

TEXAS INSPECTOR

Texas Inspector
7401 Vineyard Trail
Garland, TX 75044
214-616-0112

<http://www.texasinspector.com>

PROPERTY INSPECTION REPORT



Prepared For: Mr. Client

(Name of Client)

Concerning: 1234 Pre-Pour Lane

(Address or Other Identification of Inspected Property)

By: Aaron D. Miller, ACI, CEI, CMI, CRI, MTI, RCI
Certified Master Inspector,
ICC Residential Combination Inspector R-5,
ICC Residential Building Inspector B-1,
ICC Residential Electrical Inspector E-1,
ICC Residential Mechanical Inspector M-1,

04/11/2013

ICC Residential Plumbing Inspector P-1,
HUD 203K Consultant D0981
PTI Level 1 PT Installer 320054833
TREC Professional Inspector 4336
TDA SPCS 11379/40247 Certified Applicator
TRCC Registered Builder 16229
TRCC Dispute Resolution Inspector 1350
ASHI Certified Inspector 203652
TPREIA Master Inspector
INACHI Certified Professional Inspector
City of Garland, TX Building and Fire Codes
Board

(Name and License Number of Inspector)

(Date)

N/A

(Name, License Number and Signature of Sponsoring Inspector, if required)

This property inspection report may include an inspection agreement (contract), addenda, and other information related to property conditions. If any item or comment is unclear, you should ask the inspector to clarify the findings. It is important that you carefully read ALL of this information.

This inspection is subject to the rules ("Rules") of the Texas Real Estate Commission ("TREC"), which can be found at www.trec.state.tx.us.

The TREC Standards of Practice (Sections 535.227-535.231 of the Rules) are the minimum standards for inspections by TREC-licensed inspectors. An inspection addresses only those components and conditions that are present, visible, and accessible at the time of the inspection. While there may be other parts, components or systems present, only those items specifically noted as being inspected were inspected. The inspector is not required to move furnishings or stored items. The inspection report may address issues that are code-based or may refer to a particular code; however, this is NOT a code compliance inspection and does NOT verify compliance with manufacturer's installation instructions. The inspection does NOT imply insurability or warrantability of the structure or its components. Although some safety issues may be addressed in this report, this inspection is NOT a safety/code inspection, and the inspector is NOT required to identify all potential hazards.

In this report, the inspector will note which systems and components were Inspected (I), Not Inspected (NI), Not Present (NP), and/or Deficient (D). General deficiencies include inoperability, material distress, water penetration, damage, deterioration, missing parts, and unsuitable installation. Comments may be provided by the inspector whether or not an item is deemed deficient. The inspector is not required to prioritize or emphasize the importance of one deficiency over another.

Some items reported as Deficient may be considered life-safety upgrades to the property. For more information, refer to Texas Real Estate Consumer Notice Concerning Recognized Hazards, form OP-1.

This property inspection is not an exhaustive inspection of the structure, systems, or components. The inspection may not reveal all deficiencies. A real estate inspection helps to reduce some of the risk involved in purchasing a home, but it cannot eliminate these risks, nor can the inspection anticipate future events or changes in performance due to changes in use or occupancy. It is recommended that you obtain as much information as is available about this property, including any seller's disclosures, previous inspection reports, engineering reports, building/remodeling permits, and reports performed for or by relocation companies, municipal inspection departments, lenders, insurers, and appraisers. You should also attempt to determine whether repairs, renovation, remodeling, additions, or other such activities have taken place at this property. It is not the inspector's responsibility to confirm that information obtained from these sources is complete or accurate or that this inspection is consistent with the opinions expressed in previous or future reports.

Items identified in the report do not obligate any party to make repairs or take other action, nor is the purchaser required to request that the seller take any action. When a deficiency is reported, it is the client's responsibility to obtain further evaluations and/or cost estimates from qualified service professionals. Any such follow-up should take place prior to the expiration of any time limitations such as option periods. Evaluations by qualified tradesmen may lead to the discovery of additional deficiencies which may involve additional repair costs. Failure to address deficiencies or comments noted in this report may lead to further damage of the structure or systems and add to the

original repair costs. The inspector is not required to provide follow-up services to verify that proper repairs have been made.

Property conditions change with time and use. For example, mechanical devices can fail at any time, plumbing gaskets and seals may crack if the appliance or plumbing fixture is not used often, roof leaks can occur at any time regardless of the apparent condition of the roof, and the performance of the structure and the systems may change due to changes in use or occupancy, effects of weather, etc. These changes or repairs made to the structure after the inspection may render information contained herein obsolete or invalid. This report is provided for the specific benefit of the client named above and is based on observations at the time of the inspection. If you did not hire the inspector yourself, reliance on this report may provide incomplete or outdated information. Repairs, professional opinions or additional inspection reports may affect the meaning of the information in this report. It is recommended that you hire a licensed inspector to perform an inspection to meet your specific needs and to provide you with current information concerning this property.

ADDITIONAL INFORMATION PROVIDED BY INSPECTOR

“Under current law, TREC's (the Texas Real Estate Commission's) jurisdiction extends to any inspection of real property performed in anticipation of a purchase or sale of real estate. This includes any inspection in connection with the anticipated purchase of real estate from a builder, including phase inspections (but not the inspection of a structure being constructed on land already owned by the homeowner-to-be). Likewise, any inspection performed for an owner in anticipation of selling falls under TREC's jurisdiction, regardless of whether there is a specific buyer in mind at the time of the inspection.” – Devon Bijansky, Deputy General Counsel, Texas Real Estate Commission.

Additional attachments provided by Aaron's Home Inspections that make this inspection report complete are listed but not limited to the following: Property Inspection Agreement, Embedded Links to Additional Information of Systems, Addenda Attached but not Paginated, et al.

The digital pictures in this report are a random sampling of the conditions or damages in a representative number of areas chosen and should not be considered to show all of the conditions, damages or deficiencies observed. There will be some conditions, damages or deficiencies not represented with digital imaging.

The use of “special tools” is at the discretion of the inspector in order to form opinions as he sees fit in certain instances.

Any suggestions, and recommendations we may provide within our report regarding hazardous and or unsatisfactory condition should immediately be brought to the attention of a qualified licensed contractor or specialist to provide you with a full in-depth evaluation to determine if additional areas of concern exist within the building's components, or systems, and furnish a written cost estimate for corrective work or replacement that may be suggested within our report. It is strongly recommended that a competent, bonded, and insured State- or City-Licensed Contractor perform all corrective work.

You are strongly urged to obtain a C.L.U.E. report on this home in an attempt to discover what, if any, insurance damage claims have been filed on this property, prior to closing escrow on this property. See:
<https://personalreports.lexisnexis.com/>

You are strongly urged to ascertain if any hail damages may have been incurred by this property in the past by referring to:
<http://www.haagengineering.com/ehail/chas/eHail/database.html>

You are strongly urged to locate, acquire, read and thoroughly understand all documentation pertinent to the construction, remodeling, maintenance and repair of this property including, but not limited to: design drawings, engineering documents, geo-technical testing documents, building inspection permits, surveys, appraisals, maintenance schedules, mechanical appliance and systems owner's manuals, history of wood-destroying insect activity and treatment reports, et al., prior to the end of any time periods associated with the sale or purchase of this property.

You are strongly urged to verify that all of the items indicated as in need of repair in this report have been properly repaired prior to the end of any time periods associated with the sale or purchase of this property. Additionally, you are

strongly urged to have the current owner of the property complete a new and updated Seller's Disclosure of Property Condition form: <http://www.trec.state.tx.us/pdf/contracts/OP-H.pdf> , immediately once the property has been vacated.

The Texas residential real estate resale contract states that the home is being purchased in as-is condition. While it is true that many, if not all, home buyers may negotiate sales prices based upon the condition of the home, ascertaining repair and remodeling costs of the properties inspected lies outside the scope of a general home inspection. In order to obtain the most accurate and realistic repair costs you are strongly urged to consult with a licensed tradesperson or general contractor in the area in which the home is located. Other possible sources for repair costs can be found using publications such as the current version of RSMeans Contractor's Pricing Guide: Residential Repair & Remodeling. Alternately, you can find a wealth of information regarding repair and remodeling costs at websites like <http://www.homewyse.com/> .

Visual inspections are considered the start of a due diligence process by the buyer and not the final or end of due diligence. Prior to closing escrow, you are strongly urged to require the seller of this property to update the seller's disclosure form once the property has been completely vacated to reflect any issues that may have occurred since the date of this inspection or that were obscured by furnishings, stored items, etc.

IMPORTANT INFORMATION REGARDING THE FOLLOWING SYSTEMS AND MATERIALS CONDITION DESIGNATIONS REQUIRED BY THE TEXAS REAL ESTATE COMMISSION

The definition of Deficient provided by the TREC is as follows: "Deficient - Reported as having one or more deficiencies." Additionally, "Deficiency" is: A condition that, in the inspectors reasonable opinion, adversely and materially affects the performance of a system or component or constitutes a hazard to life, limb, or property as specified by these standards of practice. General deficiencies include but are not limited to inoperability, material distress, water penetration, damage, deterioration, missing parts, and unsuitable installation."

Therefore, the definition of "deficiency" by the TREC is a statutory definition (as published in the Texas Register) and any other definition of "deficient" or "deficiency" would be moot to the inspector in regard to semantics. The previous "In Need of Repair" designation of parts, components and systems historically used up to Feb. 1, 2009, has been replaced by "Deficient" (or "Deficiencies") through statutory change BUT DO NOT EXCLUDE OR DIRECT ANY INTERPRETATION, INTENT OR ACTION OF ANY BUYER EXPECTATIONS OR BUYER DUE DILIGENCE. According to the TREC, the term "deficiency" better describes the broad category of issues in which repair, replacement, or an upgrade is recommended. The "D" ("Deficiency") box on the inspection report should be used just like the ("R") ("Not Functioning or In Need of Repair") box that has been used in the past. It is not the intent of this inspector to interpret or define the terms "deficient" or "deficiency" outside the statutory definition and requirement. If you have a question you are strongly urged to consult with a real estate attorney regarding the definition(s) of "deficient" and "deficiency" as soon as possible during your option period. The responsibility to make a decision as to further analysis, repair, replace or update any item, material or system based upon the Inspector's reasonable opinion or designation of "Deficient" is solely yours. According to the TREC, "the ultimate decision what to do with the reported information, such as making recommended repairs or to simply "live with" a reported deficiency, is a decision to be made by the person for whom the report is prepared". The principle of "caveat emptor" (let the buyer beware) should not be circumvented. (The idea that buyers take responsibility for the condition of the items they purchase and should examine them before purchase. This is especially true for items that are not covered under a strict warranty. See, e.g., SEC v. Zandford, 535 U.S. 813 (2002)). Therefore, visual inspections following the state inspection standards are considered the beginning of a due diligence process by the client and not considered the final or end of due diligence. Sole reliance on this limited visual inspection to purchase property is neither recommended nor prudent. A comprehensive inspection with qualified specialists is available and explained in the first contact.

I=Inspected

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I	NI	NP	D	Inspection Item
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I. STRUCTURAL SYSTEMS

A. Foundations

Type of Foundation(s): Unbonded Prestressed Post-Tensioned Monolithic Slab On Grade
Comments:

Note: Specific Limitations. There is no single formal universally accepted standard for residential building foundation performance. Even if there were, an opinion of the performance of any foundation would necessarily require several pieces of information that are typically not available to the inspector, e.g. a new construction elevation baseline survey on the date that the foundation construction was originally substantially completed, et al. Simply put: an opinion on the performance of a foundation cannot feasibly be based upon a one-time visual inspection of the structure. One cannot extrapolate long-term trends from a short-term sample of facts. This is a report of first impression of what was visible and recognized by the inspector on the date and time of this inspection. The foundation performance opinion stated below neither in any way addresses future foundation movement or settlement, nor does it certify floors to be level. Should you have present or future concerns regarding the foundation's condition, you are strongly advised to consult with a licensed Professional Structural Engineer for further evaluation.

Though the TREC requires inspectors to identify the exact type of foundation of the building being inspected, this is often not practically feasible, e.g. in the case of parged post-tensioned slabs-on-ground, post-tensioned structurally supported slabs, and proprietary engineered systems such as suspended foundations, et al. The type of foundation reported will be reported based solely on the visual cues available and the inspector's experience in the field. No warranty is expressed or implied regarding the accuracy of this assessment.

For additional information on foundations go to:

<http://www.texasinspector.com/Foundation Book for Buyers.pdf>

<http://www.texasinspector.com/Foundation%20Design%20Guidelines%20TXASCE.pdf>

<http://www.texasinspector.com/Foundation%20Repair%20Guidelines%20TXASCE.pdf>

<http://www.texasinspector.com/Foundations in Expansive Clay Soils.pdf>

<http://pdf.plano.gov/dhs/hazmit/hazmit12.pdf>

http://www.aaronsinspections.com/documents/Soil_Issues.pdf

Method of Inspection: The Inspector performed a visual inspection of interior and exterior walls and visible grade beams. There are many limits inherent in this visual inspection as the Inspector does not move private property, furniture or lift carpeting and padding to look for cracks, and does not use any specialized measuring devices (e.g. elevation surveying equipment) to establish relative elevations. These practices are beyond the bounds of the standards of practice. The condition of concealed or covered floors is specifically excluded from the inspection standards and report.

In the presence or absence of any visible defects, the Inspector may not recommend that you consult with a structural engineer or a foundation contractor, but this should not deter you from seeking the opinion of any such expert prior to continuance under your personal responsibility of due diligence. This is a report of first impression of what was visible and accessible by the inspector on the date and time of this inspection. The foundation performance opinion stated below neither in any way addresses future foundation movement or settlement, nor does it certify floors to be level. Should you have present or future concerns regarding the foundation's condition, you are strongly advised to consult with a licensed Professional Structural Engineer for further evaluation.

Type of Inspection: Visual Inspection of Formwork Prior to Concrete Placement
Grounds for Departure: N/A

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I NI NP D

Inspection Item

The foundation formwork is in need of minor repairs, in my opinion.

PRE-POUR COMMENTS

All water and construction debris must be removed from the footings (beams) prior to placement of the concrete. All cave-ins of the soil at the perimeter and interior beams must be repaired.



Repair all soil cave-ins.

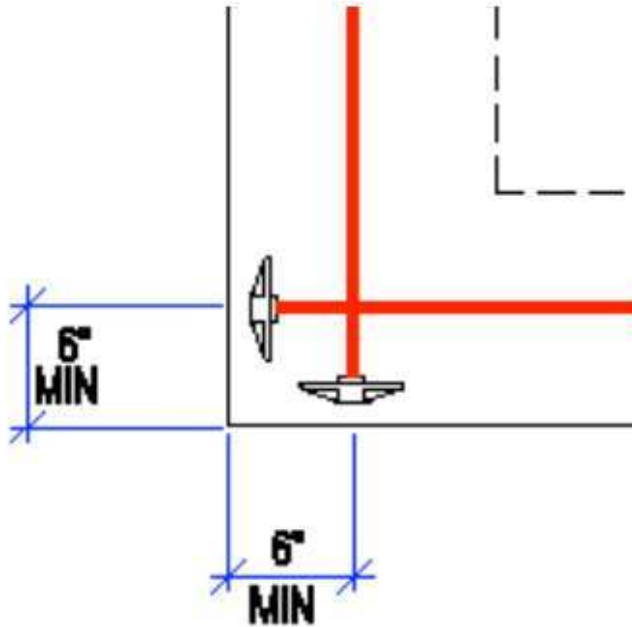
Remove all debris from footings.

TENDONS

Tendons at all of the outside corners were observed to be installed closer than 6" from the outside corners. As per the Post-Tensioning Institute's Maintenance Procedures Manual for Post-Tensioned Slab-On-Grade Construction 5.4 (1) the post tension tendons should never be placed closer than 6" from any slab corner.

I=Inspected NI=Not Inspected NP=Not Present D=Deficiency

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Tendon pocket formers were observed to be out of alignment with the forms in multiple locations. As per PTI specifications the live or stressing ends of the tendons as well as the attached pocket formers must be properly aligned with and securely attached to the forms. If they are not, concrete slurry will enter the wedge cavity, resulting in problems during the stressing operation.

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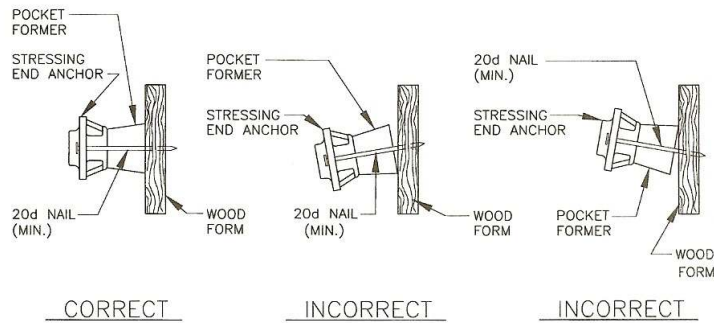


FIG. 2 ANCHOR ATTACHMENT TO FORMS



Misaligned pocket former on the north side of the foundation.



Misaligned angled pocket formers at the northeast corner.

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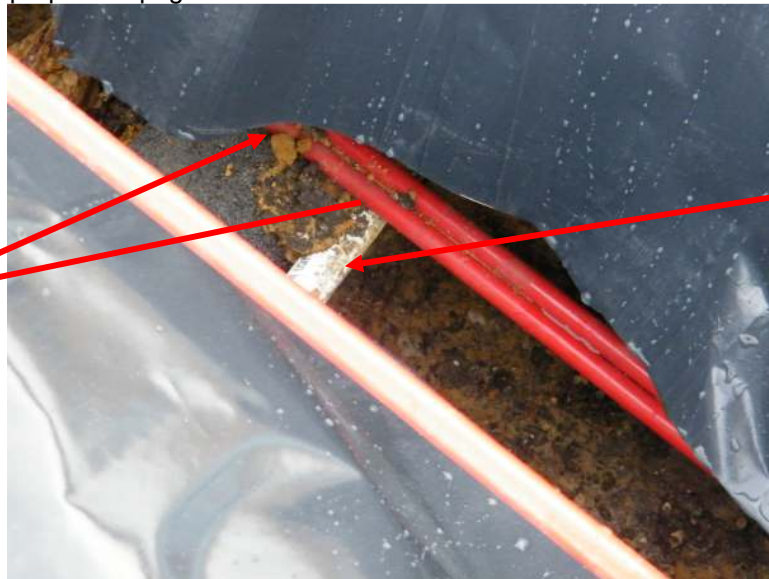
69 tendons were observed. Without the design drawings it is not possible to ascertain if this is the correct count.

PLUMBING

Supply pipe wrapping is required by IRC 2603.5 and the manufacturer of the piping. Pipe wrapping is incomplete in several locations. Contact of the supply piping with the concrete is likely to cause leaks in the future. Copper is "sleeved" in order to attempt to reduce the effects of corrosion from soil, concrete leachate or aggressive water below the slab. Obviously, CPVC and PEX plastics are not going to corrode. CPVC and PEX are "sleeved" for a different reason - to deal with thermal expansion/contraction and to protect the pipe slab penetrations.

According to the PEX Design Guide:

"Use only continuous length tubing (no fittings) when installing PEX under or within a slab. Protect PEX tubing with nonmetallic sleeves where it penetrates a slab or foundation. (Examples: PVC bend guides, PE sleeving). Protect tubing from nail damage where appropriate." page 68



DWV and supply not protected with chairs from tendons.

PEX not protected from concrete contact.

All tendons in contact with or closer than three inches (3") to supply or DWV piping must be relocated or engineer-approved methods of protecting the piping in these areas should be employed.

VAPOR RETARDER

It is crucial that the vapor retarder or vapor barrier be continuous, with no holes, and with all lapped joints taped with an approved tape. Moisture-sensitive finish flooring materials and adhesives will show signs of distress if moisture migrates through the hygroscopic concrete foundation to the interior surface.

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Repair ALL holes in vapor barrier.



Seams in vapor barrier must be taped.

IRC R506.2.3 requires that the 6-mil polyethylene vapor retarder joints be lapped a minimum of 6" and that it be continuous without tears or voids. All damaged areas must be repaired. All voids in the barrier must be sealed.

"International Residential Code R506.2.3 Vapor retarder. An approved vapor retarder with joints lapped not less than 6 inches (153 mm) shall be placed between the concrete floor slab and the base course or the prepared subgrade where no base course exists."

"International Building Code 1805.8.2 Slab-on-ground foundations. Slab-on-ground, mat or raft foundations on expansive soils shall be designed and constructed in accordance with WRI/CRSI Design of Slab-on-Ground Foundations or PTI Design and Construction of Post-Tensioned Slabs-On-Ground." Post-Tensioning Institute's Construction and Maintenance Procedures Manual for Post-Tensioned Slab-On-Grade Construction, 2nd Edition, "4.3 Vapor Barrier (Vapor Retarder) – A minimum 6-mil. (0.15mm) vapor barrier or vapor retarder may be placed over the prepared subgrade material, if required by the engineer's drawings or

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geotechnical report. When required, the vapor barrier should be lapped to provide a continuous sheet under the entire slab. Care must be taken to ensure that the vapor barrier does not become entangled or hung-up in the reinforcing causing voids or thin spots to occur in the slab during concrete placement. For ribbed foundation slabs, securing the vapor barrier material to the sides of the beam excavations and cutting the material in the bottom of the beams before concrete placement is recommended."

Additionally, American Concrete Institute's ACI 302 Guide for Concrete Floor and Slab Construction requires that the vapor barrier be sealed with an approved tape at all utility penetrations.

CODES

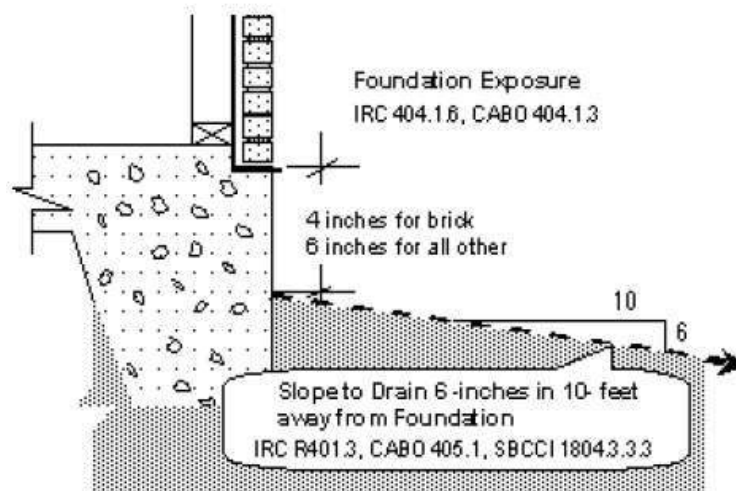
Slab-on-ground, ribbed, mat or raft foundations on expansive soils shall be designed and constructed in accordance with WRI/CRSI Design of Slab-on-Ground Foundations or PTI Design and Construction of Post-Tensioned Slabs-On-Ground, International Residential Code R402.2, R403.1.6, R403.1.8 (and hence IBC 1805.8, as well as IBC 1805.8.2), R506, American Concrete Institute ACI 318-08, ACI SP-2(07), ACI 302, ASTM E1745, to include Post-Tensioning Institute CCS-1, and Construction and Maintenance Procedures Manual for Post-Tensioned Slab-On-Grade Construction, et al. as specified in the design professionals construction documents as they relate to the foundation.

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B. Grading & Drainage Comments:

GRADING

The grading must be improved to promote the flow of storm water away from the house. Grading specifications are spelled out clearly in International Residential Code (IRC) R401.3, "Surface drainage shall be diverted to a storm sewer or other approved point of collection so as to not create a hazard. Lots shall be graded so as to drain surface water away from foundation walls. The grade away from foundation walls shall fall a minimum of 6 inches (152 mm) within the first 10 feet (3048)". **FAILURE TO MAKE THESE IMPROVEMENTS VOIDS YOUR FOUNDATION WARRANTY!**



R 401.3 is not the only place in the code requiring this drainage provision. R506.1, and R 403.1.8 instruct builders slab-on-grade residential buildings on expansive clay soils to adhere

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to an even stricter commercial building code, that of the International Building Code 1805.8.2, "Slab-on-ground foundations. Slab-on-ground, mat or raft foundations on expansive soils shall be designed and constructed in accordance with WRI/CRSI Design of Slab-on-Ground Foundations or PTI Design and Construction of Post-Tensioned Slabs-On-Ground." PTI Design is the Post-Tensioning Institute of which this inspector is both a member and a Level 1 Certificate holder. The home you are buying is built on an unbonded post-tensioned slab-on-grade foundation and must adhere to these specifications. The Post-Tensioning Institute's *Construction and Maintenance Procedures Manual for Post-Tensioned Slab-On-Grade Construction*, echoes this requirement.

Additionally, the engineer responsible for the foundation design specifies in the shop drawings and general notes therein what the grading should be in relation to this particular foundation. Industry standards again underscore the need for these improvements: Yards shall have grades and swales that provide for proper drainage away from the home in accordance with the Code or other governmental regulations. If the grades or swales fail to meet the industry standards, the builder shall take such action as is necessary to bring the variance within the standard.

NOTE: The municipality's plat drainage requirements can exceed those set forth by the IRC, i.e. require more than a 6" drop in elevation in the first 10' out from the perimeter of the foundation, but cannot be less stringent.

See: <http://www.texasinspector.com/Drainage%20Improvement%20Primer.pdf>

DRAINAGE

The swales on the east and west sides of the lot are improperly sloped and require improvement. Swales must slope a minimum of ¼" per foot as per IRC 401.3: Swales shall be sloped a minimum of 2 percent when located within 10 feet (3048 mm) of the building foundation.

See: <http://www.texasinspector.com/Drainage%20Improvement%20Primer.pdf>

TERMITE TREATMENT

IRC 320 requires that all residential building sites in the Dallas/Fort Worth area be pretreated for subterranean termites. The Structural Pest Control Board of Texas requires that this pretreatment be made by a licensed professional certified pesticide applicator and that the applicator must complete a Subterranean Termite Preconstruction Disclosure Form for each site in question.

Insure that you receive a copy of this form with a diagram of the site treated and a complete disclosure of the type and amount of termiticide used.

CONSTRUCTION DOCUMENTS

A complete set of construction documents (building plans) was not on site as required by: IRC R 106.3.1 "R106.3.1 Approval of construction documents. When the building official issues a permit, the construction documents shall be approved in writing or by stamp. One set of construction documents so reviewed shall be retained by the building official. The other set shall be returned to the applicant, **shall be kept at the site of work** and shall be open to inspection . . ." and R323.3.6."R323.3.6 Construction documents. The construction documents shall include documentation that is prepared and sealed by a registered design professional that the design and methods of construction to be used meet the applicable criteria of this section."

"This section provides the minimum requirements for construction documents that an applicant must provide along with the permit application form for the

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application package to be considered complete. Construction documents are not just a set of drawings. Construction documents are the entire set of all submitted forms and information necessary to accurately communicate the scope of the construction. The submittals may include written special inspection and structural observation programs, construction drawings and details, reports, calculations, specifications, shop drawings, manufacturer's installation instructions, site plans and other graphic and written forms that will describe the proposed work in detail."

While it may be true that the IRC allows the building official a certain amount of latitude, in R104.1, to interpret the code for the purpose of clarification, it does not obviate his responsibility to insure that the intent and letter of the code is enforced.

"R104.1 General. The building official is hereby authorized and directed to enforce the provisions of this code. The building official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in conformance with the intent and purpose of this code. **Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.**"

IRC Commentary: The building official is appointed by the legislative body of the jurisdiction to serve as the employee with the authority and responsibility for the proper administration of the code enforcement agency. The building official establishes policies and procedures that will clarify, and not nullify, the applications of the code. The development of those policies and procedures should not be simply for the convenience of the jurisdiction's employees but should be viewed as a way to effectively communicate to all interested parties involved in the construction process how the department will process applications, review construction documents, make inspections, approve projects, and determine and clarify the application of the code provisions. Properly developed, these policies and procedures can make the code enforcement department more predictable for those who are regulated and will also establish improved code compliance and public relations.

When interpretation of the code is needed, the building official is the one individual of the jurisdiction with the legal authority to interpret the code and determine how the provisions should be applied, in both general and specific cases. Some departments formalize the interpretation process and require the person with a question to submit their question in writing. Departments are encouraged to develop policies for both formal (written) and informal (verbal) requests for code interpretations. **Any such interpretations must be in conformance with the intent and letter of the code and may not waive any requirements.** It may be necessary in some cases for the building official to write these code interpretations into the permit.

See also:

<http://www.aaronsinspections.com/BOAT%20Plans%20on%20Site.pdf>

DOCUMENTATION FOR NEW HOME

You are strongly urged to obtain a copy of all required documentation regarding the construction of this new home from your builder and/or the municipality prior to the end of any time periods associated with the purchase of this home. These documents include, but are not limited to:

- 1) Geotechnical engineering reports and associated laboratory testing results to include, but not limited to, soil testing (e.g. standard penetration test reports, boring logs, et al.) and fill soil designations.

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- 2) Design firm engineering documents to include engineering drawings, engineer's notes, inspection reports, et al.
- 3) Post-tensioning materials documents, e.g. shipping invoices, et al.
- 4) Post-tensioning jack calibration forms for the equipment used on this site.
- 5) Post-tensioning tendon stressing logs.
- 6) Concrete plant, shipment and placement records.
- 7) Concrete slump test records.
- 8) Concrete core sample testing records.
- 9) Engineering drawings and approval letters for all retaining walls.
- 10) Framing and MEP drawings.
- 11) Manuals for all mechanical equipment.
- 12) Manuals for all appliances.
- 13) Installation instructions for all proprietary building materials used.
- 14) Initial foundation elevation survey, if available. If not, you are urged to have a licensed professional structural engineer perform said elevation survey.
- 15) Proof of termite treatment on Texas Department of Agriculture-promulgated form.
- 16) HERS rater documentation.
- 17) All permits and inspection tags/reports from the municipality.
- 18) All reports from special inspectors.
- 19) Surveyor's documentation to include flood plain information.
- 20) Plumbing static pressure test results for the supply and DWV piping.

If your builder opts not to supply you with some or any of the above documents request them from the municipality. If the municipality declines to supply you with the documents request them again under the Texas Freedom of Information Act. See <http://www.foift.org/pialetter.html> for a sample request letter. If necessary, hire an attorney to assist you in obtaining these essential documents.

ADDENDUM: REPORT OVERVIEW – NEW CONSTRUCTION

Because homebuilders in the State of Texas are not licensed or registered there is little or no governmental oversight of their building practices. The local city building inspectors are more often than not overworked and underpaid municipal employees. They haven't the time available to perform thorough inspections of houses as they are being constructed. This results in a situation where the minimal building code standards as set forth in the International Residential Code, the National Electrical Code and all of the installation instructions for the various materials and systems used in construction are, in our experience, never fully met. Another way of stating this would be: In our many years of inspection experience and after inspecting several thousand houses, we have never – N-E-V-E-R – seen a house in the 16-county area comprising the D/FW Metroplex that is, in our opinion, fully in compliance with both the letter and the spirit of the prevailing adopted codes. This statement includes houses in all price ranges, of all ages, of all different designs, and by all builders.

This house is no exception. It is not the ideal house. The ideal house would be located on the ideal site that has non-expansive, non-compressive, non-subsiding soil, and a solid substrate that is relatively close to the surface and fully capable of supporting the structure indefinitely. It would have a complete set of roof gutters, area drains, soil that is properly graded away from the foundation, and a significant (8") difference between the elevation of the finish grade and interior floors. The site would be fully irrigated, with no shrubs, trees or swimming pools within 25 feet of the foundation. This house would, of course, be constructed of quality, time-proven materials in both strict compliance with the minimal building standards set forth in the latest versions of the International Residential Code and the National Electrical Code and all materials manufacturers' installation instructions. Additionally, the house would be built in accordance with a multitude of other references and standards that specify best practice scenarios for all facets of residential construction. (A comprehensive list of these publications is available on request.) The lot and structure

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would have been both mechanically outfitted and chemically treated with all available options to prevent wood destroying insect activity.

This inspection is visual only. A representative sample of building components are viewed in areas that are accessible at the time of the inspection. No destructive testing or dismantling of building components is performed.

It is the goal of the inspection to put a home buyer in a better position to make a buying decision. Not all improvements will be identified during this inspection. Unexpected repairs should still be anticipated. The inspection should not be considered a guarantee or warranty of any kind.

Please refer to the inspection agreement for a full explanation of the scope of the inspection.

ADDENDUM: Building Code Compliance

In dealing with your builder and the municipal building inspection department there are a few things you'll need to know. As of January 2002 all municipalities in the State of Texas with a population of over 5000 were required to adopt, at a bare minimum, the 2000 International Residential Code. With the advent of the Texas Residential Construction Commission in 2003, Texas House Bill 730, Section 430.001 requires that all residential construction in the State of Texas adhere to the International Residential Code (IRC) and the National Electrical Code (NEC), as well as all materials and systems manufacturers' installation instructions, regardless of incorporation or population. Since building codes are the province of government, the referenced standards have the force of law and must be adhered to.

Municipalities may opt to adopt newer versions of the IRC, such as the 2003 or 2006 versions, or newer versions of the NEC, such as the 2002, 2005, 2008, or 2012 versions, but the 2000 IRC version and the 1999 NEC version are entry level requirements. Materials and systems manufacturers' installation instructions are not permitted to be altered or ignored.

Amendments or exceptions to the International Residential Code or National Electrical Code may not be made by the Chief Building Official of the municipality, and certainly not by your unlicensed builder. The legislation set forth in Texas Statue 214.212, reads as follows:

§ 214.212. International Residential **Code**

(a) To protect the public health, safety, and welfare, the International Residential **Code**, as it existed on May 1, 2001, is adopted as a municipal residential **building code** in this state.

(b) The International Residential **Code** applies to all construction, alteration, remodeling, enlargement, and repair of residential structures in a municipality.

(c) A municipality may establish procedures:

(1) to adopt local amendments to the International Residential **Code**; and

(2) for the administration and enforcement of the International Residential **Code**.

(d) A municipality may review and consider amendments made by the International **Code** Council to the International Residential **Code** after May 1, 2001.

Added by Acts 2001, 77th Leg., ch. 120, § 1, eff. Jan. 1, 2002.

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Each municipality is required to include in their city ordinances or land development documents all exceptions or changes to the International Residential Code and National Electrical Code that the members of the City Council have agreed upon and officially adopted. If an exception, deletion or any other alteration of the code has not been formally passed into ordinance, in this Inspector's reading of the law, it is not valid.

Any city ordinance is a matter of public record and is available for examination either on the city's web site or in the office of the Chief Building Official. Most cities' websites and ordinances can be located at www.ci.yourcity.tx.us. Some municipalities' ordinances are available online at: www.ordinance.com or www.municode.com, If your builder or municipal inspector cannot produce a copy of the city ordinance specifically excluding any portion of the IRC or NEC, it must be adhered to.

Additionally, and according to the International Residential Code R102.4, and National Electrical Code 110-3(b), neither the municipality nor the Chief Building Official may ever override a manufacturer's installation instructions. We do not build our houses of found materials. Thus, all materials in the home are manufactured. The manufacturer of any given material, equipment, appliance or system is the sole arbiter of the manner in which his product is to be installed. Failure to comply with manufacturer's installation instructions both voids the manufacturer's warranty and constitutes a flagrant violation of the building codes.

The rabbit hole goes much deeper. There are at least 43 separate standards-authoring organizations referred to in the IRC's Chapter 43 – Referenced Standards. Therein are listed hundreds of additional standards which must be adhered to. Most, if not all of these standards additionally refer to other standards.

Additionally, anything published by the Consumer Product Safety Commission regarding residential construction trumps all other statutes. There are also numerous state- and county-promulgated standards which have the effect of law.

An individual who wishes to file a complaint against a registered municipal code enforcement officer or a code enforcement officer in training may write to:

Complaints Management and Investigative Section
P.O. Box 141369
Austin, Texas 78714-1369

or call 1-800-942-5540 to request the appropriate form or obtain more information.

Having said all that, we should add this: We are not the Building Police. Home inspectors in the State of Texas have no authority to compel full compliance with the prevailing building codes. They have no legal basis on which to enforce their opinions. Only a building official for a municipality has that enforcement authority and may direct code compliance. Additionally, we are not interpreting the building code. That is a solely a matter for the Authority Having Jurisdiction, i.e. the municipality in question. However, we always find discrepancies between what the municipal inspectors allow and stated code requirements, and feel that juxtaposing these two allows our clients to make a fully informed decision regarding the condition of the home they are buying.

ADDENDUM: THE CONSTRUCTION BOARD OF APPEALS

Once you have attempted to persuade your builder address the issues listed in this report as deficient, and should he be reluctant to make the necessary repairs, how should you proceed? First, request that the builder meet you at the building site along with the Chief Building Official (CBO) of your municipality. Have both the builder and the CBO illustrate to you in writing in the applicable building code where it is stated that the items in question do not need to be improved. If they cannot do so, then any decision that they make regarding the content of this report is purely subjective and specious. While they may not be purposely misleading you, they have just agreed upon a **different kind of truth.**

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If the CBO rules in the builder's favor without producing adequate supporting documentation, you then should take your case to the municipal Construction Board of Appeals. Each municipality is required to form such a board as per International Residential Code R112, which says in part:

SECTION R112
BOARD OF APPEALS
R112.1 General.

In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The building official shall be an ex officio member of said board but shall have no vote on any matter before the board. The board of appeals shall be appointed by the governing body and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the building official.

R112.2 Limitations on authority.

An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction is proposed. The board shall have no authority to waive requirements of this code.

R112.3 Qualifications.

The board of appeals shall consist of members who are qualified by experience and training to pass on matters pertaining to building construction and are not employees of the jurisdiction.

R112.4 Administration.

The building official shall take immediate action in accordance with the decision of the board.

In the event that the Board of Appeals rules in the Building Official's favor you still have the ability to appeal this decision in the applicable district court.

ADDENDUM: INSPECTOR QUALIFICATIONS

- International Code Council (ICC) Residential Combination Inspector
 - International Code Council (ICC) Residential Building Inspector 5082671-B1
 - International Code Council (ICC) Residential Electrical Inspector 508267 E-1
 - International Code Council (ICC) Residential Mechanical Inspector 5082671-M1
 - International Code Council (ICC) Residential Plumbing Inspector 5082671-P1
 - American Society of Home Inspectors (ASHI) Certified Inspector No. 203652
 - National Association of Home Inspectors (NAHI) Certified Real Estate Inspector, CRI 200353
 - Master Inspector Certification Board, Certified Master Inspector
 - Texas Professional Real Estate Inspectors Association (TPREIA) Master TPREIA Inspector (MTI)
 - Texas Real Estate Commission (TREC) Professional Inspector 4336
 - Texas Department of Agriculture, Structural Pest Control Service (SPCS) License No. 11379
 - SPCS Certified Applicator No. 40247
 - HUD 203K Consultant D0981
 - Exterior Design Institute (EDI/EIMA) EIFS Third Party Inspector and Moisture Analyst (CEI)
 - Post-Tensioning Institute Level One Certificate for Unbonded Prestressed Post-Tensioned Concrete Installer No. 320054833
 - CertainTeed® Master Shingle Applicator
 - Building Officials Association of Texas (BOAT)
- This confidential report is prepared exclusively for Mr. Client**
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Report Identification: 1234 Pre-Pour Lane

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City of Garland, Texas Building and Fire Codes Board
Preservation Dallas, Advanced Historic Home Specialist
Texas Residential Construction Commission (TRCC), Registered Builder No. 16229
Texas Residential Construction Commission (TRCC), Registered Third-Party Inspector 1350