

Secretary of the State File Number

6243

Regulation of the
Department of Consumer Protection
Concerning

Home Inspectors General Limitations and Exclusions

Regulations adopted after July 1, 2013, become effective upon posting to the Connecticut eRegulations System, or at a later date if specified within the regulation.

Posted to the Connecticut eRegulations System on **April 17, 2017**

EFFECTIVE DATE

April 17, 2017

Approved by the Attorney General on

December 8, 2016

Approved by the Legislation Regulation Review Committee on

March 28, 2017

Electronic copy with agency head certification statement electronically submitted to and received by the Office of the Secretary of the State on

April 7, 2017

The text of this approved regulation will be published in the Connecticut Law Journal

Form ICM-ECOPY (NEW 6/2015)
State of Connecticut
Secretary of the State



IMPORTANT NOTICE FOR CONNECTICUT STATE AGENCIES
This form should be used only for regulations first noticed on and after March 23, 2015.

Electronic Copy Certification Statement

(Submitted in accordance with the provisions of section 4-172 of the Connecticut General Statutes)

Regulation of the
Department of Consumer Protection
Concerning
Home Inspectors General Limitations and Exclusions

Approved by the Legislative Regulation Review Committee: **March 28, 2017**
eRegulations System Tracking Number: **PR2016-029**

I hereby certify that the electronic copy of the above-referenced regulation submitted herewith to the Secretary of the State is a true and accurate copy of the regulation approved in accordance with sections 4-169 and 4-170 of the *Connecticut General Statutes*.

And I further certify that in accordance with the approval of Legislative Regulation Review Committee, all required technical corrections, page substitutions and deletions, if any, have been incorporated into said regulation.

In testimony whereof, I have hereunto
set my hand on 4/7/17.

Michelle Seagull
Deputy Commissioner
Department of Consumer Protection

State of Connecticut
Regulation of
Department of Consumer Protection
Concerning
Home Inspectors General Limitations and Exclusions

Section 1. Section 20-491-3 of the Regulations of Connecticut State Agencies is amended to read as follows:

Sec. 20-491-13. General limitations and exclusions

(a) Inspections performed in accordance with these regulations are not technically exhaustive. The inspector is not required to identify concealed conditions or latent defects.

(b) These regulations shall be applicable to buildings with four or fewer dwelling units and their attached garages or carports.

(c) The inspector is not required to perform any action or make any determination unless specifically stated in these regulations, except as may be required by lawful authority.

(d) The inspector is not required to determine the following:

- (1) the condition of systems or components which are not readily accessible;
- (2) the remaining life of any system or component;
- (3) the strength, adequacy, effectiveness, or efficiency of any system or component;
- (4) the causes of any condition or deficiency;
- (5) the methods, materials, or costs of corrections;
- (6) future conditions, including, but not limited to, failure of systems or components;
- (7) the suitability of the property for any specialized use;
- (8) compliance with regulatory requirements (codes, regulations, laws or ordinances);
- (9) the market value of the property or its marketability;
- (10) the advisability of the purchase of the property;

(11) the presence of potentially hazardous plants or animals, including, but not limited to, wood destroying organisms or diseases harmful to humans;

(12) the presence of any environmental hazards, including, but not limited to, toxins, carcinogens, noise, [and] contaminants in soil, water, and air, [with the exception of] radon, mold, asbestos, lead paint, or lead solder;

(13) the effectiveness of any system installed or methods utilized to control or remove suspected hazardous substances;

(14) the operating costs of systems or components; or

(15) the acoustical properties of any system or component.

(e) Any services not required under Sections 20-491-1 to 20-491-14 of the Regulations of Connecticut State Agencies may be offered by the home inspector as an optional service or provided at the request of the client.

(f) The inspector is not required to [offer or perform any act or service contrary to law, or] perform engineering services, or perform work in any other trade or any professional service other than home inspection[, or offer any warranties or guarantees of any kind].

(g) The inspector is not required to operate: (1) any system or component which is shut down or otherwise inoperable, (2) any system or component which does not respond to normal operating

controls, or (3) shut-off valves.

(h) The inspector is not required to enter or inspect: (1) any area which will [, in the opinion of the inspector,] (A) likely be dangerous to the inspector or other persons or (B) damage the property or its systems or components[;] or [the] (2) under-floor crawl spaces or attics which are not readily accessible.

(i) The inspector is not required to inspect: underground items, including, but not limited to, underground storage tanks or other underground indications of their presence[;] ; [whether abandoned or active; systems or components which are not installed;] decorative items; systems or components located in areas that are not entered in accordance with these regulations; detached structures other than garages and carports; or common elements or common areas in multi-unit housing, such as condominium properties or cooperative housing.

(j) The inspector is not required to perform any procedure or operation which [will, in the opinion of] requires the inspector[, likely be dangerous to the inspector or other persons or damage the property or its systems or components;] to move suspended ceiling tiles, personal property, furniture, equipment, plants, soil, snow, ice, or debris; or dismantle any system or component, except as explicitly required by these regulations.

R-39 Rev. 02/2012

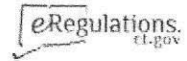
Statement of Purpose

(A) Purpose: The purpose of this regulation is to clarify the responsibilities for home inspectors as it pertains to the assessment of environmental hazards.

(B) Summary: This regulation summarizes the general responsibilities, limitations and exclusions applicable to home inspections conducted on buildings with four or fewer dwelling units

(C) Legal Effects: The regulation as amended specifically excludes radon, mold, asbestos, lead paint and lead solder as conditions which must be determined by a home inspector during an inspection.

Form Agency-Cert-PR-TR-ICM (NEW 6/2015)
State of Connecticut
Secretary of the State



IMPORTANT NOTICE FOR CONNECTICUT STATE AGENCIES
This form is to be used for proposed permanent and technical amendment regulations only and must be completed in full.

AGENCY CERTIFICATION

Department of Consumer Protection

Proposed Regulation Concerning
Home Inspectors General Limitations and Exclusions
eRegulations System Tracking Number **PR2016-029**

I hereby certify the following:

(1) The above-referenced **regulation** is proposed pursuant to the following statutory authority or authorities: **CGS Section 20-491.**

For technical amendment regulations proposed without a comment period, complete #2 below, then skip to #8.

(2) As permitted by Section 4-168(h) of the *Connecticut General Statutes*, the agency elected to proceed without prior notice or hearing and posted the text of the proposed technical amendment regulation on eRegulations System website on <<**select and enter the date of posting**>>.

For all other non-emergency proposed regulations, complete #3 - #7 below, then complete #8)

(3) The agency posted notice of intent with a specified comment period of not less than 30 days to the eRegulations System website on **September 26, 2016.**

(4) *(Complete one)* No public hearing held or was required to be held. **OR** One or more public hearings were held on: <<**select and enter dates**>>.

(5) The agency posted notice of decision to move forward with the proposed regulation to the eRegulations System website on **November 7, 2016.**

(6) *(Complete one)* No comments were received. **OR** Comments were received and the agency posted the statements specified in subdivisions (2) and (3) of CGS Section 4-168(e) to the eRegulations System website on <<**select and enter date**>>.

(7) The final wording of the proposed regulation was posted to the eRegulations System website on **November 7, 2016.**

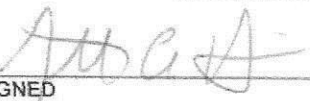
(8) Subsequent to approval for legal sufficiency by the Attorney General and approval by the Legislative Regulation Review Committee, **the final regulation shall be effective**

(Check one and complete as applicable)

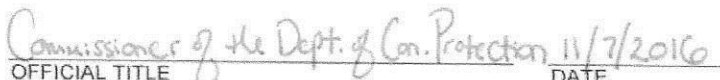
When posted to the eRegulations System website by the Secretary of the State.

OR On _____

(Date must be a specific calendar date not less than 11 days after submission to the Secretary of the State)



SIGNED
*(Head of Board, Agency or Commission,
or duly authorized deputy)*



OFFICIAL TITLE
DATE

**OFFICE OF THE ATTORNEY GENERAL
REGULATION CERTIFICATION**

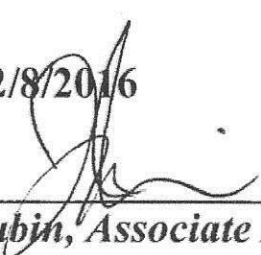
Agency Department of Consumer Protection

REGULATION NUMBER PR2016-29

This Regulation is hereby APPROVED by the Attorney General as to legal sufficiency in accordance with Connecticut General Statutes Section 4-169.

DATE: 12/8/2016

Signed:



Joseph Rubin, Associate Attorney General

Duly Authorized

The Connecticut General Assembly

Legislative Regulation Review Committee

Senator Paul Doyle
Senate Chair



Representative Christie Carpino
House Chair

Official Record of Committee Action

March 28, 2017

Agency: Department of Consumer Protection
Description: Home Inspectors General Limitations and Exclusions
LRRC Regulation Number: 2017-002
eRegulation Tracking Number: PR2016-029

The above-referenced regulation has been

Approved with Technical Corrections

by the Legislative Regulation Review Committee in accordance
with CGS Section 4-170.

Kirstin L. Breiner
Committee Administrator



State of Connecticut
Office of the Secretary of the State

Confirmation of Electronic Submission

Re: Regulation of the Department of Consumer Protection concerning Home
Inspectors General Limitations and Exclusions
eRegulations System Tracking Number PR2016-029
Legislative Regulation Review Committee Docket Number 2017-002

The above-referenced regulation was electronically submitted to the Office of the
Secretary of the State in accordance with Connecticut General Statutes Section 4-
172 on April 7, 2017.

Said regulation is assigned Secretary of the State File Number 6243.

The effective date of this regulation is April 17, 2017.

A handwritten signature in cursive script that reads "Denise W. Merrill".

Denise W. Merrill
Secretary of the State
April 17, 2017

By:

/s/ Kristin M. Karr

Kristin M. Karr
Administrative Law
Information Systems Manager