

**Texas Real Estate Commission
Chapter 535, General Provisions
Rules Proposed at the August 18, 2008 Meeting**

**Subchapter R. Real Estate
Inspectors
§535.222**

The Texas Real Estate Commission (TREC) proposes new rule §535.222, concerning inspection reports. The rule clarifies the inspection reporting requirements as recommended by the Texas Real Estate Inspector Committee, an advisory committee of six professional inspectors and three public members appointed by TREC. The rule clarifies that all inspections performed pursuant to an inspector license issued by TREC must be reported in writing and establishes general requirements regarding information contained in the report and delivery to the client.

Devon V. Bijansky, Assistant General Counsel, has determined that for the first five-year period the section is in effect there will be no fiscal implications for the state or for units of local government as a result of enforcing or administering the section. There is no anticipated impact on small businesses, micro-businesses or local or state employment as a result of implementing the section. There is no anticipated economic cost to persons who are required to comply with the proposed rule.

Ms. Bijansky also has determined that for each year of the first five years the new rule as proposed is in effect, the public benefit anticipated as a result of enforcing the amendments will be increased clarity for inspectors and consumers alike regarding the requirements of a written inspection report.

Comments on the proposed rule may be submitted to Devon V. Bijansky, Assistant General Counsel, Texas Real Estate Commission, P.O. Box 12188, Austin, Texas 78711-2188.

The rule is proposed under Texas Occupations Code, §1101.151, which authorizes the Texas Real Estate Commission to make and enforce all rules and regulations necessary for the

performance of its duties and to establish standards of conduct and ethics for its licensees in keeping with the purpose and intent of the Act to ensure compliance with the provisions of the Act.

The statutes affected by this proposal are Texas Occupations Code, Chapters 1101 and 1102. No other statute, code or article is affected by the proposed rule.

§535.222 Inspection Reports. For each inspection, the inspector shall:

(1) prepare a written inspection report noting observed deficiencies and other items required to be reported; and

(2) deliver the report within a reasonable period of time to the person for whom the inspection was performed.

(b) The inspection report shall include:

(1) the name and license number of the responsible inspector;

(2) the name and license number of the apprentice or real estate inspector, and the signature of the inspector's sponsoring professional inspector, if applicable;

(3) the address or other unique description of the property on each page of the report; and

(4) the client's name.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on August 22, 2008.

TRD #: 200804543

Devon V. Bijansky

Assistant General Counsel

Texas Real Estate Commission

Earliest Possible Date of Adoption: October 27, 2008