

Home Inspections and Building Code

For home buyers and builders alike, it is important to differentiate between a code inspection and a home inspection. Simply stated, a home inspection is not intended to be a process where the inspector checks for compliance with the building code. That is the job of the local AHJ, or authority having jurisdiction. In teaching future home inspectors we certainly address code and common code related issues, but not to the extent that would qualify them to inspect as the local authority would. A home inspector acting as a code compliance inspector will likely find themselves immersed in trouble from operating outside a nationally recognized and accepted scope of practice. However, what is critical is that the home inspector understand the *spirit and intent* of the code and that they be able to answer basic questions such as: Does it work?; Is there a health or safety concern?; Could damage occur? If a condition exists which is conducive to damage, or if a health and safety concern exists, then whether or not something meets code becomes a moot point.

As an example, consider the code requirement to have rails on a deck when it is a certain height off the ground. When installing the railing, code will require the spindles or balusters be spaced so a four inch ball cannot pass through them. The *spirit and intent* of the code is to protect small children who might get their heads stuck between the spindles and choke to death. Now consider the same deck, except now the deck is lower to the ground and railing is not required. However, railing was installed for aesthetic reasons and since the railing was not required, the spindles were installed with a five inch gap between them. A professional home inspector who understands the *spirit and intent* of the code will alert their client to this potential safety concern while the contractor might argue that this is allowed by code since the deck did not require railing in the first place. In the end, if a child were to choke to death the argument over whether or not the installation met code becomes tragically irrelevant.

Buyers often ask whether or not inspection findings and code related issues must be corrected, especially with older homes. In fact, some parts of the country have stipulations that certain conditions must be addressed during the Real Estate transaction, such as California which requires seismic straps on water heaters. Fortunately we have no such requirements. Clearly, older homes will not meet current building code and for the home inspector, unless there is a health or safety issue, damage, or structural issue related to code, it is what it is. There is no mandate to bring anything up to code and there is no need to satisfy the inspector by addressing inspection findings. In fact, unless otherwise requested by a lender or insurance company, there is no demand to correct any of the conditions identified during the inspection. In practice the inspection report is a focal point during the negotiating process, but in reality, it is only an informational document for the buyer, nothing more.

Older homes often present code issues which can generally be lumped into two basic categories: The first is disclosure. This is where the home inspector will point out a condition and educate the client so they understand the ramifications of the condition. To use the example of the deck railing from the first article, the inspector would disclose the condition to the client and explain the risk to them. The second code related issue might be one of improvement or upgrade. Consider the old flexible clothes dryer ducts which were so common. We no longer use them because lint would build up inside them and create a fire hazard. In this case, the home inspector would offer this explanation to the client and suggest they upgrade the dryer duct to a smooth wall rigid type. It should be evident by now that the greatest role of the home inspector is that of an educator and that the inspection process is much more than creating a list of defects. Using your inspector's expertise to put code issues into proper perspectives is key to understanding what inspection findings are truly important.

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