

**VIRGINIA BOARD FOR
ASBESTOS, LEAD, AND HOME INSPECTORS
HOME INSPECTOR LICENSING IMPLEMENTATION COMMITTEE MEETING
MINUTES**

The Home Inspector Licensing Implementation Committee of the Virginia Board for Asbestos, Lead, and Home Inspectors (Board) met on July 27, 2016, at the offices of the Department of Professional and Occupational Regulation (DPOR), Perimeter Center, 9960 Mayland Drive, 2nd Floor, Board Room 3, Richmond, Virginia 23233.

The following members of the Committee were present:

Bob Anaya
Charles Chisholm
Erich Fritz
Brian Koepf
Reginald Marston, III, Chair
David Rushton

Gene Magruder, Board Member Representative, was not in attendance at the Committee meeting.

The following staff members were present for part or all of the meeting:

Trisha L. Henshaw, Executive Director
Kristen Marie Clay, Board Administrator
Tanya M. Pettus, Administrative Assistant

Mr. Marston called the meeting to order at 10:05 a.m.

Call to Order

Ms. Henshaw advised the Board of the emergency evacuation procedures.

**Emergency
Evacuation
Procedures**

Mr. Koepf moved to approve the agenda as presented. Mr. Fritz seconded the motion which was unanimously approved by: Anaya, Chisholm, Fritz, Koepf, Marston, and Rushton.

Approval of Agenda

Ms. Henshaw opened the floor for public comment. Ms. Rebecca Golden with the Virginia Association of Professional Engineers (VSPE) was present to address the Committee. Ms. Golden provided the Committee and staff with a handout of a written Position Statement of the VSPE. Ms. Golden asked the Committee to consider an exemption to home inspector licensure for professional engineers as Senate Bill 453 would require dual licensure for professional engineers wishing to perform home inspections. Ms. Golden stated the VSPE is working with legislators to modify the statute as amended pursuant to SB 453 to provide an exemption from licensure for professional

**Public Comment
Period**

engineers. Discussion was held on annual education requirements for professional engineers.

Mr. Tom Conway with the VSPE addressed the Committee on the need for professional engineers to be involved in the home inspection process. Mr. Conway stated that while home inspectors have access to surface elements, PEs may be more thorough in certain areas of inspection. Mr. Conway also concurred that professional engineers should be exempt from the requirement of licensure for all home inspections; however, he agrees that any PE engaging in home inspection services should be properly trained, through education, examination, and experience to conduct home inspections. Discussion was held on the current ability of a PE to perform a home inspection, and whether PEs should be permitted to perform full home inspections without a license, or be permitted to only inspect structural elements.

Henry Blau, Director of Training at US Inspect, addressed the Committee on the need to consider exemptions for licensure and avoid giving blanket exemptions to any profession. Mr. Blau stated that home inspection is a different discipline than professional engineering, and that should be considered when allowing any exemption to home inspector licensure.

Ms. Henshaw led the introduction of Committee members and staff. Ms. Henshaw advised that Committee member Gene Magruder would not be present at the meeting.

Introduction of the Committee

Ms. Henshaw provided an overview of the responsibilities before the Committee. The Board formed the Committee to develop recommendations related to the licensure of home inspectors pursuant to House Bill 741 and Senate Bill 453, which passed during the 2016 General Assembly Session. These recommendations will include training program criteria, entry requirements, and any other pertinent recommendations related to the implementation of licensure.

Overview of Committee Responsibilities and House Bill 741/Senate Bill 453

Ms. Henshaw advised the Committee that the New Residential Structure (NRS) provisions pursuant to House Bill 2103 will be included in this action to amend the home inspector licensing regulations. The previous regulatory action to include the new NRS designation was withdrawn as it was combined with the new licensing provisions through the 2016 legislation.

Ms. Henshaw advised that Committee recommendations will need to be adopted by the Board. Though this regulatory action is exempt,

Overview of Exempt Regulatory Action

Board approved regulations will be subject to a 30-day public comment period prior to being effective. The latest date by which the regulations can become effective is July 1, 2017.

Ms. Henshaw presented the Committee with draft amendments to the current home inspector regulations to conform to statutory requirements pursuant to HB 741 and SB 453. The Committee reviewed and discussed the draft amendments.

During discussion of the draft regulations, specifically disclosure of criminal convictions, Ms. Henshaw provided the Committee with a public comment received in writing from Michael Donitzen, Owner/Inspector with Aztec Home Services, LLC. Mr. Donitzen proposes the requirement of criminal background checks, including fingerprinting, for all current and future home inspector licensees. Mr. Donitzen also suggests that errors and omissions professional liability insurance should be a requirement for licensure of Home Inspectors.

The Board recessed from 11:34 a.m. to 12:14 p.m.

The Committee continued review and discussion of draft amendments to current home inspector regulations.

The Committee agreed by consensus that the following topics will be researched by staff, and further information will be provided to the Committee at the next meeting:

- Entry requirements, specifically whether national regulatory trends base qualification for licensure on number of inspections performed or years of experience,
- The process of verifying the number of home inspections performed by a home inspector,
- Training curriculum and examination requirements for initial licensure as well as continuing education, and language to incorporate Board-approval for pre-licensing training programs, and
- Examples of regulations related to conviction disclosures.

Ms. Henshaw advised the Committee that staff will provide dates for consideration by Committee members for the next meeting. The Committee will be notified of the date when it has been confirmed.

Consider Amendment Recommendations to Home Inspector Regulations to Conform with Statutory Amendments (HB 741/SB 453)

Recess

Continue Consideration of Amendment Recommendations to Home Inspector Regulations to Conform with Statutory Amendments (HB 741/SB 453)

Future Meeting Dates

The Committee discussed home inspector contracts and the request by the Richmond Association of Realtors for home inspectors to include cost estimates for repairs in their contracts. Specifically, the Committee Members expressed concern about including costs for repair/replacement as that is not an area of expertise for many home inspectors. However, home inspectors are concerned about a loss in future referrals if the costs are not included. Ms. Henshaw advised she will gather more information on the subject for discussion at the next meeting.

Other Business

Ms. Henshaw reminded Committee members who also sit on the Board to complete conflict of interest forms.

**Conflict of Interest
Forms and Travel
Vouchers**

There being no further business, the meeting was adjourned at 2:21 p.m.

Adjourn

Colleen Becker, Chair

Jay W. DeBoer, Secretary