



Virginia  
Regulatory  
Town Hall

## Proposed Regulation Agency Background Document

<b>Agency Name:</b>	15
<b>VAC Chapter Number:</b>	40
<b>Regulation Title:</b>	Virginia Certified Home Inspectors Regulations
<b>Action Title:</b>	Promulgating
<b>Date:</b>	January 7, 2002

This information is required pursuant to the Administrative Process Act (§ 9-6.14:9.1 *et seq.* of the *Code of Virginia*), Executive Order Twenty-Five (98), Executive Order Fifty-Eight (99), and the *Virginia Register Form, Style and Procedure Manual*. Please refer to these sources for more information and other materials required to be submitted in the regulatory review package.

### Summary

*Please provide a brief summary of the proposed new regulation, proposed amendments to an existing regulation, or the regulation proposed to be repealed. There is no need to state each provision or amendment or restate the purpose and intent of the regulation; instead give a summary of the regulatory action and alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.*

The proposed regulations establish entry, renewal, and reinstatement requirements for certification by the Board for a voluntary certification program for home inspectors established by House Bill 2174 of the 2001 Session of the Virginia General Assembly. The proposed regulations also establish minimum standards for conducting certified home inspections as well as standards of conduct and practice.

This will be the first set of regulations for certified home inspectors. There are no existing regulations to amend.

## Basis

*Please identify the state and/or federal source of legal authority to promulgate the regulation. The discussion of this statutory authority should: 1) describe its scope and the extent to which it is mandatory or discretionary; and 2) include a brief statement relating the content of the statutory authority to the specific regulation. In addition, where applicable, please describe the extent to which proposed changes exceed federal minimum requirements. Full citations of legal authority and, if available, web site addresses for locating the text of the cited authority must be provided. Please state that the Office of the Attorney General has certified that the agency has the statutory authority to promulgate the proposed regulation and that it comports with applicable state and/or federal law.*

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House Bill 2174 passed by the 2001 Session of the Virginia General Assembly and signed into law by Governor James S. Gilmore III became effective on July 1, 2001. HB 2174 establishes a voluntary certification program for home inspectors. The legislation mandates that regulations be promulgated for implementation on or before July 1, 2003.

The Board's authority to promulgate the proposed regulations is contained in Section 54.1-201 and Section 54.1-501 of the Code of Virginia. This authority has a delayed implementation date of July 1, 2003.

The imperative form of the verb "shall" is used in the statute making the rulemaking provisions mandatory rather than discretionary.

Subsection 7 of Section 54.1-501 states the Board shall "Promulgate regulations for certification of home inspectors not inconsistent with this chapter regarding the professional qualifications of home inspectors applicants, the requirements necessary for passing home inspectors examinations in whole or in part, the proper conduct of its examinations, the proper conduct of the home inspectors certified by the Board, the implementation of exemptions from certifications requirements, and the proper discharge of its duties."

The web site address for location of the text of the cited authority is: <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+54.1-501>.

Requirements for certification are established in Section 54.1-517.2 of the Code of Virginia.

"The Board may issue a certificate to practice as a certified home inspector in the Commonwealth to any applicant who has submitted satisfactory evidence that he has successfully:

1. Completed any educational requirements as required by the Board;
2. Completed any experience requirements as required by the Board; and
3. Passed any written or electronic examination offered or approved by the Board.

The Board may issue a certificate to practice as a certified home inspector to any applicant who is a member of a national or state professional home inspectors association approved by the Board, provided that the requirements for the applicant's class of membership in such association are equal to or exceed the requirements established by the Board for all applicants.”

The web site address for location of the text of the cited authority is: <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+54.1-517.2>.

By memorandum dated December 21, 2001, the Office of the Attorney General stated that the Board has the authority to promulgate the proposed regulations under Section 54.1-201(5) of the Code of Virginia.

### Purpose

*Please provide a statement explaining the need for the new or amended regulation. This statement must include the rationale or justification of the proposed regulatory action and detail the specific reasons it is essential to protect the health, safety or welfare of citizens. A statement of a general nature is not acceptable, particular rationales must be explicitly discussed. Please include a discussion of the goals of the proposal and the problems the proposal is intended to solve.*

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The intent of the planned regulation is to assure potential clients of home inspectors that individuals issued a certification by the Board have met the minimum requirements to properly conduct a “certified home inspection.” Section 54.1-517.1 of the Code of Virginia prohibits persons from referring to an inspection conducted as a “certified home inspection” or holding themselves out as, or use the title of “certified home inspector” unless they have been issued a certification by the Board. Any person who has not been issued a certification by the Board and is offering to provide or conduct a “certified home inspection” through verbal claim, sign, advertisement, or letterhead representing himself as a “certified home inspector” shall be subject to the provisions of Section 54.1-111.

The goal of the proposed regulations is to establish specific criteria for certification, and to establish the minimum standards by which an individual must follow to conduct a “certified home inspection.”

The proposed regulations are mandated by statute, and are essential to protect the health, safety and welfare of citizens and for the efficient and economical performance of an important governmental function.

### Substance

*Please identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. Please note that a more detailed discussion is required under the statement providing detail of the regulatory action's changes.*

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The following is a summary of the substance of the proposed regulations.

Section 18 VAC 15-40-10 defines terms used in the proposed regulations.

Section 18 VAC 15-40-20 indicates who must be certified.

Section 18 VAC 15-40-30 outlines the specific entry requirements for certification.

Section 18 VAC 15-40-40 describes other professions and situations which may constitute a conflict of interest for a certified home inspector.

Section 18 VAC 15-40-50 gives the Board discretion to waive, on a case-by-case basis, any requirement of the regulations provided it does not lessen the protection of the public health, safety and welfare.

Section 18 VAC 15-40-60 establishes the application fee.

Sections 18 VAC 15-40-70 through 18 VAC 15-40-120 gives requirements, procedures and fees for certification renewal and reinstatement.

Section 18 VAC 15-40-130 indicates the need for a certified home inspection contract and lists the minimum content requirements of same.

Section 18 VAC 15-40-140 lists minimum content requirements of the certified home inspection report and indicates which components must be inspected.

Sections 18 VAC 15-40-150 through 18 VAC 15-40-190 details the standards of conduct and practice for the certified home inspector.

## Issues

*Please provide a statement identifying the issues associated with the proposed regulatory action. The term "issues" means: 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions; 2) the primary advantages and disadvantages to the agency or the Commonwealth; and 3) other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, please include a sentence to that effect.*

The primary advantage to the public of implementing the proposed regulations will be an assurance that persons contracted to conduct a "certified home inspection" have met the minimum requirements to properly conduct such an inspection. There are no disadvantages to the public or the Commonwealth.

The fees proposed for this new program are those currently in effect for the asbestos and lead-based paint programs. In accordance with statute, the Board collects licensing fees from which its operating costs and a proportionate share of the Department's expenses are paid. The Board

has no other source of revenue from which to fund its operations. The fee structure was developed in compliance with § 54.1-113 of the Code of Virginia.

**Fiscal Impact**

*Please identify the anticipated fiscal impacts and at a minimum include: (a) the projected cost to the state to implement and enforce the proposed regulation, including (i) fund source / fund detail, (ii) budget activity with a cross-reference to program and subprogram, and (iii) a delineation of one-time versus on-going expenditures; (b) the projected cost of the regulation on localities; (c) a description of the individuals, businesses or other entities that are likely to be affected by the regulation; (d) the agency's best estimate of the number of such entities that will be affected; and e) the projected cost of the regulation for affected individuals, businesses, or other entities.*

**Item 8 Analysis**

**Board for Asbestos, Lead, and Home Inspectors  
Virginia Certified Home Inspectors Regulations  
Fiscal Impact of Proposed Regulation**

**Summary:**

House Bill 2174 of the 2001 Session of the Virginia General Assembly established requirements for voluntary certification of home inspectors. The program will operate under the authority of the Board for Asbestos, Lead, and Home Inspectors. The proposed regulations establish requirements for entry, renewal, and reinstatement, and include minimum standards for conducting certified home inspections as well as standards of conduct and practice. This will be the first set of regulations for certified home inspectors. There are no existing regulations to amend.

All costs incurred in support of board activities and regulatory operations are paid by the department and funded through fees paid by applicants and licensees.

All boards within the Department of Professional Occupational Regulation must operate within the Code provisions of the Callahan Act (54.1-113), and the general provisions of 54.1-201. Each regulatory program's revenues must be adequate to support both its direct costs and a proportional share of agency operating costs. The department allocates costs to its regulatory programs based on consistent, equitable, and cost-effective methodologies.

**Fiscal Impact:**

	FY 2002	FY 2003	FY 2004	FY 2005
Fund	NGF (0900)	NGF (0900)	NGF (0900)	NGF (0900)
Program/Subprogram	560 44	560 44	560 44	560 44

Impact of Regulatory Changes:				
One-Time Costs	0	5,000	0	0
Ongoing Costs	0	85,832	89,263	89,263
Total Fiscal Impact	0	90,832	89,263	89,263
FTE	0	2.00	2.00	2.00

**Description of Costs:**

**One-Time:** Includes costs in the first year of operations for furniture and computer equipment to support the new positions.

**Ongoing:** Includes personal services costs for one Board Administrator and one Licensing Specialist, as well as costs associated with program activities such as telecommunications, computer operating services, postage, printing, supplies, and materials. Costs also include travel and per diem for the two additional board members as provided for in statute.

A Decision Package was included in the Department’s 2002-204 Biennial Budget submission to request the funding and FTE necessary to support this new regulatory program.

**Cost to Localities:** None anticipated.

**Description of Individuals, Businesses, or Other Entities Impacted:** According to industry estimates, there are currently approximately 550 individuals conducting residential home inspections who will now have the option of becoming certified. Individuals wishing to be certified by the Commonwealth must demonstrate that they have achieved a specified level of competence through meeting classroom instruction and experience requirements, and passing a written examination.

Consumers may pay a higher price in order to obtain services by a Certified Home Inspector.

**Estimated Number of Regulators:** The Department expects approximately 400 individuals to obtain voluntary certification.

**Projected Cost to Regulators:** The Board has approved application and renewal fees of \$25, which will apply to the two-year period for which the license is valid. Overall, the new fee will be a very small portion of the cost to work as a residential home inspector. No economic impact is anticipated beyond the direct impact of the increased cost to become and remain licensed. The small amount of this fee is not expected to impose a barrier to entry for anyone who wants to participate in this voluntary program.

## Detail of Changes

*Please detail any changes, other than strictly editorial changes, that are being proposed. Please detail new substantive provisions, all substantive changes to existing sections, or both where appropriate. This statement should provide a section-by-section description - or cross-walk - of changes implemented by the proposed regulatory action. Where applicable, include citations to the specific sections of an existing regulation being amended and explain the consequences of the proposed changes.*

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Since this will be the first set of regulations for home inspectors, there are no changes from existing regulations. The following is a detail of the substantive provisions of the proposed regulations.

Section 18 VAC 15-40-10 defines terms used in the proposed regulations. There is no economic impact.

Section 18 VAC 15-40-20 reiterates §54.1.517.1 of the Code of Virginia requiring persons referred to as “certified home inspectors” or conducting “certified home inspections” to hold a current and valid certification issued by the Board. Economically, the consumer may be charged a higher price for a “certified home inspection” due to the expense to the regulant to obtain certification.

Section 18 VAC 15-40-30 outlines the specific entry requirements for certification.

- Through consultation with industry associations, it is felt that either 35 contact hours of classroom instruction along with having completed 100 home inspections or 70 contact hours of classroom instruction accompanied by 50 home inspections are sufficient educational and experience requirements.
- A provision was added to allow persons who have been conducting home inspections for a minimum of ten years to become certified if they cannot fulfill the classroom instruction requirement.
- As required by the enabling statute, there is an examination requirement.
- The enabling statute allows membership in a national or state professional home inspector association to substitute for the entry requirements. The Board felt that this provision should be limited to a period of five years from the effective date of the regulations.
- Standard language has been added regarding character status.
- By researching the entry requirements of other states’ regulatory programs, it was found that several states, including Louisiana, Arizona, Nevada, Pennsylvania, Massachusetts, Rhode Island, Maryland, etc. (<http://www.inspecthomes.org/regulate.htm>), require applicants to carry general liability insurance and errors and omissions insurance. Industry association representatives in Virginia felt the need for regulants to carry a minimum of \$250,000 of general liability insurance as a certification requirement, but not errors and omission insurance.

The applicant will incur expenses for classroom instruction, taking the examination, and obtaining applicable insurance.



Section 18 VAC 15-40-40 describes services and situations which may constitute a conflict of interest for a certified home inspector. It was felt that it would be a conflict of interest should a Certified Home Inspector perform particular services, either directly or indirectly, on the property which the regulant conducted a certified home inspection. Consumer protection more than out weighs any loss of income by the regulant for these other services.

Section 18 VAC 15-40-50 gives the Board discretion to waive, on a case-by-case basis, any requirement of the regulations provided it does not lessen the protection of the public health, safety and welfare. This is standard language used in other regulations administered by DPOR. There is no economic impact.

Section 18 VAC 15-40-60 establishes the application fee. The Board decided that the application fee should be \$25, which is the same for individuals applying for licenses with the Board's other two regulatory programs, asbestos and lead. This fee is very minimal for the regulant.

Sections 18 VAC 15-40-70 through 18 VAC 15-40-120 gives requirements, procedures and fees for certification renewal and reinstatement. The procedures for renewal and reinstatement are consistent with those of DPOR's other regulatory programs. The fees are consistent with the other programs administered by the Board. Since the enabling statute does not mandate continuing professional education, the Board felt that only a fee should be required for renewal and reinstatement purposes since the regulant has already met the entry requirements. However, it was felt that a two-year time limit was reasonable for reinstatement. Once a certification has been expired for more than two years, the regulant will need to apply as a new applicant. These fees are very minimal for the regulant.

Section 18 VAC 15-40-130 indicates the need for a signed written contract for the protection of both the consumer and the regulant. The contract must include all identifying information concerning the client, the property to be inspected, and the regulant, in addition to identifying which areas, systems, and components will be inspected, along with any limitations and exclusions. Costs may be incurred to develop a contract or alter an existing contract. A home inspector could avoid any such costs by choosing to not apply for certification.

Section 18 VAC 15-40-140 lists all identifying information concerning the client, the property to be inspected, and the regulant that must be included on the Certified Home Inspection Report. This section also lists which areas, systems, and components which must be inspected, along with any limitations and exclusions. These areas, systems, and components have been identified by the industry associations as minimum standards. Costs may be incurred to develop an inspection report or alter an existing inspection report. A home inspector could avoid any such costs by choosing to not apply for certification.

Section 18 VAC 15-40-150 gives specific disciplinary authority to the Board. There is no economic impact.

Section 18 VAC 15-40-160 establishes procedures for maintaining current address and name information. This section also establishes a record retention schedule. These procedures are



consistent with DPOR's other regulatory programs. Costs may be incurred to retain home inspection records. A home inspector could avoid any such costs by choosing to not apply for certification.

Section 18 VAC 15-40-170 gives the Board authority to review material pertaining to any certified home inspection conducted by a regulant. Costs may be incurred by the regulant for permitting a review of material. A home inspector could avoid any such costs by choosing to not apply for certification.

Section 18 VAC 15-40-180 establishes a specific period of time for the regulant to respond to Board inquiries. Costs may be incurred by the regulant to respond to inquiries. A home inspector could avoid any such costs by choosing to not apply for certification.

Section 18 VAC 15-40-190 lists specific actions taken by the regulant for which the Board may take disciplinary action. Should the Board impose sanctions on the regulant, loss of income or the payment of fines may result.

The proposed regulations are essential to protect the health, safety and welfare and for the efficient and economical performance of an important governmental function.

## Alternatives

*Please describe the specific alternatives to the proposal considered and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the action.*

This will be the first set of regulations for certified home inspectors as a result of the 2001 Session of the Virginia General Assembly. House Bill 2174 mandates the regulations, and no alternatives have been identified to evaluate. The Department of Professional and Occupational Regulation and the Virginia Board for Asbestos, Lead, and Home Inspectors have carefully weighed all information coming into its possession with the objective of developing regulations which intrude as little as possible into the conduct of commerce by the regulated community and have the least adverse impact on the public.

The Board established a regulation development committee to develop a draft set of regulations for the Board's consideration. The committee was composed of four Board members and four individuals representing the American Society of Home Inspectors (ASHI) and the National Association of Home Inspectors (NAHI), the two primary home inspection industry associations in Virginia. The committee held meetings on September 25, 2001 and October 17, 2001.

Committee members representing ASHI suggested that applicants conduct a minimum of 250 home inspections as an entry requirement. There was considerable discussion of the number of home inspections necessary to assure minimum competency and the concern that potential applicants living in sparsely populated areas of the state may find the 250 home inspection standard unattainable. After considering all of the committee's comments and recognizing that

the examination would eliminate those displaying less than minimal ability, the Board decided that 100 home inspections was adequate, without being excessive, to assure public protection.

The committee explored the possibility of offering an associate certification to individuals who had not met the experience requirements as a means of obtaining such experience. The Board carefully considered all of the committee's comments and decided that since the home inspection certification program was voluntary, an associate certification was an unnecessary layer of regulation.

Members of the committee representing ASHI and NAHI suggested Continuing Professional Education (CPE) as a requirement for certification renewal. After considering the committee's views, the Board determined it could find no public protection benefit to be obtained from CPE and, in the absence of a specific statutory mandate for CPE, decided against a CPE requirement for renewal.

The regulation requirements for the written contract and inspection report were the subject of considerable lively debate. Representatives of both industry associations were concerned that adopting standards different from those in each association's by laws would result in expense to revise the forms used by each organization's members. The Board focused its attention on arriving at contract standards that clearly disclose to the consumer what services will be performed by the regulant and on arriving at report standards that clearly disclose the inspection findings. More importantly, the report standards have been designed to assure disclosure to the consumer of any unanticipated events that reasonably limit the scope of the inspection.

The proposed regulations are essential to protect the health, safety and welfare and for the efficient and economical performance of an important governmental function.

### Public Comment

*Please summarize all public comment received during the NOIRA comment period and provide the agency response.*

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A Notice of Intended Regulatory Action (NOIRA) was published in the July 2, 2001 issue of the Virginia Register of Regulations to obtain public comment on all areas of possible regulation with emphasis on definitions of terms to be used in the regulations; entry standards for those seeking to practice as a certified home inspector; renewal standards for regulants; standards of practice and conduct; and grounds for disciplinary action against regulants. The public comment period expired on August 3, 2001.

The following is a summary of the comments received and the agency's response:

**Noel Zak, CAE**  
**Executive Director**  
**Examination Board for Professional Home Inspectors**

This letter is in response to the call for public comment and recommendations for regulations pertinent to HB 2174, to create a regulatory program to administer certified home inspectors. HB 2174 calls for competency assessment by examination, and I want to strongly urge you to use the National Home Inspector Examination (NHIE) to meet this requirement in the regulations.

The Examination Board of Professional Home Inspectors (EBPHI) is an independent, not-for-profit board focused on serving the public's interest in enforcing quality in the home inspection profession. EBPHI governs and administers the National Home Inspector Examination, which is designed specifically to support the regulatory needs of states in identifying the required level of competence to conduct a quality home inspection. Currently, the states of Wisconsin, Louisiana, New Jersey, Arizona, Massachusetts and Connecticut are formally requiring this examination.

### **Development of National Home Inspector Examination**

EBPHI conducted a national role delineation study (job analysis) for the professional home inspector in 1998 and developed the NHIE based on this analysis in 1999. Questions on the examination are written by professional home inspectors from throughout the country who represent the profession along critical dimensions. These subject matter experts are trained in the elements of quality exam question development by CASTLE Worldwide, Inc., the professional, full-service testing company EBPHI contracted for this project. Each question reviewed and edited by similarly qualified home inspectors, referenced to a published resource in the field, and validated for importance, criticality, and relevance. This exhaustive process is conducted annually to maintain the highest level accuracy in the NHIE.

Development and scoring of the NHIE adhere faithfully to the psychometric standards set by variety of groups, including the American Educational Research Association, American Psychological Association, National Council on Measurement in Education, US Equal Employment Opportunity Commission, and National Commission for Certifying Agencies.

### **Critical dimensions**

The National Home Inspector Examination is both valid and reliable, two qualities required for legal defensibility:

- Validity means the examination is able to measure what it is supposed to measure.
- Reliability is an index of how accurately the examination measures a candidate's skills.

A test must be both valid and reliable in order to for it to be considered a "high-stakes" exam for purposes of public protection. As a result of these safeguards, the National Home Inspector Examination accurately assesses each candidate's competence to carry out the required duties of a home inspector.

### **A national standard**

By requiring home inspectors to pass the NHIE, states participate in the national standard for the professional home inspector. The NHIE addresses the core competencies of home inspection as they apply to all states. States may also wish to test knowledge of state-specific laws, regulations or standards for a profession or occupation. In these instances, many state regulatory bodies develop their own short (20-25 item) tests to supplement the national examination. We can provide assistance in this area if needed.

### **Cost-effective and accessible**

Needless to say, the cost to develop, implement and maintain a high-stakes, legally defensible examination like the National Home Inspector Examination is considerable. EBPHI makes the NHIE available at no direct cost to the state, because it is our mission to set the standard for home inspector competency and to assist states in protecting the public.

The NHIE is offered at a reasonable cost to examinees at more than 185 testing centers nationwide. All centers are equipped with touch-screen computer technology and most are available six days a week. A toll-free number is provided for examinees to make reservations.

More in-depth information is enclosed for your use in helping others understand the unparalleled quality of the NHIE. In particular, I call your attention to “Validation and Development of the National Home Inspector Examination:” a document comparing the NHIE to standards suggested by the Council on Licensure, Enforcement and Regulation (CLEAR); and a briefing letter from Atkinson & Atkinson, emphasizing the need for states to use a psychometrically valid, legally defensible examination in regulatory competency assessment. I encourage you to carefully review this helpful and important information and share it with those involved in the regulation initiative.

We would be happy to send a representative from EBPHI and/or CASTLE Worldwide, Inc. to answer any questions you or your legislators may have. Please let us know if this would be of interest to you.

**Agency Response:** Thank you for your letter of July 11, 2001 in response to the Board’s Notice of Intended Regulatory Action as a result of HB 2174 which establishes a regulatory program for residential home inspectors in Virginia.

As you know, HB 2174 establishes as a requirement for certification, that the applicant successfully pass either a written or electronic examination offered or approved by the Board.

Over the next several months, the Board, through a committee of Board members, industry experts, and staff, will be developing a set of draft regulations which will

establish specific entry requirements for certification applicants. One of the items of business that they must recommend to the Board will be whether to developed their own competency exam or to approve the use of an established exam such as the National Home Inspector Examination (NHIE) which your organization administers. Should the Board choose to use an established exam, they have the option of either approving one of these exams or soliciting Requests for Proposal.

Thank you for your interest and the information packet regarding your organization and the NHIE. The regulatory development committee will consider this information. Should the Board decide to solicit Requests for Proposal, your organization will most certainly be notified.

**David E. Lee**  
**Chairman, Steering Committee**  
**The Virginia Association of Real Estate Inspectors**

I am writing on behalf of the Virginia Association of Real Estate Inspectors, which represents about one hundred professional inspectors from across the Commonwealth. Our members include inspectors who are also member of both the national associations, ASHI and NAHI.

VAREI recommends that the Board:

- Require passing of the National Home Inspectors Examination as the exclusive entrance examination requirement. It meets strict standards for validity and reliability, and can be taken without reference to membership in any national inspection association. Having this single standard national exam also avoids the complex task the Board would have in considering the many other exams used by franchises and training programs. Without such a single standard exam, the Board would have to establish criteria for examination acceptability;
- Require 12 hours Continuing Education per year for renewal;
- Require that regulants inspect and report in conformity with the Standards of Practice and Code of Ethics of a national professional association recognized by the Board; the regulant must state in each inspection report which standards and code of ethics is being used.

**Agency Response:** Thank you for your letter of July 25, 2001 in response to the Board's Notice of Intended Regulatory Action as a result of HB 2174 which establishes a regulatory program for residential home inspectors in Virginia.

HB 2174 gives the Board statutory authority to establish educational, experience, and examination entry requirements for certification. The statute also establishes the home inspection certification program as a voluntary program. The Board has no authority to establish continuing educational requirements for certification renewal.

Over the next several months, the Board, through a committee of Board members, industry experts, and staff, will be developing a set of draft regulations which will establish specific entry requirements for certification applicants. One of the items of business that they must recommend to the Board will be whether to developed their own competency exam or to approve the use of an established exam such as the National Home Inspector Examination (NHIE). Should the Board choose to use an established exam, they have the option of either approving one of these exams or soliciting Requests for Proposal.

Thank you for your interest in the development of the regulations for this new regulatory program.

**Jasper A. Mersereau, PE**  
**Legislative Committee Chairmen**  
**Central Virginia ASHI**

The Central Virginia Chapter of The American Society of Home Inspectors (ASHI) would like to submit our comments and recommendations for any draft or proposed regulations that the Department of Professional and Occupational Regulation (DPOR) is considering writing for the home inspection industry. We are committed to improving and strengthening the home inspection profession and look forward to working with you and the staff of DPOR as we progress towards an acceptable and reasonable regulatory program for the home inspection industry in the Commonwealth of Virginia.

ASHI is the oldest and most respected home inspection organization in the country. It has well over 5000 members located throughout all 50 states. Over 250 of those members reside in Virginia. It has been a force within the industry for over 25 years. ASHI is active at the national level in Washington working with HUD, FHA, and other agencies to advance the cause of the home inspection profession. At the state level, ASHI works to improve the industry through its local chapters such as ours.

Central Virginia ASHI offers these comments and suggestions in the enclosed binder. If you have any questions, or need further clarification, please contact us at the below numbers. Thank you for allowing us to participate in this process.

**Definitions:**

“Associate Home Inspector”- An individual who is affiliate with, or employed by, a certified home inspector to conduct a home inspection of a residential building on behalf of the certified home inspector.

Central Virginia ASHI believes very strongly that an experience component is essential in providing adequate protection to the general home buying public. This would mean creating another category of inspector in the regulations that would provide for someone to come into the industry and get proper training under the auspices of an already established inspector. This does not have to be a complex plan. All we are looking for is



some type of minimal supervision or affiliation with an established certified home inspector so that the new inspector can be exposed to the proper way to perform inspections and to ensure that they learn the proper method of following the Standards of Practice which are so critical to a competent home inspection. The associate home inspector should be overseen by a certified home inspector until he meets the criteria to be fully certified as a home inspector.

“Board” – means the Asbestos, Lead and Home Inspectors Board.

“Certified Home Inspection” – any inspection that complies with the Standards of Practice as adopted by the Board, of a residential building for compensation conducted by a certified home inspector or his associate home inspector. It is a non-invasive, physical examination, of one or more mechanical, electrical, or plumbing systems or the structural and essential components of a residential dwelling, through visual means and normal user controls, without the use of mathematical sciences, designed to identify visible defects in those systems, structures, and components.

Central Virginia ASHI believes this more fully encompasses the definition that is legally defensible for a home inspector.

“Certified Home Inspector” – means a person who meets the criteria of education, experience, and testing required by the Board.

“Client” – any person who engages, or seeks to engage, the services of an associate home inspector or certified home inspector for the purpose of obtaining inspection of an written report upon the condition of a residential building.

“Home Inspection Report” – is a written report prepared for compensation.

“Residential building”- is a structure consisting of one to four dwelling units used or occupied, or intended to be used or occupied, for residential purposes.

### **Entry Standards for Certified and Associate Home Inspectors**

ASHI has worked for over 25 years to research and develop criteria that is relevant and critical to the home inspector. Its membership standards reflect detailed analysis of what it takes to be a good home inspector.

Currently, ASHI requires all members to pass two exams, and they must complete 250 home inspections to the ASHI Standard of Practice before becoming full members in ASHI. These criteria are voted on and approved by the membership.

The vast majority of home inspectors are one-man operations. They do not benefit from a large corporate setting allowing for peer review and tutoring. They are basically on their own. ASHI strongly believes that an experience element is critical in the competency of a home inspector. Just passing a test does not ensure that the person is



capable of performing a competent home inspection. Knowing the technical jargon and textbook knowledge is no replacement for practical experience. Nor does it allow for the proper interpretation of any Standards of Practice.

It takes practical experience that can only be gained through on the job experience dealing with clients' actually crawling around a home and investigating and evaluating its condition. This can best be achieved by requiring a certified home inspector to have completed 250 home inspections and have passed a competency exam. In order to assist new people coming into the field they should be required to affiliate with an experienced certified home inspector who can sign a statement stating that he has helped the novice inspector through 250 inspections and the new inspector has complied with the Standards of Practice as determined by the board.

ASHI requires all of its members to pass two tests. The first test is based on the ASHI Code of Ethics. It can be taken through a testing company called ASI at many locations throughout the Country and State of Virginia. ASHI also requires a competency exam. This exam is offered through The Examination Board of Professional Home Inspectors (EBPHI) and is independent of ASHI. This test can also be taken throughout the country and State of Virginia. It is a not-for-profit board that is focused on serving the public's interest in a quality home inspection profession. EBPHI governs and administers the National Home Inspector Examination, which is designed specifically to support the regulatory needs of states in identifying the required level of competence to conduct a quality home inspection. Currently, the states of Wisconsin, Louisiana, New Jersey, Arizona, Massachusetts and Connecticut are formally requiring this examination.

EBPHI conducted a national job analysis for the professional home inspector in 1998 and developed the NHIE based on this analysis in 1999. Questions on the examination are written by professional home inspectors who are from throughout the country and represent the profession along critical dimensions. These subject matter experts are formally trained in the element of quality exam question development. Each question is reviewed and edited by similarly qualified home inspectors, referenced to a published resource in the field, and validated for importance, critically, and relevance. This exhaustive process is conducted annually to maintain the highest level of accuracy. Development and scoring of the NHIE to adhere to the psychometric standards set by a variety of groups, including the American Education Research Association, American Psychological Association, National Council on Measurement in Education, US Equal Employment Opportunity Commission, and National Commission for certifying Agencies.

No other organization has gone through such an exhaustive and scientific path to develop a home inspector exam. All other home inspector exams in existence have been developed by a few people, sitting in a room, randomly deciding on questions to be placed on a test. The NHIE test is already developed, the structure is already in place for its convenient administration in the State of Virginia, and it is provided at a reasonable price. It would not be in the home inspection industries, homebuyers or taxpayer's, best

interest to try to utilize any other exam. We strongly urge DPOR to adopt this exam as the standard for all home inspector testing in the State of Virginia.

ASHI also believes that both the certified and associate home inspector should meet the criteria of being of good moral character, and have successfully completed high school or its equivalent.

To summarize our position on both the associate and certified home inspector requirements:

To be eligible for certification as a certified home inspector, an applicant shall fulfill the following requirements:

- (A) Be of good moral character
- (B) Have successfully completed high school of equivalent
- (C) Have been engaged as a certified home associate home inspector for no less than two years, and have performed not less than 250 home inspections for compensation as an associate home inspector; and
- (D) Have passed the National Home Inspector Examination offered by The Examination Board of Professional Home Inspectors (EBPHI). The examination may have been passed before the effective date of these regulations

To be eligible as a certified associate home inspector, an applicant shall fulfill the following requirements;

- (A) Be of good moral character
- (B) Have successfully completed high school of equivalent
- (C) Be affiliated with or employed by a certified home inspector who will provide a sworn statement that he is working with the associated and that the reports for the home inspections performed by the associate home inspector complies with the standards of practice as adopted by the board.
- (D) Have passed the National Home Inspector Examination offered by The Examination Board of Professional Home Inspectors (EBPHI). The examination may have been passed before the effective date of these regulations

### **Entry requirements of individuals currently engaged in the practice of home inspection**

Central Virginia ASHI strongly believes that many of the current home inspectors should be allowed to continue practicing their livelihood and be issued certificates as a certified home inspector. Many of them have more than enough practical experience to qualify as home inspectors and have taken prior versions of a competency test should not be financially penalized by forcing them to take a current exam offered.

It is recommended that during the first 365 days after the effective date of these regulations, that board shall issue to any individual upon application, a certification of

home inspector certificate, provided that the applicant meets the first two requirements of a home inspector above (A) & (B), and has been engaged in the practice of home inspections for not less than two years prior to the effective date of these regulations and has performed not less than 250 home inspections for compensation.

### **Renewal Standards for Regulators:**

Central Virginia ASHI believes that a certification of home inspector certificate should be valid for a period of 3 years.

Educational classes totaling 20 hours per year should be required. This is less than 1% of the average work year. The home inspection industry is a very young industry. Practices and home building techniques are constantly changing. It is not unreasonable to expect someone who is going to be assisting people in making one of the most expensive and stressful decisions of their lives to get two and a half days of training per year.

This training can come in many forms. ASHI allows any class or seminar that is related to the home inspection industry such as building, mechanical, electrical and plumbing classes, as well as building code related classes. At the Chapter meetings every month a one hour educational seminar is conducted. By allowing those type of chapter seminars to count DPOR would be encouraging people to belong to national organizations and hence be encouraging the increase professionalism of the industry. This would have a very positive effect on the quality of home inspectors in the State of Virginia.

### **Standards of Practice and Conduct**

ASHI believes that a strong Standards of Practice and Code of Ethics should be adopted by the State of Virginia. This will help protect both the homebuyer who engages an inspector for home inspection services and also protect the inspector himself by outlining what is and is not part of the services provided.

While there are many organizations and groups that have some type of SOP and Code of Ethics, none can compare to the ASHI Standards of Practice and Code of Ethics.

ASHI SOP's have been in existence for over 25 years. A standing committee consisting of professional and experienced home inspectors review and accept comment on the SOP's every other year. They then offer changes that are extensively discussed and reviewed by the membership, which has grown to over 5000 strong. The membership then votes to approve all changes to the Standards and Code of Ethics. Over the last 25 years the SOP and COE has been reviewed by literally tens of thousands of experienced, professional inspectors. No other Standards of Practice or Code of Ethics has gone through such an extensive and detailed review. ASHI Standards of Practice has been utilized in many court situations. An inspector using the ASHI SOP's can feel confident that what he is doing is the proper and correct actions to be taken during a home inspection.

Additionally, an entire separate industry has developed in support of the home inspection industry. These companies provide training, and most importantly, reporting systems that are purchased by home inspectors to be used while they perform home inspections. The majority of home inspectors do not design their reporting system, they purchase one from a company that has designed and published a system. These reporting systems are typically designed and marketed as designed, to the ASHI standards because they have become commonly accepted throughout the country. This is very economical for both the companies that produce these reports and the home inspectors who purchase them. The company producing the report can invest the time and money necessary to assure that their reporting system complies with the ASHI Standards. The home inspector, when he purchases these reports, can be assured that they comply with the ASHI SOP's.

Large inspecting firms invest time and money into reporting systems that are proprietary to their company. They typically design to the ASHI standards. If the State of Virginia was to design, or accept a lesser standard to comply with, then the home inspectors in this state would be forced to design their own versions of what is already readily obtainable on the open market. This would be an unreasonable demand on the home inspection industry in Virginia. This could introduce countless problems and errors and potentially cost the home inspection industry large sums of money in order to comply with a state specific standard. We have enclosed several exhibits depicting various companies advertisements for training and reporting systems that show how they market the ASHI Standards (EXHIBIT B).

It is Central Virginia ASHI's position that it is impractical for the State of Virginia to write its own version of Standards of Practice and code of ethics and should adopt the ASHI Standards of Practice as the standard in Virginia. It would be time consuming and expensive to undertake such an endeavor. And in the end, the state could not match the years of experience and degree of review that has already gone into the ASHI SOP's.

In addition, ASHI SOP's have already been market tested with both the general public and the legal system. Many of the problems associated with a new document have already been conquered through practical usage over the last 25 plus years that the ASHI SOP's have been in existence. There is no reason why DPOR should subject the home inspection industry to the creation of a Standards of Practice and Code of Conduct that has not been time tested and that will inevitably have defects that are unforeseen as new documents tend to have.

No other organization can match or compare to ASHI standards in terms of degree of review, the number of people reviewing it, the length of time it has been in existence, and the number of people who have accepted it. The ASHI standards are used by thousands of inspectors throughout the country, including inspectors that are not members in our organization. They recognize the importance of using a tried and true standard in their inspection work. Several states currently require ASHI Standards of Practice and Code of Ethics in their regulations for the home inspection industry.

We have enclosed a copy of the 2000 version of the ASHI Standards of Practice and Code of Ethics (EXHIBIT A). We strongly urge you to adopt this as the standard in Virginia so that all homebuyers and home inspectors can benefit from the cost savings and many years of practical experience that has already gone into this document.

**Grounds for disciplinary action against regulants:**

Central Virginia ASHI would like to recommend these items for consideration:

The board should refuse to grant, or suspend or revoke a certified home inspector certificate or as an associate home inspector certificate upon proof to the satisfaction of the Board that the holder thereof has:

- (A) Disclosed any information concerning the results of the home inspection without the approval of a client or the clients representative;
- (B) Accepted compensation from more than one interested parted for the same service without the consent of all interested parties;
- (C) Accepted or provided commissions or allowance, directly or indirectly, from or to other parties dealing with the client in connection with work for which the certified home inspector is responsible or
- (D) Failed to disclose promptly to a client, information about any business interest of the certificate holder which may affect the client in connection with the home inspection.

**Other Issues**

Central Virginia ASHI would like to see these items addressed in any home inspection regulations.

- (A) An action to recover damages for any act or omission of a home inspector relating to a home inspection that he or she conducts shall be commenced within 1 year after the date that the home inspection is completed or be barred. The period of limitation may not be reduced by agreement.
- (B) A home inspector is not liable to a person for damages that arise from an act or omission relating to a home inspection that he or she conducts if that person is not party to the transaction for which the home inspection is conducted.

**Agency Response:** Thank you for your letter of July 27, 2001 in response to the Board's Notice of Intended Regulatory Action as a result of HB 2174 which establishes a regulatory program for residential home inspectors in Virginia.

HB 2174 gives the Board statutory authority to establish educational, experience, and examination entry requirements for certification. The statute also establishes the home inspection certification program as a voluntary program. The Board has no authority to establish continuing education requirements for certification renewal.

Over the next several months, the Board, through a committee of Board members, industry experts, and staff, will be developing a set of draft regulations which will establish specific entry requirements for certification applicants. One of the items of business that they must recommend to the Board will be whether to develop their own competency exam or to approve the use of an established exam such as the National Home Inspector Examination (NHIE). Should the Board choose to use an established exam, they have the option of either approving one of these exams or soliciting Requests for Proposal.

The Board will carefully consider the suggestions offered by your industry-respected organization before adopting their proposed regulations. Thank you for your interest in the development of the regulations for this new regulatory program.

**William A. Agee**  
**President**  
**Property Inspectors Council of America**

On behalf of Property Inspectors Council of America, I would like to present our standards and ethics to the Board for Asbestos and Lead for consideration as standards for home inspections.

We formed PICA because we saw a need for more clarity and specificity in inspection reporting. Many standards are fairly broad and vague, stating that the home inspector will inspect a component of the home, such as a water heater. In contract, PICA believes the inspection should report on clearly articulated and specific characteristics. To illustrate, please compare the ASHI standard for inspection of the water heater to the 15 items of an electric heater and 8 items of a gas heater in PICA standards.

In order to provide an inspection with this degree of clarity and specificity, training must cover these standards. In addition, as a part of certification inspectors should be tested on these standards as well as perform supervised inspections so that they may demonstrate application of their knowledge. In this way, they should reach and demonstrate the appropriate level of competency.

PICA believes that inspectors should qualify for certification upon attaining this baseline competence standard.

After attaining this competence standard, there is no question that more inspections add knowledge and expertise to the home inspector's qualifications. However, should the lack of a large number of inspections deny certification after the baseline standard has been met? Our view is that it should not.

Further, denying certification after meeting the baseline competence level places undue barriers upon entry into the home inspection industry. Persons entering the field may meet the baseline competence standard by taking coursework, passing a knowledge test, and perform a specified number of supervised inspections. These requirements do not



deny access. However, how would a prospective inspector meet the requirement for a large number of inspections, such as 250? If not certified to perform home inspections, an individual could not perform one inspection, much less 250, and therefore cannot meet the requirement. Only if the prospective inspector can find a qualified person to supervise 250 inspections could he or she meet this criterion. At the rate of 10 inspections per week, this would take almost six months.

In summary, we believe an individual should be qualified for certification with the following:

- graduation from an acceptable course,
- passing a certification test,
- completing a minimum number of supervised home inspections, and
- obtaining a letter of recommendation from a home inspector who has observed the inspections.

If a person meets the above criteria, and follows a standardized set of procedures, such as those recommended by PICA, he or she should be capable of performing an inspection upon which the homebuyer can rely.

In addition to providing our comments about certification, we would like PICA to be recognized as a certifying agency. PICA is a non-profit corporation registered with the State Corporation Commission.

We appreciate the opportunity to present our comments and would be happy to provide further information at your convenience.

**Agency Response:** Thank you for your letter of August 3, 2001 and accompanying material regarding your organization in response to the Board's Notice of Intended Regulatory Action as a result of HB 2174 which establishes a regulatory program for residential home inspectors in Virginia.

HB 2174 gives the Board statutory authority to establish educational, experience, and examination entry requirements for certification. The statute also establishes the home inspection certification program as a voluntary program.

Over the next several months, the Board, through a committee of Board members, industry experts, and staff, will be developing a set of draft regulations which will establish specific entry requirements for certification applicants.

The Board will carefully consider the suggestions offered by your organization before adopting their proposed regulations. Thank you for your interest in the development of the regulations for this new regulatory program.

**Jerry B. Hall, P.E.**  
**President**



**Criterion-Hall Engineers**

I am a licensed Professional Engineer and own a company that has been providing Home Inspections to Central Virginia since 1979.

I have some comments to the proposed House Bill 2174 as it should deal with Professional Engineers performing home inspections.

We are currently licensed as Engineers within the state of Virginia, to perform engineering work. We are bound by the Virginia DPOR regulations to only perform that work for which we have been educated or trained. So thereby placing our seal on a Home Inspection report we are acknowledging that we have adequate knowledge to perform the inspection and write the report. We are legally and ethically restricted to practice only in areas that we are qualified.

Requiring licensed Professional Engineers to also obtain Home Inspection certification and licensing is a duplication of effort and a waste of time and money for all parties involved.

I suggest that the Definition "Certified Home Inspector" be expanded to include Professional Engineers and Architects licensed to practice in Virginia.

Thank you for your time.

**Agency Response:** Thank you for your e-mail of August 3, 2001 in response to the Board's Notice of Intended Regulatory Action as a result of HB 2174 which establishes a regulatory program for residential home inspectors in Virginia.

HB 2174 gives the Board statutory authority to establish educational, experience, and examination entry requirements for certification. The statute also establishes the home inspection certification program as a voluntary program.

Over the next several months, the Board, through a committee of Board members, industry experts, and staff, will be developing a set of draft regulations which will establish specific entry requirements for certification applicants.

The Board will carefully consider your suggestion of not requiring certification for licensed Professional Engineers and Architects before adopting their proposed regulations.

**Michael L. Stotts**  
**Executive Director**  
**National Academy of Building Inspection Engineers**

**Licensing Of Professional Engineers And Architects As Home Inspectors.**

**A position paper of the National Academy of Building Inspection Engineers.**

This paper sets forth the official position of the National Academy of Building Inspection Engineers, a membership organization of licensed professional engineers (P.E.'s) and architects (R.A.'s or A.I.A.'s). The Academy represents a national working group dedicated to the highest standards of performance in the evaluation of conditions in buildings, both residential and commercial. In addition this paper reiterates the long held position of the state governing authorities and the courts that only licensed engineers and architects are qualified to evaluate and judge the adequacy of systems and structures to perform their intended functions.

The National Academy of Building Inspection Engineers (NABIE) is a chartered affinity group of the National Society of Professional Engineers. NABIE was formed in 1989 to advance the professional standing of the building inspection engineering profession. NABIE's current membership includes some 150 licensed professional engineers and architects who are engaged in the practice of building inspection engineering. The scope of our members' practices range from inspecting single family residential structures to large commercial and industrial buildings.

It is NABIE's official position to oppose the imposition of additional licensing requirements on licensed professional engineers and architects engaged in the practice of building inspection engineering, by requiring licensed engineers and architects to acquire another license as a home inspector.

Licensing of engineers and architects falls within the jurisdiction of the individual states and is always, even when privatized, governed by a state licensing board. Typical licensing requirements include a bachelors level degree from an accredited engineering university, an initial eight hour written examination on the fundamentals of engineering followed by an internship of four years practice under the direction of a licensed engineer, and a final written examination of eight hours on the principles and practices of engineering. In addition, many states require a level of continuing education as a precondition for renewal of the one or two year license. Fundamental to the ethical requirements of the licensed engineer is the stipulation that no engineer will practice outside the scope of his/her area of competence.

Licensed engineers and architects are typically the only professionals authorized to sign and seal plans and other documents certifying the proper functioning of a building's structure and systems. Such components of a building typically include, but are not limited to its structure, i.e.: foundation, framing, and roofing, electrical, HVAC, plumbing, fire safety, and other systems. For the engineer or architect to be authorized to sign and seal plans for such engineering components and yet be required to obtain a lower level license in order to perform a home inspection, (which is a visual assessment of those very systems) has no basis in logic. This requirement would be analogous to requiring a licensed physician to obtain an additional license, as a mid-wife, in order to deliver a baby.

Engineers have been conducting inspections and certifying the condition of buildings for decades. It is only with the recent rise in popularity of the home inspection industry and the concerns about the qualifications of the non-engineer home inspector that has led to the need to address the licensing of these individuals.

The public has long regarded the professional engineer and architect as having the highest technical credentials and level of trust on building issues. Attorneys often seek the advice and council of engineers as technical experts when dealing with highly technical issues. It is problematic to require a licensed engineer or architect to obtain a second, lesser license to perform a service that engineers and architects have been providing for many years under their existing licenses. Additionally, only a licensed engineer or architect can legally conduct a building inspection for a multi-story commercial building containing systems many times more complex than a single family residence. Requiring this same professional to have a separate license to inspect a single family residence is clearly not warranted.

It is also the official position of NABIE to vigorously oppose the continuing intrusion into the practice of engineering by other, non-engineer, non-licensed individuals. In the course of conducting home inspections, many home inspectors routinely render professional opinions as to the suitability of structures and systems to perform their intended function. Such opinions and conclusions can only be technically valid when they result from the application of engineering principles. It is not in the public's interest to allow non-engineer, non-licensed individuals to render such opinions. It also erodes the public's understanding and confidence in the overall role of the licensed engineer. Legislation or administrative regulations should clearly stipulate that non-engineer home inspectors do not practice or infringe on the practice of the profession of engineering.

**Agency Response:** Thank you for the correspondence received on August 3, 2001 from your organization in response to the Board's Notice of Intended Regulatory Action as a result of HB 2174 which establishes a regulatory program for residential home inspectors in Virginia.

HB 2174 gives the Board statutory authority to establish educational, experience, and examination entry requirements for certification. The statute also establishes the home inspection certification program as a voluntary program.

Over the next several months, the Board, through a committee of Board members, industry experts, and staff, will be developing a set of draft regulations which will establish specific entry requirements for certification applicants.

The Board will carefully consider your suggestion of not requiring certification for licensed Professional Engineers and Architects before adopting their proposed regulations.

**R. Scot Tully**  
**Certified Real Estate Inspector**

**Building Specs Inc.**

Attached is a copy of the National Association of Home Inspectors Standards of Practice and Code of Ethics. Also attached please find a copy of the Oregon Certification of home inspectors. I thought Virginia could use some of this for general guidelines or ideas.

Thank you for your time and consideration.

**Agency Response:** Thank you for your correspondence of August 2, 2001 and accompanying material from the National Association of Home Inspectors and the state of Oregon in response to the Board's Notice of Intended Regulatory Action as a result of HB 2174 which establishes a regulatory program for residential home inspectors in Virginia.

HB 2174 gives the Board statutory authority to establish educational, experience, and examination entry requirements for certification. The statute also establishes the home inspection certification program as a voluntary program.

Over the next several months, the Board, through a committee of Board members, industry experts, and staff, will be developing a set of draft regulations which will establish specific entry requirements for certification applicants.

Thank you for your interest in the development of the regulations for this new regulatory program.

### Clarity of the Regulation

*Please provide a statement indicating that the agency, through examination of the regulation and relevant public comments, has determined that the regulation is clearly written and easily understandable by the individuals and entities affected.*

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The experiences of the Department of Professional and Occupational Regulation staff, the Board members, suggestions by the Office of the Attorney General, and the public expressed through their comments have been considered during the regulation development process and have resulted in an easily understandable document. Both the members of the Board and the Department of Professional and Occupational Regulation staff have made considerable effort to identify unnecessarily complicated language.

### Periodic Review

*Please supply a schedule setting forth when the agency will initiate a review and re-evaluation to determine if the regulation should be continued, amended, or terminated. The specific and measurable regulatory goals should be outlined with this schedule. The review shall take place no later than three years after the proposed regulation is expected to be effective.*

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The Board for Asbestos, Lead, and Home Inspectors will enter into regulatory review two years following the date the final regulations are effective. The review will be conducted to determine if the regulations should be continued, amended, or terminated, including a description of specific and measurable goals the regulations are intended to achieve.

It should also be noted that Section 54.1-113 of the Code of Virginia mandates regulatory boards to examine its fee structure at the end of the biennium. It is the Department's custom to encourage its affiliated boards to examine its regulations as described above at the same time the fee structure is examined for compliance.

### Family Impact Statement

*Please provide an analysis of the proposed regulatory action that assesses the potential impact on the institution of the family and family stability including the extent to which the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.*

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No impact on families in Virginia has been identified as resulting from the proposed regulations.