

THIS PROPOSED STANDARDS OF PRACTICE HAS BEEN REVIEWED BY THE HOME INSPECTION COUNCIL AND APPROVED FOR RELEASE TO THE PUBLIC FOR COMMENT

An Amendment to 19 NYCRR Part 197 is adopted to read as follows:

SUBPART 197-5 STANDARDS OF PRACTICE FOR HOME INSPECTORS

Section 197-5.1 Purpose and Scope

These Standards of Practice establish a minimum and uniform standard for home inspectors. Home inspections shall be performed in compliance with these Standards of Practice and shall provide the client with objective information regarding the condition of the systems and components of the residential building as inspected at the time of the home inspection.

Section 197-5.2 Limitations and Exclusions

1. Home inspectors are not required to inspect any item that is concealed or not readily accessible to the home inspector. The home inspector is not required to move furniture, personal or stored items, lift floor coverings, move attached wall, ceiling coverings or panels or perform any test or procedure which could damage or destroy the item being evaluated.

2. Home inspectors are not required to inspect appliances, recreational facilities, alarm systems, intercoms, speaker systems, radio controlled devices, security devices and lawn irrigation systems.
3. Home inspectors are not required to inspect for the presence of, or damage caused by termites or any other wood damaging insects or organism.
4. Home inspectors are not required to inspect the indoor air quality of any building including, but not limited to, the presence or absence of all manner of biological activity, such as molds, insects, birds, pets, mammals and other flora and fauna and their consequent physical damage, toxicity, odors, waste products and noxiousness.
5. Home inspectors are not required to use special instruments or testing devices, such as amp meters, pressure gauges, moisture meters, gas detectors and similar equipment.
6. Home inspectors are not required to report on real property, geological, environmental or hazardous waste conditions, manufacturer recalls or conformance of proper manufacturer installation of any component or systems, or information contained in Consumer Protection Bulletins. Home inspectors are not required to report upon past or present violations of codes, ordinances or regulations.
7. Home inspectors are not required to determine property boundary lines or encroachments, easements or any limitations of use of the property.
8. Home inspectors are not required to provide an inspection of any condominium common component, system or to evaluate condominium reserve accounts.
9. Home inspectors are not required to enter any residential building that visibly shows a physical threat to the safety of the home inspector or others, nor shall home inspectors be

required to inspect any area or component that poses a danger to the home inspector or others.

10. Home inspectors are not required to perform any action or make any determination that is not specifically required by these Standards of Practice or that is in violation of Federal or State law.
11. Home inspections performed in accordance with these Standards of Practice are not technically exhaustive and are not required to identify concealed conditions, latent defects or consequential damages.
12. Home inspectors are not required to determine:
 - a. Conditions of systems or components that are not readily accessible;
 - b. The remaining life expectancy of any system or component;
 - c. The strength, adequacy, effectiveness or efficiency of any system or component;
 - d. The causes of any condition or deficiency;
 - e. The methods, materials or costs of corrections;
 - f. The future conditions including, but not limited to, the failure of the system and/or components;
 - g. The suitability of the property for any specialized use;
 - h. Compliance with regulations, codes, laws or ordinances;
 - i. The market value of the property or its marketability;
 - j. The advisability of purchase of the property;
 - k. The presence of potentially hazardous plants or animals including, but not limited to wood destroying organisms or diseases harmful to humans including molds or mold-like substances;

- l. The presence of any environmental hazard including, but not limited to, toxins, carcinogens, noise and contaminants in soil, water and air;
 - m. The effectiveness of any system installed or method utilized to control or remove suspected hazardous substances;
 - n. Operating costs of systems of components;
 - o. Acoustical properties of any system or component;
 - p. Soil conditions related to geo-technical or hydrologic specialties.
13. Home inspectors are not required to offer:
- a. To perform any act or service that is contrary to law;
 - b. To perform engineering services;
 - c. To perform work in any trade or profession other than home inspection;
 - d. Warranties or guarantees of any kind.
14. Home inspectors are not required to operate:
- a. Any system or component that is shut down or otherwise inoperable;
 - b. Any system or component that does not respond to normal operating controls;
 - c. Shut off valves or manual stop valves.
15. Home inspectors are not required to enter:
- a. Any area that will, in the opinion of the home inspector, likely be dangerous to the home inspector or to other persons or will result in damage to the property, its systems or components;
 - b. Under-floor crawl spaces or attics that have less than three feet clearance or have blown or loose insulation or any other obstruction that, in the opinion of the home

inspector, makes the area unsafe to enter.

16. Home inspectors are not required to inspect:
 - a. Underground items including, but not limited to, underground storage tanks or other underground indications of their presence, whether abandoned or active;
 - b. Items that have not been installed;
 - c. Installed decorative items;
 - d. Items that are not entered in accordance with paragraph 15 of this section;
 - e. Detached structures other than garages and earports.
17. Home inspectors are not required to:
 - a. Perform any procedure or operation that will, in the opinion of the home inspector, likely be dangerous to the home inspector or other persons, or result in damage to the residential building, its systems or its components;
 - b. Describe or report on any system or component that is not included in these Standards of Practice and was not inspected;
 - c. Move personal property, furniture, equipment, plants, soil, snow, ice or debris;
 - d. Dismantle any system or component, except and explicitly required by these Standards of Practice.
18. These Standards of Practice are not intended to limit home inspectors from excluding systems and components from the home inspection if requested by the client and if mutually agreed on by the client and home inspector.

1. Home inspectors shall inspect readily accessible, visually observable, installed systems and components as set forth in these Standards of Practice.
2. Home inspectors shall report on those systems and components inspected that, in the professional opinion of the home inspector, are not functioning properly, are significantly deficient, unsafe or near the end of their life expectancy.
3. If a home inspector has not inspected a particular system or component, he or she shall list said item in the inspection report as an item that was not inspected and shall set forth the reasons why said items was not inspected.

Section 197-5.4 Site Conditions

1. Home inspectors shall inspect and report the following site conditions:
 - a. The building perimeter for land grade and water drainage directly adjacent to the foundation;
 - b. Trees and vegetation that adversely affects the residential building;
 - c. Walkways, steps, driveways, patios and retaining walls.
2. Home inspectors are not required to inspect and report on the following site conditions:
 - a. Fences and privacy walls;
 - b. The health and condition of trees, shrubs and other vegetation;
 - c. Soil or geological conditions, site engineering or property boundaries.

Section 197-5.5 Structural Systems

1. Home inspectors shall inspect and report on the following:
 - a. Any visible and readily accessible structural components including the building foundation and framing;
 - b. If deterioration is suspected or where clear indication of possible deterioration exists, a home inspector shall probe a representative number of structural components. Probing is not required when probing would damage any finished surface or where no deterioration is visible or presumed to exist;
 - c. The floor structure;
 - d. The wall structure;
 - e. The ceiling structure;
 - f. The roof structure.

Section 197-5.6 Exterior

1. Home inspectors shall inspect and report on:
 - a. All exterior walls and coverings, flashing and trim;
 - b. All exterior doors;
 - c. All attached or adjacent decks, balconies, stoops, steps, porches and railings;
 - d. All eaves, soffits and fascias where accessible from the ground level;
 - e. Any vegetation, grading, surface drainage and retaining walls that are likely to adversely affect the building's gutters and down-spouts;
 - f. All adjacent walkways, patios and driveways.
2. Home inspectors shall describe in their report:

- a. Any and all observed conditions;
 - b. The type and condition of exterior walls and coverings, flashing and trim;
 - c. The condition of a representative number of visible windows.
3. Home inspectors are not required to inspect the following:
- a. Screening, shutters, awnings and other seasonal accessories;
 - b. Fences;
 - c. Geological and/or soil conditions;
 - d. Recreational facilities;
 - e. Out-buildings other than garages and carports;
 - f. Tennis courts, jetted tubs, hot tubs, swimming pools, saunas and similar structures that would require specialized knowledge or test equipment;
 - g. Erosion control and earth stabilization measures;
 - h. The operation of security locks, devices or systems;
 - i. The presence of safety-type glass or the integrity of thermal window seals or damaged glass.

Section 197-5.7 Roof Systems

1. Home inspectors shall inspect and report on:
 - a. Roofing materials and condition;
 - b. Roof drainage systems;
 - c. Flashing;
 - d. Skylights, chimneys and roof penetrations.

2. All home inspection reports shall describe the observed condition and type of roofing materials and shall describe the methods used to inspect the roofing.
3. Home inspectors are not required to inspect and report on:
 - a. Antennas, lightening arresters or similar attachments;
 - b. Any flue or chimney interior that are not readily accessible;
 - c. Other installed accessories.
4. Home inspectors are not required to operate powered roof ventilators.
5. Home inspectors are not required to determine the remaining life expectancy of roof coverings, manufacturers' defects, exceptions, installation methods or recalls or to determine the number of roof layers present.
6. Home inspectors are not required to walk on or access a roof where to do so could result in damage to the roof or roofing material or endanger the health and safety of the home inspector.

Section 197-5.8 Plumbing System

1. Home inspectors shall inspect and report on the following visibly and readily accessible components and systems:
 - a. Interior water supply and distribution systems including fixtures and faucets;
 - b. Drain, waste and vent systems;
 - c. Water heating equipment and vents and hot water supply systems;
 - d. Flues and chimneys;
 - e. Fuel storage and fuel distribution systems;

- f. Drainage sumps, sump pumps, ejector pumps and related piping.
2. In inspecting plumbing systems and components, home inspectors shall operate:
 - a. All fixtures and faucets;
 - b. Any and all domestic hot water systems;
 - c. All drain pumps and waste ejectors pumps, when accessible;
 - d. The water supply at random locations for functional flow;
 - e. Waste lines from random sinks, tubs and showers for functional drainage;
3. Home inspectors are not required to:
 - a. Operate any main, branch or fixture valve, except faucets, or to determine water temperature;
 - b. Inspect any system that is shut down or secured;
 - c. Inspect any plumbing component that is not readily accessible;
 - d. Inspect any exterior plumbing component or interior or exterior drain system;
 - e. Inspect interior fire sprinkler systems;
 - f. Evaluate the potability of any water supply;
 - g. Inspect water conditioning equipment including softener and filter systems;
 - h. Operate freestanding or built in appliances;
 - i. Inspect private water supply systems;
 - j. Test shower pans, tub and shower surrounds or enclosures for leakage;
 - k. Inspect gas supply system for materials, installation or leakage;
 - l. Evaluate the condition and operation of water wells and related pressure tanks and pumps; the quality or quantity of water from on-site water supplies or the

- condition and operation of on-site sewage disposal systems such as cesspools, septic tanks, drain fields, related underground piping, conduit, cisterns and equipment;
- m. Inspect and operate fixtures and faucets if the flow end of the faucet is connected to an appliance;
 - n. Record the location of any on-site visible fuel tanks within or directly adjacent to the structure.
4. Home inspections shall describe the water supply, drain, waste and vent piping materials; the water heating equipment including capacity and the energy source and the location of the main water and main fuel shut-off valves. In preparing a report, home inspectors shall determine whether the water supply and waste disposal systems are a public or private water supply.

Section 197-5.9 Electrical System

- 1. Home inspectors shall inspect and report upon:
 - a. Service drop;
 - b. Service entrance conductors, cables and raceways;
 - c. The main and branch circuit conductors for property over current protection and condition by visual observation after removal of the readily accessible main and sub electric panel covers;
 - d. Service grounding;
 - e. Interior components of service panels and sub panels;
 - f. A representative number of installed lighting fixtures, switches and receptacles;

- i. Move any object, furniture or appliance to gain access to any electrical component;
- j. Test every switch, receptacle and fixture;
- k. Remove switch and outlet cover plates;
- l. Inspect electrical equipment not readily accessible;
- m. Dismantle any electrical device or control;
- n. Measure amperage, voltage or impedance.

Section 197-5.10 Heating System

1. Home inspectors shall:
 - a. Describe the type of fuel, heating equipment and heating distribution system;
 - b. Operate the system using normal, readily accessible control devices;
 - c. Open readily accessible access panels or covers provided by the manufacturer or installer, if readily detachable;
 - d. Observe the condition of normally operated controls and components of the systems;
 - e. Observe visible flue pipes, dampers and related components for functional operation;
 - f. Observe the condition of a representative number of heat sources in each habitable space of the residential building;
 - g. Inspect the operation of fixed supplementary heat units;
 - h. Inspect installed heating equipment;

- i. Inspect visible components of vent systems, flues and chimneys;
 - j. Describe energy sources;
 - k. Describe heating systems;
2. Home inspectors are not required to:
- a. Activate or operate heating or other systems that do not respond to normal controls or have been shut down;
 - b. Inspect or evaluate a heat exchanger;
 - c. Inspect equipment or remove covers or panels that are not readily accessible;
 - d. Dismantle any equipment, controls or gauges;
 - e. Inspect the interior of chimney flues;
 - f. Inspect heating system accessories, such as humidifiers, air purifiers, motorized dampers and heat reclaimers;
 - g. Inspect solar heating systems;
 - h. Activate heating, heat pump systems or any other system when ambient temperatures or other circumstances are not conducive to safe operation or may damage the equipment;
 - i. Evaluate the type of material contained in insulation and/or wrapping of pipes, ducts, jackets and boilers;
 - j. Evaluate the capacity, adequacy or efficiency of a heating or cooling system;
 - k. Test or operate gas logs, built-in gas burning appliances, grills, stoves, space heaters or solar heating devices;
 - l. Determine clearance to combustibles or adequacy of combustion air.

Section 197-5.11 Air Conditioning Systems

1. Home inspectors shall:
 - a. Open a representative number of access panels, provided that said panels are capable of being opened;
 - b. Describe energy sources, cooling systems and distribution systems.
2. Home inspectors are not required to:
 - a. Activate or operate cooling or other systems that have been shut down;
 - b. Inspect gas-fired refrigeration systems, evaporative coolers or wall or window-mounted air conditioning units;
 - c. Check the pressure of the system coolant or determine the presence of leakage;
 - d. Evaluate the capacity, efficiency or adequacy of the system;
 - e. Operate equipment or systems if exterior temperature is below 65 degrees Fahrenheit or when other circumstances are not conducive to safe operation or may damage equipment;
 - f. Remove covers or panels that are not readily accessible;
 - g. Dismantle any equipment, controls or gauges;
 - h. Check the electrical current drawn by the unit;
 - i. Inspect electronic air filters;
 - j. Determine cooling supply adequacy or distribution balance.

Section 197-5.12 Interior

1. Home inspectors shall:
 - a. Inspect and describe the condition of walks, ceilings and floors;
 - b. Inspect and describe steps, stairways and railings;
 - c. Inspect and describe counter-tops and a representative number of installed cabinets;
 - d. Inspect and describe garage doors, garage door safety devices and garage door operators;
 - e. Where visible and readily accessible, inspect and describe the bath and/or kitchen vent fan ducting to determine if it exhausts to the exterior of the residential building.

2. Home inspectors are not required to:
 - a. Ignite fires in a fireplace or stove to determine the adequacy of draft, perform a chimney smoke test or inspect any solid fuel device in use;
 - b. Evaluate the installation or adequacy of inserts, wood burning stoves or other modifications to a fireplace, stove or chimney;
 - c. Determine clearance to combustibles in concealed areas;
 - d. Inspect paint, wallpaper or other finish treatments;
 - e. Inspect window treatments;
 - f. Inspect central vacuum systems;
 - g. Inspect household appliances;
 - h. Inspect recreational facilities.

Section 197-5.13 Insulation and Ventilation

1. Home inspectors shall:
 - a. Inspect and describe insulation in accessible, visible unfinished spaces;
 - b. Inspect ventilation of accessible attics and foundation areas;
 - c. Inspect mechanical ventilation systems in visible accessible areas;
 - d. Describe the absence of insulation in accessible unfinished spaces at conditioned surfaces.

2. Home inspectors are not required to:
 - a. Disturb insulation;
 - b. Operate mechanical ventilation systems when weather or other conditions are not conducive to safe operation or may damage the equipment.

Section 197-5.14 Fireplaces

1. Home inspectors shall:
 - a. Inspect visible and accessible system components;
 - b. Inspect visible and accessible chimneys and vents;
 - c. Inspect chimney caps;
 - d. Describe fireplaces and solid fuel burning appliances;

- e. Describe chimneys.
2. Home inspectors are not required to:
- a. Inspect the interiors of flues or chimneys;
 - b. Inspect fire screens and doors;
 - c. Inspect fire screens and doors;
 - d. Inspect seals and gaskets;
 - e. Inspect automatic fuel feed devices;
 - f. Inspect mantles and fireplace surrounds;
 - g. Inspect combustion make-up air devices;
 - h. Inspect heat distribution assists, both gravity fed and fan assisted;
 - i. Ignite or extinguish fires;
 - j. Determine draft characteristics;
 - k. Move fireplace inserts and stoves or firebox contents.