

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

(a) Foundations. The inspector shall:

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

(2) report:

(A) the type of foundations;

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

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

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

(B) framing or frieze board separations;

(C) sloping floors;

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

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

(4) report as Deficient:

(A) deteriorated materials;

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

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

(D) exposed or damaged reinforcement;

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

(F) crawl space drainage that is not performing.

(5) The inspector is not required to:

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

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

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

(b) Grading and drainage. The inspector shall:

(1) report as Deficient:

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

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

(C) deficiencies in installed gutter and downspout systems.

(2) The inspector is not required to:

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

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

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

(c) Roof covering materials. The inspector shall:

(1) inspect the roof covering materials from the surface of the roof;

(2) report:

- (A) type of roof coverings;
 - (B) vantage point from where the roof was inspected;
 - (C) evidence of water penetration;
 - (D) evidence of previous repairs to the roof covering material, flashing details, skylights and other roof penetrations; and
- (3) report as Deficient deficiencies in:
- (A) fasteners;
 - (B) adhesion;
 - (C) roof covering materials;
 - (D) flashing details;
 - (E) skylights; and
 - (F) other roof penetrations.
- (4) The inspector is not required to:
- (A) determine the remaining life expectancy of the roof covering;
 - (B) inspect the roof from the roof level if, in the inspector's reasonable judgment, the inspector cannot safely reach or stay on the roof or significant damage to the roof covering materials may result from walking on the roof;
 - (C) determine the number of layers of roof covering material;
 - (D) identify latent hail damage;
 - (E) exhaustively examine all fasteners and adhesion, or
 - (F) provide an exhaustive list of locations of deficiencies and water penetrations.
- (d) Roof structures and attics. The inspector shall:
- (1) report:
- (A) the vantage point from which the attic space was inspected;
 - (B) approximate average depth of attic insulation;
 - (C) evidence of water penetration;
- (2) report as Deficient:
- (A) attic space ventilation that is not performing;
 - (B) deflections or depressions in the roof surface as related to adverse performance of the framing and decking;
 - (C) missing insulation;
 - (D) deficiencies in
 - (i) installed framing members and decking;
 - (ii) attic access ladders and access openings; and
 - (iii) attic ventilators.
- (3) The inspector is not required to:
- (A) enter attics or unfinished spaces where openings are less than 22 inches by 30 inches or headroom is less than 30 inches;
 - (B) operate powered ventilators; or
 - (C) provide an exhaustive list of locations of deficiencies and water penetrations.
- (e) Interior walls, ceilings, floors, and doors. The inspector shall:
- (1) report evidence of water penetration;
- (2) report as Deficient:
- (A) deficiencies in the condition and performance of doors and hardware;
 - (B) deficiencies related to structural performance or water penetration; and
 - (C) the absence of or deficiencies in fire separation between the garage and the living space

and between the garage and its attic.

(3) The inspector is not required to:

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

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

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

(1) report evidence of water penetration;

(2) report as Deficient:

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

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

(C) missing or damaged screens;

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

(E) deficiencies in:

(i) weather stripping, gaskets or other air barrier materials;

(ii) claddings;

(iii) water resistant materials and coatings;

(iv) flashing details and terminations;

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

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

(3) The inspector is not required to:

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

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

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

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

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

(1) report as Deficient:

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

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

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

(2) The inspector is not required to:

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

(B) exhaustively inspect glazing for identifying labels; or

(C) identify specific locations of damage.

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

(1) report as Deficient:

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

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

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

(i) Fireplaces and chimneys. The inspector shall:

- (1) report as Deficient:
 - (A) built-up creosote in accessible areas of the firebox and flue;
 - (B) the presence of combustible materials in near proximity to the firebox opening;
 - (C) the absence of fireblocking at the attic penetration of the chimney flue, where accessible;and
 - (D) deficiencies in the:
 - (i) damper;
 - (ii) lintel, hearth, hearth extension, and firebox;
 - (iii) gas valve and location;
 - (iv) circulating fan;
 - (v) combustion air vents; and
 - (vi) chimney structure, termination, coping, crown, caps, and spark arrestor.
- (2) The inspector is not required to:
 - (A) verify the integrity of the flue;
 - (B) perform a chimney smoke test; or
 - (C) determine the adequacy of the draft.
- (j) Porches, Balconies, Decks, and Carports. The inspector shall:
 - (1) inspect:
 - (A) attached balconies, carports, and porches;
 - (B) abutting porches, decks, and balconies that are used for ingress and egress; and
 - (2) report as Deficient:
 - (A) on decks 30 inches or higher above the adjacent grade, spacings between intermediate balusters, spindles, or rails that permit passage of an object greater than four inches in diameter; and
 - (B) deficiencies in accessible components.
- (3) The inspector is not required to:
 - (A) exhaustively measure every porch, balcony, deck, or attached carport components; or
 - (B) enter any area where headroom is less than 18 inches or the access opening is less than 24 inches wide and 18 inches high.

Source Note: The provisions of this §535.228 adopted to be effective January 1, 2014, 38 TexReg 3350