

STATE OF CONNECTICUT REGULATION CONCERNING HOME INSPECTORS

DEPARTMENT OF CONSUMER PROTECTION

Section 1. The Regulations of Connecticut State Agencies are amended by adding sections 20-491-1 to 20-491-26, inclusive, as follows:

(NEW) **Section 20-491-1. Definitions.** As used in sections 20-491-1 to 20-491-26, inclusive, of the Regulations of Connecticut State Agencies:

(1) "Alarm systems" means warning devices, installed or free-standing, including but not limited to: carbon monoxide detectors, flue gas and other spillage detectors, security equipment, ejector pumps and smoke alarms;

(2) "Architectural service" means "the practice of architecture" or "practice architecture" as defined in Section 20-288(3) of the Connecticut General Statutes;

(3) "Automatic safety controls" means devices designed and installed to protect systems and components from unsafe conditions;

(4) "Component" means a part of a system;

(5) "Decorative" means ornamental; not required for the operation of the essential systems and components of a home;

(6) "Describe" means to report a system or component by its type or other observed, significant characteristics to distinguish it from other systems or components;

(7) "Dismantle" means to take apart or remove any component, device or piece of equipment that would not be taken apart or removed by a homeowner in the course of normal and routine home owner maintenance;

(8) "Engineering service" means services offered by a "professional engineer" as defined in Section 20-299(1) of the Connecticut General Statutes;

(9) "Further evaluation" means examination and analysis by a qualified professional, tradesperson or service technician beyond that provided by the home inspection;

(10) "Household appliances" means kitchen, laundry, and similar appliances, whether installed or free-standing;

(11) "Inspect" means to examine readily accessible systems and components of a building in accordance with home inspection statutes and sections 20-491-1 to 20-491-26, inclusive, of the Regulations of Connecticut State Agencies, using normal operating controls and opening readily accessible panels;

(12) "Installed" means attached such that removal requires tools;

(13) "Normal operating controls" means devices such as thermostats, switches or valves intended to be operated by the homeowner;

(14) "Readily accessible" means available for visual inspection without requiring moving of personal property, dismantling, destructive measures, or any action which will likely involve risk to persons or property;

(15) "Readily openable access panel" means a panel provided for homeowner inspection and maintenance that is within normal reach, can be removed by one person, and is not sealed in place;

(16) "Recreational facilities" means spas, saunas, steam baths, swimming pools, exercise, entertainment, athletic, playground or other similar equipment and associated accessories;

(17) "Report" means to communicate in writing;

(18) "Representative number" means one component per room for multiple similar interior components such as windows and electric outlets; one component on each side of the building for multiple similar exterior components;

(19) "Roof drainage systems" means components used to carry water off a roof and away from a building;

(20) "Significantly deficient" means unsafe or not functioning;

(21) "Shut down" means a state in which a system or component cannot be operated by normal operating controls;

(22) "Solid fuel burning appliances" means a hearth and fire chamber or similarly prepared place in which a fire may be built and which is built in conjunction with a chimney; or a listed assembly of a fire chamber, its chimney and related

factory-made parts designed for unit assembly without requiring field construction;

(23) "Structural component" means a component that supports non-variable forces or weights (dead loads) and variable forces or weights (live loads);

(24) "System" means a combination of interacting or independent components, assembled to carry out one or more functions;

(25) "Technically exhaustive" means an investigation that involves dismantling, the extensive use of advance techniques, measurements, instruments, testing, calculations or other means;

(26) "Under-floor crawl space" means the area within the confines of the foundation and between the ground and the underside of the floor;

(27) "Unsafe" means a condition in a readily accessible, installed system or component that is judged to be a significant risk of personal injury during normal, day-to-day use. The risk may be due to damage, deterioration, improper installation or a change in accepted residential construction standards; and

(28) "Wiring methods" means identification of electrical conductors or wires of the general type, such as "non-metallic sheathed cable" ("Romex"), "armored cable" ("bx") or "knob and tube."

(NEW) Section 20-491-2. Purpose and Scope.

(a) The purpose of these regulations is to establish a minimum and uniform standard for the home inspector who provides or offers to provide a home inspection.

(b) The inspector shall inspect readily accessible systems and components of homes and installed systems and components of homes.

(c) The inspector shall report on those systems and components inspected which, in the professional opinion of the inspector, are significantly deficient or are near the end of their service lives.

(d) The inspector shall provide a reason why, if not self-evident, the system or component is significantly deficient or near the end of its service life and the inspector shall provide recommendations to correct or monitor the reported deficiency.

(e) The inspector shall report on any systems and components designated for inspection in these regulations which were present at the time of the home inspection, unless a written reason is provided as to why any such systems or components were not inspected.

(f) These regulations are not intended to limit the inspector from including other inspection services, systems or components in addition to those required by these regulations; from specifying repairs, provided the inspector is appropriately qualified and willing to do so; and from excluding systems and components from the inspection if requested by the client.

(NEW) 20-491-3. Structural System.

(a) The inspector shall inspect the structural components including foundations and framing.

(b) The inspector shall probe a representative number of structural components where deterioration is suspected or where clear indications of possible deterioration exist. Probing is not required when probing would damage any finished surface or where no deterioration is visible.

(c) The inspector shall describe the foundation and report the methods used to inspect the under-floor crawl space or basement area; the floor structure; the wall structure; the ceiling structure; and the roof structure and report the methods used to inspect the attic.

(d) The inspector is not required to provide any engineering service or provide architectural service.

(NEW) 20-491-4. Exterior.

(a) The inspector shall inspect the exterior wall covering, flashing and trim; all exterior doors; attached decks, balconies, stoops, steps, porches, and their associated railings; the eaves, soffits, and fascias where accessible from the ground level; the vegetation, grading, surface drainage, and retaining walls on the property when any of these are likely to adversely affect the building; and walkways, patios, and driveways leading to dwelling entrances.

(b) The inspector shall describe exterior wall covering, finishing and trim.

(c) The inspector is not required to inspect screening, shutters, awnings, and similar seasonal accessories; fences; geological, geotechnical or hydrological conditions; recreational facilities; outbuildings; seawalls, break-walls, and docks; or erosion control and earth stabilization measures.

(NEW) 20-491-5. Roof System.

(a) The inspector shall inspect the roof covering; the roof drainage systems; the flashings; the skylights, chimneys, and roof penetrations.

(b) The inspector shall describe the roof covering and report the methods used to inspect the roof.

(c) The inspector is not required to inspect antennae, interiors of flues or chimneys, which are not readily accessible or other installed accessories.

(NEW) 20-491-6. Plumbing System.

(a) The inspector shall inspect the interior water supply and distribution systems, including all fixtures and faucets; the drain, waste and vent systems, including all fixtures; the water heating equipment; the fuel storage and fuel distribution systems; and the drainage sumps, sump pumps, and related piping.

(b) The inspector shall describe the water supply, drain, waste, and vent piping materials; the water heating equipment including the energy source; and the location of main water and main fuel shut-off valves.

(c) The inspector is not required to inspect the clothes washing machine connections; wells, well pumps, or water storage related equipment; water conditioning systems; solar water heating systems; fire and lawn sprinkler systems; or private waste disposal systems.

(d) The inspector is not required to determine whether water supply and waste disposal systems are public or private or the quantity or quality of the water supply.

(e) The inspector is not required to operate safety valves or shut-off valves.

(NEW) 20-491-7. Electrical System.

(a) The inspector shall inspect the service drop; the service entrance conductors, cables, and raceways; the service equipment and main disconnects; the service grounding; the interior components of service panels and sub panels; the conductors; the over current protection devices; a representative number of installed lighting fixtures, switches, and receptacles; and the ground fault circuit interrupters.

(b) The inspector shall describe the amperage and voltage rating of the service; the location of main disconnect or disconnects and sub panels; and the wiring methods.

(c) The inspector shall report on the presence of solid, aluminum branch circuit wiring.

(d) The inspector shall report on the absence of smoke detectors.

(e) The inspector is not required to inspect the remote control devices unless the device is the only control device, the alarm systems and components, the low voltage wiring systems and components, or the ancillary wiring systems and components not a part of the primary electrical power distribution system.

(f) The inspector is not required to measure amperage, voltage, or impedance.

(NEW) 20-491-8. Heating System.

- (a) The inspector shall inspect the installed heating equipment and the vent systems, flues and chimneys.
- (b) The inspector shall describe the energy source and the heating method by its distinguishing characteristics.
- (c) The inspector is not required to inspect the interiors of flues or chimneys which are not readily accessible, the heat exchanger, the humidifier, dehumidifier, the electronic air filter, or the solar space heating system.
- (d) The inspector is not required to determine heat supply adequacy or distribution balance.

(NEW) 20-491-9. Air Conditioning Systems.

- (a) The inspector shall inspect the installed central and through-wall cooling equipment.
- (b) The inspector shall describe the energy source and the cooling method by its distinguishing characteristics.
- (c) The inspector is not required to inspect electronic air filters or determine cooling supply adequacy or distribution balance.

(NEW) 20-491-10. Interior.

(a) The inspector shall inspect the walls, ceilings, and floors; the steps, stairways, and railings; the countertops and a representative number of installed cabinets; a representative number of doors and windows; and garage doors and garage door operators.

(b) The inspector is not required to inspect the paint, wallpaper, and other finish treatments; the carpeting; the window treatments; the central vacuum systems; the household appliances; or recreational facilities.

(NEW) 20-491-11. Insulation and Ventilation.

- (a) The inspector shall inspect the insulation and vapor retarders in unfinished spaces; the ventilation of attics and foundation areas; and the mechanical ventilation systems.
- (b) The inspector shall describe the insulation and vapor retarders in unfinished spaces and the absence of insulation in unfinished spaces at conditioned surfaces.
- (c) The inspector is not required to disturb insulation or vapor retarders or determine indoor air quality.

(NEW) 20-491-12. Fireplaces and Solid Fuel Burning Appliances.

- (a) The inspector shall inspect the system components and the vent systems, flues, and chimneys.

(b) The inspector shall describe the fireplaces, solid fuel burning appliances and the chimneys.

(c) The inspector is not required to inspect the interiors of flues or chimneys, the fire screens and doors, the seals and gaskets, the automatic fuel feed devices, the mantles and fireplace surrounds, the combustion make-up air devices, or the heat distribution assists, whether gravity controlled or fan assisted.

(d) The inspector is not required to ignite or extinguish fires, determine draft characteristics, or move fireplace inserts or stoves or firebox contents.

(NEW) 20-491-13. General Limitations and Exclusions.

(a) Inspections performed in accordance with these regulations are not technically exhaustive. The inspector is not required to identify concealed conditions or latent defects.

(b) These regulations shall be applicable to buildings with four or fewer dwelling units and their attached garages or carports.

(c) The inspector is not required to perform any action or make any determination unless specifically stated in these regulations, except as may be required by lawful authority.

(d) The inspector is not required to determine the following:

- (1) the condition of systems or components which are not readily accessible;
- (2) the remaining life of any system or component;
- (3) the strength, adequacy, effectiveness, or efficiency of any system or component;
- (4) the causes of any condition or deficiency;
- (5) the methods, materials, or costs of corrections;
- (6) future conditions, including, but not limited to, failure of systems or components;
- (7) the suitability of the property for any specialized use;
- (8) compliance with regulatory requirements (codes, regulations, laws or ordinances);
- (9) the market value of the property or its marketability;
- (10) the advisability of the purchase of the property;
- (11) the presence of potentially hazardous plants or animals, including, but not limited to, wood destroying organisms or diseases harmful to humans;
- (12) the presence of any environmental hazards, including, but not limited to, toxins, carcinogens, noise, and contaminants in soil, water, and air, with the exception of radon, asbestos, lead paint, or lead solder;
- (13) the effectiveness of any system installed or methods utilized to control or remove suspected hazardous substances;
- (14) the operating costs of systems or components; or
- (15) the acoustical properties of any system or component.

(e) Any services not required under Sections 20-491-1 to 20-491-14 of the Regulations of Connecticut State Agencies may be offered by the home inspector as an optional service or provided at the request of the client.

(f) The inspector is not required to offer or perform any act or service contrary to law, or perform engineering services, or perform work in any other trade or any professional service other than home inspection, or offer any warranties or guarantees of any kind.

(g) The inspector is not required to operate any system or component which is shut down or otherwise inoperable, any system or component which does not respond to normal operating controls, or shut-off valves.

(h) The inspector is not required to enter any area which will, in the opinion of the inspector, likely be dangerous to the inspector or other persons or damage the property or its systems or components; or the under-floor crawl spaces or attics which are not readily accessible.

(i) The inspector is not required to inspect underground items including, but not limited to, underground storage tanks or other underground indications of their presence, whether abandoned or active; systems or components which are not installed; decorative items; systems or components located in areas that are not entered in accordance with these regulations; detached structures other than garages and carports; or common elements or common areas in multi-unit housing, such as condominium properties or cooperative housing.

(j) The inspector is not required to perform any procedure or operation which will, in the opinion of the inspector, likely be dangerous to the inspector or other persons or damage the property or its systems or components; move suspended ceiling tiles, personal property, furniture, equipment, plants, soil, snow, ice, or debris; or dismantle any system or component, except as explicitly required by these regulations.

(NEW) 20-491-14. Code of Ethics.

(a) Opinions expressed by the inspector shall only be based on the inspector's education, experience and honest convictions.

(b) The inspector shall always act in good faith toward each client.

(c) The inspector shall not disclose any information concerning the results of the inspection without the approval of the client or such client's representative unless the inspector finds that public health, safety or welfare imperatively requires emergency action.

(d) The inspector shall not accept compensation, financial or otherwise, from more than one interested party for the same service without the consent of all interested parties.

(e) The inspector shall not accept or offer commissions or allowances, directly or indirectly, from other parties dealing with such inspector's client in connection with work for which the inspector is responsible.

- (f) Prior to being retained, the inspector shall promptly disclose to his or her client any interest or conflict of interest, which may affect the client.
- (g) The inspector shall not allow an interest in any business to affect the quality or the results of the work, which the inspector may be called upon to perform.
- (h) The inspection work shall not be used as a vehicle for the inspector to deliberately obtain work in another field.
- (i) The inspector shall make every effort to uphold, maintain, and improve the professional integrity, reputation, and practice of the home inspection profession.
- (j) The inspector shall not engage in false or misleading advertising or otherwise misrepresent any matters to the public.
- (k) No inspector shall express, within the context of an inspection, an appraisal or opinion of the market value of the inspected property.
- (l) The inspector shall not discriminate against anyone on the basis of age, creed, color, sex, sexual orientation, physical or mental handicap, or national origin.