

Texas Administrative Code

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TITLE 22	EXAMINING BOARDS
PART 23	TEXAS REAL ESTATE COMMISSION
CHAPTER 535	GENERAL PROVISIONS
SUBCHAPTER R	REAL ESTATE INSPECTORS
RULE §535.227	Standards of Practice: General Provisions

(a) Definitions.

- (1) Accessible--In the reasonable judgment of the inspector, capable of being approached, entered, or viewed without:
 - (A) hazard to the inspector;
 - (B) having to climb over obstacles, moving furnishings or large, heavy, or fragile objects;
 - (C) using specialized equipment or procedures;
 - (D) disassembling items other than covers or panels intended to be removed for inspection;
 - (E) damaging property, permanent construction or building finish; or
 - (F) using a ladder for portions of the inspection other than the roof or attic space.
- (2) Chapter 1102--Texas Occupations Code, Chapter 1102.
- (3) Component--A part of a system.
- (4) Cosmetic--Related only to appearance or aesthetics, and not related to performance, operability, or water penetration.
- (5) Deficiency--In the reasonable judgment of the inspector, a condition that:
 - (A) adversely and materially affects the performance of a system, or component; or
 - (B) constitutes a hazard to life, limb, or property as specified by these standards of practice.
- (6) Deficient--Reported as having one or more deficiencies.
- (7) Inspect--To operate in normal ranges using ordinary controls at typical settings, look at and examine accessible systems or components and report observed deficiencies as specified by these standards of practice.
- (8) Performance--Achievement of an operation, function or configuration relative to accepted industry standard practices with consideration of age and normal wear and tear from ordinary use.
- (9) Report--To provide the inspector's opinions and findings on the standard inspection report form as required by §535.222 and §535.223 of this title.
- (10) Specialized equipment--Equipment such as thermal imaging equipment, moisture meters, gas or carbon monoxide detection equipment, environmental testing equipment and devices, elevation determination devices, and ladders capable of reaching surfaces over one story above ground surfaces.
- (11) Specialized procedures--Procedures such as environmental testing, elevation measurement, calculations and any method employing destructive testing that damages otherwise sound materials or finishes.
- (12) Standards of practice--§§535.227 - 535.233 of this title.
- (13) Substantially completed--The stage of construction when a new building, addition, improvement, or alteration to an existing building is sufficiently complete that the building, addition, improvement or alteration can be occupied or used for its intended purpose.
- (14) Technically Exhaustive--A comprehensive investigation beyond the scope of a real estate inspection which would involve determining the cause or effect of deficiencies, exploratory

probing or discovery, the use of specialized knowledge, equipment or procedures.

(b) Scope.

(1) These standards of practice define the minimum levels of inspection required for substantially completed residential improvements to real property up to four dwelling units. A real estate inspection is a non-technically exhaustive, limited visual survey and basic performance evaluation of the systems and components of a building using normal controls and does not require the use of specialized equipment or procedures. The purpose of the inspection is to provide the client with information regarding the general condition of the residence at the time of inspection. The inspector may provide a higher level of inspection performance than required by these standards of practice and may inspect components and systems in addition to those described by the standards of practice.

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

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

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

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

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

(A) inspect:

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

(ii) elevators;

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

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

(v) sub-surface drainage systems;

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

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

(B) report:

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

(ii) cosmetic or aesthetic conditions; or

(iii) wear and tear from ordinary use;

(C) determine:

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

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

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

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

(v) the cause or source of a condition;

- (D) anticipate future events or conditions, including but not limited to:
 - (i) decay, deterioration, or damage that may occur after the inspection;
 - (ii) deficiencies from abuse, misuse or lack of use;
 - (iii) changes in performance of any component or system due to changes in use or occupancy;
 - (iv) the consequences of the inspection or its effects on current or future buyers and sellers;
 - (v) common household accidents, personal injury, or death;
 - (vi) the presence of water penetrations; or
 - (vii) future performance of any item;
- (E) operate shut-off, safety, stop, pressure or pressure-regulating valves or items requiring the use of codes, keys, combinations, or similar devices;
- (F) designate conditions as safe;
- (G) recommend or provide engineering, architectural, appraisal, mitigation, physical surveying, realty, or other specialist services;
- (H) review historical records, installation instructions, repair plans, cost estimates, disclosure documents, or other reports;
- (I) verify sizing, efficiency, or adequacy of the ground surface drainage system;
- (J) verify sizing, efficiency, or adequacy of the gutter and downspout system;
- (K) operate recirculation or sump pumps;
- (L) remedy conditions preventing inspection of any item;
- (M) apply open flame or light a pilot to operate any appliance;
- (N) turn on decommissioned equipment, systems or utility services; or
- (O) provide repair cost estimates, recommendations, or re-inspection services.

(4) In the event of a conflict between specific provisions and general provisions in the standards of practice, specific provisions shall take precedence.

(5) Departure.

(A) An inspector may depart from the inspection of a component or system required by the standards of practice only if:

- (i) the inspector and client agree the item is not to be inspected;
- (ii) the inspector is not qualified to inspect the item;
- (iii) in the reasonable judgment of the inspector, conditions exist that prevent inspection of an item;
- (iv) the item is a common element of a multi-family development and is not in physical contact with the unit being inspected, such as the foundation under another building or a part of the foundation under another unit in the same building;
- (v) the inspector reasonably determines that conditions or materials are hazardous to the health or safety of the inspector; or
- (vi) in the reasonable judgment of the inspector, the actions of the inspector may cause damage to the property.

(B) If an inspector departs from the inspection of a component or system required by the standards of practice, the inspector shall:

- (i) notify the client at the earliest practical opportunity that the component or system will not be inspected; and
- (ii) make an appropriate notation on the inspection report form, stating the reason the component or system was not inspected.

(C) If the inspector routinely departs from inspection of a component or system required by

the standards of practice, and the inspector has reason to believe that the property being inspected includes that component or system, the earliest practical opportunity for the notice required by this subsection is the first contact the inspector makes with the prospective client. (c) Enforcement. Failure to comply with the standards of practice is grounds for disciplinary action as prescribed by Chapter 1102.

Source Note: The provisions of this §535.227 adopted to be effective January 1, 2014, 38 TexReg 3350