

## Chapter 1 Section 1 Part 2

### Structural Systems SOPs



#### Learning Objectives

After this module, you will be able to:

- ⇒ Understand how the definitions in the TREC rules work together.
- ⇒ Explain why you need to have a written opinion on foundation performance.
- ⇒ Recognize when a retaining wall is required to be inspected.
- ⇒ Discuss that an inspector provides a performance-based inspection and not a code inspection.

#### Overview

The purpose of the information shared in this section of the course is not to break down each component of the Standards of Practice Structural System, but to share the most common mistakes and answer the “Do’s and Don’ts” and the intent of the SOPs.

We will first start by exploring some of the definitions outlined in [TREC rule §535.227](#) - Standards of Practice: General Provisions. Keep in mind that the definitions set the baseline for minimum requirements and how the inspector will inspect and report findings.

#### Accessibility

Let's start by breaking down the definition of “Accessible” in §535.227(b). Accessible – In the reasonable judgment of the inspector, capable of being approached, entered, or viewed without:

- A. hazard to the inspector;
- B. having to climb over obstacles, moving furnishings or large, heavy, or fragile objects;
- C. using specialized equipment or procedures;
- D. disassembling items other than covers or panels intended to be removed for inspection;
- E. damaging property, permanent construction or building finish; or
- F. using a ladder for portions of the inspection other than the roof or attic space.

Part One of **Accessible** states that the inspector must use “Reasonable Judgment” when performing their inspections.

**Reasonable** describes someone having sound judgement that's sensible and fair. [[Oxford Languages](#)]

**Judgment** the ability to make considered decisions or come to sensible conclusions. [[Oxford Languages](#)]

**Reasonable Judgment** means a judgment reached in good faith and in the exercise of reasonable care. Reasonable judgement includes considering the consequences of one's decisions, thinking before acting and to making good decisions in a variety of situations.

Inspectors are asked as professionals to use reasonable judgment while performing an inspection.

Part Two of **Accessible** states that the inspector must consider if the systems are “Capable of being Approached, Entered, or Viewed” without the six factors listed above.

Capable of being Approached, Entered, or Viewed implies that the inspector “Will Do” or “Will Inspect” ALL components as outlined in the SOPs as long as they can be approached, entered, viewed in a manner as outlined in (A) through (F). The SOPs do not allow for random sampling or inspecting a representative number of components. You are required to inspect all windows, doors, receptacles, switches, plumbing fixtures, etc. **Hazard to the inspector**

*Inspectors should use reasonable judgment when considering what is hazardous to the inspector. It is reasonable to say that a 9/12 pitch roof may be hazardous for an*

inspector to inspect from walking on the roof, but it would not be reasonable for an inspector to consider a 4/12 pitch roof to be hazardous to inspect from walking on the roof in good weather conditions.

It is reasonable to say that a crawl space should be entered to inspect from the crawl space area if it has good clearance, if it's dry and if there are no snakes or animals in the crawl space.

**(A) Having to climb over obstacles, moving furnishings or large, heavy, or fragile objects**

Inspectors are required to inspect all components as outlined in the SOPs as long as they do not have to climb over obstacles, move furnishings or other large, heavy, or fragile objects.

There is nothing in the definition that implies inspectors are not required to move items like curtains, soap bottles, children's toys or step over a rolled up carpet laying on the attic floor.

**(B) Using specialized equipment or procedures;**

As outlined in §535.227(a)(3)(C), inspectors are not required to use specialized equipment, including but not limited to: thermal imaging equipment; moisture meters; gas or carbon monoxide detection equipment; environmental testing equipment and devices; elevation determination devices; or ladders capable of reaching surfaces over one story above ground surfaces.

Inspectors **are** required to use basic tools to perform an inspection and use "Reasonable Judgment" regarding the tools necessary for performing an inspection that meets the requirements of the SOPs.

It is reasonable to say that an inspector should utilize tools such as an outlet tester, voltage sensor, flashlight, screw driver, mirror, tape measure, water pressure gauge, temperature testing device, etc., that allow the inspector perform, test and inspect in a manner that meets the requirements of the SOPs.

**(C) Disassembling items other than covers or panels intended to be removed for inspection;**

Inspectors are expected to remove covers or panels from components that were intended to be removed for inspection. It is reasonable to say that the electrical panel cover was intended to be removed for inspection, so the SOPs indicate that the inspector is required to remove the cover as part of the inspection process as long as it is safe and reasonable to do so.

It is also reasonable to say that it would include covers for components like HVAC covers, water heater element covers and hydro-massage therapy equipment access panels.

**(D) Damaging property, permanent construction or building finish; or**

Simple. Inspectors are not required to damage property, permanent construction or building finish during the process of performing an inspection.

**(E) Using a ladder for portions of the inspection other than the roof or attic space.**

Determining what type or size of ladder to use when performing inspections is up to the inspector. The decision may depend upon the geographic area in which the inspector provides services. This will also depend upon the inspector's reasonable judgement. For some, a 14-foot ladder may be sufficient. Others may require a 17-foot ladder.

Now that we have discussed the definition of accessible, it is reasonable to say that if the SOPs require a component to be inspected, and it is reasonably accessible, the inspector is required to inspect it. Inspectors may not perform a random sampling or use a representative number during an inspection; such as windows, doors, receptacles, switches, etc. If in the reasonable judgment of the inspector it can be approached, entered, or viewed in a safe manner, it must be inspected. If an inspector chooses not to inspect components as outlined in the SOPs, they must follow the rules as outlined in the Departure Provision §535.227(f).

**Performance**

Another very important definition to discuss and understand is the definition of "performance" in §535.227(b).

(b) Definitions.

**(9) Performance**—Achievement of an operation, function or configuration relative to accepted industry standard practices with consideration of age and normal wear and tear from ordinary use.

Performance is referred to in several locations throughout the SOPs. It is important for inspectors to understand that they are conducting a performance-based inspection. As described in §535.227, **a real estate inspection is a limited visual survey and basic performance evaluation of the systems and components of a building using normal controls that provides information regarding the general condition of a residence at the time of inspection.**

A performance-based inspection does not require the inspector to determine whether or not components were properly installed per manufacturer requirements or to assess for compliance with code, listing, testing, or protocol authority.

When applying reasonable judgement to the performance of inspected components, an inspector may take into

consideration the age of a component and normal wear and tear from ordinary use.

Let's review some of the Structural Systems where an inspector must apply reasonable judgement as it relates to performance.

### **Understanding the Difference Between "Report" and "Report as Deficient"**

Several areas in the SOPs for structural systems require an inspector to both "report" and "report as deficient."

The requirement to "report" helps provide the client important information regarding the inspected property. This also provides the client information about how specific components were inspected. As a reminder, the requirement to report does not require an inspector to report as deficient.

[TREC rule §535.228\(c\)](#) requires an inspector to inspect roof covering materials from the surface of the roof and report the following:

- type of roof coverings;
- vantage point from where the roof was inspected;
- evidence of water penetration; and
- evidence of previous repairs to the roof covering material, flashing details, skylights and other roof penetrations.

While these items must be reported on, they may not need to be reported as deficient. The ability to convey information to the client regarding evidence of previous repairs and moisture penetration allows the client to seek more information from the seller of the property.

Similar reporting requirements are found in Roof Structures and Attics; Interior Walls, Ceilings, Floors and Doors; and Exterior and Interior Glazing of the SOPs, as examples.

### **Foundations**

TREC rule §535.228(a)(1)(A) requires an inspector to render a written opinion as to the performance of the foundation.

The SOPs require the inspector to provide a professional opinion regarding the performance of the foundation as part of the inspection. Many have argued that an inspector should not provide performance opinions on the foundation. However, the Inspector Committee and the Commission deemed that TREC licensed inspectors are more than competent to render a performance opinion on the structural components of the home.

Inspectors do not have any financial gain related to the homes they inspect, unlike foundation repair companies that will send out a foundation specialist, who may simply be a salesperson for the company.

Documenting the inspector's opinion of the performance of the foundation requires more than simply checking the "inspected" box in the inspection report. Inspectors may take into consideration the age of the structure, related foundation components, and normal wear and tear from ordinary use when forming a performance opinion.

When an inspector observes the foundation to be providing adequate support to the structure, they are not required to list any settlement or movement indicators. However, if the inspector observes deficiencies in the performance of the foundation that require further evaluation by a specialist or engineer, the inspector is required by the SOPs to list at least a few visible indicators. The SOPs do not require the inspector to provide an exhaustive list.

## Case Study – Cracked Floor Tiles Reveal a Structural Problem

**Facts:** A licensed professional inspector was hired by the buyer to perform an inspection. The inspector inspected the home and failed to report deficiencies related to the floors.

A large continuous crack running along several of the living room floor tiles was present and visible at the time of the inspection. However, the inspector failed to report it as a deficiency.

After the purchase, the buyer found that the cracked tiles were the result of a significant crack that extended throughout the foundation.

**Analysis:** The inspector should carefully inspect the condition of the floors, and report as a deficiency any worn, loose, cracked, or broken tiles and missing grout.

**Result:** The inspector had a history of prior disciplinary action. The inspector entered into an agreed order resulting in a 24-month suspension, with 30 days actual suspension and the remaining 23 months probated. The inspector was also required to complete additional continuing education and pay an administrative penalty of \$1,750 for violation of 22 Tex. Admin. Code §535.228 (e), failing to report deficiencies in interior walls, ceilings, floors and doors.

---

---

