

**TEXAS REAL ESTATE INSPECTOR COMMITTEE
MEETING AGENDA**

Conference Room 235, TREC Headquarters Office
1101 Camino La Costa, Austin, Texas

Monday, July 12, 2010 at 11:00 a.m.

CALL TO ORDER AND MINUTES

1. Call to order
2. Minutes of the April 26, 2010 meeting
3. Minutes of June 7, 2010 meeting
4. Appointment of subcommittees

REPORTS

5. Administration and Management Services Division report, including updates regarding the administration of TREC as such matters may relate to inspector issues
6. Education and Licensing Services Division report, including an update regarding number of licensed inspectors and examination passage rates
7. Standards and Enforcement Services Division report, including an update regarding the number and types of opened and closed complaint cases

PUBLIC COMMENTS

8. General comments from visitors

PENDING BUSINESS

9. Discussion and possible action to recommend the repeal of 22 TAC §535.214, Examinations
10. Discussion and possible action to recommend new rules:
 - a. 22 TAC §535.201, Definitions
 - b. 22 TAC §535.209, Examinations
 - c. 22 TAC §535.214, Providers of Real Estate Inspection Courses

11. Discussion and possible action to recommend amendments to:
 - a. 22 TAC §535.212, Education and Experience Requirements for an Inspector License
 - b. 22 TAC §535.213, Schools and Courses of Study in Real Estate Inspection
 - c. 22 TAC §535.215, Inactive Inspector Status
 - d. 22 TAC §535.216, Renewal of License or Registration
 - e. 22 TAC §535.218, Continuing Education
 - f. 22 TAC §535.226, Sponsorship of Apprentice Inspectors and Real Estate Inspectors

12. Discussion and possible action to approve the responses proposed by the Standards of Practice subcommittee to inquiries regarding inspection and reporting requirements for:
 - a. plumbing fixtures with limited amounts water pooling
 - b. exhaust ventilation
 - c. the absence of a fireplace damper clamp
 - d. the absence of weep holes along the bottom course of brick and above steel lintels
 - e. double-tapped neutral wires
 - f. evidence of a previous fire in an attic
 - g. tape on a Type B vent
 - h. headroom clearance of stairs

13. Discussion and possible action to provide guidance to staff in responding, and/or approve the responses proposed by the Standards of Practice subcommittee, to inquiries regarding inspection and reporting requirements for:
 - a. transite pipe
 - b. water heaters with a combined drain line for the drain pan and temperature and pressure relief drain
 - c. gas lines made of various materials
 - d. fire separation between a house, garage, and attic space(s)
 - e. reused gas line connectors
 - f. dishwashers that are hard-wired into the electrical system
 - g. reporting type of foundation
 - h. the performance of foundations
 - i. retaining walls related to foundation performance
 - j. gas lines in the crawl space
 - k. powered attic ventilators
 - l. number of layers of roof covering materials
 - m. identification of fire-rated doors
 - n. connection of the electrical system to a grounding electrode system
 - o. testing smoke alarms using canned smoke
 - p. testing gas lines
 - q. reporting the absence of arc fault circuit interrupters (AFCIs)
 - r. inspection and accessibility of gas connections to appliances
 - s. water heater blankets
 - t. attic stairs that are not fire-rated
 - u. GFCI protection of outlets serving automatic garage door openers
 - v. lack of continuous handrail at stairs
 - w. light fixtures over bathtubs
 - x. double-cylinder deadbolts
 - y. carpet on a garage floor

In accordance with the Americans with Disabilities Act, any requests for reasonable accommodation needed by persons desiring to attend this open meeting should be submitted by that person to the Commission.

FUTURE MEETINGS AND ADJOURNMENT

14. Request for new business agenda items
15. Scheduling of future meetings
 - a. Texas Real Estate Inspector Committee
 - b. Education subcommittee
 - c. Enforcement subcommittee
 - d. Standards of Practice subcommittee
16. Adjourn

**TEXAS REAL ESTATE INSPECTOR COMMITTEE MEETING MINUTES**

Conference Room 235, TREC Headquarters Office
1101 Camino La Costa, Austin, Texas

Monday, April 26, 2010 at 11:00 a.m.

CALL TO ORDER

1. Call to order. Meeting called to order at 11:09 by chairman Larry Foster. Other committee members in attendance were Ray Armendariz, Fred Willcox, Brad Phillips, Jill Frankel, Curtis Carr, and Brian Murphy.

MINUTES

2. Minutes of the February 22, 2009 meeting. The minutes were distributed to all members. Mr. Phillips made a motion to accept without changes, which was seconded by Mr. Carr. Motion carried.

REPORTS

3. Standards and Enforcement Services Division report, including an update regarding the number and types of opened and closed complaint cases. Kerri Galvin, Director of Standards and Enforcement Services (SES), handed out reports regarding open and closed inspector complaints. The report reflected a downward trend in complaints from the first quarter of fiscal year 2010 (September-November 2009) to the second quarter (December 2009-February 2010), possibly due to the holidays and the overall slowdown in real estate transactions. SES closed more complaint cases than they opened and issued three advisory letters. The majority of closed cases are from fiscal year 2009.
4. Education and Licensing Services Division report, including an update regarding number of licensed inspectors and examination passage rates. Gwen Jackson, Director of Education and Licensing Services, reported that the total number of inspectors is currently 3539, a six percent decrease in the past year. Chairman Foster pointed out that this figure has been roughly level for approximately nine months. There was discussion regarding the effect of the insurance requirement, enacted in 2007, and the recent economic conditions. Ms. Jackson further reported that the examination pass rate is below 50%. The statute regarding education providers' minimum exam passage rate requires a school's passage rate for first-time examinees to be at least 55%.
5. Subcommittee reports and questions from Committee members regarding reports from the:
 - a. Standards of Practice subcommittee, including an update regarding the development of a commentary on the standards and possible changes to the standards of practice. Mr. Murphy, chairman of the subcommittee, reported that the subcommittee has held two

meetings to work on improvements to the Standards. He stated that the subcommittee was working through the Standards from the beginning and would be recommending some changes but estimated that six more meetings, over three to five months, would be required to finalize the subcommittee's recommendations. He stated that much of the work involved "wordsmithing" and gave the example that the subcommittee would be recommending changing "improper site drainage" to "site drainage that is causing adverse structural performance or water penetration."

- b. Enforcement subcommittee, including an update regarding the volume and types of complaints being filed and possible opportunities to enhance education requirements to address areas that are lacking. Mr. Phillips, who reviews inspector complaints as they are opened, reported that the majority of the complaints involve structural, electrical, and mechanical problems and that some involved rule violations as well. He concluded that most of the issues he observed appeared to be related to education.
- c. Education subcommittee, including an update regarding the approval of continuing education courses offered by proprietary schools and trade associations. The education subcommittee had not met since the last Committee meeting.

PUBLIC COMMENTS

6. General comments from visitors. Jim Olk, building official for the City of Farmers Branch, spoke on behalf of the Building Officials Association of Texas regarding concern about the requirement that TREC-licensed inspectors report certain issues as "deficiencies" when they are actually acceptable under code. He stated that the Standards of Practice render all residences constructed more than a few years ago "deficient." He suggested an ad hoc committee to identify and address such conflicts between the Standards of Practice and code requirements.

PENDING BUSINESS

7. Discussion and possible action regarding the proposed commentary to the Standards of Practice. Mr. Murphy stated that the commentary was on hold during the review of the Standards. There was some discussion of Mr. Olk's concerns. Mr. Murphy stated that the subcommittee would welcome input. Chairman Foster acknowledged that Mr. Olk's concerns have been an issue since the beginning of the Standards and that this is in part because of inconsistent requirements in different areas; he said that the Committee strives to be uniform throughout the state in order to let all consumers know when safer devices, methods, etc. are available. Mr. Willcox reiterated that inspectors are trying to alert the public of potential safety issues, even if they may be "grandfathered" by code, and that the objectives of building officials and pre-sale inspectors are different. Mr. Phillips stated that the inspection report form makes clear that a "deficiency" is not necessarily a code violation. TREC-licensed inspector Scott Emerson spoke regarding TREC's duty to protect the public and asked if the public is being protected by the current Standards.
8. Discussion and possible action to recommend amendments to:
 - a. 22 TAC §535.212, Education and Experience Requirements for an Inspector License. TREC Administrator Doug Oldmixon stated that the strategic plan would be before the

Commission at their May meeting and that the Committee is welcome to help shape the plan. Issues the Committee may want to consider include whether the professional liability insurance requirement produces enhanced consumer protection, given the existence of the recovery fund. He also raised the question of whether the recovery fund's limit for recovery should be raised; such a recommendation could be accompanied by a recommendation to reduce the insurance requirement. He stated that research would be needed to determine the proper amounts. Mr. Willcox stated that the Committee had previously voted to recommend raising the recovery fund limits. There was discussion regarding changes to subsection (a)(4). It was determined that a full committee meeting would be scheduled to receive input regarding the examination passage rate issue.

- b. 22 TAC §535.213, Schools and Courses of Study in Real Estate Inspection. There was no discussion or action on this item.
 - c. 22 TAC §535.214, Examinations, including discussion and possible action to change the minimum passing score on the professional inspector exam to 75%. Mr. Oldmixon stated that the agency was about to post on the website the exam passage rates for first time exam takers for all proprietary schools. He stated that the pass rate for inspectors is well below the required minimum of 55% and that if the minimum passing score is not reduced, virtually no education provider would qualify to continue. Mr. Phillips made a motion not to recommend lowering the minimum passing score, which Ms. Frankel seconded. Motion carried.
 - d. 22 TAC §535.218, Continuing Education
9. Discussion and possible action to recommend amendments to 22 TAC §535.211, Professional Liability Insurance, or Any Other Insurance That Provides Coverage for Violations of Subchapter G of Texas Occupations Code, Chapter 1102. No discussion or action.
 10. Discussion and possible action to recommend amendments to 22 TAC §535.221, Advertisements. Mr. Murphy moved to recommend the draft that would eliminate the requirement to include a license number on all advertisements; this motion died for lack of a second. Mr. Willcox then moved to recommend the draft that retained the license number requirement. That motion was seconded by Mr. Phillips and passed.
 11. Discussion and possible action to recommend amendments to 22 TAC §535.231(a) regarding Plumbing Systems. No discussion or action.
 12. Discussion and possible action to recommend amendments to 22 TAC §535.223, Standard Inspection Report Forms, including revisions to report forms REI 7A-1 and REI 7-2. No discussion or action.
 13. Discussion and possible action to provide guidance to staff in responding to inquiries regarding inspection and reporting requirements for:
 - a. plumbing fixtures with limited amounts water pooling
 - b. exhaust ventilation
 - c. the absence of a fireplace damper clamp
 - d. the absence of weep holes along the bottom course of brick and above steel lintels

- e. double-tapped neutral wires
- f. evidence of a previous fire in an attic
- g. tape on a Type B vent
- h. headroom clearance of stairs
- i. transite pipe
- j. water heaters with a combined drain line for the drain pan and temperature and pressure relief drain
- k. gas lines made of various materials
- l. fire separation between a house, garage, and attic space(s)
- m. reused gas line connectors
- n. dishwashers that are hard-wired into the electrical system
- o. reporting type of foundation
- p. the performance of foundations
- q. retaining walls related to foundation performance
- r. gas lines in the crawl space
- s. powered attic ventilators
- t. number of layers of roof covering materials
- u. fire-rated doors
- v. connection of the electrical system to a grounding electrode system
- w. testing smoke alarms using canned smoke
- x. testing gas lines
- y. reporting the absence of arc fault circuit interrupters (AFCIs)
- z. inspection and accessibility of gas connections to appliances

Mr. Willcox moved to table the questions until the completion of the commentary; Mr. Armendariz seconded the motion, which passed after discussion about working with staff to respond to inquiries when feasible.

NEW BUSINESS

14. Discussion and possible action to make a recommendation to the Texas Real Estate Commission regarding appointment of public members. After discussion of Linda Robicheaux's qualifications, the Committee determined that she was disqualified because it appeared that she held a California mortgage broker license and voted to recommend Nancy Schriedel and Alex Montgomery.

15. Discussion regarding amendments to 22 TAC 535.208 to implement administrative changes to the processing of education evaluations and applications. TREC Deputy General Counsel Devon Bijansky stated that, due to system and process changes incident to implementation of the new licensing database, the education evaluation and license application processes would be combined into a single step.

16. Discussion and possible action to recommend a penalty matrix for enforcement cases against inspectors. Mr. Willcox stressed the importance of uniformity. Chairman Foster referred the item to the enforcement sub-committee for further development.

17. Discussion regarding the formation of a coalition of inspector associations and possible action regarding polling and/or other means of communicating with the industry regarding inspection issues. Mr. Oldmixon gave an update regarding the March 22 and April 15 meetings

among inspector association leadership and other interested parties. He addressed the need for a unified group to make recommendations to the Committee and suggested that the coalition could aid in filtering requests for interpretation.

FUTURE MEETINGS AND ADJOURNMENT

18. Request for new business agenda items. Mr. Willcox requested an agenda item to discuss options for dealing with inspectors with mental problems.

19. Scheduling of future meetings. A Committee meeting was scheduled for June 7th at 9 a.m. to discuss education issues.

20. Adjourn. Chairman Foster adjourned the meeting at 3:25 p.m.

**TEXAS REAL ESTATE INSPECTOR COMMITTEE
MEETING MINUTES**

Conference Room 235, TREC Headquarters Office
1101 Camino La Costa, Austin, Texas

Monday, June 7, 2010 at 10:00 a.m.

CALL TO ORDER

1. Call to order. Meeting called to order 10:12. Break 11:10 to 11:20. Members in attendance: Ray, Fred, Brad, Jill, Larry, Curtis, Brian, Nancy and Linda. Kitty from AHIT. Mike Cauthern TREC inspector president elect Texas Professional, Mike Boyette TERI, Sam from Houston, Gwen, Loretta, John Cahill, Don Harvey, Fred Buck, Kelly Lahler TREPEA, Paul Roebuck, A.G. Davis, Roy Champion, Mike Moran.
2. Introduction of new members. Welcome to Nancy and Linda.

PENDING BUSINESS

2. Public comments and discussion regarding inspector education, including:
 - a. Pre-licensure education. Katie Papke developing an exam prep course to help with exam. Want commission to tell us what is in exam to help prep. Apprentice inspectors should have course work prior to becoming an apprentice. Roy Champion what would make pre-licensing better. Can waive for those with other experiences for contractors and architects thinks it is affecting pass right. Require more hours in classroom. Apprentice inspector should have to do 90 hours before becoming an apprentice. Brian clarify 90 hours can be in conjunction with apprentice. Will make more desirable as an apprentice if done 90 hours. Hours are sufficient some courses do not give real practical teaching for 120 hours. Brian some schools can let trainees watch video for 120 hours. Fred would a more narrowly defined curriculum would be helpful. Roy said yes. Roy would like 50%. Larry do you have some experience of people who have some experience but really do not. Roy hours high already have serious students. Less than 5% not serious. Twenty to twenty-five percent drop out. Ray rule supposed to be hands on in laboratory or field. How did it become a training video? Fred there is a literacy problem with students therefore experiential learning is important. Cahill had a school 2001-2005. Closed it because 50% could not make it. He did not want to take people's money. Statute requires competent inspectors not sufficient numbers to meet demand. Plumbers, Electrician at least 2000 hours, while home inspectors 4 weeks. Fred Buck has a handout. Recommends applicants take a skills test, schools assess during course work, subject content provided to schools and students. Larry resources are

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published which should tell people what is on the exam. Make sure core text materials cover Texas tested materials. Fred TX book with errors corrected is a good idea. Katy students do not listen to advice to study. Brian resources are adequate. Fred most books ASHI standards. John code, rules, regs, standards and codecheck people will pass. John could make an open book test. HE Davis not fiscally feasible to have apprenticeship. Sheet metal worker 30 years they do apprenticeships well.

- b. Examination requirements. Enforcing regulations for 55% pass rate. Doug Oldmixon brought up at April meeting. If a school is below average it would not be certified. Doug wants to make clear. Commission in April 2010 began publishing specific pass rates for individual schools. It is on the website. Proprietary schools (6), five do not have an acceptable pass rate for renewal. Another school is close. Accredited colleges and universities (9), seven do not have an acceptable pass rate. Brad schools have had three years to get scores up. Doug schools did not know their own scores. Nancy last school gets the ding is not a good way to evaluate. Fred we are being asked for an accommodation to drop pass rate to 75% how many more would qualify? Doug does not know. If one fails knows score. How many 78's were there? If used another test might get 66% pass rate. It is an easier test. Fred aware education problems. Doug does not have number how would be saved by lower passing rate. Fred schools should meet certain standards. Doug agrees wants to apply brakes so do not go off cliff. Doug wants 55% hard number changed to average. Doug wants margin error within 10% of average go on probation. Have a year to get up to average. Fred in order to get schools up to snuff, is TREC going to put on a concrete growth plan. Doug five year time frame for school approval/accreditation. Larry can revamp system. Impact huge on providers. Fred notes we have more control over proprietary schools. Doug proprietary schools cannot offer correspondence courses. Proprietary schools are affiliating with colleges and universities. Lonestar college is Champion. If Champion decertified Lonestar would lose its program too. Larry inspectors have always had a 33% pass rate. Doug were going to raise pass rates for realtors and brokers but would have lost schools. Larry what is implication for changing the pass rate. Doug we are the sovereign state. We can do it. PSI can offer the other exam. PSI contract for two years not a problem. Larry schools will be closed because we will not have a rule by September 1. Devon current rates could still be applied to a school for up to a year. The schools would have to start over again. Bryan could provide continuing education but not license exam prep. Fred could set up as a new entity. Fred Buck national home inspector exam. Our current exam is not current. Develop state specific module in conjunction with national exam. Fred described how national exam questions are developed. Fred must have TX module per legislation. How many questions in bank? Fred thinks over 1000. Costs more than Texas is charging. Brad schools up for review every five years. Renewal took effect 2009. Any day it could affect a school. Gwen for next meeting will tell us which schools will be reviewed. Katy Pepke how do you determine last place of attendance. Doug use certificates.
- c. Continuing education. What would improve CE? Paul Roebuck CE wants standards of practice mandated. Reports need to be improved. Wants mandatory CE on standards 16 hours whenever changed. Bryan mandate 4/32 should be standards. Fred we need standards taught correctly. MCE's realtors should have to know what we are supposed to do. Mike Cauthren agrees with Paul. Mike wants inspector curriculum to contain report format. Thus we need report writing CE. Mike informs us we need inspector ethics. Ray realtors need to stop explaining our reports and get us involved. Roy wants 8 hours on SOP. His group is teaching standards in all CE. Fred courses must be improved every two years. Fred Buck licensed inspectors do not know everything they should be competent in. Most do not need big brother advising. Let TREC enforcement mandate CE when people mess up. Fred taught ethics could not change people could just point things out. Fred W. we cannot

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test what people get out of CE. Fred W. no one signed up for advanced courses. If we act it may change. Ray the better you are another industry puts you down.

FUTURE MEETINGS AND ADJOURNMENT

3. Scheduling of future meetings July 12
4. Adjourn 1:45

Draft

Licensing Services Division

Licensee and Registrant Status

May 2010

Real Estate Licensees

	May 09	Jun 09	Jul 09	Aug 09	Sep 09	Oct 09	Nov 09	Dec 09	Jan 10	Feb 10	Mar 10	Apr 10	May 10
Broker Licensees													
Individual (Active)	34,236	34,184	34,111	34,150	34,139	34,138	34,132	34,131	34,153	34,191	34,249	34,283	34,261
Corporation (Active)	4,061	4,073	4,031	4,024	4,018	4,025	4,030	3,996	4,022	4,017	4,012	4,019	4,000
LLC (Active)	2,625	2,639	2,684	2,708	2,729	2,762	2,791	2,787	2,866	2,911	2,946	2,991	3,022
Non-resident (Active)	495	494	492	493	495	492	490	488	484	487	485	488	483
Partnership (Active)	2	2	2	2	2	2	2	2	2	2	2	2	2
Total Active Status	41,419	41,392	41,320	41,377	41,383	41,419	41,445	41,404	41,527	41,608	41,694	41,783	41,768
<i>Inactive Status</i>	1,638	1,648	1,645	1,659	1,652	1,658	1,664	1,658	1,677	1,665	1,648	1,617	1,623
Total Brokers	43,057	43,040	42,965	43,036	43,035	43,077	43,109	43,062	43,204	43,273	43,342	43,400	43,391
Sales Licensees													
Active Status	75,329	74,323	74,244	74,462	74,656	75,000	74,806	74,020	73,587	73,586	74,173	74,571	74,519
Inactive Status	27,032	27,331	26,974	26,721	26,349	26,070	26,102	26,776	27,242	27,196	26,954	26,684	26,567
Total Sales	102,361	101,654	101,218	101,183	101,005	101,070	100,908	100,796	100,829	100,782	101,127	101,255	101,086
Total Active	116,748	115,715	115,564	115,839	116,039	116,419	116,251	115,424	115,114	115,194	115,867	116,354	116,287
Total Inactive	28,670	28,979	28,619	28,380	28,001	27,728	27,766	28,434	28,919	28,861	28,602	28,301	28,190
Total Brokers & Sales	145,418	144,694	144,183	144,219	144,040	144,147	144,017	143,858	144,033	144,055	144,469	144,655	144,477

Inspectors

	May 09	Jun 09	Jul 09	Aug 09	Sep 09	Oct 09	Nov 09	Dec 09	Jan 10	Feb 10	Mar 10	Apr 10	May 10
Inspector Licensees													
Professional Inspectors(active)	2,425	2,365	2,355	2,345	2,334	2,324	2,323	2,324	2,329	2,323	2,328	2,339	2,323
Professional Inspectors(inactive)	936	958	959	966	977	988	986	1,005	995	997	995	991	976
Real Estate Inspectors(active)	105	102	104	136	107	107	106	103	105	103	106	105	106
Real Estate Inspectors(inactive)	32	32	32	31	28	31	29	36	34	34	34	34	32
Apprentice Inspectors(active)	65	64	63	86	65	63	62	59	56	63	62	68	67
Apprentice Inspectors(inactive)	23	24	23	22	21	21	22	22	21	19	19	20	17
Total Inspectors	3,586	3,545	3,536	3,586	3,532	3,534	3,528	3,549	3,540	3,539	3,544	3,557	3,521

Easement & Right-of-way Registrants

	May 09	Jun 09	Jul 09	Aug 09	Sep 09	Oct 09	Nov 09	Dec 09	Jan 10	Feb 10	Mar 10	Apr 10	May 10
ERW Registrants													
Businesses	37	39	39	39	38	38	37	36	37	39	41	41	41
Individuals	1,970	1,960	1,908	1,893	1,835	1,757	1,742	1,713	1,710	1,686	1,659	1,643	1,631
Total Registrants	2,007	1,999	1,947	1,932	1,873	1,795	1,779	1,749	1,747	1,725	1,700	1,684	1,672

Total Licensees and Registrants

	May 09	Jun 09	Jul 09	Aug 09	Sep 09	Oct 09	Nov 09	Dec 09	Jan 10	Feb 10	Mar 10	Apr 10	May 10
All Licensees & Registrants	151,011	150,238	149,666	149,737	149,445	149,476	149,324	149,156	149,320	149,319	149,713	149,896	149,670

Licensing Services Division
Examination Activity
May 2010

Monthly Results

	<u>Salesperson</u>	<u>Broker</u>	R. E. <u>Inspector</u>	Prof. <u>Inspector</u>
Examinations Passed	709	96	3	12
Examinations Failed	530	31	6	35
Examinations Taken	1,239	127	9	47
Applicants Examined	1,034	115	9	42
1st Time Passed	600	85	3	11
Examination Pass Rate	57.2%	75.6%	33.3%	25.5%
Applicant Pass Rate	68.6%	83.5%	33.3%	28.6%
1st Time Pass Rate	58.0%	73.9%	33.3%	26.2%

Year-to-Date Results

	<u>Salesperson</u>	<u>Broker</u>	R. E. <u>Inspector</u>	Prof. <u>Inspector</u>
Examinations Passed	6,807	1,143	9	153
Examinations Failed	5,234	516	17	289
Examinations Taken	12,041	1,659	26	442
Applicants Examined	7,854	1,217	17	269
1st Time Passed	4,950	862	8	92
Examination Pass Rate	56.5%	68.9%	34.6%	34.6%
Applicant Pass Rate	86.7%	93.9%	52.9%	56.9%
1st Time Pass Rate	63.0%	70.8%	47.1%	34.2%

CLOSED INSPECTOR COMPLAINTS Fiscal Year 2010 (9-1-09 to 8-31-10)

Closing Codes	(10) Prof. Insp.				(11) R.E. Insp.				(12) Apprentice				(13) Corp./LLC				Total
	1 st	2 nd	3 rd	4 th	1 st	2 nd	3 rd	4 th	1 st	2 nd	3 rd	4 th	1 st	2 nd	3 rd	4 th	
(76) Non RE License Act	13	5	6														
(77) Request for More Info	2	2	1														
(109) No Jurisdiction	1	2	1														
(110) No Violation		5	6														
(112) Insufficient Evidence	3	3	13				3										
(114) Failure to Go Forward	11	1			2												
(115) Complaint Withdrawn																	
(116) Other		1	2														
(118) Application Cleared	6	4							1	1							
(119) Cease & Desist																	
(121) Application Cleared: Advisory Ltr.																	
(123) Renewal Cleared	1	1															
(130) Application Disapproved																	
(126) Opened in Error																	
(231) Application Terminated	6																
(232) Advisory Letter	2	3	14			1	5										
(303) Suspension Entered																	
(305) Revocation Entered																	
(307) Reprimand Entered																	
(309) Probation Entered																	
(314) Administrative Penalty Entered																	
(319) License Expired – No Jurisdiction		1															
(320) No Action Ordered																	
(321) Matter Dismissed																	
(325) Probationary License Issued																	
(352) Agreed Admin Penalty/Reprimand																	
(353) Agreed Admin Penalty/Prob Susp																	
(402) Agreed Probated Revocation	1																
(403) Agreed Suspension																	
(404) Agreed Probated Suspension																	
(405) Agreed Reprimand																	
(406) 19A Administrative Penalty																	
(407) Agreed Probationary License	1																
(408) MCD Cleared-Advisory Letter																	
(412) MCD Cleared	1	1															
TOTAL	48	29	43	0	2	1	8	0	1	1	0	0	0	0	0	0	0

Source Documents: LISTENFAEC – License Type Summary

OPENED INSPECTOR COMPLAINTS Fiscal Year 2010 9-1-09 TO 8-31-10

Open Codes	(10) Prof. Insp.				(11) R.E. Insp.				(12) Apprentice				(13) Corp./LLC				Total
	1 st	2 nd	3 rd	4 th	1 st	2 nd	3 rd	4 th	1 st	2 nd	3 rd	4 th	1 st	2 nd	3 rd	4 th	
(5) Acts as Principal																	
(6) Crim. Offense	1																
(8) Acts as Agent																	
(9) Inspector Related	14	8	13														
(11) Unlicensed Activity		1															
(12) Application Inquiry	3	4	1														
(13) Other																	
(14) Bad Check			1														
(19) Reopen Case	3																
(20) MCD Inquiry	1	1															
(24) Renewal Info																	
(25) Renewal Info/Resid.	1																
(27) Inspector/Unlicensed	1	1															
(29) Child Support																	
(30) Recovery Fund Pmt.			2														
(76) Non RE License Act	13	5	6														
(77) Request for More Info	2	2	1														
(78) Previous Case																	
TOTAL	39	22	24	0													

Source documents/reports: LISTENFAEO – License Type Summary

APPRENTICE INSPECTOR EDUCATION REQUIREMENTS

Staff recommendation 12 July 2010

Pre-Licensure Education Requirements

No education is required.

Continuing Education Requirements

16 classroom hours of TREC-approved real estate inspection continuing education courses for each 12-month period.

An apprentice who currently has a 1-year license needs 16 hours, as follows:

- 8 hours in Texas Standards of Practice
- 8 hours in Texas Standard Report Form/Report Writing.

An apprentice with a 2-year license needs 32 hours, including:

- 8 hours in Texas Standards of Practice
- 2 hours in Legal/Ethics
- 8 hours in Texas Standard Report Form/Report Writing
- 6 hours in Texas Standards of Practice/Legal/Ethics Update

REAL ESTATE INSPECTOR EDUCATION REQUIREMENTS

Staff recommendation 12 July 2010

Pre-Licensure Education Requirements

Must complete 90 classroom hours of core real estate inspection courses, as follows:

- 10 hours in foundations
- 10 hours in framing
- 10 hours in building enclosure
- 10 hours in roof systems
- 10 hours in plumbing systems
- 10 hours in electrical systems
- 10 hours in HVAC systems
- 10 hours in appliances
- 8 hours in Texas Standards of Practice
- 2 hours in Legal/Ethics

AND one of the following:

A.) Under the Three Tier Progression Method (if you were an apprentice first)

Must have been actively licensed as an Apprentice for 3 months during the 12 month period prior to filing the inspector application **AND** must have completed 25 inspections while licensed as an Apprentice under the direct supervision of a qualified eligible licensed Professional Inspector.

OR

B.) Under the Education/Experience Alternative Method

1. In addition to the 90 hours, must complete an additional **30** hours, including:

- 8 hours in Texas Standard Report Form/Report Writing
- 6 hours in Texas Standards of Practice/Legal/Ethics Update

and

- a) 60 hours in an experience training module (provide a course completion certificate); **or**
- b) 60 hours inspecting with a qualified eligible licensed Professional Inspector who can provide a letter certifying attendance; **or**
- c) 3 years of personal experience in a field directly related to home inspecting (provide 2 reference letters from persons other than the applicant who has personal knowledge of the applicant's work). Each reference letter must be from a different source and include a contact number and signature.

OR

2. Must have at least 2 years of experience as an active practicing licensed or registered architect, professional engineer, or engineer-in-training (provide a license history documenting active practice) **AND**, in addition the 90 hours, must complete an additional 8 hours in Texas Standard Report Form/Report Writing and 6 8 hours in Texas Standards of Practice/Legal/Ethics Update.

Continuing Education Requirements

16 classroom hours of TREC-approved continuing education real estate inspection courses for each 12-month period. A real estate inspector with a two-year license needs 32 hours, including 6 hours in Texas Standards of Practice/Legal/Ethics Update.

PROFESSIONAL INSPECTOR EDUCATION REQUIREMENTS

Staff recommendation 12 July 2010

Pre-Licensure Education Requirements

Must complete a total of **128** classroom hours of core real estate inspection courses, as follows:

- 10 hours in foundations
- 10 hours in framing
- 10 hours in building enclosure
- 10 hours in roof systems
- 10 hours in plumbing systems
- 10 hours in electrical systems
- 10 hours in HVAC systems
- 10 hours in appliances
- 8 hours in Texas Standards of Practice
- 2 hours in Legal/Ethics
- 38 additional hours in any core inspection subject(s)

AND one of the following:

A.) Under the Three Tier Progression Method

Must have been actively licensed as a Real Estate Inspector for at least 12 months during the 24 month period prior to filing the Professional Inspector application **AND** must have completed 175 inspections under indirect supervision while licensed as a Real Estate Inspector.

OR

B.) Under the Education/Experience Alternative Method

1. In addition to the 128 hours, must complete an additional **200** classroom hours of core inspector education, as follows:

- 30 hours in Foundation Systems
- 25 hours in Roof Systems
- 30 hours in Framing
- 25 hours in Electrical Systems
- 25 hours in HVAC Systems
- 25 hours in Plumbing
- 18 ~~12~~ hours in Building Enclosure
- 6 hours in Appliances
- 8 hours in Texas Standards of Practice/Legal/Ethics
- 8 hours in Texas Standard Report Form/Report Writing
- ~~6 hours in other core inspection approved courses~~

AND

One of the following requirements must be met:

- a) 120 hours in an experience training module (provide a course completion certificate); **or**
- b) 120 hours inspecting with a qualified eligible licensed Professional Inspector and provide a letter certifying attendance; **or**
- c) 5 years of personal experience in a field directly related to home inspecting (provide 2 reference letters from persons other than the applicant who has personal knowledge of the applicant's work). Each reference letter must be from a different source and include a contact number and signature.

OR

- 2. Must have at least **3** years of experience as an active practicing licensed or registered architect, professional engineer, or engineer-in-training (provide a license history documenting active practice) **AND**, in addition to the 128 hours, must complete an additional 8 hours in Texas Standard Report Form/Report Writing and **6 8** hours in Texas Standards of Practice/Legal/Ethics Update.

Continuing Education Requirements

16 classroom hours of TREC-approved continuing education real estate inspection courses for each 12-month period. A professional inspector with a two-year license needs 32 hours, including 6 hours in Texas Standards of Practice/Legal/Ethics Update.

Other recommended substantive changes to inspector rules

Staff recommendation 12 July 2010

535.201 Definitions [new definition section for inspector rules, (2) and (3) moved from .212(a)(2)]

The following definitions shall apply to Subchapter R, Chapter 535:

(1) Alternative delivery method – methods of course delivery other than classroom or correspondence. Alternative delivery method courses include online courses and webinars.

(2) Code organization -- a non-profit organization whose members develop and advocate scientifically based codes and standards relating to one or more of the systems found in an improvement to real estate.

(3) Trade association -- a nonprofit, cooperative, and voluntarily joined association of business or professional competitors that is designed to assist its members and its industry or profession in dealing with mutual business or professional problems and in promoting the common interest of its members

535.209 Examinations [moved from .214]

(a) There shall be an examination for a real estate inspector license and for a professional inspector license. Questions shall be used which will measure competency in the subject areas required for a license by Texas Occupations Code, Chapter 1102 (Chapter 1102), and which will demonstrate an awareness of its provisions relating to inspectors. Each real estate inspector applicant must achieve a score of at least 70% on the examination. Each professional inspector applicant must achieve a score of at least ~~75%~~ ~~80%~~ on the examination.

(b) Except as otherwise required by Chapter 1102 or this section, examinations shall be conducted as provided by §535.61 of this title (relating to Examinations).

535.213(b) A classroom course may include up to ~~50%~~ ~~10%~~ of total course time for appropriate field work relevant to the course topic. Field work may not be included as part of correspondence or alternative delivery courses.

Changes in rule language to enable the agency to move toward e-mailed renewal notices, electronic delivery of licenses, online changes, etc.

Texas Real Estate Commission
Robert Meisel, TREC attorney

Request for Interpretation

RFI number: 2009-12-19-1

The following Request for Interpretation (RFI) is submitted on behalf of several inspectors. After discussion, a reasonable majority agreement on a possible requirement of the Standards of Practice Rule has not been realized.

We realize a TREC opinion is not enforceable unless adopted as Rule however an opinion from the highest authority at TREC is the next best method of public protection.

While a question may seem trivial it is submitted because a difference of opinion exists amongst experienced inspectors. The TREC Commissioners instructed the Inspector Committee to write the Standards of Practice with specificity, code and safety. This RFI is in alignment with the Commissioners dictate. We suspect most opinions will require very little time to answer on the part of TREC.

The busy schedule of TREC acknowledged. To aid with interpretation our opinion will be provided with the question. We will rely on that interpretation until TREC renders an official opinion. If our opinion is wrong we rely on TREC's supervision.

Residual water puddles in a shower or bathtub

Water may not fully drain to the receptor drain in a shower, sink or bathtub. Additionally residual water may remain on a shower or bathtub seat. A small residual puddle remains. The puddle would require a towel or squeegee to resolve.

IRC 2006 Code states P2709.1 Construction. Shower receptors shall have a finished curb threshold not less than 1 inch (25 mm) below the sides and back of the receptor. The curb shall be not less than 2 inches (51 mm) and not more than 9 inches (229 mm) deep when measured from the top of the curb to the top of the drain. The finished floor shall slope uniformly toward the drain not less than 1/4 unit vertical in 12 units horizontal (2-percent slope) nor more than 1/2 inch (13 mm), and floor drains shall be flanged to provide a water-tight joint in the floor.

However the Standards of Practice Scope states

The inspector is not required to (C) determine:

(i) insurability, warrantability, suitability, adequacy, capacity, reliability, marketability, operating costs, recalls, counterfeit products, life expectancy, age, energy efficiency, vapor barriers, thermostatic operation, code compliance, utility sources, or manufacturer or regulatory requirements except as specifically required by these standards;

The Scope of Inspection addresses adverse material defects. Immaterial defects are not required to be reported unless the applicable section of the Standards specifically require such.

The Standards of Practice states:

(3) report as Deficient:

(H) deficiencies in:

(v) functional drainage at fixtures;

1. Is a slight amount, say a few cups, of residual water in a plumbing fixture deficient?

The definition of “deficiency” explains the Standards purpose is to address adverse material conditions. A problem inherent with this RFI is this condition may be considered discrepant but may not be significant enough to be classified as material and thereby deficient. While it would be nice if every conceivable discrepancy or defect could be identified by the inspector it is not reasonable or possible to require all such circumstances with regulation. If TREC determines this is not a required reporting item we understand that it may be an item an inspector might choose to report but that the inspector would not be deemed in violation of the standards for choosing to not report the condition.

We believe a few cups of water is not an adverse material defect. Until notice by TREC, the condition described is not considered a required reporting item unless gallons of water do not drain. Small amounts of residual water (several cups perhaps) was not considered to be an adverse material deficiency or mandatory reporting defect.

Thank you,
John Cahill

Photo examples



Shower seat pools about 1 or 2 cups of water. Squeegee or towel required to remove water. This was not considered a required deficiency to report.



The steel bathtub has a small dent (shaded area in circle) that pools about $\frac{1}{2}$ cup of water. Otherwise bathtub drainage is functional. This was not considered a required deficiency to report.

Texas Real Estate Commission
Robert Meisel, TREC attorney
December 21, 2009

Request for Interpretation

RFI number: 2009-12-19-2 -a

1. What are the "required areas" for exhaust ventilators?

Thank you

John Cahill

Texas Real Estate Commission
Robert Meisel, TREC attorney

Request for Interpretation

RFI number: 2010-01-02-1 a

Fireplace damper clamps

1. Do the Standards require the inspector to report a gas log fireplace as deficient if it has a damper that is not blocked open? If yes, how wide should the damper be blocked open?

Thank you,
John Cahill

Photo examples





Texas Real Estate Commission
Robert Meisel, TREC attorney

Request for Interpretation

RFI number: 2010-01-02-2-a

Weep holes in brick veneer

1. Do the Standards require the inspector to report the absence of weep holes along the bottom course of brick and above steel lintels as deficient, regardless of age of the home?

Until notice by TREC, the condition described is not considered a required reporting item unless obvious adverse material damage is present. If it is considered a required reporting item please provide the source used to make the determination. Please advise.

Thank you,
John Cahill

REVISION 012410 Input from SoP RFI guests suggested RFI be structured to avoid an interpretation and allow TREC to decide. This supercedes the prior request. TREC has been notified.

Request for Interpretation

RFI number: 2010-01-02-3 revised 012410

The following Request for Interpretation (RFI) is submitted on behalf of several inspectors. After discussion, a reasonable majority agreement on a possible requirement of the Standards of Practice Rule has not been realized.

We realize a TREC opinion is not enforceable unless adopted as Rule however an opinion from the highest authority at TREC is the next best method of public protection.

While a question may seem trivial it is submitted because a difference of opinion exists amongst experienced inspectors. The TREC Commissioners instructed the Inspector Committee to write the Standards of Practice with specificity, code and safety. This RFI is in alignment with the Commissioners dictate. We suspect most opinions will require very little time to answer on the part of TREC.

The busy schedule of TREC acknowledged. To aid with interpretation our opinion will be provided with the question. We will rely on that interpretation until TREC renders an official opinion. If our opinion is wrong we rely on TREC's supervision.

Double tap neutral

It was common construction practice for many years to insert two neutral conductors into a single terminal hole. A few years ago, new installations began inserting one neutral conductor per terminal hole.

1. Do the Standards require the inspector to report double tapped neutral wires on a panel box terminal as deficient?

Thank you,
John Cahill

Picture follows



Texas Real Estate Commission
Robert Meisel, TREC attorney

Request for Interpretation

RFI number: 2010-01-02-4

The following Request for Interpretation (RFI) is submitted on behalf of several inspectors. After discussion, a reasonable majority agreement on a possible requirement of the Standards of Practice Rule has not been realized.

We realize a TREC opinion is not enforceable unless adopted as Rule however an opinion from the highest authority at TREC is the next best method of public protection.

While a question may seem trivial it is submitted because a difference of opinion exists amongst experienced inspectors. The TREC Commissioners instructed the Inspector Committee to write the Standards of Practice with specificity, code and safety. This RFI is in alignment with the Commissioners dictate. We suspect most opinions will require very little time to answer on the part of TREC.

The busy schedule of TREC acknowledged. To aid with interpretation our opinion will be provided with the question. We will rely on that interpretation until TREC renders an official opinion. If our opinion is wrong we rely on TREC's supervision.

Reporting evidence of past attic fires

When a fire in an attic occurs it is common to paint the salvaged wood white or silver. The standards do not require the inspector to report prior fires.

Recently, the energy industry began spraying silver paint in attics as a radiant barrier. The Standards do not require reporting radiant barriers.

Sometimes past mold remediation results in the woods being painted white.

It is very difficult, if no impossible, to determine if the paint was from a past fire, mold remediation or and radiant barrier.

1. Do the Standards require the inspector to report a past fire in the attic if additional repair is not evident?
2. Is the inspector required to report the presence of white or silver paint in an attic?
3. Is the presence of such paint deficient?
4. Is the inspector required to determine if the paint was from a fire, mold remediation or a radiant barrier?

Until notice by TREC, the condition described is not considered a required reporting item. If it is considered a required reporting item please provide the source used to make the determination. Please advise.

Thank you,
John Cahill

Photo examples



A fire or a radiant barrier? Required reporting?

Texas Real Estate Commission
Devon Bijansky, TREC attorney

Request for Interpretation

RFI number: 2010-01-02-5 revised

The following Request for Interpretation (RFI) is submitted on behalf of several inspectors. After discussion, a reasonable majority agreement on a possible requirement of the Standards of Practice Rule has not been realized.

We realize a TREC opinion is not enforceable unless adopted as Rule however an opinion from the highest authority at TREC is the next best method of public protection.

While a question may seem trivial it is submitted because a difference of opinion exists amongst experienced inspectors. The TREC Commissioners instructed the Inspector Committee to write the Standards of Practice with specificity, code and safety. This RFI is in alignment with the Commissioners dictate. We suspect most opinions will require very little time to answer on the part of TREC.

The busy schedule of TREC acknowledged. To aid with interpretation our opinion will be provided with the question. We will rely on that interpretation until TREC renders an official opinion. If our opinion is wrong we rely on TREC's supervision.

During a recent IAC meeting this question seemed to cause confusion. The picture did not match the question. The question is revised in order to assist the IAC understand the question and avoid circular answers.

Tape on a gas appliance flue vent or connector

It is very common to see **aluminum** tape securing a Type B vent pipe, single wall vent pipe or connector. 3M manufactures a heat resistant foil tape that can be used in various aircraft applications as well as HVAC applications. It is not specifically labeled for flue pipes but is widely used in the industry. The inspector would not be able to determine the brand of the tape.

http://solutions.3m.com/wps/portal/3M/en_US/3M-SpecialtyTapes/SpcltyTape/ProdInfo/Spec6/AlumFoil425/

1. Is the presence of aluminum tape on a Type B vent pipe, single wall vent pipe or connector a required reporting item?

Until notice by TREC, the condition described is not considered a required reporting item. If it is considered a required reporting item please provide the source used to make the determination.

Prior photo reference deleted to avoid confusion.

Please advise.

Thank you,
John Cahill

Texas Real Estate Commission
Robert Meisel, TREC attorney

Request for Interpretation

RFI number: 2010-01-02-6

The following Request for Interpretation (RFI) is submitted on behalf of several inspectors. After discussion, a reasonable majority agreement on a possible requirement of the Standards of Practice Rule has not been realized.

We realize a TREC opinion is not enforceable unless adopted as Rule however an opinion from the highest authority at TREC is the next best method of public protection.

While a question may seem trivial it is submitted because a difference of opinion exists amongst experienced inspectors. The TREC Commissioners instructed the Inspector Committee to write the Standards of Practice with specificity, code and safety. This RFI is in alignment with the Commissioners dictate. We suspect most opinions will require very little time to answer on the part of TREC.

The busy schedule of TREC acknowledged. To aid with interpretation our opinion will be provided with the question. We will rely on that interpretation until TREC renders an official opinion. If our opinion is wrong we rely on TREC's supervision.

Stairway headroom clearance

Many older homes do not meet modern codes for stairs. One common deviation is headroom. The Standards do not require inspection code unless specifically stated. In almost all cases the condition is not feasible to remedy and it has a long history of acceptable performance.

1. Is the inspector required to determine the headroom clearance on stairs regardless the age of construction?
2. If yes above what is the height?
3. If yes is the condition a required reporting?

Until notice by TREC, the condition described is not considered a required reporting item. If it is considered a required reporting item please provide the source used to make the determination. Please advise.

Thank you,
John Cahill

Photo example



Code references 6' 8" as a minimum. This stair is 6'2". Is it a material defect?

Disclaimer language to be included on all responses:

(BEFORE each response)

Please note that this response applies only to the specific facts contained in the question and is not a part of the minimum standards of practice for real estate inspections.

(AFTER each response)

Please review the standards of practice often for relevant updates. Following this link will take you to the current version [link] on the agency's website.

a.

Water pooling in tubs/showers

We are in receipt of your inquiry regarding the following provision of the Standards of Practice for inspectors, 22 TAC §535.231:

- (a) Plumbing systems. The inspector shall:
- (2) report as Deficient:
- (H) deficiencies in:
- (v) functional drainage at fixtures

You asked:

Is a slight amount, say a few cups, of residual water in a plumbing fixture deficient?

A properly constructed and properly functioning bathtub or shower should drain virtually all water (with the exception of minimal amounts that remain due to the surface tension of the water). Amounts beyond this that remain due to indentations or improper slope in the tub or shower (including shelves, ledges, etc.) constitute deficiencies and should be reported as such.

b.

Required means of exhaust ventilation

We are in receipt of your inquiry regarding the following provision of the Standards of Practice for inspectors, 22 TAC §535.232:

- (g) Mechanical exhaust vents and bathroom heaters. The inspector shall report as Deficient:
- (5) the lack of an exhaust ventilator in required areas

You asked:

What are the "required areas" for exhaust ventilators?

At a minimum, bathrooms and water closets that do not have an operative window must be reported as deficient if they lack an exhaust fan that vents to outside air. Note, however, that inspectors are not prohibited from exceeding this minimum standard, as long as they do so competently.

c.

Damper clamp

We are in receipt of your inquiry regarding the following provision of the Standards of Practice for inspectors, 22 TAC §535.228:

- (q) Fireplace and chimney. The inspector shall report as Deficient:

(5) deficiencies in the:
(A) damper

You asked:

Do the Standards require the inspector to report a gas log fireplace as deficient if it has a damper that is not blocked open? If yes, how wide should the damper be blocked open?

Lack of a damper clamp is required to be reported as a deficiency when a gas appliance (not merely a capped gas supply pipe) is present. The Standards of Practice do not establish a minimum distance the clamp should hold the damper open. Note, however, that inspectors are not prohibited from exceeding this minimum standard, as long as they do so competently.

d.

Lack of weepholes

We are in receipt of your inquiry regarding the following provision of the Standards of Practice for inspectors, 22 TAC §535.228:

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

(2) report as Deficient:

(E) deficiencies in:

(i) claddings.

You asked:

Do the Standards require the inspector to report the absence of weep holes along the bottom course of brick and above steel lintels as deficient, regardless of age of the home?

Lack of weep holes is only required to be reported as a deficiency when there is visible evidence of water penetration or a structural issue that may be related to the lack of weep holes. Note, however, that inspectors are not prohibited from exceeding this minimum standard, as long as they do so competently.

e.

Double-tapped neutrals

We are in receipt of your inquiry regarding the following provision of the Standards of Practice for inspectors, 22 TAC §535.229:

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

(14) the absence of appropriate connections, such as copper/aluminum-approved devices

You asked:

Do the Standards require the inspector to report double tapped neutral wires on a panel box terminal as deficient?

Yes, double-tapped neutral wires are a deficiency and must be reported as such.

f.

Evidence of past attic fires

We are in receipt of your inquiry regarding the following provision of the Standards of Practice for inspectors, 22 TAC §535.228:

- (g) Roof structure and attic. The inspector shall:
- (2) report as Deficient:
- (B) deficiencies in installed framing members and decking

You asked:

1. Do the Standards require the inspector to report a past fire in the attic if additional repair is not evident?
2. Is the inspector required to report the presence of white or silver paint in an attic?
3. Is the presence of such paint deficient?
4. Is the inspector required to determine if the paint was from a fire, mold remediation or a radiant barrier?

Evidence of a past fire is not, in itself, a deficiency. Likewise, the presence of white or silver paint in the attic is not a deficiency. Accordingly, inspectors are not required to report mere evidence of a past fire or the presence of paint in the attic. If there are any deficiencies due to fire or other causes, those deficiencies must be reported. Note, however, that inspectors are not prohibited from exceeding this minimum standard, as long as they do so competently.

g.
Tape on a Type B vent

We are in receipt of your inquiry regarding the following provision of the Standards of Practice for inspectors, 22 TAC §535.231:

- (c) Water heaters. The inspector shall:
- (5) in gas units, report as Deficient:
- (E) deficiencies in:
- (iv) vent pipe, draft hood, draft, proximity to combustibles, and vent termination point and clearances.

You asked:

1. Is the presence of tape on a Type B flue a required reporting item?
2. Is it a material defect?

The answer to these questions depends on the type of tape (specifically, the flammability of the material).

h.
Stair headroom

We are in receipt of your inquiry regarding the following provision of the Standards of Practice for inspectors, 22 TAC §535.228:

- (o) Interior and exterior stairways. The inspector shall report as Deficient:
- (2) deficiencies in steps, stairways, landings, guardrails, and handrails.

You asked:

1. Is the inspector required to determine the headroom clearance on stairs regardless the age of construction?

2. If yes above what is the height?
3. If yes is the condition a required reporting?

The inspector is not required to measure the headroom clearance of every set of stairs. The Standards of Practice do not establish a minimum headroom clearance height. Whether to report inadequate headroom clearance as a deficiency is up to the reasonable judgment of the inspector.

Draft

Texas Real Estate Commission
Robert Meisel, TREC attorney

Request for Interpretation

RFI number: 2010-01-02-7

The following Request for Interpretation (RFI) is submitted on behalf of several inspectors. After discussion, a reasonable majority agreement on a possible requirement of the Standards of Practice Rule has not been realized.

We realize a TREC opinion is not enforceable unless adopted as Rule however an opinion from the highest authority at TREC is the next best method of public protection.

While a question may seem trivial it is submitted because a difference of opinion exists amongst experienced inspectors. The TREC Commissioners instructed the Inspector Committee to write the Standards of Practice with specificity, code and safety. This RFI is in alignment with the Commissioners dictate. We suspect most opinions will require very little time to answer on the part of TREC.

The busy schedule of TREC acknowledged. To aid with interpretation our opinion will be provided with the question. We will rely on that interpretation until TREC renders an official opinion. If our opinion is wrong we rely on TREC's supervision.

Transite pipe

Transite pipe contains asbestos. Transite is no longer manufactured with asbestos but it remains in use in many older homes. From a performance perspective, the material works very well. The Standards do not require reporting of asbestos.

1. Is the presence of Transite pipe deficient?
2. Is the inspector required to report on its presence?

The definition of "deficiency" explains the Standards purpose is to address adverse material conditions. A problem inherent with this RFI is this condition may be considered discrepant but may not be significant enough to be classified as material and thereby deficient. While it would be nice if every conceivable discrepancy or defect could be identified by the inspector it is not reasonable or possible to require all such circumstances with regulation. If TREC determines this is not a required reporting item we understand that it may be an item an inspector might choose to report but that the inspector would not be deemed in violation of the standards for choosing to not report the condition.

Until notice by TREC, the condition described is not considered a required reporting item. If it is considered a required reporting item please provide the source used to make the determination. Please advise.

Thank you,
John Cahill

Photo examples



Texas Real Estate Commission
Robert Meisel, TREC attorney

Request for Interpretation

RFI number: 2010-01-02-8

The following Request for Interpretation (RFI) is submitted on behalf of several inspectors. After discussion, a reasonable majority agreement on a possible requirement of the Standards of Practice Rule has not been realized.

We realize a TREC opinion is not enforceable unless adopted as Rule however an opinion from the highest authority at TREC is the next best method of public protection.

While a question may seem trivial it is submitted because a difference of opinion exists amongst experienced inspectors. The TREC Commissioners instructed the Inspector Committee to write the Standards of Practice with specificity, code and safety. This RFI is in alignment with the Commissioners dictate. We suspect most opinions will require very little time to answer on the part of TREC.

The busy schedule of TREC acknowledged. To aid with interpretation our opinion will be provided with the question. We will rely on that interpretation until TREC renders an official opinion. If our opinion is wrong we rely on TREC's supervision.

Water heater commingled temperature and pressure relief and pan drain

Ideally a water heater drain pan should not share the temperature and pressure relief drain line. However, it was common for some cities to allow the practice providing a check valve was installed. Some inspectors consider this a defect and some do not. The condition was an accepted industry practice. We have been unable to locate any reference to an unacceptable material failure.

1. Is the presence of a commingled water heater drain pan drain line and a temperature / pressure relief drain line deficient?

The definition of "deficiency" explains the Standards purpose is to address adverse material conditions. A problem inherent with this RFI is this condition may be considered discrepant but may not be significant enough to be classified as material and thereby deficient. While it would be nice if every conceivable discrepancy or defect could be identified by the inspector it is not reasonable or possible to require all such circumstances with regulation. If TREC determines this is not a required reporting item we understand that it may be an item an inspector might choose to report but that the inspector would not be deemed in violation of the standards for choosing to not report the condition.

Until notice by TREC, the condition described is not considered a required reporting item. If it is considered a required reporting item please provide the source used to make the determination. Please advise.

Thank you,
John Cahill

Photo example



Drain pan line

Check valve

T&P drain line

Texas Real Estate Commission
Robert Meisel, TREC attorney

Request for Interpretation

RFI number: 2010-01-02-10

The following Request for Interpretation (RFI) is submitted on behalf of several inspectors. After discussion, a reasonable majority agreement on a possible requirement of the Standards of Practice Rule has not been realized.

We realize a TREC opinion is not enforceable unless adopted as Rule however an opinion from the highest authority at TREC is the next best method of public protection.

While a question may seem trivial it is submitted because a difference of opinion exists amongst experienced inspectors. The TREC Commissioners instructed the Inspector Committee to write the Standards of Practice with specificity, code and safety. This RFI is in alignment with the Commissioners dictate. We suspect most opinions will require very little time to answer on the part of TREC.

The busy schedule of TREC acknowledged. To aid with interpretation our opinion will be provided with the question. We will rely on that interpretation until TREC renders an official opinion. If our opinion is wrong we rely on TREC's supervision.

Copper gas line

The Standard states:

(7) Gas supply systems. The inspector shall:

(B) report as Deficient:

*(ii) deficiencies in the condition and **type of gas piping, fittings, and valves.***

The use of copper in as a gas supply line has been considered unacceptable for many years. The problem associated with copper and gas is deterioration caused by corrosive elements found in the gas supply line. 20 to 30 years ago natural gas quality varied widely and as a result common construction practices discontinued the use of copper with natural gas.

However, in recent years the vast majority of gas is scrubbed clean for environmental reasons. The corrosive condition is unlikely to exist.

The IRC code states

G2414.5.2 (403.5.2) Copper tubing. Copper tubing shall comply with standard Type K or L of ASTM B 8 or ASTM B 280. Copper and brass tubing shall not be used if the gas contains more than an average of 0.3 grains of hydrogen sulfide per 100 standard cubic feet of gas (0.7 milligrams per 100 liters).

For investigative reasons the following was done.

- (1) The gas provider for the City of San Antonio stated their contract with San Antonio requires gas to be provided with less than .3 grains of hydrogen sulfide. It meets code.
- (2) The head of the San Antonio plumbing code enforcement stated san Antonio does not have a specific ordinance or code amendment preventing copper from being used.

Conclusion

Using copper gas pipe is legal because it meets the IRC code and no local ordinance exists to prevent such. The vast majority of natural gas meets code regarding hydrogen sulfide (H₂S) content and is considered safe for copper. Common industry practice that considered copper as unacceptable no longer applies. Using this information, the following question is submitted.

1. Is the presence of copper gas line material deficient?
2. Is the inspector required to research codes and ordinances?
3. What type(s) of materials would be considered deficient regarding gas lines? Examples would be helpful. Examples might be: PVC, CPVC, clear plastic tubing, PEX pipe, polybutylene.

The definition of "deficiency" explains the Standards purpose is to address adverse material conditions. A problem inherent with this RFI is this condition may be considered discrepant but may not be significant enough to be classified as material and thereby deficient. While it would be nice if every conceivable discrepancy or defect could be identified by the inspector it is not reasonable or possible to require all such circumstances with regulation. If TREC determines this is not a required reporting item we understand that it may be an item an inspector might choose to report but that the inspector would not be deemed in violation of the standards for choosing to not report the condition.

Until notice by TREC, the condition described is not considered a required reporting item. If it is considered a required reporting item please provide the source used to make the determination. Please advise.

Thank you,
John Cahill

From: "Rich Jones"
To: commentaries@TREC.state.tx.us
Sent: Sunday, January 3, 2010 3:00:33 PM
Subject: Commenttary comment

In the section (C) lack of fire separation between the garage and the residence and its attic space.

1. What if the garage is part of the house, they share a common attic. There is no fire wall between the attic space and the rest of the house in most if not all cases. Is this considered a deficiency?
2. What if the entrance to the attic is in the ceiling of the garage which is part of the house and share a common attic. Do the pull down steps need the same fire rating as a fire door between the structure and the garage through a common wall?

Under Standards of practice, General conditions:

(K) turn on Decommissioned equipment, systems, or utility services;

1. What if the house has been "winterized" by a mortgage company or owner. This means the house water systems are decommissioned and drained with antifreeze added to 'P' traps and other areas that might freeze. Is the inspector required to re-winterize the house after he performs and inspection? If the client ask him to do the inspection anyway and he does not "winterizing" and damage occurs is the inspector at fault for the damage even through he told the customer he was not going to do the task. Is the buyer responsible here or would he have to tell the owner or owners representative he was not winterizing the house.

W.R. Jones
TREC 6937

Texas Real Estate Commission
Robert Meisel, TREC attorney

Request for Interpretation

RFI number: 2010-01-02-11

The following Request for Interpretation (RFI) is submitted on behalf of several inspectors. After discussion, a reasonable majority agreement on a possible requirement of the Standards of Practice Rule has not been realized.

We realize a TREC opinion is not enforceable unless adopted as Rule however an opinion from the highest authority at TREC is the next best method of public protection.

While a question may seem trivial it is submitted because a difference of opinion exists amongst experienced inspectors. The TREC Commissioners instructed the Inspector Committee to write the Standards of Practice with specificity, code and safety. This RFI is in alignment with the Commissioners dictate. We suspect most opinions will require very little time to answer on the part of TREC.

The busy schedule of TREC acknowledged. To aid with interpretation our opinion will be provided with the question. We will rely on that interpretation until TREC renders an official opinion. If our opinion is wrong we rely on TREC's supervision.

Reusing gas line connectors

The Standard states:

(7) Gas supply systems. The inspector shall:

(B) report as Deficient:

*(ii) deficiencies in the condition and **type of gas piping, fittings, and valves.***

Manufacturer requirements supercede code. Manufacturers require gas line connectors to be replaced when new appliances are installed.

http://www.dormont.com/dmc/uploadedFiles/res/ResourceCenter/RES_instructions.pdf

They state: NEVER reuse a gas connector. If a new appliance is purchased or an existing appliance is moved, a new connector must be used.

The standards do not require the inspector to determine the date of an appliance or inspect to manufacturer requirements. However, there are times when it is obvious an old connector has been used on a recently replaced appliance.

- (1) Is the inspector required to report a gas line connector as deficient if it is reasonably apparent that such has been reused?

The definition of "deficiency" explains the Standards purpose is to address adverse material conditions. A problem inherent with this RFI is this condition may be considered discrepant but may not be significant enough to be classified as material and thereby deficient. While it would be nice if every conceivable discrepancy or defect could be identified by the inspector it is not reasonable or possible to require all such circumstances with regulation. If TREC determines this is not a required reporting item we understand that it may be an item an inspector might choose to report but that the inspector would not be deemed in violation of the standards for choosing to not report the condition.

Until notice by TREC, the condition described is not considered a required reporting item. If it is considered a required reporting item please provide the source used to make the determination. Please advise.

Thank you,
John Cahill



NOTE: refer to separate RFI regarding copper gas line connectors



Young water heater; old gas line

Request for Interpretation

To: Texas Real Estate Commission
Attn: Mr. Robert Meisel – Staff Attorney

RFI #:

The following Request for Interpretation (RFI) is submitted on behalf of several inspectors. After discussion, a reasonable majority agreement on a possible requirement of the Standards of Practice Rule has not been realized.

We realize a TREC opinion is not enforceable unless adopted as Rule however an opinion from the highest authority at TREC is the next best method of public protection. While a question may seem trivial it is submitted because a difference of opinion exists amongst experienced inspectors. The TREC Commissioners instructed the Inspector Committee to write the Standards of Practice with specificity, code and safety. This RFI is in alignment with the Commissioners dictate. We suspect most opinions will require very little time to answer on the part of TREC.

The busy schedule of TREC is acknowledged. To aid with interpretation our opinion will be provided with the question and we will rely on our interpretation until TREC renders an official opinion. If our opinion is wrong we rely on TREC's prompt supervision.

Topic

Subject: Dishwasher power connections

The TREC SOP states:

(3) report as Deficient:

(G) deficiencies in wiring, wiring terminations, junctions, junction boxes, devices, and fixtures, including improper location;

(H) the lack of equipment disconnects;

- And defines accessible as:–

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

.....

(B) moving furnishings or large, heavy, or fragile objects;

(C) using specialized tools or procedures;

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

.....

Supporting documentation: By modern standards, dishwashers and other similar appliances use a power cord and plug (receptacle) rather than being hard wired into the home's electrical system. This allows a homeowner to more easily replace a defective dishwasher themselves and simply unplug the old one and plug the new one in. Many times, the power cord/wiring for the dishwasher is hidden behind the dishwasher and would require unsecuring the dishwasher from the cabinetry and pulling it out to determine the connection method. Since manufacturer's installation instructions generally supersede codes then the following conflict arises:

Request for Interpretation

- A. Some **dishwasher manufacturers** state in the installation instructions:

"For power cord connections, install a 3-prong grounding type receptacle in the adjacent cabinet rear wall, 6" min. or 18" max. from the opening, 6" to 18" above the floor. The receptacle must be accessible and therefore cannot be installed in the back wall of the dishwasher enclosure"

- B. The **IRC** does not address this topic specifically but states wiring should be:

ACCESSIBLE. (As applied to wiring methods.) Capable of being removed or exposed without damaging the building structure or finish, or not permanently closed in by the structure or finish of the building.

- C. The **2005 NEC 422.16.2.4** states "The receptacle shall be located in the space occupied by the appliance or adjacent thereto."

Question for interpretation: Is the lack of a dishwasher power receptacle in an adjacent cabinet, i.e. under the Kitchen sink, a reportable deficiency? If no receptacle is visible must the inspector unsecure the dishwasher from the cabinetry, slide it out and determine the wiring method used?

Until notice by TREC, the condition described is not considered a required reporting deficiency. If it is considered a required reporting deficiency then please provide the source used to make the determination.

Thank you,

Mike Boyett
TREC #7290

Request for Interpretation

To: Texas Real Estate Commission

RFI #: 02-26a-10

Attn: General Counsel or Delegate

The following Request for Interpretation (RFI) is submitted on behalf of several inspectors. After discussion, a reasonable majority agreement on a possible requirement of the Standards of Practice Rule has not been realized.

We understand that a TREC opinion is not enforceable unless adopted as a regulation; however an opinion from the highest authority at the TREC is the next best method of consumer protection. While a question may seem trivial it is submitted because a difference of opinion exists amongst experienced inspectors. The TREC Commissioners instructed the Inspector Advisory Committee to write the Standards of Practice with specificity, code and safety. This RFI is in alignment with the Commissioners' dictate.

The busy schedule of the TREC is acknowledged. We will rely on our interpretation until the TREC renders an official opinion. If our opinion is wrong we rely on the TREC's prompt supervision.

Topic

Subject: Clarification of General Requirements & Minimum Inspection Requirements for Foundations

The TREC SOP states:

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

- (a) Foundations. The inspector shall:
 - (2) report:
 - (A) the type of foundation(s)

The Issue:

Many slab-on-ground foundations in areas of expansive soils are constructed as structurally-supported slabs-on-ground. This is a configuration which entails the use of drilled piers beneath the grade beams of the foundation. This is an entirely different type of foundation than the typical slab-on-ground foundation, and it is not ascertainable through a strictly visual inspection.

Question for Interpretation: Clarification is required regarding the requirement to report the type of foundation when it is not ascertainable via a visual inspection.

Sincerely,

Aaron D. Miller, ACI, CEI, CRI, MCI, RCI

TREC #4336

Request for Interpretation

To: Texas Real Estate Commission

RFI #: 02-26b-10

Attn: General Counsel or Delegate

The following Request for Interpretation (RFI) is submitted on behalf of several inspectors. After discussion, a reasonable majority agreement on a possible requirement of the Standards of Practice Rule has not been realized.

We understand that a TREC opinion is not enforceable unless adopted as a regulation; however an opinion from the highest authority at the TREC is the next best method of consumer protection. While a question may seem trivial it is submitted because a difference of opinion exists amongst experienced inspectors. The TREC Commissioners instructed the Inspector Advisory Committee to write the Standards of Practice with specificity, code and safety. This RFI is in alignment with the Commissioners' dictate.

The busy schedule of the TREC is acknowledged. We will rely on our interpretation until the TREC renders an official opinion. If our opinion is wrong we rely on the TREC's prompt supervision.

Topic

Subject: Clarification of General Requirements & Minimum Inspection Requirements for Foundations

The TREC SOP states:

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

(a) Foundations. The inspector shall:

(5) render a written opinion as to the performance of the foundation.

§535.227. Standards of Practice: Definitions

(a) Definitions

(7) Performance--Achievement of an operation, function, or configuration consistent with accepted industry practice.

The Issue:

There is no single formal universally accepted industry standard for residential building foundation performance. Even if there were, an opinion of the performance of any foundation would necessarily require several pieces of information that are typically not available to the inspector, e.g. a new construction elevation baseline survey on the date that the foundation construction was originally substantially completed. Additionally, the only standards, such as those published by the American Concrete Institute, the Texas Section of the American Society of Civil Engineers, et al., regarding foundation levelness require foundation elevation measurement tools that are above and beyond what constitutes a visual inspection.

Simply put, an opinion on the performance of a foundation cannot feasibly be based upon a one-time visual inspection of the structure. One cannot extrapolate long-term trends from a short-term incomplete sample of facts.

Supporting Documentation:

ACI 302.1R-04 Guide for Concrete Floor and Slab Construction, American Concrete Institute

ACI 117-06 Specifications for Tolerances for Concrete Construction and Materials and Commentary

Guidelines for the Evaluation and Repair of Residential Foundations, Texas Section of the American Society of Civil Engineers

Question for Interpretation: Clarification is required regarding the requirement to report the performance of a foundation when it is not ascertainable via a visual inspection during a one-time visit to the site.

Sincerely,

Aaron D. Miller, ACI, CEI, CRI, MCI, RCI

TREC #4336

Request for Interpretation

To: Texas Real Estate Commission

RFI #: 02-26c-10

Attn: General Counsel or Delegate

The following Request for Interpretation (RFI) is submitted on behalf of several inspectors. After discussion, a reasonable majority agreement on a possible requirement of the Standards of Practice Rule has not been realized.

We understand that a TREC opinion is not enforceable unless adopted as a regulation; however an opinion from the highest authority at the TREC is the next best method of consumer protection. While a question may seem trivial it is submitted because a difference of opinion exists amongst experienced inspectors. The TREC Commissioners instructed the Inspector Advisory Committee to write the Standards of Practice with specificity, code and safety. This RFI is in alignment with the Commissioners' dictate.

The busy schedule of the TREC is acknowledged. We will rely on our interpretation until the TREC renders an official opinion. If our opinion is wrong we rely on the TREC's prompt supervision.

Topic

Subject: Clarification of General Requirements & Minimum Inspection Requirements for Foundations

The TREC SOP states:

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

(a) Foundations. The inspector shall:

(4) report as Deficient:

(G) damaged retaining walls related to foundation performance;

(b) Specific limitations for foundations. The inspector is not required to:

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

§535.227. Standards of Practice: General Provisions

(b) Scope.

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

(G) recommend or provide engineering, architectural, appraisal, mitigation, physical surveying, realty, or other specialist services;

The Issue:

Most of the residential foundations in the State of Texas are slab-on-ground foundations. Many of these are prestressed post-tension foundations which are, by definition, engineered systems. Additionally, House Bill 2649 during the 81st Texas Legislative Session requires all Texas homes built on expansive soil to have engineered slabs to withstand those expansive soils.

Unless he or she is also a licensed structural engineer, it is beyond the ability of any home inspector to determine if and how a retaining wall is involved in the support of an engineered foundation.

Question for Interpretation: Clarification is required regarding the seeming contradiction in the directive and the limitations.

Sincerely,

Aaron D. Miller, ACI, CEI, CRI, MCI, RCI

TREC #4336

Request for Interpretation

To: Texas Real Estate Commission

RFI #: (02-27-2010 Cole)

Date: February 27, 2010

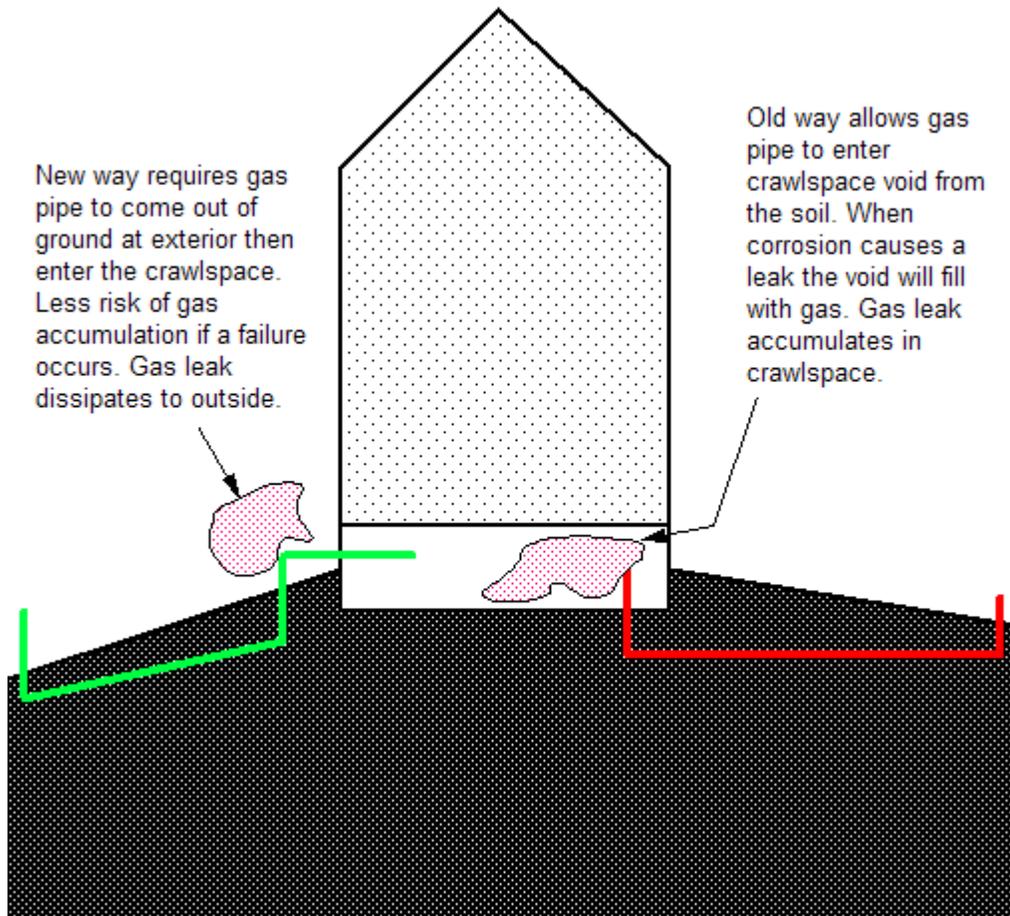
Attn: General Counsel or delegate

The following Request for Interpretation (RFI) is submitted on behalf of several inspectors. After discussion, a reasonable majority agreement on a possible requirement of the Standards of Practice Rule has not been realized.

The busy schedule of TREC is acknowledged. To aid with interpretation our opinion will be provided with the question and we will rely on our interpretation until TREC renders an official opinion. If our opinion is wrong we rely on TREC's prompt supervision.

Topic

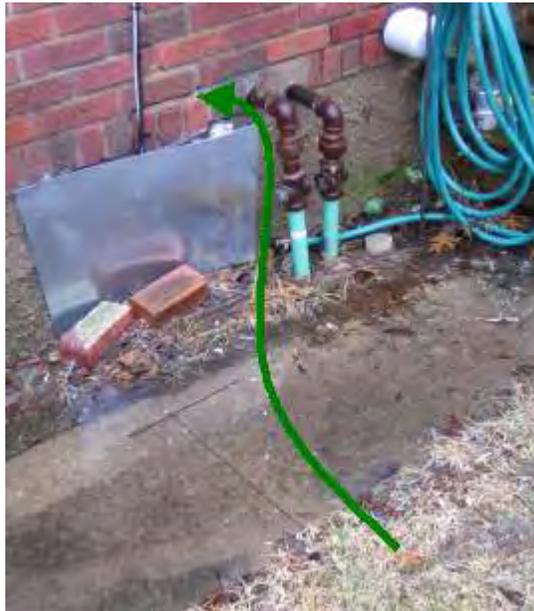
Subject: Gas Supply Systems: Steel natural gas supply pipes buried in the ground were not protected from corrosion until about 1960. The old pipes are known to rust over time and leak after 40 to 60 years. Most of the pre-1960 pier and beam houses in the North Texas area have buried gas pipes routed under the perimeter beam and emerging from the soil into the crawlspace. Other areas in Texas are expected to have the same condition. A corroded pipe that leaks gas into a crawlspace, especially when the crawlspace vents are covered, can easily destroy life and property from explosion. Explanatory photos follow.



Below is old method as seen from the crawlspace.



Below is new method. Gas pipe comes out of ground before entering the crawl space



The TREC SOP states:

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

(a) Plumbing systems. The inspector shall:

(2) report as Deficient:

(H) deficiencies in:

(x) the condition of the gas distribution system.

And

(2) *General Requirements. The inspector shall:*

(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

(7) Performance--Achievement of an operation, function, or configuration consistent with accepted industry practice.

And

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

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

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

(vii) future performance of any item;

(F) designate conditions as safe

(G) recommend or provide engineering, architectural, appraisal, mitigation, physical surveying, realty, or other specialist services;

And

(5) Departure.

(A) An inspector may depart from the standards of practice only if the requirements of subparagraph (B) are met, and:

(iii) conditions beyond the control of the inspector reasonably prevent inspection of an item;

(B) If a part, component, or system required for inspection is not inspected, the inspector shall:

(i) advise the client at the earliest practical opportunity that the part, component, or system will not be inspected; and

(ii) make an appropriate notation on the inspection report form, clearly stating the reason the part, component, or system was not inspected.

The Standards require the inspector to report address adverse material defects regarding gas pipe condition. The Standards do not specify deminimus gas pipe defects.

The Standards allow the inspector to consider accepted industry practices. The Standards do not delineate between accepted industry practices of the past or present.

The Standards imply the visible gas pipe must be inspected from near proximity. If this cannot be done then the departure provision seems to apply.

The Standards state the inspector is not required to determine if the gas pipe is safe or to anticipate future events or conditions such as gas leakage and subsequent explosion.

Questions for interpretation:

1. Is the inspector required to comment on the way a gas pipe enters a crawl space? Until TREC provides an opinion such is interpreted "no".
2. Is the inspector required to warn of the potential or consequence of a method of installation that is or was an accepted industry practice? Until TREC provides an opinion such is interpreted "no".

3. If the inspector cannot see the gas pipe entry from close proximity then must the inspector make an appropriate notation on the inspection report form, clearly stating the reason the part, component, or system was not inspected? Until TREC provides an opinion such is interpreted "yes".

Thank you,

Jim Cole

Former Inspector Advisory Committee and SoP subcommittee member

Request for Interpretation

To: Texas Real Estate Commission

RFI #: 03-01-10 c

Attn: General Counsel or Delegate

The following Request for Interpretation (RFI) is submitted on behalf of several inspectors. After discussion, a reasonable majority agreement on a possible requirement of the Standards of Practice Rule has not been realized.

We understand that a TREC opinion is not enforceable unless adopted as a regulation; however an opinion from the highest authority at the TREC is the next best method of consumer protection. While a question may seem trivial it is submitted because a difference of opinion exists amongst experienced inspectors. The TREC Commissioners instructed the Inspector Advisory Committee to write the Standards of Practice with specificity, code and safety. This RFI is in alignment with the Commissioners' dictate.

The busy schedule of the TREC is acknowledged. We will rely on our interpretation until the TREC renders an official opinion. If our opinion is wrong we rely on the TREC's prompt supervision.

Topic

Subject: Clarification of General Requirements & Minimum Inspection Requirements for Roof Structure and Attic

The TREC SOP states:

535.228 Standards of Practice: Minimum Inspection Requirements for Structural Systems

- (g) Roof structure and attic. The inspector shall:
- (2) report as Deficient:
- (F) deficiencies in attic ventilators.

(h) Specific limitations for roof structure and attic. The inspector is not required to:

- (2) operate powered ventilators;

The Issue:

The SOP appears to require the inspector to identify deficiencies in attic ventilators while not requiring the inspector to operate powered ventilators.

Question for Interpretation: How shall the inspector identify deficiencies in the power ventilators without operating them? Clarification is required regarding the seeming contradiction in the directive and the limitations.

Supporting Documentation:

535.227 Standards of Practice: General Provisions

(6) Inspect--To look at and examine accessible items, parts, systems, or components and report observed deficiencies.

(4) Deficiency--A condition that, in the inspector's reasonable opinion, adversely and materially affects the performance of a system or component or constitutes a hazard to life, limb, or property as specified by these standards of practice. General deficiencies include but are not limited to inoperability, material distress, water penetration, damage, deterioration, missing parts, and unsuitable installation.

(7) Performance--Achievement of an operation, function, or configuration consistent with accepted industry practice.

Sincerely,

Aaron D. Miller, ACI, CEI, CRI, MCI, RCI

TREC #4336

Request for Interpretation

To: Texas Real Estate Commission
03-01-10 b

RFI #: 02-26d-10 or

Attn: General Counsel or Delegate

The following Request for Interpretation (RFI) is submitted on behalf of several inspectors. After discussion, a reasonable majority agreement on a possible requirement of the Standards of Practice Rule has not been realized.

We understand that a TREC opinion is not enforceable unless adopted as a regulation; however an opinion from the highest authority at the TREC is the next best method of consumer protection. While a question may seem trivial it is submitted because a difference of opinion exists amongst experienced inspectors. The TREC Commissioners instructed the Inspector Advisory Committee to write the Standards of Practice with specificity, code and safety. This RFI is in alignment with the Commissioners' dictate.

The busy schedule of the TREC is acknowledged. We will rely on our interpretation until the TREC renders an official opinion. If our opinion is wrong we rely on the TREC's prompt supervision.

Topic

Subject: Clarification of General Requirements & Minimum Inspection Requirements for Roof Covering Materials

The TREC SOP states:

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

(e) Roof covering materials. The inspector shall:

(3) report as Deficient:

(A) a roof covering that is not appropriate for the slope of the roof;

(f) Specific limitations for roof covering. The inspector is not required to:

(3) determine the number of layers of roof covering material;

The Issue:

Asphalt shingle manufacturers specify that their shingles cannot be installed on roofs with pitches of less than 4/12 or more than 2/12 without the use of special underlayment. If the inspector is not required to determine the number of layers

of roofing material, how then shall he fulfill the requirement to determine if the roof covering is not appropriate for the slope of the roof?

Question for Interpretation: Clarification is required regarding the seeming contradiction in the directive and the limitations.

Supporting Documentation:

International Residential Code R905.2.7 Underlayment application. For roof slopes from two units vertical in 12 units horizontal (17-percent slope), up to four units vertical in 12 units horizontal (33-percent slope), underlayment shall be two layers applied in the following manner. Apply a 19-inch (483 mm) strip of underlayment felt parallel to and starting at the eaves, fastened sufficiently to hold in place. Starting at the eave, apply 36-inch-wide (914 mm) sheets of underlayment, overlapping successive sheets 19 inches (483 mm), and fastened sufficiently to hold in place. Distortions in the underlayment shall not interfere with the ability of the shingles to seal. For roof slopes of four units vertical in 12 units horizontal (33-percent slope) or greater, underlayment shall be one layer applied in the following manner. Underlayment shall be applied shingle fashion, parallel to and starting from the eave and lapped 2 inches (51 mm), fastened sufficiently to hold in place. Distortions in the underlayment shall not interfere with the ability of the shingles to seal. End laps shall be offset by 6 feet (1829 mm).

The NRCA Roofing Manual: Steep-slope Roof Systems—2009

Sincerely,

Aaron D. Miller, ACI, CEI, CRI, MCI, RCI

TREC #4336

Texas Real Estate Commission
Devon Bijansky, TREC attorney

Request for Interpretation
RFI number: 2010-25-01

Question: How shall an inspector ascertain with any degree of accuracy if the fire separation between a residence and its attached garage is in place?

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

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

(2) report as Deficient:

(C) lack of fire separation between the garage and the residence and its attic space.

The International Residential Code, which has been adopted by the State of Texas and all municipalities therein, requires a fire separation between single-family residences and their attached garages:

R309.2 Separation required. The garage shall be separated from the residence and its attic area by not less than 1/2-inch (12.7 mm) gypsum board applied to the garage side. Garages beneath habitable rooms shall be separated from all habitable rooms above by not less than 5/8-inch (15.9 mm) Type X gypsum board or equivalent. Where the separation is a floor-ceiling assembly, the structure supporting the separation shall also be protected by not less than 1/2-inch (12.7 mm) gypsum board or equivalent. Garages located less than 3 feet (914 mm) from a dwelling unit on the same lot shall be protected with not less than 1/2-inch (12.7 mm) gypsum board applied to the interior side of exterior walls that are within this area. Openings in these walls shall be regulated by Section R309.1. This provision does not apply to garage walls that are perpendicular to the adjacent dwelling unit wall.

The rating of a gypsum board panel is marked only on the back of the panel which faces the interior of the ceiling. The interior of a ceiling where there is living space above the garage is not accessible during a visual inspection without destructive forensic investigation beyond the scope of the TREC Inspector SOP. With no access to the interior of the ceiling, one cannot ascertain the type or the thickness of gypsum board present.

Until TREC is able to provide an opinion from the highest staff or Commissioner authority, it will be assumed that there is, in fact, no possible way, in the course of a visual inspection, to verify the presence of a code-approved fire separation in

residential garages with living space above. The condition may be reported at the inspector's discretion but it is not a TREC requirement.

Thank you,

Aaron D. Miller, ACI, CEI, CMI, CRI, RCI
TREC No. 4336

Request for Interpretation

To: Texas Real Estate Commission

RFI #: 03/5/10

Attn: General Counsel or Delegate

The following Request for Interpretation (RFI) is submitted on behalf of several inspectors. After discussion, a reasonable majority agreement on a possible requirement of the Standards of Practice Rule has not been realized.

We understand that a TREC opinion is not enforceable unless adopted as a regulation; however an opinion from the highest authority at the TREC is the next best method of consumer protection. While a question may seem trivial it is submitted because a difference of opinion exists amongst experienced inspectors. The TREC Commissioners instructed the Inspector Advisory Committee to write the Standards of Practice with specificity, code and safety. This RFI is in alignment with the Commissioners' dictate.

The busy schedule of the TREC is acknowledged. We will rely on our interpretation until the TREC renders an official opinion. If our opinion is wrong we rely on the TREC's prompt supervision.

Topic

Subject: Clarification of Standards of Practice: Minimum Inspection Requirements for Electrical Systems.

The TREC SOP states:

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

(4) the lack of a secure connection to the grounding electrode system;

§535.227 Standards of Practice: General Provisions

(a) Definitions.

(9) Specialized tools--Tools 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.

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

(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 limited visual survey and basic operation of the systems and components of a building using normal controls and does not require the use of specialized tools 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 parts, components, and systems in addition to those described by the standards of practice.

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

(A) inspect:

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

The Issue:

The connection at a properly installed driven grounding electrode cannot be ascertained without excavation of the soil covering the driven rod or pipe. This is a buried system which appears to be excepted. While concrete-encased or improperly installed electrode connections may be visible, most are not.

Even in the event of an exposed or protruding electrode connection, it is unclear how the inspector is required to verify if the connection is properly secured. NEC 110.3(B) requires that listed or labeled equipment be installed and used in accordance with any instructions included in the listing or labeling. In order to obtain their UL listings, manufacturers must provide installation instructions and specifications for their products. Ground rod and pipe clamps do not have torque specifications stamped on them and rarely have the manufacturer's name or part number affixed. This would make the location of the required information extremely difficult, if not impossible.

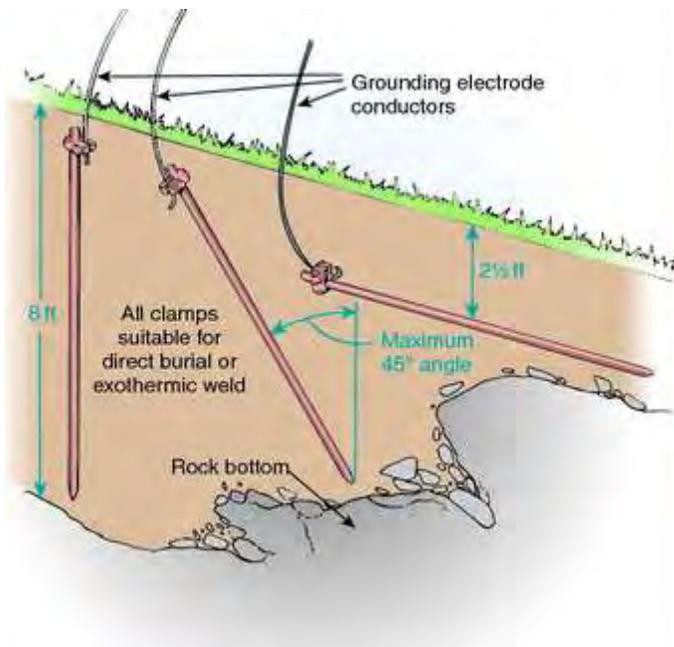
Assuming the best possible scenario in which the inspector comes upon the rare protruding and accessible electrode connection, and he/she is provided with the

manufacturer's torque specifications, measuring the torque on the clamp fastener would require the use of a torque screwdriver or torque wrench, both of which are considered "specialized tools".

Questions for Interpretation: Clarification is required regarding the seeming contradiction in the directives and the limitations. Simply put, how is the inspector to ascertain secure connections on grounding electrodes in the absence of manufacturers' torque instructions, and how shall an inspector verify torque specifications without the use of "specialized tools"?

Supporting Documentation:

NEC 250.52(G) Rod and Pipe Electrodes. The electrode shall be installed such that at least 2.44 m (8 ft) of length is in contact with the soil. It shall be driven to a depth of not less than 2.44 m (8 ft) except that, where rock bottom is encountered, the electrode shall be driven at an oblique angle not to exceed 45 degrees from the vertical or, where rock bottom is encountered at an angle up to 45 degrees, the electrode shall be permitted to be buried in a trench that is at least 750 mm (30 in.) deep. The upper end of the electrode shall be flush with or below ground level unless the aboveground end and the grounding electrode conductor attachment are protected against physical damage as specified in 250.10.



NEC 250.70 Methods of Grounding and Bonding Conductor Connection to Electrodes.

The grounding or bonding conductor shall be connected to the grounding electrode by exothermic welding, listed lugs, listed pressure connectors, listed clamps, or other listed means. Connections depending on solder shall not be used. Ground clamps shall be listed for the materials of the grounding electrode and the grounding electrode conductor and, where used on pipe, rod, or other buried electrodes, shall also be listed for direct soil burial or concrete encasement. Not more than one conductor shall be connected to the grounding electrode by a single clamp or fitting unless the clamp or fitting is listed for multiple conductors. One of the following methods shall be used:

(1) A pipe fitting, pipe plug, or other approved device screwed into a pipe or pipe fitting

(2) A listed bolted clamp of cast bronze or brass, or plain or malleable iron

(3) For indoor telecommunications purposes only, a listed sheet metal strap-type ground clamp having a rigid metal base that seats on the electrode and having a strap of such material and dimensions that it is not likely to stretch during or after installation

(4) An equally substantial approved means

NEC 110.3(B) Installation and Use. Listed or labeled equipment shall be installed and used in accordance with any instructions included in the listing or labeling.

Sincerely,

Aaron D. Miller, ACI, CEI, CRI, MCI, RCI

TREC #4336

Request for Interpretation

To: Texas Real Estate Commission

RFI #: 03/5a/10

Attn: General Counsel or Delegate

The following Request for Interpretation (RFI) is submitted on behalf of several inspectors. After discussion, a reasonable majority agreement on a possible requirement of the Standards of Practice Rule has not been realized.

We understand that a TREC opinion is not enforceable unless adopted as a regulation; however an opinion from the highest authority at the TREC is the next best method of consumer protection. While a question may seem trivial it is submitted because a difference of opinion exists amongst experienced inspectors. The TREC Commissioners instructed the Inspector Advisory Committee to write the Standards of Practice with specificity, code and safety. This RFI is in alignment with the Commissioners' dictate.

The busy schedule of the TREC is acknowledged. We will rely on our interpretation until the TREC renders an official opinion. If our opinion is wrong we rely on the TREC's prompt supervision.

Topic

Subject: Clarification of Minimum Inspection Requirements for Electrical Systems.

The TREC SOP states:

(c) Branch circuits, connected devices, and fixtures. The inspector shall:

(2) manually test the accessible smoke alarms by use of the manufacturer's approved test or by the use of canned smoke; and

The Issue:

The SOP appears to be directing inspectors to inspect smoke alarms by the use of canned smoke. This is not an approved testing method.

Question for Interpretation: Clarification is required regarding the seeming contradiction in the directive and the mandates of the NFPA and all major smoke alarm manufacturers.

Supporting Documentation:

CPSC Bulletin #5077

All smoke alarms should be tested at least once a month to make sure they operate properly. If a smoke alarm is battery operated, replace the batteries at least once a year to make sure the alarm will work when it is needed. It's a good practice to make replacement of batteries a seasonal routine, such as when resetting clocks in the fall or spring. Always follow the manufacturer's instructions for testing smoke alarms and replacing the batteries.

NOTE: CPSC directives preempt regulations promulgated by States or political subdivisions of States. See: 15 USC 2075 - Sec. 2075. State standards.

NFPA 72: National Fire Alarm and Signaling Code, 2010 Edition.

Table 14.4.2.2, 14 (g)(4) Single- and multiple-station smoke alarms and system smoke detectors used in on- and two-family dwellings.
Functional tests shall be conducted according to the manufacturer's published instructions.

First Alert Users Manual

WEEKLY TESTING

The built-in test switch accurately tests the unit's operation as required by Underwriters Laboratories, Inc. (UL). NEVER use vehicle exhaust! Exhaust may cause permanent damage and voids your warranty.

You can test this Smoke/CO Alarm: Press and hold the Test/Silence button 3-5 seconds until unit starts to alarm.

Firex Users Manual

7. Test the unit to ensure proper operation by pressing the Test/Hush Button for a minimum of 5 seconds. (All interconnected, battery backed up, alarms should respond).

Sincerely,

Aaron D. Miller, ACI, CEI, CRI, MCI, RCI

TREC #4336

Request for Interpretation

To: Texas Real Estate Commission

RFI #: 2010-03-19

Attn: General Counsel or delegate

The following Request for Interpretation (RFI) is submitted on behalf of several inspectors. After discussion, a reasonable majority agreement on a possible requirement of the Standards of Practice Rule has not been realized.

We realize a TREC opinion is not enforceable unless adopted as Rule however an opinion from the highest authority at TREC is the next best method of public protection. While a question may seem trivial it is submitted because a difference of opinion exists amongst experienced inspectors. The TREC Commissioners instructed the Inspector Committee to write the Standards of Practice with specificity, code and safety. This RFI is in alignment with the Commissioners dictate. We suspect most opinions will require very little time to answer on the part of TREC.

The busy schedule of TREC is acknowledged. To aid with interpretation our opinion will be provided with the question and we will rely on our interpretation until TREC renders an official opinion. If our opinion is wrong we rely on TREC's prompt supervision.

Topic

Subject: Testing gas supply systems for leaks.

The TREC SOP states:

Rule #535.233 Optional Systems

(7) Gas supply systems. The inspector shall:

(A) test gas lines using a local or an industry-accepted procedure: and

(B) report as deficient;

(i) leaks; and

(ii) deficiencies in the condition and type of gas piping, fittings, and valves.

(8) Specific limitations for gas lines. The inspector is not required to inspect sacrificial anode bonding or for its existence.

Supporting documentation: The locally accepted method and industry accepted method for testing natural gas supply systems in Dallas is:

1. Hire a licensed plumber, get a permit, remove all appliance shut off valves, cap off at hard pipes, remove pipe at meter, install approved calibrated diaphragm gage, pump up the gas piping system to 3 psi
2. City inspector physically observes gage pressure holding 3 psi for 15 minutes.
If leak conditions are observed with this test, repairs must be made by the plumber and re-tested, and verified by the city inspector before releasing the house for Atmos Energy to re-connect the meter.
3. After gas service is connected, the plumber then removes all hard pipe caps, re-installs all appliance valves, connectors and flex pipes, and applies a manometer to verify specified required gas pressure delivery to the house gas appliances.

References : www.dallascityhall.com/building_inspection/plumbing_machanical_gas_test ; code references:

IRC 2417.4 , UPC 1204.3.2

Some TREC licensees have been taught and believe that a cursory observation of the gas meter dial for movement is, in fact, a local and industry accepted procedure.

A cursory observation of the gas meter dial for leak-related movement requires that all pilot gas flames be extinguished, while observing the meter dials for movement, and then re-lighting the pilot flames. In this scenario, dial movement may possibly be interpreted as a gas leak. Meter dials can be defective and not to be relied upon to prescribe a condition of leaking gas, or no leaking gas.

The path of logic for this scenario being considered as a test procedure is further denied by the Standards of Practice wherein:

- >The SOP does not require inspectors to shut off or lighting pilot gas flames.
- > The SOP does not require inspecting metering devices.
- > Gas meters are owned by the gas utility provider and are not a component of the real property improvements.

With regard to the actual locally and industry accepted testing procedure, no TREC licensee who also holds a plumbers license could comply with the SOP, since no licensee may do work on an inspected property.

Questions for interpretation:

1. Is some other method of test compliant with the SOP, and if so, what body of local and industry practice accepts it?
2. Is testing gas supply systems beyond the scope of the Standards of Practice for Real Estate Inspectors?
- 3.. Should Rule # 535.233 be re-written or removed?
4. May the standard report form(s) be amended to add a category for Gas Supply Systems within the plumbing section?

For the sake of operating my daily business I will not consider this as a reporting requirement until you are able to provide an opinion. If it is considered a required reporting item, then it would be helpful to the industry to provide the technical source (i.e. NEC, IRC, manufacturer's instructions, etc) used to make the determination.

Thank you,

Jim Cole, TREC license #43

Graduate Mechanical Engineer

Past member of TREC advisory committee

Past president of TAREI

Past chair of Construction Research Advisory Committee, UT Arlington_____

Request for Interpretation

To: Texas Real Estate Commission

RFI #: 2010 – 03 -22 REVISED

Attn: General Counsel or delegate

The following Request for Interpretation (RFI) is submitted on behalf of several inspectors. After discussion, a reasonable majority agreement on a possible requirement of the Standards of Practice Rule has not been realized.

We realize a TREC opinion is not enforceable unless adopted as Rule however an opinion from the highest authority at TREC is the next best method of public protection. While a question may seem trivial it is submitted because a consensus of opinion exists amongst experienced inspectors. The TREC Commissioners instructed the Inspector Committee to write the Standards of Practice with specificity, code and safety. This RFI is in alignment with the Commissioners dictate. We suspect most opinions will require very little time to answer on the part of TREC.

The busy schedule of TREC is acknowledged. To aid with interpretation our opinion will be provided with the question and we will rely on our interpretation until TREC renders an official opinion. If our opinion is wrong we rely on TREC's prompt supervision.

Topic

Subject: Reporting absence of arc fault circuit interrupters as deficient and testing arc fault circuit interrupters.

The TREC SOP states:

RULE §535.227 Standards of Practice: General Provisions

(a) Definitions.

(4) Deficiency--A condition that, in the inspector's reasonable opinion, adversely and materially affects the performance of a system or component or constitutes a hazard to life, limb, or property as specified by these standards of practice. General deficiencies include but are not limited to inoperability, material distress, water penetration, damage, deterioration, missing parts, and unsuitable installation.

(5) Deficient--Reported as having one or more deficiencies.

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

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

(17) the lack of arc-fault circuit interrupting devices serving family rooms, dining rooms, living rooms, parlors, libraries, dens, bedrooms, sunrooms, recreations rooms, closets, hallways, or similar rooms or areas; and

(18) failure of operation of installed arc-fault circuit interrupter devices.

(b) Specific limitations for service entrance and panels. The inspector is not required to:

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

(3) report the lack of arc-fault circuit interrupter protection when the circuits are in conduit;

(8) operate over current devices.

Supporting documentation:

The National Electrical Code did not require AFCI devices in houses prior to 1999. The requirements were limited to bedroom branch circuits and were not widely adopted by local municipalities until 2003/2004.

The 2008 NEC specifies AFCI devices on branch circuits serving family rooms, dining rooms, living rooms, parlors, libraries, dens, sunrooms, recreation rooms, closets, hallways, or similar rooms or areas, as well as bedrooms. These requirements were adopted in 2009 by municipalities in the Dallas/Ft Worth metroplex.

There appears to be no reference in code which allows specified branch circuits to be without AFCI protection if the wiring is in conduit, as mentioned by line item (3).

Specific Limitations do not require inspectors to operate over current devices, whether the property is occupied or not. AFCI devices are over current devices.

Section 214.212, 214.214 and 214.216 of the Local Government Code for the State of Texas have adopted the International Residential Code (IRC), the National Electric Code (NEC) and the International Building Code as municipal residential and commercial building codes for the State of Texas.

It is the premise of these model construction codes that buildings constructed to a minimum standard (a code) are safe and may be occupied.

These cited codes have similar provisions addressing existing buildings and allow continued occupancy provided the buildings are maintained to the code they were constructed under.

Questions for interpretation:

1. Is it a “reasonable opinion of the inspector” NOT to identify the absence of AFCI devices as deficient in houses built under 1999 NEC code before 1999/2003?
2. Is it a “reasonable opinion of the inspector” NOT to identify the absence of AFCI devices (in locations other than bedroom branch circuits) as deficient in houses built under 2008 NEC code before 2009?
3. Are inspectors required to test installed AFCI devices only in vacant houses and use “reasonable judgment” not to test in occupied houses?
4. If testing AFCI devices (pushing the button) has a purpose, should all installed AFCI devices in all houses be tested?
5. Does the Specific Limitation not requiring operation of over current devices apply to AFCI devices, which are also over current devices?
6. Has TREC Rule 535.229 set aside the adopted model building codes for the State of Texas by intent or otherwise, by requiring licensees to report absence of AFCI devices as adversely and materially affecting the performance of the electrical system, and constituting a hazard to life, limb and property?
7. Will TREC enforcement allow the inspector to use his reasonable opinion and judgment, to not report the absence of AFCI devices where not required by NEC codes, as deficient, but rather allow the inspector to inform real estate consumers about the technology of AFCI devices, and refer them to www.usconsumersproductssafetycommission.gov and a licensed electrician to specify the work and cost to have AFCI devices?

For the sake of operating my daily business I will not consider this an adverse material deficiency nor a reporting requirement until you are able to provide an opinion. If it is considered a required reporting deficiency then it would be helpful to the industry and the Commentary to provide the technical source (i.e. NEC, IRC, manufacturer’s instructions, etc) used to make the determination.

Thank you,
Jim Cole,
Graduate mechanical/electrical engineer
Past president TAREI
Past member TREC IAC
TREC #0043

Request for Interpretation

To: Texas Real Estate Commission

RFI #: 2010-03-21 REVISED

Attn: Devon Bijansky, Assistant General Counsel

The following (RFI) is submitted on behalf of several inspectors, concerning possible conflicting interpretations of the Standards of Practice Rule

Subject:

Gas connectors have “ready access” at water heaters and furnaces. Other connections for appliances are usually behind built-in ovens, built-in ranges, clothes dryers, and free-standing ranges of various sizes and weights, with no visual access.

Supporting documentation:

Rule 535.232 requires inspectors to report as deficient: lack of or deficiency in gas shut-off valves, connection methods and materials and gas leaks.

Rule RULE §535.227 (a) Definitions. (1) Accessible--In the reasonable judgment of the inspector, capable of being approached, entered, or viewed without: (A) undue hazard to the inspector; (B) moving furnishings or large, heavy, or fragile objects; (C) using specialized tools or procedures; (D) disassembling items other than covers or panels intended to be removed for inspection; (E) damaging property;

Question for interpretation:

1. Is the definition of accessible as applied to gas appliance connections, left to the reasonable judgment of the inspector?
2. Are gas ranges, built-in wall ovens, clothes dryers considered to be large, heavy, fragile objects which could be damaged or cause damage while being moved, and an undue hazard and risk to the inspector?
3. Is the inspector required to comment on or report as deficient those gas appliance shut-off valves and connectors not visible or accessible without moving the gas appliances?
4. Is olfactory detection of methane/natural gas odorant the only reasonable method of discovering gas leaks when the connectors are not accessible?
5. Is observance of gas shut-off valves and connections with a digital camera placed behind or under appliances considered a reasonable method for discovering deficiencies in inaccessible areas?

For the sake of operating my daily business I will consider my interpretation of the Rule as the reporting requirement until you are able to provide an official interpretation of the rule.

Blessings,
Jim Cole #43

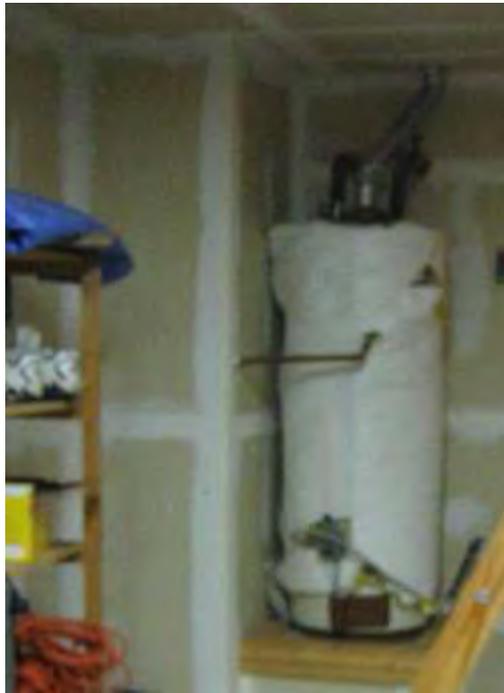
Texas Real Estate Commission
Devon Bijansky, TREC attorney

Request for Interpretation

RFI number: 2010-06-21-f

Questions:

1. Is a water heater covered by an insulation cover deficient and a required reporting item?
2. Is removal of the blanket required by TREC for inspection reasons?
3. Is the inspector required to report water heaters that are covered with an insulation blanket as obstructed if they did not remove the blanket?



Until TREC is able to provide an opinion from the highest staff or Commissioner authority, SoPRFI considers the answer to all questions to be “no”. The condition may be reported at the inspectors discretion but it is not a TREC requirement.

Thank you
SoPRFI John Cahill

Texas Real Estate Commission
Devon Bijansky, TREC attorney

Request for Interpretation

RFI number: 2010-06-21-e

Question: Is a pull down stair in an attached garage that is not fire rated deficient and a required reporting item per TREC?



Until TREC is able to provide an opinion from the highest staff or Commissioner authority, SoPRFI considers the condition as code based, not clearly specified by the SoP, a widely accepted condition and beyond the scope of inspection. The condition may be reported at the inspectors discretion but it is not a TREC requirement.

Thank you

Texas Real Estate Commission
Devon Bijansky, TREC attorney

Request for Interpretation

RFI number: 2010-06-21-d

Question: Is a receptacle on a garage ceiling that is not GFCI protected deficient and a required reporting item per TREC?



Until TREC is able to provide an opinion from the highest staff or Commissioner authority, SoPRFI considers the condition as code based, not clearly specified by the SoP, a widely accepted condition and beyond the scope of inspection. The condition may be reported at the inspectors discretion but it is not a TREC requirement.

Thank you
SoPRFI John Cahill

Texas Real Estate Commission
Devon Bijansky, TREC attorney

Request for Interpretation

RFI number: 2010-06-21-c

Question: Is a hand rail that is not continuous deficient and a required reporting item per TREC?



Until TREC is able to provide an opinion from the highest staff or Commissioner authority, SoPRFI considers the condition as code based and beyond the scope of inspection. The condition may be reported at the inspectors discretion but it is not a TREC requirement.

Thank you
SoPRFI John Cahill

Texas Real Estate Commission
Devon Bijansky, TREC attorney

Request for Interpretation

RFI number: 2010-06-21-b

Question: Is an inspector required to determine if a light fixture is approved for its location over a bathtub or shower? Is the light in this photo deficient and a required TREC reporting item?



Until TREC is able to provide an opinion from the highest staff or Commissioner authority, SoPRFI considers the condition as code based and beyond the scope of inspection. The condition may be reported at the inspectors discretion but it is not a TREC requirement.

Thank you
SoPRFI John Cahill

Texas Real Estate Commission
Devon Bijansky, TREC attorney

Request for Interpretation

RFI number: 2010-06-21-a

Question: Is a keyed deadbolt on the interior of an exterior egress door deficient and a required reporting item per TREC?

Until TREC is able to provide an opinion from the highest staff or Commissioner authority, SoPRFI considers the condition code based and beyond the scope of inspection. The condition may be reported at the inspectors discretion but it is not a TREC requirement.

Thank you
SoPRFI John Cahill

Texas Real Estate Commission
Devon Bijansky, TREC attorney

Request for Interpretation

RFI number: 2010-06-21

Question: Is the presence of carpet on an attached garage floor deficient and a required reporting item per TREC?

Until TREC is able to provide an opinion from the highest staff or Commissioner authority, SoPRFI considers the condition code based and beyond the scope of inspection. The condition may be reported at the inspectors discretion but it is not a TREC requirement.

Thank you
SoPRFI John Cahill