

West Virginia Home Inspection Standards of Practice

Authority: WV Code, Chapter 29, Article 3, Section 5b(c), Legislative Rule, Title 87, Series 5 (Effective August 1, 2006). Complete document available at <http://apps.sos.wv.gov/adlaw/csr/ruleview.aspx?document=2467>

General Standards of Practice.

11.1. Home inspectors shall inspect readily accessible installed systems and components of residential dwellings and provide a written report to the client upon completion of the home inspection. These standards do not limit or restrict inspectors from:

- a. Including other services for the inspection of systems or components in addition to those required;
- b. Suggesting repairs to be made, based upon the findings of the home inspection, and recommending that the client seek the opinion of a professional tradesperson with regard to any suggested repairs; or
- c. Excluding systems and components from the inspection if requested by the client.

General Limitations.

12.1. Home inspections, performed in accordance with the general standard of practice defined in section 11 of this rule, shall not be technically exhaustive and will not identify concealed conditions or latent defects.

12.2. The provisions of section 11 of this rule constitute the minimum standard for a home inspector in conducting and submitting reports of home inspections.

12.3. This rule applies to residential resale buildings.

General Exclusions.

- 13.1. Home inspectors shall not be required to report or render an opinion on the following items:
- a. The life expectancy of any component or system;
 - b. The cause 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, special utility, insurance or restrictions;
 - f. The market value of the property or its marketability;
 - g. The advisability or inadvisability of purchasing the property;
 - h. Any component or system that was not inspected;

- i. The absence of pests such as wood damaging organisms, rodents or insects;
- j. Cosmetic items and underground items not permanently installed;
- k. Hidden or latent defects;
- l. Items not visible for inspection;
- m. The presence or absence of mold, mold-like, or microbial, growth or substances;
- n. The presence or absence of hazardous materials; or
- o. The absence of pests such as wood damaging organisms, rodents or insects. However, the home inspector may advise the client of damages to the building and recommend further inspection by a qualified wood destroying insect inspector.

13.2. Home inspectors are not required to:

- a. Offer warranties or guarantees of any kind;
- b. Calculate the strength, adequacy, or efficiency of any system or component;
- c. Enter any area or perform any procedure that may damage the property or its components or be dangerous to the home inspector or other persons;
- d. Operate any system or component that is shut down or otherwise inoperable;
- e. Operate any system or component that does not respond to normal operating controls;
- f. Disturb insulation or move personal items, panels, furniture, equipment, plant life, soil, snow, ice, or debris that obstructs access or visibility;
- g. Determine the presence or absence of any suspected adverse environmental condition or hazardous substance, including but not limited to toxins such as asbestos, radon and lead, carcinogens, noise, contaminants in the building or in soil, water and air;
- h. Determine the effectiveness of any system installed to control or remove suspected hazardous substances;
- i. Predict future condition, including, but not limited to, the failure of any components.
- j. Project operating costs of components;
- k. Evaluate acoustical characteristics of any system or component; or
- l. Inspect special equipment or accessories that are not listed as components to be inspected.

13.3. Home inspectors shall not offer or perform any act or service contrary to law;

Structural Components.

14.1. The home inspector shall inspect, and describe the type of, structural components including:

- a. Foundations;
- b. Floors;
- c. Walls;
- d. Columns or piers;
- e. Ceilings; and
- f. Roofs.

14.2. The home inspector shall describe the type of:

- a. Foundation;
- b. Floor structure;
- c. Wall structure;
- d. Columns or piers;
- e. Ceiling structure; and
- f. Roof structure.

14.3. The home inspector shall:

- a. Probe structural components only where deterioration is visible, except where probing would damage any surface;
- b. Enter under floor crawl spaces, basements, and attic spaces, except when access is obstructed, when entry could damage the property, or when dangerous or adverse situations are suspected;
- c. Report the methods used to inspect under floor crawl spaces and attics; and
- d. Report signs of abnormal or harmful water penetration into the building or signs of abnormal or harmful condensation on building components.

Exterior.

15.1. The home inspector shall inspect:

- a. Wall cladding, flashings and trim;
- b. Entryway doors and a representative number of windows;
- c. Garage door operators;

- d. Decks, balconies, stoops, steps, areaways, porches, and applicable railings;
- e. Eaves, soffit, and fascias; and
- f. Vegetation, grading, drainage, driveways, patios, walkways, and retaining walls with respect to their effect on the condition of the building.

15.2 The home inspector shall:

- a. Describe wall cladding materials;
- b. Operate all entryway doors and a representative number of windows;
- c. Operate garage doors manually or by using permanently installed controls for any garage door operator; and
- d. Report whether or not any garage door operator will automatically reverse or stop if equipped with that safety feature.

15.3. The home inspector is not required to inspect or report on:

- a. Storm windows, storm doors, screening, shutters, awnings, and similar seasonal accessories;
- b. Fences;
- c. The presence of safety glazing in doors and windows;
- d. Garage door operator remote control transmitters;
- e. Geological conditions;
- f. Soil conditions;
- g. Recreational facilities (including spas, saunas, steam baths, swimming pools, tennis courts, playground equipment, and other exercise, entertainment or athletic facilities);
- h. Detached buildings or structures; or
- i. The presence or condition of buried fuel storage tanks.

Roofing.

16.1. The home inspector shall inspect:

- 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.

16.2. The home inspector shall:

- a. Describe the type of roof covering materials; and
- b. Report the methods used to observe the roofing.

16.3. The home inspector is not required to:

- a. Walk on the roofing; or
- b. Inspect attached accessories including but not limited to solar systems, antennae and lightning arrestors.

Plumbing.

17.1. The home inspector shall inspect:

- a. Interior water supply and distribution systems, including piping materials, supports, insulation; fixtures and faucets; functional flow; leaks; and cross connections.
- b. Interior drain, waste and vent systems, 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. Fuel storage and distribution systems including interior fuel storage equipment, supply piping, venting and supports; leaks; and
- e. Sump pumps.

17.2. The home inspector shall describe:

- a. Water supply and distribution piping materials;
- b. Drain, waste and vent piping materials;
- c. Water heating equipment; and
- d. The location of the main water supply shut-off device.

17.3. The home inspector shall operate all plumbing and 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 winterized equipment.

17.4. The home inspector is not required to:

- a. State the effectiveness of anti-siphon devices;
- b. Determine whether water supply and waste disposal systems are public or private;
- c. Operate automatic safety controls;
- d. Operate any valve except water closet flush valves, fixture faucets and hose faucets;
- e. Inspect:
 1. Water conditioning systems;
 2. Fire and lawn sprinkler systems;
 3. On-site water supply quantity and quality;
 4. On-site waste disposal systems;
 5. Foundation irrigation systems;
 6. Spas;
 7. Swimming pools;
 8. Solar water heating equipment; or
 9. The system for proper sizing, design or use of proper materials.

Electrical.

18.1. The home inspector shall not be required to inspect any electrical system, component or subcomponent for electrical code compliance.

18.2. The home inspector may submit a professional evaluation concerning:

- a. Service entrance conductors;
- b. Service equipment, ground equipment, main over current device and main and distribution panels;
- c. Amperage and voltage ratings of the service;
- d. Branch circuit conductors, their over-current devices and the compatibility of the 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 (6') 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 circuit interrupters or arc fault breakers; and
- h. Smoke detectors.

18.3. The home inspector shall describe:

- a. Service amperage and voltage;
- b. Service entry conductor materials;
- c. Service type as being overhead or underground; and
- d. The location of main and distribution panels.

18.4. The home inspector shall report any observed aluminum branch circuit wiring.

18.5. The home inspector shall report on the presence or absence of smoke detectors and operate their test function, if accessible, except when detectors are part of a central system.

18.6. The home inspector is not required to:

- a. Insert any tool, probe, or testing device inside the panels;
- b. Test or operate any over-current device except ground fault circuit interrupters and arc fault breakers;
- c. Dismantle any electrical device or control other than to remove the dead front covers of the main and auxiliary distribution panels; or
- d. Evaluate:
 - 1. Low voltage systems;
 - 2. Security system devices, heat detectors or carbon monoxide detectors;
 - 3. Telephone, security, cable TV, intercoms or other ancillary wiring that is not part of the primary electrical distribution system; or
 - 4. Built-in vacuum equipment.

18.7. The home inspector shall recommend to the client if an electrical hazard exists, a full electrical system inspection performed by a West Virginia certified electrical inspector as certified pursuant to W. Va. Code, §29-3C-1 et seq.

Heating.

19.1. The home inspector shall inspect permanently installed heating systems including:

- a. Heating equipment;

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

19.2. The home inspector shall describe:

- a. The energy source; and
- b. The heating equipment and distribution type.

19.3. The home inspector shall operate the systems using normal operating controls.

19.4. The home inspector shall open readily open able access panels provided by the manufacturer or installer for routine homeowner maintenance.

19.5. The home inspector is not required to:

- a. Operate heating systems when weather conditions or other circumstances may cause equipment damage;
- b. Operate automatic safety controls;
- c. Ignite or extinguish solid fuel fires; or
- d. Inspect:
 - 1. The interior of flues;
 - 2. Fireplace insert flue connections;
 - 3. Humidifiers;
 - 4. Electronic air filters; or
 - 5. The uniformity or adequacy of heat supplies to the various rooms.

Central Air Conditioning.

20.1. The home inspector shall inspect central air conditioning systems, including the following components:

- a. Cooling and air handling equipment;

- b. Normal operating controls;
 - c. Fans, pumps, ducts and piping, with associated supports, dampers, insulation, air filters, registers, fan coil units; and
 - d. The home inspector shall inspect for the presence of an installed cooling source in each room.
- 20.2. The home inspector shall describe:
- a. Energy sources; and
 - b. Cooling equipment type.
- 20.3. The home inspector shall operate the systems using normal operating controls.
- 20.4. The home inspector shall open readily open able access panels provided by the manufacturer or installer for routine homeowner maintenance.
- 20.5. The home inspector is not required to:
- a. Operate cooling systems when weather conditions or other circumstances may cause equipment damage;
 - b. Inspect non-central air conditioners; or
 - c. Inspect the uniformity or adequacy of cool-air supply to the various rooms.

Interiors.

- 21.1. The home inspector shall inspect:
- a. Walls, ceiling and floors;
 - b. Steps, stairways, balconies and railings;
 - c. Countertops and a representative number of cabinets and drawers; and
 - d. A representative number of doors and windows.
- 21.2. The home inspector shall:
- a. Operate a representative number of windows and interior doors; and
 - b. Report signs of abnormal or harmful water penetration into the building or signs of abnormal or harmful condensation on building components.
- 21.3. The home inspector is not required to inspect:
- a. Paint, wallpaper and other finish treatments on the interior walls, ceilings and floors;

- b. Carpeting; or
- c. Draperies, blinds or other window treatments.

Insulation and Ventilation.

22.1. The home inspector shall inspect:

- a. Insulation and vapor retarders 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 temperature permits, the operation of any readily accessible thermostatic control.

22.2. The home inspector shall describe:

- a. Insulation in unfinished spaces; and
- b. Absence of insulation in unfinished space at conditioned surfaces.

22.3. The home inspector is not required to report on:

- a. Concealed insulation and vapor retarders; or
- b. Venting equipment that is integral with household appliances.

Built-In Kitchen Appliances.

23.1. The home inspector shall inspect and operate the basic functions of the following kitchen appliances:

- a. Every permanently installed dishwasher; through its normal cycle;
- b. Ranges, cook tops and permanently installed ovens;
- c. Trash compactors;
- d. Garbage disposals;
- e. Ventilation equipment or range hoods; and
- f. Permanently installed microwave ovens.

23.2. The home inspector is not required to inspect:

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

- b. Non built-in appliances such as clothes washers and dryers; or
- c. Refrigeration units such as freezers, refrigerators and icemakers.

23.3. The home inspector is not required to operate:

- a. Appliances in use; or
- b. Any appliance that is shut down or otherwise inoperable.

Definitions

a. "Certification" -- Means a valid and current home inspectors certification issued by the State Fire Marshal.

b. "Client" -- Means any person who engages the services of a home inspector for the purpose of obtaining inspection of, and a written report upon, the condition of a residential dwelling.

c. "Compensation" -- Means direct or indirect payment, including the expectation of payment whether or not actually received.

d. "Component" -- Means a readily accessible and observable aspect of a system, such as a floor or wall, but not individual pieces such as boards or nails where many similar pieces make up a system.

e. "Home Inspection" -- Means a visual analysis for the purpose of providing a professional opinion of the condition of a building and its carports and garages, any reasonable accessible installed components and the operation of the building systems, including the controls normally operated by the owner, for the following components of a residential dwelling of four units or less: heating system, cooling system, electrical system, plumbing system, structural components, foundation, roof covering, exterior and interior components and site aspects as they effect the dwelling.

f. "Home Inspection Report" -- Means a written report prepared for compensation and issued after a home inspection to the client. The inspection report shall include, but not be limited to the following:

1. On those systems and components inspected which, in the professional opinion of the inspector, are significantly deficient or are near the end of its service life and a reason why, if not self evident, the system or component is significantly deficient or near the end of its service life;

2. The inspector's recommendations to correct or monitor the reported violation; and

3. Any systems and components which were present at the time of the inspection but were not inspected, and a reason they were not inspected.

g. "Home Inspector" -- Means any person who is certified pursuant to this rule as a home inspector and who engages in the business of performing home inspections and writing home inspection reports.

h. "Readily Accessible" -- Means available for visual inspection without requiring moving of personal property, dismantling, destructive measures, or any action that likely will involve risk to persons

or property.

i. "Residential Dwelling" -- Means a structure consisting of from one to two family dwelling units.

j. "State Fire Commission" -- Means the state agency composed of the appointed State Fire Commissioners and the office of the State Fire Marshal.

k. "State Fire Marshal" -- Means the West Virginia State Fire Marshal and his or her designated representatives.

l. "System" -- Means a combination of interactive or interdependent components assembled to carry out one or more functions.

m. "Technically Exhaustive" -- Means an investigation that involves dismantling, the extensive use of advanced techniques, measurements, instruments, testing, calculations or other means.

Prohibited Acts

8.3. It shall be considered an unfair business practice for a home inspector, a company that employs the inspector, or a company that is controlled by a company that also has a financial interest in a company employing a home inspector, to do any of the following:

a. To perform or offer to perform any repairs, or have a vested interest in any company that is to perform repairs, to a structure on which the inspector, or the inspector's company, has prepared a home inspection report within the preceding twelve months;

b. To inspect, for a fee, any property in which the inspector, or the inspector's company, has any financial interest or any interest in the transfer of the property;

c. To offer or deliver any compensation, inducement or reward to the owner of the inspected property, the broker or agent, or other party who might receive a benefit, for the referral of any business to the inspector or the inspection company; or

d. To accept an engagement to make an inspection or to prepare a report in which the inspection itself, or the fee payable for the inspection, is contingent upon either the conclusions in the report, pre-established findings, or the close of escrow.