect low voltage wiring;

(B) disassemble mechanical appliances;

(C) verify the effectiveness of smoke alarms;

(D) verify interconnectivity of smoke alarms;

(E) activate smoke or carbon monoxide alarms that are or may be monitored or require the use of codes;

(F) verify that smoke alarms are suitable for the hearing-impaired;

(G) remove the covers of junction, fixture, receptacle or switch boxes unless specifically required by these standards.

§535.230. Standards of Practice: Minimum Inspection Requirements for Heating, Ventilation, and Air Conditioning Systems

(a) Heating equipment. The inspector shall:

(1) report:

(A) the type of heating systems;

(B) the energy sources;

(2) report as Deficient:

(A) inoperative units;

(B) deficiencies in the thermostats,

(C) inappropriate location;

(D) the lack of protection from physical damage;

(E) burners, burner ignition devices or heating elements, switches, and thermostats that are not a minimum of 18 inches above the lowest garage floor elevation, unless the unit is listed for garage floor installation;

(F) the absence of an opening that would allow access to equipment for inspection, service, repair or replacement without removing permanent construction or building finish;

(G) when applicable; a floored passageway and service platform that would allow access for equipment inspection, service, repair or replacement;

(H) degiciencies in mounting and performance of window and wall units;

(I) in electric units, deficiencies in:

(i) performance of heat pumps;

(ii) performance of heating elements; and

(iii) condition of conductors; and

(J) in gas units:

(i) gas leaks;

(ii) flame impingement, uplifting flame, improper flame color, or excessive scale buildup;

(iii) the absence of a gas shut-off valve within six feet of the appliance;

(iv) the absence of a gas appliance connector or one that exceeds six feet in length;

(v) gas appliance connectors that are concealed within or extended through walls, floors, partitions, ceilings or appliance housings; and

(vi) deficiencies in:

(a) combustion, and dilution air;

(b) gas shut-off valves;

(c) access to a gas shutoff valves that prohibits full operation;

(d) gas appliance connector materials; and

(e) the vent pipe, draft hood, draft, proximity to combustibles, and vent termination point and clearances; and

(b) Cooling equipment other than evaporative coolers. The inspector shall:

(1) report the type of systems;

(2) report as Deficient:

(A) inoperative units;

(B) inadequate cooling as demonstrated by its performance;

(C) the absence of an opening that would allow access to equipment for inspection, service, repair or replacement without removing permanent construction or building finish;

(D) when applicable; a floored passageway and service platform that would allow access for equipment inspection, service, repair or replacement;

(E) noticeable vibration of blowers or fans;

(F) water in the auxiliary/secondary drain pan;

(G) a primary drain pipe that discharges in a sewer vent;

(H) missing or deficient refrigerant pipe insulation;

(I) dirty coils, where accessible;

(J) condensing units lacking adequate clearances or air circulation or that has deficiencies in the fins, location, levelness, or elevation above grade surfaces;

(K) deficiencies in:

(i) the condensate drain and auxiliary/secondary pan and drain system;

(ii) mounting and performance of window or wall units; and

(iii) thermostats.

(c) Evaporative coolers. The inspector shall:

(1) report:

(A) type of systems;

(B) the type of water supply line;

(2) report as Deficient:

(A) inoperative units;

(B) inadequate access and clearances;

(C) deficiencies in performance or mounting;

(D) missing or damaged components;

(E) the presence of active water leaks; and

(F) the absence of backflow prevention.

(d) Duct systems, chases, and vents. The inspector shall report as Deficient::

(1) damaged duct systems or improper material;
(2) damaged or missing duct insulation;
(3) the absence of air flow at accessible supply registers;
(4) the presence of gas piping and sewer vents concealed in ducts, plenums and chases;
(5) ducts or plenums in contact with earth; and
(6) deficiencies in:
(A) filters;
(B) grills or registers; and
(C) the location of return air openings.

(e) The inspector is not required to:
(1) program digital thermostats or controls;
(2) inspect:
(A) for pressure of the system refrigerant, type of refrigerant, or refrigerant leaks;
(B) winterized or decommissioned equipment; or
(C) duct fans, humidifiers, dehumidifiers, air purifiers, motorized dampers, electronic air filters, multi-stage controllers, sequencers, heat reclaimers, wood burning stoves, boilers, oil-fired units, supplemental heating appliances, de-icing provisions, or reversing valves;
(3) operate:
(A) setback features on thermostats or controls;
(B) cooling equipment when the outdoor temperature is less than 60 degrees Fahrenheit;
(C) radiant heaters, steam heat systems, or unvented gas-fired heating appliances; or
(D) heat pumps when the outdoor temperature **is above 70 degrees;**
(4) verify:
(A) compatibility of components;
(B) tonnage match of indoor coils and outside coils or condensing units;
(C) the accuracy of thermostats; or
(D) the integrity of the heat exchanger; or
(5) determine:
(A) sizing, efficiency, or adequacy of the system;
(B) balanced air flow of the conditioned air to the various parts of the building; or
(C) types of materials contained in insulation.

§535.231. Standards of Practice: Minimum Inspection Requirements for Plumbing Systems

(a) Plumbing systems. The inspector shall:
(1) report:
(A) location of water meter;
(B) location of homeowners main water supply shutoff valve;
(2) report as Deficient:
(A) the presence of active leaks;
(B) the absence of:
(i) fixture shut-off valves;
(ii) dielectric unions, when applicable;

(iii) back-flow devices, anti-siphon devices, or air gaps at the flow end of fixtures; and

(C) deficiencies in:

(i) water supply pipes and waste pipes;

(ii) the installation and termination of the vent system;

(iii) the performance of fixtures and faucets not connected to an appliance;

(iv) water supply, as determined by viewing functional flow in two fixtures operated simultaneously;

(v) fixture drain performance;

(vi) orientation of hot and cold faucets;

(vii) installed mechanical drain stops;

(viii) commodes, fixtures, showers, tubs, and enclosures; and

(ix) the condition of the gas distribution system.

(3) The inspector is not required to:

(A) operate any main, branch, or shut-off valves;

(B) operate or inspect sump pumps or waste ejector pumps;

(C) verify the performance of:

(i) the bathtub overflow;

(ii) clothes washing machine drains or hose bibbs; or

(iii) floor drains;

(4) inspect:

(A) any system that has been winterized, shut down or otherwise secured;

(B) circulating pumps, free-standing appliances, solar water heating systems, water-conditioning equipment, filter systems, water mains, private water supply systems, water wells, pressure tanks, sprinkler systems, swimming pools, or fire sprinkler systems;

(C) inaccessible gas supply system components for leaks;

(D) for sewer clean-outs; or

(E) for the presence or performance of private sewage disposal systems; or

(5) determine:

(A) quality, potability, or volume of the water supply; or

(B) effectiveness of backflow or anti-siphon devices.

(b) Water heaters. The inspector shall:

(1) report:

(A) the energy source;

(B) the capacity of the units;

(2) report as Deficient:

(A) inoperative units;

(B) leaking or corroded fittings or tanks;

(C) damaged or missing components;

(D) the absence of a cold water shut-off valve;

(E) if applicable, the absence of a pan or a pan drain system that does not terminate over a waste receptor or to the exterior of the building above the ground surface;

(F) inappropriate locations;

(G) the lack of protection from physical damage;

(H) burners, burner ignition devices or heating elements, switches, or thermostats that are not a minimum of 18 inches above the lowest garage floor elevation, unless the unit is listed for garage floor installation;

(I) the absence of an opening that would allow access to equipment for inspection, service, repair or replacement without removing permanent construction or building finish;

(J) when applicable; a floored passageway and service platform that would allow access for equipment inspection, service, repair or replacement;

(K) the absence of or deficiencies in the temperature and pressure relief valve and discharge piping; and

(L) in electric units, deficiencies in:

(i) performance of heating elements; and

(ii) condition of conductors; and

(M) in gas units:

(i) gas leaks;

(ii) flame impingement, uplifting flame, improper flame color, or excessive scale build-up;

(iii) the absence of a gas shut-off valve within six feet of the appliance;

(iv) the absence of a gas appliance connector or one that exceeds six feet in length;

(v) gas appliance connectors that are concealed within or extended through walls, floors, partitions, ceilings or appliance housings;

(vi) deficiencies in:

(a) combustion and dilution air;

(b) gas shut-off valves;

(c) access to a gas shutoff valves that prohibit full operation;

(d) gas appliance connector materials; and

(e) vent pipe, draft hood, draft, proximity to combustibles, and vent termination point and clearances.

(3) The inspector is not required to:

(A) verify the effectiveness of the temperature and pressure relief valve, discharge piping, or pan drain pipes;

(B) operate the temperature and pressure relief valve if the operation of the valve may, in the inspector's judgment, cause damage to persons or property; or

(C) determine the efficiency or adequacy of the unit.

(c) Hydro-massage therapy equipment. The inspector shall:

(1) report as Deficient:

(A) inoperative units;

(B) the presence of active leaks;

(C) deficiencies in components and performance;

(D) missing and damaged components;

(E) the absence of an opening that would allow access to equipment for inspection, service, repair or replacement without removing permanent construction or building finish; and

(F) the absence or failure of operation of ground-fault circuit interrupter protection devices; and

(2) The inspector is not required to determine the adequacy of self-draining features of circulation systems.

§535.232. Standards of Practice: Minimum Inspection Requirements for Appliances

(a) Dishwashers. The inspector shall report as Deficient:

(1) inoperative units;

(2) deficiencies in performance or mounting;

(3) rusted, missing or damaged components;

(4) the presence of active water leaks; and

(5) the absence of backflow prevention.

(b) Food waste disposers. The inspector shall report as Deficient:

(1) inoperative units;

(2) deficiencies in performance or mounting;

(3) missing or damaged components; and

(4) the presence of active water leaks.

(c) Range hoods and exhaust systems. The inspector shall report as Deficient:

(1) inoperative units;

(2) deficiencies in performance or mounting;

(3) missing or damaged components;

(4) ducts that do not terminate outside the building, if the unit is not of a re-circulating type or configuration; and

(5) improper duct material.

(d) Electric or gas ranges, cooktops, and ovens. The inspector shall report as Deficient:

(1) inoperative units;

(2) missing or damaged components;

(3) combustible material within thirty inches above the cook top burners;

(4) absence of an anti-tip device, if applicable;

(5) gas leaks;

(6) the absence of a gas shutoff valve within six feet of the appliance;

(7) the absence of a gas appliance connector or one that exceeds six feet in length;

(8) gas appliance connectors that are concealed within or extended through walls, floors, partitions, ceilings or appliance housings;

(9) deficiencies in:

(A) thermostat accuracy (within 25 degrees at a setting of 350 °F)

(B) mounting and performance;

(C) gas shut-off valves;

(D) access to a gas shutoff valves that prohibits full operation, and

(E) gas appliance connector materials.

(e) Microwave ovens. The inspector shall inspect built-in units and report as Deficient:
(1) inoperative units;
(2) deficiencies in performance or mounting; and
(3) missing or damaged components.
(f) Mechanical exhaust systems and bathroom heaters. The inspector shall report as Deficient:
(1) inoperative units;
(2) deficiencies in performance or mounting;
(3) missing or damaged components;
(4) ducts that do not terminate outside the building; and
(5) a gas heater that is not vented to the exterior of the building unless the unit is listed as an unvented type.

(g) Garage door operators. The inspector shall report as Deficient:
(1) inoperative units;
(2) deficiencies in performance or mounting;
(3) missing or damaged components;
(4) installed photo electric sensors located more than six inches above the garage floor and
(5) door locks or side ropes that have not been removed or disabled.

(h) Dryer exhaust systems. The inspector shall report as Deficient:
(1) missing or damaged components;
(2) the absence of a dryer exhaust system when provisions are present for a dryer;
(3) ducts that do not terminate to the outside of the building;
(4) screened terminations; and
(5) ducts that are not made of metal with a smooth interior finish.
(i) The inspector is not required to:
(1) operate or determine the condition of other auxiliary components of inspected items;
(2) test for microwave oven radiation leaks;
(3) inspect self-cleaning functions;
(4) disassemble appliances;
(5) determine the adequacy of venting systems; or
(6) determine proper routing and lengths of duct systems.

§535.233. Standards of Practice: Minimum Inspection Requirements for Optional Systems. If an inspector agrees to inspect a component described in this section, §535.227 of this title relating to Standards of Practice: General Provisions and the applicable provisions below apply.
(1) Landscape irrigation (sprinkler) systems. The inspector shall:
(A) manually operate all zones or stations on the system through the controller;
(B) report as Deficient:
(i) the absence of a rain or moisture sensor,
(ii) inoperative zone valves;
(iii) surface water leaks;
(iv) the absence of a backflow prevention device ;

(v) the absence of shut-off valves between the water meter and backflow device;
(vi) deficiencies in the performance and mounting of the controller ;
(vii) missing or damaged components and
(viii) deficiencies in the performance of the water emission devices; such as, sprayer heads, rotary sprinkler heads, bubblers or drip lines.

(C) The inspector is not required to inspect:
(i) for effective coverage of the irrigation system;
(ii) the automatic function of the controller ;
(iii) the effectiveness of the sensors; such as, rain, moisture, wind, flow or freeze sensors; or
(iv) sizing and effectiveness of backflow prevention device .

(2) Swimming pools, spas, hot tubs, and equipment. The inspector shall:
(A) report the type of construction;
(B) report as Deficient:
(i) the presence of a single blockable main drain (potential entrapment hazard);
(ii) a pump motor, blower, or other electrical equipment that lacks bonding;
(iii) the absence of or deficiencies in safety barriers;
(iv) water leaks in above-ground pipes and equipment;
(v) the absence or failure in performance of ground-fault circuit interrupter protection devices; and
(vi) deficiencies in:
(a) surfaces;
(b) tiles, coping, and decks;
(c) slides, steps, diving boards, handrails, and other equipment;
(d) drains, skimmers, and valves;
(e) filters, gauges, pumps, motors, controls, and sweeps;
(f) lighting fixtures; and
(g) the pool heater that these standards of practice require to be reported for the heating system.

(C) The inspector is not required to:
(i) disassemble filters or dismantle or otherwise open any components or lines;
(ii) operate valves;
(iii) uncover or excavate any lines or concealed components of the system
(iv) fill the pool, spa, or hot tub with water;
(v) inspect any system that has been winterized, shut down, or otherwise secured;
(vi) determine the presence of sub-surface water tables;
(vii) determine the effectiveness of entrapment covers;
(viii) determine the presence of pool shell or sub-surface leaks; or
(ix) inspect ancillary equipment such as computer controls, covers, chlorinators or other chemical dispensers, or water ionization devices or conditioners other than required by this section.

(3) Outbuildings. The inspector shall report as Deficient:

(A) the absence or failure in performance of ground-fault circuit interrupter protection devices in grade-level portions of unfinished accessory buildings used for storage or work areas, boathouses, and boat hoists; and

(B) deficiencies in the structural, electrical, plumbing, heating, ventilation, and cooling systems that these standards of practice require to be reported for the principal building.

(4) Private water wells. The inspector shall:

(A) operate at least two fixtures simultaneously;

(B) recommend or arrange to have performed coliform testing;

(C) report:

(i) the type of pump and storage equipment;

(ii) the proximity of any known septic system;

(D) report as Deficient:

(i) deficiencies in:

(a) water pressure and flow and performance of pressure switches;

(b) the condition of accessible equipment and components; and

(c) the well head, including improper site drainage and clearances.

(E) The inspector is not required to:

(i) open, uncover, or remove the pump, heads, screens, lines, or other components of the system;

(ii) determine the reliability of the water supply or source; or

(iii) locate or verify underground water leaks.

(5) Private sewage disposal (septic) systems. The inspector shall:

(A) report:

(i) the type of system;

(ii) the location of the drain or distribution field;

(iii) the proximity of any known water wells, underground cisterns, water supply lines, bodies of water, sharp slopes or breaks, easement lines, property lines, soil absorption systems, swimming pools, or sprinkler systems;

(B) report as Deficient:

(i) visual or olfactory evidence of effluent seepage or flow at the surface of the ground;

(ii) inoperative aerators or dosing pumps; and

(iii) deficiencies in:

(a) accessible components;

(b) functional flow;

(c) site drainage and clearances around or adjacent to the system; and

(d) the aerobic discharge system.

(C) The inspector is not required to:

(i) excavate or uncover the system or its components;

(ii) determine the size, adequacy, or efficiency of the system; or

(iii) determine the type of construction used.