

266 CMR: BOARD OF REGISTRATION OF HOME INSPECTORS

266 CMR 6.00: STANDARDS OF PRACTICE

Section

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6.01: Access

The Client shall provide Safe Access and Sufficient Lighting to ensure that all systems and areas to be inspected under this standard are Readily Accessible and Observable.

6.02: Purpose

(1) The purpose of a Home Inspection for Residential Buildings, including their attached garages, is to provide the Client with an inspection Report that forthrightly discloses the physical conditions of the systems and components listed in 266 CMR 6.04 which are Readily Accessible and Observable, including those systems and components, which are Safety Hazards as Observed at the time of the inspection.

(2) An inspection carried out under the standards of 266 CMR 6.04 is not and shall not be construed to be a comprehensive Architectural and/or Engineering study of the dwelling in question.

6.03: General Requirements

- (1) Inspectors shall:
- (a) Use a written or digital contract and provide only the Client with a copy of the contract unless expressly authorized in writing by the Client.
 - (b) Observe Readily Accessible and Observable installed systems and components listed in 266 CMR 6.04.
 - (c) Submit a confidential written Report only to the Client, which shall:
 - 1. Identify those components specified to be identified in 266 CMR 6.04;
 - 2. Indicate which systems and components that are present and designated for inspection in 266 CMR 6.04 which have not been inspected;
 - 3. Indicate the condition of systems and components that were inspected, including those that were found to be in need of repair;
 - 4. Record the Inspector's name (and the Trainee's name if applicable);
 - 5. Record the Client's name and the address of the property inspected;
 - 6. Record the on-site Inspection start and finish times;
 - 7. Record the weather conditions at the time of the inspection; and
 - 8. Record the existence of obstructions and/or conditions that prevented the inspection of the installed systems and components.
- (2) Every registered professional Home Inspector may have a seal of the design shown below authorized by the Board. All Reports prepared by a registered Home Inspector, or under his or her supervision, may be stamped with the impression of such seal and/or bear the name and license number of the Home Inspector. A registered Home Inspector shall impress his or her seal on and/or attach his or her name and license number to a Report only if his or her certificate of registration is in full force, and if he or she is the author of such Report or is in charge of its' preparation.

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- (3) The Report shall inform the Client if additional investigation is required when:
 - (a) The scope of the repair(s) is unknown;
 - (b) There is potential for and it is suspected that there is concealed damage; or
 - (c) The subject area is beyond the scope of the Home Inspector's expertise.

- (4) The Home Inspector shall not be held liable for the accuracy of third party information.

6.04: Scope of the Home Inspection

- (1) System: Roofing.
 - (a) The inspector shall Observe and Report On:
 - 1. Roof coverings;
 - 2. Exposed roof drainage systems;
 - 3. Flashings;
 - 4. Skylights, chimneys;
 - 5. Chimneys; and
 - 6. Roof penetrations.
 - (b) The inspector shall Identify:
 - 1. The type of roof covering materials;
 - 2. The roof drainage system; and
 - 3. The chimney materials.
 - (c) The inspector shall:
 - 1. note the methods used to Observe the roofing; and
 - 2. note any signs of previous and/or active leaks.
 - (d) Exclusions: The Inspector shall not be required to:
 - 1. Walk on the roof unless in the opinion of the Home Inspector walking on the roof will pose no risk of personal injury or damage to the roofing components.
 - 2. Observe and Report On:
 - a. Attached accessories including, but not limited to: solar systems, antennae, satellite dishes and lightning arrestors; and
 - b. The interior of chimney flues.

- (2) System: Exterior.
 - (a) The inspector shall Observe and Report On:
 - 1. Wall cladding;
 - 2. Trim;
 - 3. Doors/Windows;
 - 4. Garage Doors (if the garage is attached to the main dwelling);
 - 5. Decks/Balconies/porches/stoops/landings/steps;
 - 6. Railings/guardrails;
 - 7. Areaways/window wells;
 - 8. Flashings; and
 - 9. Driveways, walkways, vegetation, grading, site drainage, and retaining walls with respect to their effect on the condition of the dwelling and their ability to provide safe egress.

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- (b) The inspector shall Identify:
 1. Wall cladding materials;
 2. deck component materials; and
 3. porch component materials.
 - (c) The inspector shall:
 1. Probe exposed Readily Accessible and Observable exterior components where deterioration is suspected: However, probing is NOT required when probing would unduly damage any finished surface.
 2. Operate garage doors (if the garage is attached to the main dwelling), manually or by using permanently installed controls of any garage door operator.
 3. Report whether or not any garage door operator will automatically reverse or stop when meeting resistance during closing.
 - (d) Exclusions: Including but not limited to 266 CMR 6.04(2)(e)1. through 9., the inspector shall not be required to Observe and Report On the following:
 1. Storm doors and windows, screening, shutters, awnings and similar seasonal accessories;
 2. Fences, landscaping, trees, swimming pools, patios, irrigation systems;
 3. Safety glazing;
 4. Recreational facilities;
 5. Any other dwelling units or addresses in multi unit buildings;
 6. Outbuildings and detached garages; and
 7. Underground utilities, pipes, buried wires, or conduits.
- (3) System: Structure.
- (a) The inspector shall Observe and Report On:
 1. The foundation;
 2. The floor structure;
 3. The wall structure;
 4. The ceiling structure; and
 5. the roof structure.
 - (b) The inspector shall Identify:
 1. The foundation materials; and
 2. The Basement floor.
 - (c) The inspector shall:
 1. Probe exposed Readily Accessible and Observable structural components where deterioration is suspected; however, probing is NOT required when probing would unduly damage any finished surface;
 2. Note the methods used to Observe under floor crawl spaces;
 3. Note the methods used to Observe attics; and
 4. Note signs of previous and/or active water penetration into the basement, under floor crawl space and attic including the presence of sump pumps and dehumidifiers.
 - (d) Exclusions: the inspector shall not be required to:
 1. Collect engineering data such as the size, span, spacing, species, section modulus, slenderness ratio and/or modulus of elasticity of the structural members; or
 2. Provide access to the items being inspected (Responsibility of Client/seller/seller's representative).
 3. Enter the under floor crawl space.
 - a. If it is not Readily Accessible;
 - b. If access is obstructed and/or if entry could damage the property;
 - c. If a dangerous or adverse situation is suspected and Reported by the Inspector; or
 - d. Observe and Report On Wood destroying insects, rodents and/or vermin unless specifically contracted for in writing.
 - (e) Attic Space.
 1. The inspector shall not be required to enter the attic space:
 - a. If it is not Readily Accessible;
 - b. If access is obstructed and/or if entry could damage the property; or
 - c. If a dangerous or adverse situation is suspected and Reported by the inspector.
 2. Walk on the exposed and/or insulation covered framing members.

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(4) System: Electrical.

- (a) The inspector shall Observe and Report On:
 - 1. the service entrance conductors;
 - 2. the service equipment, including the main overcurrent device;
 - 3. the grounding system device;
 - 4. the service and distribution panels by removing the enclosure cover;
 - 5. the branch circuit, overcurrent devices, and conductor capability; and
 - 6. a representative number of interior and exterior receptacles.
- (b) The inspector shall Identify:
 - 1. The service as being overhead or underground;
 - 2. The type of Interior Wiring; and
 - 3. The ampacity of the main service disconnect;
- (c) The inspector shall test:
 - 1. The polarity and grounding of a representative number of receptacles;
 - 2. The operation of all Readily Accessible ground fault circuit interrupters.
- (d) Exclusions: Including but not limited to 266 CMR 6.04(4)(e)1. through 6., the inspector shall not be required to:
 - 1. Collect engineering data on the compatibility of the overcurrent devices with the panel and/or determine the short circuit interrupting current capacity.
 - 2. Determine the adequacy of the ground and/or the in place systems to provide sufficient power to the dwelling, or reflect on the sufficiency of the electric distribution system in the Dwelling.
 - 3. Insert any tool, probe, or testing device inside the panels.
 - 4. Test or Operate any overcurrent device except ground fault circuit interrupters.
 - 5. Dismantle any electrical device or control other than to remove the covers of the service and distribution panels. However, the Inspector is not required to remove the covers of the service and distribution panels if the panel covers are not Readily Accessible, if there are dangerous or adverse situations present, or when removal would damage or mar any painted surface and/or covering materials.
 - 6. Observe or Report On:
 - a. The quality of the conductor insulation;
 - c. Low voltage systems, doorbells, thermostats, other;
 - e. Telephone, security alarms, cable TV, intercoms, or other ancillary wiring that is not a part of the primary electrical distribution system; and
 - f. Underground utilities, pipes, buried wires, or conduits.
 - g. The Home Inspector shall not be required to test or operate Arc Fault Circuit Interrupters.

(5) System: Plumbing.

- (a) The inspector shall Observe and Report On:
 - 1. The water supply and distribution system:
 - a. Piping, including supports and insulation.
 - b. Fixtures;
 - c. Faucets.
 - 2. The drain waste and vent system:
 - a. Piping, including supports; and
 - b. Traps; drain, waste, and vent piping; piping supports and pipe insulation.
 - 3. Hot water systems including:
 - a. Water heating equipment;
 - b. Normal Operating Controls;
 - c. The presence of Automatic Safety Controls;
 - d. Flue piping.
- (b) The Inspector shall Identify:
 - 1. The type(s) of water distribution piping materials;
 - 2. The type(s) of drain, waste, and vent piping; and
 - 3. The type of water heating equipment, and the nameplate capacity of the water heating equipment (gallons and/or gallons per minute).
 - 4. The location of the main shut off valve.

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- (c) The inspector shall operate all plumbing fixtures where practical, including their faucets if Readily Accessible.
- (d) Exclusions: The Inspector shall not be required to:
1. Test the operation of any valve except water closet flush valves and fixture faucets;
 2. Collect engineering data on the size of or length of water and/or waste systems and/or remove covering materials; or
 3. Report On the adequacy and/or the efficiency of the in place systems to provide sufficient hot water to the dwelling, sufficient water supply, or drainage for the dwelling;
 4. State the effectiveness of anti siphon devices;
 5. Determine whether water supply and waste disposal systems are public or private
 6. Observe, operate, or Report On:
 - a. The exterior hose bibs;
 - b. Fire suppression systems;
 - c. irrigation systems;
 - d. water quality;
 - e. Wells and their related equipment;
 - f. Foundation sub drainage systems;
 - g. interior of flue linings;
 - h. Underground utilities, pipes, buried wires, or conduits; and
 - i. Water conditioning and filtration components and Systems.
 - j. Operate any laundry equipment, including washing machines and dryers.
- (6) System: Heating.
- (a) The inspector shall Observe and Report On:
1. Heating equipment;
 2. Normal operating controls;
 3. Automatic Safety Controls;
 4. The exterior of the chimneys, flue piping and vents;
 5. Heating distribution systems;
 6. Insulation;
 7. The presence of an installed heat source in each habitable room including kitchens and bathrooms; and
 8. The presence of a fireplace(s) and the operation of their damper(s).
- (b) The inspector shall identify:
1. The type of energy source;
 2. The heating equipment;
 3. The type of distribution system:
 - a. Piping; and
 - b. Duct work.
- (c) The inspector shall note:
1. The absence of an installed heat source in habitable rooms including kitchens and bathrooms;
 2. The presence of exposed flues in the smoke chamber being utilized by other appliances;
 3. The existence of abandoned oil tanks; and
 4. Any observed evidence of underground fuel storage tanks.
- (d) If possible, have the seller and/or the seller's representative operate the systems using normal operating controls. If not possible for seller or seller's representative to operate system, the inspector shall operate system using normal operating controls.
- (e) Open Readily Accessible and operable access panels provided by the manufacturer or installer for routine homeowner maintenance.
- (f) Exclusions. Including but not limited to 266 CMR 6.04(7)(e)1 through 7., the inspector shall not be required to:
1. Test and/or inspect the heat exchanger. This requires dismantling of the furnace cover and possible removal of controls;
 2. Collect engineering data on the size of the heating equipment and/or the size or length of the distribution systems;
 3. Report On the adequacy or uniformity of the in place system(s) to heat the dwelling and/or the various rooms within the dwelling;

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4. Operate heating systems when weather conditions or other circumstances may cause equipment damage, or when the electrical and/or fuel supply to the unit is in the off position;
 5. Ignite or extinguish solid fuel and/or gas fires;
 6. Identify the type of insulation coverings;
 7. Inspect fuel storage tanks and their related components;
 8. Inspect humidifiers and electronic air filters;
 9. Inspect the interior of flues with the exception of exposed flues serving other appliances as Observed in the smoke chamber of the fireplace; and
 10. Inspect fireplace insert flue connections.
- (7) System: Cooling Central Air Conditioning.
- (a) The inspector shall Observe and Report On the following cooling components:
 1. Cooling and air handling equipment;
 2. Normal operating controls;
 3. Cooling distribution systems; and
 4. the insulation on the exposed supply ductwork.
 - (b) The inspector shall identify the type of distribution system.
 - (c) The inspector shall:
 1. If possible, the Inspector shall have the seller and/or the seller's representative Operate the systems using normal operating controls; and
 2. Open Readily Accessible operable access panels provided by the manufacturer or installer for routine homeowner maintenance and Report On conditions Observed.
 - (d) Exclusions: the inspector shall not be required to:
 1. Collect engineering data on the size of the cooling equipment, the size or length of the distribution systems;
 2. Identify the type of insulation coverings;
 3. Report on the air filter condition or effectiveness;
 4. Operate the cooling systems when weather conditions or other circumstances may cause equipment damage, or when the electrical supply to the unit is in the off position;
 5. Inspect evaporator coils; or
 6. Report On the adequacy or uniformity of the in place system(s) to cool the dwelling and/or the various rooms within the dwelling.
- (8) System: General Interior Conditions.
- (a) The inspector shall Observe and Report on:
 1. walls;
 2. ceilings;
 3. floors;
 4. steps, stairways, balconies;
 5. hand and guard railings;
 6. counter tops and a representative number of cabinets;
 7. permanently installed cooking appliances, dishwashers, and garbage disposals;
 8. a representative number of doors and windows; and
 9. separation walls, ceilings, and doors between a dwelling unit and an attached garage or another dwelling unit.
 - (c) The Inspector shall:
 1. note signs of water penetration; and
 2. operate a representative number of kitchen cabinets and drawers, doors and windows.
 - (d) Exclusions: Including but not limited to 266 CMR 6.04(8)(e)1. and 2., the inspector shall not be required to:
 1. Observe and Report On the following:
 - a. Paint, wallpaper, and other finish treatments on the interior walls, ceilings, and floors;
 - b. Draperies, blinds, or other window treatments; and
 - c. Non-permanently installed household appliances.
 2. Determine the fire safety rating of any walls, ceilings, and doors between a dwelling unit and an attached garage or another dwelling unit.

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(9) System: Insulation and Ventilation.

(a) The inspector shall Observe and Report on:

1. exposed insulation in unfinished spaces;
2. ventilation of attics and inder floor crawl space areas;
3. bathroom venting systems; and
4. kitchen venting system.

(b) The inspector shall identify the existence and/or absence of bathroom ventilation other than a window(s).

(c) Exclusions: Including but not limited to 266 CMR 6.04(9)(e)1. through 5., the inspector shall not be required to Observe and Report On the following:

1. The type(s), amounts or adequacy of insulation and/or its material make up;
2. Concealed insulation and vapor retarders; or
3. The adequacy, uniformity and capacity of the in place system(s) to ventilate the various areas of the dwelling.

6.05: General Limitations and Exclusions of the Home Inspection

(1) General Limitations.

(a) Home Inspections done in accordance with the standards set forth in 266 CMR 6.04 are visual and not Technically Exhaustive.

(b) The Home Inspections standards set forth in 266 CMR 6.04 are applicable to Residential Buildings.

(2) General Exclusions.

(a) Inspectors shall not be required to Report On:

1. The remaining life expectancy of any component or system;
2. The causes of the need for repair;
3. The materials for corrections of the problem;
4. The methods of repair other than to indicated the repair should comply with applicable requirements of the governing codes and sound construction practices;
5. Compliance or non compliance with applicable regulatory requirements unless specifically contracted for in writing;
6. Any component or system not covered by 266 CMR 6.04;
7. Cosmetic items;
8. Items that are not Readily Accessible and Observable, underground items, or items not permanently installed; or
9. Systems or Components specifically excluded by Client (noted in writing in the Contract or in the Report).

(b) Inspectors shall not be required to perform or provide any of the following under the Home Inspection specified in 266 CMR 6.04:

1. Offer warranties, guarantees and/or insurance policies of any kind on the property being inspected;
2. Collect any engineering data (the size of structural members and/or the output of mechanical and/or electrical equipment);
3. Inspect spaces that are not Readily Accessible and Observable. Enter any area or perform any procedure, which may damage the property or its components, or be dangerous and unsafe to the Inspector or other persons, as determined by and Reported by the Inspector;
4. Disturb or move insulation, stored and/or personal items, furniture, equipment, plant life, soil, snow, ice, or debris that obstructs access or visibility;
5. Determine the effectiveness of any system installed to control or remove suspected hazardous substances;
6. Predict future conditions, including but not limited to failure of Ccomponents. (*See Additional Services*);
7. Project operating costs of components;
8. Determine extent or magnitude of damage or failures noted;
9. Operate any System or component which does not respond to normal operating controls;

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10. Test for radon gas;
11. Determine the presence or absence of pests including, but not limited to, rodents or wood destroying insects;
12. Determine the energy efficiency of the dwelling as a whole or any individual system or component within the dwelling;
13. Perform Environmental Services including determining the presence or verifying the absence of any micro organisms or suspected hazardous substances including, but not limited to, carbon monoxide, latent surface and/or subsurface Volatile Organic Compounds, PCB's, asbestos, UFFI, toxins, allergens, molds, carcinogens, lead paint, radon gas, electromagnetic radiation, noise, odors, or any contaminants in soil, water, air wet lands and/or any other environmental hazard not listed in 266 CMR 6.05(2)(a) and (b);
14. Determine the level of sound proofing between walls, ceilings, floors, doors and between dwelling units.
15. Inspect surface and subsurface soil conditions.

6.06: Prohibitions

Inspectors are prohibited from:

- (1) Reporting on the market value of property or its marketability and/or the suitability of the property for any use.
- (2) Advising their Client about the advisability or inadvisability of the purchase of the property.
- (3) Offering or performing any act or service contrary to law and/or 266 CMR 6.00.
- (4) Determining the cost of repairs of any item noted in their Report and/or inspected by them and/or their firm.
- (5) Offering to make and/or perform any repair, provide any remedy: including but not limited to performing engineering, architectural, surveying, plumbing, electrical and heating services, pest control (treatment), urea formaldehyde or any other job function requiring an occupational license and/or registration (in the jurisdiction where the inspection had taken place) on a Dwelling, and/or Residential Building inspected by his or her firm. The only exception is if those repairs and/or services are part of a negotiated settlement of a complaint and/or claim against the Inspector and/or the firm he or she represents.
- (6) However, nothing in 266 CMR 6.06 shall prohibit the Inspector and/or his or her firm from offering consulting services on a dwelling, and/or Residential Building his or her firm has not inspected as long as the consulting service is not pursuant to the sale and/or transfer of the property and/or dwelling.
- (7) Operating any system or component that is shut down or otherwise inoperable. (However, the inspector shall recommend the seller and/or the seller's representative demonstrate that those systems and/or components are functional).
- (8) Turn on any electrical or fuel supply and/or devices that are shut down. (However, the Inspector shall recommend the Seller and/or the Seller's Representative demonstrate that those systems and/or components are functional).

6.07: Required Distribution of Energy Audit Documents

- (1) Purpose and Scope. The purpose of 266 CMR 6.08 is to promote the informed use of energy audits by providing a document, outlining the procedures and benefits of a home energy audit, to buyers of residential dwellings at or before the time of closing.

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(2) Requirement. Home Inspectors shall provide a document outlining the procedures and benefits of a home energy audit to all Clients purchasing a single family residential dwelling, a multiple family residential dwelling with less than five dwelling units, or a condominium unit in a structure with less than five dwelling units.

(3) Distribution of Document Availability, Timing, and Format. The Board shall make a copy of the document to be distributed available on its website. The document must be provided to the buyer of the real estate at or before closing.

(4) Prohibition of Additional Fees. No additional fees shall be imposed upon or collected from the buyer or seller of the real estate in connection with the provision of such document.

REGULATORY AUTHORITY

266 CMR 6.00: M.G.L. c. 13, § 96 and c. 112, §§ 221 through 226.