

**Mike Boyett**

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**From:** Mike Boyett [borntxn@hotmail.com]  
**Sent:** Wednesday, December 07, 2005 6:27 PM  
**To:** 'suzy@loftonweb.com.readnotify.com'  
**Subject:** Code Question  
**Attachments:** wall protection.pdf

James & Suzy,

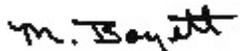
First, I do want to make sure we are on the same page regarding home inspectors. All home inspectors in Texas are licensed by the Texas Real Estate Commission (TREC) and abide by their rules, standards of practice and code of ethics. While we are well versed on building code requirements and much of how we report issues is based on various codes we are not code compliance enforcers of any kind. With that in mind, I can say that I have looked into several possible codes that might be applicable in your situation. These included the 2003 International Residential Code, the Uniform Plumbing Code, publications from the American Society of Heating, Refrigerating & Air-Conditioning Engineers (ASHRAE) and the National Association of Certified Home Inspectors (NACHI). None of these specifically address the issue at hand.

One would think that hanging a picture on a bedroom wall would be a relatively safe experience. Unfortunately, you have found out that is not necessarily the case. While I don't think I have the answer you are searching for, I would like to recommend the following:

1. Review your lease documents to see what it says about damages. Explain to the landlord that hanging pictures is a reasonable task for a tenant to perform and that without instructions from the landlord not to do that then it is should be inherently permissible to do so. Without the admonishment from the landlord then they are as much at fault as you. Maybe they will agree to share the cost of repair.
2. Speaking of which, it is my personal opinion (and not my professional one) that the cost to repair such a defect would be somewhere in the neighborhood of \$600 or so. That would include the cost to open the wall, diagnose the problem, repair the hole, evacuate and recharge the a/c system, patch the hole and texture/repaint the patch. Again, that is a personal opinion and I recommend you get official quotes from a qualified, licensed HVAC repair company and a qualified remodeler/painter.
3. Contact the Austin Tenants Council ([www.housing-rights.org](http://www.housing-rights.org)) and explain the matter to them. This may or may not be a fruitful contact.
4. Do you have Renters Insurance? If so, does it cover situations like this and is the deductible less than the proposed repair costs?
5. Depending upon the value of the repairs that the apartment management has applied then you might want to consider arbitration. Check with the local attorney referral service for someone that could arbitrate this for you.
6. I have attached a pdf file of a document that depicts the protection of piping within walls and, again, it does not address your problem. It can be used however to better describe and visualize the interior of a wall.

So, again I apologize that I cannot find a code or other requirement that supports your position. I still recommend trying to get the apartment manager to agree that they are at least partly to blame for not advising you against hanging pictures and to share the burden of the repair costs. Obviously, no charge for my services but please keep Capital City Inspections in mind if you or your family or friends need a home inspection.

Good luck,



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