

## Assembly Bill No. 1809

### CHAPTER 453

An act to add Chapter 9.4 (commencing with Section 7199.5) to Division 3 of the Business and Professions Code, relating to home inspections.

[Approved by Governor September 29, 2010. Filed with  
Secretary of State September 29, 2010.]

#### LEGISLATIVE COUNSEL'S DIGEST

AB 1809, Smyth. Home inspections: energy audits.

Existing law provides that it is the duty of a home inspector, as defined, who is not licensed as a general contractor, structural pest control operator, or architect, or registered as a professional engineer, to conduct a home inspection, as defined, with the degree of care that a reasonably prudent home inspector would exercise. Existing law provides that a home inspection may include an inspection of energy efficiency, if requested by the client. Under existing law, a home inspection report is a written report consisting of specified information that is prepared for a fee and is issued after a home inspection.

Existing law requires the State Energy Resources Conservation and Development Commission (Energy Commission) to establish specified standards related to a statewide home energy rating program for residential dwellings, known as the Home Energy Rating System (HERS) Program.

This bill would authorize a home inspection to include, if requested by the client, a HERS home energy audit that meets the requirements of the HERS regulations established by the commission. The bill would declare the intent of the Legislature that a HERS audit may, at the request of the client, be performed by a home inspector who meets the requirements of the HERS regulations.

*The people of the State of California do enact as follows:*

SECTION 1. Chapter 9.4 (commencing with Section 7199.5) is added to Division 3 of the Business and Professions Code, to read:

#### CHAPTER 9.4. HOME ENERGY RATING SYSTEM (HERS) HOME INSPECTIONS

7199.5. (a) All home inspections, including those defined in paragraph (1) of subdivision (a) of Section 7195, may, if requested by the client, be accompanied by a Home Energy Rating System (HERS) California home

energy audit pursuant to regulations adopted by the Energy Commission in compliance with Section 25942 of the Public Resources Code.

(b) If the client requests a HERS California home energy audit, the HERS California home inspection report accompanying any home inspection report defined in subdivision (c) of Section 7195 shall comply with the standards and requirements established by the Energy Commission for HERS California home energy audits as specified in Article 8 (commencing with Section 1670) of Chapter 4 of Division 2 of Title 20 of the California Code of Regulations, implementing the California Home Energy Rating System Program.

7199.7. It is the intent of the Legislature that a Home Energy Rating System (HERS) California home energy audit may, at the request of the client, be performed by a home inspector who meets the requirements of Article 8 (commencing with Section 1670) of Chapter 4 of Division 2 of Title 20 of the California Code of Regulations.