

**AGENDA FOR TEXAS REAL ESTATE COMMISSION (TREC)
INSPECTOR ADVISORY COMMITTEE MEETING**

Conference Room 235, TREC Headquarters Office
1101 Camino La Costa, Austin, Texas

Monday, April 7, 2008, at 1:00 p.m.
continuing if necessary at 9:00 a.m. on Tuesday, April 8, 2008
and Wednesday, April 9, 2008

CALL TO ORDER

1. Call to order TEXAS REAL ESTATE INSPECTOR ADVISORY COMMITTEE meeting

STAFF REPORTS

2. Reports from TREC staff

PUBLIC COMMENTS

3. General comments from visitors

SUBCOMMITTEE REPORTS

4. Reports from subcommittees

RULES

5. Discussion and possible action to recommend amendments to 22 TAC §§535.227-535.231 concerning Standards of Practice for inspectors
 - The SOP sub-committee spent the vast majority of the 2 ½ day meeting presenting and tweaking the proposed SOP to the full committee.
 - Significant rewrite of one or more "Definitions" was accomplished. One of the more controversial proposed definitions was "Accessible" and that definition was word-smithed and now reads:
 - Accessible – in the reasonable judgment of the inspector, capable of being approached, entered, or viewed without:
 - Undue hazard to the inspector;
 - Moving furnishings or large, heavy objects;
 - Using specialized tools or procedures;
 - Disassembling items other than covers or panels intended to be removed for inspections or maintenance;
 - Damaging property; or
 - Using a ladder for portions of the inspection other than the roof or attic space.
 - The SOP for smoke detectors was discussed as well and how the newly legislated Seller's requirements regarding smoke detectors might affect the SOP. The end result is that the SOP requires the inspector to confirm smoke detectors to be in the proper locations, to push the test button on all accessible detectors and report any deficiencies but he is not required to test for nor verify detector interconnectivity nor effectiveness of a detector in a real emergency.
 - The latest, revised electronic versions of the proposed SOP and Report Form will be available in a couple of days and I will obtain and post those as soon as possible.
 - I encourage all inspectors and others to obtain a copy of the proposed SOP & Report Form and make your comments heard by sending them to the members of the Inspectors Committee.
6. Discussion and possible action to recommend 22 TAC §535.223 concerning inspection reports
 - Duplicate of Agenda Item 7
7. Discussion and possible action to recommend amendments to 22 TAC §535.223 concerning standard inspection report form
 - The relatively minor changes to the report form, compared to the complete rewrite of the SOP, were discussed and a few more modifications were incorporated. Remember, the 4th checkbox of "In Need of Repair" is now "Deficient".
 - A proposal to rearrange and renumber the new proposed SOP to more closely follow the Report Form was discussed at length with one committee member strongly opposed to rearranging either one to follow the other. Argument against this was that most inspectors

were very familiar with the sequence of the SOP, which the currently proposed SOP still followed with minor exceptions, and that any change would be a hardship on the inspector and would lead to him not understanding SOP requirements and therefore more likely to miss things. Argument for the proposal was that it simply makes sense, especially for the public, that the SOP and Report Form to follow each other where practical and that inspectors would quickly adapt and accept this.

- A motion was made to rearrange and renumber the proposed SOP to follow the Report Form as much as practical. The first committee vote resulted in a 4-4 tie. Subsequent discussion led to another vote that approved the proposal by a 5-3 vote.
- A motion was made and accepted to include a reference in the new Report Form to the non-promulgated (as yet) TREC "Consumer Notice Concerning Hazards or Repairs". This notice explains that some items shown as deficient or in need of repair may be life-safety upgrades to a home and not necessarily a defect and how the Buyer & Seller should view those items. This form, known as OP-I will be reworded to agree with the proposed SOP, and is available at <http://www.trec.state.tx.us/formslawscontracts/forms/forms-contracts.asp> , third item from the bottom.

8. Discussion and possible action to recommend amendments to require courses in inspection theory

- Tabled for future discussion

9. Discussion and possible action to recommend amendments to inspector education rules to require codes or other specific materials to be used in pre-licensing or continuing education courses

- Tabled for future discussion

10. Discussion and possible action to recommend an amendment to require that inspectors take 16 hours of education in each year of the two-year license cycle

- One committee member discussed the proposal and explained his reasoning for the recommendation.
- TREC staff discussed the fact that this proposal would result in significant additional expenses by TREC to implement a tracking system as well as enforcement costs.
- The one committee member strongly in support of this item made a formal motion to accept the proposal but that motion did not receive a 2nd therefore this proposal died a quick, painless, humane death without being voted on.

NEW BUSINESS

11. Request for new business agenda items

- SOP Commentary
- Consumer notice regarding Realtors recommending certain inspectors

SCHEDULING OF FUTURE MEETINGS

12. Scheduling of future meetings

- 4/28 (to present SOP/Report Form proposal at full Real Estate Commission meeting) and another tentatively scheduled for 6/16 to act upon any Commission recommendations.
- If TREC accepts the proposal then the proposed SOP will be posted to the Texas Register for public comments, then possible action or approval in Sept or shortly thereafter.
- TREC could certainly send the proposal back down to the Inspector Committee again, like they did last year, for further re-work.
- Committee agreed that use of the new form, if/when approved, would be phased in over 60-90 days to allow any stores of existing forms to be used up.

ADJOURNMENT

13. Adjourn

- Done @ noon on Wednesday, 4/9