

266 CMR: BOARD OF REGISTRATION OF HOME INSPECTORS

266 CMR 2.00: DEFINITIONS

Section

2.01: Definitions

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As used in 266 CMR, the following definitions shall apply:

Associate Home Inspector. A person licensed pursuant to M.G.L. c. 112, § 223, conducting a Home Inspection of residential building(s) under the direct or indirect supervision of a licensed Home Inspector.

Automatic Safety Controls. Devices designed and installed to protect systems and components from unsafe conditions.

Board. The Board of Registration of Home Inspectors established pursuant to M.G.L. c. 13, § 96.

Central Air Conditioning. A system that uses ducts to distribute cooled and/or dehumidified air to more than one room or uses pipes to distribute chilled water to heat exchangers in more than one room, and which is not plugged into an electrical convenience outlet.

Client. A person who engages the services of a Home Inspector for the purpose of obtaining inspection of and a written Report On the condition of a Dwelling and/or Residential Building(s).

Continuing Educational Hours. Formal coursework covering the elements directly related to the inspection of residential buildings.

Continuing Education Program. Formal presentation such as a lecture or interactive session with specified learning objectives at which Registrants can earn Continuing Education Hours approved by the Board based on criteria set forth in 266 CMR 5.00: *Continuing Education*.

Contract. The written agreement between the Client and the Home Inspector, which spells out the responsibilities and duties of each party and the fee to be paid for the inspection.

Direct Supervision. Direct supervision means on-site and in-view observation and guidance of a supervisee who is performing an assigned activity during a Home Inspection.

Dismantle. To take apart or remove any component, device, or piece of equipment that is bolted, screwed, or fastened that a homeowner in the course of normal household maintenance would not dismantle other than the electrical panel cover(s).

Division. The Division of Professional Licensure.

Educational Training Hours. Formal coursework covering the elements of the fundamentals of Home Inspection.

Exclusions. Those items that are not part of and/or included in the 266 CMR 6.00: *Standards of Practice* and are to be provided by other specialists of the Client's choice. However, they may be included in the inspection as part of Optional Fee Based Services as outlined in 266 CMR 6.07: *Optional Fee Based Services*.

Fully Depreciated. Item/System is no longer under the manufacturer's warranty, and is reaching the end of its serviceable life. The Item/System has no dollar or salvage value, and replacement should be anticipated.

Functional Drainage. A drain is functional when it empties in a reasonable amount of time and does not overflow when another fixture is drained simultaneously.

Functional Flow. A reasonable flow at the highest fixture in a dwelling when another fixture is operated simultaneously.

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Home Inspection. The process by which a Home Inspector observes and provides, pursuant to the sale and transfer of a residential building, a written evaluation of the following readily accessible components of a residential building: heating, cooling, plumbing and electrical systems, structural components, foundation, roof, masonry structure, exterior and interior components and any other related residential housing components. A home inspection shall, at a minimum, conform with standards of practice promulgated by the Board.

Home Inspector. A person licensed pursuant to M.G.L. c. 112, § 222.

Household Appliances. Kitchen and laundry appliances, room air conditioners, and similar appliances.

Indirect Supervision. The oversight of activities, other than direct observation, performed by the Supervisor in order to provide guidance to the Associate Home Inspector. These activities may include meeting with the supervisee; reviewing Reports prepared by the supervisee; reviewing and evaluating the supervisee's activities in connection with home inspections; and having supervisory conferences that may be conducted by telephone.

In Need of Repair. Does not adequately function or perform as intended and/or presents a Safety Hazard.

Installed. Attached or connected such that the installed item requires tools for removal.

Inspect/Inspected. To observe the Readily Accessible systems or components as required by 266 CMR 6.04: *Scope of the Home Inspection.*

Mock Inspection. A Board approved simulated home inspection carried out for training purposes only.

Observable. Able to be observed at the time of the inspection without the removal of fixed or finished coverings and/or stored materials.

Primary Windows and Doors. Windows and exterior doors that are designed to remain in their respective openings year round.

Provider. A person approved by the Board to offer training and/or continuing education hours.

Readily Accessible. Capable of being reached quickly for visual inspection without requiring the Inspector to climb over or remove any personal property, to dismantle, to use destructive measures, to resort to portable ladders and/or any action which will likely involve risk to persons or property.

Readily Operable Access Panel. A panel provided for homeowner inspection and maintenance, which has removable or operable fasteners or latch devices in order to be lifted, swung open, or otherwise removed by one person, and its edges and fasteners are not painted in place. (The panel must be within normal reach and not blocked by stored items, furniture or building components.)

Readily Observable Signs. Conditions of deterioration on the surface including, but not limited to: water stains, wood destroying fungi, insect infestation and deterioration suggesting the potential for concealed damage.

Recreational Facilities. Whirlpools, saunas, steam baths, swimming pools, tennis courts, playground equipment, and other entertainment or athletic facilities.

Registrant. "Register", "registered", "Registrant", and "registration" shall be used interchangeably with the words "license", "licensed", "licensee", and "licensure".

Report. A written or digitally produced document setting forth findings of the Home Inspection unless otherwise specified in 266 CMR 2.00.

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Report On. A written or digitally produced description of the condition of the systems and components observed. The Inspector must state in his or her Report whether the System or Component has Readily Observable Signs indicating that it is need of repair or requires further investigation.

Residential Building. A structure consisting of one to four dwelling units.

Safe Access. Access free of any encumbrances, hazardous materials, health and Safety Hazards such as climbing and/or standing on anything other than the ground and/or floor which may jeopardize the Inspector as determined by the Inspector.

Safety Hazard. A condition in a Readily Accessible installed system or component, which is judged by the Inspector to be unsafe, or of significant risk of personal injury during normal day-to-day use. (The risk may be due to damage, deterioration, improper installation or a change in the accepted residential construction standards.)

Shut Down. A piece of equipment or a system is shut down when the device or control cannot be Operated in a manner that a homeowner should normally use to Operate it. (Inspectors are prohibited from operating the equipment or system).

Solid Fuel Heating Device. Any wood, coal, or other similar organic fuel-burning device including, but not limited to, fireplaces (whether masonry or factory built), fireplace inserts, stoves, central furnaces, and any combination of these devices.

Sufficient Lighting. Fully lighted with a minimum of 50-lumens in all areas to be inspected.

Supervisor. The licensed Home Inspector, approved by the Board and designated to oversee and supervise the training of an Associate Home Inspector and/or Trainee.

System. A combination of interacting or interdependent components assembled to carry out one or more functions.

Technically Exhaustive. An inspection is technically exhaustive when it involves the use of measurements, instruments, testing, calculations, and other means to develop scientific or engineering findings, conclusions, and recommendations.

Trainee. A person in the Associate Home Inspector Training Program for the purpose of meeting the requirements of M.G.L. c. 112, § 223 to qualify for licensure as an Associate Home Inspector.

REGULATORY AUTHORITY

266 CMR 2.00: M.G.L. c. 13, § 96; c. 112, §§ 221 through 226.