



Summary of Oregon Home Inspector Certification Law and Standards of Practice for Home Inspections

This is a summary of your rights and responsibilities when having a home inspection done by an Oregon certified home inspector

- Part 1 explains home inspector certification and licensing and the role of the Construction Contractors Board.
- Part 2 explains the general requirements and limitations of an inspection.
- Parts 3 and 4 are the Standards of Behavior and Practice that list what an Oregon certified home inspector must, may and cannot do.

PART 1: WHO NEEDS TO BE CERTIFIED AND LICENSED AND HOW THE CCB CAN HELP

Oregon law requires individuals who bid, offer to perform or perform home inspections of two or more components to be certified by the Oregon Construction Contractors Board (CCB). (Example: an inspection of a roof, the electrical system and the plumbing system would be three components.)

An individual must pass a comprehensive test to become certified and must complete continuing education courses to renew his/her certification.

Each certified home inspector must also be an owner or an employee of a business licensed with the CCB.

Licensing and certification do not guarantee quality of work or mean the inspector will not make a mistake. Licensing offers some financial protection for you, the customer.

To check a home inspection business, get the business' license number (CCB) and the home inspector certification number (OCHI). Call 503-378-4621 or go on-line at www.oregon.gov/CCB to determine if the license and certification are active and if there are any open complaints filed against the business.

Businesses that perform home inspections get licensed with the CCB as a General or Specialty Contractor or Inspector. This means they have a \$10,000 or \$15,000 bond and either a \$300,000 or \$500,000 liability insurance policy. (A few licensed general contractors are allowed to do home inspections without being certified. You can get this information from the CCB when you call to check on a business.)

The CCB provides consumer protection and regulates the home inspection industry. When disagreements occur between consumers and home inspection businesses, the CCB may be able to help.

You may file a complaint with the Construction Contractors Board against the licensed business if: 1) there is a direct contract between you and the licensee or if you purchased real estate conditioned upon the inspection; 2) you think the business has done negligent or improper work or breached your contract; and 3) it's been within one year from the time the inspection was performed.

If your contract contains an arbitration clause, you may still file a complaint but the CCB may suspend its dispute process to allow arbitration to occur. The CCB may send a mediator/investigator to the site to look at the complaint issues and try to resolve the dispute.

If the dispute continues, the Construction Contractors Board offers a hearing process to determine the validity of the complaint and whether damages are due the complainant.

Your inspection contract may include a clause that limits the inspector's liability. Read your contract carefully.

Complaints filed against unlicensed businesses or home inspection businesses using uncertified individuals to perform inspections are sent to the CCB's Enforcement Section, but will probably not result in direct benefit to the complainant.

For a free complaint packet, a free copy of a *Looking for a Home Inspector? Here's What You Need to Know* brochure, or other free publications, download on-line at www.oregon.gov/CCB or call 503-378-4621.

Division 8 is located in Oregon Administrative Rules, Chapter 812.

Part 2 includes 812-008-0202 and 812-008-0203.

Part 3 includes 812-008-0201 and Oregon Revised Statute (ORS) 701.355

Part 4 includes 812-008-0204 thru 812-008-0214

PART 2: GENERAL REQUIREMENTS AND LIMITATIONS

812-008-0202

Purpose and Scope

(1) Home inspections undertaken according to Division 8 shall be based solely on the property conditions, as observed at the time of the home inspection.

(2) Oregon certified home inspectors shall:

(a) Provide a written inspection contract, signed by both the Oregon certified home inspector and client, prior to completing a home inspection that shall:

(A) State that the home inspection is in accordance with standards and practices set forth in Division 8 of OAR chapter 812;

(B) Describe the services provided and their cost;

(C) State where the planned inspection differs from the standard home inspection categories as set forth in OAR 812-008-0205 through 812-008-0214; and

(D) Conspicuously state whether the home inspection includes a wood destroying organism inspection and if such inspection is available for a fee.

(E) For the purpose of this rule, a home inspection shall be deemed completed when the initial written inspection report is delivered.

(b) Observe readily visible and accessible installed systems and components listed as part of a home inspection as defined by these rules unless excluded pursuant to these rules in OAR 812-008-0200 through 812-008-0214; and

(c) Submit a written report to the client that shall:

(A) Describe those systems and components as set forth in OAR 812-008-0205 through 812-008-0214;

(B) Record in the report each item listed in OAR 812-008-0205 through 812-008-0214 and indicate whether or not the property inspected was satisfactory with regard to each item of inspection; it will not be sufficient to satisfy subsection (2)(c) of this rule that the

certified home inspector prepare a report listing only deficiencies;

(C) State whether any inspected systems or components do not function as intended, allowing for normal wear and tear; and how, if at all, the habitability of the dwelling is affected.

(D) State the inspector's recommendation to monitor, evaluate, repair, replace or other appropriate action.

(E) State the Construction Contractors Board license number of the business and the name, certification number and signature of the person undertaking the inspection.

(d) Submit to each customer at the time the contract is signed a copy of Summary of Oregon Home Inspector Certification Law (ORS 701) or Summary of Oregon Home Inspector Certification Law (ORS 701) and Standards of Practice for Home Inspectors.

(3) Division 8 does not limit Oregon certified home inspectors from reporting observations and conditions or rendering opinions of items in addition to those required in Division 8.

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

812-008-0203

General Limitations

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

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

PART 3: STANDARDS OF BEHAVIOR

812-008-0201

Standards of Behavior

(1) An Oregon certified home inspector shall not engage in dishonest or fraudulent conduct or undertake activities that are injurious to the welfare of the public, which result in injury or damage to another person.

(2) Opinions expressed by Oregon certified home inspectors shall only be based on their education, experience, and physical evidence observed by the inspector.

(3) An Oregon certified home inspector shall not disclose any information about the results of an inspection without the approval of the client for whom the inspection was undertaken.

(4) No Oregon certified home inspector shall accept compensation or any other consideration from more than one interested party for the same service without the consent of all interested parties.

(5) No Oregon certified home inspector shall give any gift, rebate, kickback, or any thing of value, including but not limited to any payment of money, to any person for the purposes of obtaining an

engagement, referral or preference selection to perform a home inspection. However, section (5) of this rule shall not apply to items of nominal value given as part of an advertising promotion of general distribution.

(6) No Oregon certified home inspector shall express, within the context of an inspection, an appraisal or opinion of the market value of the inspected property.

(7) Before the execution of a contract to undertake a home inspection, an Oregon certified home inspector shall disclose to the client any interest in a business that may affect the client. No Oregon certified home inspector shall allow his or her interest in any business to affect the quality or results of inspection work that

the Oregon certified home inspector may be called upon to undertake.

(8) An Oregon certified home inspector shall not engage in false or misleading advertising or otherwise misrepresent any matters to the public.

701.355 Home inspector undertaking repair work on inspected structure. A business entity licensed as a home inspector with the Construction Contractors Board under this chapter may not offer to undertake or offer to submit a bid to undertake work to repair a structure inspected by an owner or employee of the business entity within the 12 months following the inspection.

PART 4: STANDARDS OF PRACTICE

If you and your home inspector agree that certain categories in Part 4 will not be included in your inspection, all changes or deviations must be stated in the written contract that you and your inspector sign.

812-008-0204

General Exclusions

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

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

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

- (a) Offer or undertake any act or service contrary to law;
- (b) Offer warranties or guarantees of any kind;
- (c) Offer to undertake engineering, architectural, plumbing, electrical or any other job function requiring an occupational license in the jurisdiction where the inspection is taking place, unless the Oregon certified home inspector holds a valid occupational license, in which case the Oregon certified home inspector may inform the client that the home inspector is so certified, and is therefore qualified to go beyond Division 8 and undertake additional inspections beyond those within the scope of the basic inspection;

(d) Calculate the strength, adequacy, or efficiency of any system or component;

(e) Enter any area, undertake any procedure that may damage the property or its components, or be dangerous to the Oregon certified home inspector or other persons;

(f) Operate any system or component that is shut down or otherwise inoperable;

(g) Operate any system or component that does not respond to normal operating controls;

(h) Disturb insulation, move personal items, panels, furniture, equipment, plant life, soil, snow, ice, or debris that obstructs access or visibility;

(i) Determine the presence or absence of any suspected adverse environmental condition or hazardous substance, including but not limited to toxins, carcinogens, noise or contaminants in the building or soil, water, and air;

(j) Determine the effectiveness of any system installed to control or remove suspected hazardous substances;

(k) Predict future condition, including but not limited to failure of components;

(l) Project operating costs of components;

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

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

(o) Identify presence of odors or their source;

812-008-0205

Structural Components

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

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

(f) Roofs and roof structure.

(2) The Oregon certified home inspector shall:

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

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

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

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

812-008-0206

Exterior and Site

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

(a) Wall cladding, flashings, and trim;

(b) Entryway doors and all windows;

(c) Garage door operators;

(d) Attached decks, balconies, stoops, steps, areaways, porches, and applicable railings;

(e) Eaves, soffits, and fascias; and

(f) Vegetation, grading, drainage, driveways, patios, walkways, and retaining walls with respect to their effect on the condition of the building that adversely affect the structure.

(2) The Oregon certified home inspector shall:

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

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

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

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

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

(b) Garage door operator remote control transmitters;

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

(d) Recreational facilities (including spas, saunas, steambaths, swimming pools, decorative water features, tennis courts, playground equipment, and other exercise, entertainment, or athletic facilities); or

(e) Detached buildings or structures;

(f) Fences or privacy walls;

(g) Ownership fencing, privacy walls, retaining walls; or

(h) Condition of trees, shrubs, or vegetation.

812-008-0207

Roofing

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

(a) Roof coverings;

(b) Roof drainage systems;

(c) Flashings;

(d) Skylights, chimneys, and roof penetrations; and

(e) Signs of leaks or abnormal condensation on building components.

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

812-008-0208

Plumbing

(1) The Oregon certified home inspector shall observe:

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

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

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

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

(e) Sump pumps and sewage ejection pumps.

(2) The Oregon certified home inspector shall describe:

(a) Water supply and distribution piping materials;

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

(c) Water heating equipment.

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

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

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

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

(c) Operate automatic safety controls;

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

(e) Observe:

(A) Water conditioning systems;

(B) Fire and lawn sprinkler systems;

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

(D) On-site waste disposal systems;

(E) Foundation irrigation systems;

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

(G) Swimming pools and spas; or

(H) Solar water heating equipment.

812-008-0209**Electrical**

(1) The Oregon certified home inspector shall observe:

- (a) Service entrance conductors;
- (b) Service equipment, grounding equipment, main overcurrent device, and distribution panels;
- (c) Amperage and voltage ratings of the service;
- (d) Branch circuit conductors, their overcurrent devices, and the compatibility of their amperages and voltages;
- (e) The operation of a representative number of installed ceiling fans, lighting fixtures, switches, and receptacles located inside the house, garage, and on the dwelling's exterior walls;
- (f) The polarity and grounding of all receptacles within six feet of interior plumbing fixtures, and all receptacles in the garage or carport, and on the exterior of inspected structures;
- (g) The operation of ground fault or arc fault circuit interrupters; and
- (h) Smoke alarms.

(2) The Oregon certified home inspector shall describe:

- (a) Service amperage and voltage;
- (b) Service entry conductor materials; and
- (c) Service type as being overhead or underground;

(3) The Oregon certified home inspector shall report:

- (a) Any observed 110 volt aluminum branch circuit wiring; and
- (b) The presence or absence of smoke alarms, and operate their test function, if accessible, except when detectors are part of a central security system.

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

- (a) Insert any tool, probe, or testing device inside the panels;
- (b) Test or operate any overcurrent device or safety device in the electrical service panel or elsewhere that may adversely affect the personal property of the resident;
- (c) Dismantle any electrical device or control other than to remove the covers of the main or auxiliary distribution panels;
- (d) Observe:
 - (A) Low-voltage systems except to report the presence of solenoid-type lighting systems;
 - (B) Security system devices, heat detectors, or carbon monoxide detectors;
 - (C) Telephone, security, TV, intercoms, lightning arrestors or other ancillary wiring that is not a part of the primary electrical distribution system; or
 - (D) Built-in vacuum equipment.

812-008-0210**Heating**

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

- (a) Heating equipment;
- (b) Normal operating controls;
- (c) Automatic safety controls;
- (d) Chimneys, flues, and vents, where readily visible;
- (e) Solid fuel heating devices;
- (f) Heat distribution systems including fans, pumps, ducts, and piping, with supports, insulation, air filters, registers, radiators, fan coil units, convectors; and
- (g) The presence of installed heat source in each room.

(2) The Oregon certified home inspector shall describe:

- (a) Energy source; and
 - (b) Heating equipment and distribution type.
- (3) The Oregon certified home inspector shall operate the systems using normal operating controls.
- (4) The Oregon certified home inspector shall open readily accessible panels provided by the manufacturer or installer for routine homeowner maintenance.
- (5) The Oregon certified home inspector is not required to:
- (a) Operate automatic safety controls;
 - (b) Ignite or extinguish solid fuel fires;
 - (c) Observe:
 - (A) The interior of flues;
 - (B) Fireplace insert flue connections;
 - (C) Humidifiers; or
 - (D) The uniformity or adequacy of heat supply to the various rooms.

812-008-0211**Central Air Conditioning**

(1) The Oregon certified home inspector shall observe:

- (a) Central air conditioning systems including cooling and air handling equipment and normal operating controls.
- (b) Distribution systems including fans, pumps, ducts and piping, with associated supports, dampers, insulation, air filters, registers, and fan-coil units.

(2) The Oregon certified home inspector shall describe:

- (a) Energy sources; and
 - (b) Cooling equipment type.
- (3) The Oregon certified home inspector shall operate the systems using normal operating controls.
- (4) The Oregon certified home inspector shall open readily openable panels provided by the manufacturer or installer for routine homeowner maintenance.
- (5) The Oregon certified home inspector is not required to:
- (a) Operate cooling systems when weather conditions or other circumstances may cause equipment damage;
 - (b) Observe non-central air conditioners; or
 - (c) Observe the uniformity or adequacy of cool-air supply to the various rooms.

812-008-0212

Interiors

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

- (a) Walls, ceiling, and floors;
- (b) Steps, stairways, balconies, and railings;
- (c) Counters and cabinets; and
- (d) Doors and windows.

(2) The Oregon certified home inspector shall:

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

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

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

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

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

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

812-008-0213

Insulation and Ventilation

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

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

(b) Ventilation of attics and foundation areas;

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

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

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

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

- (a) Concealed insulation and vapor retarders;
- (b) Venting equipment that is integral with household appliances; or
- (c) Thermal efficiency ratings.

812-008-0214

Built-in Kitchen Appliances

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

(a) Installed dishwasher, through its normal cycle;

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

(c) Trash compactor;

(d) Garbage disposal;

(e) Ventilation equipment or range hood;

(f) Installed microwave oven; and

(g) Built-in refrigerators.

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

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

(b) Non built-in appliances;

(c) Refrigeration units that are not installed; or

(d) Microwave leakage.

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

(a) Appliances in use; or

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

Oregon Construction Contractors Board

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