

266 CMR: BOARD OF REGISTRATION OF HOME INSPECTORS

266 CMR 2.00: DEFINITIONS

Section

2.01: Definitions

2.01: Definitions

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

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

Automatic Safety Controls. Devices designed and installed to protect systems and components from unsafe conditions.

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

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 convenience outlet.

Client. A person who engages the services of a Home Inspector for the purpose of obtaining inspection of and a written Report On the condition of a Dwelling and/or Residential Building(s).

Continuing Educational Hours. Formal coursework covering the elements directly related to the inspection of residential buildings.

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

Contract. The written agreement between the Client and the Home Inspector, which spells out the responsibilities and duties of each party and the fee to be paid for the inspection.

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 Occupational~~ Licensure.

Educational Training Hours. Formal coursework covering the elements of the fundamentals of Home Inspection.

Exclusions. Those items that are not part of and/or included in the 266 CMR 6.00: *Standards of Practice* and are to be provided by other specialists of the Client's choice. ~~However, they may be included in the inspection as part of Optional Fee Based Services as outlined in 266 CMR 6.07: Optional Fee Based Services.~~

Fully Depreciated. Item/System is no longer under the manufacturer's warranty, and is reaching the end of its serviceable life. The Item/System 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.

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Home Inspection. The process by which a Home 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 with 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. The oversight of activities, other than direct observation, performed by the Supervisor in order to provide guidance to the Associate Home Inspector. These activities may include meeting with the supervisee; reviewing Reports prepared by the supervisee; reviewing and evaluating the supervisee's activities in connection with home inspections; and having 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/Inspected. To observe the Readily Accessible systems or components as required by 266 CMR 6.04: *Scope of the Home Inspection*.

Mock Inspection. A Board approved simulated home inspection carried out for training purposes only.

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

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

Provider. A person approved by the Board to offer training and/or continuing education hours.

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 and deterioration suggesting the potential for concealed damage.

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

Registrant. "Register", "registered", "Registrant", and "registration" shall be used interchangeably with the words "license", "licensed", "licensee", and "licensure".

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

2.01: continued

Report On. A written or digitally produced description of the condition of the systems and components observed. The Inspector must state in his or her Report whether the System or Component has Readily Observable Signs indicating that it is need of repair or requires further investigation.

Residential Building. A structure consisting of one to four dwelling units.

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

Safety Hazard. A condition in a Readily Accessible installed system or component, which is judged by the Inspector to be unsafe, or 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.)

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. (Inspectors are prohibited from 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.

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

Supervisor. The ~~licensed~~ Home Inspector, who is licensed in the Commonwealth, ~~approved by the Board and~~ who is 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 use of measurements, instruments, testing, calculations, and other means to develop scientific or engineering findings, conclusions, and recommendations.

Trainee. A person in the Associate Home Inspector Training Program for the purpose of meeting the requirements of M.G.L. c. 112, § 223 to qualify for licensure as an Associate Home Inspector.

REGULATORY AUTHORITY

266 CMR 2.00: M.G.L. c. 13, §§ 96, 97; c. 112, §§ 221 through 226.

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: Mandatory Insurance Coverage
- 3.05: Board Notification of Change in Name or Address
- 3.06: License Fee
- 3.07: Late Filing Fee
- 3.08: Application Fee
- 3.09: Reimbursement of Fees

3.01: Application and Licensing

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

(2) Licensure.

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

1. Is of good moral character.
2. Has successfully completed high school or its equivalent.
3. Has filed an application for licensure on forms furnished by the Board.
4. Has an identified Supervisor(s) who is a licensed Home Inspector in good standing in the Commonwealth.
5. Has paid the appropriate fee set by the Secretary of Administration and Finance.
6. Has performed and documented the successful completion of not less than 25 fee-paid Home Inspections under the Direct Supervision of a licensed Home Inspector who is in good standing. A total of ten Mock Inspections of the 25 required will be allowed if conducted with and provided by an approved provider in accord with 266 CMR 5.05: *Approval of Providers' for Education Programs and Activities*.
7. Has documented passing the written or electronic examination approved by the Board.
8. Has documented the successful completion of the Associate Home Inspectors Training Program in 266 CMR 4.00: *Associate Home Inspector Training and Registration Program Requirements*.
9. Agrees to uphold the standards of ethics and professional conduct set forth in 266 CMR 8.00: *Professional Competence and Conduct*.

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 to the applicant an Associate Home Inspector License. The computation of the one year period referred to in M.G.L. c. 112, § 222~~(13)~~(d)(iii) shall begin upon issuance of the Associate Home Inspector license.

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

1. Is of good moral character.
2. Has successfully completed high school or its equivalent.
3. Has filed an application for licensure on forms furnished by the Board.
4. Has been engaged as a licensed Associate Home Inspector for not less than one year.
5. Has performed and documented the successful completion of not less than an additional 100 home inspections under the indirect or direct supervision of a licensed Home Inspector who is in good standing.
6. Has paid the appropriate fee set by the Secretary of Administration and Finance.
7. Agrees to uphold the standards of ethics and professional conduct set forth in 266 CMR 8.00: *Professional Competence and Conduct*.

3.01: continued

8. Agrees to issue Reports in compliance with the Standards of Practice set forth in 266 CMR 6.00: *Standards of Practice*.
 9. Has filed satisfactory proof of the mandatory insurance coverage.
 10. Has submitted documentation that the applicant has met the Continuing Education requirements of 266 CMR 5.01: *Continuing Education Requirements*.
- (c) License 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 be issued upon the Applicant submitting:
1. A written application on forms provided by the Board.
 2. Satisfactory proof of the mandatory insurance coverage.
 3. Payment to the Board of the appropriate fee set by the Secretary of Administration and Finance.

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 or her license every two years. Each license originally issued to an individual shall be valid until May 31st on the even year next occurring. Upon renewal, the license will be valid until May 31st on the even year next occurring.
 - (b) A Registrant must submit to the Board a completed renewal application and the required fees prior to the expiration date of the license; and
 - (c) A Registrant must fulfill and document the continuing education activities as required in 266 CMR 5.00: *Continuing Education*.
- (2) Procedures for Renewal or Reinstatement of a Lapsed/Expired License.
 - (a) If a Registrant fails to meet the requirements for renewal of his or her 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 prohibited from conducting home inspections, 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 or her expired license be reinstated within ~~one~~two years of the date his or her license expires, the Registrant must pay the renewal fee for the current licensure period, pay a late fee (as determined by the Secretary of Administration and Finance), document completion of all continuing education contact hours required by the Board, and file satisfactory proof of the mandatory insurance coverage.
 - (c) If a Registrant fails to renew for more than ~~one~~two years, 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 practice under supervision prior to, or as a term or condition of, issuing said late renewal license.

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. c. 30A.

3.04: 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 a certificate of errors and omissions insurance policy, which shall be in a minimum amount of \$250,000 in the aggregate. All errors and omissions policies shall remain in effect for ten days after the Board receives written notice via certified mail of the inspector's intention to cancel or not renew. Notification shall be certified mail return receipt requested; it shall be the inspector's responsibility to notify the Board.

3.05: 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 receipt of correspondence from the Board. Failure to supply the Board with a correct mailing address may result in default judgment, or form a basis of independent disciplinary action.

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

3.06: License Fee

Biennial license fees are set by the Secretary of Administration and Finance of the Commonwealth of Massachusetts. Fees shall not be prorated for those applying between renewal dates.

3.07: 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.

3.08: Application Fee

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

3.09: Reimbursement of Fees

Application and license fees are not refundable.

REGULATORY AUTHORITY

266 CMR 3.00: M.G.L. c. 13, [§§](#) 96, 97, 97a; c. 112, §§ 221 through 226.

266 CMR: BOARD OF REGISTRATION OF HOME INSPECTORS

266 CMR 4.00: ASSOCIATE HOME INSPECTOR TRAINING PROGRAM REQUIREMENTS

Section

4.01: Educational Training Hours

4.02: Verification/Approval of Educational Training Activities

4.03: Appeals on Education Training Hour Matters

4.04: Inspections

4.05: Examination Requirements

4.06: Duties and Responsibilities of the Supervisor

4.07: Duties, Work Requirements and Prohibitions of Associate Home Inspectors and Trainees

4.01: Educational Training Hours

(1) Training requirements include the successful completion of 75 hours of Board approved Educational Training Hours. All Providers of this course work must comply with 266 CMR 5.00: *Continuing Education*. Formal coursework must include not less than:

- (a) Six hours dedicated to the inspection of roofing;
- (b) Six hours dedicated to the inspection of exterior cladding system(s);
- (c) Six hours dedicated to the inspection of masonry system(s);
- (d) Nine hours dedicated to the inspection of structural system(s);
- (e) Nine hours dedicated to the inspection of electrical system(s);
- (f) Nine hours dedicated to the inspection of plumbing system(s);
- (g) Nine hours dedicated to the inspection of heating and air conditioning systems;
- (h) Six hours shall be dedicated to the 266 CMR regulations including the standards of practice;
- (i) Six hours dedicated to Report writing;
- (j) Three hours dedicated to professional ethics;
- (k) Three hours dedicated to contract law.

(2) To meet the total number of hours required, the Trainee shall select, at his or her option, any three additional open Training Hours.

4.02: Verification/Approval of Educational Training Activities

(1) At the time of Associate Home Inspector license application, each Trainee 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 or she has satisfied the Educational Training Hour requirements.

(2) For each Educational Training Hours earned by participation in an Education Training Hour Program, the Applicant 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 dates and location that the programs, courses, workshops, or seminars were given.

(3) The Board may audit an applicant's compliance with the Board's Educational Training Hour requirement.

(4) The Board may reject in part or in whole Educational Training Hours, which do not meet the requirements of 266 CMR 5.06(1).

(5) The Board may reject any incomplete or inaccurate documentation of Educational Training Hours in part or in whole.

4.03: Appeals on Education Training Hour Matters

Any individual who wishes to appeal the decision of the Board regarding Educational Training Hour matters 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 appeals process.

4.04: Inspections

In order to be eligible to be licensed as an Associate Home Inspector, the Trainee must document the successful completion of 25 Home Inspections under the Direct Supervision of a Supervisor(s) as detailed in 266 CMR 3.01(2)(a)6. The Associate Home Inspector must complete an additional 100 Home Inspections under the Direct Supervision and/or Indirect Supervision of a Supervisor(s) as detailed in 266 CMR 3.01(2)(b)5. to be eligible to be licensed as a Home Inspector.

4.05: Examination Requirements

The Trainee must document passing the written or electronic examination approved by the Board of Professional Home Inspectors.

4.06: Duties and Requirements of the 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.

(2) A Supervisor must be a licensed Home Inspector in the Commonwealth of Massachusetts in good standing.

(3) The Supervisor may or may not be the employer of the Associate Home Inspector.

(4) A Supervisor shall personally review the progress of the Trainee/Associate Home Inspector he or she is supervising and shall make a written evaluation of the Associate Home Inspector once every three months. Copies of the evaluations shall be provided to the Trainee/Associate Home Inspector.

(a) The evaluation shall, at a minimum, list the specific Home Inspections conducted and the training and related technical instruction, which the Trainee/Associate Home Inspector has received during the three-month evaluation period.

(b) ~~Upon request by the Associate Home Inspector, the~~ The Supervisor(s) shall certify ~~the Associate Home Inspector application as prescribed on the application form. The certification shall only be verification of~~ the statements of the applicant pertaining to training and inspections performed while under the supervision of the Supervisor.

(5) A Supervisor may supervise only one Trainee per inspection. In the case of Mock Inspections, a Supervisor may supervise no more than three Trainees at one time.

(6) 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) Reports prepared by the applicant shall include the Trainee's name, the name of the Supervisor and the Supervisor's license number prior to the Report being turned over to the Client.

(7) Indirect Supervision.

(a) Indirect supervision shall only be permitted for an Associate Home Inspector.

(b) The Supervisor shall accept full responsibility for the contents and compliance with the current Standards of Practice of all Reports prepared by an Associate Home Inspector under his or her supervision.

(c) Reports prepared by the Associate Home Inspector shall include the Associate Home Inspector's name, the Associate Home Inspector's license number, the name of the Supervisor and the Supervisor's license number prior to the Report being turned over to the Client.

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4.07: Duties, Work Requirements and Prohibitions of Associate Home Inspectors and Trainees

- (1) A Trainee or Associate Home Inspector shall follow all of the state and federal laws, rules, and regulations governing or related to the practice of Home Inspection.
- (2) A Trainee or Associate Home Inspector is responsible for maintaining copies of his or her Education Training Hours.
- (3) Associate Home Inspectors are required, pursuant to 266 CMR 5.01, to complete Continuing Education Hours. Associate Home Inspectors will have their Continuing Education Hours prorated as set forth in 266 CMR 5.01(2). Associate Home Inspectors are responsible for maintaining copies of his or her Continuing Education Hours.
- (4) Associate Home Inspectors and Trainees are prohibited from signing sales and other business related documents unless the name and license number of the Supervisor are on the document.
- (5) Associate Home Inspectors and Trainees are prohibited from advertising as a Home Inspector and/or as a home inspection firm, company, franchise, corporation and/or business. Further, Trainees and Associate Home Inspectors shall be prohibited from operating a home inspection firm, company, corporation and/or business unless there is a duly licensed Home Inspector on staff who is responsible for all inspection activities and all inspections comply with 266 CMR 6.00: *Standards of Practice*.

REGULATORY AUTHORITY

266 CMR 4.00: M.G.L. c. 13, §§ 96, [97](#) and c. 112, §§ 221 through 226.

266 CMR 6.00: STANDARDS OF PRACTICE

Section

- 6.01 : Access
- 6.02 : Purpose
- 6.03 : General Requirements
- 6.04 : Scope of the Home Inspection
- 6.05 : General Limitations and Exclusions of the Home Inspection
- 6.06: Prohibitions
- 6.07: Required Distribution of Energy Audit Documents

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~~ Timely 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 its¹ preparation.

6.03: continued



- (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.

6.04: continued

- (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., t~~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.

6.04: continued

(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., t~~ 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 asverse 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;
 - be. Low voltage systems, doorbells, thermostats, other;
 - c. Telephone, security alarms, cable TV, intercoms, or other ancillary wiring that is not a part of the primary electrical distribution system; and
 - d. Underground utilities, pipes, buried wires, or conduits.
 - e. 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.

6.04: continued

(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, the inspector shall 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~~ The inspector shall 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., t~~ 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;

6.04: continued

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)(c)1. and 2., the~~ 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.

6.04: continued

(9) System: Insulation and Ventilation.

(a) The inspector shall Observe and Report on:

1. exposed insulation in unfinished spaces;
2. ventilation of attics and under 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~~ 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 ~~Components~~ Components. ~~(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;

6.05: continued

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~~6.07 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.

6.07: continued

- (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, [97](#) and c. 112, §§ 221 through 226.

266 CMR: BOARD OF REGISTRATION OF HOME INSPECTORS

266 CMR 11.00: INSURANCE REQUIREMENTS FOR LIMITED LIABILITY CORPORATIONS AND LIMITED LIABILITY PARTNERSHIPS

Section

11.01 : Liability Insurance Requirements for Limited Liability Corporations and Limited Liability Partnerships

11.02 : Cancellation of Insurance

11.03: Verification of Insurance

11.01 : Liability Insurance Requirements for Limited Liability Corporations and Limited Liability Partnerships

A limited liability company and a limited liability partnership which owns or operates any practice, facility or business which provides Home Inspection services shall maintain professional liability insurance which meets the following minimum standards:

- (1) The insurance shall cover negligence, wrongful acts, errors and omissions and insure the LLC and its officers or the LLP and its partners as required by M.G.L. c. 156C, § 65 and c. 108A, § 45(8)(a).
- (2) For each claim concerning an LLC, the minimum insurance coverage shall be either:
 - (a) at least \$250,000.00 multiplied by the number of individual registrants employed by or who are officers of the LLC; or
 - (b) an aggregate amount of at least \$1,000,000.00 multiplied by the number of individual registrants employed by or who are officers of the LLC.
- (3) For each claim concerning an LLP, the minimum insurance coverage shall be:
 - (a) at least \$250,000.00 multiplied by the number of individual registrants employed by or who are partners of the LLP; or
 - (b) an aggregate amount of at least \$1,000,000.00 multiplied by the number of individual registrants employed by or who are partners of the LLP.
- (4) An LLP shall be considered to have complied with the requirements of 266 CMR 11.01 if the partnership provides for the above-specified amount of funds specifically designated and segregated for the satisfaction of judgments against the partnership or its partners based on negligence, wrongful acts, errors and omissions by:
 - (a) deposit in trust or in bank escrow of cash, bank certificates of deposit, or United States Treasury obligations; or
 - (b) a bank letter of credit or insurance company bond.
- (5) The insurance coverage required by 266 CMR 11.01 may provide that it does not apply to any dishonest, fraudulent, criminal or malicious act or omission of the insured LLC or any employee or officer thereof or the insured LLP or any employee or partner thereof.

11.02 : Cancellation of Insurance

- (1) Cancellation or any other interruption in required insurance coverage shall require an LLC or LLP to immediately cease the practice of providing home inspection services until such time as the LLC or LLP is in compliance with 266 CMR 11.00.
- (2) An LLC or LLP must notify the Board within five business days if its insurance coverage is cancelled or otherwise interrupted. Failure to provide the required notice to the Board will subject to disciplinary action pursuant to M.G.L. c. 112, § 61 or § 199 registrants who are officers of the LLC or are partners of the LLP.

266 CMR: BOARD OF REGISTRATION OF HOME INSPECTORS

11.03 : Verification of Insurance

An officer, ~~member, manager, managing member, or other representative satisfactory to the Board~~ of an LLC ~~that owns or operates any practice, facility, or business that provides Home Inspection services,~~ or an ~~officer, partner, or other representative satisfactory to the Board~~ of an LLP ~~that owns or operates any practice, facility, or business that provides Home Inspection services,~~ may be required to provide verification of compliance with 266 CMR 11.03~~1~~ to the Board when ~~he or she~~such person seeks initial licensure, renewal of a license or at any other time as requested by the Board.

REGULATORY AUTHORITY

266 CMR 11.00: M.G.L. c. 13, §~~§~~ 96, 97 and c. 108A, § 45(8)(a) and c. 156C, § 65 and c. 112, §§ 221 through 226.