

# Managing Risk

## Claim 6: Structural Damage

By InspectorPro Insurance



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*Note: The Managing Risk column reviews the most common allegations in the industry and provides tips to make inspectors better equipped to prevent claims.*

In a recent claim, claimants alleged that a home inspector failed to detect structural deficiencies in the property. The claimants alleged that the inspector failed to identify that the wrong sized boards were used for the span of the ceiling, the boards were spanned incorrectly and that the boards were incorrectly seated on the supporting structures. Although these issues were code compliance allegations that were outside of the home inspector's scope, the claimants argued that the inspector should have noticed the two-inch dip in the ceiling. After all, the claimants' contractors had noticed the dip right away.

In the report, the home inspector had included pictures of the attic. In those photographs, it was clear that insulation blocked any view of the ceiling below the attic—the same ceiling with the two-inch dip. This photographic evidence contributed to our denial of liability on behalf of the inspector.

### WHY IS STRUCTURAL DAMAGE SO COMMON?

Structural damage claims are the sixth most common allegation against home inspectors. They address all structural issues other than the foundation. (Foundation allegations are third most common. Read our article on foundation issues here: [https://www.inspectorproinsurance.com/risk\\_management/foundation-damage-claim-3/?utm\\_source=ASHI%20Reporter&utm\\_medium=Referral&utm\\_campaign=Claim%206](https://www.inspectorproinsurance.com/risk_management/foundation-damage-claim-3/?utm_source=ASHI%20Reporter&utm_medium=Referral&utm_campaign=Claim%206).) Often, structural damage claims involve problems with floor joists, ceiling joists and other supporting columns.

Finish surfaces such as drywall often hide the existence of structural deficiencies within wall systems. Furthermore, owners typically patch holes, fix loose tape seams, hammer in nail pops and add a fresh coat of paint to prepare their properties for sale. Such preparations can temporarily mask any evidence of structural deficiencies that the finish surfaces exhibit.



**The following are some, but not all, of the common signs of a weak or damaged structure:**

- bent, drooping, cracked or broken roof framing members
- improperly installed or repaired framing members
- sagging, “bouncy” or uneven floors
- uneven or bowing walls

In cases in which structural deficiencies are apparent, home inspectors can still miss such deficiencies because the areas from which the damage is visually identifiable—such as the attic or the crawl-space—are inaccessible. Lack of access to attics and crawlspaces due to impassible rafters, blown-in insulation, insufficient clearance, a vapor barrier or other issues make it difficult for home inspectors to identify structural deficiencies while maintaining their safety and the ASHI Standard of Practice (SoP) (<http://www.homeinspector.org/Standards-of-Practice>).

### WHAT CAN INSPECTORS DO?

As with all claims prevention, it's important to have a thorough pre-inspection agreement ([https://www.inspectorproinsurance.com/risk\\_management/why-pre-inspection-agreement/?utm\\_source=ASHI%20Reporter&utm\\_medium=Referral&utm\\_campaign=Claim%206](https://www.inspectorproinsurance.com/risk_management/why-pre-inspection-agreement/?utm_source=ASHI%20Reporter&utm_medium=Referral&utm_campaign=Claim%206)) and inspection report (with pictures!). However, to avoid structural deficiency claims specifically, we recommend the following risk management tactics:

**Understand basic framing methods:** Although many construction principles have changed dramatically over the last several decades, basic structural framing techniques have not. Thus, understanding basic framing methods can help you evaluate the integrity and quality of the supporting columns.

In addition, understanding framing methodology can assist in determining the property's load path or the direction of the property's weight transitions. Typically, load path travels from the highest point of the structure through connected members to ultimately rest on the foundation. Knowing the load path can give you a clue as to where you can focus your search for structural issues.

## STRUCTURAL DAMAGE CLAIMS ARE THE SIXTH MOST COMMON ALLEGATION AGAINST HOME INSPECTORS. THEY ADDRESS ALL STRUCTURAL ISSUES OTHER THAN THE FOUNDATION.

**Call out inaccessible crawlspaces and attics:** To catch structural issues early, it's essential to observe all accessible stem walls and components and the home's exterior. Ask yourself what elements of the supporting joists are visually identifiable and be sure to inspect those areas carefully.

If you cannot access the entire crawlspace or attic, you must say so in your report. To mitigate risk, you must state when access was limited or restricted. In addition, we recommend documenting any obstructions for your own records. That way, you can prove inaccessibility to stifle negligence allegations that could surface later.

In addition, our claims team discourages including accessibility percentage estimates. Putting a number on how much is and isn't accessible can increase liability. For instance, you report that 60 percent of the attic was restricted. A claimant could assert that the deficiency is within the accessible 40 percent. By leaving estimates out, you only have to argue whether the issue was visually identifiable—not whether it could have been located within the estimate provided.


Lastly, depending on how much you cannot inspect, consider recommending further evaluation by a foundation contractor.

**Protect yourself from claims:** After establishing that the home has structural deficiencies, it's important to communicate your findings to the client clearly and confidently. Do not soften your home inspection findings in an attempt to please or appease your clients or real estate agents. Be sure to explain your inspection findings with power and authority and in terms the client can understand. In addition, we recommend emphasizing the limitations of an inspection to help your client understand your role in the real estate transaction.

Even if you do everything right, you can still get a structural damage claim. That's why it's essential to carry errors and omissions insurance (E&O) for defense and payout help. Contact your InspectorPro broker or submit an application ([https://www.inspectorproinsurance.com/application/?utm\\_source=ASHI%20Reporter&utm\\_medium=Referral&utm\\_campaign=Claim%206](https://www.inspectorproinsurance.com/application/?utm_source=ASHI%20Reporter&utm_medium=Referral&utm_campaign=Claim%206)) with us to receive a quote at no obligation.

### UP NEXT MONTH: PEST CLAIMS

InspectorPro Insurance is ASHI's one and only Premier Insurance Partnership. Through risk management education, pre-claims assistance and straightforward coverage, InspectorPro gives you peace of mind and unparalleled protection. Learn more and apply for a quote at [www.inspectorproinsurance.com](http://www.inspectorproinsurance.com).



In his article “Structural Considerations of Floor Framing and Load Distribution” in the August 2003 issue of the *ASHI Reporter* (<http://www.ashireporter.org/HomeInspection/Articles/Structural-Considerations-of-Floor-Framing-and-Load-Distribution/570>), home inspector JD Grenwell described how he traces loads from the roof to the ground.

*To understand the load in relation to roofs and walls, step back and ask; “What holds this up and where does all the weight (load) end up?” Sometimes, it takes several trips from floor to floor to determine the answer and, in recent years, I have discovered far too often necessary supports have been forgotten or omitted.*

When inspecting framing members, Grenwell recommends starting with the roof and looking for load transfer points, and working your way down through the house.

For additional information regarding basic framing, see the framing section of *The Journal of Light Construction* (<https://www.jlconline.com/how-to/framing/>).

**Report potential concealment:** Although not required by the ASHI SoP, our claims professionals recommend reporting when a property has a fresh coat of paint. Furthermore, they recommend explaining how fresh paint can have a bearing on your findings. See an example below:

It is not uncommon for the seller of a property to prepare the house for sale, which may include patching and painting finished surfaces. Such preparation has the potential to conceal latent conditions in the property that the home inspector will not be able to identify.

Be sure not to discuss specific patching or painting by location. For example, if you state that there's evidence of patching in one area, your client may expect that you'll identify patching in all areas. Avoid going beyond the ASHI SoP and into cosmetic defects by sticking to blanket statements such as “Property appears to be recently painted,” when applicable.