

SUPPORTING INSPECTION FINDINGS by CITING AUTHORITATIVE SOURCES

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An unavoidable part of our profession involves bringing bad news to people who often are in a high-stress situation. One reaction to bad news is to “shoot the messenger.” Fortunately for our health, a more common reaction is to deny or discredit the message. One way to enhance a home inspector’s credibility, while helping to defuse a tense situation, is to cite authoritative support for our findings and recommendations.

WHAT IS AUTHORITATIVE?

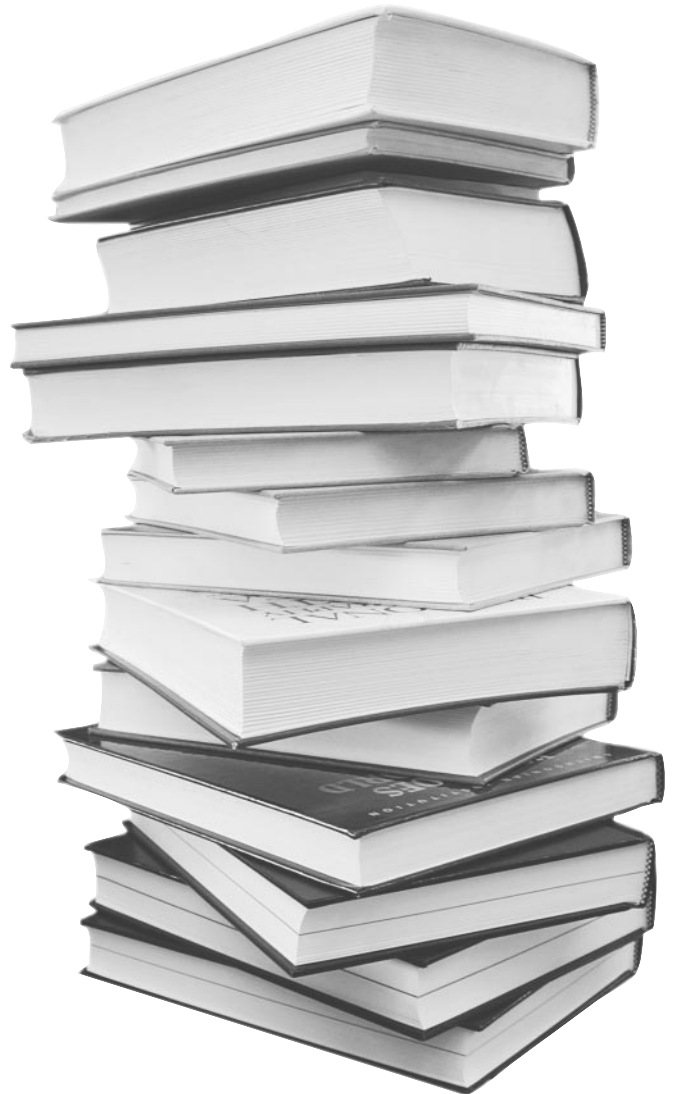
An authoritative source is independent, credible and applicable. In other words, there is reason to believe the source speaks the truth, and the truth applies to the structure and component in question.

- Independent means unbiased.

Ideally, the source has no personal, professional, financial or other interest that could be perceived as potentially altering the value of the information. Actual or even perceived bias reduces a source’s authority.

- Credible means the source has some recognized expertise that qualifies it to provide accurate information about the situation.

Credibility often is obtained by gathering recognized credentials and experience in a relevant field. These credentials can be academic, professional or a certification, usually by a recognized professional organization such as the International Code Council’s building official testing and certification program. Credibility also is obtained by having formal authority to speak about the situation in question, such as the authority of a local building official to interpret the building code in his jurisdiction. There are other ways to obtain credibility but, like the scarecrow in the Wizard of Oz, it helps to have some external recognition that confirms you have a brain.



- Applicable means that the information applies to the situation in question.

Information that applies to the home and the component being inspected usually is more credible than general information applicable to all structures.

A HIERARCHY OF AUTHORITATIVE SOURCES

Authoritative sources available to home inspectors include the following:

1. Engineered plans or specifications for the structure;
2. Building permits and evidence of approved inspections by the local building official for the structure;
3. Manufacturer's instructions or specifications for the component;
4. Building code provisions adopted by the jurisdiction in which structure is located that were enforced when the structure was built or modified;
5. Other model building codes;
6. Standards and guidelines issued by government agencies and applicable to the component or structure;
7. Standards and guidelines issued by industry or trade associations and applicable to the component or structure;
8. Industry or trade publications such as books and trade journals; and
9. Home inspector message boards.

ENGINEERED PLANS

At the top of the authoritative sources list are plans and specifications for the structure being inspected that carry the seal of an engineer

qualified to practice in that jurisdiction. They are specific to the structure and are issued by a credible source. With the exception of plans and specifications for new home construction, they also are the least available authoritative source for home inspectors; therefore, they are the least practical source. Most home inspectors will not, and in many cases should not, become involved with engineered plans and specifications.

Inspectors who conduct new home construction inspections in jurisdictions that perform plan reviews as part of the building permit process may be able to obtain the plans and other materials submitted to get the permit from the building official. Clients usually are happy to pay the \$50-\$100 fee to obtain the documents the home inspector will use during construction inspections, then return to the clients for their records.

If home inspectors obtain plans, they need to be aware they may be considered negligent if they fail to properly read and use them. In addition, it's important to be sure the client realizes that the inspection does not confirm the adequacy of the plan and does not confirm that the structure is built according to it. We suggest stating verbally and in writing that plans and specifications are used only as an authoritative reference source.

BUILDING PERMITS AND INSPECTIONS

Building permits with evidence of approved inspections are almost equal in authority to engineered plans. They are specific to the structure being inspected and are issued by a credible source, the local building official. Like engineered plans, building permits rarely are available to home inspectors; therefore, they seldom are used as an authoritative source. Nevertheless, home inspec-

tors can recommend that a client request permits from the seller where improper or questionable work is suspected.

The absence of a permit and approved inspections when they are required can lend some indirect credibility to a finding of improper or questionable work. While widely ignored and rarely enforced, most additions, alterations and repairs to a home require a permit if the activity affects a component regulated by the applicable building code. Section R105 of the International Residential Code 2003 (IRC2003) addresses this issue. In addition, many jurisdictions require that licensed contractors perform work that requires a permit. While researching permit records is well beyond the scope of a home inspection, recommending that a client request a permit, as well as inspection and contractor license information, is a useful tactic that can shift the burden of proof to those who may challenge the home inspector's finding.

MANUFACTURER'S INSTRUCTIONS

Manufacturer's instructions and specifications carry significant authority pertaining to how a component should be installed and used. After all, who should know more about a component than the company that manufactured it? Manufacturer's instructions can take precedence over building code provisions, and it may violate a building code to install a component contrary to manufacturer's instructions. If available, manufacturer's instructions serve as an authoritative source that is difficult to challenge.

No mention of manufacturer's instructions would be complete without discussing "Listed" and "Labeled". These terms have defined meanings in building codes,

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denoting the importance of manufacturer's instructions. According to IRC2003 Section R202, these terms mean that a component has been independently tested and complies with nationally recognized standards when installed in accordance with the manufacturer's instructions. All listed and labeled components must be installed and used according to the conditions of their listing. Failure to do so will void warranties, may reduce the component's useful life, and may be hazardous to people and to property.

Labels are found on most major mechanical equipment such as furnaces, condensers and water heaters, and on electrical equipment such as panelboards. They can be an excellent source of information. If legible, they can provide manufacturer, model and serial number for use in researching manufacturer's instructions.

If the manufacturer's instructions are not with the component, they often can be found by entering the manufacturer's name into an Internet search engine such as Google (www.google.com). Most manufacturers of commonly used construction components have Web sites, and many of these have instructions for recent products available for viewing or downloading. If the instructions are not available online, there is usually contact information.

Manufacturer's instructions can be referenced in report recommendations. Recommending that components be installed and used according to manufacturer's instructions alerts clients to the importance of these instructions and may help protect the home inspector from liability if the instructions are not followed.

ADOPTED BUILDING CODE

The building code adopted by the jurisdiction in which the home was built and in force when the home

was built, remodeled or repaired can be an authoritative source. The source (the local building official) carries formal authority and thus is considered credible. Inspectors who cite code provisions should do so with great care. A home inspection is not a code inspection. Many home inspectors have a well-crafted disclaimer about code inspections in their contracts. Here are some reasons why:

Building codes are government regulations. As such, a government official is empowered to interpret and enforce them. In the case of building codes, this person is the local building official. Building codes are subject to widely variable interpretation and enforcement decisions, even among building inspectors within the same jurisdiction. If government inspectors in a jurisdiction cannot agree on a code interpretation, how can we, as private home inspectors, hope to issue an authoritative interpretation?

In addition, determining the code version applicable to any particular house can be a challenge. For example, during a code cycle change, it's possible more than one code is used simultaneously in a jurisdiction. Or, if the home has been altered, separating the code application for the original work from the code application for the alteration(s) can be difficult. Or, it's possible there was no applicable building code in force when the house was built. Given the variability in code interpretation and enforcement decisions, and differing rules about "grandfathering" existing construction, delivering an authoritative statement about an applicable code interpretation is extremely difficult.

Citing code provisions requires different training and certification than that required for performing a home inspection. Citing code provisions without training and certification, even informally, makes the citation less authoritative and riskier for the

inspector. Such training and certification is available. For more information, visit www.iccsafe.org.

How can home inspectors use code citations as an authoritative source? In my opinion, we shouldn't. Instead, we can use code words (pun intended) such as "current accepted standards recommend..." in written reports. If challenged to cite the source, we verbally can cite the applicable code provision, making it clear the citation is only as an example of one authoritative standard.

OTHER BUILDING CODES

By other building codes, we refer to versions of model codes that do not apply to the home being inspected. These can include later versions of the code used in the local jurisdiction, and other model codes not used in the jurisdiction. Later versions of a locally used code usually will be more authoritative than model codes used in other jurisdictions because the later versions of a code typically have more provisions that are similar to the earlier versions. Model codes from other jurisdictions may have different provisions and should be cited with great caution, or not at all.

GOVERNMENT AGENCY STANDARDS AND GUIDELINES

Standards and guidelines issued by government agencies often are good and safe authoritative sources. Some government agencies may have formal authority to mandate standards. An example is the "Workmanship Standards for Licensed Contractors," published by the Arizona Registrar of Contractors, www.rc.state.az.us. States or other governmental entities that regulate contractors may have similar standards and guidelines. If such standards exist, they usually are referenced on the regulating agency's Web site.

In states without published standards, home inspectors can alert

clients to the complaint and license enforcement procedures available to consumers in their area.

A government agency without formal authority may have perceived credibility based on the agency's role as one that gathers and publishes current expert opinion on a subject. An example is the wide variety of information about topics such as mold and radon available from the federal Environmental Protection Agency, www.epa.gov. Other state and federal agencies, such as the federal Department of Housing and Urban Development, www.hud.gov, can be a credible source.

INDUSTRY STANDARDS AND GUIDELINES

Standards and guidelines issued by industry trade and professional organizations can be excellent authoritative sources. The perceived authority of such standards depends on the status and independence of the organization. Standards issued by established and independent organizations with a history of issuing authoritative standards usually carry a high degree of credibility. Standards issued by newer organizations and those issued by trade associations with a history of advocacy for the trade may be less credible.

Absent specific manufacturer's instructions or building code provisions, professional organizations may be the only authoritative sources available. These associations are relatively easy to find on the Internet, and often have free or low-cost information available for download or delivery.

Standards and guidelines issued by industry trade organizations can be a useful source; however, because these organizations often exist to benefit their industry, their standards and guidelines may be less independent and thus, less credible. An excellent example of trade organization standards is the "Residential Construction Performance Guidelines For Profes-

sional Builders and Remodelers" published by the National Association of Home Builders, www.nahb.org. While the standards tend to be builder-friendly, this is one of the few readily available set of standards that addresses cosmetic and quality issues.

INDUSTRY PUBLICATIONS

Industry publications cover a wide range of media including reference books, industry trade journals and Web sites. The credibility and the accuracy of the information depend on the credentials and reputation of the author and publisher. For this reason, one should use care when citing industry publications as an authoritative source.

Information from Web sites should be cited with extreme caution. Anybody with a few dollars and some Web publishing software can create a site that appears professional and authoritative. Attempt to verify the credentials of the author(s) of the information on any Web site you cite as authoritative. Sites established by well-known universities are usually safe to cite. Sites published by authors with accepted credentials such as www.buildingscience.com are usually safe. Other sites, who knows?

INSPECTOR MESSAGE BOARDS

Information obtained from inspector message boards and chat rooms should not be cited as authoritative without additional research and verification. Accept as potentially authoritative only information that cites other authoritative sources discussed in this article. Then conduct your own research into the source to confirm its credibility and accuracy before citing it.

CONCLUSION

It can be annoying to have an aggrieved real estate agent, seller or even the client question findings and recommendations. Instead of being

annoyed, why not look at the questions as an opportunity to learn more about the topic? Supporting findings and recommendations with authoritative sources is one way to enhance credibility, to educate all involved, and to leave the situation better than you found it. ■

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