



# **PUZZLED ABOUT YOUR NEW OR NEWLY REMODELED HOME?**



**Texas Residential  
Construction Commission**  
*Quality Construction for Texans*

# Texas Residential Construction Commission Helping Put It All Together

The commission is dedicated to assisting Texas homeowners and builders/remodelers who need help or who have questions about the commission, the state inspection process or any other activity related to commission responsibility. The commission's business hours are Monday through Friday from 8:00 a.m. to 5:00 p.m.

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## Need Help? Contact Us

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**Texas Residential  
Construction Commission**  
*Quality Construction for Texans*

The Texas Residential Construction Commission congratulates you on your new or newly-remodeled home. We hope you enjoy your new home or remodel project for many years to come.

The Texas Residential Construction Commission sends everyone in Texas who completes a project like yours this booklet. The commission regulates Texas' residential construction industry. I'm pleased to present the booklet to you. In it you'll find important information about the commission. You'll learn how to use the state's services. There are also details about the warranties and performance standards that apply to your home. You'll learn what the state's inspection process is and how it may help you. The booklet explains how to file a complaint. There is also an example of a typical home maintenance schedule.

You'll probably be most interested in the state's minimum warranties. These warranties mean your builder or remodeler should stand behind the work on your home for at least:

- ★ 1 year for workmanship and materials items;
- ★ 2 years for the mechanical delivery systems;
- ★ 10 years for structural soundness; and
- ★ 10 years for safe habitability.

Please contact us if you have questions about the commission or anything in this booklet. Contact us at 877-651-TRCC, send an email to [info@trcc.state.tx.us](mailto:info@trcc.state.tx.us) or visit us on the Web at [www.texasrcc.org](http://www.texasrcc.org). We're here to help!

Sincerely,

A handwritten signature in black ink, appearing to be "A. B. ...", written in a cursive style.

Si desea obtener una copia de este documento en Espanol, favor de comunicarse con la comision a la lada gratuita de 877-651-TRCC (8722).



## Why Did I Get This Booklet?

### You've just Completed a Qualified Project

State law requires that builders and remodelers register projects like yours with the Texas Residential Construction Commission. The commission is a state agency. You received this booklet because your builder/remodeler recently registered your project. The commission can help if you have a problem with your completed project. This booklet explains how.

### Projects that Require Registration

Builders must register new home construction projects. A builder must register a new home built on land they own after they sell the home. If a builder builds a home on land you own, the builder has to register it within 15 days of when you move back in or it's ready for use.

Remodelers must register projects that change a home's living area. They must also register interior renovations that cost more than \$10,000. They have to register the project within 15 days of when you move back in or it's ready for use.

### Builders and Certain Remodelers Must Register

People who build new homes must register with the commission. Remodelers who work on certain projects must also register. To register with the state, a builder/remodeler must have a background check. They must explain any bankruptcy or judgment.

## How Can the Commission Help Consumers?

### The Complaint Process

Need help? You may send a complaint about a builder or remodeler. The commission sends copies of all written complaints to the builder or remodeler. The builder or remodeler must respond. This information helps the commission gather details about the complaint. The commission can then review the complaint and assist. There is no fee to file a complaint.

All complaints may be made public under state law. Filing a complaint is not the same as requesting a formal state inspection. That process is explained later in the booklet.



### Why File a Complaint If My Issue Won't Qualify For a State Inspection?

Sometimes a problem isn't about an alleged defect. The commission still wants to help if it can. The complaint process is there for you if a problem arises.

When you file a complaint, you let the commission know about potential problem businesses in the building and remodeling community. Also, your complaint becomes part of the public record. Your experience may help someone else avoid similar problems with a particular builder or remodeler.

### How to File a Complaint

You can send a complaint a number of ways. There is a complaint form at [www.texasrcc.org](http://www.texasrcc.org). Send a written complaint to Texas Residential Construction Commission, Attn: Complaints, Post Office Box 13509, Austin, Texas 78711-3509. Fax your complaint to 512-463-9507, or email it to [info@trcc.state.tx.us](mailto:info@trcc.state.tx.us). Include the following, if you know it:

- ★ Your name and contact information;
- ★ Your builder/remodeler's contact information;
- ★ Work type (new home, remodel) and total cost;
- ★ Date the builder started and completed the work;
- ★ Description of the issue; and
- ★ Date you discovered the problem.

If you have questions about how to file a complaint, call us toll free at 877-651-TRCC (8722).





## How To File a Request for an Inspection

The forms, instructions, fee details and other information needed to file an inspection request are available at [www.texasrcc.org](http://www.texasrcc.org) or upon request at 877-651-TRCC (8722).

**STEP 1:** You give written notice to your builder/remodeler of any alleged defect(s) on your new home or remodeling project. The commission suggests you send the notice certified mail, return receipt requested.

**STEP 2:** Once you've sent the written notice, you have to let 30 days pass before the inspection process can start. This gives your builder/remodeler a chance to respond and inspect the problem(s).

**STEP 3:** If your builder/remodeler's response to the written notice isn't acceptable, the inspection process can begin. You can call the commission to get the forms or you can get them from [www.texasrcc.org](http://www.texasrcc.org). The inspector can inspect only the problems listed, so list all problems on the request form.

**STEP 4:** If the request meets all legal requirements, the commission will assign a professional inspector to review the problem(s). The inspector will compare the listed problems to the building and performance standards. If the inspector agrees there is a problem, the inspector will make a repair recommendation.

Either person can appeal the inspector's report if they don't agree. The commission employs a panel of state inspectors that reviews appeals. The panel looks at the third-party inspector's report to determine if it's supported.

**STEP 5:** If the final report says there is a defect, the commission refunds your inspection fee. Your builder/remodeler can make a repair offer based on the final report. You can accept or reject any offer.

**STEP 6:** If you still can't resolve the dispute after the required inspection, either party may seek other legal solutions. The final report carries a lot of weight in any future legal action between you and your builder/remodeler.

### The State Inspection Process

Sometimes the complaint process won't resolve a dispute. If the dispute is about a problem that comes up after construction is complete, the state's formal inspection process might help. During a formal state inspection, an independent third-party inspector looks at alleged defects that are under warranty. The state inspection process provides you and your builder/remodeler a final report issued by a professional engineer, architect or certified inspector. The findings in the report carry a lot of weight if any future legal action occurs between you and your builder/remodeler. Since the report can be used in a legal action, the costs for expert witness fees should be less.

The commission uses professional third-party inspectors. The independent inspector compares the alleged defect to the building and performance standards. The commission uses two types of inspectors. One type handles workmanship and materials issues. The other type handles structural issues. If the third-party inspector finds a problem, the inspector will recommend a repair. Either person may appeal the inspector's report.

If a defect is found, your builder/remodeler can make a repair offer. The offer can be based on the inspector's report or those of the appeal panel, if the report was appealed. You can accept or reject any offer your builder/remodeler makes.

If you still can't resolve the dispute after the required state inspection, either person can still pursue other legal remedies.



#### What's Qualifies for Inspection?

Problems you find after construction is complete are eligible if under warranty. If you're concerned about your home for something other than a defect, you may want to file a complaint with the commission.



## **Texas Residential Construction Commission**

### **The Builder/Remodeler Must Participate Fully in the State Inspection Process**

A builder/remodeler that repeatedly fails to make an offer or an agreed upon repair can be fined. The commission also can take action against the builder or remodeler's registration.

### **Repaired Item**

You and your builder/remodeler can agree to a repair other than the one the inspector recommends. Your builder/remodeler doesn't have to find a discontinued item or pattern. If your builder/remodeler repairs your home, they must get the same inspector who did the first state inspection to check the repair. The inspector will report back on whether the repair was done right.

## **What are the Minimum Warranties and Performance Standards in Texas?**

### **Introduction**

We hope you're happy with your new home or remodeling project. Still, it's not unusual for issues to come up that need your builder or remodeler's attention in the months after your project's completion. This is because so many different tradesmen using a range of materials built your project "from scratch." It's important to know that state law requires your builder or remodeler to stand behind their work. The state accomplishes this through a set of minimum warranties. Your builder/remodeler may or may not give you a written document describing the warranties. If they don't, that's okay. The law doesn't require your builder/remodeler to hand you a notebook, brochure, or anything like that. The bottom line is that the state spells out what the warranties are. You're protected by these legally-required minimum warranties. Later in this booklet, you'll find details about the legally-required minimum warranties.

Each warranty has performance standards that every home built or remodeled in Texas must meet. For example, a fence cannot fall over in its first year.

Some builders and remodelers may offer longer warranties or greater performance standards. Be sure to get any additional warranties or performance standards in writing. File them in a safe place in case you ever need them.

The complete minimum warranties, performance standards and commission rules are available at [www.texasrcc.org](http://www.texasrcc.org). Only the official rules cover all aspects of the performance standards and warranties. If something in this booklet conflicts with the actual rule language, the rules will apply.

### **Warranties**

Warranties apply to a home, not a homeowner. If a person sells a home before a warranty period is up, the remaining warranty goes to the new owner. The parts of a home are covered for different time periods. The period for each warranty is as follows:

- ★ One year for workmanship and materials;
- ★ Two years for mechanical and delivery systems;
- ★ Ten years for structural parts; and
- ★ Ten years for habitability.

Parts covered for one year include exterior concrete, framing, drywall, insulation, exterior siding and trim. Masonry, stucco, roofing, doors, windows and interior flooring also are covered for a year. The two-year warranty covers the delivery systems of the plumbing, electrical, heating, air-conditioning and ventilation systems. Major structural parts are covered for ten years. They include the footings, foundations, beams, columns, load-bearing walls, roof framing systems and other parts that support the home.

The ten-year warranty of habitability addresses hidden defects discovered after the expiration of a given warranty period. For example, after the two-year warranty ends, a nail hammered

into a pipe later rusts away and leaks, making the house unfit or unsafe for humans to live in. Although the plumbing warranty ended, the fact that an unseen defect led to an unsafe or unfit condition within ten years of the home's completion makes the defect subject to the warranty of habitability.

### **Homeowner Responsibilities**

You must maintain, care for and use your home's components as the manufacturer recommends. If you don't, you may void parts of the statutory and manufacturer warranties.

### **Exceptions and Exclusions**

A builder/remodeler is responsible for the work they do or direct. There are times, though, when certain situations or actions release them from this responsibility. The following are some examples of when the builder/remodeler is not responsible for repair, loss or damage:

- ★ Work performed or materials supplied by someone other than the builder/remodeler.
- ★ Not taking reasonable efforts to stop damage from getting worse after a defect is found. For example, if water leaks, you (the homeowner) should turn the water off and dry the area to prevent further damage.
- ★ Not taking reasonable action to maintain your home.
- ★ Not complying with homeowner's responsibilities.
- ★ Changes to the soil that are not a direct result of construction activities.
- ★ Normal wear and tear.
- ★ Damage caused or made worse by extreme weather, vandalism, civil disputes, motorized vehicles, aircraft, fire, water, animals or insects.
- ★ When you use the home mainly for nonresidential purposes.
- ★ When you use a component in a way that you weren't supposed to.



### **When Warranties Start and When To Report Defects**

Your new home warranty starts at the earliest of:

- ★ When the first owner moves into the home;
- ★ When the builder transfers title to the first homeowner; or
- ★ When the builder/remodeler substantially completes the work.

Many times a certificate of occupancy or a final certificate of inspection proves substantial completion. The original homeowner and the builder/remodeler may provide for a different effective date of the warranties by written agreement.

You must give a builder 30 days written notice of a problem before you request a state inspection. If you find a problem during the warranty period, you must request a state inspection within 90 days after the warranty period ends. Your request also must be within at least two years of the date you found the problem and no later than 30 days after the tenth anniversary of the warranty's start date.

### **Notifying Your Builder/Remodeler in Writing**

You help clearly define the issues when you tell your builder/remodeler about any problems you have. Follow these basic rules when you tell your builder/remodeler about warranty issues:

- ★ Always ask for warranty work in writing. Even if your builder/remodeler says that you can ask for warranty work verbally, be sure to follow-up in writing. Save a copy of the written notice for yourself.
- ★ Be sure your written notice gives a detailed description of the problem.
- ★ Give your builder/remodeler the chance to inspect the problem(s). That's the only way the builder/remodeler can decide the right repair method(s).

## Exclusive Warranties

The warranties and performance standards replace all implied warranties for new home construction, improvements and remodeling projects. No one can waive or reduce the warranties and standards. A builder/remodeler or manufacturer may give you a longer warranty period. They may also agree to greater performance standards. If they do either, be sure to get the agreement in writing.

## Manufacturer's Warranties

A home consists of many parts manufactured off-site. Many times these parts are put in without much modification. These manufactured products include things like your water heater, air conditioner, carpet and light fixtures. Many manufactured products come with their own warranties. These warranties are in addition to those your builder/remodeler gives you. The manufacturer's instructions are important and must be followed. Only new manufactured items can be installed unless you agree to something else in writing.

Manufactured product warranties start at the same time as the home warranty. The manufacturer is supposed to fix or replace any of its products that don't work correctly. The manufacturer is supposed to act on its warranty in a reasonable period of time. If they don't, the builder/remodeler has to fix the defect to comply with the warranties and performance standards.

## Other Codes and Standards

A builder/remodeler has to comply with the warranties and performance standards, but that's not all. They must meet the International Residential Code (IRC) for all non-electrical work. They must also meet the National Electrical Code (NEC) for all electrical work. Compliance with the IRC and the NEC also includes any amendments a local government adopts. Other codes and standards that may apply include those of the Federal Housing Administration, the Department of Veterans Affairs, U.S. Department of Housing and Urban Development, the American National Standard Institute (ANSI) and the American Society of Heating, Refrigerating and Air-conditioning Engineers (ASHRAE). In the event of a conflict between the various codes and standards, the most restrictive standard applies.

## Where Can I Find Specific Warranty Details?

### Finding the Warranty Details

You can find the warranty details in the commission's rules. You can locate the rules by visiting the commission's Web site at [www.texasrcc.org](http://www.texasrcc.org). From the home page, click the Rules link. Scroll down the page to the link for Chapter 304 and click. From this page, you can find the warranty rules.

### One-Year Warranty for Workmanship and Materials

Many parts of a home have a one-year workmanship and materials warranty. These parts include exterior concrete, framing, drywall, insulation, exterior siding and trim. The one-year warranty also covers masonry, stucco, roofing, doors, windows and interior flooring.

The standards spell out acceptable performance. The table below lists all items covered under the one-year warranty. Need more information about a particular component? Simply compare the rule number and topic from the table with the rule number on the Web site.

Topic	Rule Number
Foundations and Slabs	(304.10)
Framing	(304.11)
Drywall	(304.12)
Insulation	(304.13)

Exterior Siding and Trim	(304.14)
Masonry (includes Brick, Block and Stone)	(304.15)
Stucco	(304.16)
Roofs	(304.17)
Doors and Windows	(304.18)
Interior Flooring	(304.19)
Hard Surfaces (includes Ceramic Tile, Flagstone, Marble, Granite, etc.)	(304.20)
Painting, Stain and Wall Coverings	(304.21)
Plumbing	(304.22)
Heating, Cooling and Ventilation	(304.23)
Electrical Systems and Fixtures	(304.24)
Interior Trim	(304.25)
Mirrors, Interior Glass and Shower Doors	(304.26)
Hardware and Ironwork	(304.27)
Countertops and Backsplashes	(304.28)
Fireplaces	(304.29)
Irrigation Systems	(304.30)
Fencing	(304.31)
Yard Grading	(304.32)
Pest Control	(304.33)

### Two-Year Warranty on Components

The parts of a home covered by the two-year warranty include the delivery portion of the plumbing, electrical, heating, air-conditioning and ventilation systems. The table below lists all the items covered under the two-year warranty. When you need more information about a part, simply compare the rule number and topic from the table with the rule number on the Web site.

Topic	Rule Number
Performance Standards for Electrical Delivery Systems	(304.50)
Performance Standards for Plumbing Delivery Systems	(304.51)
Performance Standards for Heating, Air Conditioning and Ventilation Delivery Systems	(304.52)

### Ten-Year Warranty on Structural Components

This warranty deals with the parts of a home that are structural. These parts include footings and foundations, beams, headers, girders, lintels, columns, load-bearing walls, partitions, roof framing systems, ceiling framing, floor systems and masonry arches. The foundation and major structural parts are covered for ten years. The table shows the rule where you can find the details about the ten-year warranty.

Topic	Rule Number
Performance Standards for Major Structural Components ( Also see One-Year Warranty information for Foundations and Slabs )	(304.100)

**Slab Foundations:** The performance standards for slab foundations are defined by the “Guidelines for the Evaluation and Repair of Residential Foundations” as published by the Texas Section of the American Society of Civil Engineers (ASCE) (2002), as modified by the warranties and performance standards. Guidelines for the Evaluation and Repair of Residential Foundations can be found at: [www.texasrcc.org](http://www.texasrcc.org).

**Pier and Beam Foundations:** The performance standards for the pier and beam foundation are identified in Section 5.3 of the “Guidelines for the Evaluation and Repair of Residential Foundations,” as published by the Texas Section of the American Society of Civil Engineers (ASCE) (2002), as modified by the warranties and performance standards. Guidelines for the Evaluation and Repair of Residential Foundations can be found at: [www.texasrcc.org](http://www.texasrcc.org).



## Texas Residential Construction Commission

### **Ten-Year Warranty of Habitability**

The ten-year warranty of habitability deals with hidden defects found after the warranty covering a component part ends. Here's an example. Someone owns a house where the two-year plumbing warranty has ended. During construction, though, someone hammered a nail into a pipe. The pipe later rusts away and a leak forms. The leak makes the house unfit or unsafe for people to live in it. Even though the plumbing warranty ended, the unseen defect led to an unsafe or unfit condition within ten years of the home's completion. This makes the defect subject to the warranty of habitability.

You can find the details about the warranty of habitability in Chapter 304. Go to Subchapter A, Section 304.3. Section (f) contains the specifics about this warranty.

### **How Do You Sum It All Up?**

#### **Major Commission Responsibilities**

Principally, the commission is responsible for:

- ★ Maintaining the state's minimum warranties and performance standards for residential construction;
- ★ Overseeing the state inspection process when a post-construction defect is alleged;
- ★ Assisting consumers with complaints about residential builders and remodelers;
- ★ Educating Texas consumers and the residential construction industry;
- ★ Registering residential construction projects;
- ★ Registering residential builders and remodelers;
- ★ Administering the Star Builder program for certain builders and remodelers;
- ★ Enforcing statutory and regulatory requirements for registered builders and remodelers;
- ★ In conjunction with the Texas A&M Engineering Experiment Station and the Texas Commission on Environmental Quality, creating an energy-efficient building accreditation program; and
- ★ Overseeing the development of a program to facilitate the required inspections in areas not subject to municipal inspections.

## **Commission Contact Information**

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**Typical Maintenance Schedule**

You can use the guide below to help determine a typical maintenance schedule. Check your product manual or talk with your builder/remodeler for detailed help keeping your home in good shape.

Make safety a top concern. Always use the right tools and procedures as you care for your home. If you find something that requires special skills or tools, you may want to hire a professional for help.

Item	Monthly	Quarterly	Semi-Annually	Annually
Appliances			X	
Caulking			X	
Chimney & Fireplace				X
Concrete				X
Countertops				X
Doors		X		
Drainage		X		
Exterior & Interior Paint				X
Faucets	X			
Ground Fault Interrupters	X			
Gutters		X		
Heating & Cooling Systems	X		X	
Plumbing Leaks	X			
Range Hood	X			
Roof				X
Screens & Windows		X		
Septic System				X
Shower Doors			X	
Smoke & CO2 Detectors	X			
Tiled Areas			X	
Tubs & Showers			X	
Water Heater				X
Weather Stripping				X
Window Weep Holes				X
Wood Cabinets	X			

Using the schedule does not ensure that homeowner responsibilities are met for warranty purposes.



