TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 66 HOME INSPECTOR LICENSING
PART 7 STANDARDS OF PRACTICE

16.66.7.1 ISSUING AGENCY: New Mexico home inspectors board.
[16.66.7.1 NMAC – N, 1/15/2021]

16.66.7.2 SCOPE: All licensed home inspectors, license applicants, other agencies, professional associations, and any member of the general public affected by or interested in home inspectors.
[16.66.7.2 NMAC – N, 1/15/2021]

16.66.7.3 STATUTORY AUTHORITY: These rules are promulgated pursuant to the Home Inspector Licensing Act, Sections 61-24D-1 through 16 NMSA 1978 (2019).
[16.66.7.3 NMAC – N, 1/15/2021]

16.66.7.4 DURATION: Permanent.
[16.66.7.4 NMAC – N, 1/15/2021]

16.66.7.5 EFFECTIVE DATE: January 15, 2021, unless a later date is cited at the end of a section.
[16.66.7.5 NMAC – N, 1/15/2021]

16.66.7.6 OBJECTIVE: The objective of Part 7 of Chapter 66 is to set forth minimum and uniform standards of practice governing all home inspector licensees.
[16.66.7.6 NMAC – N, 1/15/2021]

16.66.7.7 DEFINITIONS: Refer to Definitions, 16.66.1.7 NMAC.
[16.66.7.7 NMAC – N, 1/15/2021]

16.66.7.8 STANDARDS OF PRACTICE: This Part sets forth the minimum and uniform standards of practice applicable to all New Mexico home inspector licensees.
[16.66.7.8 NMAC – N, 1/15/2021]

16.66.7.9 HOME INSPECTIONS DO NOT DETERMINE CONFORMITY WITH STATE AND LOCAL BUILDING CODE REQUIREMENTS: A licensee shall not, as part of a home inspection, determine whether the home or components and/or systems of the home that have been inspected conform to local or state building code requirements. A home inspection report shall not contain a determination of whether the home or components and/or systems of the home that have been inspected conform to local or state building code requirements.
[16.66.7.9 NMAC – N, 1/15/2021]

16.66.7.10 PRE-INSPECTION AGREEMENTS: Prior to the commencement of any home inspection, a licensee shall enter into a pre-inspection agreement with the client. Any pre-inspection agreement must contain, at a minimum, all of the following:

A. The date and time of the inspection;

B. The name and license number of the licensee home inspector who will be conducting the home inspection;

C. The compensation fee and terms of payment for services;

D. A statement that the inspection shall be performed in accordance with the Board's rules and standards of practice;

E. A statement summarizing the scope of work to be performed by the licensee, provided that this scope of work may be modified by subsequent written agreement executed by the licensee and client prior to commencement of the home inspection;

F. The date upon which the licensee shall deliver the home inspection report to the client;

G. The following statement, in its entirety and in all capital letters: "THE HOME INSPECTOR WILL NOT DETERMINE AND THE REPORT PROVIDED UPON COMPLETION OF THE HOME INSPECTION WILL NOT CONTAIN A DETERMINATION OF WHETHER THE HOME OR COMPONENTS AND/OR SYSTEMS OF THE HOME THAT HAVE BEEN INSPECTED CONFORM TO LOCAL OR STATE BUILDING CODE REQUIREMENTS.".
[16.66.7.10 NMAC – N, 1/15/2021]

16.66.7.11 HOME INSPECTIONS: The licensee shall, as part of any home inspection, inspect all of the readily accessible and permanently installed systems and components listed in 16.66.7.12 NMAC, 16.66.7.13 NMAC, 16.66.7.14 NMAC, 16.66.7.15 NMAC, 16.66.7.16 NMAC, 16.66.7.17 NMAC, 16.66.7.18 NMAC, 16.66.7.19 NMAC, 16.66.7.20 NMAC, 16.66.7.21 NMAC, 16.66.7.22 NMAC, and 16.66.7.23 NMAC.

A. Home inspections must be conducted by a licensee. A trainee may conduct parallel inspections and write portions of a home inspection report alongside and under the supervision of a licensee, provided that the licensee shall be responsible for compliance with these rules and regulations in all circumstances. Only a licensee may sign a home inspection report. Office staff may conduct scheduling and bookkeeping functions without a license.

B. Recommendations: Any decision to seek repair, further evaluation, or cost estimates for repair of any reported adverse condition observed and described in a home inspection report is reserved to the parties to the contract for sale and purchase of the home. All such repairs, evaluations, and cost estimates must be provided by a qualified and, if required, licensed contractor and may include tests, measurements, and adjustments outside of the scope of a normal home inspection and may lead to the discovery of additional adverse conditions which may have additional repair costs that may not have been obvious to the home inspector. Any individual engaged in construction or a trade related to contracting or making code determinations in New Mexico must be licensed by the appropriate state agency, if required.
[16.66.7.11 NMAC – N, 1/15/2021]

16.66.7.12 SITE CHARACTERISTICS AND EXTERIOR:

A. The licensee shall inspect:

(1) Wall cladding materials, flashing, and trim;

(2) Eaves, soffits, and fascia where accessible and observable from the ground level;

(3) Exterior doors and windows;

(4) Attached and adjacent decks, balconies, stairs, steps, stoops, stairways, and porches and the associated railings, guards, and handrails;

(5) Vegetation, grading, surface drainage, and retaining structures that, as determined by the licensee, adversely affect the building;

(6) Attached and adjacent walkways and exterior stoops, landings, and patios;

(7) Adjacent driveways and other paved, masonry, or hardscape areas;

(8) Attached portals and ramadas;

(9) Garages and carports.

B. In the home inspection report, the licensee shall describe at least the wall cladding.

C. The licensee is not required to inspect:

(1) Storm windows, storm doors, screening, shutters, awnings, and similar seasonal accessories;

(2) Items that are not visible or readily accessible from the ground, including window and door flashing;

(3) Fencing, privacy walls, and retaining walls;

(4) Erosion control and other earth stabilization measures;

(5) Soil or geological conditions, site engineering, property boundaries, encroachments, or easements;

(6) Adequacy of retaining walls, sea walls, waterfront bulkhead, docks, and piers;

(7) Ponds, fountains, or decorative water features;

(8) Safety glazing;

(9) Integrity of multiple-pane window glazing or thermal window seals;

(10) Recreational facilities;

(11) Outbuildings other than garages and carports;

(12) Swimming pools and spas.

[16.66.7.12 NMAC – N, 1/15/2021]

16.66.7.13 STRUCTURAL COMPONENTS:

A. The licensee shall inspect all structural components, including but not limited to foundation and framing.

B. In the home inspection report, the licensee shall describe at least the following:

(1) Methods used to inspect basements, underfloor crawlspaces and attics;

(2) Foundation;

(3) Floor structures;

(4) Wall structures;

(5) Ceiling structures; and

(6) Roof structures.

C. The licensee is not required to:

(1) Provide engineering or architectural services or analysis;

(2) Offer an opinion about the adequacy of structural systems and components;

(3) Enter underfloor crawlspace areas that have less than 24 inches of vertical clearance between components and the ground or that have an access opening smaller than 16 inches by 24 inches;

(4) Enter attics or crawlspaces when access is obstructed or when entry could damage the property;

(5) Enter attics or crawlspaces when the licensee suspects dangerous or adverse situations;

(6) Traverse attic load-bearing components that are concealed by insulation or by other materials;

(7) Move insulation.

[16.66.7.13 NMAC – N, 1/15/2021]

16.66.7.14 ROOFING:

A. The licensee shall inspect:

(1) Roofing materials;

(2) Roof drainage systems;

(3) Flashing;

(4) Skylights, chimneys, and roof penetrations.

B. In the home inspection report, the licensee shall describe at least the following:

(1) Roof materials; and

(2) Methods used to examine the roof as well as any general area of the roof that was not examined and the reason the area was not examined.

C. The licensee is not required to:

(1) Perform a water test;

(2) Warrant or certify the roof or predict the service life expectancy;

(3) Remove snow, ice, debris, or other conditions that prohibit the observation of the roof surfaces;

(4) Inspect antennae, satellite dishes, lightning arresters, de-icing equipment, or similar attachments;

(5) Confirm proper fastening or installation of any roof-covering material.

[16.66.7.14 NMAC – N, 1/15/2021]

16.66.7.15 PLUMBING:

A. The licensee shall inspect:

(1) Interior water supply and distribution systems, including fixtures and fixture trim components (faucets, valves, drain stops, shower arms and showerheads, flush handles, etc.);

(2) Interior drain, waste, and venting systems, including fixtures;

(3) Water heating equipment and hot water supply systems;

(4) Vent systems, flues, and chimneys;

(5) Fuel storage and fuel distribution systems; and

(6) Sewage ejectors, sump pumps, and related piping.

B. In the home inspection report, the licensee shall describe at least the following:

(1) Interior water supply, drain, waste, and vent piping materials;

(2) Water heating equipment, including energy sources;
(3) Location of main water supply shut-off valve; and
(4) Location of main fuel supply shut-off valve.

C. The licensee is not required to inspect:
(1) Interiors of vent systems, flues, and chimneys that are not readily accessible;
(2) Sewage drain waste systems;
(3) On-site (septic) waste disposal systems;
(4) Wells, well pumps, and water storage related equipment;
(5) On-site (well) water supply quantity and quality;
(6) Water conditioning systems;
(7) Solar, geothermal, and other renewable energy water heating systems;
(8) Manual and automatic fire extinguishing and sprinkler systems;
(9) Landscape irrigation systems;
(10) Clothes-washing machine connections;
(11) Refrigerator or ice maker water connections.

D. The licensee is not required to:
(1) Light or ignite pilot flames;
(2) Operate any shut-off or manual stop valves, except water closet flush valves and fixture valves;
(3) Test shower pans, tub, and shower surrounds or enclosures for leakage or functional overflow protection;
(4) Operate automatic safety controls;
(5) Inspect or test for gas or fuel leaks or indications thereof.

E. The licensee is not required to determine:
(1) Capacity, temperature, life expectancy, or adequacy of the water heater;
(2) Adequacy of combustion air components;
(3) Whether water supply and waste disposal systems are public or private;
(4) Water supply with respect to flow rate, volume, pressure, temperature, quantity, and quality;
(5) Effectiveness of anti-siphon devices.

[16.66.7.15 NMAC – N, 1/15/2021]

16.66.7.16 ELECTRICAL:

A. The licensee shall inspect:
(1) Service drop (overhead) or the readily accessible components of the service lateral (underground);
(2) Service entrance conductors and cables;
(3) Service equipment and main disconnects;
(4) Service and system grounding;
(5) Interior Components of service distribution panelboards and secondary panelboards by removing the panelboards dead front cover.

(a) When, as determined by the licensee, primary electrical distribution panelboards or secondary panelboards and their related dead front covers and fasteners are readily accessible, the inspector will remove the dead front covers of such panelboards in order to examine readily accessible components installed on their interiors.

(b) Use of tools to remove dead front covers is specifically excluded when dead front covers or their fasteners are painted or otherwise sealed into place or when they cannot be removed with a standard, non-power-assisted slot head or Phillips head screwdriver or hex head nut driver.

(c) Exception for home inspector safety: The home inspector is not required to remove the covers of the service and distribution panels when hazardous conditions are present. The home inspector should use caution whenever removing the covers of service and distribution panels. Before touching the fasteners and cover, the home inspector should use available voltage test tools to verify if the panel assembly, panel dead front, and fasteners have live voltage conditions. Example tools include voltage sniffers, neon bulb testers, three light testers or voltmeters.

(6) Conductors (wiring methods);
(7) Overcurrent protection devices;

(8) Presence of labeling of overcurrent protection devices;

(9) Ground fault circuit interrupter ("GFCI") protection devices;

(10) Arc fault circuit interrupter ("AFCI") protection devices;

(11) A representative number of installed lighting fixtures, switches, and receptacles; and

(12) The polarity and grounding of all readily accessible receptacles within six feet of interior plumbing fixtures, in the garage or carport, and on the exterior of inspected structures.

B. In the home inspection report, the licensee shall describe at least the following:

(1) Service location type: overhead service drop or underground service lateral;

(2) Amperage and voltage rating of the service;

(3) Service and system grounding and bonding (i.e. concrete encased, ground rod, equipotential cold-water metal pipe);

(4) Location of main service entry and distribution panelboards and the associated disconnects;

(5) Predominant branch circuit wiring methods;

(6) Presence or absence of smoke detectors and alarms;

(7) Presence or absence of carbon monoxide detectors and alarms;

(8) Presence or absence of ground fault circuit interrupter ("GFCI") protection devices;

(9) Presence or absence of arc fault circuit interrupter ("AFCI") protection devices;

(10) Any unused circuit-breaker panel opening that was not filled;

(11) The presence of solid conductor aluminum branch-circuit wiring;

(12) Any tested receptacle in which power was not present, polarity was incorrect, the cover was not in place, the GFCI devices were not properly installed or did not operate properly, there was evidence of arcing or excessive heat, or where the receptacle was not grounded or was not secured to the wall;

(13) Wiring methods which are not consistent with generally established practices (terminations, multiple tapping of hot and neutral conductors, insulation, over-stripping, securing and protection of conductors, bonding of components, etc.);

(14) Condition of visible conductors and insulation (damaged, scorched, burned, or melted insulation; nicked conductors; cut off strands of multiple strand conductors, anti-oxidant compound on aluminum conductors, etc.);

(15) Corrosion on components; and

(16) The presence a utility interactive system (i.e. solar, wind turbine, and electric vehicle charging systems).

C. The licensee is not required to inspect:

(1) Remote control devices;

(2) Low voltage wiring systems and components;

(3) Ancillary wiring systems and components not a part of the primary electrical power distribution system;

(4) Private or emergency electrical supply systems;

(5) Spark or lightning arrestors.

D. The licensee is not required to:

(1) Operate electrical systems that are shut down;

(2) Test or operate overcurrent protection devices except ground fault and arc fault circuit interrupters;

(3) Test or operate any overcurrent device or safety device in the electrical service panel or elsewhere that may adversely affect the personal property or activity of the resident;

(4) Determine the accuracy of the labeling of all overcurrent protection devices;

(5) Calculate or measure amperage, voltage, and impedance;

(6) Determine (present or future) service capacity amperage, voltage, or the capacity, when not readily accessible, of the electrical system or main service equipment;

(7) Determine the age and type of smoke alarms and carbon monoxide alarms;

(8) Test or determine the interconnectivity or effectiveness of smoke alarms and carbon monoxide alarms;

(9) Verify that smoke or carbon monoxide alarms are interconnected or suitable for the hearing-impaired;

(10) Insert any tool, probe, or testing device inside panels or dismantle any electrical device or control other than to remove the primary electrical distribution panelboards or secondary panelboards and their related dead front covers and fasteners when no hazard conditions exist and when readily accessible;

(11) Remove the covers of junction, fixture, receptacle, or switch boxes unless specifically required by this standard; and

(12) The home inspector is not required to remove electrical device covers when removal would damage or mar any painted surface or covering materials.

[16.66.7.16 NMAC – N, 1/15/2021]

16.66.7.17 HEATING:

A. The licensee shall open readily openable access panels provided by the manufacturer or installer for routine homeowner maintenance.

B. The licensee shall inspect:

(1) Permanently installed heating equipment and distribution systems, using normal operating controls; and

(2) Vent systems, flues, and chimneys.

C. In the home inspection report, the licensee shall describe at least the following:

(1) Energy sources; and

(2) Heating systems.

D. The licensee is not required to inspect:

(1) Interior of vent systems, flues, and chimneys that are not readily accessible;

(2) Heat exchangers;

(3) Humidifiers and dehumidifiers;

(4) Electric air cleaning and sanitizing devices;

(5) Portable heating equipment;

(6) Heating systems using ground-source, water-source, solar, and renewable energy technologies;

(7) Heat-recovery and similar whole-house mechanical ventilation systems;

(8) Fuel tanks or underground or concealed fuel supply systems.

E. The licensee is not required to:

(1) Light or ignite pilot flames and burners;

(2) Operate automatic safety controls.

F. The licensee is not required to determine:

(1) Uniformity, temperature, flow, balance, distribution, size, capacity, British thermal unit ("BTU"), or supply adequacy of the heating system;

(2) Adequacy of combustion air components.

[16.66.7.17 NMAC – N, 1/15/2021]

16.66.7.18 COOLING AND AIR CONDITIONING:

A. The licensee shall open readily openable access panels provided by the manufacturer or installer for routine homeowner maintenance.

B. The licensee shall inspect central and permanently installed cooling equipment and distribution systems, using normal operating controls.

C. In the home inspection report, the licensee shall describe at least the following:

(1) Energy sources; and

(2) Cooling systems.

D. The licensee is not required to:

(1) Operate cooling systems when weather conditions or other circumstances may cause equipment damage;

(2) Operate automatic safety controls;

(3) Inspect electric air cleaning and sanitizing devices;

(4) Inspect cooling units that are not permanently installed or that are installed in windows;

(5) Inspect cooling systems using ground-source, water-source, solar, and renewable energy technologies;

(6) Determine the uniformity, temperature, flow, balance, distribution, size, capacity, BTU, or supply adequacy of the cooling system.

[16.66.7.18 NMAC – N, 1/15/2021]

16.66.7.19 INTERIORS:

A. The licensee shall inspect:

(1) Walls, ceilings, and floors;

(2) Steps, stairways, balconies, and the associated railings, guards, and handrails;

(3) Countertops and a representative number of permanently installed cabinets; and

(4) A representative number of doors and windows.

B. In the home inspection report, the licensee shall describe at least the following:

(1) Absence of performing emergency escape and rescue openings in all sleeping rooms;

(2) Observed indications of active water penetration on building components; and

(3) Observed indications of active or abnormal condensation on building components.

C. The licensee is not required to inspect:

(1) Safety glazing;

(2) Coatings on and the hermetic seals between panes of window glass;

(3) Security bar release and opening mechanisms;

(4) Paint, wallpaper and other finish treatments on the interior walls, ceilings, and floors;

(5) Floor coverings or carpeting;

(6) Draperies, blinds, or other window treatments; and

(7) Recreational equipment or facilities.

D. The licensee is not required to move personal items, furniture, equipment, or plant life that obstructs access or visibility.

[16.66.7.19 NMAC – N, 1/15/2021]

16.66.7.20 GARAGES:

A, The licensee shall inspect:

(1) Walls and ceilings adjoining living space;

(2) Doors entering living space from the garage;

(3) Presence of burners, burner ignition devices, or heating elements permanently installed in the garage;

(4) Presence of vehicle barrier when heating or water heating units are in the path of the vehicle;

(5) Scuttle access to attics, including pull-down stairs inside the garage;

(6) Garage vehicle door;

(7) Vehicle door automatic operator and safety features present.

B. In the home inspection report, the licensee shall describe at least the following:

(1) Damage, unsealed penetrations, and openings to walls and ceilings adjoining living spaces;

(2) Presence of heating or cooling supply or return ductwork inside the garage space;

(3) Burners, burner ignition devices, and other heating elements, switches, and thermostats that may generate a glow, spark, or flame capable of igniting flammable vapors that are installed less than 18 inches above the floor above the garage floor, unless the unit is listed for garage floor installation; and

(4) Vehicle door operation.

C. The licensee is not required to:

(1) Verify or certify automatic operator remote control operation;

(2) Verify or certify the proper operation of any pressure-activated auto-reverse or related safety feature of a garage door;

(3) Inspect or operate equipment housed in the garage, except as otherwise noted;

(4) Move personal items, furniture, or equipment which obstructs access or visibility; and

(5) Burners, burner ignition devices, or heating elements, switches, and thermostats that are not a minimum of eighteen (18) inches above the lowest garage floor elevation, unless the unit is listed for garage floor installation.

[16.66.7.20 NMAC – N, 1/15/2021]

16.66.7.21 INSULATION AND VENTILATION:

A. The licensee shall inspect:

(1) Insulation and vapor retarders in unfinished spaces;

(2) Ventilation of unfinished spaces, including attics, enclosed rafter spaces, crawlspaces, and foundation areas; and

(3) Kitchen, bathroom, laundry, and similar exhaust systems.

B. In the home inspection report, the licensee shall describe at least the following:

(1) Insulation and vapor retarder in unfinished spaces;

(2) Ventilation of unfinished spaces; and

(3) Absence of insulation in unfinished spaces at conditioned surfaces.

C. The licensee is not required to:

(1) Disturb insulation;

(2) Determine the adequacy of ventilation;

(3) Report on concealed insulation, vapor retarders, or venting equipment which is integral with household appliances.

[16.66.7.21 NMAC – N, 1/15/2021]

16.66.7.22 FIREPLACES AND FUEL BURNING APPLIANCES:

A. The licensee shall inspect:

(1) Fuel-burning fireplaces, stoves, and fireplace inserts;

(2) Fuel-burning accessories installed in fireplaces; and

(3) Chimneys and vent systems.

B. In the home inspection report, the licensee shall describe at least the following:

(1) Fuel-burning fireplaces, stoves, and fireplace inserts;

(2) Fuel-burning accessories installed in fireplaces;

(3) Presence or lack of a smoke detector in same room of fuel-burning fireplaces, stoves, or fireplace inserts; and

(4) Presence or lack of a carbon monoxide detector in same room of fuel-burning fireplaces, stoves, and fireplace inserts.

C. The licensee is not required to inspect:

(1) Interiors of vent systems, flues, and chimneys that are not readily accessible;

(2) Fire screens and doors;

(3) Seals and gaskets;

(4) Mantles and fireplace surrounds;

(5) Combustion air components;

(6) Heat distribution assists (gravity feeds and fan assisted);

(7) Automatic fuel feed devices;

(8) Fuel-burning fireplaces and appliances located outside the inspected structures.

D. The licensee is not required to:

(1) Ignite pilot flames;

(2) Ignite or extinguish fires;

(3) Determine the adequacy of drafts or draft characteristics;

(4) Move fireplace inserts, stoves, or firebox contents.

[16.66.7.22 NMAC – N, 1/15/2021]

16.66.7.23 BUILT-IN APPLIANCES:

A. The licensee shall inspect:

(1) Kitchen, using normal operating controls:

(a) Dishwashers through a cycle of the licensee’s choosing;

(b) Ovens, ranges, and surface cooking appliances;

(c) Trash compactors;

(d) Food waste grinders;

(e) Permanently installed kitchen ventilation equipment; and

(f) Permanently installed microwave oven.

(2) Laundry:

(a) Dryer hookup energy sources; and

(b) Dryer ventilation or exhaust system.

B. In the home inspection report, the licensee shall describe at least the permanently installed appliances that the licensee did not operate and the reason why the appliance was not operated.

C. The licensee is not required to inspect:

(1) Installed and free-standing kitchen and laundry appliances that are not listed in subsection (A) of this rule;

(2) Appliances in use or appliances on which personal items are located;

(3) Appliance thermostats, including their calibration, adequacy of heating elements, self-cleaning oven cycles, indicator lights, door seals, timers, clocks, timed features, and other specialized features of the appliance;

(4) Microwave oven heating function or microwave leakage;

(5) Refrigerators, ice makers, or freezers;

(6) Laundry washers with respect to operation or performance;

(7) Laundry dryers with respect to operation or performance;

(8) Central vacuum systems;

(9) Clocks, timers, self-cleaning oven functions, or thermostats for calibration or automatic characteristics of operation;

(10) Any system, component, or appliance that does not respond to normal user controls;

(11) Any system, component, or appliance that requires use of special codes, keys, combinations, or devices;

(12) Elevators or stairlifts.

D. The licensee is not required to:

(1) Remove personal items in or on the appliance;

(2) Operate or confirm the operation of every control and feature of an inspected appliance.

[16.66.7.23 NMAC – N, 1/15/2021]

16.66.7.24 LIMITATIONS AND EXCLUSIONS:

A. General limitations:

(1) The requirements, obligations, and standards in this Part apply to residential buildings with four or fewer dwelling units and their attached and detached garages and carports.

(2) As part of a particular home inspection, licensees are not required to perform actions or make determinations or recommendations beyond those identified in this Part.

(3) Home inspections performed by licensees are not expected to be technically exhaustive.

(4) Home inspections performed by licensees are not required to identify or report on concealed, latent, or intermittent conditions.

B. In general, the licensee is not required to inspect:

(1) Underground items including, but not limited to, lawn irrigation systems or underground storage tanks and other underground indications of their presence, whether abandoned or active;

(2) Items that are not permanently installed;

(3) Permanently installed decorative items;

(4) Items in areas that the licensee does not enter, as provided in this Part;

(5) Detached structures other than garages and carports;

(6) Common elements and common areas in multi-unit housing, such as condominium properties and cooperative housing;

(7) All occurrence of multiple similar components, provided that the licensee may be required to inspect one such component;

(8) Outdoor cooking appliances.

C. In general, the licensee is not required to:

(1) Ignite or extinguish fires, pilot lights, burners, and other open flames that require manual ignition;

(2) Dismantle systems and components, except as required by this Part;

(3) Operate any system or component which is shut down or otherwise inoperable;

(4) Operate any system or component which does not respond to normal operating controls;

(5) Operate shut-off valves and manual stop valves;

(6) Reset, reprogram, or otherwise adjust devices, systems, and components affected by the home inspection required by this Part;

(7) Probe surfaces that would be damaged or where no deterioration is visible or presumed to exist;

(8) Use specialized tools;

(9) Disturb insulation, move personal items, furniture, equipment, plant life, soil, snow, ice, or debris which obstructs access or visibility;

(10) Enter areas that will, as determined by the licensee, likely be dangerous to the licensee or to other persons or likely to damage the property or its systems and components;

(11) Enter any area or perform any procedure which may damage the property or its components or be dangerous to the licensee or other persons;

(12) Enter under-floor crawlspaces and attics that are not readily accessible;

(13) Identify and report cosmetic imperfections that do not affect a component's normally intended function or operation;

(14) Describe or report on systems or components that are not included in this Part and that were not inspected;

(15) Offer warranties or guarantees of any kind;

(16) Offer or perform any engineering services;

(17) Offer or perform any trade or professional service other than home inspection.

D. In general, the licensee is not required to determine:

(1) Compliance with local codes, ordinances or regulations, the legality of property and its present use, conditions of title, boundaries and easements, and location in earthquake, flood, mining, or any other hazard zones;

(2) Whether any permits were required or obtained for any work performed on the subject property;

(3) Whether grandfathering applies to any condition in a system or component;

(4) Condition of systems and components not readily accessible;

(5) Strength, adequacy, effectiveness, and efficiency of systems and components;

(6) Causes of adverse conditions observed and reported;

(7) Methods, materials, and costs of corrections;

(8) Future conditions, including but not limited to failure of systems and components;

(9) The age of installation of any system, structure, or component of a building;

(10) The remaining life expectancy of systems and components;

(11) Whether items, materials, conditions, and components are subject to recall, controversy, litigation, product liability, and other adverse claims and conditions;

(12) Operating costs of systems and components;

(13) Acoustical properties of systems and components;

(14) Presence of plants, animals, and other life forms and substances that may be hazardous or harmful to humans including, but not limited to, wood destroying organisms, molds, and mold-like substances;

(15) Presence of environmental hazards including, but not limited to, allergens, toxins, carcinogens, electromagnetic radiation, noise, radioactive substances, and contaminants in building materials, soil, water, and air;

(16) Effectiveness of permanently installed systems and methods used to control or remove suspected hazardous plants, animals, and environmental hazards;

(17) Soil conditions relating to geotechnical or hydrologic specialties;

(18) Advisability of purchasing of the property being inspected;

(19) Insurability of the property;

(20) Marketability or market value of the property;

(21) Suitability of the property for specialized uses.

[16.66.7.24 NMAC – N, 1/15/2021]

16.66.7.25 INSPECTION REPORTS: Following any home inspection, the licensee shall provide the client with a written inspection report.

A. Inspection reports must state, at a minimum, the following:

(1) The systems and components of the home that, as determined by the licensee, are not performing their normally intended function or operation or are not consistent with generally established practices regarding the historically or conventionally applied and acknowledged methods of installation, assembly, operation or use;

(2) Recommendations as to the need to correct, observe, or check for further correction the adverse conditions reported pursuant to subsection (A) of this rule or any other items requiring further evaluation;

(3) Such reasoning and explanation as necessary to identify and clarify the nature of the adverse conditions reported pursuant to subsection (A) of this rule;

(4) The systems and components of the home designated for inspection under the Board's rules which were present at the time of the home inspection but not inspected, along with the reasons for the lack of inspection;

(5) The following statement, in its entirety and in all capital letters: "THE HOME INSPECTOR DID NOT DETERMINE AND THIS REPORT DOES NOT CONTAIN A DETERMINATION OF WHETHER THE HOME OR COMPONENTS AND/OR SYSTEMS OF THE HOME THAT HAVE BEEN INSPECTED CONFORM TO LOCAL OR STATE BUILDING CODE REQUIREMENTS.".

B. Although all pre-inspection agreements must state the date upon which the licensee shall deliver the home inspection report to the client, if the pre-inspection agreement does not set forth such a date, the home inspector shall provide the report to the client no later than five days after the home inspection was performed. [16.66.7.25 NMAC – N, 1/15/2021]

HISTORY OF 16.66.7 NMAC