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## Final Regulation Agency Background Document

<b>Agency name</b>	Virginia Board for Asbestos, Lead, and Home Inspectors
<b>Virginia Administrative Code (VAC) Chapter citation(s)</b>	18VAC15-40
<b>VAC Chapter title(s)</b>	Home Inspector Licensing Regulations
<b>Action title</b>	General Review of Home Inspector Licensing Regulations
<b>Date this document prepared</b>	June 17, 2025

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 19 (2022) (EO 19), any instructions or procedures issued by the Office of Regulatory Management (ORM) or the Department of Planning and Budget (DPB) pursuant to EO 19, the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

### Brief Summary

*Provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.*

The Virginia Board for Asbestos, Lead, and Home Inspectors (Board) is amending regulations after completing a thorough review of the Home Inspector Licensing Regulations. The amendments include revisions to (i) the entry requirements for home inspector licensure, including the establishment of a points-based system for education and experience qualifications for licensure; (ii) requirements for maintaining and renewing a home inspector license, including provisions related to CPE; (iii) minimum standards for conducting home inspections; (iv) standards of conduct and practice; and (v) requirements for approval of home inspector pre-license education courses, NRS training modules, and NRS CPE.

### Acronyms and Definitions

*Define all acronyms used in this form, and any technical terms that are not also defined in the "Definitions" section of the regulation.*

“CPE” means continuing professional education.

“DPOR” means Department of Professional and Occupational Regulation.

“NRS” means new residential structure.

“USBC” means Uniform Statewide Building Code.

**Statement of Final Agency Action**

*Provide a statement of the final action taken by the agency including: 1) the date the action was taken; 2) the name of the agency taking the action; and 3) the title of the regulation.*

On May 8, 2025, the Board adopted final amendments to the Home Inspector Licensing Regulations.

**Mandate and Impetus**

*List all changes to the information reported on the Agency Background Document submitted for the previous stage regarding the mandate for this regulatory change, and any other impetus that specifically prompted its initiation. If there are no changes to previously reported information, include a specific statement to that effect.*

There are no changes to the previously reported information.

**Legal Basis**

*Identify (1) the promulgating agency, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia and Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating agency to regulate this specific subject or program, as well as a reference to the agency's overall regulatory authority.*

The promulgating agency is the Virginia Board for Asbestos, Lead, and Home Inspectors. Chapter 5 of Title 54.1 of the Code of Virginia enumerates the legal authority for the Board to administer the licensure program for home inspectors. Section 54.1-501 of the Code of Virginia states, in part:

The Board shall administer and enforce this chapter. The Board shall:

- 7. Promulgate regulations for the licensing of home inspectors not inconsistent with this chapter regarding the professional qualifications of home inspectors applicants, the requirements necessary for passing home inspectors examinations, the proper conduct of its examinations, the proper conduct of the home inspectors licensed by the Board, and the proper discharge of its duties;

**Purpose**

*Explain the need for the regulatory change, including a description of: (1) the rationale or justification, (2) the specific reasons the regulatory change is essential to protect the health, safety, or welfare of citizens, and (3) the goals of the regulatory change and the problems it is intended to solve.*

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The General Assembly has charged the Board with the responsibility for regulating those who engage in the practice of home inspection by requiring that such individuals obtain a license in order to perform home inspections on residential buildings for compensation. Home inspections are a common component of residential real estate transactions. The parties to such transactions rely on the expertise of a home inspector to provide an accurate evaluation of the condition of a home that is the subject of the transaction. The evaluation provided by a home inspector can have a significant effect on the transaction, particularly if there are substantial defects in the condition of the property. Home inspections performed by individuals who lack sufficient training and expertise expose the public to the risk of harm, which can include financial harm to purchasers who may have to assume costs after acquiring the property to remedy defects that were not properly identified during the home inspection. Similarly, home inspections and home inspection reports that fail to meet certain minimum standards can deprive the parties to a residential real estate transaction of an accurate evaluation of the condition of a home that is the subject of the transaction. In addition, home inspectors who engage in unscrupulous practices may expose the public to the risk of harm.

As mandated by the General Assembly, the Board protects the public welfare, in part, by establishing through regulation the minimum qualifications for entry into the profession, as well as the minimum requirements for the provision of home inspection services.

Since the transition from a voluntary certification to a mandatory licensure program, the agency has received feedback from members of the public and individuals in the home inspector industry. In addition, agency staff have reviewed the regulation. Both the public and agency staff have identified areas where the regulation would benefit from revision or clarification to better ensure the regulation achieves its intended purpose to protect the public welfare by ensuring only those who are properly qualified engage in the profession, while also reducing or mitigating regulatory burdens on applicants seeking to obtain a license, and licensees who maintain a license.

Areas of focus during the regulatory review were (i) addressing exemptions from licensure requirements; (ii) entry requirements and addressing potential barriers to entry; (iii) requirements for CPE for renewal of a license; (iv) minimum requirements for home inspection contract; (v) minimum requirements for home inspection reports; and (vi) standards of conduct and practice, including conflicts of interest, and prohibited acts.

## Substance

*Briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both. A more detailed discussion is provided in the "Detail of Changes" section below.*

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Part I of the regulation is amended as follows:

1. Add definitions for "course of construction inspection," "describe," and "direct supervision." These are terms previously established by way of Board guidance documents and are incorporated into the regulation. Addition of a term "qualifying experience" which is related to the changes for entry requirements in Part II of the regulation.
2. Remove definitions for "component," "prelicense education course," and "system" which do not need to be defined in the regulation.
3. Revision of the definition of "financial interest" to adjust the monetary amount constituting financial interest from \$1,000 to \$2,000.

4. Revision of the term “address of record” to remove reference to the address of record being a mailing address.
5. Revision of the terms “fireplace,” and “solid fuel burning appliances” to make the meaning of these terms clearer.
6. Revise section -20 to clarify that an inspection on an NRS includes any course of construction inspection. The term “course of construction inspection” is added to the definitions section.
7. Revise section -20 to provide that an unlicensed individual who is only conducting inspections of a component or system of a home is not considered to be performing a home inspection.

Part II of the regulation is amended as follows:

1. Revise section -25 to remove language related to instructions provided to an individual completing an application.
2. Revise provisions in section -30 pertaining to the disclosure of criminal convictions. Applicants will now be required to disclose all misdemeanor convictions, except marijuana-related convictions, within three (3) years of the date of application. Applicants are currently required to disclose all misdemeanor convictions involving moral turpitude, sexual offense, non-marijuana drug distribution, or physical injury within five (5) years of the date of application. These provisions are also revised to make the regulation more consistent with the provisions of § 54.1-204 of the Code of Virginia pertaining to criminal history.
3. Revise provisions in section -30 pertaining to disclosure of prior disciplinary action to make these provisions clearer. Applicants will be required to disclose any disciplinary action taken against a professional or occupational license issued to the applicant.
4. Significantly revise qualifications for licensure in section -32 to move to a points-based system. Currently most applicants must provide proof of having completed a combination of a minimum number of hours of Board-approved pre-license education and completed home inspections. Under the new system, applicants can qualify by receiving points for a combination of various types of education and experience. Applicants must meet a minimum threshold of points and must have a minimum number of points for the education and experience categories. All applicants will be required to pass the Board-approved license examination. Supporting provisions addressing full-time qualifying experience and proof of education/work experience at accredited colleges and universities are added.
5. Remove provisions in section -50 pertaining to temporary renewal fees as the provisions are no longer applicable.

Part III of the regulation is amended as follows:

1. Provisions pertaining to CPE are revised. A new section -73 is added to outline the specific topics, based on content covered by the Board-approved license examination, that may be accepted by the Board. The new section also provides that a licensee may receive CPE credit for training completed to maintain other professional credentials that are related to home inspection services, such as radon testing certification, or asbestos or lead inspection. In addition, a licensee who has completed an NRS training module in order to receive an NRS specialty within one year prior to the expiration date of a license is exempted from the requirement to complete an NRS CPE for that renewal.
2. CPE recordkeeping requirements for licensees in section -78 are revised to provide that records must include the contact information of the training provider, instead of mandating records include the provider’s telephone number.
3. Procedures for renewal of a license in section -80 are revised to require submission of a completed renewal application and proof of completing CPE as part of a license renewal. Currently, a licensee is required to return a renewal notice, and only licensees with an NRS specialty are required to provide proof of completing NRS CPE.
4. Revising renewal procedures in section -80 to remove provisions related to the mailing of documents to renew licenses.

5. License reinstatement provisions in section -90 are revised to remove language that is duplicative of requirements established elsewhere in the regulation.
6. Section -108 pertaining to licenses eligible for renewal or reinstatement after July 1, 2017, is repealed as it is no longer necessary.

Part IV of the regulation is amended as follows:

1. Standards for home inspection contracts in section -120 are revised to require (i) that home inspection contracts be signed by the licensee and the client, or client's representative, before work begins or payments are accepted; (ii) that a copy of a fully-executed contract be delivered to the client or client's representative before work begins; and (iii) that modifications to the contract with change the cost, scope of work, or estimated completion date be in writing and signed by all parties. Provisions related to contract disclosures of potential conflicts of interest are revised to be more consistent with conflicts of interest standards in section -140.
2. Requirements for minimum provisions of a home inspection contract in section -120 are revised to require a contract contain (i) a statement in the contract disclosing that any modification to the contract which changes the cost, scope of work, or estimated completion date be writing and signed by all parties; (ii) disclosure of the cancellation rights of the parties; and (iii) a general statement on the home inspector's liability. Requirements pertaining to a home inspector's identifying information are clarified and will now permit an inspector to provide any contact information, including telephone number or email address, on the contract. Currently, an inspector must provide a telephone number.
3. Standards for home inspection reports in section -130 are revised to (i) clarify that a home inspection report is the written evaluation of readily accessible components of a home, as contemplated by the definition of "home inspection" in § 54.1-500 of the Code of Virginia; and (ii) provide a more clear requirement that a home inspection report identify components or systems that cannot be inspected, and include an explanation for why such components or systems were not inspected.
4. Minimum requirements for home inspection reports in section -130 are revised to make these provisions clearer. Provisions related to electrical systems in a home are revised to require reports note the presence or absence of both smoke detectors and carbon monoxide detectors. Currently, this is limited to just the presence or absence of smoke detectors.

Part V of the regulation is amended as follows:

1. Section -140 is revised to clarify that a home inspector is prohibited from designing or performing repairs or modifications to a home on which the inspector has performed an inspection within 12 months after the date of inspection. The section is also revised to require a home inspector to disclose to a client whether the inspector represents the interests of any parties to a sale of a home on which the inspector has performed an inspection. Currently, the section prohibits the inspector from representing the financial interests of such parties. Section -140 is revised to add provisions that an inspector may provide services to a client in addition to a home inspection (for example radon testing), but that the home inspector must make certain disclosures regarding such services, and that the home inspector must provide these services according to applicable laws and regulations.
2. Provisions outlining the Board's authority to impose regulatory discipline in section -150 are revised to be consistent with the Board's disciplinary authority as provided for in § 54.1-516 of the Code of Virginia.
3. Provisions related to reporting of criminal convictions in section -152 are revised to require a licensee to disclose any misdemeanor conviction, except for marijuana-related convictions. Currently, a licensee is required to report any misdemeanor convictions involving moral turpitude, sexual offense, non-marijuana drug distribution, physical injury, or which are related to performing a home inspection. The section is also revised to make the regulation more consistent with the provisions of § 54.1-204 of the Code of Virginia pertaining to criminal history.

4. Prohibited acts in section -155 are significantly revised. Subdivisions outlining specific prohibited acts are reordered to group similar types of offenses together. The existing prohibited act pertaining to a licensee's failure to safeguard the interest of the public is replaced with a clearer prohibited act addressing negligence, incompetence, and misconduct, which enumerates specific activities that fall under the scope of this prohibited act. The prohibited act pertaining to improper, fraudulent, or dishonest conduct is revised to enumerate specific activities that fall under the scope of this prohibited act and remove language limiting the prohibited act to the performing of home inspections. Other prohibited acts are added to proscribe violations of specific sections in the regulation pertaining to standards for home inspection contracts and home inspection reports, conflicts of interest, maintenance of license and records, and responding to inquiries of the Board.

Part VI of the regulation is amended as follows:

1. Application requirements for pre-license education courses, NRS training modules, and NRS CPE courses in sections -210 and -230 are revised to (i) remove requirements that applications include the fees for courses and modules and related training materials; and (ii) replace requirements that applications include the telephone number of the training provider with less restrictive requirements to provide the training provider's contact information.

## Issues

*Identify the issues associated with the regulatory change, including: 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions; 2) the primary advantages and disadvantages to the agency or the Commonwealth; and 3) other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, include a specific statement to that effect.*

The primary advantages to the public and the regulated community are that the amendments to the regulation will:

1. Provide needed updating and clarification, including incorporating the Board's previous interpretive guidance;
2. Address concerns regarding barriers to licensure, including to individuals in neighboring states;
3. Enhance standards for home inspection contracts and home inspection reports that will better serve to protect members of the public; and
4. Enhance standards of conduct and practice that will better serve to protect members of the public.

An anticipated advantage is that the regulatory change potentially increases the number of individuals who may qualify for licensure, and, therefore, be available to members of the public to provide home inspection services. This may be of particular benefit to members of the public located in more rural areas of the Commonwealth where there are fewer licensed home inspectors whose services are available.

There are no identifiable disadvantages to the public, the agency, or the Commonwealth. It is not anticipated that the regulatory change will create any substantial disadvantages to the regulated community.

The primary advantage of the regulatory change to the agency and the Commonwealth is that it will permit the agency to more ably administer the licensure program, including the process for renewal of licenses; and will permit the agency to more effectively address issues that are the subject of complaints from the public against licensees.

**Requirements More Restrictive than Federal**

*List all changes to the information reported on the Agency Background Document submitted for the previous stage regarding any requirement of the regulatory change which is more restrictive than applicable federal requirements. If there are no changes to previously reported information, include a specific statement to that effect.*

There are no changes to the previously reported information.

**Agencies, Localities, and Other Entities Particularly Affected**

*List all changes to the information reported on the Agency Background Document submitted for the previous stage regarding any other state agencies, localities, or other entities that are particularly affected by the regulatory change. If there are no changes to previously reported information, include a specific statement to that effect.*

There are no changes to the previously reported information.

**Public Comment**

*Summarize all comments received during the public comment period following the publication of the previous stage and provide the agency’s response. Include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency. If no comment was received, enter a specific statement to that effect.*

<b>Commenter</b>	<b>Comment</b>	<b>Agency response</b>
Remmie Arnold (Town Hall)	The commenter expressed his belief that the Board rushed through the process in an attempt to create additional avenues to licensure without much thought which will weaken the quality of the home inspection profession. The commenter also suggested doubling the amount of CPE hours required during a license cycle.	The Board is tasked with protecting the health, safety, and welfare of the public by establishing <i>minimum</i> qualifications for entry into the profession. Since implementation of the regulations in 2017, transitioning from voluntary certification to mandatory licensure, the Board has received ample feedback from industry professionals and members of the public which largely indicates that the requirements for licensure as a home inspector are overly burdensome and create unnecessary barriers to licensure. The proposed revisions are made to ensure the regulation achieves its intended purpose and does not prohibit otherwise qualified individuals from obtaining licensure in Virginia.  Pathways were created to allow individuals seeking licensure additional ways, not “easier” ways, to obtain a license. The proposed points-based system requires

		<p>individuals to meet a combination of education and experience requirements and, unlike the current regulation, takes into account various methods in which experience and education requirements can be attained. The proposed amendments also clearly identify what can be considered qualifying experience as to eliminate any confusion surrounding this topic.</p> <p>Licensees are bound by the regulation, which includes standards for conducting home inspections and standards of practice and conduct. The Board has not been presented with evidence that suggests that making entry requirements more stringent will have a significant impact on reducing the amount complaints received regarding violations of the regulation. Licensees are responsible for knowing, understanding, and abiding by governing laws and regulations, as well as for keeping abreast of changes that impact the industry.</p> <p>The Board is grateful for all comments received and encourages licensees, the public, and other industry professionals to continue engaging with the Board in future regulatory development.</p>
<p>Dylan Morgan (Town Hall)</p>	<p>The commenter outlined the vitality and importance of the role of a home inspector in real estate transactions, the lives of clients, and for other community stakeholders, especially as it may relate to the financial health of an invested party. Home Inspectors are required to inspect numerous components of a home and identify potential defects or issues. The commenter does not believe the proposed entry requirements are stringent enough and suggests substantially increasing the qualifications an individual must meet to gain entry into the profession. The commenter points to other professions and provides that experience and education requirements are much more stringent. The commenter also suggests that amateur home inspectors cause issues throughout the industry</p>	<p>The Board is tasked with protecting the health, safety, and welfare of the public by establishing <i>minimum</i> qualifications for entry into the profession. Since implementation of the regulations in 2017, transitioning from voluntary certification to mandatory licensure, the Board has received ample feedback from industry professionals and members of the public which largely indicates that the requirements for licensure as a home inspector are overly burdensome and create unnecessary barriers to licensure. The proposed revisions are made to ensure the regulation achieves its intended purpose and does not prohibit otherwise qualified individuals from obtaining licensure in Virginia.</p> <p>Pathways were created to allow individuals seeking licensure additional ways, not “easier” ways, to obtain a license. The proposed points-based system requires individuals to meet a combination of education and experience requirements and, unlike the current regulation, takes into account various methods in which experience</p>

	<p>and poses that, in order to qualify for licensure, an individual complete an apprenticeship or a two-year degreed college curriculum.</p>	<p>and education requirements can be attained. The proposed amendments also clearly identify what can be considered qualifying experience as to eliminate any confusion surrounding this topic.</p> <p>Licensees are bound by the regulation, which includes standards for conducting home inspections and standards of practice and conduct. The Board has not been presented with evidence that suggests that making entry requirements more stringent will have a significant impact on reducing the amount complaints received regarding violations of the regulation. Licensees are responsible for knowing, understanding, and abiding by governing laws and regulations, as well as for keeping abreast of changes that impact the industry.</p> <p>The Board is grateful for all comments received and encourages licensees, the public, and other industry professionals to continue engaging with the Board in future regulatory development.</p>
<p>Anonymous (Town Hall)</p>	<p>The commenter calls for adequate training in the profession and requests the Board not rush through the regulatory action.</p>	<p>The Board is tasked with protecting the health, safety, and welfare of the public by establishing <i>minimum</i> qualifications for entry into the profession. Since implementation of the regulations in 2017, transitioning from voluntary certification to mandatory licensure, the Board has received ample feedback from industry professionals and members of the public which largely indicates that the requirements for licensure as a home inspector are overly burdensome and create unnecessary barriers to licensure. The proposed revisions are made to ensure the regulation achieves its intended purpose and does not prohibit otherwise qualified individuals from obtaining licensure in Virginia.</p> <p>Pathways were created to allow individuals seeking licensure additional ways, not “easier” ways, to obtain a license. The proposed points-based system requires individuals to meet a combination of education and experience requirements and, unlike the current regulation, takes into account various methods in which experience and education requirements can be attained. The proposed amendments also clearly identify what can be considered qualifying</p>

		<p>experience as to eliminate any confusion surrounding this topic.</p> <p>Licensees are bound by the regulation, which includes standards for conducting home inspections and standards of practice and conduct. The Board has not been presented with evidence that suggests that making entry requirements more stringent will have a significant impact on reducing the amount complaints received regarding violations of the regulation. Licensees are responsible for knowing, understanding, and abiding by governing laws and regulations, as well as for keeping abreast of changes that impact the industry.</p> <p>The Board is grateful for all comments received and encourages licensees, the public, and other industry professionals to continue engaging with the Board in future regulatory development.</p>
<p>Michael Donitzen (Town Hall)</p>	<p>The commenter presented concern with several sections within the regulation indicating that a requirement in one section might contradict requirements in another section while also expressing that industry professionals might have difficulty understanding or implementing a new requirement under prohibited acts. The commenter also touched on difficulties industry professionals often face when working with professionals in the real estate industry.</p>	<p>The Board adopted the following response on November 21, 2024:</p> <p>The Board thanks you for your comment and seeks to clarify what appears to be a misunderstanding or misinterpretation of current and proposed regulations.</p> <p>The Board thanks you for your comment and seeks to clarify what appears to be a misunderstanding or misinterpretation of current and proposed regulations.</p> <p>The requirement that certain information be disclosed, pursuant to 18VAC15-40-120 E, does not include a requirement that details or findings of a previously performed inspection be disclosed; it simply requires that a home inspector disclose the fact that the home inspector has performed an inspection on the building within the preceding 12 months. 18VAC15-40-140 B prohibits a home inspector from disclosing results or findings of a home inspection without approval of the client for whom the inspection was performed. As such, the disclosure required via 18VAC15-40-120 E does not conflict with the provisions of 18VAC15-40-140 B.</p> <p>Regarding recalling home inspections previously performed, 18VAC15-40-160 C requires that a licensee maintain all records pertaining to home inspections performed, to</p>

		<p>include written reports and supporting documentation, for a period of three years from the date of the related home inspection. While it may not be feasible to recall every home inspection performed within the preceding 12-month period off the top of one's head, it is feasible to review records to determine whether disclosure is required.</p> <p>18VAC15-40-155.11 d, which addresses retention or misapplication of funds, simply means that a home inspector must perform the work outlined in the contract for which the home inspector was paid. Simply put, "if you've been paid to complete an inspection, complete the inspection" or, "if you're unable to complete the inspection, return the money." This is a common provision that is also used in other regulations where money is exchanged for contracted work, such as the Board for Contractors.</p> <p>It is the Board's purpose to promulgate regulations to govern licensees engaged in the profession of home inspecting. The Board does not have the authority to impose regulations or requirements on other professionals, such as Realtors or real estate agents, despite the proximity in which these professionals may work. The Board has thoroughly considered activities associated with conducting home inspections along with feedback from the public and industry professionals, which has assisted in the development of the proposed regulation. The Board is grateful for all comments received and encourages licensees, the public, and other industry professionals to continue engaging with the Board in future regulatory development.</p> <p>On May 8, 2025, the Board adopted an additional response:</p> <p>After further consideration, the Board offers the following additional response regarding comments offered during the public comment period held for the proposed stage of the 2020-2021 General Review of Home Inspector Licensing Regulations, which concluded on September 27, 2024.</p> <p>The Board has further considered the practical implications of a provision</p>
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		<p>added to 18VAC15-40-120 F which identifies disclosure requirements related to inspections performed on a residential building within a 12-month period prior to any additional inspection(s). The Board has determined that the added provision does not contribute to the health, safety, and welfare of the public; rather it establishes an unnecessary burden for the licensed home inspector and is therefore removed from the final regulation.</p>
<p>Alex Adderton (Public Hearing)</p>	<p>The commenter participated on the committee that established the points-based experience and education qualifications and expressed concern that the suggested 20-point requirement is lowered to 15 points. The commenter also suggested that CPE requirements be increased. These recommendations are made in an effort to remain current with changing technologies, strengthen the profession overall, and raise the bar for industry standards.</p>	<p>The Board is tasked with protecting the health, safety, and welfare of the public by establishing <i>minimum</i> qualifications for entry into the profession. Since implementation of the regulations in 2017, transitioning from voluntary certification to mandatory licensure, the Board has received ample feedback from industry professionals and members of the public which largely indicates that the requirements for licensure as a home inspector are overly burdensome and create unnecessary barriers to licensure. The proposed revisions are made to ensure the regulation achieves its intended purpose and does not prohibit otherwise qualified individuals from obtaining licensure in Virginia.</p> <p>Pathways were created to allow individuals seeking licensure additional ways, not “easier” ways, to obtain a license. The proposed points-based system requires individuals to meet a combination of education and experience requirements and, unlike the current regulation, takes into account various methods in which experience and education requirements can be attained. The proposed amendments also clearly identify what can be considered qualifying experience as to eliminate any confusion surrounding this topic.</p> <p>Licenses are bound by the regulation, which includes standards for conducting home inspections and standards of practice and conduct. The Board has not been presented with evidence that suggests that making entry requirements more stringent will have a significant impact on reducing the amount complaints received regarding violations of the regulation. Licensees are responsible for knowing, understanding, and abiding by governing laws and regulations, as well as for</p>

		<p>keeping abreast of changes that impact the industry.</p> <p>The Board is grateful for all comments received and encourages licensees, the public, and other industry professionals to continue engaging with the Board in future regulatory development.</p>
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**Detail of Changes Made Since the Previous Stage**

*List all changes made to the text since the previous stage was published in the Virginia Register of Regulations and the rationale for the changes. For example, describe the intent of the language and the expected impact. Describe the difference between existing requirement(s) and/or agency practice(s) and what is being proposed in this regulatory change. Explain the new requirements and what they mean rather than merely quoting the text of the regulation. \* Put an asterisk next to any substantive changes.*

<b>Current chapter-section number</b>	<b>New chapter-section number, if applicable</b>	<b>New requirement from previous stage</b>	<b>Updated new requirement since previous stage</b>	<b>Change, intent, rationale, and likely impact of updated requirements</b>
40-10	N/A	Incorporates, by reference, applicable definitions from §§ 54.1-500 and 54.1-517.2:1 of the Code of Virginia, adds definitions that are necessary to make the regulation clear and understandable, and provides definitions for other specific terms used throughout the regulation.	*Additional revisions are made to the definitions of “address of record” and “financial interest.”	<p>*The change to the term “address of record” is made in anticipation of a paperless system. Reference to an address of record being a mailing address is removed.</p> <p>*The term “financial interest” is revised to increase from, \$1,000 to \$2,000, the threshold of value required to establish financial interest. This change is made to reduce to the regulatory burden placed on regulants. This change is also being made in the Board’s asbestos and lead regulations.</p>
40-25	N/A	The section provides that applications must be completed in accordance with application instructions and that an application is not complete until all required documents	*Subsection B is further revised to remove “and on the application” as it relates to instructions provided to an individual completing an application.	*This change is made to comply with Registrar requirements.

		are received by the Board.		
40-30	N/A	This section establishes the general requirements for licensure. An applicant is required to be at least 18 years of age, disclose a mailing address, disclose prior criminal convictions, and report prior administrative discipline.	*Subsection C is further revised to remove “a mailing” as a descriptor to the type of address that must be provided to the Board.	*This change is made to reflect changes made in the definitions section and in anticipation of a paperless system.
40-32	N/A	An applicant may qualify for licensure based on a combination of education and experience using a points-based system.  Table 1 details the types of qualifying education and the points assigned. Completion of Board-approved pre-license education courses can qualify an applicant, but an applicant may also qualify based on proof of completion of industry-related classes from accredited colleges or universities, or proof of completion of home inspection specific courses.  Table 2 details the types of experience and the points assigned. Applicable experience includes (i) full-time qualifying experience; (ii) completion of home	*An additional revision is made to Table 1 and Table 2 in subsection A.  In Table 1, asterisks are added to the education description items that can receive multiple points.  In Table 2, asterisks are added to the experience description items that can receive multiple points.  *In subsection C, language specifying the Commission on Colleges of the Southern Association of Colleges and Schools as an acceptable accrediting organization is removed.	*Changes to Table 1 and Table 2 made to make education and experience requirements clearer.  *Reference to the Commission on Colleges of the Southern Association of Colleges and Schools as an acceptable accrediting organization is removed because it is not necessary.

		<p>inspections; (iii) membership in a home inspector trade or professional association; (iv) teaching for compensation in an industry-related discipline at an accredited college or university, trade school, or private business; (v) being the qualified individual of a licensed contractor in specified classifications or specialty services; (vi) licensure as an architect or professional engineer; and (vii) certification as a building code official.</p> <p>An applicant must have a minimum of 20 qualifying points to qualify for licensure. Of the minimum 20 qualifying points, an applicant must have a minimum of five (5) points from each of Table 1 and Table 2. Each table establishes the maximum allowable points that may be assigned to an applicant for the various types of education and experience outlined in the tables. Applicants cannot be assigned points, except as provided in the tables, from multiple areas in each table for the same activity.</p>		
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40-33	N/A	This section requires applicants to adhere to the examination instructions and procedures established by the Board or the organization that is administering the Board-approved examination.	*This section is revised to remove “oral or written” as it relates to instructions given at an examination site.	*This language is removed as it is not necessary and is being removed from other DPOR regulations. There is not likely to be any impact as a result of this change.
40-35	N/A	This section establishes the requirements for a home inspector to receive the NRS specialty designation.	A stylistic change is made to change the word “shall” to “must” where applicable.	There is not likely to be any impact as a result of this change.
40-50	N/A	<p>Temporary renewal fees are established for licenses expiring after February 1, 2020, and before February 1, 2022.</p> <p>Temporary reinstatement fees are established for applications received after March 1, 2020, and on or before February 28, 2022.</p> <p>Temporary renewal fees are established for licenses expiring after February 1, 2022, and before February 1, 2024.</p> <p>Temporary reinstatement fees are established for applications received after March 1, 2022, and on or before February 29, 2024.</p>	*Provisions related to temporary renewal fees are removed.	<p>*The temporary fee provisions are no longer applicable to license renewals or reinstatements as the timeframes to which the provisions applied is expired.</p> <p>There is not likely to be any impact as a result of this change.</p>
40-78	N/A	This section establishes a recordkeeping requirement for documentation of a licensee’s CPE. A licensee’s documentation must	*The term “telephone number” is revised to “contact information.”	This change is made to reduce the stringency of the current requirement and allow for other types of contact information, such as an email address.

		include the name, address, and telephone number of the training provider.		
40-80	N/A	<p>This section outlines the procedures for renewal of a license.</p> <p>The Board will mail a renewal notice to a licensee prior to the expiration date on the license. A licensee is required to return the renewal notice to the Board, along with appropriate fee, and proof of insurance. A licensee with an NRS specialty designation must submit proof of completion of NRS CPE.</p> <p>The section also provides that if a licensee fails to receive the renewal notice, then a licensee may submit to the Board a copy of the license, along with the appropriate fee and other required documentation as an application for renewal.</p> <p>A licensee's submission of a renewal application is affirmation by the licensee that the licensee is in compliance with CPE requirements and in compliance with the Board's regulations.</p>	<p>*The term "mail" is replaced with "send" in relation to the method by which a renewal notice is sent to a licensee.</p> <p>*Additionally, the term "return" is replaced with "submit" as it relates to a licensee providing required documentation in order to renew a license.</p> <p>*Provisions that allow a regulant to renew a license by submitting a copy of the license, required fees, and other documentation as an application for renewal in the event the renewal notice is not received are removed.</p> <p>*Subsection E is revised to remove a provision specifying that submission of a renewal application is an affirmation that the CPE requirements for renewal have been met.</p>	<p>* These changes are made in anticipation of a paperless system.</p> <p>*As a result of the changes to this section which require a regulant to provide proof of completing CPE in order to renew, the provision stipulating that submission of a renewal application is an affirmation of compliance with CPE requirements is unnecessary.</p> <p>There is not likely to be any impact as a result of this change.</p>
40-90	N/A	This section outlines the requirements for reinstatement of a	*Subsection B, which provides that all applicants for	*This change is being made to remove redundant language as the identified

		license that has expired.	reinstatement must meet requirements set forth in sections - 30, -72, and -75 is removed.	sections establish the necessary requirements.  There is not likely to be any impact as a result of this change.
40-120	N/A	Contract disclosure provisions were proposed to be revised to require a licensee to disclose in a home inspection contract whether the licensee has inspected the home to be inspected within the preceding 12 months.	*Proposed provisions to require a licensee to disclose whether the licensee has performed an inspection on the home to be inspected within the preceding 12 months are removed.	*This change is being made, in part, due to public comment received about the practicality of the disclosure requirement. Additionally, the Board ultimately determined that adding this disclosure requirement may not prove to be an added benefit in protecting the health, safety, and welfare of the public, and in fact, may be overly burdensome to licensees.
40-150	N/A	The section provides that the Board may impose the following sanctions: <ul style="list-style-type: none"> <li>• A monetary penalty in accordance with § 54.1-202(A) of the Code of Virginia;</li> <li>• License suspension;</li> <li>• License revocation; or</li> <li>• Refuse to renew a license.</li> </ul> <p>The Board may impose such sanctions when a licensee has been found to have violated or cooperated with others in violating any provision of the regulations of the Board or provision of applicable statute.</p>	*This section is revised to provide that the Board may impose the following sanctions: <ul style="list-style-type: none"> <li>• Reprimand;</li> <li>• Fine;</li> <li>• License suspension; or</li> <li>• License revocation.</li> </ul> <p>*These provisions have been revised to reflect appropriate statutory authority granted by § 54.1-516 of the Code of Virginia.</p>	*This change is made to make the regulation clearer and to ensure consistency with statute.

40-155	N/A	<p>This section establishes specific prohibited acts which may be grounds for disciplinary action against a licensee.</p> <p>The prohibited act relating to obtaining or attempting to obtain a license by false or fraudulent representation was proposed to be revised to proscribe furnishing substantially inaccurate or incomplete information to the Board in obtaining, renewing, reinstating, or maintaining a license.</p>	<p>*These proposed changes to the prohibited act were removed. As revised, the prohibited act proscribes obtaining or attempting to obtain a license by false or fraudulent representation; or maintaining, renewing, or reinstating a license by false or fraudulent representation.</p>	<p>*The proposed revisions to the prohibited act were determined to be unnecessary.</p> <p>There is not likely to be any impact as a result of this change.</p>
40-210	N/A	<p>The section outlines the application requirements for approval of a pre-license education course.</p> <p>No substantive changes were proposed during the previous stage.</p>	<p>*Pre-license course application requirements are revised to:</p> <ul style="list-style-type: none"> <li>• Replace the requirement for a provider to provide a telephone number with a requirement that the application include the provider's contact information.</li> <li>• Remove the requirement that the application include the fees for the course and course materials.</li> </ul>	<p>*The change to require a provider's contact information is made to include other forms of contact, such as email.</p> <p>*The change to remove a requirement to provide course and material fees is made as this information is not necessary or beneficial in determining approval of a pre-license education course. Additionally, this change reduces the burden placed on applicants and is consistent with changes being made to other DPOR regulations.</p>
40-230	N/A	<p>This section outlines the application</p>	<p>*Training module and CPE course</p>	<p>*The change to require a provider's contact</p>

		<p>requirements for approval of a NRS training module or NRS CPE training course.</p> <p>No substantive changes were proposed during the previous stage.</p>	<p>application requirements are revised to:</p> <ul style="list-style-type: none"> <li>• Replace the requirement for a provider to provide a telephone number with a requirement that the application include the provider's contact information.</li> <li>• Remove the requirement that the application include the fees for the training module or CPE course and materials.</li> </ul>	<p>information is made to include other forms of contact, such as email.</p> <p>*The change to remove a requirement to provide module or CPE course and material fees is made as this information is not necessary or beneficial in determining approval of a training module or CPE course. Additionally, this change reduces the burden placed on applicants and is consistent with changes being made to other DPOR regulations.</p>
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**Detail of All Changes Proposed in this Regulatory Action**

*List all changes proposed in this action and the rationale for the changes. For example, describe the intent of the language and the expected impact. Describe the difference between existing requirement(s) and/or agency practice(s) and what is being proposed in this regulatory change. Explain the new requirements and what they mean rather than merely quoting the text of the regulation. \* Put an asterisk next to any substantive changes.*

Current chapter-section number	New chapter-section number, if applicable	Current requirements in VAC	Change, intent, rationale, and likely impact of updated requirements
40-10	N/A	Incorporates, by reference, applicable definitions from §§ 54.1-500 and 54.1-517.2:1 of the Code of Virginia, adds definitions that are necessary to make the regulation clear and understandable, and provides definitions for other specific terms used throughout the regulation.	<p>*Removes definitions of “component” and “system” as definitions of these terms are not required. The dictionary meaning of the terms is sufficient.</p> <p>*Removes definition of “prelicense education course” as the definition is redundant and unnecessary.</p> <p>*Adds definition for “course of construction inspection” which means one or more inspections conducted during the construction of a new</p>

			<p>residential structure. The term is needed to complement a change to section -20 regarding the necessity for licensure.</p> <p>*Adds definition for “describe” which means to report a system or component by its type or other observed significant characteristics to distinguish it from other systems or components. The term is being added to incorporate <a href="#">previous Board guidance</a> (Guidance Document 6266) regarding the meaning of this term as it is used in the regulation.</p> <p>*Adds definition for “direct supervision” which means that a licensed home inspector is physically present on the premises at all times and is at times responsible for compliance with the regulation. The term is being added to incorporate <a href="#">previous Board guidance</a> (Guidance Document 6833) regarding the meaning of this term as it is used in the regulation.</p> <p>*Adds definition for “qualifying experience” which refers to the experience used by a home inspector applicant to qualify for licensure. This term is used in section -32 of the regulation pertaining to qualifications for licensure and is necessary to make the regulation clear and understandable.</p> <p>*The term “address of record” is revised in anticipation of a paperless system. Reference to an address of record being a mailing address is removed.</p> <p>*The term “financial interest” is revised to increase from, \$1,000 to \$2,000, the threshold of value required to establish financial interest. This change is made to reduce to the regulatory burden placed on regulants. This change is also being made in the Board’s asbestos and lead regulations.</p> <p>*The term “fireplace” is revised so the meaning of the term is consistent with</p>
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			<p>the meaning of the term as it is defined in the USBC.</p> <p>*The term “solid fuel burning appliances” is revised to make the meaning of the term clearer.</p> <p>*The term “NRS specialty” was revised to make the meaning of the term clearer.</p> <p>Minor stylistic changes are made.</p>
40-20	N/A	<p>The section establishes the requirement for an individual who performs a home inspection to have a home inspector license, and that a home inspection on a new residential structure must be conducted by a licensed home inspector with an NRS specialty.</p>	<p>*Subsection A is revised to remove unnecessary language relating to a home inspection being performed for compensation on a residential building. The definition of “home inspection” in § 54.1-500 of the Code of Virginia already specifies that home inspection is an inspection of a residential building for compensation.</p> <p>*Subsection B is revised to remove unnecessary language specifying a home inspector must have taken a training module on the Virginia Residential Code. In order to receive an NRS specialty, a licensee will have needed complete an NRS training module which covers the Virginia Residential Code.</p> <p>*Subsection B is revised to clarify that an inspection on a new residential structure includes any course of construction inspection. A course of construction inspection is an inspection conducted during the construction of a new residential structure. The change incorporates <a href="#">previous Board guidance</a> (Guidance Document 6248) that a licensee must have an NRS specialty to perform such inspections.</p> <p>*A new subsection C is added to provide that an unlicensed individual who only conducts inspections of a component or system of a residential building (e.g. roof inspection, foundation inspection, HVAC inspection) is not considered to be performing a home inspection. The change incorporates <a href="#">previous Board guidance</a> (Guidance Document 6663)</p>

			regarding inspections that do not fall within the meaning of home inspection.
40-25	N/A	This section establishes the basic procedures for submission and review of an application for licensure. The section provides that applications must be completed in accordance with application instructions and that an application is not complete until all required documents are received by the Board. The section further provides that applications will be reviewed within 30 days of receipt, and that an applicant has 12 months to complete the application process.	<p>*Subsection B is revised to remove “and on the application” as it relates to instructions provided to an individual completing an application. This change is made to comply with Registrar requirements.</p> <p>Minor technical changes are made for clarification purposes. Minor stylistic changes are made to replace the word “shall” with “must” or “will” where appropriate.</p>
40-30	N/A	<p>This section establishes the general requirements for licensure. An applicant is required to be at least 18 years of age, disclose a mailing address, disclose prior criminal convictions, and report prior administrative discipline.</p> <p>An applicant is required to disclose all felony convictions and all misdemeanor convictions involving moral turpitude, sexual offense, non-marijuana drug distribution, or physical injury.</p> <p>A plea of <i>nolo contendere</i> is considered a conviction. The record of conviction received from a court is to be accepted as prima facie evidence of a conviction or finding of guilt.</p> <p>An applicant is required to report prior any prior disciplinary action taken against a license, certification, or registration held by the applicant.</p> <p>The section also requires an applicant to provide proof of having obtained liability insurance with a minimum limit of \$250,000 per occurrence.</p>	<p>*The requirement for disclosure of misdemeanor criminal convictions in subsection D was revised to remove the provision that specified types of offenses be disclosed and reduce the reporting timeframe from five (5) years prior to application to three (3) years prior to application.</p> <p>Changing the regulation to only require disclosure of misdemeanor convictions within three years of the application, instead of the current five years, will help reduce barriers to licensure for some individuals with a prior criminal history.</p> <p>An applicant would be required to disclose all misdemeanor convictions, excluding marijuana convictions, during the three-year period prior to application, instead of specified types of offenses. This makes the regulation easier to understand and removes the burden on an applicant with misdemeanor convictions to make a determination as to which criminal convictions should or should not be disclosed. It will also enhance the Board’s protection of the public welfare to address an applicant’s fitness for licensure, as applicants with a more recent criminal history may not be fit for licensure.</p> <p>*Removed provisions in subsection D that (i) provided that a plea of <i>nolo contendere</i> is considered a conviction;</p>

			<p>and (ii) a certified record of conviction is <i>prima facie</i> evidence of guilt of a criminal conviction.</p> <p>Provisions regarding <i>nolo contendere</i> pleas and certified record of conviction as being <i>prima facie</i> evidence of guilt appear to be contrary to the provisions of § 54.1-204 of the Code of Virginia. Under the regulation, any conviction of a regulant must be considered in accordance with § 54.1-204 of the Code of Virginia.</p> <p>*Subsection F was revised to provide that an applicant must disclose any action taken by a board or administrative body against a professional or occupational license, certificate, or registration issued to the applicant, and specify that disciplinary action includes (i) suspension; (ii) revocation; (iii) surrender; (iv) imposition of monetary penalty; (v) requirement for remedial education; or (vi) requirement for other remedial action. The subsection was also revised to clarify the Board may deny licensure based on any prior disciplinary action taken by any board or administrative body.</p> <p>The revisions to subsection F make the regulation clearer as to what disciplinary matters an applicant is required to report to the Board, and make clearer the scope of the Board’s authority to deny an application based on prior disciplinary action taken against a professional or occupational license issued to an applicant.</p> <p>*Added to language to subsection G to clarify that evidence of insurance provided by an applicant must be satisfactory to the Board.</p> <p>*A minor revision to subsection C is made for clarification and to comport with revisions to the term “address of record” in the definitions section.</p> <p>Minor technical or stylistic changes are made, including to replace the word</p>
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			<p>“shall” with “must” or “will” where appropriate.</p>
<p>40-32</p>	<p>N/A</p>	<p>This section establishes the qualifications for licensure to include a combination of education, by completion of Board-approved pre-license education, and experience, by proof of completion of home inspections. Applicants must have passed the Board-approved license examination.</p> <p>Applicants must provide proof that completed home inspections were under the direct supervision of a licensee, unless the inspections were completed prior July 1, 2017, when home inspectors were not required to be licensed.</p> <p>The section allows applicants who have more than 10 years of experience as a home inspector prior to July 1, 2017, to qualify for licensure without having completed Board-approved pre-license education.</p> <p>The section specifies that pre-license education courses must be approved by the Board, and that no more than half of the requirement pre-license education course hours may be completed using distance or online education.</p> <p>The section provides that the National Home Inspector Examination is the Board-approved license examination.</p>	<p>*The section is significantly revised.</p> <p>*The qualifications for licensure are significantly revised. Applicants are still required to pass the National Home Inspector Examination, which is the Board-approved examination. However, an applicant may qualify for licensure based on a combination of education and experience using a points-based system.</p> <p>*Table 1 details the types of qualifying education and the points assigned. Completion of Board-approved pre-license education courses can qualify an applicant, but an applicant may also qualify based on proof of completion of industry-related classes from accredited colleges or universities, or proof of completion of home inspection specific courses.</p> <p>*Table 2 details the types of experience and the points assigned. Applicable experience includes (i) full-time qualifying experience; (ii) completion of home inspections; (iii) membership in a home inspector trade or professional association; (iv) teaching for compensation in an industry-related discipline at an accredited college or university, trade school, or private business; (v) being the qualified individual of a licensed contractor in specified classifications or specialty services; (vi) licensure as an architect or professional engineer; and (vii) certification as a building code official.</p> <p>*An applicant must have a minimum of 15 qualifying points to qualify for licensure. Of the minimum 15 qualifying points, an applicant must have a minimum of five (5) points from each of Table 1 and Table 2. Each table establishes the maximum allowable points that may be assigned to an applicant for the various types of education and experience outlined in the tables. Applicants cannot be assigned points, except as provided in</p>

			<p>the tables, from multiple areas in each table for the same activity.</p> <p>For example, an applicant may submit proof of having completed a 35-hour Board-approved pre-license education course. The applicant would be assigned five (5) points toward the minimum required 15 points. Were the applicant to provide proof of completing a second 35-hour education course, the applicant could not receive an additional 5 points. The maximum number of points the applicant could receive for this activity is set at 5. However, an applicant could provide proof of having completed up to three (3) 4-hour courses specific to topics covered on the home inspector examination. The applicant would be assigned one (1) point for each course completed, for an additional 3 points toward the required 15.</p> <p>*In addition, experience qualifications are changed to allow an applicant to provide proof of completion of home inspections without the direct supervision of a licensee if the inspections were lawfully conducted under the applicable laws of the jurisdiction.</p> <p>The qualifications were significantly revised, in part, to address issues brought to the attention of the Board and agency staff following the implementation of home inspector licensure in 2017.</p> <p>Individuals who perform home inspections in neighboring states, such as Tennessee, have encountered substantial difficulty in obtaining licensure in Virginia due to the requirement in the current regulation that qualifying inspections be conducted under the supervision of a Virginia-licensed home inspector. Out-of-state applicants have reported being unable to find Virginia licensees that are either willing or available to them so that the applicants can perform the inspections needed to qualify for</p>
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			<p>licensure. There have also been instances where licensees are charging individuals seeking licensure substantial fees to permit the individuals to perform inspections under their supervision.</p> <p>*A new subsection B outlines the criteria for what may be accepted as “qualifying experience” under Table 2. An applicant may receive two (2) qualifying points toward meeting experience requirements for each month of full-time qualifying experience.</p> <p>The experience must have been gained by assisting a licensed home inspector under the inspector’s direct supervision, or through lawfully performing home inspections as authorized under the laws of the jurisdiction.</p> <p>*Subsection B establishes how full-time qualifying experience is to be calculated. A month of full-time qualifying experience is a minimum 146 hours during a one-month period, or a minimum of 18 workdays in a one-month period. An applicant may receive partial credit if experience was gained working less than full-time.</p> <p>*Experience must be verified by either (i) a licensed home inspector; (ii) the qualified individual or responsible manager of a licensed contractor; or (iii) any combination of at least three licensed real estate professionals or home inspector clients.</p> <p>*A new subsection C outlines the criteria for acceptable documentation for an applicant seeking to receive (i) qualifying points under Table 1 for completion of classes from an accredited college or university; or (ii) qualifying points for teaching at an accredited college or university under Table 2.</p> <p>Under Table 1, an applicant may receive five (5) points, up to a maximum of 5, for successfully</p>
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			<p>passing a 3-credit hour minimum class in home inspection from an accredited college or university; or one (1) point, up to a maximum of three (3), for successfully passing a 3-credit hour minimum class in specified disciplines. Under Table 2, an applicant may receive two (2) points, up to a maximum of six (6), for one year of teaching at an accredited college or university in specified disciplines.</p> <p>An accredited college or university is one that is accredited by (i) a regional or national accreditation association; or (ii) an accrediting agency that recognized by the U.S. Secretary of Education.</p> <p>*If seeking qualifying education points, the applicant must submit a transcript from the accredited college or university. If seeking qualifying experience point, the applicant must submit satisfactory evidence of having been employed by the accredited college or university.</p> <p>*In addition, the provision in the current regulation that no more than half of the required pre-license education hours be completed with distance or online education is being removed. Removal of this provision allows for greater flexibility for individuals seeking licensure to meet entry qualifications.</p> <p>The revisions are intended to reduce barriers to entry into the profession.</p> <p>Minor stylistic changes are made to replace the word “shall” with “must” or “will” where appropriate.</p>
40-33	N/A	<p>This section requires applicants to adhere to the examination instructions and procedures established by the Board or the organization that is administering the Board-approved examination. Failure to comply with examination instructions and procedures are grounds for denial of the application.</p>	<p>*This section is revised to remove “oral or written” as it relates to instructions given at an examination site.</p> <p>This language is removed as it is not necessary and is being removed from other DPOR regulations. There is not likely to be any impact as a result of this change.</p>

			Minor stylistic changes are made to replace the word “shall” with “must” or “will” where appropriate.
40-35	N/A	<p>This section establishes the requirements for a home inspector to receive the NRS specialty designation.</p> <p>An individual may qualify for the NRS specialty designation by meeting the following qualifications:</p> <ul style="list-style-type: none"> <li>• Hold a current and valid home inspector license; and</li> <li>• Submit proof of successful completion of an NRS training module that is approved by the Board pursuant to Part VI of the regulation.</li> </ul>	Minor technical and stylistic changes are made, including to replace the word “shall” with “must” or “will” where appropriate.
40-48	N/A	<p>This section provides for general requirements applicable to fees received on behalf of the Board. Fees are non-refundable and the date on which a fee is received determines whether the fee was received on time.</p>	Minor stylistic changes are made, including to replace the word “shall” with “must” or “will” where appropriate.
40-50	N/A	<p>This section provides a fee schedule for home inspector related licenses, renewals, and reinstatements.</p> <p>Fees are also established for prelicense education course approval, NRS training module approval, and NRS CPE course approval.</p> <p>Temporary renewal fees are established for licenses expiring after February 1, 2020, and before February 1, 2022.</p> <p>Temporary reinstatement fees are established for applications received after March 1, 2020, and on or before February 28, 2022.</p> <p>Temporary renewal fees are established for licenses expiring after February 1, 2022, and before February 1, 2024.</p>	<p>*Provisions related to temporary renewal fees are removed.</p> <p>The provisions are no longer applicable to license renewals or reinstatements as the timeframes to which the provisions applied is expired.</p> <p>There is not likely to be any impact as a result of this change.</p>

		Temporary reinstatement fees are established for applications received after March 1, 2022, and on or before February 29, 2024.	
40-60	N/A	This section provides that licenses issued by the Board have a term of two (2) years, ending on the last day of the month in which the license was issued.	Minor stylistic changes are made to replace the word “shall” with “must” or “will” where appropriate.
40-72	N/A	<p>This section provides that a licensee must complete 16 contact hours of CPE in order to renew a license. CPE may be completed through classroom instruction, distance learning, or online education. CPE is limited to content areas covered by the Board-approved license examination.</p> <p>A licensee may not receive CPE credit for the same training course more than once for the same license cycle. Licensees who complete the initial NRS training module to receive an NRS specialty designation may count completion of that course toward meeting CPE requirements.</p>	<p>*Subsection A of the section is revised to more clearly state a licensee is required to complete CPE.</p> <p>*Subsection B is revised to broaden content areas acceptable for CPE credit. The list of acceptable topics is enumerated under new section -73.</p> <p>Minor stylistic changes are made, including to replace the word “shall” with “must” or “will” where appropriate.</p>
N/A	40-73	N/A – No current requirements.	<p>*This new section outlines home inspection topics that the Board will accept as CPE toward renewal of a license.</p> <p>As revised, the section provides greater clarity to licensees as to topics that are acceptable for CPE credit. Currently, to determine acceptable CPE topics a licensee would need to consult examination information provided by the Examination Board of Professional Home Inspectors, or contact the agency. The list of topics detailed in subsection A of this new section is based on the content covered by the National Home Inspector Examination.</p> <p>*The section also provides that a licensee may receive a maximum of four (4) contact hours CPE credit if completing training required to maintain credentials related to home</p>

			<p>inspection services, such as asbestos or lead inspection, or radon testing.</p> <p>This provision provides more flexibility to licensees who hold credentials in related professions to apply professional education for maintaining such credentials to renewal of their home inspector license.</p> <p>*Subsection C of this new section provides that a licensee may apply completion of an NRS CPE course toward the required 16 contact hours needed for renewal. Such provision exists in the current regulation, but is being moved from section -75 to this new section.</p>
40-75	N/A	<p>This section provides that a licensee who holds an NRS designation must complete a Board-approved NRS CPE course in order to maintain the NRS designation. Completion of the course can be applied toward the 16 contact hours of CPE required for renewal of a license.</p>	<p>*The provision of this section that permits a licensee to apply NRS CPE toward completion of the 16 contact hours of CPE to renew a license is removed and relocated to the new section -73.</p> <p>*The section is revised to add a new provision that a licensee who has completed an NRS training module to receive an NRS designation within one year prior to the expiration date of the license is not required to complete an NRS CPE course in order to renew the license. This change incorporates <a href="#">previous Board guidance</a> (Guidance Document 6709) to ensure that licensees who have recently completed the NRS training module to receive an NRS designation are not required to then also complete an NRS CPE.</p> <p>*The section is revised to remove reference to NRS CPE being a four hour course. This change was made to make this section of regulation clearer. A Board-approved NRS CPE is required to be a minimum of four (4) contact hours.</p> <p>Minor stylistic changes are made to replace the word “shall” with “must” or “will” where appropriate.</p>
40-76	N/A	<p>This section provides that a licensee may receive CPE credit for teaching a course that meets</p>	<p>Minor stylistic changes are made to replace the word “shall” with “must” or “will” where appropriate.</p>

		<p>the requirements for acceptable CPE in the regulation, but may not receive credit multiple times in a license cycle for the same course.</p> <p>The section also provides a licensee may receive two (2) hours of CPE no more than once per license cycle for development or substantial updating of a CPE course.</p>	
40-78	N/A	<p>This section establishes a recordkeeping requirement for documentation of a licensee’s CPE.</p> <p>Licensees are required to maintain evidence of satisfactory completion of CPE for at least three (3) years following the end of the license renewal cycle for which the CPE was taken.</p> <p>Records of CPE completed must include (i) information pertaining to the training provider, which must contain the name, address, and telephone number of the training provider;; (ii) dates the licensee participated in training; (iii) a description of subject matter and content of the covered by the training; and (iv) a statement from the CPE provider of the contact hours completed.</p> <p>The section provides that the documentation required to be maintained by a licensee must be provided to the Board or its agent upon request, and that the Board has the authority to conduct an audit of a licensee to ensure compliance with CPE requirements.</p> <p>The section further provides a licensee may request additional time to meet CPE requirements, but that CPE completed during a license renewal cycle to meet the requirements for a preceding cycle are only valid for that preceding renewal cycle.</p>	<p>*Subdivision A 3 of this section is revised to provide that documentation of CPE to be maintained by a licensee must include descriptive material of the subject matter presented that covers the content areas covered by the Board’s examination or the list of acceptable topics provided for in section -73.</p> <p>The change is intended to complement the change made to section -72 regarding content that may be accepted for CPE credit.</p> <p>*The term “telephone number” is revised to “contact information” regarding training provider information that must be in a licensee’s records. This change is made to reduce the stringency of the current requirement and allow for other types of contact information, such as an email address.</p> <p>The section is revised to make minor corrections for clarity or style. Minor stylistic changes are made to replace the word “shall” with “must” or “will” where appropriate.</p>

<p>40-80</p>	<p>N/A</p>	<p>This section outlines the procedures for renewal of a license.</p> <p>The Board will mail a renewal notice to a licensee prior to the expiration date on the license. A licensee is required to return the renewal notice to the Board, along with appropriate fee, and proof of insurance. A licensee with an NRS specialty designation must submit proof of completion of NRS CPE.</p> <p>The section also provides that a licensee's failure to receive the renewal notice does not relieve the licensee of the obligation to renew, and prescribes how a licensee may renew when the licensee does not receive the renewal notice.</p> <p>The section further provides that the date a renewal application is received by DPOR determines whether the renewal is received on time. A licensee's submission of a renewal application is affirmation by the licensee that the licensee is in compliance with CPE requirements and in compliance with the Board's regulations.</p>	<p>*The section is revised to require licensees to submit a completed renewal application to align renewal procedures with agency practice for renewals where a licensee must submit additional documents to renew a licensee. Renewal forms are sent to the licensee as part of the renewal notice.</p> <p>*The section is revised to require a licensee to provide proof of completion of all CPE for the renewal cycle in order to renew. The change is based on information received from periodic audits of licensees which revealed non-compliance with CPE requirements. When renewing a license, the licensee certifies the licensee has complied with CPE requirements. However, audits have shown that some licensees are not in compliance. Licensees that fail to respond to an audit, or provide incomplete documentation in response to an audit, are referred for disciplinary action. This process consumes substantial agency time and resources to pursue compliance.</p> <p>Requiring licensees to provide proof of completing CPE when renewing licenses is expected to provide greater assurance that licensees will remain in compliance because licensees will not be able to renew without meeting CPE requirements.</p> <p>*The term "mail" is replaced with "send" in relation to the method by which a renewal notice is sent to a licensee. Additionally, the term "return" is replaced with "submit" as it relates to a licensee providing required documentation in order to renew a license.</p> <p>*Provisions that allow a regulant to renew a license by submitting a copy of the license, required fees, and other documentation as an application for renewal in the event the renewal notice is not received are removed.</p>
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			<p>The changes regarding sending of renewal notices to licensees and submission of documentation to the Board to renew licensure are made in anticipation of a paperless system.</p> <p>*Subsection E is revised to remove a provision specifying that submission of a renewal application is an affirmation that the CPE requirements for renewal have been met.</p> <p>As a result of the changes to this section which require a regulant to provide proof of completing CPE in order to renew, the provision stipulating that submission of a renewal application is an affirmation of compliance with CPE requirements is unnecessary.</p> <p>Minor stylistic changes are made to replace the word "shall" with "must" or "will" where appropriate.</p>
40-90	N/A	<p>This section outlines the requirements for reinstatement of a license that has expired.</p> <p>A licensee that does not renew the license within 30 days after the expiration date of the license must pay a reinstatement fee, submit proof of insurance, and submit proof of completion of required CPE. A licensee has two years from the date of license expiration to reinstate a license, after which time the individual would be ineligible to reinstate the license and must apply as a new applicant.</p>	<p>*Subsection B, which provides that all applicants for reinstatement must meet requirements set forth in sections -30, -72, and -75 is removed.</p> <p>This change is being made to remove redundant language as the identified sections establish the necessary requirements.</p> <p>There is not likely to be any impact as a result of this change.</p> <p>Minor stylistic changes are made, including to replace the word "shall" with "must" or "will" where appropriate.</p>
40-105	N/A	<p>This section provides that a licensee who reinstates an expired license will be regarded as having been continuously licensed and is subject to the Board's jurisdiction for their activities while the license was expired.</p> <p>The section further provides that any regulated activity conducted while a license is expired may constitute unlicensed activity and may be subject to prosecution</p>	<p>Minor stylistic changes are made, including to replace the word "shall" with "must" or "will" where appropriate.</p>

		under applicable provisions of statute.	
40-108	N/A	This section provides that licensees who were eligible for renewal or reinstatement of a license on or after July 1, 2017, the date when the licensure requirement became effective, must meet the requirements for renewal or reinstatement in the regulation effective as of July 1, 2017.	<p>*This section of the regulation is repealed as it is no longer necessary.</p> <p>Under § 54.1-517.2 of the Code of Virginia, any certified home inspector who held an unexpired certificate as of June 30, 2017, became automatically licensed as a home inspector. This provision of the regulation was designed to address those with existing licenses whose licenses became eligible for renewal or reinstatement after July 1, 2017, by stipulating these licensees had to meet the new renewal and reinstatement requirements.</p>
40-120	N/A	<p>This section outlines the minimum standards and requirements for home inspection contracts.</p> <p>Contracts must be in writing and signed by the parties. Contracts must clearly specify terms, conditions, limitations, and exclusions to the work the home inspector will perform.</p> <p>Contracts must contain certain information pertaining to (i) the home inspector, including name, address, telephone number, and license information; (ii) the client; (iii) the property to be inspected; (iv) cost; and (v) the scope of the home inspection. Contracts must also contain the estimated delivery date of the home inspection report.</p> <p>Contracts must also contain a provision that the home inspection is not an inspection for regulatory compliance, such as compliance with the USBC or local ordinances.</p> <p>The section details several matters that, if not included as part of the inspection, must be disclosed as being exclusions to the contract. These include (i) non-accessible components or systems; (ii) the remaining life of</p>	<p>*The section is revised to add provisions that (i) the home inspection contract must be signed by the licensee and the client, or the client's authorized agent, prior to commencement of work or acceptance of payments; (ii) the licensee must make prompt delivery of the fully executed contract to the client, or client's authorized representative, before work begins; and (iii) any modification to the contract which changes the cost, scope of work, or estimated completion date, be in writing and signed by all parties.</p> <p>These provisions have been added to help to protect the public, and also licensees, by ensuring that before money changes hands and work is performed that the contracting parties have memorialized their agreement, and that the client has a copy of the same. This will help to minimize disputes and may help to resolve some disputes that might occur. For the same reasons, certain modifications to the contract should be reduced to writing and signed by the parties.</p> <p>*Subsection B to the section is revised to more clearly specify the requirements for information that must be included in the contract. Information related to the home inspector, including license information, is consolidated into subdivision B 1. This</p>

		<p>systems or components; (iii) suitability of the property for any specialized use; (iv) market value of the property or marketability; and (v) advisability of the purchase of the property.</p> <p>Contracts must also disclose in writing that the inspection is based on upon visual observation of existing conditions at the time of inspection and are not intended to be construed as a guarantee, warranty, or a form of insurance.</p> <p>In cases where a home inspector recommends a person to a client to perform repairs or modifications to the inspected property, the contract must disclose any financial interest the home inspector has with the person whom the inspector recommends.</p>	<p>subdivision is further revised to provide that the contract contains the home inspector's (i) telephone number, (ii) email address; or (iii) other contact information as applicable. This change provides flexibility to a home inspector to include contact information other than a telephone number.</p> <p>*Subsection B is revised to more clearly state a contract must list all areas and systems that will be inspected.</p> <p>*Subsection B is revised to more clearly state that exclusions to the home inspection be disclosed.</p> <p>*Subsection B is revised to require the contract include a statement disclosing that any modifications to the contract the change the cost, scope of work, and estimated completion date be in writing and signed by all parties. This new disclosure requirement complements the revision to subsection A discussed above by putting a consumer on notice that certain changes to the contract be in writing and signed by the parties.</p> <p>*Subsection B is revised to require the contract (i) disclose the cancellation rights of the parties; and (ii) contain a general statement on the limits of the home inspector's liability. These requirements are intended to protect both the consumer and the licensee.</p> <p>*The section is revised to clarify the contract disclosure requirement for a licensee who has a financial interest, or reasonably expects to have a financial interest, with a person whom the licensee recommends to a client for repairs or modifications to a home. Subdivision A 3 of section -140 (Conflicts of Interest) require a licensee to provide written documentation to a client to disclose any financial interest the licensee has or reasonably expects to have with a person who the licensee recommends to a client to perform repairs or modifications. The change ensures</p>
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			<p>these disclosure provisions in the regulation are consistent.</p> <p>*New provisions are added to require a licensee to disclose in a home inspection contract whether the licensee has designed or performed repairs or modifications to the home to be inspected within the preceding 12 months. The change, in part, incorporates into contract disclosure requirements provisions that are outlined in subdivision A 2 of section - 140 pertaining to homes where a licensee has designed or performed repairs within the 12 months preceding the inspection.</p> <p>These changes are intended to ensure a client is aware of potential conflicts of interest.</p> <p>Minor stylistic changes are made, including to replace the word "shall" with "must" or "will" where appropriate.</p>
40-130	N/A	<p>This section outlines the minimum standards and requirements for home inspection reports.</p> <p>Home inspection reports must contain (i) certain information pertaining to the licensee, including the licensee's name, address, telephone number, and license information; (ii) certain information pertaining to the client; (iii) the address of the home that is inspected; and (iv) the date and time of the inspection, and weather conditions at the time of inspection.</p> <p>The section details the systems and components of a home that, unless limited by the home inspection contract, are to be inspected and included in the home inspection report. The home inspector must describe the composition and characteristics of the readily accessible systems and components, and describe readily observable defects of the same.</p>	<p>*The section is revised to add provisions which clarify that a home inspection report is a written evaluation of the readily accessible components and systems in a residential building or NRS, and includes a list of applicable components and systems. This is derived from the definition of "home inspection" in § 54.1-500 of the Code of Virginia, which establishes that a home inspection must include such written evaluation.</p> <p>*Subsection B is revised to more clearly specify the information pertaining to the licensee that must be included in the home inspection report. The revisions provide flexibility to regulants by allowing regulants to provide either a telephone number or email address, or other contact information in the report.</p> <p>*Similarly, subsection B is revised to now only require contact information for the home inspector's client or authorized representative, instead of requiring an address and telephone number.</p>

		<p>The section provides that a home inspector is not required to put into operation systems that are turned off, winterized, or secured so as to not respond to normal activation.</p> <p>The section further provides that if a home inspector observes yellow corrugated stainless steel tubing (defined in § 54.1-517.2:1 of the Code of Virginia) in a home built prior to the adoption of the 2006 Virginia Construction Code, the home inspector must include this observation in the inspection report, along with a statement required by § 54.1-517.2:1 of the Code of Virginia.</p>	<p>*Subsection C is revised to remove language indicating that the home inspection report must include information as to why certain components (e.g. crawl space, roof covering) could not be inspected. Similarly, references to certain components (e.g. attic, doors, and windows) being readily accessible in order to be included in the report are removed. These matters are addressed in a new subsection D.</p> <p>*Subsection C is revised to provide greater clarity as to the systems and components that are to be inspected and included in the home inspection report, and those items that are not required to be part of the inspection and report.</p> <p>*Subdivision C 6 is revised to require the inspection note the presence or absence of carbon monoxide detectors, in addition to smoke alarms. This change was made given that carbon monoxide detectors are increasingly common equipment in homes.</p> <p>*A new subsection D is added to specify that the inspection report identify any component or system that could not be inspected, and an explanation for why the component or system could not be inspected. Similarly, the provisions regarding systems that are turned off or winterized is revised to clarify the home inspection report must state the reason why such systems or components were not inspected.</p> <p>Where applicable, the term residential property is replaced with “residential building or NRS” for clarity and consistency in the regulation.</p> <p>Minor stylistic changes are made to replace the word “shall” with “must” or “will” where appropriate.</p>
40-140	N/A	<p>This section outlines conduct that is considered a conflict of interest and either proscribes such conduct, or requires certain</p>	<p>*Subdivision A 1 is revised to clarify that a home inspector will not design or perform repairs or modifications to a home where the inspector has</p>

		<p>disclosures be made by the home inspector to the client.</p> <p>A home inspector is prohibited from designing or performing repairs or modifications to a home on which the inspector has performed an inspection within 12 months after the date of the inspection, unless the inspector purchased the home after performing the inspection.</p> <p>A home inspector is prohibited from performing a home inspection on a home where the inspector has designed or performed repairs or modifications in the preceding 12 months unless the specifics of such repairs or modifications are disclosed in the home inspection contract.</p> <p>A home inspector is prohibited from referring a client to another person to make repairs or modifications to a home which the inspector has performed an inspection unless the inspector provides disclosure to the client the inspector's financial interest the inspector has, or reasonably expects to have, with the person recommended.</p> <p>A home inspector is prohibited from representing the interests of the parties to the transfer or sale of a home on which the inspector has performed an inspection.</p> <p>A home inspector is prohibited from performing a home inspection under an agreement where the inspector's compensation or future referrals are contingent upon the inspector's findings or the sale of the property.</p> <p>The section further provides that an inspector not disclose information concerning the results of the inspection without</p>	<p>performed an inspection within the preceding 12 months by removing language indicating the repairs or modifications are the result of the findings of an inspection.</p> <p>*Subdivision A 3 is revised to clarify an inspector must disclose any financial interest the inspector has or reasonably expects to have with a person who is recommended to a client to make repairs or modifications.</p> <p>*Subdivision A 4 is revised to require an inspector to make a disclosure to a client whenever the inspector represents the interests of any parties to the sale or transfer of a home, rather than impose a strict prohibition. Otherwise, an inspector is not permitted to represent the interests of the parties to the sale or transfer of a home.</p> <p>*Subsection B is revised to clarify that the home inspector's obligations under 18VAC15-40-180 (i.e. to respond to inquires of the Board or its agents) are not applicable to the prohibition on an inspector from disclosing information concerning the results of a home inspection without consent of the client. This change was made to address concerns that home inspectors could cite this provision of the regulation in order to justify not cooperating with the Board during administrative investigations of complaints filed against licensees.</p> <p>*Subsection C is revised to clarify that a home inspector not accept compensation from more than one interested party for the home inspection performed on the same property without consent of all parties. Similarly, subsection D is revised to clarify that a home inspector not accept commissions or allowances from other parties dealing with the client in connection with a home inspection.</p> <p>*New provisions are added to clarify that a home inspector may provide</p>
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		<p>permission of the client, unless there is a situation where there is imminent endangerment to life or health.</p> <p>The section further provides that an inspector not accept compensation from more than one party for the same service on the same property without the consent of all interested parties.</p> <p>The section further provides that an inspector not accept commissions or allowances from other parties connected to the home inspection, and cannot enter into any financial relationship with any party that may compromise the inspector's commitment to the best interest of the inspector's client.</p> <p>The section also provides that the home inspection not be used as a pretext to solicit or obtain work in another field, except for additional diagnostic inspections or testing.</p>	<p>other services to a client (e.g. radon inspection or asbestos inspection) but that a home inspector must disclose to the client, in writing and incorporated into the home inspection contract or other separate agreement, the additional services to be performed and how these might conflict with the home inspection. The additional services must be performed according to applicable law or regulation. These provisions are intended to address additional services that home inspectors may offer in connection with a home inspection, but which do not fall within the statutory scope of a home inspection. The agency has in the past received complaints where home inspectors have offered and performed additional services such as radon inspections without the appropriate licensure or certification, or appropriate qualification or training. This will help to address such non-home inspection services that are provided by a home inspector under the imprimatur of the inspector's licensure.</p> <p>Minor stylistic changes are made, including to replace the word "shall" with "must" or "will" where appropriate.</p>
40-145	N/A	<p>This section provides that a home inspector undertake professional assignments only when qualified by education or experience. The section further provides that a home inspector not misrepresent the home inspector's qualifications or scope of responsibility to a prospective client, an existing client, or employer.</p>	<p>Minor stylistic changes are made to replace the word "shall" with "must" or "will" where appropriate.</p>
40-150	N/A	<p>This section outlines the Board's general authority to impose sanctions on a licensee for violation of the regulations of the Board, or applicable statute.</p> <p>The section provides that the Board may impose the following sanctions against a licensee:</p> <ul style="list-style-type: none"> <li>• Monetary penalty in accordance with § 54.1-</li> </ul>	<p>*The provisions of this section are revised to be consistent with the Board's disciplinary authority as provided for in § 54.1-516 of the Code of Virginia.</p> <p>*The section is revised to remove reference to the Board's authority to impose probation on a licensee. Review of applicable statute, § 54.1-516 of the Code of Virginia, indicates</p>

		<p>202(A) of the Code of Virginia;</p> <ul style="list-style-type: none"> <li>• Probation;</li> <li>• License suspension;</li> <li>• License revocation; or</li> <li>• Refuse to renew a license.</li> </ul>	<p>the Board may not have the power to impose probation on a licensee.</p> <p>*The section is revised to provide that the Board may impose the following sanctions against a licensee:</p> <ul style="list-style-type: none"> <li>• Reprimand;</li> <li>• Fine;</li> <li>• License suspension; or</li> <li>• License revocation.</li> </ul> <p>*The section is revised to clarify the Board may take disciplinary action when a licensee is found to have violated, or cooperated with others, in violating any provision of the Board's regulations. The revised language permits the Board to take action against a home inspector licensee in instances where the licensee may have violated regulations related to other disciplines (e.g. asbestos or lead) falling under the Board's jurisdiction. The Board is aware of instances where a home inspector licensee has engaged in activities falling under these other disciplines while performing a home inspection. This change will better allow the Board to address those instances of misconduct.</p> <p>This change is made to make the regulation clearer and to ensure consistency with statute.</p>
40-152	N/A	<p>This section establishes that a home inspector must notify the Board when (i) the home inspector has been administratively disciplined by another board or administrative body; (ii) has voluntarily surrendered a license in connection with a disciplinary action in another jurisdiction; (iii) or has been convicted or found guilty of a felony, or misdemeanor for certain classes of offenses.</p> <p>Review of any reported criminal convictions is subject to the requirements of § 54.1-204 of the Code of Virginia.</p>	<p>*The requirement for reporting of misdemeanor criminal convictions in subdivision A 3 was revised to remove the provision that specified certain types of offenses be reported. A licensee will be required to report any misdemeanor conviction, with the exception of marijuana convictions. This change will make the regulation easier to understand and removes the burden on an applicant with misdemeanor convictions to make a determination as to which criminal convictions should be reported, and which should not. It will also enhance the Board's protection of the public welfare to address an applicant's fitness for licensure.</p>

		<p>The section provides that (i) any plea of <i>nolo contendere</i> is considered a conviction; and (ii) the record of conviction, finding, or case decision is considered <i>prima facie</i> evidence of a conviction or finding of guilt.</p> <p>The section further requires a home inspector to notify the Board in writing of such adverse action within 30 days, and provide a copy of the order or other supporting documentation.</p>	<p>*The section is also revised to remove the provisions regarding (i) pleas of <i>nolo contendere</i> being considered a conviction; and (ii) record of conviction being <i>prima facie</i> evidence of conviction or guilt.</p>
40-155	N/A	<p>This section establishes specific prohibited acts which may be grounds for disciplinary action against a licensee.</p> <p>Prohibited acts include (i) obtaining or attempting to obtain a license by false or fraudulent representation; (ii) failing to act as a licensee in such a manner as to safeguard the interests of the public; (iii) engaging in improper, dishonest, or fraudulent conduct in conducting a home inspection; (iv) performing a home inspection when not qualified by training or experience to competently perform any part of the home inspection; (v) having been convicted, found guilty of criminal offenses or disciplined in any jurisdiction; and (vi) failing to report a conviction, finding of guilt, or disciplinary action within 30 days.</p>	<p>*This section is significantly revised. Among other changes noted below, the subdivisions outlining the offenses are revised to group similar types of offenses together. The general “catch all” prohibited act is provided first, followed by (i) offenses related to obtaining and maintaining licensure, (ii) offenses related to the performing of home inspections and reporting findings; and (iii) offenses related to failing to respond to inquiries of the Board.</p> <p>*The “catch all” prohibited act in the current subdivision 3 is revised to expand the scope prohibited act to include actions of cooperating with another, or combining, conspiring with or acting as an agent, partner, or associate with another to violate provisions of Chapters 1, 2, 3, and 5 of Title 54.1 of the Code of Virginia, or any regulations of the Board (to include the Board’s asbestos and lead regulations). This change is made to reflect agency practice regarding “catch all” prohibited acts in other DPOR regulations.</p> <p>*Existing subdivision 1 is revised to include actions of maintaining, renewing, or reinstating a license by false or fraudulent representation. These changes are made to clarify the Board’s ability address instances where a licensee has falsely renewed or maintained a license without meeting applicable requirements. These changes make this prohibited</p>

			<p>act more consistent with similar provisions in other DPOR regulations.</p> <p>*The prohibited act in current subdivision 2 prohibiting the performing of improvements or repairs to a home as the result of the findings of an inspection within 12 of the inspection is removed. This conduct is proscribed by section -140.</p> <p>*The prohibited act in current subdivision 12 pertaining to failing to report a change pursuant to section -160 is relocated to become subdivision 4, and is revised to proscribe failing to report a change or maintain records as required by section -160.</p> <p>*The prohibited act in current subdivision 4 is revised to clarify that a licensee's having been convicted or found guilty in any jurisdiction, or disciplined by any jurisdiction, board, or administrative body is a prohibited act. The intent of the change is to make clearer the prohibited act is applicable in cases where a licensee is convicted of a criminal offense outside of Virginia, or is disciplined by any regulatory body regardless of whether the regulatory body is in Virginia, or regulates professions other than home inspectors. Virginia home inspector licensees may operate and hold licenses in other states, particularly neighboring states. In addition, home inspector licensees may hold licenses in other regulated professions, including contracting and real estate. The Board has the authority to review criminal convictions and disciplinary actions taken against the individuals to evaluate whether allowing the individual to hold a home inspector license poses a risk to the public welfare. The prohibited act in current subdivision 5 is revised to be consistent with this revised wording.</p> <p>*A new prohibited act related to a licensee's failure to use a contract that complies with section -120 is added.</p>
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40-160	N/A	<p>This section establishes requirements for a licensee to report certain changes to the Board including (i) changes of address; and (ii) changes of name, within 30 days of the change.</p> <p>The section requires a licensee to report changes to the licensee's insurance, including cancellation, amendment, or expiration.</p> <p>The section further requires a licensee to retain all records pertaining to home inspections, including reports, for three years from the date of the inspection.</p>	<p>Minor stylistic changes are made to replace the word "shall" with "must" or "will" where appropriate.</p>

40-180	N/A	<p>This section establishes the requirement for licensees to respond to inquiries made by the Board or its agent.</p> <p>The section provides that a licensee must respond within 10 days to a request by the Board or its agents regarding a any complaint filed with DPOR.</p> <p>Similarly, a licensee must produce to the Board or its agents with 10 days of a request any records concerning a transaction pertaining to a filed complaint in which the licensee was involved, or for which the licensee is required to maintain records. This 10-day timeframe may be extended by the Board upon showing of extenuating circumstances that would prohibit delivery.</p> <p>The section prohibits a licensee from providing a false, misleading, or incomplete response to the Board or its agents seeking information in the investigation of a complaint filed with the Board.</p> <p>The section further provides that a licensee must respond to any non-complaint related inquiry by the Board or its agents within 21 days.</p>	<p>Minor stylistic changes are made to replace the word “shall” with “must” or “will” where appropriate.</p>
40-210	N/A	<p>The section outlines the application requirements for approval of a pre-license education course.</p> <p>The section provides that a training provider seeking approval of a pre-license education course submit an application which includes the following information:</p> <ul style="list-style-type: none"> <li>• Name of the provider.</li> <li>• Provider contact person, address, and telephone number.</li> <li>• Course contact hours.</li> </ul>	<p>*Application requirements are revised to:</p> <ul style="list-style-type: none"> <li>• Replace the requirement for a provider to provide a telephone number with a requirement that the application include the provider’s contact information.</li> <li>• Remove the requirement that the application include the fees for the course and course materials.</li> </ul> <p>This change to require a provider’s contact information is made to include other forms of contact, such as email.</p>

		<ul style="list-style-type: none"> <li>• Scheule of pre-license education courses, including dates, times, and locations (if established.)</li> <li>• Method of delivery.</li> <li>• Instructor information.</li> <li>• Materials to be provided to students.</li> <li>• Fees for the course and course materials.</li> <li>• Training module syllabus.</li> </ul>	<p>The requirement for providing course and material fees is removed as a requirement as this information is not necessary or beneficial in determining approval of a pre-license education course.</p> <p>This change reduces the burden placed on applicants and is consistent with changes being made to other DPOR regulations.</p>
40-220	N/A	<p>This section outlines the requirements to receive approval as a pre-license education course.</p> <p>The section provides that a pre-license education course must be a minimum of 35 hours. The course syllabus must include the subject areas specified in the section, and must include methods for identification and inspection, safety and maintenance, and standards for material selection and installation procedures, as applicable to the subject.</p>	<p>Minor stylistic changes are made to replace the word “shall” with “must” or “will” where appropriate.</p>
40-230	N/A	<p>This section outlines the application requirements for approval of a NRS training module or NRS CPE training course.</p> <p>The section provides that a training provider must submit an application for training module or training course approval on a Board-provided form.</p> <p>Training may be provided in a classroom environment, online, or through distance learning.</p> <p>An application must include the following information:</p> <ul style="list-style-type: none"> <li>• Name of the provider.</li> <li>• Provider contact person, address, and telephone number.</li> <li>• Module or CPE course contact hours.</li> </ul>	<p>*Application requirements are revised to:</p> <ul style="list-style-type: none"> <li>• Replace the requirement for a provider to provide a telephone number with a requirement that the application include the provider’s contact information.</li> <li>• Remove the requirement that the application include the fees for the training module or CPE course and materials.</li> </ul> <p>This change to require a provider’s contact information is made to include other forms of contact, such as email.</p> <p>*The requirement for providing training module or CPE course and material fees is removed as a requirement as this information is not necessary or beneficial in determining approval of a training module or CPE course.</p>

		<ul style="list-style-type: none"> <li>• Scheule of training modules or CPE courses, including dates, times, and locations.</li> <li>• Method of delivery.</li> <li>• Instructor information.</li> <li>• Materials to be provided to students.</li> <li>• Fees for the training module or training course and materials.</li> <li>• Training module syllabus.</li> </ul>	<p>This change reduces the burden placed on applicants and is consistent with changes being made to other DPOR regulations.</p> <p>Minor stylistic changes are made to replace the word “shall” with “must” or “will” where appropriate.</p>
40-240	N/A	<p>This section outlines the requirements to receive approval as an NRS training module.</p> <p>The section provides that a training module must be a minimum of eight (8) hours. The course syllabus must include the subject areas specified in the section. The time allocated to each subject must be sufficient to ensure adequate coverage of the subject as determined by the Board.</p>	<p>Minor stylistic changes are made to replace the word “shall” with “must” or “will” where appropriate.</p>
40-250	N/A	<p>This section outlines the requirements to receive approval as an NRS CPE course.</p> <p>The section provides that a CPE course must be a minimum of four (4) hours. The course syllabus must include the subject areas specified in section -240 for an NRS training module.</p>	<p>Minor stylistic changes are made to replace the word “shall” with “must” or “will” where appropriate.</p>
40-260	N/A	<p>This section outlines the requirements for documentation an approved training provider must provide to each student as proof of course completion.</p> <p>The section provides that training providers of pre-license education, NRS training modules, and NRS CPE must provide students who successfully complete the course or training module with a certificate of completion or other documentation that may be used as proof of completion.</p> <p>The documentation must contain:</p>	<p>Minor stylistic changes are made to replace the word “shall” with “must” or “will” where appropriate.</p>

		<ul style="list-style-type: none"> <li>• Contact hours completed;</li> <li>• Date of training; and</li> <li>• Course identification number assigned by the Board.</li> </ul>	
40-270	N/A	<p>This section outlines recordkeeping requirements for training providers of approved courses.</p> <p>The section provides that training providers of pre-license education, NRS training modules, and NRS CPE must establish and maintain a record for each student.</p> <p>The record must contain the following information:</p> <ul style="list-style-type: none"> <li>• Student name and address;</li> <li>• Training module or course name, and hours attended;</li> <li>• Training module or course syllabus or outline;</li> <li>• Name of instructor;</li> <li>• Date of successful completion; and</li> <li>• Training module or course identification number.</li> </ul> <p>The section provides that records must be available for inspection during normal business hours by authorized representatives of the Board. Records must be maintained for a minimum of five (5) years.</p>	<p>Minor stylistic changes are made to replace the word “shall” with “must” or “will” where appropriate.</p>
40-9998	N/A	<p>This section contains forms used to administer the regulation.</p>	<p>The forms section is revised to update applications to reflect the changes to the regulation.</p>