

VIRGINIA BOARD FOR ASBESTOS, LEAD, AND HOME INSPECTORS
Tentative AGENDA

THURSDAY, NOVEMBER 4, 2021, 9:00 A.M.
BOARD ROOM 2—SECOND FLOOR

DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION
PERIMETER CENTER—9960 MAYLAND DRIVE
RICHMOND, VA 23233

I. CALL TO ORDER

II. EMERGENCY EVACUATION PROCEDURES

III. APPROVAL OF AGENDA

- a. Board Agenda, November 4, 2021

IV. APPROVAL OF MINUTES

- a. Board Meeting Minutes, August 26, 2021

V. INTRODUCTION OF NEW DPOR DEPUTY DIRECTOR

VI. PUBLIC COMMENT PERIOD – Five minute public comment, per person, on those items not included on the agenda with the exception of any open disciplinary or application files

VII. CASE FILES *

- a. File Number 2020-00507, Theodore Riddick, Jr. (HI)
Disciplinary (Cranor)
- b. File Number 2020-02516, Donald Lindsay Smith, Jr. (HI)
Prima Facie (Rushton)
- c. File Number 2021-01008, Marc C. Leon (HI)
Consent Order (Rushton)

VIII. REGULATIONS

- a. Regulatory Action Update
- b. Consider Exempt Action to Continue Temporary Fee Extension (Home Inspectors)
- c. Home Inspector Licensing Regulations
 - i. Review and Consider Public Comments
 - ii. Consider and Adopt Board Response to Public Comments
 - iii. Review and Consider Proposed Amendments to Regulation
- c. Consider Exempt Action to Amend Home Inspector Licensing Regulations and Lead-Based Paint Activities Regulations to Incorporate Changes Resulting from Recent Marijuana Legislation

IX. OTHER BUSINESS

- a. September 2021 Home Inspector CPE Audit Report
- b. Discuss Virtual Format for Asbestos and Lead Education
- c. Discuss Virginia Federal Bonding Program
- d. Board Financial Statements
- e. Outreach Update
- f. Election of Officers
- g. Other Board Business

X. FUTURE MEETING DATES

a. February 10, 2022

XI. COMPLETE CONFLICT OF INTEREST FORMS

XII. ADJOURN

Persons desiring to participate in the meeting and requiring special accommodations or interpretative services should contact the Department at (804) 367-0362 at least ten days prior to the meeting so that suitable arrangements can be made for an appropriate accommodation. The Department fully complies with the Americans with Disabilities Act.

* Agenda materials made available to the public do not include disciplinary case files or application files pursuant to §54.1-108 of the *Code of Virginia*.

DRAFT AGENDA
Materials contained in this agenda are proposed topics for discussion
and are not to be construed as regular or official board position.
DRAFT AGENDA

PERIMETER CENTER CONFERENCE CENTER
EMERGENCY EVACUATION OF BOARD AND TRAINING ROOMS
(Script to be read at the beginning of each meeting.)

PLEASE LISTEN TO THE FOLLOWING INSTRUCTIONS ABOUT EXITING THE PREMISES IN THE EVENT OF AN EMERGENCY.

In the event of a fire or other emergency requiring the evacuation of the building, alarms will sound. When the alarms sound, leave the room immediately. Follow any instructions given by Security staff

Board Room 1

Exit the room using one of the doors at the back of the room. Upon exiting the room, turn **RIGHT**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

Board Room 2

Exit the room using one of the doors at the back of the room. (Point) Upon exiting the room, turn **RIGHT**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

You may also exit the room using the side door, turn **Right** out the door and make an immediate **Left**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

Board Rooms 3 and 4

Exit the room using one of the doors at the back of the room. Upon exiting the room, turn **RIGHT**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

Training Room 1

Exit the room using one of the doors at the back of the room. Upon exiting the room, turn **LEFT**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

Training Room 2

Exit the room using one of the doors at the back of the room. Upon exiting the doors, turn **LEFT**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

**VIRGINIA BOARD FOR
ASBESTOS, LEAD, AND HOME INSPECTORS
MEETING MINUTES**

The Virginia Board for Asbestos, Lead, and Home Inspectors met on August 26, 2021, at the offices of the Department of Professional and Occupational Regulation (DPOR), Perimeter Center, 9960 Mayland Drive, 2nd Floor, Board Room 2, Richmond, Virginia 23233.

The following members of the Board were present:

Sandra Baynes, Vice-Chair
John E. Cranor
James E. Haltigan
Galappa Madhusudhan
Gene E. Magruder, Chair

Rick Holtz
David P. Rushton
Patrick Studley
Paul D. Thomas

Board members Chadwick Bowman, Peter Palmer, and Louis Walker were not present at the meeting.

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

Mary Broz-Vaughan, Director
Trisha L. Lindsey, Executive Director
Joseph C. Haughwout, Jr., Board and Regulatory Administrator
Tanya M. Pettus, Board Administrator
Lisa Robinson, Licensing Administrator

Elizabeth Myers from the Office of the Attorney General was present.

Mr. Magruder, finding a quorum of the Board present, called the meeting to order at 9:07 a.m.

Call to Order

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

**Emergency
Evacuation
Procedures**

Ms. Lindsey introduced to the Board Elizabeth Myers from the Office of the Attorney General. Ms. Lindsey also advised the Board that Ms. Pettus was promoted to the role of Board Administrator.

Announcements

Ms. Baynes moved to approve the agenda as presented. Mr. Studley seconded the motion which was unanimously approved by: Baynes, Cranor, Haltigan, Magruder, Rushton, Studley, and Thomas. Board member Holtz was present but did not vote because, by statute, he is ineligible to vote on matters unrelated to renovation, repair, and painting (RRP) until the effective date of the regulations.

Approval of Agenda

Ms. Baynes moved to approve the minutes of the February 3, 2021, Home Inspector Regulatory Review Committee meeting as presented. Mr. Studley seconded the motion which was unanimously approved by: Baynes, Cranor, Haltigan, Magruder, Rushton, Studley, and Thomas. Board member Holtz was present but did not vote because, by statute, he is ineligible to vote on matters unrelated to renovation, repair, and painting (RRP) until the effective date of the regulations. Ms. Baynes then moved to approve the minutes of the May 13, 2021, Board meeting as presented. Mr. Thomas seconded the motion which was unanimously approved by: Baynes, Cranor, Haltigan, Magruder, Rushton, Studley, and Thomas. Board member Holtz was present but did not vote because, by statute, he is ineligible to vote on matters unrelated to renovation, repair, and painting (RRP) until the effective date of the regulations.

Approval of Minutes

Shane McClung, licensed home inspector, was present to address the Board. Mr. McClung voiced his concern that the volatility of the current housing market does not allow consumers to practice due diligence during a real estate transaction. Mr. McClung stated he has a responsibility to protect the public as a licensed home inspector, and made the suggestion that regulations should allow for a period of time during a real estate transaction specifically intended to allow would-be purchasers to obtain a proper home inspection. Mr. McClung also asked that the contact information for the appropriate parties to which unlicensed activity should be reported be made readily available to the public.

Public Comment Period

Mr. Madhusudhan arrived to the meeting at 9:12 a.m.

Arrival of Board Member

Lou Scerbo, licensed home inspector, was present to address the Board. Mr. Scerbo stated he feels that consumers are foregoing pre-offer inspections due to the hot housing market in addition to changes in procedures due to COVID-19. Mr. Scerbo feels the current state of the housing industry isn't allowing consumers their due diligence. He stated that while home inspectors are offering "walk and talks" and "limited consultations" that include multiple disclaimers, they would rather be performing full inspections, and he believes a report should only be given as part of a home inspection.

Public Comment Period Continued

Licensed home inspector Michael Donitzen was present to address the Board. Mr. Donitzen feels that the "walk and talks" and "property consultations" that are taking place during this volatile housing market are not home inspections, but feels they should be

permitted by law so long as the limited scope of these consultations are specified in a report. He stated that with today's technology it is possible to have a report completed by the end of a walk and talk or inspection.

Tillman Simms, licensed home inspector, was present to address the Board. Mr. Simms stated he feels that "walk and talks" should be allowed, but only if they are performed by licensed home inspectors and include a written report.

Mr. Rushton recused himself from the meeting for discussion and deliberation of File Numbers 2021-01084 and 2021-00545.

Recusal of Board Member

In the matter of **File Number 2021-01084, David Charles Gardner**, the Board members reviewed the Consent Order. Mr. Gardner admits to a violation of 18VAC 15-40-130.A.2 and 18VAC15-40-130.A.4 as outlined in Count 1, and 18VAC 15-40-155.3 as outlined in Count 2, and consents to the imposition of (i) monetary penalties totaling \$350.00, and (ii) Board costs of \$150.00. Mr. Cranor moved to approve the Consent Order as presented. Ms. Baynes seconded the motion which was unanimously approved by: Baynes, Cranor, Haltigan, Madhusudhan, Magruder, Studley, and Thomas. Board member Holtz was present but did not vote because, by statute, he is ineligible to vote on matters unrelated to renovation, repair, and painting (RRP) until the effective date of the regulations.

File Number 2021-01084, David Charles Gardner

In the matter of **File Number 2021-00545, David Charles Johnson**, the Board members reviewed the Consent Order. Mr. Johnson admits to a violation of 18VAC 15-40-120.B as outlined in Count 1, 18VAC 15-40-130.A as outlined in Count 2, and 18VAC 15-40-130.B.1.e as outlined in Count 3, and consents to the imposition of (i) monetary penalties totaling \$375.00, and (ii) Board costs of \$150.00. Mr. Studley moved to approve the Consent Order as presented. Ms. Baynes seconded the motion which was unanimously approved by: Baynes, Cranor, Haltigan, Madhusudhan, Magruder, Studley, and Thomas. Board member Holtz was present but did not vote because, by statute, he is ineligible to vote on matters unrelated to renovation, repair, and painting (RRP) until the effective date of the regulations.

File Number 2021-00545, David Charles Johnson

Mr. Rushton returned to the meeting.

Return of Board Member

Mr. Cranor recused himself from the meeting for discussion and deliberation of File Number 2021-00708.

Recusal of Board Member

In the matter of **File Number 2021-00708, Mark Lewis Stewart**, the Board members reviewed the Consent Order. Mr. Stewart admits to a violation of 18VAC 15-40-120.A as outlined in Count 1, 18VAC 15-40-120.B as outlined in Count 2, 18VAC 15-40-130.A as outlined in Count 3, 18VAC 15-40-145.B as outlined in Count 4, and 18VAC 15-40-130.B as outlined in Count 5, and consents to the imposition of (i) monetary penalties totaling \$2,000.00, and (ii) Board costs of \$150.00. Ms. Baynes moved to approve the Consent Order as presented. Mr. Rushton seconded the motion which was unanimously approved by: Baynes, Haltigan, Madhusudhan, Magruder, Rushton, Studley, and Thomas. Board member Holtz was present but did not vote because, by statute, he is ineligible to vote on matters unrelated to renovation, repair, and painting (RRP) until the effective date of the regulations.

File Number 2021-00708, Mark Lewis Stewart

Mr. Cranor returned to the meeting.

Return of Board Member

Mr. Thomas left the meeting at 9:30 a.m.

Departure of Board Member

In the matter of **File Number 2021-01206, Dennis Bruce White**, the Board members reviewed the Consent Order. Mr. White admits to a violation of 18VAC 15-40-120.A as outlined in Count 1, 18VAC 15-40-130.A as outlined in Count 2, and 18VAC 15-40-130.B as outlined in Count 3, and consents to the imposition of (i) monetary penalties totaling \$350.00, and (ii) Board costs of \$150.00. Ms. Studley moved to approve the Consent Order as presented. Ms. Baynes seconded the motion which was unanimously approved by: Baynes, Cranor, Haltigan, Madhusudhan, Magruder, Rushton, and Studley. Board member Holtz was present but did not vote because, by statute, he is ineligible to vote on matters unrelated to renovation, repair, and painting (RRP) until the effective date of the regulations.

File Number 2021-01206, Dennis Bruce White

Mr. Thomas returned to the meeting at 9:38 a.m.

Return of Board Member

In the matter of **File Number 2020-02832, Wendy E. Granados Granados**, the Board members reviewed the record which consisted of the Notice of Prima Facie Case, Report of Findings, evidence, and the Recommendation. Mr. Studley moved to accept the recommendation and find Ms. Granados in violation of 18VAC 15-20-410.C as outlined in Count 1. Mr. Cranor seconded the motion which was unanimously approved by Baynes, Cranor, Haltigan, Madhusudhan, Magruder, Rushton, Studley, and Thomas. Board

File Number 2020-02832, Wendy E. Granados Granados

member Holtz was present but did not vote because, by statute, he is ineligible to vote on matters unrelated to renovation, repair, and painting (RRP) until the effective date of the regulations. Ms. Baynes then moved to impose a monetary penalty of \$150.00, and revoke Ms. Granados' asbestos worker license as outlined in the Recommendation. Mr. Thomas seconded the motion which was unanimously approved by: Baynes, Cranor, Haltigan, Madhusudhan, Magruder, Rushton, Studley, and Thomas. Board member Holtz was present but did not vote because, by statute, he is ineligible to vote on matters unrelated to renovation, repair, and painting (RRP) until the effective date of the regulations.

In the matter of **File Number 2021-00120, Victor Manual Suazo**, the Board members reviewed the record which consisted of the application file, transcript and exhibits from the Informal Fact-Finding Conference, and the Presiding Officer's Summary and Recommendation. Mr. Haltigan moved to accept the recommendation of the Presiding Officer and deny Mr. Suazo's application for an asbestos worker license. Mr. Madhusudhan seconded the motion Baynes, Cranor, Haltigan, Madhusudhan, Magruder, Rushton, Studley, and Thomas. Board member Holtz was present but did not vote because, by statute, he is ineligible to vote on matters unrelated to renovation, repair, and painting (RRP) until the effective date of the regulations.

File Number 2021-00120, Victor Manual Suazo

In the matter of **File Number 2021-00313, Juan Sorto Baires**, the Board members reviewed the record which consisted of the application file, transcript and exhibits from the Informal Fact-Finding Conference, and the Presiding Officer's Summary and Recommendation. Mr. Studley moved to accept the recommendation of the Presiding Officer and deny Mr. Baires' application for an asbestos worker license. Mr. Haltigan seconded the motion which was unanimously approved by: Baynes, Cranor, Haltigan, Madhusudhan, Magruder, Rushton, Studley, and Thomas. Board member Holtz was present but did not vote because, by statute, he is ineligible to vote on matters unrelated to renovation, repair, and painting (RRP) until the effective date of the regulations.

File Number 2021-00313, Juan Sorto Baires

In the matter of **File Number 2021-01686, Eric Froliia, Jr.**, the Board members reviewed the record which consisted of the application file, transcript and exhibits from the Informal Fact-Finding Conference, and the Presiding Officer's Summary and Recommendation. Ms. Baynes moved to accept the recommendation of the Presiding Officer and approve Mr. Froliia's application for a home inspector license. Mr. Madhusudhan seconded the motion

File Number 2021-01686, Eric Froliia, Jr.

which was approved by: Baynes, Cranor, Haltigan, Madhusudhan, Magruder, Studley, and Thomas. Mr. Rushton opposed. The motion passed by majority vote. Board member Holtz was present but did not vote because, by statute, he is ineligible to vote on matters unrelated to renovation, repair, and painting (RRP) until the effective date of the regulations.

Mr. Haughwout provided an update on the current status of the regulatory review processes for the Board's regulatory packages.

Regulatory Action Update

A Notice of Intended Regulatory Action (NOIRA) for a general review of the Home Inspector Licensing Regulations was published in the Virginia Register on July 19, 2021, for a 30-day public comment period which ended on August 18, 2021. Public comments and proposed regulatory amendments will be considered by the Board at its November meeting.

The revised proposed, or re-proposed, Lead-Based Paint Renovation, Repair, and Painting Program (RRP) Regulations (Initial Promulgation) were published on May 24, 2021. A sixty-day public comment period concluded on July 23, 2021. Mr. Haughwout advised the Board that public comments received during the public comment period, as well as proposed amendments to the regulations would be presented to the Board later in the meeting.

Ms. Lindsey asked the Board to consider moving the review and discussion of the RRP regulations to later in the meeting in order to address other agenda items in which members of public in attendance may have an interest. The Board agreed by consensus to review and consider RRP related agenda items later in the meeting.

Ms. Lindsey presented to the Board proposed interpretive guidance addressing inspections of residential buildings conducted by a home inspector without a written evaluation or report, and whether these types of evaluations, referred to as consultations or "walk and talk" inspections, are considered home inspections, and are permissible under law. The proposed interpretive guidance determines that such a type of inspection is not considered a home inspection as that term is defined in § 54.1-500 of the Code of Virginia because it does not include a written evaluation of the readily accessible components. It would be contrary to state law for a home inspector to represent such type of inspection as a home inspection.

Consider Guidance Document on Home Inspections without a Written Report

Home inspectors should not describe or refer to this service as a "home inspection" as it does not meet the definition of a home inspection in §54.1-500 of the Code of Virginia. Further, a home

inspector who represents a “walk and talk” inspection as a home inspection may be subject to disciplinary action by the Board. After discussion, Mr. Rushton moved to adopt the guidance document as written. Mr. Thomas seconded the motion which was unanimously approved by: Baynes, Cranor, Haltigan, Madhusudhan, Magruder, Rushton, Studley, and Thomas. Board member Holtz was present but did not vote because, by statute, he is ineligible to vote on matters unrelated to renovation, repair, and painting (RRP) until the effective date of the regulations.

Ms. Lindsey advised that the guidance document will be published for a 30-day public comment period, after which the guidance document will become effective.

Ms. Lindsey advised the Board that staff received a request to continue virtual pre-licensing education for home inspectors beyond the expiration of the waivers of in-person training requirements that were previously in place due to COVID-19. Per the Board’s regulations, no more than half of the required pre-licensing training hours may be completed using distance or online education technology. After discussion, Ms. Lindsey advised the Board that Home Inspector Licensing Regulations are currently under general review. The Board agreed by consensus to take no action at this time; however, the matter may be considered at its November meeting as part of the general review of the Home Inspector Licensing Regulations.

**Discuss Virtual
Format for Home
Inspector Pre-
Licensing Education**

Ms. Lindsey provided the Board with the most recent financial statements for review. Ms. Lindsey advised it is likely that the temporary reduction in renewal and reinstatement fees for home inspectors set to expire in 2022 will come before the Board for consideration of extending the temporary fees to 2024 in order to remain in compliance with the Callahan Act.

**Board Financial
Statements**

Ms. Lindsey updated the Board on recent and upcoming virtual and in-person outreach opportunities.

Outreach Update

The Board recessed from 10:08 a.m. to 10:18 a.m.

Recess

The Board members reviewed public comments on the revised proposed, or re-proposed, RRP Regulations received during the 60-day public comment that ended on July 23, 2021, as well as proposed Board responses to each of the comments. After review and discussion, Mr. Studley moved to adopt the proposed responses as

**Proposed RRP
Regulations**

revised. Mr. Haltigan seconded the motion which was unanimously approved by: Baynes, Cranor, Haltigan, Madhusudhan, Magruder, Rushton, Studley, and Thomas. Board member Holtz was present but did not vote because, by statute, he is ineligible to vote on matters unrelated to renovation, repair, and painting (RRP) until the effective date of the regulations.

The Board members reviewed the re-proposed RRP Regulations. After review and discussion of revisions to the re-proposed RRP regulations, Ms. Baynes moved to adopt the RRP regulations as amended, and authorize staff to make non-substantive changes as needed in order to file the final regulations for executive branch review. Mr. Haltigan seconded the motion. After discussion, the motion was unanimously approved by: Baynes, Cranor, Haltigan, Madhusudhan, Magruder, Rushton, Studley, and Thomas. Board member Holtz was present but did not vote because, by statute, he is ineligible to vote on matters unrelated to renovation, repair, and painting (RRP) until the effective date of the regulations.

Ms. Lindsey advised the Board that a newly hired Deputy Director of Licensing and Compliance will join DPOR in September and will be attending Board meetings in the future.

The Board recessed from 11:46 a.m. to 11:53 a.m.

Mr. Rushton departed the meeting at 11:46 a.m.

Board members completed biennial Board member conflict of interest training as required by the Virginia Conflict of Interest and Ethics Advisory Council.

Mr. Magruder reminded Board members to complete their conflict of interest forms.

There being no further business, the meeting adjourned at 12:11 p.m.

Other Business

Recess

Departure of Board Member

Biennial Board Member Conflict of Interest Training

Conflict of Interest Forms and Travel Vouchers

Adjourn

Gene E. Magruder, Chair

Mary Broz-Vaughan, Secretary

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DRAFT AGENDA

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INTRODUCTION OF NEW DPOR DEPUTY DIRECTOR

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PUBLIC COMMENT PERIOD

Five minute public comment, per person, with the exception of any open disciplinary or application files.

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[REDACTED] [REDACTED]

Board for Asbestos, Lead, and Home Inspectors
9960 Mayland Drive, Suite 400
Richmond, Va. 23233-1485

Dear Board:

Since 1988, Environmental Specialties, Inc. has been licensed to hold a variety of Asbestos Training Schools. I.e.: Supervisor 40 hr., Supervisor 8 hr., Worker 32 hr., Worker 8 hr., Inspector 4 hr., Management Planner 4 hr., Project Monitor 16 hr., Project Monitor 8 hr., and Project Designer 8 hr..

After these many years of experience teaching training classes, I am requesting the Board continue to allow online classes for the classes that do not require Hands On. During this last year we have taught online classes and proven that they are a viable way to train. Public schools, colleges, universities are all using the online class for many classes.

I have invested in new computer equipment, external cameras and online testing services to be able to provide my students the best experience possible and have found them highly acceptable to the online class. Many students are uncomfortable with attending classes with strangers for health reasons. Sometimes I am uncomfortable with being with students.

Thank you for your consideration of this request.

Sincerely,



P. Wesley Hambrick, Jr.

Virginia Board for Asbestos, Lead, and Home Inspectors

Update on Regulatory Actions

(as of October 15, 2021)

Action: Home Inspector Regulations General Review

Current Stage: NOIRA

- Board authorized filing of NOIRA, and formation of regulatory review committee on 8/20/20.
- Regulatory review committee formed.
- Regulatory review committee meetings held on 11/10/20, 2/3/21, and 3/24/21.
- NOIRA filed on 11/13/20. Executive Branch review completed and submitted to Registrar on 6/22/21.
- Published in Virginia Register on 7/19/21 for 30-day public comment period.
- Public comment period concluded on 8/18/21.

Next Step: Proposed Stage

- Board review and consideration of NOIRA stage public comments.
- Board review and consideration of committee recommendations.
- Adoption of proposed regulatory text.

Action: Initial Promulgation of Lead-Based Paint Renovation, Repair, and Painting Regulation

Current Stage: Final Regulation

- Final regulation, as amended, adopted by Board on 8/26/21.

Next Step: Executive Branch Review/Final Adoption

- Final regulation to be submitted for Executive Branch review.
- Following completion of Executive Branch review, publication in Virginia Register, and final public comment.

1 **Virginia Board For Asbestos, Lead, And Home Inspectors**

2 **2021 Home Inspector Temporary Fee Reduction**

3 **18VAC15-40-32. Qualifications for licensure.**

4 A. An applicant for licensure as a home inspector shall furnish documentation acceptable to
5 the board that one of the qualifications for licensure in Table 1 has been met.

TABLE 1

	Board-approved prelicense education course contact hours	Experience	Passed the board-approved examination
1.	35	Completion of 100 home inspections prior to July 1, 2017	Yes
2.	35	Completion of 50 home inspections under the direct supervision of a home inspector	Yes
3.	70	Completion of 50 home inspections prior to July 1, 2017	Yes
4.	70	Completion of 25 home inspections under the direct supervision of a home inspector	Yes
5.	None	Verification of 10 years' experience as a home inspector prior to July 1, 2017, with a minimum of 250 home inspections completed during such time period	Yes

6 B. Prelicense education courses must be approved by the board pursuant to Part VI
7 (~~18VAC15-40-120~~ 18VAC15-40-200 et seq.) of this chapter. No more than half of the required
8 hours may be completed using distance or online education technology.

9 C. Verification of home inspections completed under the direct supervision of a home
10 inspector must be provided by an individual who was properly licensed or certified by the board
11 during the applicable time period.

12 D. The National Home Inspector Examination provided by the Examination Board of
 13 Professional Home Inspectors is the board-approved examination pursuant to § 54.1-517.2 A 2
 14 c of the Code of Virginia.

15 **18VAC15-40-35. Qualifications for the new residential structure specialty..**

16 To obtain the NRS specialty, the applicant shall submit the appropriate application form and
 17 fee pursuant to 18VAC15-40-50 and meet the following qualifications:

- 18 1. Hold a current and valid home inspector license. An applicant who does not hold a
 19 current and valid home inspector license shall apply for such licensure and meet the
 20 requirements contained in 18VAC15-40-30 and 18VAC15-40-32.
- 21 2. Submit proof of successful completion of an NRS training module approved by the
 22 board pursuant to Part VI (~~18VAC15-40-120~~ 18VAC15-40-200 et seq.) of this chapter
 23 and completed no more than two years prior to the date of application.

24 **18VAC15-40-50. Fees.**

Fee type	Fee amount	When due
Initial home inspector application	\$80	With application for home inspector
Initial NRS specialty application	\$80	With application for NRS specialty designation
Home inspector renewal	\$45	With renewal application
Home inspector with NRS specialty renewal	\$90	With renewal application
Home inspector reinstatement	\$125	With reinstatement application
Home inspector with NRS specialty reinstatement	\$170	With reinstatement application
Prelicense education course approval	\$250	With prelicense education course approval application
NRS training module approval	\$150	With NRS training module approval application
NRS CPE course approval	\$150	With NRS CPE course approval application

25 For licenses expiring after February 1, 2018, and before February 1, 2020, the renewal fees
26 shall be as follows:

Home inspector renewal	\$25
Home inspector with NRS specialty renewal	\$50

27 For reinstatement applications received after March 1, 2018, and on or before February 29,
28 2020, the reinstatement fees shall be as follows:

Home inspector reinstatement	\$105
Home inspector with NRS specialty reinstatement	\$130

29 For licenses expiring after February 1, 2020, and before February 1, 2022, the renewal fees
30 shall be as follows:

Home inspector renewal	\$40
Home inspector with NRS specialty renewal	\$80

31 For reinstatement applications received after March 1, 2020, and on or before February 28,
32 2022, the reinstatement fees shall be as follows:

Home inspector reinstatement	\$120
Home inspector with NRS specialty reinstatement	\$160

33 For licenses expiring after February 1, 2022, and before February 1, 2024, the renewal fees
34 shall be as follows:

Home inspector renewal	\$25
Home inspector with NRS specialty renewal	\$50

35 For reinstatement applications received after March 1, 2022, and on or before February 29,
36 2024, the reinstatement fees shall be as follows:

Home inspector reinstatement	\$105
Home inspector with NRS specialty	\$130

reinstatement

37

38 **18VAC15-40-260. Documentation of prelicense education course, new residential**
39 **structures training modules, and new residential structures continuing professional...**

40 All prelicense education course, NRS training module, and NRS CPE providers must
41 provide each student who successfully completes the course or training module with a
42 certificate of completion or other documentation that the student may use as proof of course or
43 training module completion. Such documentation shall contain the contact hours completed, the
44 date of training, and the course identification number assigned by the board.

Virginia Administrative Code
 Title 18. Professional And Occupational Licensing
 Agency 15. Virginia Board For Asbestos, Lead, And Home Inspectors
 Chapter 40. Home Inspector Licensing Regulations

18VAC15-40-50. Fees.

Fee type	Fee amount	When due
Initial home inspector application	\$80	With application for home inspector
Initial NRS specialty application	\$80	With application for NRS specialty designation
Home inspector renewal	\$45	With renewal application
Home inspector with NRS specialty renewal	\$90	With renewal application
Home inspector reinstatement	\$125	With reinstatement application
Home inspector with NRS specialty reinstatement	\$170	With reinstatement application
Prelicense education course approval	\$250	With prelicense education course approval application
NRS training module approval	\$150	With NRS training module approval application
NRS CPE course approval	\$150	With NRS CPE course approval application

For licenses expiring after February 1, 2018, and before February 1, 2020, the renewal fees shall be as follows:

Home inspector renewal	\$25
Home inspector with NRS specialty renewal	\$50

For reinstatement applications received after March 1, 2018, and on or before February 29, 2020, the reinstatement fees shall be as follows:

Home inspector reinstatement	\$105
Home inspector with NRS specialty reinstatement	\$130

For licenses expiring after February 1, 2020, and before February 1, 2022, the renewal fees shall be as follows:

Home inspector renewal	\$40
Home inspector with NRS specialty renewal	\$80

For reinstatement applications received after March 1, 2020, and on or before February 28, 2022, the reinstatement fees shall be as follows:

Home inspector reinstatement	\$120
Home inspector with NRS specialty reinstatement	\$160

Statutory Authority

§§ [54.1-201](#) and [54.1-501](#) of the Code of Virginia.

Historical Notes

Derived from Virginia Register [Volume 19, Issue 18](#), eff. July 1, 2003; amended, Virginia Register [Volume 27, Issue 11](#), eff. April 1, 2011; [Volume 31, Issue 20](#), eff. August 1, 2015; [Volume 33, Issue 14](#), eff. April 17, 2017; [Volume 34, Issue 8](#), eff. February 1, 2018; [Volume 36, Issue 9](#), eff. February 1, 2020.

Website addresses provided in the Virginia Administrative Code to documents incorporated by reference are for the reader's convenience only, may not necessarily be active or current, and should not be relied upon. To ensure the information incorporated by reference is accurate, the reader is encouraged to use the source document described in the regulation.

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Agency

Department of Professional and Occupational Regulation

Board

Virginia Board for Asbestos, Lead, and Home Inspectors

Chapter

Home Inspector Licensing Regulations [18 VAC 15 - 40]

Action	<u>2020-2021 General Review of Home Inspector Licensing Regulations</u>
Stage	<u>NOIRA</u>
Comment Period	Ends 8/18/2021

[Back to List of Comments](#)
Commenter: Chloe Lorenz, Inspection Certification Associates

8/11/21 1:31 pm

18VAC15-40-32. Qualifications for licensure.

Inspection Certification Associates would like to request that the following rule regarding the qualifications for home inspector licensure be reviewed and revised during this period of General Review:

18VAC15-40-32. Qualifications for licensure.

B. Prelicense education courses must be approved by the board pursuant to Part VI ([18VAC15-40-120 et seq.](#)) of this chapter. No more than half of the required hours may be completed using distance or online education technology.

It is our belief that applicants for a home inspector license in Virginia can successfully complete the live portion of their prelicense education course contact hours via synchronous distance learning. As a result, we believe 18VAC15-40-32.(B) should be rewritten to following effect:

*“Prelicense education courses must be approved by the board pursuant to Part VI ([18VAC15-40-120 et seq.](#)) of this chapter. No more than half of the required hours may be completed using **asynchronous** distance or online education technology. **The remaining required hours must be completed via synchronous learning which includes online webinar technology.**”*

During the pandemic, completion of the live classroom hours via webinar was a forced necessity to prevent the spread of the virus. However, an unexpected benefit of this situation was the great success of our prelicense students who attended our synchronous online webinars. We believe the cause of this success was due to many factors, including:

- Students can attend class from the comfort of their own homes without incurring travel expenses such as mileage, meal, and hotel costs.
- Without the distractions of a new environment, students are more focused on the instructor and the material at hand, while the instructor can remain focused on imparting knowledge.
- Tuition is more affordable as the live, classroom costs have been removed, making the course more accessible to a wider range of students.
- Students have a unique opportunity to engage with other students outside of their community and learn from each other’s experience in different parts of the state.
- Student accommodations can be made much more easily without incurring extra costs as make-up days can be quickly scheduled in another webinar.
- Students have immediate access to their residence and can see first-hand many of the inspection items being discussed during class.

CommentID: **99732**

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Comment Period	Ends 8/18/2021

[Previous Comment](#) [Back to List of Comments](#)

Commenter: Donald Masters, Master Home & Building Inspections LLC

8/16/21 2:59 pm

Recommendations for the Regulatory Review & Comment Process

As this is the preliminary notification of the regulatory review and comment process, I was confused at the lack of information in this regulatory filing until it was explained that the outline of the proposed discussion was listed in the Agency Background Document:

[https://townhall.virginia.gov/L/GetFile.cfm?](https://townhall.virginia.gov/L/GetFile.cfm?File=106\5658\9147\AgencyStatement_DPOR_9147_v1.pdf)

[File=106\5658\9147\AgencyStatement_DPOR_9147_v1.pdf](https://townhall.virginia.gov/L/GetFile.cfm?File=106\5658\9147\AgencyStatement_DPOR_9147_v1.pdf)

While the Background Document gives a limited range of topic areas as an outline, the Agenda from the May 2021 meeting (https://townhall.virginia.gov/L/GetFile.cfm?File=Meeting%5C106%5C31330%5CAgenda_DPOR_31330_v1.pdf) provides expansive details on some of the proposed changes which is much more helpful in providing preliminary comments here.

Comments on the Home Inspection Contract & Report:

I stated my disagreement in the the prior regulatory comment action regarding the inclusion of the client's current home address in the home inspection report. I reiterate my disagreement here again. Although it is proposed to change "address and telephone number" to "contact information", I find the inclusion of the anything more than the clients' name(s) an imposition on their Personally Identifiable Information (PII). As in many and maybe most cases, the home inspection report is transmitted to one or more third parties as part of a real estate transaction, closing, and settlement process. There is no need for the clients' PII to be in the Home Inspection Report. If it is, or will be required to be in the contract (for DPOR purposes of future investigation), that is a consideration, but the signed contract should then not be included in the home inspection report for the same (and other) reasons. I cannot think of any reason DPOR would require or need the clients' PII other than for a complaint which would, no doubt, come from the client at a future date. In the digitally open environment in which all of us involved in these transactions partake, protecting a client's PII is critical and the responsibility of each of us.

The proposed term "contact information" need defining - individual pieces of PII need to be specified if DPOR continues to demand that information on the client. As is the case in the Federal government, DPOR should explain their "need to know" this PII on the clients, who, in most cases, do not live at the property being inspected.

In the May 2021 draft language, it is proposed that the signed "fully executed copy" of the contract be provided to the client prior to or at the inspection. While many inspectors provide the contract to

the client electronically (as do I), prior to the inspection (so they may review and potentially reject), many do not complete the contract, so a handwritten contract must be signed at the inspection. The proposed language would require the inspector to have a two-part (carbon copy style) contract at the inspection, have a digital app which can perform online filing of a form and digital signature capture (i.e. DocuSign, etc.) and online access at the inspection, or carry a scanner/printer with them to the inspection, thus allowing the client to walk away with a legal copy of the signed contract. A requirement that the clients receive a printed, scanned, or digital copy prior to or with the transmission of the report is a more functional requirement which should be considered for the variety of processes inspectors employ.

In more than a few cases, we do not know what will not/could not be inspected until the inspection is completed. So requiring a "fully executed copy of the contract" be provided to the client "before work begins" would require manual changes to a paper contract and a subsequent copy generated, or a modification or regeneration of a digitally executed contract. Understanding DPOR's need to have certification of what was excluded from an inspection and proof of the clients' knowledge and acceptance of such exclusion(s) through their signatures or initials, this requirement needs more discussion. A potential solution being an exclusion addendum for contracts signed digitally prior to the start of the inspection, or a copy of the executed paper contract being generated at the end of the inspection.

I hesitate on the proposal to move exclusions to the home inspection report, as the client(s) may not recall the discussion of such items not inspected if they are not discussed, added to the contract, and potentially initialed at the time of the inspection, and only show up in the report.

General Comments:

Being licensed in more than one state, and having reviewed other states' statutory requirements, I find the Virginia home inspection regulations to be more prescriptive than many other states. Being a member of nationally recognized home inspector organizations requires that such inspectors follow standards, maintain ethics, and fulfill certain educational requirements. I feel the item specific requirements of the Virginia home inspection regulations are not typical and go beyond Virginia's long standing reputation of having limited regulatory impact which is necessary to protect the safety and well being of the public.

Thank you for the opportunity to comment. Your consideration is appreciated.

CommentID: **99738**

VIRGINIA BOARD FOR ASBESTOS, LEAD, AND HOME INSPECTORS

Summary of Comments for 2020-2021 General Review of Home Inspector Licensing Regulations

Following is the summary of comments received during the public comment period (July 19, 2021, to August 18, 2021) regarding the Board’s regulatory action for the general review of the Home Inspector Licensing Regulations (18VAC15-40). The comments below represent comments received following publication of the Notice of Intended Regulatory Action. During the public comment period, the Board received comments from two (2) commenters.

	Regulation *#	Summary of Comment(s)	Draft Board Response
	Commenter		
1	15-40-32	<p>The commenter requests the Board revise 15-40-32 to permit synchronous distance learning for pre-license education. The commenter suggests the following language:</p> <p>“Prelicense education courses must be approved by the board pursuant to Part VI (18VAC15-40-120 et seq.) of this chapter. No more than half of the required hours may be completed using asynchronous distance or online education technology. The remaining required hours must be completed via synchronous learning which includes online webinar technology.”</p> <p>Commenter noted that during the pandemic the organization was forced to conduct live classroom hours via webinar, and that pre-license students were successful in these online webinars. The commenter noted the benefits of this approach,</p>	<p>The Board thanks the commenter and will consider this comment prior to adoption of proposed regulations.</p> <p>The regulation, if amended, would no longer impose a limitation on the number of pre-license education hours which may be completed using distance or online education.</p>
	Chloe Lorenz, Inspection Certification Associates (Town Hall)		

DRAFT CONTINGENT ON BOARD REVIEW AND APPROVAL

		including reduced costs on students, fewer distractions, and ability to engage with students outside their community.	
2	15-40	<p>Commenter disagrees with the regulatory review committee recommendation that a home inspection report contain contact information of the client. Commenter believes anything more than the client's name is an imposition on the client's personally identifiable information. The commenter notes that home inspection reports are transmitted to multiple third parties during a real estate transaction, and there is no need for the client's personally identifiable information to be on the inspection report.</p>	<p>The Board thanks the commenter and will consider this comment prior to the adoption of the proposed regulations.</p> <p>The Board notes the regulation, if amended, would no longer provide a specific requirement that a home inspection report contain the address and telephone number for the home inspector's client or authorized representative. The regulation would only require some type of contact information. Such contact information could be as little as an email address or a phone number. The burden imposed by the requirement is minimal to regulants and members of the public.</p> <p>To the extent a member of the public who is a client of a home inspector may be concerned about the transmission of any identifying information to third parties, an authorized representative of the client (e.g. a real estate agent or an attorney) may be identified on the inspection report instead of the client.</p>
	<p>Donald Masters, Master Home & Building Inspections LLC (Town Hall)</p>		

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3	15-40	<p>Commenter requests the term “contact information” be defined, and that individual pieces of personally identifiable information be specified. DPOR should explain their “need to know” this information about clients.</p>	<p>The Board thanks the commenter.</p> <p>The term “contact information” does not require a definition in the regulation as the plain-language meaning of the term is applicable. The meaning of the term as it is commonly understood is sufficient for the regulation to be clear and understandable.</p> <p>The Board provides the minimum requirements for home inspection reports as part of its duty to protect the health, safety, and welfare of the public.</p> <p>The Department would typically only receive a home inspection report in connection with the investigation of a complaint. In addition to legal aspects of unambiguously identifying parties to a contract, the Department would need to ensure the validity of parties name to a contract in the event a complaint is filed with the Board. As part of the process for filing a complaint, the complaining party, which could be a client of a home inspector, would be requested to provide their name and contact information to the Department so that the Department may contact the complaining party. Finally, the Department can receive a complaint from any party concerning a regulant of the Board so it would not be accurate to state that only a party to a contract could be the complainant.</p>
4	15-40	<p>Commenter expressed concern regarding the committee recommendation that a fully-executed copy of the contract be provided to the client prior to performing work. Commenter indicates the subject requires</p>	<p>The Board thanks the commenter.</p> <p>The Board provides the minimum requirements for home inspection contracts as part of its duty to protect the health, safety, and welfare of the public.</p>

DRAFT CONTINGENT ON BOARD REVIEW AND APPROVAL

		<p>more discussion due to effects the requirement may have on inspectors.</p> <p>Commenter contends that since many clients do not complete a contract prior to the inspection, an inspector will be required to use a carbon-copy contract form, a digital application to allow online signature and filing of a form, or carry a mobile printer, in order to provide the client with a copy of an executed contract. Commenter adds that in some cases the inspector does not know what will not or cannot be inspected until the inspection is completed.</p>	<p>The requirements that both parties execute the contract, and that the fully-executed contract be delivered to the client prior to the performing of work, help protect the public welfare by ensuring that the parties to the contract have properly memorialized their agreement to the terms of the inspection contract. The requirements help to protect both the home inspector and the client in the event of a misunderstanding or dispute.</p> <p>The regulation does not prohibit modifications to the contract in the event circumstances may change. However, the regulation does require that any modifications to the contract which change the cost, scope of work, or completion date be in writing and signed by all parties.</p>
5	15-40	<p>Commenter expressed concern regarding moving exclusions to the home inspection report.</p>	<p>The Board thanks the commenter.</p> <p>The regulation, if amended, does not remove the requirement that exclusions to the home inspection be disclosed in the home inspection contract. The regulation would be revised to clarify that any exclusions to the home inspection must be disclosed in the home inspection contract. In addition to the requirement that exclusions to the home inspection be disclosed in the home inspection contract, the home inspection report must disclose any component or system that was not inspected, and the reason why such component or system was not inspected.</p>

DRAFT CONTINGENT ON BOARD REVIEW AND APPROVAL

6	15-40	<p>The commenter believes that Virginia’s home inspector regulations are more prescriptive than those of other states. Commenter feels the specific requirements in Virginia’s regulations are not typical, and go beyond Virginia’s reputation of having limited regulatory impact necessary to protect the safety and well-being of the public.</p>	<p>The Board thanks the commenter.</p> <p>The Home Inspector Licensing Regulations are consistent with Virginia’s regulatory policy outlined in Governor’s Executive Order 14, amended July 16, 2018.</p> <p>The Board last conducted a periodic review of the regulation in 2019, to determine whether this regulation should be repealed, amended, or retained in its current form. Review included whether the regulation (i) was necessary for the protection of public health, safety, and welfare or for the economical performance of important governmental functions; (ii) minimized the economic impact on small businesses in a manner consistent with the stated objectives of applicable law; and (iii) was clearly written and easily understandable. The Board voted to retain the regulation.</p>
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1 **Virginia Board For Asbestos, Lead, And Home Inspectors**

2 **2020-2021 General Review of Home Inspector Licensing Regulations**

3 Part I

4 General

5 **18VAC15-40-10. Definitions.**

6 A. Section 54.1-500 of the Code of Virginia provides definitions of the following terms and
7 phrases as used in this chapter:

8 "Board"

9 "Home inspection"

10 "Home inspector"

11 "Person"

12 "Residential building"

13 B. Section 54.1-517.2:1 of the Code of Virginia provides definitions of the following terms and
14 phrases as used in 18VAC15-40-130:

15 "Bonding"

16 "Corrugated stainless steel tubing"

17 "Grounding"

18 C. The following words and terms when used in this chapter shall have the following meanings
19 unless a different meaning is provided or is plainly required by the context:

20 "Address of record" means the mailing address designated by the licensee to receive notices
21 and correspondence from the board.

22 "Adjacent" means adjoining or within three feet of the residential building and that may affect
23 the residential building.

24 "Applicant" means an individual who has submitted an application for licensure.

25 "Application" means a completed, board-prescribed form submitted with the appropriate fee
26 and other required documentation.

27 "Client" means a person who engages the services of a home inspector for a home inspection.

28 "Compensation" means the receipt of monetary payment or other valuable consideration for
29 services rendered.

30 ~~"Component" means a part of a system.~~

31 "Contact hour" means 50 minutes of participation in a structured training activity.

32 "Course of construction inspection" means one or more inspections conducted during the
33 construction of a new residential structure.

34 "CPE" means continuing professional education.

35 "Department" means the Department of Professional and Occupational Regulation.

36 "Describe" means to report a system or component by its type or other observed significant
37 characteristics to distinguish it from other systems or components.

38 "Direct supervision" means a licensed home inspector being physically present on the
39 premises at all times and the same is at all times responsible for compliance with this chapter.

40 "Financial interest" means financial benefit accruing to an individual or to a member of his
41 immediate family. Such interest shall exist by reason of (i) ownership in a business if the
42 ownership exceeds 3.0% of the total equity of the business; (ii) annual gross income that exceeds
43 or may be reasonably anticipated to exceed \$1,000 from ownership in real or personal property
44 or a business; (iii) salary, other compensation, fringe benefits, forgiveness of debt, or benefits

45 from the use of property, or any combination of it, paid or provided by a ~~business~~ person that
46 exceeds or may be reasonably expected to exceed \$1,000 annually; (iv) ownership of real or
47 personal property if the interest exceeds \$1,000 in value and excluding ownership in business,
48 income, salary, other compensation, fringe benefits, or benefits from the use of property; (v)
49 personal liability incurred or assumed on behalf of a business if the liability exceeds 3.0% of the
50 asset value of the business; or (vi) an option for ownership of a business, real property, or
51 personal property if the ownership interest will consist of clause (i) or (iv) of this definition.

52 "Fireplace" means an ~~interior fire-resistant masonry permanent or prefabricated fixture that~~
53 ~~can be used to burn fuel and is either vented or unvented~~ assembly consisting of a hearth and
54 fire chamber of noncombustible material provided with a chimney, for use with solid fuel.

55 "Foundation" means the element of a structure that connects to the ground and transfers loads
56 from the structure to the ground. Foundations may be shallow or deep.

57 "Licensee" means a home inspector as defined in Chapter 5 (§ 54.1-500 et seq.) of Title 54.1
58 of the Code of Virginia.

59 "Licensure" means a method of regulation whereby the Commonwealth, through the issuance
60 of a license, authorizes a person possessing the character and minimum skills to engage in the
61 practice of a profession or occupation that is unlawful to practice without such license.

62 "New residential structure" or "NRS" means a residential structure for which the first
63 conveyance of record title to a purchaser has not occurred or the purchaser has not taken
64 possession, whichever occurs later.

65 "NRS specialty" means a designation granted by the board to a home inspector that
66 authorizes such ~~individual licensee~~ licensee to conduct ~~a home inspections~~ inspection on ~~any a~~ a new
67 residential structure.

68 "Outbuilding" means any structure on the property that is more than three feet from the
69 residential building and that may affect the residential building.

70 ~~"Prelicense education course" means an instruction program approved by the board and is~~
71 ~~one of the requirements for licensure effective July 1, 2017.~~

72 "Qualifying experience" means the experience used by a home inspector applicant to qualify
73 for licensure.

74 "Readily accessible" means available for access without requiring moving or removing of any
75 obstacles.

76 "Reinstatement" means the process and requirements through which an expired license can
77 be made valid without the licensee having to apply as a new applicant.

78 "Renewal" means the process and requirements for periodically approving the continuance of
79 a license.

80 "Residential structure" means a structure consisting of no more than two dwelling units or a
81 townhouse.

82 ~~"Solid fuel burning appliances" means a hearth and fire chamber or similarly prepared place~~
83 ~~in which a fire may be built and that is built in conjunction with a chimney, or a listed assembly of~~
84 ~~a fire chamber, its chimney and related factory-made parts designed for unit assembly without~~
85 ~~requiring field construction~~ chimney-connected devices that burn solid fuel for purposes of
86 heating, cooking, or both. Such appliances include wood stoves, fireplace wood burning inserts,
87 wood pellet burning appliances or similar solid fuel burning devices.

88 ~~"System" means a combination of interacting or interdependent components, assembled to~~
89 ~~carry out one or more functions.~~

90 "Virginia Residential Code" means the provisions of the Virginia Construction Code (Part I
91 (13VAC5-63-10 et seq.) of 13VAC5-63) applicable to R-5 residential structures and that includes
92 provisions of the International Residential Code as amended by the Board of Housing and
93 Community Development.

94 **18VAC15-40-20. Necessity for licensure.**

95 A. It shall be unlawful for any individual who does not possess a license as a home inspector
96 issued by the board to perform a home inspection ~~for compensation on a residential building.~~

97 B. A home inspection on a new residential structure, to include any course of construction
98 inspection, shall only be conducted by a home inspector with the NRS specialty ~~and who has~~
99 ~~completed a training module on the Virginia Residential Code.~~

100 C. An individual who does not hold a license as a home inspector and who is only conducting
101 inspections of a component or system of a residential building is not considered to be performing
102 a home inspection.

103 Part II

104 Entry

105 **18VAC15-40-25. Application procedures.**

106 A. All applicants seeking licensure ~~shall~~ must submit an application with the appropriate fee
107 specified in 18VAC15-40-50. Application ~~shall~~ will be made on forms provided by the board or its
108 agent.

109 1. By submitting the application to the department, the applicant certifies that the applicant
110 has read and understands the applicable statutes and the board's regulations.

111 2. The receipt of an application and the deposit of fees by the board do not indicate
112 approval of the application by the board.

113 B. The board may make further inquiries and investigations with respect to the applicant's
114 qualifications to confirm or amplify information supplied. All applications ~~shall~~ must be completed
115 in accordance with the instructions contained in this section and on the application. Applications
116 will not be considered complete until all required documents are received by the board.

117 C. The applicant will be notified within 30 days of the board's receipt of an initial application if
118 the application is incomplete. An individual who fails to complete the application process within
119 12 months of receipt of the application in the board's office must submit a new application.

120 D. The applicant ~~shall~~ must immediately report all changes in information supplied with the
121 application, if applicable, prior to issuance of the license or expiration of the application.

122 **18VAC15-40-30. General requirements for licensure.**

123 A. In addition to the provisions of 18VAC15-40-32, every applicant for a home inspector
124 license ~~shall~~ must meet the requirements provided in this section.

125 B. The applicant ~~shall~~ must be at least 18 years old.

126 C. The applicant ~~shall~~ must provide a mailing address, which ~~shall~~ will serve as the address
127 of record. A post office box is only acceptable as the address of record when a physical address
128 is also provided.

129 D. In accordance with § 54.1-204 of the Code of Virginia, each applicant ~~shall~~ must disclose
130 the following information:

131 1. All misdemeanor convictions ~~involving moral turpitude, sexual offense, drug distribution,~~
132 ~~or physical injury~~ within ~~five~~ three years of the date of the application; and

133 2. All felony convictions ~~during his lifetime.~~

134 ~~Any plea of nolo contendere shall be considered a conviction for the purposes of this section.~~

135 ~~The record of conviction received from a court shall be accepted as prima facie evidence of a~~

136 ~~conviction or finding of guilt.~~ The board, in its discretion, may deny licensure to any applicant in
137 accordance with § 54.1-204 of the Code of Virginia.

138 E. The applicant for licensure ~~shall~~ must be in compliance with the standards of conduct and
139 practice set forth in Part V (18VAC15-40-140 et seq.) of this chapter at the time of application,
140 while the application is under review by the board, and at all times when the license is in effect.

141 F. The applicant ~~shall~~ must report any ~~suspension, revocation, or surrender of a license,~~
142 ~~certification, or registration in connection with a disciplinary action or a license, certification, or~~
143 ~~registration that has been the subject of discipline in any jurisdiction prior to applying for licensure~~
144 action taken by any board or administrative body in any jurisdiction against a professional or
145 occupational license, certification, or registration issued to the applicant, to include any
146 suspension, revocation, or surrender of a license, certification, or registration, imposition of a
147 monetary penalty, or requirement to take remedial education or other corrective action. The board,
148 in its discretion, may deny licensure to any applicant ~~based on prior suspensions, revocations, or~~
149 ~~surrender of licenses based on disciplinary action by~~ for any prior action taken by any board or
150 administrative body in any jurisdiction. The applicant has the right to request further review of any
151 such action by the board under the Administrative Process Act (§ [2.2-4000](#) et seq. of the Code of
152 Virginia).

153 G. The applicant for licensure ~~shall~~ must submit evidence satisfactory to the board of having
154 obtained general liability insurance with minimum limits of \$250,000 per occurrence. A business
155 liability insurance policy or a commercial general liability insurance policy with minimum limits of
156 \$250,000 may be considered to meet such requirement, so long as the applicant is listed as an
157 additional insured. If for any reason the board cannot reasonably ensure that the applicant is
158 sufficiently covered in accordance with this subsection, the board may require that requisite
159 coverage be obtained in the name of the applicant. Proof of such insurance policy must be
160 submitted in order to obtain the license.

161 **18VAC15-40-32. Qualifications for licensure.**
 162 A. An applicant for licensure as a home inspector shall must furnish documentation acceptable
 163 to the board that one of the qualifications for licensure in Table 1 has been met. of the following:

TABLE 1			
	Board-approved prelicense education course contact hours	Experience	Passed the board-approved examination
1.	35	Completion of 100 home inspections prior to July 1, 2017	Yes
2.	35	Completion of 50 home inspections under the direct supervision of a home inspector	Yes
3.	70	Completion of 50 home inspections prior to July 1, 2017	Yes
4.	70	Completion of 25 home inspections under the direct supervision of a home inspector	Yes
5.	None	Verification of 10 years' experience as a home inspector prior to July 1, 2017, with a minimum of 250 home inspections completed during such time period	Yes

164 B. ~~Prelicense education courses must be approved by the board pursuant to Part VI~~
 165 ~~(18VAC15-40-120 et seq.) of this chapter. No more than half of the required hours may be~~
 166 ~~completed using distance or online education technology.~~

167 C. ~~Verification of home inspections completed under the direct supervision of a home~~
 168 ~~inspector must be provided by an individual who was properly licensed or certified by the board~~
 169 ~~during the applicable time period.~~

170 D. ~~The National Home Inspector Examination provided by the Examination Board of~~
 171 ~~Professional Home Inspectors is the board-approved examination pursuant to § 54.1-517.2 A 2 c~~
 172 ~~of the Code of Virginia.~~

173 1. The applicant has passed a board-approved examination. The National Home Inspector
 174 Examination provided by the Examination Board of Professional Home Inspectors is the
 175 board-approved examination pursuant to § 54.1-517.2 A 2 c of the Code of Virginia.
 176 2. A minimum of 20 qualifying points from a combination of the following education and
 177 experience, with a minimum of five (5) points from each category in Tables 1 and 2. An
 178 applicant cannot be assigned points from multiple areas in each table for the same activity
 179 for which credit is being sought. Except as provided in Tables 1 and 2, an applicant cannot
 180 be assigned points multiple times for the same for the same activity for which credit is
 181 being sought.

TABLE 1
Qualifying Points Table: Education Category

<u>Points Assigned</u>	<u>Education Description</u>	<u>Maximum Allowable Points</u>
<u>5</u>	<u>Successfully completed a 3-credit hour minimum class with a passing grade in home inspection from an accredited college or university pursuant to 18VAC15-40-32.2</u>	<u>5</u>
<u>1</u>	<u>Successfully completed a 3-credit hour minimum class with a passing grade in construction, remodeling, engineering, architecture, building design, building technology, or real estate from an accredited college or university pursuant to 18VAC15-40-32.2</u>	<u>3</u>
<u>1</u>	<u>Successfully completed a 4-hour course specific to home inspection contracts, home inspection reports, or topics covered on the board-approved examination.</u>	<u>3</u>
<u>5</u>	<u>Successfully completed a minimum 35-hour pre-license education course approved by the Board in accordance with Part VI (18VAC15-40-120 et seq.) of this chapter</u>	<u>5</u>
<u>10</u>	<u>Successfully completed a minimum 70-hour pre-license education course approved by the Board in accordance with Part VI (18VAC15-40-120 et seq.) of this chapter</u>	<u>10</u>

TABLE 2		
Qualifying Points Table: Experience Category		
<u>Points Assigned</u>	<u>Experience Description</u>	<u>Maximum Allowable Points</u>
<u>2</u>	<u>One month of full-time qualifying experience pursuant to 18VAC15-40-32.1</u>	<u>12</u>
<u>2</u>	<u>Completion of 10 home inspections under the direct supervision of a home inspector or without supervision if lawfully conducted as authorized under the laws of the applicable jurisdiction</u>	<u>12</u>
<u>1</u>	<u>Membership in a home inspector trade or professional association</u>	<u>2</u>
<u>2</u>	<u>One year teaching at an accredited college or university, trade school, or private business for monetary compensation in construction, remodeling, engineering, architecture, building design, building technology, real estate, or home inspections</u>	<u>6</u>
<u>2</u>	<u>The qualified individual of a contractor license issued pursuant to Chapter 11 of Title 54.1 of the Code of Virginia for one or more of the following classifications or specialty services:</u> <u>1. Residential Building Contractors (RBC)</u> <u>2. Home Improvement Contracting (HIC)</u> <u>3. Commercial Building Contractors (CBC)</u>	<u>2</u>
<u>1</u>	<u>The qualified individual of a contractor license issued pursuant to Chapter 11 of Title 54.1 of the Code of Virginia for one or more of the following classifications:</u> <u>1. Electrical Contractors (ELE)</u> <u>2. HVAC Contractors (HVA)</u> <u>3. Plumbing Contractors (PLB)</u>	<u>3</u>
<u>2</u>	<u>Architect or professional engineer licensed pursuant to Chapter 4 of Title 54.1 of the Code of Virginia</u>	<u>2</u>
<u>2</u>	<u>Building code official certified pursuant to the Department of Housing and Community Development Virginia Certification Standards (13VAC5-21-10 et seq. of the Virginia Administrative Code)</u>	<u>2</u>

182

183

18VAC15-40-32.1. Qualifying experience.

184

In order to be acceptable, qualifying experience must meet all of the following:

185 1. Experience must be verified by one or more of the following: licensed home inspector;
186 qualified individual or responsible manager of a licensed contractor; or any combination
187 of at least three licensed real estate professionals or clients.

188 2. An applicant's experience must have been gained by assisting a properly licensed or
189 certified home inspector, as applicable, and under such home inspector's direct
190 supervision; or through the performance of home inspections as authorized under the laws
191 of the applicable jurisdiction.

192 3. For the purposes of this part, experience requirements are expressed in terms of
193 calendar periods of full-time employment.

194 a. A month of full-time qualifying experience is a minimum of 146 hours during a one-
195 month period or a minimum of 18 workdays in a one-month period. More than 146
196 hours or 18 workdays during a one-month period will not be considered as more than
197 one month of full-time employment.

198 b. Partial credit may be given for actual hours of qualifying experience if the applicant's
199 experience was gained working less than full time.

200 **18VAC15-40-32.2. Accredited colleges or universities and verification procedures.**

201 A. An applicant seeking to qualify for licensure based on completion of a class from an
202 accredited college or university must submit an official transcript from the school where the
203 applicable class was completed. Only classes from an accredited college or university that is
204 approved or accredited by the Commission on Colleges of the Southern Association of Colleges
205 and Schools, a regional or national accreditation association, or by an accrediting agency that is
206 recognized by the U.S. Secretary of Education will be considered.

207 B. An applicant seeking to qualify for licensure based on working or teaching at an accredited
208 college or university must submit evidence satisfactory to the board of employment by the college

209 or university. Only employment with an accredited college or university that is approved or
210 accredited by the Commission on Colleges of the Southern Association of Colleges and Schools,
211 a regional or national accreditation, or by an accrediting agency that is recognized by the U.S.
212 Secretary of Education will be considered.

213 **18VAC15-40-33. Examination conduct.**

214 Procedures and appropriate conduct established by the board or examination organization
215 administering the examination approved by the board, or both, ~~shall~~ must be followed by the
216 applicant. Such procedures ~~shall~~ include written instructions communicated prior to the
217 examination date and instructions communicated at the site, either written or oral, on the date of
218 the examination. Failure to comply with all procedures established by the board or the
219 examination organization with regard to conduct at the examination ~~shall~~ will be grounds for denial
220 of the application.

221 **18VAC15-40-34. Individuals certified or licensed in another jurisdiction; equivalency to**
222 **Virginia home inspector requirements.**

223 A. The board may waive the requirements of 18VAC15-40-32 for an applicant who holds an
224 active, current license or certificate as a home inspector in another state, the District of Columbia,
225 or any other territory or possession of the United States provided the requirements and standards
226 under which the license or certificate was issued are substantially equivalent to those established
227 in this chapter.

228 B. In considering qualifications pursuant to 18VAC15-40-32, the board may consider
229 experience gained under a licensed (however denominated) home inspector in another state
230 provided the requirements and standards under which the home inspector was licensed are
231 substantially equivalent to those established in this chapter.

232 **18VAC15-40-35. Qualifications for the new residential structure specialty.**

233 To obtain the NRS specialty, the applicant shall must submit the appropriate application form
234 and fee pursuant to 18VAC15-40-50 and meet the following qualifications:

235 1. Hold a current and valid home inspector license. An applicant who does not hold a
236 current and valid home inspector license shall must apply for such licensure and meet the
237 requirements contained in 18VAC15-40-30 and 18VAC15-40-32.

238 2. Submit proof of successful completion of an NRS training module approved by the board
239 pursuant to Part VI (~~18VAC15-40-120~~ 18VAC15-40-200 et seq.) of this chapter and
240 completed no more than two years prior to the date of application.

241 **18VAC15-40-45. Application denial.**

242 The board may refuse initial licensure due to an applicant's failure to comply with entry
243 requirements or for any of the reasons it may discipline a licensee. The applicant has the right to
244 request further review of any such action by the board under the Administrative Process Act (§
245 2.2.-4000 et seq. of the Code of Virginia).

246 **18VAC15-40-48. General fee requirements.**

247 All fees are nonrefundable and shall will not be prorated. The date on which the fee is received
248 by the department or its agent will determine whether the fee is on time. Checks or money orders
249 shall must be made payable to the Treasurer of Virginia.

250 **18VAC15-40-50. Fees.**

Fee type	Fee amount	When due
Initial home inspector application	\$80	With application for home inspector
Initial NRS specialty application	\$80	With application for NRS specialty designation
Home inspector renewal	\$45	With renewal application

Home inspector with NRS specialty renewal	\$90	With renewal application
Home inspector reinstatement	\$125	With reinstatement application
Home inspector with NRS specialty reinstatement	\$170	With reinstatement application
Prelicense education course approval	\$250	With prelicense education course approval application
NRS training module approval	\$150	With NRS training module approval application
NRS CPE course approval	\$150	With NRS CPE course approval application

251 For licenses expiring after February 1, 2018, and before February 1, 2020, the renewal fees
 252 shall be as follows:

Home inspector renewal	\$25
Home inspector with NRS specialty renewal	\$50

253 For reinstatement applications received after March 1, 2018, and on or before February 29,
 254 2020, the reinstatement fees shall be as follows:

Home inspector reinstatement	\$105
Home inspector with NRS specialty reinstatement	\$130

255 For licenses expiring after February 1, 2020, and before February 1, 2022, the renewal fees
 256 shall be as follows:

Home inspector renewal	\$40
Home inspector with NRS specialty renewal	\$80

257 For reinstatement applications received after March 1, 2020, and on or before February 28,
 258 2022, the reinstatement fees shall be as follows:

Home inspector reinstatement	\$120
Home inspector with NRS specialty reinstatement	\$160

259

260

Part III

261

Renewal and Reinstatement of License

262 **18VAC15-40-60. Renewal required.**

263 Licenses issued under this chapter ~~shall~~ will expire two years from the last day of the month
264 in which they were issued.

265 **18VAC15-40-72. Continuing professional education required for home inspector licensure.**

266 A. Each licensee ~~shall have completed~~ must complete 16 contact hours of continuing
267 professional education (CPE) during each license renewal cycle. CPE can be met through
268 classroom instruction, distance learning, or online education technology.

269 B. Notwithstanding the provisions of 18VAC15-40-75, the subject matter addressed during
270 CPE contact hours ~~shall be~~ is limited to the content areas covered by the board's approved
271 examination.

272 C. The licensee ~~shall~~ will not receive CPE credit for the same training course more than once
273 during a single license renewal cycle.

274 D. A licensee who completes the initial training module required by 18VAC15-40-35 to obtain
275 an NRS specialty may count completion of the module towards the required 16 hours of CPE
276 credit for that renewal cycle.

277 **18VAC15-40-73. Acceptable topics for continuing professional education.**

278 A. The following topics will be accepted for CPE credit, all as related to home inspection
279 services:

280 1. Site conditions;

281 2. Exterior components;

- 282 3. Roof components;
- 283 4. Structural components;
- 284 5. Electrical systems;
- 285 6. Cooling systems;
- 286 7. Heating systems;
- 287 8. Insulation, moisture management systems, and ventilation systems;
- 288 9. Mechanical exhaust systems;
- 289 10. Plumbing systems;
- 290 11. Interior components;
- 291 12. Fireplaces, fuel-burning appliances, chimney, and vent systems;
- 292 13. Common permanently-installed kitchen appliances;
- 293 14. Home inspection reporting requirements;
- 294 15. Responsibilities to the client, including required home inspection contract elements;
- 295 and
- 296 16. Laws and regulations applicable to the profession.

297 B. In addition to the topics provided in subsection A, a licensee may receive a maximum of

298 four contact hours of CPE credit for completion of training required to maintain credentials,

299 howsoever denominated, related to home inspection services, including asbestos inspection, lead

300 inspection, and radon testing.

301 C. A licensee may apply completion of the NRS CPE course, as applicable, toward the 16

302 contact hours of CPE required for license renewal.

303 **18VAC15-40-75. Board-approved new residential structure update continuing professional**
304 **education course required to maintain new residential structure specialty.**

305 A. In addition to the CPE requirements of 18VAC15-40-72, to maintain the NRS specialty, the
306 licensee shall must submit proof of completion of a four-hour, board-approved NRS CPE course,
307 which can be applied toward the 16 contact hours of CPE required for the license renewal.

308 B. A licensee who has taken the initial NRS training module pursuant to subdivision 2 of
309 18VAC15-40-35 no more than one year before the expiration date on the license will not require
310 proof of the NRS CPE course for that renewal. All other requirements for renewal must be met in
311 order to renew the license and the home inspector is still required to have completed all other
312 CPE requirements pursuant to this chapter.

313 **18VAC15-40-76. Continuing professional education for instructors.**

314 A licensee may receive CPE credit for teaching a course that otherwise meets the
315 requirements of this chapter; however, additional credit shall will not be given for subsequent
316 offerings of a course or activity with the same content within the same licensing cycle. In addition,
317 a licensee may receive two hours of CPE no more than once during a single licensing cycle for
318 the initial development or substantial updating of a CPE course.

319 **18VAC15-40-78. Maintenance of continuing professional education records.**

320 A. Each licensee shall must maintain evidence of the satisfactory completion of CPE for at
321 least three years following the end of the license renewal cycle for which the CPE was taken.
322 Such documentation shall must be provided to the board or its duly authorized agents upon
323 request. The following shall will be maintained by the licensee to document completion of the
324 hours of CPE specified in 18VAC15-40-72:

325 1. Evidence of completion that shall ~~contain~~ that contains the name, address, and
326 telephone number of the training provider;

- 327 2. The dates the applicant participated in the training;
- 328 3. Descriptive material of the subject matter presented documenting that it covers the
- 329 content areas covered by the board's examination; and
- 330 4. A statement from the provider verifying the number of CPE contact hours completed.

331 B. The board may conduct an audit of its licensees to ensure compliance with the applicable

332 CPE requirements. Licensees who are selected for audit shall must provide the necessary

333 documentation stipulated in this section.

334 C. The licensee may request additional time to meet the CPE requirement; however, CPE

335 hours earned during a license renewal cycle to satisfy the CPE requirement of the preceding

336 license renewal cycle shall will be valid only for that preceding license renewal cycle.

337 **18VAC15-40-80. Procedures for renewal.**

338 A. Prior to the expiration date shown on the license, the board shall will mail a renewal notice

339 to the licensee's address of record.

340 B. Prior to the expiration date shown on the license, ~~the~~ a licensee desiring to renew his

341 license shall must return to the board ~~the renewal notice~~ (i) a completed renewal application, (ii)

342 proof of insurance required by 18VAC15-40-30, (iii) proof of completion of CPE, in accordance

343 with 18VAC15-40-72, and (iv) the appropriate fee specified in 18VAC15-40-50.

344 C. ~~Prior to the expiration date shown on the license~~ In addition to the requirements of

345 subsection B of this section, a licensee with the NRS specialty must submit proof of completion

346 of four hours of board-approved NRS CPE, in accordance with 18VAC15-40-75, ~~along with the~~

347 ~~renewal notice and the appropriate fee specified in 18VAC15-40-50.~~

348 D. Failure to receive the renewal notice does not relieve the licensee of the obligation to

349 renew. If the licensee fails to receive the renewal notice, a copy of the license may be submitted

350 with the required fee and any other required documentation as an application for renewal. The
351 date on which the renewal application is received by the department or its agent will determine
352 whether the renewal application was received on time.

353 E. By submitting the renewal application, the licensee is affirming that the CPE requirements
354 of 18VAC15-40-72 have been met, and he is in continued compliance with this chapter.

355 **18VAC15-40-90. Reinstatement.**

356 A. If the requirements for renewal of a license, as provided in 18VAC15-40-80, are not
357 completed by the licensee within 30 days after the expiration date on the license, reinstatement
358 of the license shall will be required.

359 B. All applicants for reinstatement shall must meet all requirements set forth in 18VAC15-40-
360 30, 18VAC15-40-72, and 18VAC15-40-75, as applicable.

361 C. A license may be reinstated for up to two years following the expiration date upon submittal
362 of the reinstatement application consisting of (i) payment of the reinstatement fee, (ii) proof of
363 insurance required by 18VAC15-40-30, (iii) proof of CPE in accordance with 18VAC15-40-72, and
364 (iv) proof of CPE to maintain the NRS specialty, if applicable. After two years, the license shall
365 will not be reinstated under any circumstances, and the individual shall must apply as a new
366 applicant and meet entry requirements current at the time of submittal of the new application.

367 D. By submitting the reinstatement application, the individual is affirming that he is in continued
368 compliance with this chapter.

369 **18VAC15-40-105. Status of licensee during the period prior to reinstatement.**

370 A. A licensee who reinstates his license shall will be regarded as having been continuously
371 licensed without interruption; ~~and shall~~ will remain under the disciplinary authority of the board
372 during this entire period; ~~and shall~~ will be held accountable for his activities during this period.

373 B. Any regulated activity conducted subsequent to the license expiration date may constitute
374 unlicensed activity and be subject to prosecution under Chapter 1 (§ 54.1-100 et seq.) of Title
375 54.1 of the Code of Virginia.

376 **18VAC15-40-107. Board discretion to deny renewal or reinstatement.**

377 The board may deny renewal or reinstatement of a license for the same reasons as the board
378 may refuse initial licensure or discipline a licensee. The licensee has the right to request further
379 review of any such action by the board under the Administrative Process Act (§ 2.2-4000 et seq.
380 of the Code of Virginia).

381 **~~18VAC15-40-108. License renewal or reinstatement after July 1, 2017. (Repealed.)~~**

382 ~~A license eligible for renewal or reinstatement on or after July 1, 2017, shall be required to~~
383 ~~meet the requirements of this part as amended effective July 1, 2017, upon submittal of the~~
384 ~~renewal or reinstatement application, as applicable.~~

385 Part IV

386 Minimum Standards for Conducting Home Inspections

387 **18VAC15-40-120. Home inspection contract.**

388 A. For the protection of both the client and the licensee, both parties shall must sign a legible,
389 written contract clearly specifying the terms, conditions, and limitations and exclusions of the work
390 to be performed. Prior to the commencement of work or acceptance of payments, the contract
391 must be signed by both the client, or the client's authorized representative, and the licensee. The
392 licensee must make prompt delivery to the client, or client's authorized representative, a fully
393 executed copy of the contract in compliance with this section before work begins. Any modification
394 to the contract, which changes the cost, scope of work to be performed, or estimated completion
395 date, must be in writing and signed by all parties.

396 B. At a minimum, the written contract shall must include:

- 397 1. ~~Name, business name (if applicable), business address, and telephone number of the~~
398 ~~home inspector.~~ The following information applicable to the home inspector:
- 399 a. Name;
- 400 b. Business name, if applicable;
- 401 c. Address;
- 402 d. Telephone number, email address, or other contact information, as applicable; and
- 403 e. License number and notation of NRS specialty, if applicable.
- 404 2. ~~License number of the home inspector, and notation of NRS specialty, if applicable.~~
- 405 3. ~~2.~~ Name of the clients client.
- 406 4. ~~3.~~ Physical address of the residential property building or NRS to be inspected.
- 407 5. ~~4.~~ Cost of the home inspection.
- 408 6. ~~5.~~ A listing of all areas and systems to be inspected, including those inspections that
409 are either partial or limited in scope.
- 410 7. ~~6.~~ A statement in the contract that the home inspection does not include a review for
411 compliance with regulatory requirements (Virginia Uniform Statewide Building Code or
412 other codes, regulations, laws, ordinances, etc.).
- 413 8. ~~To the extent that any of the following categories are not covered by the home~~
414 ~~inspection, they shall be noted as exclusions in the inspection contract~~ 7. A statement
415 disclosing any exclusions to the home inspection. Such exclusions may include the
416 following:
- 417 a. The condition of systems or components that are not readily accessible.
- 418 b. The remaining life of any system or component.

- 419 c. The strength, adequacy, effectiveness, or efficiency of any system or component.
- 420 d. The causes of any condition or deficiency.
- 421 e. The methods, materials, or costs of corrections.
- 422 f. Future conditions including failure of systems and components.
- 423 g. The suitability of the property for any specialized use.
- 424 h. The market value of the property or its marketability.
- 425 i. The advisability of the purchase of the property.
- 426 j. The presence of diseases harmful to humans or potentially hazardous plants or
- 427 animals including wood destroying organisms and mold.
- 428 k. The presence of any environmental hazards including toxins, carcinogens, noise,
- 429 asbestos, lead-based paint, mold, radon, and contaminates in soil, water, and air.
- 430 l. The effectiveness of any system installed or methods utilized to control or remove
- 431 suspected hazardous substances.
- 432 m. The operating costs of systems or components.
- 433 n. The acoustical properties of any system or component.
- 434 o. The presence of components involved in manufacturer's recalls.
- 435 p. The inspection of outbuildings.

436 ~~To the extent any other items are not specifically included in the home inspection by~~
437 ~~agreement of the parties, they shall also be noted as exclusions in the home inspection~~
438 ~~contract.~~

439 ~~9. 8. Estimated delivery date of the home inspection report to the client of the home~~
440 ~~inspection report.~~

441 ~~10. 9.~~ Dated signatures of both the home inspector and the client or the client's authorized
442 representative.

443 10. A statement providing that any modification to the contract, which changes the cost,
444 scope of work to be performed, or estimated completion date must be in writing and signed
445 by all parties.

446 11. Disclosure of the cancellation rights of the parties.

447 12. A general statement on the limits of the home inspector's liability.

448 C. The home inspection contract shall must make written disclosure that the home inspection
449 report is (i) based upon visual observation of existing conditions of the inspected ~~property~~
450 residential building or NRS at the time of the inspection, and is (ii) not intended to be, or to be
451 construed as, a guarantee, warranty, or any form of insurance. This provision does not prevent a
452 home inspector from offering a separate guarantee, warranty, or any form of insurance if he so
453 chooses.

454 ~~D. If the home inspector recommends a person to the client for repairs or modifications to the~~
455 ~~inspected property, the home inspector shall disclose to the client all financial interests that the~~
456 ~~home inspector has with the recommended person. The disclosure shall be written within the~~
457 ~~home inspection contract~~ The home inspection contract must disclose any financial interest that
458 the licensee has or reasonably expects to have with any person whom the licensee recommends
459 to the client for the repairs or modifications to the residential building or NRS.

460 E. If the home inspector has designed or performed repairs or modifications to, or has
461 inspected, the residential building or NRS to be inspected within the preceding 12 months, the
462 home inspection contract must disclose to the client the specifics of the repairs or modifications
463 he designed or performed, or any inspection he performed.

464 **18VAC15-40-130. Home inspection report.**

465 A. A home inspection report is a written evaluation of the readily accessible components of a
466 residential building or NRS, including heating, cooling, plumbing, and electrical systems; structural
467 components; foundation; roof; masonry structure; exterior and interior components; and other
468 related residential housing components.

469 ~~A.~~ B. Home inspection reports ~~shall~~ must contain:

470 1. Information pertaining to the licensee, including:

471 a. Licensee's name Name;

472 b. ~~Business address~~ Address;

473 c. Telephone number, email address, or other contact information, as applicable; and

474 d. License number and expiration date, to be followed by "NRS" if so designated and
475 performing a home inspection on a new residential structure;

476 2. The name, ~~address, and telephone number~~ contact information of the client or the
477 client's authorized representative, ~~if available at the time of the inspection~~;

478 3. The physical address of the residential ~~property~~ building or NRS inspected; and

479 4. The date, ~~time (to include both start and finish times of the home inspection)~~; and
480 weather conditions at the time of the home inspection.

481 ~~B.~~ C. In conducting a home inspection and reporting its findings, the home inspector, ~~at a~~
482 ~~minimum, shall~~ must inspect the condition of and ~~shall~~ must describe in writing the composition
483 ~~or~~ and characteristics of the following readily accessible components and readily observable
484 defects of the residential building or NRS, except as may be limited ~~in~~ by the home inspection
485 contract agreement:

486 1. Structural system.

- 487 a. Foundation.
- 488 b. Framing.
- 489 c. Stairs.
- 490 d. Crawl space, ~~the~~. The method of inspecting the crawl space shall must be noted
- 491 and explained in the home inspection report. ~~If the crawl space cannot be inspected,~~
- 492 ~~the licensee shall explain in the home inspection report why this component was not~~
- 493 ~~inspected.~~
- 494 e. Crawl space ventilation and vapor barriers.
- 495 f. Slab floor, ~~when present~~.
- 496 g. Floors, ~~ceilings, and walls~~.
- 497 h. Ceilings.
- 498 i. Walls.
- 499 2. Roof structure, attic, and insulation systems and components.
- 500 a. Roof covering. The method of inspecting the roof covering shall must be noted and
- 501 explained in the home inspection report. ~~If the roof covering cannot be inspected, the~~
- 502 ~~licensee shall explain in the home inspection report why this component was not~~
- 503 ~~inspected.~~
- 504 b. Roof ventilation.
- 505 c. Roof drainage system, to include gutters and downspouts.
- 506 d. Roof flashings, if readily visible.
- 507 e. Skylights, chimneys, and roof penetrations, but not antennae or other roof
- 508 attachments.

- 509 f. Roof framing and sheathing.
- 510 g. Attic, ~~unless area is not readily accessible.~~
- 511 h. Attic insulation.
- 512 3. Exterior of residential building or NRS systems or components.
- 513 a. Wall covering, flashing, and trim.
- 514 b. ~~Readily accessible doors~~ Doors and windows, ~~but~~ This does not include the
- 515 operation of associated security locks, devices, or systems.
- 516 c. Decks, balconies, stoops, steps, porches, attached garages, carports, and any
- 517 associated railings that are adjacent to the residential building or NRS and on the same
- 518 property ~~but~~ This does not include associated screening, shutters, awnings, storm
- 519 windows, detached garages, or storm doors.
- 520 d. Eaves, soffits, and fascias where readily accessible from ground level.
- 521 e. Walkways, grade steps, patios, and driveways, ~~but~~ This does not include fences or
- 522 privacy walls.
- 523 f. Vegetation, trees, grading, drainage, and ~~any~~ retaining walls adjacent to the
- 524 residential building or NRS.
- 525 g. Visible exterior portions of chimneys.
- 526 4. Interior of residential building or NRS systems and components.
- 527 a. Interior walls, ceilings, and floors of residential building or NRS and any adjacent
- 528 garage.
- 529 b. Steps, stairways, railings, and balconies and associated railings.
- 530 c. Countertops and installed cabinets, including hardware.

- 531 d. Doors and windows, ~~but~~, This does not include the operation of associated security
532 locks, devices, or systems.
- 533 e. Garage doors and permanently mounted and installed garage door operators. The
534 automatic safety reverse function of garage door openers shall must be tested, either
535 by physical obstruction as specified by the manufacturer, or by breaking the beam of
536 the electronic photo eye but only when the test can be safely performed and will not
537 risk damage to the door, the opener, any nearby structure, or any stored items.
- 538 f. Fireplaces, venting systems, hearths, dampers, and fireboxes, ~~but~~, This does not
539 include mantles, fire screens and doors, or seals and gaskets.
- 540 g. Solid fuel burning appliances, ~~if applicable~~.
- 541 5. Plumbing system.
- 542 a. Interior water supply and distribution systems, including water supply lines and all
543 fixtures and faucets, ~~but~~, This does not include water conditioning systems or fire
544 sprinkler systems.
- 545 b. Water drainage, waste, and vent systems, including all associated fixtures.
- 546 c. Drainage sumps, sump pumps, and related piping.
- 547 d. Water heating equipment, including energy source and related vent systems, flues,
548 and chimneys, ~~but~~, This does not include solar water heating systems.
- 549 e. Fuel storage and distribution systems ~~for visible leaks~~.
- 550 6. Electrical system.
- 551 a. Service drop.
- 552 b. Service entrance conductors, cables, and raceways.
- 553 c. Service equipment and main disconnects.

- 554 d. Service grounding.
- 555 e. Interior components of service panels and sub panels, including feeders.
- 556 f. Conductors.
- 557 g. Overcurrent protection devices.
- 558 h. ~~Readily accessible installed~~ Installed lighting fixtures, switches, and receptacles.
- 559 i. Ground fault circuit interrupters.
- 560 j. Presence or absence of smoke or carbon monoxide detectors.
- 561 k. Presence of solid conductor aluminum branch circuit wiring.
- 562 l. Arc fault interrupters ~~shall~~ must be noted if installed but not tested if equipment is
- 563 attached to them.
- 564 7. Heating system.
- 565 a. Heating equipment, including operating controls, ~~but~~ This does not include heat
- 566 exchangers, gas logs, built-in gas burning appliances, grills, stoves, space heaters,
- 567 solar heating devices, or heating system accessories such as humidifiers, air purifiers,
- 568 motorized dampers, and heat reclaimers.
- 569 b. Energy source.
- 570 c. Heating distribution system.
- 571 d. Vent systems, flues, and chimneys, including dampers.
- 572 8. Air conditioning system.
- 573 a. Central and installed wall air conditioning equipment.
- 574 b. Operating controls, access panels, and covers.
- 575 c. Energy source.

576 d. Cooling distribution system.

577 D. To the extent that a component or system cannot be inspected, the home inspection report
578 must identify such component or system and provide an explanation for why the component or
579 system was not inspected.

580 ~~E.~~ E. Systems in the home that are turned off, winterized, or otherwise secured so that they
581 do not respond to normal activation using standard operating controls need not be put into
582 operating condition. ~~The home inspector shall~~ home inspection report must state, in writing, the
583 reason these systems or components were not inspected.

584 ~~D. E.~~ In accordance with § 54.1-517.2:1 of the Code of Virginia, if a home inspector observes
585 the presence of any shade of yellow corrugated stainless steel tubing during a home inspection
586 in a home that was built prior to the adoption of the 2006 Virginia Construction Code, effective
587 May 1, 2008, the home inspector shall include that observation in the report along with the
588 following statement: "Manufacturers believe that this product is safer if properly bonded and
589 grounded as required by the manufacturer's installation instructions. Proper bonding and
590 grounding of the product should be determined by a contractor licensed to perform the work in
591 the Commonwealth of Virginia."

592 Part V

593 Standards of Conduct and Practice

594 **18VAC15-40-140. Conflict of interest.**

595 A. The licensee ~~shall~~ will not:

596 1. Design or perform repairs or modifications to a residential building or NRS on which he
597 has performed a home inspection ~~as a result of the findings of the home inspection~~ within
598 12 months after the date he performed the home inspection, except in cases where the
599 home inspector purchased the residence after he performed the home inspection;

- 600 2. Perform a home inspection of a residential building or NRS upon which he has designed
601 or performed repairs or modifications within the preceding 12 months without disclosing
602 to the client in the home inspection contract the specifics of the repairs or modifications
603 he designed or performed;
- 604 3. Refer his client to another person to make repairs or modifications to a residential
605 building or NRS on which he has performed a home inspection unless, in accordance with
606 18VAC15-40-120 D, he provides written documentation to his client that clearly discloses
607 all any financial interests interest that the licensee has or reasonably expects to have with
608 the person who is recommended for the repairs or modifications;
- 609 4. Represent the ~~financial~~ interests, either personally or through his employment, of any
610 of the parties to the transfer or sale of a residential building or NRS on which he has
611 performed a home inspection without disclosing such fact to the client; or
- 612 5. Perform a home inspection of a residential building or NRS under a contingent
613 agreement whereby any compensation or future referrals are dependent on the reported
614 findings or on the sale of the property.

615 B. Notwithstanding the provisions of 18VAC15-40-180, The the licensee ~~shall~~ must not
616 disclose any information concerning the results of the home inspection without the approval of
617 the client for whom the home inspection was performed. However, the licensee may disclose
618 information in situations where there is an imminent endangerment to life or health.

619 C. The licensee ~~shall~~ must not accept compensation from more than one interested party for
620 the ~~same service~~ home inspection on the same property without the consent of all interested
621 parties.

622 D. The licensee ~~shall~~ must not accept nor offer commissions or allowances, directly or
623 indirectly, from other parties dealing with the client in connection with ~~work for which the licensee~~

624 is responsible the home inspection. Additionally, the licensee shall must not enter into any
625 financial relationship with any party that may compromise the licensee's commitment to the best
626 interest of his client.

627 E. A home inspector may provide services to a client in addition to a home inspection. The
628 home inspector must disclose to the client the additional services to be performed and how such
629 services may conflict with the home inspection. The disclosure must be in writing and may be
630 incorporated into the home inspection contract or contained in a separate written agreement with
631 the client. Any additional services performed pursuant to this subsection must be performed in
632 accordance with applicable laws and regulations.

633 ~~E.~~ F. The home inspection shall must not be used as a pretext by the licensee to solicit or
634 obtain work in another field, except for additional diagnostic inspections or testing.

635 **18VAC15-40-145. Competency for assignments.**

636 A. The licensee shall must undertake to perform professional assignments only when qualified
637 by education or experience, or both.

638 B. A licensee shall must not misrepresent to a prospective or existing client or employer his
639 qualifications and the scope of his responsibility in connection with a home inspection.

640 **18VAC15-40-147. Licensee's responsibility.**

641 A. The primary obligation of the licensee is to the public. If the licensee's judgment is overruled
642 and not adhered to when performing a home inspection or advising appropriate parties of the
643 circumstances of a substantial threat to the public health, safety, or welfare, the licensee must
644 inform the employer or client, as applicable, of the possible consequences and notify appropriate
645 authorities.

646 B. The licensee must not knowingly associate in a business venture with, or permit the use of
647 the licensee's name by, any person or firm where there is reason to believe that person or firm is

648 engaging in activity of a fraudulent or dishonest nature or is violating any law or regulation of the
649 board.

650 C. A licensee who has direct knowledge that another individual may be violating any of the
651 provisions of this chapter or the provisions of Chapter 5 (§ 54.1-500 et seq.) of Title 54.1 of the
652 Code of Virginia must immediately inform the board in writing and must cooperate in furnishing
653 any further information or assistance that may be required.

654 **18VAC15-40-150. Grounds for disciplinary action.**

655 The board has the power to ~~may~~ place a licensee on probation; ~~;~~ impose a monetary penalty
656 in accordance with § 54.1-202 A of the Code of Virginia; ~~;~~ or revoke, suspend, or refuse to renew
657 a license when the licensee has been found to have violated or cooperated with others in violating
658 any provision of the regulations of the board or Chapter 1, 2, 3, or 5 of Title 54.1 of the Code of
659 Virginia ~~or this chapter.~~

660 **18VAC15-40-152. Notice of adverse action.**

661 A. A licensee shall ~~shall~~ must notify the board of the following actions against the licensee:

662 1. Any disciplinary action taken by any jurisdiction, board, or administrative body of
663 competent jurisdiction, including any (i) reprimand; (ii) license or certificate revocation,
664 suspension, or denial; (iii) monetary penalty; (iv) requirement for remedial education; or
665 (v) other corrective action.

666 2. Any voluntary surrendering of a related license, certificate, or registration done in
667 connection with a disciplinary action in another jurisdiction.

668 3. Any conviction, finding of guilt, or plea of guilty, regardless of adjudication or deferred
669 adjudication, in any jurisdiction of the United States of any ~~(i) misdemeanor involving moral~~
670 ~~turpitude, sexual offense, drug distribution, or physical injury or relating to performing a~~
671 ~~home inspection or~~ (ii) felony, there being no appeal pending therefrom or the time for

672 appeal having lapsed. Review of convictions shall be subject to the requirements of §
673 54.1-204 of the Code of Virginia. ~~Any plea of nolo contendere shall be considered a~~
674 ~~conviction for the purpose of this section.~~

675 B. The notice must be made to the board in writing within 30 days of the action. A copy of the
676 order or other supporting documentation must accompany the notice. ~~The record of conviction,~~
677 ~~finding, or case decision shall be considered prima facie evidence of a conviction or finding of~~
678 ~~guilt.~~

679 **18VAC15-40-155. Prohibited acts.**

680 The following acts are prohibited and any violation may result in disciplinary action by the
681 board:

682 1. Violating, including inducing another to violate, cooperating with another to violate, or
683 combining or conspiring with or acting as agent, partner, or associate for another to violate
684 any of the provisions of Chapter 1 (§ 54.1-100 et seq.), 2 (§ 54.1-200 et seq.), 3 (§ 54.1-
685 300 et seq.) or 5 (§ 54.1-500 et seq.) of Title 54.1 of the Code of Virginia or any of the
686 regulations of the board.

687 ~~4.~~ 2. Obtaining or attempting to obtain a license by false or fraudulent representation, or
688 maintaining, renewing, or reinstating a license by false or fraudulent representation; or
689 furnishing substantially inaccurate or incomplete information to the board in obtaining,
690 renewing, reinstating, or maintaining a license.

691 ~~2. Performing improvements or repairs to a residential building as a result of the findings~~
692 ~~of the home inspection within 12 months before or after performing a home inspection on~~
693 ~~it, except in cases where the home inspector purchased the residential building after he~~
694 ~~performed the home inspection.~~

- 695 ~~3. Violating or inducing another person to violate any of the provisions of Chapter 1, 2, 3,~~
696 ~~or 5 of Title 54.1 of the Code of Virginia or this chapter.~~
- 697 3. Failing to maintain the insurance policy required pursuant to 18VAC15-40-30 G.
- 698 4. Failing to report a change pursuant to 18VAC15-40-160.
- 699 ~~4. 5. A licensee having been convicted, or found guilty in any jurisdiction, or disciplined by~~
700 ~~any jurisdiction, board, or administrative body in any jurisdiction of any offense or violation~~
701 ~~enumerated in 18VAC15-40-152. Review of convictions shall be subject to the~~
702 ~~requirements of § 54.1-204 of the Code of Virginia.~~
- 703 ~~5. 6. Failing to inform the board in writing within 30 days that the licensee was convicted,~~
704 ~~or found guilty in any jurisdiction, or disciplined by any jurisdiction, board, or~~
705 ~~administrative body of any offense or violation enumerated in 18VAC15-40-152.~~
- 706 7. Failure to use a contract that complies with 18VAC15-40-120.
- 707 8. Failure to produce a home inspection report that complies with 18VAC15-40-130.
- 708 9. Having performed a home inspection when not qualified by training or experience to
709 competently perform any part of the home inspection.
- 710 10. Conducting a home inspection on any new residential structure without the NRS
711 specialty issued by the board.
- 712 11. Having cited, stated, or represented that there exists a violation of the Virginia Uniform
713 Statewide Building Code (13VAC5-63) in a home inspection report or other document
714 prepared relative to a home inspection.
- 715 12. Failure to comply with the requirements of 18VAC15-40-140.
- 716 13. Making any misrepresentation or making a false promise that might influence,
717 persuade, or induce.

718 14. Making any misrepresentation or engaging in acts of fraud or deceit in advertising or
719 soliciting home inspection services.

720 15. Knowingly misrepresenting factual information in expressing a professional opinion.

721 16. Negligence, misconduct, or incompetence in the practice of the profession.

722 17. Not demonstrating reasonable care, judgment, or application of the required
723 knowledge, skill, and ability in the performance of the licensee's duties.

724 ~~6. 18. Failing to act as a licensee in such a manner as to safeguard the interests of the~~
725 ~~public.~~

726 ~~7. 19. Engaging in improper, fraudulent, or dishonest conduct in conducting a home~~
727 ~~inspection.~~

728 20. The intentional and unjustified failure to complete work contracted for or to comply with
729 the terms in the contract.

730 21. The retention or misapplication of funds paid, for which work is either not performed
731 or performed only in part.

732 22. Advising a client as to whether the client should or should not engage in a real estate
733 transaction or provides an opinion of value regarding the residential building or NRS that
734 is the subject of the home inspection.

735 23. Allowing a license issued by the board to be used by another.

736 24. Failing to adequately supervise and review work by unlicensed individuals who are
737 gaining experience under the direct supervision of the licensee.

738 ~~8. Having performed a home inspection when not qualified by training or experience to~~
739 ~~competently perform any part of the home inspection.~~

- 740 9. ~~Failing to maintain, through training, the proficiency to perform Virginia home~~
741 ~~inspections.~~
- 742 10. ~~Conducting a home inspection on any new residential structure without the NRS~~
743 ~~specialty issued by the board.~~
- 744 11. ~~Failing to maintain the insurance policy required pursuant to 18VAC15-40-30 G.~~
- 745 12. ~~Failing to report a change pursuant to 18VAC15-40-160.~~
- 746 13. ~~Having cited, stated, or represented that there exists a violation of the Virginia Uniform~~
747 ~~Statewide Building Code (13VAC5-63) in a home inspection report or other document~~
748 ~~prepared relative to a home inspection.~~
- 749 25. Failure to comply with the requirements of 18VAC15-40-180.

750 **18VAC15-40-160. Maintenance of licenses, reports, and documentation.**

751 A. The licensee ~~shall~~ must at all times keep the board informed of his current address of
752 record, to include the physical address, as applicable. Changes of address ~~shall~~ must be reported
753 to the board in writing within 30 calendar days after such change. A post office box is acceptable
754 as the address of record only when a physical address is also provided. The board ~~shall~~ will not
755 be responsible for the licensee's failure to receive notices, communications and correspondence
756 caused by the licensee's failure to promptly notify the board of any change of address.

757 B. The licensee ~~shall~~ must notify the board in writing of a name change within 30 calendar
758 days of any change in the licensee's legal name. Such notification ~~shall~~ must be accompanied by
759 a copy of a marriage license, divorce decree, court order, or other documentation that verifies the
760 name change.

761 C. The licensee shall must retain all records pertaining to home inspections performed to
762 include written reports and supporting documentation for a period of three years from the date of
763 the related home inspection.

764 D. The licensee shall must report the cancellation, amendment, expiration, or any other
765 change of the insurance policy submitted in accordance with 18VAC15-40-30 G within 30 days of
766 the change.

767 **18VAC15-40-180. Response to inquiry of the board.**

768 A. A licensee must respond within 10 days to a request by the board or any of its agents
769 regarding any complaint filed with the department.

770 B. Unless otherwise specified by the board, a licensee of the board shall must produce to the
771 board or any of its agents within 10 days of the request any document, book, or record concerning
772 any transaction pertaining to a complaint filed in which the licensee was involved, or for which the
773 licensee is required to maintain records. The board may extend such timeframe upon a showing
774 of extenuating circumstances prohibiting delivery within such 10-day period.

775 C. A licensee shall must not provide a false, misleading, or incomplete response to the board
776 or any of its agents seeking information in the investigation of a complaint filed with the board.

777 D. With the exception of the requirements of subsections A and B of this section, a licensee
778 must respond to an inquiry by the board or its agent within 21 days.

Part VI

779
780 Approval of Prelicense Education Courses, New Residential Structures Training Module, and
781 New Residential Structures Continuing Professional Education

782 **18VAC15-40-200. Prelicense education courses, new residential structures training**
783 **modules, and new residential structures continuing professional education courses**
784 **generally.**

785 All prelicense education courses, NRS training modules, and NRS CPE courses proposed for
786 the purposes of meeting the requirements of this chapter must be approved by the board.
787 Prelicense education courses and training modules may be approved retroactively upon request
788 of the provider with the application; however, no applicant will receive credit until such approval
789 is granted by the board.

790 **18VAC15-40-210. Approval of prelicense education courses.**

791 A training provider seeking approval of a prelicense education course ~~shall~~ must submit an
792 application for prelicense education course approval on a form provided by the board. In addition
793 to the appropriate fee provided in 18VAC15-40-50, the application ~~shall~~ must include:

- 794 1. The name of the provider;
- 795 2. Provider contact person, address, and telephone number;
- 796 3. Course contact hours;
- 797 4. Schedule of prelicense education courses if established, including dates, times, and
798 locations;
- 799 5. Method of delivery;

- 800 6. Instructor information, including name, license number, if applicable, and a list of trade-
801 appropriate designations, as well as a professional resume with a summary of teaching
802 experience and subject matter knowledge and qualifications acceptable to the board;
- 803 7. Materials to be provided to students;
- 804 8. Fees for prelicense education course and materials; and
- 805 9. Training module syllabus.

806 **18VAC15-40-220. Prelicense education course requirements.**

807 A prelicense education course must be a minimum of 35 hours. The syllabus for each type of
808 prelicense education course shall must encompass the following subject areas and include
809 methods for identification and inspection, safety and maintenance, and standards for material
810 selection and installation procedures, as applicable:

- 811 1. Site conditions;
- 812 2. Exterior components of the residential building;
- 813 3. Structural system elements;
- 814 4. Electrical system elements;
- 815 5. Heating and cooling systems;
- 816 6. Insulation, moisture management systems, and ventilation systems;
- 817 7. Plumbing systems;
- 818 8. Interior components;
- 819 9. Fireplace and chimney systems;
- 820 10. Common permanently installed appliances;
- 821 11. Inspection report requirements;

822 12. Responsibilities to the client, including required contract elements; and

823 13. Overview of the board's regulations.

824 **18VAC15-40-230. Approval of new residential structures training modules and new**
825 **residential structures continuing professional education.**

826 A training provider seeking approval of an NRS training module or NRS CPE course shall
827 must submit an application for NRS training module or NRS CPE course approval on a form
828 provided by the board. NRS training modules and NRS CPE can be provided in a classroom
829 environment, online, or through distance learning. In addition to the appropriate fee provided in
830 18VAC15-40-50, the application shall must include:

831 1. The name of the provider;

832 2. Provider contact person, address, and telephone number;

833 3. Module or CPE course contact hours;

834 4. Schedule of training module or CPE course if established, including dates, times, and
835 locations;

836 5. Method of delivery;

837 6. Instructor information, including name, license number, if applicable, and a list of trade-
838 appropriate designations, as well as a professional resume with a summary of teaching
839 experience and subject matter knowledge and qualifications acceptable to the board;

840 7. Materials to be provided to students;

841 8. Fees for NRS training module or NRS CPE course and materials; and

842 9. Training module syllabus.

843 **18VAC15-40-240. New residential structures training module requirements.**

844 A. In order to qualify as an NRS training module under 18VAC15-40-35, the training module
845 must include a minimum of eight contact hours, and the syllabus ~~shall~~ must encompass all of the
846 subject areas set forth in subsection B of this section.

847 B. The following subject areas as they relate to the Virginia Residential Code ~~shall~~ must be
848 included in all NRS training modules. The time allocated to each subject area must be sufficient
849 to ensure adequate coverage of the subject as determined by the board.

850 1. Origin of the Virginia Residential Code.

851 a. Overview of Title 36 of the Code of Virginia.

852 b. Roles and responsibilities of the Board of Housing and Community Development
853 and the Department of Housing and Community Development.

854 c. Virginia Uniform Statewide Building Code, Part I (13VAC5-63-10 through 13VAC5-
855 63-390) of 13VAC5-63.

856 2. Scope of the Virginia Residential Code.

857 a. Purpose of the Virginia Residential Code.

858 b. Exemptions from the Virginia Residential Code.

859 c. Compliance alternatives.

860 d. Code official discretion in administration and enforcement of the Virginia Residential
861 Code.

862 e. Process for amending the Virginia Residential Code.

863 f. Code violations and enforcement.

864 (1) Statute of limitations.

865 (2) Effect of violations.

866 g. Examples of code and non-code violations.

867 3. Roles of the building code official and the home inspector, including an overview of §
868 36-105 of the Code of Virginia.

869 **18VAC15-40-250. New residential structures training modules and new residential**
870 **structures continuing professional education requirements.**

871 In order to qualify for NRS CPE for the renewal of home inspector licenses with the NRS
872 specialty, the NRS CPE must include a minimum of four contact hours and the syllabus shall must
873 encompass all of the topic areas listed in 18VAC15-40-240 for an NRS training module.

874 **18VAC15-40-260. Documentation of prelicense education courses, new residential**
875 **structures training modules, and new residential structures continuing professional**
876 **education completion requirements.**

877 All prelicense education course, NRS training module, and NRS CPE providers must provide
878 each student who successfully completes the course or training module with a certificate of
879 completion or other documentation that the student may use as proof of course or training module
880 completion. Such documentation shall must contain the contact hours completed, the date of
881 training, and the course identification number assigned by the board.

882 **18VAC15-40-270. Maintenance of records.**

883 All providers of approved prelicense education courses, NRS training modules, or NRS CPE
884 courses must establish and maintain a record for each student. The record shall must include the
885 student's name and address, the training module or course name and hours attended, the training
886 module or course syllabus or outline, the name or names of the instructors, the date of successful
887 completion, and the board's approved training module or course identification number. Records

888 shall must be available for inspection during normal business hours by authorized representatives
889 of the board. Providers must maintain these records for a minimum of five years.

890 **18VAC15-40-280. Reporting changes.**

891 Any change in the information provided in 18VAC15-40-210 or 18VAC15-40-230 must be
892 reported to the board within 30 days of the change. Any change in information submitted will be
893 reviewed to ensure compliance with the provisions of this chapter.

894 **18VAC15-40-290. Withdrawal of approval.**

895 The board may withdraw approval of a prelicense education course, an NRS training module,
896 or an NRS CPE course for the following reasons:

897 1. The training module or course being offered no longer meets the standards established
898 by the board.

899 2. The provider, through an agent or otherwise, advertises its services in a fraudulent or
900 deceptive way.

901 3. The provider, instructor, or contact person of the provider falsifies any information
902 relating to the application for approval, training module, course information, or student
903 records or fails to produce records required by 18VAC15-40-270.

904 4. A change in the information provided that results in noncompliance with this part.

905 5. Failure to comply with 18VAC15-40-280.

906 **18VAC15-40-300. Board authority to audit approved education courses and training**
907 **modules.**

908 The board may conduct an audit of any board-approved prelicense education course, NRS
909 training module, or NRS CPE course provider to ensure continued compliance with this chapter.

Project 6974 - Final**Virginia Board For Asbestos, Lead, And Home Inspectors****Amendments to Incorporate Changes from Marijuana Legalization****18VAC15-30-52. Qualifications for licensure - individuals.**

A. General. Applicants shall meet all applicable entry requirements at the time application is made.

B. Name. The applicant shall disclose his full legal name.

C. Age. The applicant shall be at least 18 years old.

D. Address. The applicant shall disclose a physical address. A post office box is only acceptable when a physical address is also provided.

E. Training. The applicant shall provide documentation of having satisfactorily completed the board-approved initial training program and all subsequent board-approved refresher training programs as specified in subsection F of this section. Board-approved initial training programs shall be valid for 36 months after the last day of the month wherein completed. Board-approved refresher training programs shall be satisfactorily completed no later than 36 months after the last day of the month wherein the board-approved initial training program was completed and once each 36 months thereafter.

F. Specific entry requirements.

1. Worker. Each applicant for a lead abatement worker license shall provide evidence of successful completion of board-approved lead abatement worker training in accordance with subsection E of this section.

2. Project designer.

a. Each applicant for a lead project designer license shall provide evidence of successful completion of board-approved lead project designer training and board-approved lead abatement supervisor training in accordance with subsection E of this section.

b. Each applicant for a lead project designer license shall also provide evidence of successful completion of one of the following:

(1) A bachelor's degree in engineering, architecture, or a related profession, and one year experience in building construction and design or a related field; or

(2) Four years of experience in building construction and design or a related field.

3. Supervisor.

a. Each applicant for a lead abatement supervisor license shall provide evidence of:

(1) Successful completion of board-approved lead abatement supervisor training in accordance with subsection E of this section; and

(2) One year experience as a licensed lead abatement worker or two years experience in a related field (e.g., lead, asbestos or environmental remediation) or in the building trades.

b. Each applicant shall pass a board-approved licensing examination for supervisors within 36 months after completion of the board-approved lead abatement supervisor initial training course or the board-approved lead supervisor refresher course. Applicants who fail the examination three times must provide to the board evidence, after the date of their third examination failure, of having retaken and satisfactorily completed the initial training requirements and make new application to the board. The applicant is then eligible to sit for the examination an additional three times.

c. A licensed lead abatement supervisor may perform the duties of a licensed lead abatement worker.

4. Inspector.

a. Each applicant for a lead inspector license shall provide evidence of successful completion of board-approved lead inspector training in accordance with subsection E of this section.

b. Each applicant shall pass a board-approved licensing examination for lead inspector within 36 months after completion of the board-approved lead inspector initial training course or the board-approved lead inspector refresher course. Applicants who fail the examination three times must provide to the board evidence, after the date of their third examination failure, of having retaken and satisfactorily completed the initial training requirements and make new application to the board. The applicant is then eligible to sit for the examination an additional three times.

5. Risk assessor.

a. Each applicant for a lead risk assessor license shall provide evidence of successful completion of board-approved lead risk assessor training and successful completion of board-approved lead inspector training in accordance with subsection E of this section.

b. Each applicant for a lead risk assessor license shall also provide evidence of successful completion of one of the following:

(1) Certification or licensure as an industrial hygienist, a professional engineer, a registered architect or licensure in a related engineering/health/environmental field;

(2) A bachelor's degree and one year of experience in a related field (e.g., lead, asbestos, environmental remediation work, or construction);

(3) An associate's degree and two years experience in a related field (e.g., lead, asbestos, environmental remediation work, or construction); or

(4) A high school diploma or its equivalent, and at least three years experience in a related field (e.g., lead, asbestos, environmental remediation work, or construction).

c. Each applicant shall pass a board-approved licensure examination for risk assessor within 36 months after completion of the board-approved lead risk assessor initial training course or the board-approved lead risk assessor refresher course. Applicants who fail the examination three times must provide to the board evidence, after the date of their third examination failure, of having retaken and satisfactorily completed the initial training requirements and make new application to the board. The applicant is then eligible to sit for the examination an additional three times.

G. Training verification. Training requirements shall be verified by submittal to the board of the training certificate issued by the accredited lead training provider for that course.

H. Education verification. Education requirements shall be verified by submittal to the board on the Education Verification Form sent directly from the school.

I. Experience verification. Experience requirements shall be verified by resumes, letters of reference, or documentation of work experience.

J. Conviction or guilt. The applicant shall disclose the following information:

1. A conviction in any jurisdiction of any felony.

2. A conviction in any jurisdiction of any misdemeanor except marijuana convictions.

3. Any disciplinary action taken in another jurisdiction in connection with the applicant's environmental remediation practice including, but not limited to, monetary penalties, fines, suspension, revocation, or surrender of a license in connection with a disciplinary action.

4. Any current or previously held environmental remediation certifications, accreditations or licenses issued by Virginia or any other jurisdiction.

Subject to the provisions of § 54.1-204 of the Code of Virginia, the board may deny any application for licensure or accreditation as a lead training provider when any of the parties listed in this subsection have been convicted of any offense listed in this subsection or has been the subject of any disciplinary action listed in subdivision 3 of this subsection. Any plea of nolo contendere shall be considered a conviction for the purposes of this subsection. A certified copy of a final order, decree or case decision by a court or regulatory agency with the lawful authority to issue such order shall be admissible as prima facie evidence of such conviction or discipline.

K. Standards of conduct and practice. Applicants shall be in compliance with the standards of conduct and practice set forth in Part VIII (18VAC15-30-510 et seq.) of this chapter at the time of application to the board, while the application is under review by the board, and at all times when the license is in effect.

L. Standing. The applicant shall be in good standing in every jurisdiction where licensed and the applicant shall not have had a license that was suspended, revoked or surrendered in connection with any disciplinary action in any jurisdiction prior to applying for licensure in Virginia. The board, at its discretion, may deny licensure or approval to any applicant based on disciplinary action by any jurisdiction.

18VAC15-40-30. General requirements for licensure.

A. In addition to the provisions of 18VAC15-40-32, every applicant for a home inspector license shall meet the requirements provided in this section.

B. The applicant shall be at least 18 years old.

C. The applicant shall provide a mailing address, which shall serve as the address of record. A post office box is only acceptable as the address of record when a physical address is also provided.

D. In accordance with § 54.1-204 of the Code of Virginia, each applicant shall disclose the following information:

1. All misdemeanor convictions involving moral turpitude, sexual offense, non-marijuana drug

distribution, or physical injury within five years of the date of the application; and

2. All felony convictions during his lifetime.

Any plea of nolo contendere shall be considered a conviction for the purposes of this section. The record of conviction received from a court shall be accepted as prima facie evidence of a conviction or finding of guilt. The board, in its discretion, may deny licensure to any applicant in accordance with § 54.1-204 of the Code of Virginia.

E. The applicant for licensure shall be in compliance with the standards of conduct and practice set forth in Part V (18VAC15-40-140 et seq.) of this chapter at the time of application, while the application is under review by the board, and at all times when the license is in effect.

F. The applicant shall report any suspension, revocation, or surrender of a license, certification, or registration in connection with a disciplinary action or a license, certification, or registration that has been the subject of discipline in any jurisdiction prior to applying for licensure. The board, in its discretion, may deny licensure to any applicant based on prior suspensions, revocations, or surrender of licenses based on disciplinary action by any jurisdiction. The applicant has the right to request further review of any such action by the board under the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia).

G. The applicant for licensure shall submit evidence of having obtained general liability insurance with minimum limits of \$250,000 per occurrence. A business liability insurance policy or a commercial general liability insurance policy with minimum limits of \$250,000 may be considered to meet such requirement, so long as the applicant is listed as an additional insured. If for any reason the board cannot reasonably ensure that the applicant is sufficiently covered in accordance with this subsection, the board may require that requisite coverage be obtained in the name of the applicant. Proof of such insurance policy must be submitted in order to obtain the license.

18VAC15-40-152. Notice of adverse action.

A. A licensee shall notify the board of the following actions against the licensee:

1. Any disciplinary action taken by any jurisdiction, board, or administrative body of competent jurisdiction, including any (i) reprimand; (ii) license or certificate revocation, suspension, or denial; (iii) monetary penalty; (iv) requirement for remedial education; or (v) other corrective action.

2. Any voluntary surrendering of a related license, certificate, or registration done in connection with a disciplinary action in another jurisdiction.

3. Any conviction, finding of guilt, or plea of guilty, regardless of adjudication or deferred adjudication, in any jurisdiction of the United States of any (i) misdemeanor involving moral turpitude, sexual offense, non-marijuana drug distribution, or physical injury or relating to performing a home inspection or (ii) felony, there being no appeal pending therefrom or the time for appeal having lapsed. Review of convictions shall be subject to the requirements of § 54.1-204 of the Code of Virginia. Any plea of nolo contendere shall be considered a conviction for the purpose of this section.

B. The notice must be made to the board in writing within 30 days of the action. A copy of the order or other supporting documentation must accompany the notice. The record of conviction, finding, or case decision shall be considered prima facie evidence of a conviction or finding of guilt.

SEPTEMBER 2021 HOME INSPECTOR
CPE AUDIT REPORT

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and are not to be construed as regulation or official Board position
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Board for Asbestos, Lead, and Home Inspectors

Guidance Document:

Asbestos Initial Training Courses – Hybrid Delivery Procedures during COVID-19 Emergency

Adopted February 4, 2021

Effective April 1, 2021

I. Background

On March 12, 2020, Governor Ralph Northam declared a state of emergency due to novel coronavirus (COVID-19). On May 26, 2020, the Governor proclaimed that the state of emergency continues to exist. In the Declaration of State of Emergency Due to Novel Coronavirus, Amended Executive Order 51, the Governor directed state agencies to render appropriate assistance to prepare for and mitigate the effects of the outbreak. In doing so, he ordered authorization for the heads of executive branch agencies, on behalf of their regulatory boards as appropriate, and with the concurrence of their Cabinet Secretary, to waive any state requirement or regulation.

Pursuant to this authority, on March 13, 2020 (amended May 27, 2020) Department of Professional and Occupational Regulation (DPOR) Director Mary Broz Vaughan issued a waiver of any regulations of regulatory boards under DPOR that prohibit or limit online, electronic, or distance theoretical instruction—in order to prevent and mitigate the spread of the coronavirus (COVID-19)—until the 30th day after the date by which the state of emergency is lifted.

This waiver does not waive statutory requirements or limitations, nor does it waive practical (hands-on) instruction required by a board's regulations. This waiver shall take effect on March 13, 2020, and shall remain in full force and in effect until amended or rescinded by further executive order.

II. Issue

Chapter 5 of Title 54.1 of the Code of Virginia provides the Board's authority to approve the criteria for accredited asbestos training programs. Section 18VAC15-20-610 of the Board for Asbestos, Lead, and Home Inspectors (Board) Virginia Asbestos Licensing Regulations states: "All Virginia-approved accredited asbestos training programs shall be in compliance with all training and recordkeeping requirements established by the EPA Model Accreditation Plan, 40 CFR Part 763, Subpart E." The Board's regulations are silent as to the method of training course delivery; however, there are various provisions that provide for hands-on training for initial asbestos training courses as follows:

License Type	Total Required Hours	Hands-On Training Hours
Worker	32	14
Supervisor	40	14
Inspector	24	4
Management Planner	16	N/A
Project Designer	24	Field Trip
Project Monitor	40	6

In 2007, the U.S. Environmental Protection Agency (EPA) revised the guidelines for online Asbestos Model Accreditation Plan (MAP) annual refresher training (attached). The revision did not include initial training courses as such courses typically include a hands-on component. In light of the current waiver and in order to help mitigate the spread of COVID-19, staff has been contacted by accredited training providers seeking to offer a hybrid course delivery wherein the theoretical part of the course instruction is via online delivery methods and the hands-on portion is provided via in-person training.

III. Applicable Regulations

In addition to 18VAC15-20-610 above, the following regulations are applicable to this issue.

18VAC15-20-463. Access by the department.

Accredited asbestos training providers shall permit department representatives to attend, evaluate, and monitor any accredited asbestos training program. Prior notice of attendance by agency representatives is not required. All records are required to be available for review by department representatives. Records required to be maintained by the training provider shall be maintained at the physical location of the accredited asbestos training provider.

18VAC15-20-550. Completion of training.

The total hours of actual training for an initial training program, including examinations,

shall be completed within a single two-week time frame, from start to finish.

III. Board Guidance

Based on the waiver referenced above and in light of the challenging and unique circumstances associated with continuing services in the midst of a pandemic, the Board adopts staff recommendation to accept hybrid training for initial asbestos training courses wherein the theoretical instruction is provided via online or distance delivery and the hands-on instruction is provided in-person. The following procedures will be applicable and must be followed by any approved training providers seeking to offer hybrid delivery of initial training courses during the course of the public health emergency. The Board will revisit continuation of this policy after the emergency declaration is lifted by the Governor.

1. All aspects of the training course must follow the requirements contained in the regulations and as associated with the application submitted for approval of the training course, as amended if applicable. The only exception is the class schedule, which may deviate from the schedule submitted in that the theoretical instruction may be completed separately from the hands-on portion, so long as the entirety of the course is completed within a single, two-week timeframe in accordance with 18VAC15-20-550.
2. Online systems should authenticate the identity of the students taking the course. Appropriate protections should be implemented to prevent fraud.
3. The course instructor must be an instructor approved by the Board for the course. In addition, the course instructor must be available to answer student questions while the course is being taken, in real time.
4. The notice must include the two methods of delivery listed as separate courses with the online portion followed by "ONLINE" and the in-person portion followed by "HANDS-ON". The participant list must also include these descriptors, as applicable, for each training course submitted. The certificate of training should indicate that a portion of the training was completed via online delivery methods.
5. Providers must provide Board staff with a dedicated, unique logon and password for monitoring and auditing purposes. The physical location, date, and time of the hands-on delivery must also be provided to Board staff.
6. The examination should be delivered in a method that ensures the security of the examination. It should be proctored, taken at a testing center, or administered in accordance with the regulations at the conclusion of the in-person hands-on training.

7. Board staff is authorized to request additional information to ensure that the training course is in compliance with the regulations and Board approval, and to ensure the security and integrity of the course offering. Should information submitted by the training provider not be sufficient for Board staff to make such determination, Board staff is authorized to refuse acceptance of hybrid initial training as described in the memorandum/guidance.



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DISCUSSION OF VIRGINIA **FEDERAL BONDING PROGRAM**

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Department of Professional and Occupational Regulation
Statement of Financial Activity
Board for Asbestos, Lead, and Home Inspectors
954540

2020-2022 Biennium

September 2021

	September 2021 Activity	Biennium-to-Date Comparison	
		July 2018 - September 2019	July 2020 - September 2021
Cash/Revenue Balance Brought Forward			9,163
Revenues	27,265	368,666	368,654
Cumulative Revenues			377,817
Cost Categories:			
Board Expenditures	3,749	46,060	50,144
Board Administration	6,978	124,223	106,416
Administration of Exams	282	3,567	4871
Enforcement	530	6,105	6794
Legal Services	354	1,869	1610
Information Systems	4,482	93,610	76082
Facilities and Support Services	3,345	58,224	56942
Agency Administration	2,948	55,393	48121
Other / Transfers	0	(5)	0
Total Expenses	22,669	389,045	350,979
Transfer To/(From) Cash Reserves	(1,950)	0	(18,845)
Ending Cash/Revenue Balance			45,683

Cash Reserve Beginning Balance	293,906	0	310,800
Change in Cash Reserve	(1,950)	0	(18,845)
Cash Reserve Ending Balance	291,955	0	291,955

Number of Regulants

Current Month	5,771
Previous Biennium-to-Date	6,293

OUTREACH UPDATE

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ELECTION OF OFFICERS

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OTHER BUSINESS

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FUTURE MEETING DATES

- a. February 10, 2022
- b. May 12, 2022
- c. August 18, 2022
- d. November 10, 2022

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COMPLETE CONFLICT OF INTEREST
FORMS AND
TRAVEL VOUCHERS

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ADJOURN

Please return your document folders to Tanya Pettus.

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