

## 812-008-0200 - Standards of Behavior and Standards of Practice

OAR 812-008-0201 sets forth the standards of behavior of Oregon certified home inspectors. OAR 812-008-0202 through 812-008-0214 of this rule set forth the minimum standards of practice required by Oregon certified home inspector.

## 812-008-0201 - Standards of Behavior

- (1) An Oregon certified home inspector shall not:
  - (a) Engage in dishonest or fraudulent conduct or undertake activities that are injurious to the welfare of the public, which result in injury or damage to another person.
  - (b) Disclose any information about the results of an inspection without the approval of the client for whom the inspection was undertaken.
  - (c) Accept compensation or any other consideration from more than one interested party for the same service without the consent of all interested parties.
  - (d) Directly or indirectly compensate realty agents, or other parties having a financial interest in closing or settlement of real estate transactions, for the referral of inspections or for inclusion on a list of recommended inspectors, preferred providers or similar arrangements. This paragraph is not intended to prohibit any discount, credit or add-on service made directly to an inspector's client.
  - (e) Accept financial or other consideration, such as material or equipment, from suppliers for suggesting the use of, or promoting a specific product in the course of performing an inspection.
  - (f) Accept compensation, directly or indirectly, for recommending contractors, services, or products to inspection clients or other parties having an interest in inspected properties.
  - (g) Inspect properties under contingent arrangements whereby any compensation or future referrals are dependent on reported findings or on the sale of a property.
  - (h) Express, within the context of an inspection, an appraisal or opinion of the market value of the inspected property.
  - (i) Allow his or her interest in any business to affect the quality or results of inspection work that the Oregon certified home inspector may be called upon to undertake.
  - (j) Misrepresent any matters to the public.
- (2) Opinions expressed by Oregon certified home inspectors shall only be based on their education, experience, and physical evidence observed by the inspector.
- (3) Before the execution of a contract to undertake a home inspection, an Oregon certified home inspector shall disclose to the client any interest in a business that may affect the client.
- (4) Nothing in OAR 812-008-0201 shall prohibit a business offering home inspection services from advertising services or for the purpose of recruiting employees and personnel. All such advertisements shall not be misleading or deceptive. A business shall not advertise home inspection services unless the business is properly licensed.

## 812-008-0202 - Contracts and Reports

- (1) Home inspections undertaken according to division 8 shall be based solely on the property conditions, as observed at the time of the home inspection.
- (2) Oregon certified home inspectors shall:
  - (a) Provide a written inspection contract, signed by both the Oregon certified home inspector and client, prior to completing a home inspection that shall:
    - (A) State that the home inspection is in accordance with standards and practices set forth in division 8 of OAR chapter 812;
    - (B) Describe the services provided and their cost;
    - (C) State where the planned inspection differs from the standard home inspection categories as set forth in OAR 812-008-0205 through 812-008-0214; and
    - (D) Conspicuously state whether the home inspection includes a wood destroying organism inspection and if such inspection is available for a fee.
  - (E) For the purpose of this rule, a home inspection shall be deemed completed when the initial written inspection report is delivered.
  - (b) Observe readily visible and accessible installed systems and components listed as part of a home inspection as defined by these rules unless excluded pursuant to these rules in OAR 812-008-0200 through 812-008-0214; and
  - (c) Submit a written report to the client that shall:
    - (A) Describe those systems and components as set forth in OAR 812-008-0205 through 812-008-0214;
    - (B) Record in the report each item listed in OAR 812-008-0205 through 812-008-0214 and indicate whether or not the property inspected was satisfactory with regard to each item of inspection; it will not be sufficient to satisfy subsection (2)(c) of this rule that the certified home inspector prepare a report listing only deficiencies;
    - (C) State whether any inspected systems or components do not function as intended, allowing for normal wear and tear; and how, if at all, the habitability of the dwelling is affected;
    - (D) State the inspector's recommendation to monitor, evaluate, repair, replace or other appropriate action;
    - (E) State the Construction Contractors Board license number of the business and the name, certification number and signature of the person undertaking the inspection; and
    - (F) Include on the first page of the contract and on the first page of the report, in bold-faced, capitalized type and in at least 12 point font, the following statement: "THIS REPORT IS INTENDED ONLY FOR THE USE OF THE PERSON PURCHASING THE HOME INSPECTION SERVICES. NO OTHER PERSON, INCLUDING A PURCHASER OF THE INSPECTED PROPERTY WHO DID NOT PURCHASE THE HOME INSPECTION SERVICES, MAY RELY UPON ANY REPRESENTATION MADE IN THE REPORT."
  - (d) Submit to each customer at the time the contract is signed a copy of "Home Inspection Consumer Notice."
- (3) Division 8 does not limit Oregon certified home inspectors from reporting observations and conditions or rendering opinions of items in addition to those required in division 8.

(4) All written reports, bids, contracts, and an individual's business cards shall include the Oregon certified home inspector's certification number.

#### 812-008-0203 - General Limitations

(1) Inspections undertaken in accordance with division 8 are visual and are not technically exhaustive.

(2) "Residential structures" and "appurtenances" thereto are defined in ORS chapter 701.005 and OAR chapter 812-008-0020.

#### 812-008-0204 – General Exclusions

(1) Oregon certified home inspectors are not required to report on:

- (a) Life expectancy of any component or system;
- (b) The causes of the need for a repair;
- (c) The methods, materials, and costs of corrections;
- (d) The suitability of the property for any specialized use;
- (e) Compliance or non-compliance with codes, ordinances, statutes, regulatory requirements or restrictions;
- (f) The advisability or inadvisability of purchase of the property;
- (g) The presence or absence of pests such as wood damaging organisms, rodents, or insects;
- (h) Cosmetic items, underground items, or items not permanently installed; or
- (i) Detached structures.

(2) Oregon certified home inspectors are not required to:

- (a) Offer or undertake any act or service contrary to law;
- (b) Offer warranties or guarantees of any kind;
- (c) Offer to undertake engineering, architectural, plumbing, electrical or any other job function requiring an occupational license in the jurisdiction where the inspection is taking place, unless the Oregon certified home inspector holds a valid occupational license, in which case the Oregon certified home inspector may inform the client that the home inspector is so certified, and is therefore qualified to go beyond division 8 and undertake additional inspections beyond those within the scope of the basic inspection;
- (d) Calculate the strength, adequacy, or efficiency of any system or component;
- (e) Enter any area, undertake any procedure that may damage the property or its components, or be dangerous to the Oregon certified home inspector or other persons;
- (f) Operate any system or component that is shut down or otherwise inoperable;
- (g) Operate any system or component that does not respond to normal operating controls;
- (h) Disturb insulation, move personal items, panels, furniture, equipment, plant life, soil, snow, ice, or debris that obstructs access or visibility;
- (i) Determine the presence or absence of any suspected adverse environmental condition or hazardous substance, including but not limited to toxins, carcinogens, noise or contaminants in the building or soil, water, and air;
- (j) Determine the effectiveness of any system installed to control or remove suspected hazardous substances;
- (k) Predict future condition, including but not limited to failure of components;
- (l) Project operating costs of components;

(m) Evaluate acoustical characteristics of any system or component;

(n) Observe special equipment or accessories that are not listed as components to be observed in division 8; or

(o) Identify presence of odors or their source;

#### 812-008-0205 - Structural Components

(1) The Oregon certified home inspector shall observe and describe visible structural components including:

- (a) Foundation;
- (b) Floors and floor structure;
- (c) Walls and wall structure;
- (d) Columns or piers;
- (e) Ceilings and ceiling structure; and
- (f) Roofs and roof structure.

(2) The Oregon certified home inspector shall:

(a) Probe or sound structural components where deterioration is suspected, except where probing would damage any finished surface;

(b) Enter underfloor crawl spaces, basements, and attic spaces except when access is obstructed or restricted, when entry could damage any property, or when dangerous or adverse situations are suspected;

(c) Report the methods used to observed underfloor crawl spaces and attics; report inaccessible areas; and

(d) Report signs of abnormal or harmful water penetration into the building or signs of abnormal or harmful condensation on building components.

#### 812-008-0206 - Exterior and Site

(1) The Oregon certified home inspector shall observe and describe:

- (a) Wall cladding, flashings, and trim;
- (b) Entryway doors and all windows;
- (c) Garage door operators;
- (d) Attached decks, balconies, stoops, steps, areaways, porches, and applicable railings;
- (e) Eaves, soffits, and fascias; and
- (f) Vegetation, grading, drainage, driveways, patios, walkways, and retaining walls with respect to their effect on the condition of the building that adversely affect the structure.

(2) The Oregon certified home inspector shall:

(a) Operate all entryway doors and a representative number of windows;

(b) Operate garage doors manually or by using permanently installed controls for any garage door opener; and

(c) Report whether or not any garage door opener will automatically reverse or stop when meeting reasonable resistance during closing, or reverse with appropriately installed optical sensor system.

(3) The Oregon certified home inspector is not required to observe:

(a) Storm windows, storm doors, screening, shutters, and awnings;

(b) Garage door operator remote control transmitters;

(c) Soil or geological conditions, site engineering, property boundaries, encroachments, or easements;

(d) Recreational facilities (including spas, saunas,

steambaths, swimming pools, decorative water features, tennis courts, playground equipment, and other exercise, entertainment, or athletic facilities); or

- (e) Detached buildings or structures;
- (f) Fences or privacy walls;
- (g) Ownership fencing, privacy walls, retaining walls; or
- (h) Condition of trees, shrubs, or vegetation.

#### 812-008-0207 - Roofing

(1) The Oregon certified home inspector shall observe and describe:

- (a) Roof coverings;
- (b) Roof drainage systems;
- (c) Flashings;
- (d) Skylights, chimneys, and roof penetrations; and
- (e) Signs of leaks or abnormal condensation on building components.

(2) The Oregon certified home inspector shall report the method used to observe the roofing and components.

#### 812-008-0208 - Plumbing

(1) The Oregon certified home inspector shall observe:

(a) Interior water supply and distribution system, including piping materials, supports, and insulation, fixtures and faucets, functional flow, leaks, and cross connections;

(b) Interior drain, waste, and vent system, including traps, drain, waste, and vent piping, piping supports and pipe insulation, leaks, and functional drainage;

(c) Hot water systems including water heating equipment, normal operating controls, automatic safety controls, and chimneys, flues, and vents;

(d) Above ground oil storage and distribution systems including interior oil storage equipment, supply piping, venting, and supports; leaks; and

(e) Sump pumps and sewage ejection pumps.

(2) The Oregon certified home inspector shall describe:

(a) Water supply and distribution piping materials;

(b) Drain, waste, and vent piping materials; and

(c) Water heating equipment.

(3) The Oregon certified home inspector shall operate all plumbing fixtures, including their faucets and all exterior faucets attached to the house except where the flow end of the faucet is connected to an appliance or interior faucets not serviced by a drain.

(4) The Oregon certified home inspector is not required to:

(a) State the effectiveness of anti-siphon devices and anti-backflow valves;

(b) Determine whether water supply and waste disposal systems are public or private;

(c) Operate automatic safety controls;

(d) Operate any valve except toilet flush valves, fixture faucets, and hose faucets;

(e) Observe:

(A) Water conditioning systems;

(B) Fire and lawn sprinkler systems;

(C) On-site water supply quantity and quality;

(D) On-site waste disposal systems;

(E) Foundation irrigation systems;

(F) Whirlpool tubs, except as to functional flow and functional drainage;

(G) Swimming pools and spas; or

(H) Solar water heating equipment.

#### 812-008-0209 - Electrical

(1) The Oregon certified home inspector shall observe:

(a) Service entrance conductors;

(b) Service equipment, grounding equipment, main overcurrent device, and distribution panels;

(c) Amperage and voltage ratings of the service;

(d) Branch circuit conductors, their overcurrent devices, and the compatibility of their amperages and voltages;

(e) The operation of a representative number of installed ceiling fans, lighting fixtures, switches, and receptacles located inside the house, garage, and on the dwelling's exterior walls;

(f) The polarity and grounding of all receptacles within six feet of interior plumbing fixtures, and all receptacles in the garage or carport, and on the exterior of inspected structures;

(g) The operation of ground fault or arc fault circuit interrupters;

(h) Smoke alarms; and

(i) Carbon monoxide detectors.

(2) The Oregon certified home inspector shall describe:

(a) Service amperage and voltage;

(b) Service entry conductor materials; and

(c) Service type as being overhead or underground;

(3) The Oregon certified home inspector shall report:

(a) Any observed 110 volt aluminum branch circuit wiring; and

(b) The presence or absence of smoke alarms, and operate their test function, if accessible, except when detectors are part of a central security system.

(4) The Oregon certified home inspector is not required to:

(a) Insert any tool, probe, or testing device inside the panels;

(b) Test or operate any overcurrent device or safety device in the electrical service panel or elsewhere that may adversely affect the personal property of the resident;

(c) Dismantle any electrical device or control other than to remove the covers of the main or auxiliary distribution panels;

(d) Observe:

(A) Low-voltage systems except to report the presence of solenoid-type lighting systems;

(B) Security system devices or heat detectors;

(C) Telephone, security, TV, intercoms, lightning arrestors or other ancillary wiring that is not a part of the primary electrical distribution system; or

(D) Built-in vacuum equipment.

#### 812-008-0210 - Heating\*

(1) The Oregon certified home inspector shall observe permanently installed heating systems including:

(a) Heating equipment;

(b) Normal operating controls;

(c) Automatic safety controls;

(d) Chimneys, flues, and vents, where readily visible;

(e) Solid fuel heating devices;

(f) Heat distribution systems including fans, pumps, ducts, and piping, with supports, insulation, air filters, registers, radiators, fan

coil units, convectors; and

(g) The presence of installed heat source in each room.

(2) The Oregon certified home inspector shall describe:

(a) Energy source; and

(b) Heating equipment and distribution type.

(3) The Oregon certified home inspector shall operate the systems using normal operating controls.

(4) The Oregon certified home inspector shall open readily accessible panels provided by the manufacturer or installer for routine homeowner maintenance.

(5) The Oregon certified home inspector is not required to:

(a) Operate automatic safety controls;

(b) Ignite or extinguish solid fuel fires;

(c) Observe:

(A) The interior of flues;

(B) Fireplace insert flue connections;

(C) Humidifiers; or

(D) The uniformity or adequacy of heat supply to the various rooms.

#### 812-008-0211 - Central Air Conditioning

(1) The Oregon certified home inspector shall observe:

(a) Central air conditioning systems including cooling and air handling equipment and normal operating controls.

(b) Distribution systems including fans, pumps, ducts and piping, with associated supports, dampers, insulation, air filters, registers, and fan-coil units.

(2) The Oregon certified home inspector shall describe:

(a) Energy sources; and

(b) Cooling equipment type.

(3) The Oregon certified home inspector shall operate the systems using normal operating controls.

(4) The Oregon certified home inspector shall open readily openable panels provided by the manufacturer or installer for routine homeowner maintenance.

(5) The Oregon certified home inspector is not required to:

(a) Operate cooling systems when weather conditions or other circumstances may cause equipment damage;

(b) Observe non-central air conditioners; or

(c) Observe the uniformity or adequacy of cool-air supply to the various rooms.

#### 812-008-0212 - Interiors

(1) The Oregon certified home inspector shall observe and describe:

(a) Walls, ceiling, and floors;

(b) Steps, stairways, balconies, and railings;

(c) Counters and cabinets; and

(d) Doors and windows.

(2) The Oregon certified home inspector shall:

(a) Operate a representative number of windows and interior doors; and

(b) Report signs of abnormal or harmful water penetration or damage in the building or components or signs of abnormal or

harmful condensation on building components.

(3) The Oregon certified home inspector is not required to:

(a) Operate a representative number of cabinets and drawers;

(b) Observe paint, wallpaper, and other finish treatments on the interior walls, ceilings, and floors; or

(c) Observe draperies, blinds, or other window treatments.

#### 812-008-0213 - Insulation and Ventilation

(1) The Oregon certified home inspector shall observe and describe:

(a) Insulation and vapor retarders/barriers in unfinished spaces;

(b) Ventilation of attics and foundation areas;

(c) Kitchen, bathroom, and laundry venting systems; and

(d) The operation of any readily accessible attic ventilation fan, and when the temperature permits, the operation of any readily accessible thermostatic control.

(e) Absence of insulation in unfinished space adjacent to heated living areas.

(2) The Oregon certified home inspector is not required to report on:

(a) Concealed insulation and vapor retarders;

(b) Venting equipment that is integral with household appliances; or

(c) Thermal efficiency ratings.

#### 812-008-0214 - Built-in Kitchen Appliances

(1) The Oregon certified home inspector shall observe and operate the basic functions of the following kitchen appliances:

(a) Installed dishwasher, through its normal cycle;

(b) Range, cook top, and installed oven;

(c) Trash compactor;

(d) Garbage disposal;

(e) Ventilation equipment or range hood;

(f) Installed microwave oven; and

(g) Built-in refrigerators.

(2) The Oregon certified home inspector is not required to observe:

(a) Clocks, timers, self-cleaning oven function, or thermostats for calibration or automatic operation;

(b) Non built-in appliances;

(c) Refrigeration units that are not installed; or

(d) Microwave leakage.

(3) The Oregon certified home inspector is not required to operate:

(a) Appliances in use; or

(b) Any appliance that is shut down or otherwise inoperable.