

266 CMR 2.00: DEFINITIONS

As used in 266 CMR 1.00 through 10.00, the following definitions shall apply:

Agent: Seller's/owner(s) representative and or person authorized to act on behalf of the seller/owner(s) including a real estate broker or salesperson as defined in M.G.L. c 112 § 87 PP.

Associate Home Inspector: A person licensed pursuant to M.G.L. c. 112, § 223, conducting a Home Inspection of residential building(s) under the supervision of a licensed Home Inspector.

Automatic Safety Controls: Devices designed and installed to protect Systems and Components from excessively high or low pressures and temperatures, excessive electrical current, loss of water, flooding, loss of ignition, fuel leaks, fire, freezing, or other unsafe conditions.

Architectural Services: As defined in M.G.L. c. 112, §§ 60A through 60O (architect's license required).

Architectural Study: A study requiring Architectural Services.

Basement: The portion of a Dwelling that is partly or completely below grade.

Board: The Board of Registration of Home Inspectors established pursuant to M.G.L. c. 13, § 96.

Branch Circuit: The circuit conductors between the final overcurrent device protecting the circuit and the outlet(s).

Buyer's Broker: A real estate broker or salesperson, as defined in M.G.L. c 112 § 87 YY1/2, who has a written contractual agreement or a written agency disclosure between the buyer and the real estate broker specifying that the real estate broker is acting exclusively for the buyer as a buyer's broker.

Central Air Conditioning: A System that uses ducts to distribute cooled and/or dehumidified air to more than one room or uses pipes to distribute chilled water to heat exchangers in more than one room, and which is not plugged into an electrical outlet.

Client: A person who engages the services of a Home Inspector for the purpose of obtaining inspection of and a written Report regarding the condition of a residential building(s).

Component: A Readily Accessible and observable aspect of a System such as a floor or a wall, but not individual pieces such as boards or nails where many similar pieces make up the Component.

Conditioned Surface: The surface of the floor and or ceiling that is being mechanically cooled and or heated.

Continuing Education Program: Formal presentation such as a lecture or interactive session with specified learning objectives at which Registrants may earn contact hours approved by the Board based on criteria set forth in 266 CMR 5.00.

266 CMR 2.00: DEFINITIONS CONTINUED:

Contract: The written agreement between the Client and the Home Inspector spelling out the responsibilities and duties of each party and the fee to be paid for the Home Inspection.

Cross Connection: Any physical connection or arrangement between potable water and any source of contamination.

Dangerous or Adverse Situations: Situations that pose a threat of injury to the Inspector's health and welfare as determined by the Inspector.

Describe: A written account of the materials used in and the condition of the Systems and Components Observed. The Inspector must state in his or her report whether the System or Component described is in need of repair and/or requires further investigation.

Direct Supervision: Direct Supervision means on-site and in-view observation and guidance of a supervisee who is performing an assigned activity during a Home Inspection.

Dismantle: To take apart or remove any Component, device, or piece of equipment that is bolted, screwed, or fastened that a homeowner in the course of normal household maintenance would not dismantle other than the electrical panel cover(s).

Division: The Division of Professional Licensure.

Dwelling: A house, townhouse, condominium, cottage, or a Residential Building containing not more than four dwelling units.

Educational Provider or Provider: A person approved by the Board to offer continuing education credits.

Electrical Services: As defined in M.G.L. c. 141, M.G.L. c. 148, §§ 10D and 10E, and 527 CMR 12.00 (electrician license required).

Engineering Services: As defined in M.G.L. c. 112, §§ 81D through 81T. (Engineering license required).

Engineering Study: A study requiring Engineering Services.

Environmental Services: Services that require physical samples to be taken and analyzed by a laboratory to determine the type of and presence of contaminants and or organic compounds and as defined in M.G.L. c. 112, §§ 81D through 81T and §§ 87LL.

Feeder: All circuit conductors between the service equipment, the source of a separately derived System, or other power supply source and the final branch-circuit overcurrent device.

Fully Depreciated: Item inspected is no longer under the manufacturer's warranty and it is reaching the end of its serviceable life, has no dollar or salvage value and replacement should be anticipated.

Functional Drainage: A drain is functional when it empties in a reasonable amount of time and does not overflow when another fixture is drained simultaneously.

Functional Flow: A reasonable flow at the highest fixture in a dwelling when another fixture is operated simultaneously.

Heating Services: As defined in M.G.L. c. 148, §§ 10C and 10H, and 527 CMR 4.00 (oil burner, plumber and electrician license required where applicable).

266 CMR 2.00: DEFINITIONS CONTINUED:

Home Inspection: The process by which an Inspector Observes and provides, pursuant to the sale and transfer of a residential building, a written evaluation of the following readily accessible Components of a residential building: heating, cooling, plumbing and electrical systems, structural Components, foundation, roof, masonry, structure, exterior and interior Components and any other related residential housing Components. A Home Inspection shall, at a minimum conform to standards of practice promulgated by the Board.

Home Inspector: A person licensed pursuant to M.G.L. c. 112, § 222.

Household Appliances: Kitchen and laundry appliances, room air conditioners, and similar appliances.

Indirect Supervision: Indirect Supervision means the oversight of activities, other than direct observation, performed by the Supervisor in order to provide guidance. These activities may include: meeting with the supervisee; reviewing reports prepared by the supervisee; review and evaluation of the supervisee's activities in connection with Home Inspections; and supervisory conferences that may be conducted by telephone.

In Need of Repair: Does not adequately function or perform as intended and or presents a Safety Hazard.

Installed: Attached or connected such that the installed item requires tools for removal.

Inspect: To look at and examine Readily Accessible items, parts, Systems or Components as required by CMR 6.00.

Inspector: A person licensed under M.G.L. c. 112, § 222 or § 223.

Interior Wiring: Shall include the exposed and Readily Observable Feeder and Branch Circuit wiring in the Dwelling.

National Home Inspectors Examination: A written and or electronic competency examination approved by the Board.

Normal Operating Controls: Homeowner operated devices such as a thermostat or wall switches.

Observable: Able to be Observed at the time of the inspection without the removal of fixed or finished coverings and/or stored materials.

Observe: The act of making a visual examination. If a deficiency is seen in a Component or System observed by the Inspector the deficiency must be noted on the Report.

On-site Water Supply Quality: Water quality is based on the bacterial, chemical, mineral, and solids content of the water.

On-Site Water Supply Quantity: Water quantity is the rate of flow of water.

Operate: To cause Systems or equipment to function.

Plumbing Services: As defined in M.G.L. c. 142 and 248 CMR 2.04 (plumber license required)

Primary Windows and Doors: Windows and exterior doors that are designed to remain in their respective openings year round.

266 CMR 2.00: DEFINITIONS CONTINUED:

Readily Accessible: Capable of being reached quickly for visual inspection without requiring the Inspector to climb over or remove any personal property, to dismantle, to use destructive measures, to resort to portable ladders and or any action which will likely involve risk to persons or property.

Readily Operable Access Panel: A panel provided for homeowner inspection and maintenance, which has removable or operable fasteners or latch devices in order to be lifted, swung open, or otherwise removed by one person, and its edges and fasteners are not painted in place. The panel must be within normal reach and not blocked by stored items, furniture or building Components.

Readily Observable Signs: Conditions of deterioration on the surface including, but not limited to water stains, wood destroying fungi, insect infestation, deterioration, that give an Inspector a reasonable basis to believe that there is a potential for concealed damage in the System or Component or area inspected.

Recreational Facilities: Whirlpools, saunas, steam baths, swimming pools, tennis courts, playground equipment, and otherwise entertainment, or athletic facilities.

Registered Professional Home Inspector: A Registrant (person) licensed pursuant to M.G.L. c. 112, § 222, by the Division of Professional Licensure.

Registrant: “Register”, “Registered”, “Registrant”, and “registration” shall be used interchangeably with the words “license”, “licensee”, and “licensure”.

Repair: All repairs, when implemented by the buyer, seller, and or homeowner shall comply with applicable requirements of the governing codes and sound construction practices.

Report: A written document setting forth findings of the Home Inspection unless otherwise specified in 266 CMR 2.00.

Report On: A written detailed description of the condition of the Systems and Components Observed. The Inspector must state in his or her report whether the System reported on is in need of repair or requires further investigation.

Representative Number: For multiple identical Components such as windows and electrical outlets - one such Component per room, for multiple identical exterior Components – one such Component on each side of the Dwelling.

Residential Building: A structure consisting of four dwelling units.

Roof Drainage Systems: Gutters, downspouts, leaders, splash blocks, and similar Components used to carry water off a roof and away from a Dwelling or residential building.

Safe Access: Access free of any encumbrances, hazardous materials, health and safety hazards such as climbing and or standing on other than the ground and or floor which may jeopardize the Inspector as determined by the Inspector.

Safety Glazing: Tempered glass, laminated glass, or rigid plastic.

266 CMR 2.00: DEFINITIONS CONTINUED:

Safety Hazard: A condition in a Readily Accessible, installed System or Component, which is judged by the Inspector to be unsafe, of 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 the accepted residential construction standards.

Seller/Seller's Representative: The owner of the property or one legally authorized to act on behalf of the owner such as an administrator, executor, guardian, or trustee, whether or not a natural person or Agent representing the seller.

Shut Down: A piece of equipment or a System is shut down when the device or control cannot be operated in a manner that a homeowner should normally use to operate it. If the safety switch or circuit breaker is in the "off" position or the fuse is missing or blown, the Inspector is not required to reestablish the circuit for the purpose of operating the equipment or System.

Solid Fuel Heating Device: Any wood, coal, or other similar organic fuel-burning device, including but not limited to fireplaces whether masonry or factory built, fireplace inserts, stoves, central furnaces and any combination of these devices.

Structural Component: A Component that supports non-variable forces or weights (dead loads) and variable forces or weights (live loads).

Sufficient Lighting: Fully lighted with a minimum of 50-foot candlepower in all areas to be inspected.

Supervisor: The licensed Home Inspector designated to oversee and supervise the training of an Associate Home Inspector and or Trainee.

System: A combination of interacting or interdependent Components, assembled to carry out one or more functions.

Technically Exhaustive: An inspection is technically exhaustive when it involves the extensive use of measurements, instruments, testing, calculations, and other means to develop scientific or engineering findings, conclusions, and recommendations.

Trainee: A person participating in the Associate Home Inspector training program who has not met the requirements for an Associate Home Inspector's License.

Under Floor Crawl Space: The area within the confines of the foundation and between the ground and the underside of the lowest floor structural Component not including the Basement.

266 CMR 3.00: PROCEDURE FOR REGISTRATION

Section

- 3.01: Application and Licensing
- 3.02: Procedures for Renewal of a License and Renewal of a Lapsed/Expired License
- 3.03: Procedures for Reinstatement of a License, which has been Revoked, Suspended, Surrendered, or Placed on Probation
- 3.04: Board Notification of Change in Name or Address
- 3.05: License Fee
- 3.06: Late Filing Fee
- 3.07: Application Fee
- 3.08: Reimbursement of Fees

3.01 Application and Licensing

(1) Application.

(a) No application shall be acted upon by the Board unless said application is made on forms which are furnished by the Board and unless the application is completely and properly filled out, signed under the penalties of perjury, and accompanied by all information required by the Board.

(2) Licensure.

(a) In order to be licensed as a Home Inspector applicants must meet the requirements for licensure set by M.G.L. c. 112, §223, namely:

1. Be of good moral character.
2. Have successfully completed high school or its equivalent.
3. File an application for licensure on forms furnished by the Board.
4. Have been engaged as a licensed Associate Home Inspector for not less than one year.
5. Document the successful completion of not less than 100 Home Inspections performed under the Supervision of a licensed Home Inspector.
6. Pay the appropriate fee set by the Secretary of Administration and Finance.
7. Agree to uphold the standards of ethics and professional conduct set forth in 266 CMR 8.00 *et seq.*
8. Agree to issue Reports in compliance with the Standards of Practice set forth in 266 CMR 6.00 *et seq.*
9. File satisfactory proof of coverage by an errors and omissions insurance policy which shall be in a minimum amount of \$250,000 in the aggregate.
10. Submit documentation that the applicant has met the continuing education requirements of 266 CMR 5.01.
11. Agree to maintain a current copy of the regulations at his/her place of business.

(b) In order to be licensed as an Associate Home Inspector applicants must meet the requirements for licensure set by M.G.L. c. 112, §222, namely:

1. Be of good moral character.
2. Have successfully completed high school or its equivalent.
3. File an application for licensure on forms furnished by the Board.
4. Have an identified Supervisor who is a licensed Home Inspector in good standing in the Commonwealth.

3.01 Application and Licensing Continued:

5. Pay the appropriate fee set by the Secretary of Administration and Finance.
6. Document the successful completion of not less than 25 Home Inspections performed in the presence of a licensed Home Inspector.
7. Document that the applicant has passed the written or electronic competency examination approved by the Board.
8. Agree in writing to participate in and perform the training, functions and responsibilities prescribed for Associate Home Inspectors in 266 CMR 4.00 *et seq.*
9. Agree to uphold standards of ethics and professional conduct set forth in 266 CMR 8.00 *et seq.*
10. Agree to submit reports in accordance with 266 CMR 6.00 *et seq.*
11. Submit documentation that the applicant has completed the required Education Training Credits as specified in 266 CMR 4.01.
12. File satisfactory proof of coverage by an errors and omissions insurance policy, which shall be in a minimum amount of \$250,000 in the aggregate.
13. Agree to maintain a current copy of the regulations at his/her place of business.

The Board shall promptly notify an applicant, in writing, whether his/her application has been approved. If the Board approves the application, the Board shall issue the applicant an Associate Home Inspector License. The computation of the one year period referred to in M.G.L. c. 112, § 222 (13)(c)(iii) shall begin upon issuance of the Associate license.

(3) Licensure by Reciprocity or Endorsement The Board shall issue a Home Inspector license to a person who holds a valid Home Inspector license or registration issued by another jurisdiction which has standards equivalent to or exceeding the standards of the Commonwealth as determined by the Board. A license by endorsement or reciprocity may issue upon submission of a written application, on forms provided by the Board, filing with the Board satisfactory proof of a coverage by an errors and omissions insurance policy, which shall be in a minimum amount of \$250,000 in the aggregate, and payment of the appropriate fee set by the Secretary of Administration and Finance.

(4) Mandatory Insurance Coverage

As a condition of licensure, all licensed Home Inspectors and Associate Home Inspectors engaged in the practice of Home Inspection shall secure, maintain, and file with the board satisfactory proof of coverage by errors and omissions insurance policy which shall be in a minimum amount of \$250,000 in the aggregate. All errors and omissions policy shall stipulate that cancellation or non-renewal of the policy shall not be effective until at least ten days notice of intention to cancel or not renew has been received in writing by the Board. A Home Inspector shall notify the Board of cancellation of insurance within ten (10) days of said cancellation

3.02: Procedures for Renewal of a License and Renewal of a Lapsed/Expired License

(1) Requirements for Renewal of a License.

- (a) A Registrant must renew his license every two years. Each license originally issued to an individual shall be valid until May 1st on the even year next occurring. Upon renewal, the license will be valid until May 1st on the even year next occurring.
- (b) A Registrant must submit a completed renewal application and the required fees prior to the expiration date of the license.
- (c) A Registrant must file satisfactory proof of coverage by an errors and omissions insurance policy, which shall be in a minimum amount of \$250,000 in the aggregate; and
- (c) A Registrant must fulfill and document completion of the continuing education activities required in 266 CMR 5.00.

(2) Procedures for Renewal of a Lapsed/Expired License.

- (a) If a Registrant fails to meet the requirements for renewal of his license as set forth in 266 CMR 3.02 (1), the license of such person is considered expired and not in good standing. A Registrant with an expired license is not authorized to conduct home inspections for compensation or to use the title “Registered Professional Home Inspector” or “Home Inspector” during the period in which the license is expired.
- (b) If a Registrant requests that his/her expired license be reinstated within one year of the date that his/her license expired, the Registrant must pay the renewal fee for the current licensure period, pay a late fee, document completion of all continuing education contact hours required by the Board and file satisfactory proof of coverage by an errors and omissions insurance policy which shall be in a minimum amount of \$250,000 in the aggregate.
- (c) If a Registrant fails to renew for more than one year, the Board may grant renewal upon its discretion based upon the circumstances surrounding the request. The Board may require the Registrant to appear before the Board, take an examination, complete additional continuing education or to practice under supervision prior to or as a term or condition of issuing said late renewal license.

(3) Mandatory Insurance Coverage

As a condition of renewal, all licensed Home Inspectors and Associate Home Inspectors engaged in the practice of Home Inspection shall secure, maintain, and file with the board satisfactory proof of coverage by errors and omissions insurance policy which shall be in a minimum amount of \$250,000 in the aggregate. All errors and omissions policy shall stipulate that cancellation or non-renewal of the policy shall not be effective until at least ten days notice of intention to cancel or not renew has been received in writing by the Board.

3.03: Procedures for Reinstatement of a License which has been Revoked, Suspended, Surrendered, or Placed on Probation

Procedures for the reinstatement of a license after discipline shall be determined by guidelines established by the Board or, in specific matters, by consent agreement or a decision and order of the Board issued consistent with M.G.L. Ch. 30A.

3.04: Board Notification of Change in Name or Address

- (1) Official mailing address. The mailing address supplied to the Board by the Registrant will be considered as the address of record for the receipt of correspondence from the Board. Failure to supply the Board with a correct mailing address may result in default judgment or form the basis of independent disciplinary action taken because of this failure.

- (2) Change of address. A Registrant shall notify the Board of any change in his/her name, or address. Such notification shall be in writing and shall be submitted within 30 days of the change in name or address.

3.05 License Fee

Biennial license fees are set by the Secretary of Administration and Finance of the Commonwealth of Massachusetts. There is no provision for proration of fees for those applying between renewal dates.

3.06: Late Filing Fee

Renewal forms and fees postmarked after the due date will be subject to a late filing fee set by the Secretary of Administration and Finance.

3.07: Application Fee

A separate application fee will be charged for all new applications.

3.08: Reimbursement of Fees

Application and license fees are not refundable.

266 CMR 4.00: ASSOCIATE HOME INSPECTOR TRAINING PROGRAM REQUIREMENTS

Section

4.01: Education Training Credits.

4.01: Duties and Responsibilities of the Associate Home Inspector Supervisor

4.02: Duties/ Work Requirements of Associate Home Inspector and Trainee

4.01: Educational Training Credits

In order to be eligible for licensure as an Associate Home Inspector a Trainee shall have completed a Board Approved training program. Said program must consist of not less than sixty (60) hours of formal coursework. All Providers of educational training credit coursework must be approved by the Board in accordance with 266 CMR 5.00 unless exempted. No less than six (6) hours of said formal coursework shall be dedicated to inspection of roofing, no less than nine (9) hours shall be dedicated to inspection of structural system(s), no less than nine (9) hours shall be dedicated to inspection of electrical system(s), no less than nine (9) hours shall be dedicated to inspection of plumbing system(s), no less than nine (9) hours shall be dedicated to inspection of heating and air conditioning systems, no less than six (6) hours shall be dedicated to the standards of practice and regulations and no less than six (6) hours report writing, no less than three (3) hours shall be dedicated to an area of home inspection in an area of interest and three (3) hours on professional ethics.

4.02: Duties and Requirements of the Trainee and Associate Home Inspector's Supervisor

1. A Supervisor shall follow all of the state and federal laws, rules and regulations governing or relating to the practice of Home Inspection and shall treat all Trainees and Associate Home Inspectors in a professional and courteous manner.
2. A Supervisor must be a licensed Home Inspector in the Commonwealth of Massachusetts. A Supervisor's license must be in good standing.
3. A Supervisee may be a subcontractor or independent contractor of the Supervisor.
4. A Supervisor must sign or stamp all Reports prepared by a Trainee under his or her supervision.
5. A Supervisor must stamp or sign all Contracts between a Client and an Associate Home Inspector or Trainee under his or her supervision.

4.02: Duties and Requirements of the Trainee and Associate Home Inspector's Supervisor
Continued:

6. A Supervisor shall personally review the progress of an Associate Home Inspector he or she is supervising and shall make a detailed written evaluation of the Associate periodically, but no less frequently than once every three months. Such report shall be provided to the Associate Home Inspector.

The evaluation shall, at minimum, list the specific inspections conducted and training and related technical instruction which the Associate has received during the three-month evaluation period.

7. Upon request by the Associate Home Inspector, a Supervisor shall certify an Associate Home Inspector application as prescribed on the application form.
8. A Supervisor may supervise only one Trainee per inspection.
9. A Trainee may have multiple Supervisors.
10. Direct Supervision. The Supervisor is responsible for full time direct, on site, supervision of a Trainee's Home Inspections. Direct Supervision shall include:
 - a. The full time presence of the Supervisor at the inspection site.
 - b. The Supervisor's stamp or signature on all Reports prepared by the Trainee prior to the Report being turned over to the Client.
11. Indirect Supervision:
 - a. Indirect supervision shall only apply to an Associate Home Inspector.
 - b. The Supervisor is responsible for the content of all Reports prepared by an Associate under his or her supervision.
 - c. The Supervisor is responsible ensuring that all Reports prepared by a Associate under his or her supervision comply with the current Standards of Practice.

4.03: Duties/Work Requirements of Associate Home Inspector and Trainee

- (1) A Trainee shall follow all of the state and federal laws, rules and regulations governing or related to the practice of Home Inspection.
- (2) An Associate Home Inspector and Trainee shall perform diligently and faithfully the work of Home Inspection and such duties as are assigned by his or her Supervisor.
- (3) An Associate Home Inspector and Trainee shall perform the functions of an Associate Home Inspector in accordance with Board rules only under the supervision of a licensed Home Inspector.
- (4) An Associate Home Inspector and Trainee shall treat all Clients and co-workers in a professional and courteous manner. He/she shall respect the property being inspected.
- (5) An Associate Home Inspector and Trainee are prohibited from signing a contractual home inspection agreement with a Client.
- (6) An Associate Home Inspector and Trainee are prohibited from advertising as a Home Inspector and/or as home inspection firm, company, franchise, corporation and or business.
- (7) An Associate Home Inspector is responsible for maintaining copies of his/her written evaluations.

CMR 5.00 CONTINUING EDUCATION AND EDUCATIONAL TRAINING CREDITS

Section

- 5.01: Continuing Education Requirements
- 5.02: Verification/Approval of Registrant's Continuing Education Activities
- 5.03: Verification/Approval of Provider Continuing Education Programs and Activities and Educational Training Credits
- 5.04: Educational Training Credits
- 5.05: Waivers of Continuing Education Requirements
- 5.06: Appeals on Continuing Education Matters

5.01: Continuing Education Requirements

- 1) Licensed Home Inspectors and Associate Home Inspectors are required, as a condition of license renewal, to complete a minimum of 12 contact hours of continuing education activities per renewal cycle. A renewal cycle consists of the 24 months prior to each renewal date (For lapsed, expired, suspended, revoked or surrendered licenses, see 266 CMR 3.02 and 3.03).
- 2) A Registrant whose license is issued during the 24-month cycle shall have his/her continuing education activities prorated on the basis of one contact hour per two (2) months from the date of issue to the date of renewal.
- 3) Only those continuing education activities which are completed during the renewal cycle will be acceptable as qualifying continuing education activities for that period.
- 4) At least four (4) hours of the required continuing education activities shall be dedicated to the 266 CMR regulations including the standards of practice and at least one (1) hour of continuing education activity shall be dedicated to professional ethics for each renewal cycle.
- 5) Instructors of courses, workshops, or seminars shall be credited one contact hour for each continuing education activity hour taught by the instructor.
- 6) All continuing education activities set forth in 266 CMR 5.00 *et seq.* are subject to approval by the Board.

5.02: Verification/Approval of Registrant's Continuing Education Activities

1. At the time of license renewal, each Registrant is required to submit to the Board a signed statement on a form provided by the Board attesting under the pains and penalty of perjury that he/she has satisfied the continuing education requirements for that renewal period.
2. For each continuing education contact hour earned by participation in a continuing education program, the Registrant must be able to provide documentation of the following:
 - a) The title of the program or course.
 - b) The number of hours spent in the program or course.
 - c) The name of the Board recognized entity or the academic institution that sponsored the program or course.
 - d) The date(s) and location that the program, course, workshops, or seminars were given.
3. The Board may audit a Registrant's compliance with the Board's continuing education requirement. Upon request of the Board, a Registrant must provide the documentation set forth in 266 CMR 5.02(1) through (4) for two prior licensure renewal/continuing education periods.

5.02: Verification/Approval of Registrant's Continuing Education Activities continued:

4. Continuing education activities, which do not meet the requirements of 266 CMR 5.00, may be rejected in part or in whole by the Board.
5. Any incomplete or inaccurate documentation of continuing education may be rejected in part or in whole by the Board.
6. The Board may require a Registrant who has not met the continuing education requirement to appear before the Board, take an examination, complete additional continuing education or practice under supervision prior to renewing his/her license.
7. Failure to complete or provide required documentation of completion of continuing education requirements may result in non-renewal of a license or disciplinary action.

5.03: Verification/Approval of Provider Continuing Education Programs and Activities and Educational Training Credits

- a) The Board may recognize, as approved continuing education credits or educational training credits, coursework from schools approved by the Massachusetts Department of Education without the necessity of the a representative of the school or institution submitting an application, appearing before the Board, submitting the course curriculum and/or the instructors name and vitae. The course content must directly relate to the science of home inspecting, home construction, structural analysis and design. Further, the Board may accept the number of credit hours indicated on the certificate¹ provided by the school, to the named individual.
- b) The Board shall recognize, as approved continuing education credits or educational training credits, coursework from societies and trainers (including unions) approved by the Boards of Registration of Architects, Engineers, Plumbers and Gas Fitters, Home Inspectors, Sanitarians and the Board of State Examiners of Electricians without the necessity of the Provider submitting an application, appearing before the Board, and submitting the course curriculum and/or the instructors name and vitae. Further, the Board shall accept the number of credit hours indicated on the certificate, provided by the society and or trainers, to the named individual, as continuing education credits.
- c) The Board may recognize as approved continuing education credits or educational training credits all training facilities approved by the political subdivisions of the Commonwealth of Massachusetts without application, appearance before the Board, submission of the course curriculum and or the instructors name and vitae. Further, the Board shall accept the number of credit hours indicated on the certificate, provided by the facility and or trainers, to the named individual, as continuing education credits.

¹ For example, a three hour credit course from a recognized college and or university, that meets three times a week (3 hours per week) for fifteen weeks will be credited 45 hours continuing education credit; a four hour credit course meeting four times per week (4 hours per week) will be credited with 60 hours continuing education credit.

5.03: Verification/Approval of Provider Continuing Education Programs and Activities Continued:

- d) Any person may be approved as an Educational Provider. The applicant must:
 - a. Appear before the Board.
 - b. Submit an application on a form approved by the Board.
 - c. Submit Course information as described in Section A below.
 - c. Be approved by the Board.

- A. Responsibilities of the individual Provider:
 - a. Submit the course information including:
 - i. Name, date, and location of continuing education course work.
 - ii. Detailed description of the course content.
 - iii. Description of the educational objectives.
 - iv. Description of each instructor's education, training, and experience background.
 - v. Continuing education hours offered for completing the course.
 - b. Take attendance prior to and at the end of the seminar or course and maintain a record of those in attendance for the current licensing cycle. Issue a certificate of attendance which includes at minimum The title of the program or course, the number of hours spent in the program or course, the name of the Board recognized entity or the academic institution that sponsored the program or course, the date(s) and location that the program, course, workshops, or seminar was given .
 - c. The Provider shall report any change in the course content or instructor to the Board prior to commencement of the course.

For a program to be eligible for approval for continuing education hours the course content shall directly relate to the practice of home inspecting, technical aspects of construction, structural analysis and design and the educational objectives shall exceed a basic level of knowledge as it relates to the inspection of homes. The course work must include discussion of at least one of the following subjects relating to the science of home inspection:

- a. Procedures and practices in home inspecting.
- b. Technical aspects of home construction.
- c. Plumbing, electrical, heating, building code interpretation, enforcement and review, structural and architectural subjects.
- d. Federal and state statutes, regulations and rules.
- e. Business-related and business-law related courses including ethics.
- f. Technical report writing.
- g. Environmental Hazards.

No continuing education course shall be approved for more that six hours during one calendar day. However, if the course, seminar, etc. is broken down into daily segments of six, or less than six, hours, the Board may approve the course in its entirety.

Educational courses may, at the discretion of the Board, be approved retroactively.

The Board may revoke the approval of any continuing education course work for failure of the Provider to comply with the provisions of this section.

5.04: Educational Training Credits

(1) For a program to be eligible for approval for educational training credit hours the course content shall directly relate to the practice of home inspecting, technical aspects of construction, structural analysis and design and the educational objectives shall meet a basic level of knowledge as it relates to the inspection of homes. The course work must include discussion of at least one of the following subjects relating to the science of home inspection:

- h. Procedures and practices in home inspecting.
- i. Technical aspects of home construction.
- j. Plumbing, electrical, heating, building code interpretation, enforcement and review, structural and architectural subjects.
- k. Federal and state statutes, regulations and rules.
- l. Business-related and business-law related courses including ethics.
- m. Technical report writing.
- n. Environmental Hazards

(2) Coursework approved for continuing education hours may be used to satisfy the educational training credit requirement.

(3) No educational training credit course shall be approved for more than six (6) hours per one calendar day. However, if the course, seminar, etc. is broken down into daily segments of six, or less than six, hours, the Board may approve the course in its entirety.

(4) Educational training credit courses may, at the discretion of the Board, be approved retroactively.

(5) The Board may revoke the approval of any course work for failure of the Provider to comply with the provisions of this section.

5.05: Waivers of Continuing Education Requirements

(1) The Board may waive the continuing education requirement for any Registrant who, for reasons of health, disability, out of state military service, or undue hardship, cannot meet the requirements.

(2) An application for a waiver shall be submitted to the Board on a form provided by the Board.

(3) Waivers of continuing education credit requirements shall be effective for no more than one year, beginning the day after the license expires.

(4) A Registrant may apply for three consecutive waivers.

5.06: Appeals on Continuing Education Matters

Any individual who wishes to appeal the decision of the Board regarding a continuing education matter must submit a letter of appeal to the Board within 21 days of the receipt of the Board's decision. The applicant must supply the Board with any requested additional data and may be asked to appear before the Board. The Board reserves the right, upon request of Registrant, to allow the Registrant to practice home inspecting during the Board's appeal process.

266 CMR 6.00: STANDARDS OF PRACTICE

Section

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6.02: System: Roofing

6.03: System: Exterior

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STANDARDS OF PRACTICE

A registered professional Home Inspector and/or Associate Home Inspector practicing in the Commonwealth of Massachusetts shall carry out his/her Inspection and issue his/her Report in accordance with 266 CMR 6.00 *et seq.*

6.01: Access, Purpose, and Scope

(1) **Access:** The Client shall provide Safe Access and Sufficient Lighting to ensure that all Systems and Components and areas to be inspected under this standard are Readily Accessible and Observable.

(2) Purpose and scope of a Home Inspection of a Residential Building, including an attached garage, performed to the standards of 266 CMR 6.1.00 through 6.13.00, is to provide the Client with a Report that forthrightly discloses physical conditions of the Systems and Components listed in this Section that are Readily Accessible and Observable, including those Systems and Components which are potential Safety Hazards, as Observed at the time of the Inspection. However, an Inspection carried out under the standards of 266 CMR 6.1.00 through 6.13.00 is not and shall not be construed to be a comprehensive Architectural and or an Engineering study of the Dwelling in question.

(3) Inspectors shall:

- a. Use a written Contract and provide the Client with an original Contract.
- b. Observe Readily Accessible and Observable installed Systems and Components as specified in 266 CMR 6.1.00 through 6.12.00.
- c. Submit a confidential written Report to the Client, which shall:
 - aa. Describe those Components specified to be Described in 266 CMR 6.1.00 through 6.12.00
 - bb. Indicate which Systems and Components designated for inspection in 266 CMR 6.1.00 through 6.12.00 have not been inspected.
 - cc. Indicate the condition of Systems and Components so inspected including those, which were found to be in need of repair and/or require additional investigation or pose a potential safety hazard.
 - dd. Record the Client's name and the address of the property inspected.
 - ee. Record the on-site Inspection start and finish times.
 - ff. Record the weather conditions at the time of the Inspection.

6.01: Access, Purpose, and Scope continued:

- gg. Record the existence of obstructions and/or conditions that interfered with or prevented the inspection of the installed Systems and Components.
- hh. Embed in the report and or attach to the report the list of itemized questions in section 6.01.6.

(4) 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/her supervision must be stamped with the impression of such seal or bear the name and license number of the Inspector in a legible manner. A registered Home Inspector only impress his/her seal on and/or sign his/her name and license number to a Report if his certificate of registration is current and if he/she was the author of such Report or supervised the person who prepared the Report.



(5) The Report shall inform the Client if additional investigation is required only when:

- a. The scope of the repair(s) is unknown.
- b. There are Readily Observable signs of, and a reasonable basis to believe, that concealed damage exists in the System or Component inspected.
- c. The subject area is beyond the scope of the Home Inspector's expertise.

(6) The Home Inspector shall notify his/her Client that answers to the following questions should be ascertained from the Seller and/or the Seller's Representative and are important and relevant to the purchase of a house and may not be Readily Observable through an Inspection: The Inspector shall have been deemed to satisfy this requirement by embedding and or attaching the listed questions to the Report.

To the best of your knowledge:

1. Does the Dwelling have a history of seepage, dampness, and or water penetration into the Basement and or Under Floor Crawl Space, if so please explain? Has a sump pump ever been installed or used in the Basement/Under Floor Crawl Space? Do you use any type of dehumidification in any part of the Dwelling? In addition, are you aware of any mold and or air quality issues in the Dwelling?
2. Is the Dwelling on public or private sewage Systems? If the waste system is private, has a Title V inspection been completed and is the completed Title V report available for review?
3. Has the Dwelling ever been inspected and or treated for insect infestation, if so when and what were the chemicals used?
4. Are there any asbestos products in the Dwelling and/or on the property?
5. Has the Dwelling ever been tested for radon gas and/or lead paint, if so when and what were the results?
6. Has the Dwelling ever been inspected by a Home Inspector, if so when?
Is a copy of the Inspection Report available?
7. Are the Seller and or the Seller's Representative aware of any structural, mechanical, electrical, or other material defect(s) that may exist on the property?
8. Has there ever been a fire in the Dwelling, if so when and what areas were involved, what chemical cleaners, if any were used for cleanup?
9. Has there ever been a hazardous waste spill on the property?
10. Is there is an underground storage tank on the property?

6.01: Access, Purpose, and Scope continued:

(7) The Inspector shall not represent to the Seller or Client that there is any legal obligation, duty or requirement on behalf of the Seller or Seller's Representative to answer the questions set forth in 266 CMR 6.01(6).

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

(9) The Home Inspection shall be conducted to the professional licensure standards of 266 CMR 6.1.00 through 6.13.00 regardless of any additional professional registration or license held by the Inspector. Nothing in 266 CMR 6.00 *et seq.* is intended to limit Inspectors from:

- a. Reporting observations and conditions in addition to those required in 266 CMR 6.1.00 through 6.13.00.
- b. Excluding Systems and Components from the inspection if requested by the Client and the exclusion is noted in the Report.
- c. Providing additional services at the time of the inspection so long as the services are separately contacted for in writing or noted in the body of the Report and are not prohibited by these standards.

6.02: System: Roofing

(1) The Inspector shall Observe the Readily Accessible and Observable:

- a. Roof coverings.
- b. Exposed roof drainage systems
- c. Flashings.
- d. Skylights, chimneys, and roof penetrations.
- e. Signs of leaks on building Components.

(2) The Inspector shall:

Describe the type of roof covering materials:

Asphalt, Cementitious, Slate, Metal, and or Tile Shingles. Built-up type (Bald Asphalt, Tar and Gravel, Mineral Covered Rolled Roofing, Ballasted Rubber Membrane, Adhered Membrane, Mechanically Fastened Membrane, Other.

Describe the roof drainage system:

Gutters (Aluminum, Copper, Wood, Vinyl, Other)

Leaders/Downspouts (Aluminum, Copper, Galvanized, Vinyl, Other)

Describe the chimney materials:

Brick, Concrete Block, Metal, Other

(3) The Inspector shall report:

- a. The methods used to Observe the roofing.
- b. Any signs of previous and or active leaks.
- c. The condition and recommend repair (if needed) on the following exposed Readily Accessible and Observable roofing Components including: the roof covering, exposed roof drainage systems, exposed flashings, skylights, exterior of chimney(s), roof penetrations.

(4) The Inspector shall not be required to:

- a. Walk on the roof unless the Client provides Safe Access and the Seller and/or Seller's Representative provides authorization that relieves the Inspector of all responsibility of possible damage to the roof.
- b. Observe attached accessories including but not limited to solar systems, antennae, satellite dishes and lightning arrestors.
- c. Inspect the interior of chimney flues.

6.03: System: Exterior

(1) The Inspector shall Observe the Readily Accessible and Observable:

- a. Wall cladding.
- b. Windows.
- c. Entryway doors.
- d. Garage door operators.
- e. Decks, balconies, stoops/landings, steps, areaways/window wells, and porches including hand and guard railings.
- f. Exposed trim (eaves, soffits, fascias, rake, corner, and other trim boards).
- g. Flashings
- h. Driveways, walkways, vegetation, grading, site drainage, and retaining walls.
- i. 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) The Inspector shall Describe:

Wall-cladding materials (Cementitious Siding, Asphalt And Or Wood Shingles, Aluminum And Or Vinyl Siding, Wood Clapboards, Brick, Other).

The deck/porch Component materials:

(Brick, Concrete, Concrete Block, Steel, Wood, Other)

(3) The Inspector shall report the condition and recommend repair (if needed) on the following exposed Readily Accessible and Observable exterior Components including:

- a. Wall cladding.
- b. Entryway doors
- c. Windows.
- d. Deck/porches, balconies, stoops/landings, steps, areaways/window wells, including hand and guard railings.
- e. The exposed trim.
- f. Flashings.
- g. Driveways, walkways, and retaining walls with respect to their effect on the condition of the dwelling and their ability to provide safe egress.
- h. Vegetation, grading, site drainage with respect to their effect on the condition of the dwelling.

(4) The Inspector shall:

- a. Operate all entryway doors and representative number of windows and report their condition and need of repair, if any.
- b. Operate garage doors (if the garage is attached to the main dwelling), manually or by using permanently installed controls of any garage door operator.
 - c. Report whether or not any garage door operator will automatically reverse or stop when meeting resistance during closing.

6.03: System: Exterior Continued:

(5) The Inspector shall not be required to Observe:

- a. Storm doors and windows, screening, shutters, awnings and similar seasonal accessories.
- b. Fences, landscaping, trees, swimming pools, patios, sprinkler systems.
- c. Safety glazing.
- d. Geological conditions (Engineering services).
- e. Soil conditions (Engineering services).
- f. Recreational facilities.
- g. Outbuildings and detached garages. However, should the Inspector include the inspection of an outbuilding by agreement or as a courtesy, the Inspection must comply with the standards of 266 CMR 6.1.00 through 6.12.00.
- h. Under ground utilities, pipes, buried wires, or conduits (Dig Safe)

6.04: System: Structural Components Exposed in the Basement, Under Floor Crawl Space and Attic Space; Including Signs Of Water Penetration

A. Basement/Under Floor Crawl Space:

(1) The Inspector shall Observe the following exposed Readily Accessible and Observable Basement/Under Floor Crawl Space structural Components including:

- a. The exposed portions of the foundation.
- b. The exposed portions of the Basement floor.
- c. The exposed portions of the superstructure system (girders, sills, floor joists, headers, and sub-floor).
- d. The exposed portions of the columns and posts.

(2) The Inspector shall Describe:

- a. The type of exposed foundation materials (brick, concrete block, concrete, stone, wood, other).
- b. The type of exposed floor system (concrete, earth, wood, other).
- c. The type of exposed superstructure system (girder(s), sills, floor joists, and sub-floor).
- d. The type of exposed columns and posts (brick, concrete block, concrete, steel, wood, other).
- e. The Inspector shall note on the Report any obstructions that prevented him/her from inspecting the items noted above.

(3) The Inspector shall Report On condition and recommend repair (if needed) on the following exposed Readily Accessible and Observable structural Components including:

- a. The foundation.
- b. The floor system.
- c. The superstructure system.
- d. The columns and posts

(4) The Inspector shall:

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.

6.04: System: Structural Components Exposed in the Basement, Under Floor Crawl Space and Attic Space, Including Signs Of Water Penetration Continued:

(5) The Inspector shall not be required to:

- a. Collect engineering data such as the size, span, spacing, species, section modulus, slenderness ratio and or modulus of elasticity of the structural members.
- b. Inspect for wood destroying insects, rodents and or vermin unless specifically contracted for in writing. (Independent Pest Control/Extermination Service).
- c. Provide access to the items being inspected (Responsibility of Client/Seller/Seller's Representative).

B: Under Floor Crawl Space:

(1) An Inspector shall enter Readily Accessible Under Floor Crawl Space only after the Seller or Seller's Representative provides Safe Access as determined by the Inspector. An Inspector is not required to enter Under Floor Crawl Space if access is obstructed, if entry could damage the property, or when a Dangerous or Adverse Situation is suspected and reported by the Inspector.

(2) Report the method used to Observe the Under Floor Crawl Space

(3) The Inspector shall note obstructions, unsafe access and Dangerous or Adverse situations that prevented him or her from inspecting the items noted above.

6.04: System: Structural Components Exposed in the Basement, Under Floor Crawl Space and Attic Space, Including Signs Of Water Penetration Continued:

WATER PENETRATION:

The Inspector shall report 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.

(1) The Inspector shall not be required to activate the sump pump(s) and or dehumidifier(s).

C: Attic Space:

1. An Inspector shall enter Readily Accessible Attic Space only after the Seller or Seller's Representative or Client provides Safe Access as determined by the Inspector. An Inspector is not required to enter an Attic Space, if it is not Readily Accessible, if access is obstructed, if entry could damage the property, or when a Dangerous or Adverse Situation is suspected and reported by the Inspector.
2. The Inspector shall Observe the following exposed Readily Accessible and Observable roof framing structural Components including:
 - a. The exposed portions of the roof framing, including the roof sheathing.
3. The Inspector shall:
 - a. 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.
4. The Inspector shall Describe the roof framing system and the roof sheathing:
 - a. Framing: Rafters, Collar Ties, Tie Beams, Trusses, Other
 - b. Roof Sheathing: Boards, Oriented Strand Board, Plywood, Other.
5. The Inspector shall report:
 - a. The methods used to Observe attics (through a hatch or while standing in the attic space).
 - b. The presence and or lack of flooring, obstructions, unsafe access, and dangerous or adverse situations that prevented him/her from inspecting the items noted above.
 - c. The condition and recommend repair (if needed) on the following exposed Readily Accessible and Observable structural Components of the roof framing:
 - The roof framing (Rafters, Collar Ties, Rafter Ties, Trusses, Beams, Other)
 - Sheathing Materials (Boards, Oriented Strand Board, Plywood, Other).
 - d. The presence of a light.

6.04: System: Structural Components Exposed in the Basement, Under Floor Crawl Space and Attic Space, Including Signs Of Water Penetration Continued:

6. The Inspector shall not be required to:
 - a. Walk on the exposed and or insulation covered framing members.
 - b. Collect engineering data such as the size, span, spacing, species, section modulus, slenderness ratio and or modulus of elasticity of the structural members.
 - c. Inspect for wood destroying insects, rodents and or vermin unless specifically contracted for in writing. (Independent Pest Control/Extermination Service).
 - d. Provide access to the items being inspected.

6.05 System: Electrical

- (1) The Inspector shall Observe the Readily Accessible and Observable:
 - a. The exterior of the exposed service entrance conductors.
 - b. Service equipment, grounding system, main overcurrent device, the interior of the main and subpanels by removing the service and distribution panel covers). However, the Inspector is not required to remove the covers if the panel covers are not Readily Accessible and or removal would present a Dangerous or Adverse Situation, if removal would damage, mar any painted surface and/or covering materials (however, it shall be the Inspector's responsibility to document the reason for not removing the panel covers in the Report).
 - c. Ampacity and nominal voltage ratings of the service.
 - d. The exterior of the exposed branch circuit conductors, their overcurrent devices, and the compatibility of their ampacities and voltages.
 - e. The operation of a representative number of permanently installed lighting fixtures, switches and receptacles located inside the Dwelling, and exterior receptacles.
 - f. The number of branch circuits in the panel(s) and the number of overcurrent devices in the panel(s).
 - g. Test the polarity and grounding of a representative sample of the three-prong receptacles through out the dwelling.
 - h. Test the polarity and grounding of all un-dedicated bathroom and kitchen countertops receptacles.
 - i. Check all bathroom and kitchen countertops receptacles to see if those receptacles are ground fault protected.
 - j. Test the polarity and grounding all Readily Accessible non-dedicated receptacles in the attached garage and on the exterior of inspected structures, further, check to see if they are ground fault protected.
 - k. Test the operation of all Ground-Fault Circuit Interrupters.
 - l. Test the operation of all arc fault protective devices.
- (2) The Inspector shall Report:
 - a. The service as being overhead or underground, cable, encased in conduit, other.
 - b. The type of service, feeder, and branch-circuit conductor materials (copper, copper-clad aluminum, aluminum, other).
 - c. The type of Interior Wiring (Armored Cable, Conduit, Tubing, Nonmetallic Cable, Knob and Tube, Flat Cable Assemblies, Other).
 - d. The location of the service and subpanels and indicate whether they are Readily Accessible and Observable.

6. 05 ELECTRICAL SYSTEMS CONTINUED:

(3) The Inspector shall Report

- d. The ampacity and the voltage of the main service disconnect (30, 60, 100, 125, 150 and or 200 amp, other service, 120, 120/240, 120/208-volt system).
- e. The number of branch circuits in the panel(s) and the number of overcurrent devices in the panel(s) (Main disconnect is not to be counted).
- f. Report any of the overcurrent devices that are in the off position.

The Inspector shall report the condition and recommend repair (if needed) on the following:

- a. The electrical service.
- b. The presence of aluminum wiring and report if the exposed and Readily Accessible and Observable conductor terminations are properly coated with a termination compound and if the overcurrent devices are identified for use with aluminum wire.
- c. All undedicated exterior electrical receptacles and test for polarity, grounding, and ground fault protection issues (if any).
- d. If the electrical system is attached to both the city and dwelling side of the water piping and or a ground rod.
- e. If the water piping is not bonded to the electrical system within the first five feet of its entry into the Basement.
- f. On the neutral and equipment-ground terminal bars and if they are properly attached (bonded) to the panel enclosures.
- g. The compatibility of the overcurrent devices and the size of the protected conductor (Over-Fusing)².
- h. Report the functionality of ground-fault and arc fault protected receptacles, if any, as determined by the required testing. Report the existence, absences and function of ground fault protection devices on all bathroom, kitchen countertop, exterior, laundry and undedicated attached garage receptacles.
- i. Report On any polarity or grounding issues of the receptacles tested.
- j. The exposed and Readily Accessible and Observable interior wiring.
- k. Note on the Report all conditions that prevented him/her from inspecting any of the items noted above.

² Any overcurrent device exceeding the rated current ampacity of the conductor(s) being protected by the device.

6. 05 ELECTRICAL SYSTEMS CONTINUED:

(3) The Inspector shall not be required to:

- a. Collect engineering data on the compatibility of the overcurrent devices with the panel and or determine the short circuit interrupting current capacity. (Engineering services).
- b. Determine and or Report On 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 (Engineering/Electrical Services).
- c. Insert any tool, probe, or testing device inside the panels.
- d. Test or operate any overcurrent device except Ground-Fault Circuit Interrupters and Arc Fault Interrupters.
- e. Dismantle any electrical device or control other than to remove the covers of the main and subpanels. However, the Inspector is not required to remove the covers of the main and subpanels if the panel covers are not Readily Accessible. When there are Dangerous or Adverse Situations, or when removal would damage, mar any painted surface and or covering materials (however, it shall be the Inspectors' responsibility to document the reason for not removing the panel covers in the inspection report).
- f. Observe and Report On:
 1. The quality of the conductor insulation. (Electrical Services).
 2. Test for Electro-Magnetic fields. (Electrical Services).
 3. Low voltage systems such as doorbells, thermostats.
 4. Smoke and carbon monoxide detectors.
 5. Telephone, security alarms, cable TV, intercoms, or other ancillary wiring that is not a part of the primary electrical distribution system.
 6. Underground utilities, pipes, buried wires, or conduits (Dig Safe)

6.06: System: Plumbing

1. The Inspector shall Observe:
 - a. The exposed Readily Accessible and Observable interior water supply and distribution system including:
 1. Piping materials, including supports and insulation.
 2. Fixtures and faucets.
 3. Functional Flow.
 4. Leaks.
 5. Cross Connections.
 - b. The exposed Readily Accessible and Observable exterior and interior drain waste and vent system, including:
 1. Traps; drain, waste, and vent piping; piping supports and pipe insulation.
 2. Leaks.
 3. Functional Drainage.
 - c. Hot water systems including:
 1. Water heating equipment.
 2. Normal Operating Controls.
 3. The presence of Automatic Safety Controls.
 4. The exterior of the chimneys, thimbles and vents.
2. The Inspector shall Describe:
 - a. The type(s) and condition of water distribution piping materials (Brass, Copper, Steel, Lead, Plastic, Other).
 - b. The type(s) and condition of drain, waste, and vent piping materials (Brass, Copper, Cast Iron, Galvanized, Lead, Plastic, Steel, Other).
 - c. The type of water heating equipment (Gas, Electric, Oil, Tankless, Solar, Other), the nameplate capacity of the water heating equipment (gallons and or gallons per minute).
3. The Inspector shall Report On the condition and recommend repair (if needed):
 - a. The location of the main shut off valve.
 - d. The water heater.
 - e. The existence of a pressure/temperature valve and vacuum relief valve.
 - f. The exposed flue piping and the existence of thimbles in the chimney.
 - g. The existence of Cross Connections if Readily Accessible and Observable.
 - h. The Readily Accessible and Observable waste and water distribution systems.
 - i. The existence of any visible leaks.
 - j. The operation of all plumbing fixtures where practical, including their faucets if Readily Accessible.
 - k. Note all conditions that prevented him/her from inspecting any of the items noted above

6.06 PLUMBING SYSTEM CONTINUED:

3. The Inspector shall not be required to:
 - a. Test the operation of any valve except Readily Accessible water closet flush valves and fixture faucets.
 - b. Collect engineering data on the size of or length of water and or waste systems and or remove covering materials (Engineering/Plumbing services).
 - c. 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 (Engineering services).
 - d. State the effectiveness of anti-siphon devices (Engineering/Plumbing services).
 - e. Determine whether water supply and waste disposal systems are public or private.
 - f. Operate Automatic Safety Controls.
 - g. Observe, operate, or Report On:
 1. The exterior hose bibs.
 2. Water conditioning systems.
 3. Fire and lawn sprinkler systems.
 4. On-site or public water, supply quantity and quality.
 5. On-site (Title V Inspection, 310 CMR 15) or public waste disposal systems.
 6. Foundation sub drainage systems.
 7. Whirlpool tubs, except as to functional flow and functional drainage.
 8. The interior of flue linings.
 9. Underground utilities, pipes, buried wires, or conduits (Dig Safe).
 10. Automatic Controls.³

³ Home and associate home *Inspectors* are prohibited from testing automatic controls with the noted exceptions of the arc and ground fault protective devices and overhead garage door openers.

6.07: System: Heating

1. The Inspector shall Observe permanently installed exposed Readily Accessible and Observable heating systems including:
 - a. Heating equipment including, but not limited to burners, valves, controls, circulators and fans.
 - b. Normal operating controls.
 - c. The presence of Automatic Safety Controls.
 - d. The exterior of the chimneys, thimbles and vents.
 - e. Solid fuel heating devices.
 - f. Heating distribution systems including Readily Accessible fans, pumps, ducts piping and supports, dampers, insulation, air filters, registers, radiators, fan coil units, convectors.
 - g. The existence of insulation.
 - h. The exposed flue piping and the existence of a thimble(s).
 - i. The presence of an installed heat source in each habitable room including kitchens and bathrooms.
 - j. The presence of a fireplace(s) and the operation of the damper(s).
 - k. The presence of exposed flues serving other appliances in the smoke chamber.
 - l. The fireplace damper(s).
 2. The Inspector shall Describe:
 - a. The type of energy source (Coal, Electric, Gas, Heat Pump, Oil, Wood, Other).
 - b. The heating equipment (Electric, Hot Air, Hot Water, Steam, Other).
 - c. The type of distribution System
 - I. Piping: (Black Iron, Copper, Other).
 - II. Duct work: (Aluminum, Fiberglass, Steel, Other).
 - d. Indicate the existence of insulation.
 3. The Inspector shall Report On the condition of the following permanently installed and Readily Accessible and Observable heating system Components and recommend repair (if needed):
 - a. The heating equipment.
 - b. The distribution system.
 - c. The flue piping and the existence of a thimble(s).
 - d. The condition of the fireplace hearth(s)
- (3) 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 the System the Inspector shall Operate the heating system using Normal Operating Controls and Report On condition of the heating equipment.
- (4) Open Readily Accessible and Operable Access Panels provided by the manufacturer or installer for routine homeowner maintenance.

6.07 SYSTEM HEATING CONTINUED:

(5) The Inspector shall not be required to:

- a. Test and or inspect the heat exchanger (Requires dismantling of the furnace cover and possible removal of controls) Engineering services/Heating services
- b. Collect engineering data on the size of the heating equipment and or the size or length of the distribution systems. (Engineering/Heating services).
- c. Report On the adequacy or uniformity of the in place System(s) to heat the dwelling and or the various rooms within the dwelling (Engineering/Heating services).
- d. Operate heating systems when weather conditions, other circumstances may cause equipment damage, when the electrical and or fuel supply to the unit is in the off position.
- e. Ignite or extinguish solid fuel and or gas fires.
- f. Observe, Describe, or Report On:
 1. The interior of flues.
 2. Fireplace insert flue connections.
 3. Humidifiers.
 4. Electronic air filters.
 5. Oil tanks (Abandon oil tanks and associated piping must be removed per 527 CMR).
 6. The uniformity or adequacies of heat supply to the various rooms.
 7. Underground pipes, tanks, and or ducts, however the Inspector must report their existence if it is known.

(6) The Inspector shall be prohibited from operating Automatic Safety controls:

6.08: System: Central Air Conditioning

1. The *Inspector* shall Observe:
 - a. Exposed Readily Accessible and Observable central air conditioning Components including:
 1. Cooling and air handling equipment.
 2. Normal operating controls.
 - b. Exposed Readily Accessible and Observable distribution systems including:
 1. Fans, pumps, ducts and piping, with supports, dampers, insulation, registers, fan-coil units, condensers, the presence of insulation on the distribution system.
 - c. The presence of an installed cooling source in each room (excluding singular air conditioning units).
2. The *Inspector* shall Describe:
 - a. The type of distribution system (Duct work: Aluminum, Fiberglass, Steel, Other) and recommend repair (if needed).
3. The *Inspector* shall Report On the condition and recommend repair (if needed):
 - a. The distribution system
 - b. The insulation on the exposed supply ductwork.
 - c. The operation of the both the distribution and condenser fan.
 - d. Whether or not the cold gas line is insulated.
 - e. Whether there is, a service receptacle and a visible service disconnect switch in the area of the condenser and air handling equipment.
4. The *Inspector* shall:
 - a. If possible, have the Seller and or the Seller's Representative Operate the Systems using Normal Operating Controls.
 - b. Open Readily Accessible Operable Access Panels provided by the manufacturer or installer for routine homeowner maintenance and report conditions Observed.
5. The *Inspector* shall not be required to:
 - a. Collect engineering data on the size of the cooling equipment, the size or length of the distribution systems.
 - b. Report On the adequacy of the in place system(s) to cool the dwelling (Engineering services).
 - c. Observe, Describe, or Report On air filters and/or their effectiveness.
 - d. Have the Seller and or the Seller's Representative 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.
 - e. Observe, Describe, or Report On evaporator coils. (requires dismantling of the Plenum cover and possible removal of controls HVAC technician work).
 - f. Observe, Describe, or Report On non-central air conditioners.
 - g. Report On the adequacy or uniformity of the in place System(s) to cool the dwelling and or the various rooms within the dwelling (Engineering/Heating services).

6.09: System: General Interior Conditions

1. The Inspector shall Observe:

- a. Walls, ceiling, and floors.
- b. Steps, stairways, balconies, hand and guard railings.
- c. Counter tops and a representative number of cabinets.
- d. A representative number of doors and windows.
- e. Separation walls, ceilings, and doors between a dwelling unit and an attached garage or another dwelling unit.

2. The Inspector shall Describe:

- a. The type of exposed floor material (brick, carpet, ceramic tile, linoleum, slate, vinyl tile, wood, other).
- b. The type of exposed wall materials (brick, ceramic tile, fiberglass, laminates, paneled, plaster, gypsum wallboard, plastic tile, other).
- c. The type of exposed ceiling materials (acoustical tile, gypsum wallboard, plaster, wood, other).

3. The Inspector shall Report On the condition and recommend repair (if needed):

- a. The floor.
- b. The walls.
- c. The ceilings.
- d. The condition of the interior stairs, hand and guard railings.
- e. Signs of water penetration.
- f. The interior doors Observed and tested.
- g. The windows

4. The Inspector shall not be required to Observe, Describe, or Report On:

- a. Paint, wallpaper, and other finish treatments on the interior walls, ceilings, and floors.
- b. Draperies, blinds, or other window treatments.
- c. Household appliances.
- d. Recreational facilities, detached garages, out buildings or any other dwelling unit(s) or addresses.

6.10 System: Insulation and Ventilation

- (1) The Inspector shall Observe Readily Accessible and Observable:
 - a. Exposed insulation in unfinished spaces.
 - b. Ventilation of attics and Under Floor Crawl Space areas.
 - c. Bathroom venting systems
 - d. The ventilation of under floor Under Floor Crawl Spaces.

- (2). The Inspector shall Report On and recommend repair (if needed):
 - a. Absence of insulation in unfinished space at Conditioned Surfaces The type of ventilation in the attic space (None, Ridge, Soffit, Area, Power Vent, Gable, Eave, Mushroom, Turbine, Other) The existence and or absence bathroom ventilation other than a window(s).
 - b. The absence of ventilation of an under floor Under Floor Crawl Space.
- (3) The Inspector is not required to Report On:
 - a. The type(s) of insulation.
 - b. Concealed insulation and vapor retarders.
 - c. Venting equipment that is integral with household appliances.
 - d. The venting of kitchens.
 - e. Report On the adequacy, uniformity and capacity of the in place System(s) to ventilate the various areas of the dwelling (Engineering/Heating services).

6.11: General Limitations and Exclusions

(1) General Limitations.

- (a) Inspections done in accordance with the standards set forth in 266 CMR 6.00 are visual and not Technically Exhaustive.
- (b) The standards set forth in 266 CMR 6.00 are only applicable to residential buildings with four or less dwelling units and their attached garages.

(2) General Exclusions.

- (a) Inspectors shall not be required to:
 1. Report the remaining life expectancy of any Component or System.
 2. Report the causes of the need for repair.
 3. Report the materials for corrections of the problem.
 4. Report the methods of repair other than to indicated the repair should comply with applicable requirements of the governing codes and sound construction practices.
 5. Report compliance or non-compliance with applicable regulatory requirements unless specifically contracted for in writing.
 6. Report On any Component or System not covered by this standard of practice.
 7. Report On cosmetic items, items that are not Readily Accessible and Observable, underground items, or items not permanently installed.
 8. Report On, Observe, or Describe items specifically excluded by the Client which are noted in writing on the Report.

6.11 GENERAL LIMITATIONS AND EXCLUSIONS CONTINUED:

(b) Inspectors shall not be required to:

1. Offer warranties or guarantees of any kind.
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.
4. 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 noted by the Inspector.
5. Disturb or move insulation, stored and or personal items, furniture, equipment, plant life, soil, snow, ice, or debris that obstructs access or visibility.
6. Determine the effectiveness of any System installed to control or remove suspected hazardous substances. (See Additional Services)
7. Predict future conditions, including but not limited to failure of Components.
8. Project operating costs of Components.
9. Determine extent or magnitude of damage or failures noted.
10. Operating any System or Component, that which does not respond to normal operating controls.
11. Test for radon gas unless specifically contracted for in writing. (See Additional Services).
12. Provide Environmental Services. (See Additional Services).
13. Determine the presence or absence of pests such as: rodents or wood destroying insects. (See Additional Services).
14. Evaluate acoustical characteristics of any System or Component. (See Additional Services).
15. Inspect surface and subsurface soil conditions. (See Additional Services).
16. Determine the energy efficiency of the Dwelling as a whole or any individual System or Component within the Dwelling. (See Additional Services).

6.12 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. Testing Automatic Safety Controls, except as required by the standards of practice. (Arc and Ground Fault protective devices and overhead door openers.)
4. Offering or performing any act or service contrary to law and/or these regulations.
5. Determining the cost of repairs of any item, Component and/or System noted in their Report and/or inspected by them or their firm.
6. Offering to make and/or performing any repairs, providing any remedy: including performing engineering, architectural, surveying, plumbing, electrical and heating services, pest control treatment, urea formaldehyde and lead paint inspections or any other job function requiring an occupational license or registration, in the Commonwealth, on a defect, problem, or safety hazard discovered and recorded on the date of inspection by the Inspector or his or her firm. Nothing in this section shall prohibit a Home Inspector or his or her firm from offering consulting services on a Dwelling so long as the consulting service is not pursuant to a sale of the Dwelling or the repairs and/or services are part of a negotiated settlement of a complaint or claim against an Inspector.

6.12 Prohibitions Continued:

7. Verifying property lines and/or determine location of property lines (Registered Surveyor).
8. Calculating the strength, adequacy, or efficiency of any System or Component. (Engineering Service)
9. 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.
10. Turning 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.

6.13 Additional Services that may be provided at the time of the Inspection:

The Home Inspector may provide any of the following additional services at the time of the Inspection, provided that the service is specifically contracted for in writing and it does not include physical repair, abatement or treatment to the Dwelling inspected.

1. Engineering, architectural, surveying, plumbing, electrical, or heating services. Urea formaldehyde and lead paint inspections. However, to offer such services the Inspector shall hold a valid registration or occupational license in the Commonwealth. In such case the Inspector must inform the Client in writing that he/she/they is so registered/licensed and is therefore qualified to go beyond the standards of 266 CMR 6.1.00 through 6.13.00. Should the Inspector offer any service requiring a registration and or occupational licenses he/she/they shall be required to specify and list additional services that are not required under these standards in the Contract.
2. Determination of Building Code and/or Zoning violations.
3. Determination of the presence or absence of pests such as: rodents or wood destroying insects.
4. Environmental Services including determining the presence or verifying the absence of any micro organisms, suspected hazardous substance including carbon monoxide, but not limited to latent surface and or subsurface Volatile Organic Compounds, PCB's, asbestos, toxins, carcinogens, radon gas, noise, and contaminants in soil, water, air quality, molds, wet lands and or any other environmental hazard. However, to offer such services the Inspector shall hold a valid registration or occupational license in the Commonwealth to perform such service and must and list additional services that are not required under these standards in the Contract.
5. Evaluation of acoustical characteristics of any System or Component.
6. Inspection of surface and subsurface soil conditions. However, to offer such services the Inspector shall hold a valid registration or occupational license in the Commonwealth to perform such service and must and list additional services that are not required under these standards in the Contract.
7. Determination of the energy efficiency of the dwelling as a whole or any individual System or Component within the Dwelling.
8. Any other additional service not listed as part of the Standards of Practice and/or prohibited or excluded under this regulations.