

VIRGINIA BOARD FOR ASBESTOS, LEAD, AND HOME INSPECTORS

Department of Professional and Occupational Regulation
9960 Mayland Drive
Richmond, Virginia 23233

Thursday, November 21, 2024 - 10:00 a.m.
Second Floor, Board Room 3

Our mission is to protect the health, safety and welfare of the public by licensing qualified individuals and businesses and enforcing standards of professional conduct for professions and occupations as designated by statute.

I. CALL TO ORDER

- a. Emergency Evacuation Procedures
- b. Determination of Quorum

II. ADMINISTRATIVE MATTERS

- a. Approval of Agenda
- b. Approval of Minutes:
 - i. August 15, 2024, Board for Asbestos, Lead, and Home Inspectors draft meeting minutes.

III. PUBLIC COMMENT PERIOD ***FIVE MINUTE PUBLIC COMMENT, PER PERSON***

- a. VAREI Letter to DPOR - Proposed Licensing Change

IV. CASE FILES

Prima Facie Disciplinary Cases

PFD1.1 2024-01390 - Ash Duarte (Burgess)

Consent Orders Cases

C1.2 2024-01370 - Ronnie Belt Cole (Burgess)

C2.3 2023-00491 - Metropolitan Laboratories Inc. (Baum)

C3.4 2023-03084 - Paul Pfister (Cranor)

C4.5 2024-01458 - Theodore James Henderson (Cranor)

C5.6 2024-01591 - Andrew Patrick Joseph McNeill (Cranor)

V. EDUCATION

- a. Examination Updates
 - i. Examination Statistics

VI. NEW BUSINESS

- a. Regulatory Review Update
- b. General Review of Home Inspector Regulation
 - i. Comments received
 - ii. Memo to Board: Summary of Comments & Responses

- iii. Review of Home Inspector Regulation: Final regulation
- iv. Amendment/Repeal of Guidance Documents
- v. Exemption 18VAC 15-20-456 discussion - Phillips

VII. OTHER BUSINESS

- a. Executive Director Report

VIII. COMPLETE CONFLICT OF INTEREST FORM AND TRAVEL VOUCHER.

IX. ADJOURNMENT

NEXT MEETING SCHEDULED FOR **THURSDAY, FEBRUARY 6, 2025**

- ❖ *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.*
- ❖ *Five-minute public comment, per person, with the exception of any open disciplinary or application file.*
- ❖ *Persons desiring to participate in the meeting and requiring special accommodations or interpretative services should contact the Department at (804) 367-2785 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.*

DRAFT AGENDA Materials contained in this agenda are provided for discussion and are not to be construed as regulation or official Board position. DRAFT AGENDA

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

The Virginia Board for Asbestos, Lead, and Home Inspectors met on August 15, 2024, 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:

Stacy J. Armentrout, Jr.
Michael Baum
Douglas Burgess
John E. Cranor, Chair
Ralph L. Costen
Jesse Phillips
Anthony J. Robinson
Paul D. Thomas
Robin Wilder

Board members Patrick Studley, Sharad Tandale, and Louis Walker were not present at the meeting.

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

Brian P. Wolford, Director
Jeb Wilkerson, Special Assistant to the Director
Steve Kirschner, Licensing and Regulatory Programs Division Deputy Director
Marjorie King, Executive Director
Cameron Parris, Regulatory Operations Administrator
Kyle Mathews, Regulatory Analyst
Rachel Harris, Administrative Coordinator

Josh Laws from the Office of the Attorney General was present.

Mr. Cranor, Chair, finding a quorum of the Board present, called the meeting to order at 10:03 a.m.

Call to Order

Ms. King advised the Board of emergency evacuation procedures.

**Emergency
Evacuation
Procedures**

Mr. Thomas moved to approve the agenda as presented. Mr. Costen seconded the motion which was unanimously approved by: Baum, Burgess, Costen, Cranor, Phillips, Robinson, Thomas, and Wilder.

**Approval of
Agenda**

Ms. Wilder moved to approve the minutes of the May 9, 2024, Board meeting. Mr. Thomas seconded the motion which was unanimously approved by: Baum, Burgess, Costen, Cranor, Phillips, Robinson, Thomas, and Wilder.

**Approval of
Minutes**

There were no members of the public present to address the Board.

**Public
Comment
Period**

In the matter of **File Number 2024-01786, Osman Omar Ortiz Moreno,** 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.

**File Number
2024-01786,
Osman Omar
Ortiz Moreno**

Osman Omar Ortiz Moreno (Applicant) participated in the Informal Fact-Finding Conference in person.

Osman Omar Ortiz Moreno did not attend the Board meeting in person, by counsel, or by any other qualified representative.

Mr. Phillips moved to accept the recommendation of the Presiding Officer and deny Mr. Moreno's application for an asbestos worker license. Mr. Costen seconded the motion, which was unanimously approved by: Baum, Burgess, Costen, Cranor, Phillips, Robinson, Thomas, and Wilder.

Mr. Armentrout arrived at 10:09 a.m.

**Arrival of
Board
Member**

In the matter of **File Number 2024-02183, Falco John Bruno, 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.

**File Number
2024-02183,
Falco John
Bruno, Jr.**

Falco John Bruno, Jr. (Applicant) participated in the Informal Fact-Finding Conference in person.

Falco John Bruno, Jr. (Applicant) attended the Board meeting and agreed with the recommendation.

Mr. Costen moved to accept the recommendation of the Presiding Officer and approve Mr. Bruno's application for a home inspector license. Ms. Wilder seconded the motion, which was unanimously approved by: Armentrout, Baum, Burgess, Costen, Cranor, Phillips, Robinson, Thomas, and Wilder.

In the matter of **File Number 2024-02013, Marlon Donnell Moore,** 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.

**File number
2024-02013,
Marlon
Donnell Moore**

Marlon Donnell Moore (Applicant) participated in the Informal Fact-Finding Conference in person.

Marlon Donnell Moore did not attend the Board meeting in person, by counsel, or by any other qualified representative.

Mr. Thomas moved to accept the recommendation of the Presiding Officer and deny Mr. Moore's application for a home inspector license. Mr. Phillips seconded the motion, which was unanimously approved by: Armentrout, Baum, Burgess, Costen, Cranor, Phillips, Robinson, Thomas, and Wilder.

In the matter of **File Number 2024-00253, Kenneth Logan**, the Board reviewed the Consent Order and Report of Findings as seen and agreed upon by Kenneth Logan.

File Number
2024-00253,
Kenneth
Logan

Kenneth Logan did not attend the Board meeting in person, by counsel, or by any other qualified representative.

A motion was made by Mr. Burgess, and seconded by Mr. Costen, to ratify the proposed Consent Order wherein Kenneth Logan acknowledges an understanding of the charges and admits to the violation of the counts as outlined in the Report of Findings.

Kenneth Logan consents to the following:

Count 1 18VAC 15-40-120.A \$100.00
Count 2 18VAC 15-40-120.B \$100.00
Count 3 18VAC 15-40-130.A.4 \$100.00

Kenneth Logan agrees to Board costs of \$150.00

Total fines and costs \$450.00

The motion was unanimously approved by: Armentrout, Baum, Burgess, Costen, Cranor, Phillips, Robinson, Thomas, and Wilder.

In the matter of **File Number 2024-01356, Clarence Ward Kemp**, the Board reviewed the Consent Order and Report of Findings as seen and agreed upon by Clarence Ward Kemp.

File Number
2024-01356,
Clarence Ward
Kemp

Clarence Ward Kemp did not attend the Board meeting in person, by counsel, or by any other qualified representative.

A motion was made by Mr. Armentrout, and seconded by Mr. Thomas, to ratify the proposed Consent Order wherein Clarence Ward Kemp acknowledges an understanding of the charges and admits to the violation of the count as outlined in the Report of Findings.

Clarence Ward Kemp consents to the following:

Count 1 18 VAC 15-40-155.3 \$750.00

Clarence Ward Kemp agrees to Board costs of \$150.00

Total fines and costs \$900.00

Further, Clarence Ward Kemp agrees to the suspension of his license until Kemp completes sixteen (16) hours of continuing professional education (CPE) and provides proof of attendance and successful completion to the Board.

The motion was unanimously approved by: Armentrout, Baum, Burgess, Costen, Cranor, Phillips, Robinson, Thomas, and Wilder.

Mrs. Parris provided an update on the status of the Board's regulatory actions.

**Regulatory
Action Update**

Ms. King informed the Board of current and past statistical data related to Board cases, licensing applications, emails, and phone calls.

**Executive
Director
Report**

Ms. King provided the Board with an EPICx update.

EPICx Update

Ms. King provided the Board with the most recent financial statements for informational purposes.

**Board
Financial
Statements**

Ms. King reminded the Board that the next meeting date is November 21, 2024.

**Future
Meeting Dates**

Ms. King reminded the Board members to complete and return their conflict-of-interest forms and travel vouchers.

**Complete
Conflict of
Interest Forms
and Travel
Vouchers**

There being no further business, the meeting was adjourned at 10.41 a.m.

Adjourn

John Cranor, Chair

Brian P. Wolford, Director



October 30, 2024

Ms. Marjorie King
Executive Director
Department of Professional & Occupational Regulation
9960 Mayland Drive, Suite 400
Richmond, VA 23233

Dear Ms. King,

On behalf of the Virginia Association of Real Estate Inspectors (VAREI), I extend our sincere appreciation for your insightful presentation at VAREI's annual seminar on the proposed changes to the licensure requirements for Virginia home inspectors. We recognize the many improvements made and the hard work invested on the proposed changes in licensure regulations and thank all those involved. Your presentation brought to light several points of interest and our membership had the opportunity to voice concerns regarding the proposed changes.

Following the seminar, VAREI conducted a five-question survey of members who attended the event, to gather feedback on certain changes. Here is a summary of the survey results:

- 96% feel that a passing grade of a "D" (equivalent to a grade of 60% to 69%) in a qualified course is too low.
- 92% feel that inspectors would not be properly prepared to do a home inspection without conducting inspections under the supervision of a licensed home inspector.
- 94% feel that a minimum of 11 to 100 home inspections under the supervision of a licensed home inspector is necessary to be properly prepared to become a home inspector.
- Of those inspectors who were required to abide by the current licensing regulations, 94% stated they considered 25 to 100 inspections under the supervision of a licensed home inspector to be either VERY IMPORTANT or IMPORTANT to their development as a competent home inspector.
- 98% felt that lowering the current standards was not in the best interest of the home buyer and protecting the consumer.

As reflected in the survey results, VAREI members overwhelmingly value both education and supervised inspections as critical components in preparing competent home inspectors. We feel strongly that the new regulations lack a mandate for a minimum number of supervised inspections, which we believe is a significant oversight.

Therefore, along with the current mandatory requirement to pass the National Home Inspector Exam, we recommend a mandatory requirement to complete 5 supervised inspections as part of the licensing process. This minimum requirement is separate from achieving any of the “experience” requirements in Table 2.

With this in mind, VAREI recommends adding the following language (in bold) to the proposed regulations:

“1. The applicant has passed a board-approved examination. The National Home Inspector Examination provided by the Examination Board of Professional Home Inspectors is the board-approved examination pursuant to 54.1-517.2 A 2 C of the Code of Virginia, **and the applicant has completed 5 home inspections under the supervision of a licensed Virginia home inspector.**”

As stated, we recommend that the 5 supervised inspections be established as a mandatory part of becoming licensed as a Virginia home inspector and these inspections would not count towards achieving qualifying points for Table 2, Section 2.

VAREI is dedicated to improving the standards for licensure because we believe that having competent and qualified home inspectors is in the best interest of protecting the safety of Virginia home buyers. We share DPOR’s goal to protect the consumer.

VAREI is striving to help the industry by informing and educating both home inspectors and realtors regarding the standards set in our industry. Hopefully, these efforts will help to advance the home inspector profession and result in fewer complaints to the ALHI board.

Thank you for allowing VAREI to express our concerns on behalf of Virginia’s home inspectors. I look forward to seeing you at the next ALHI board meeting on November 21. Please reach out to me prior to the board meeting with any questions or concerns.

Sincerely,

Bill Wilmoth
VAREI President Elect and Lobbyist
inspect14u@gmail.com
804-347-8051

Attached: VAREI Survey Results (pages 3-7)

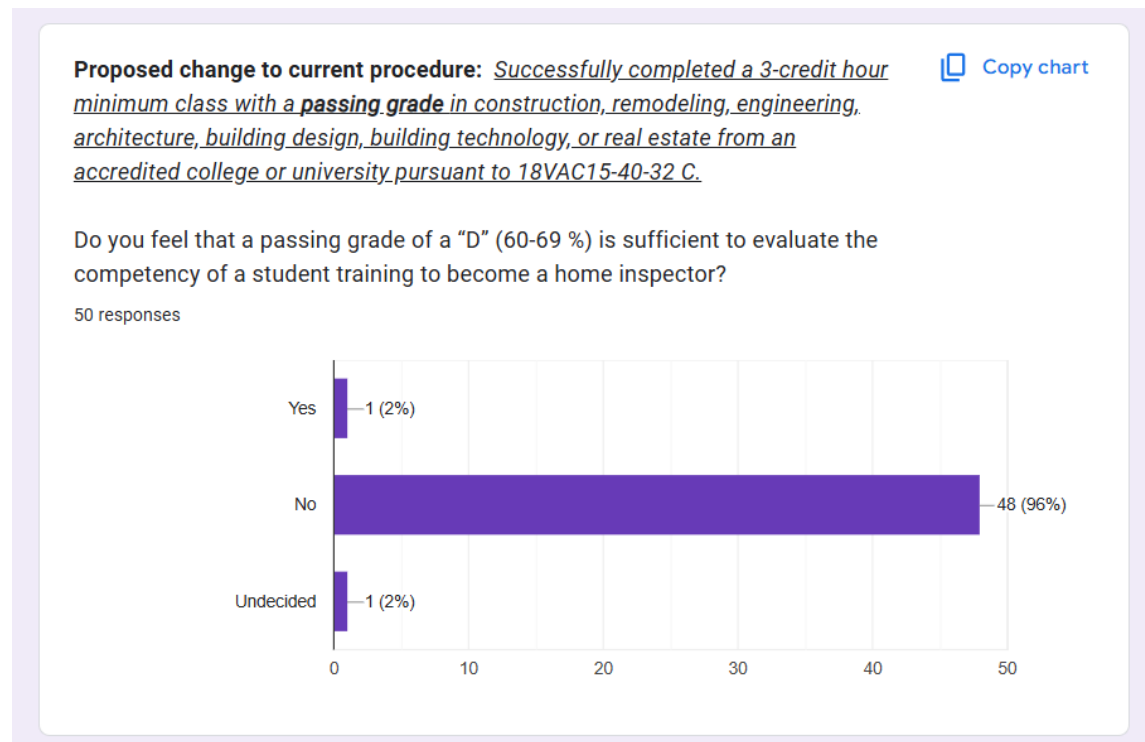
VAREI Survey Results for Proposed Changes to Licensure

Conducted of VAREI Members Who Attended the Seminar
50 responses

Proposed change to current procedure: 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 C.

Q1 - Do you feel that a passing grade of a “D” (60-69 %) is sufficient to evaluate the competency of a student training to become a home inspector?

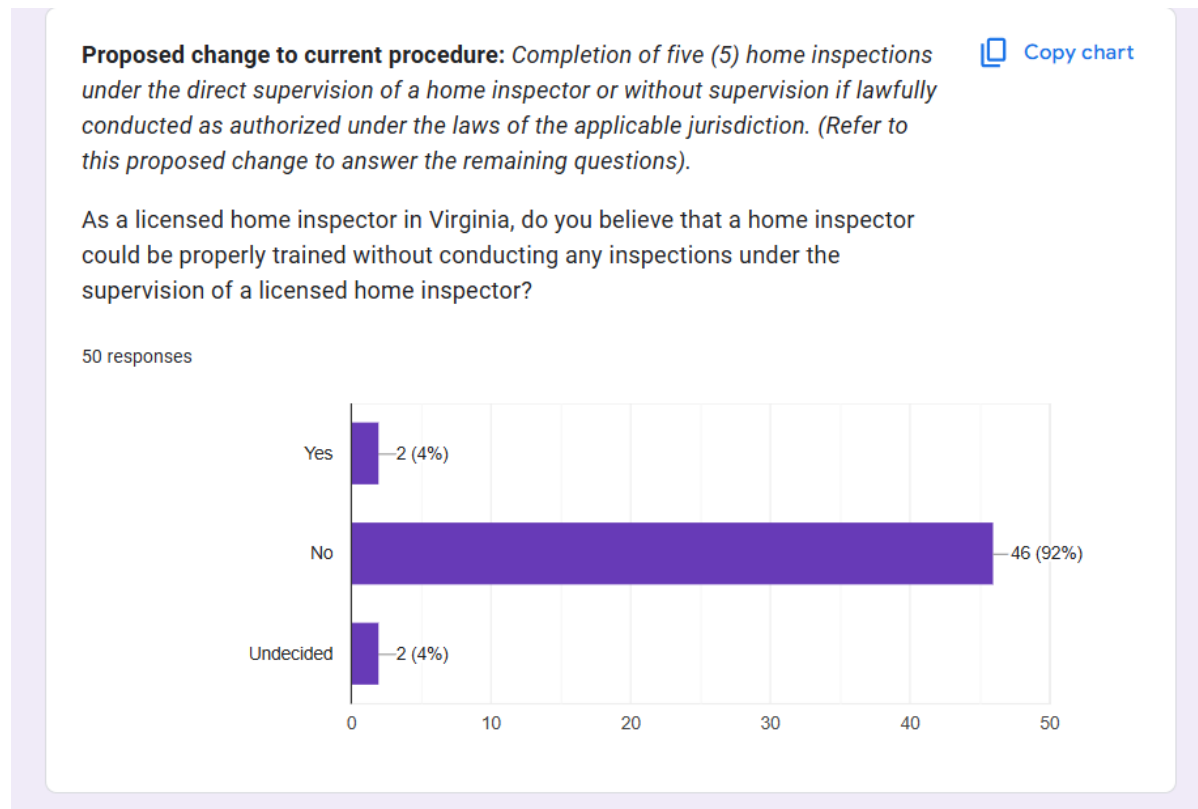
96% feel that a passing grade of a “D” 60 to 69% is too low.



Proposed change to current procedure: *Completion of five (5) 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. (Refer to this proposed change to answer the remaining questions).*

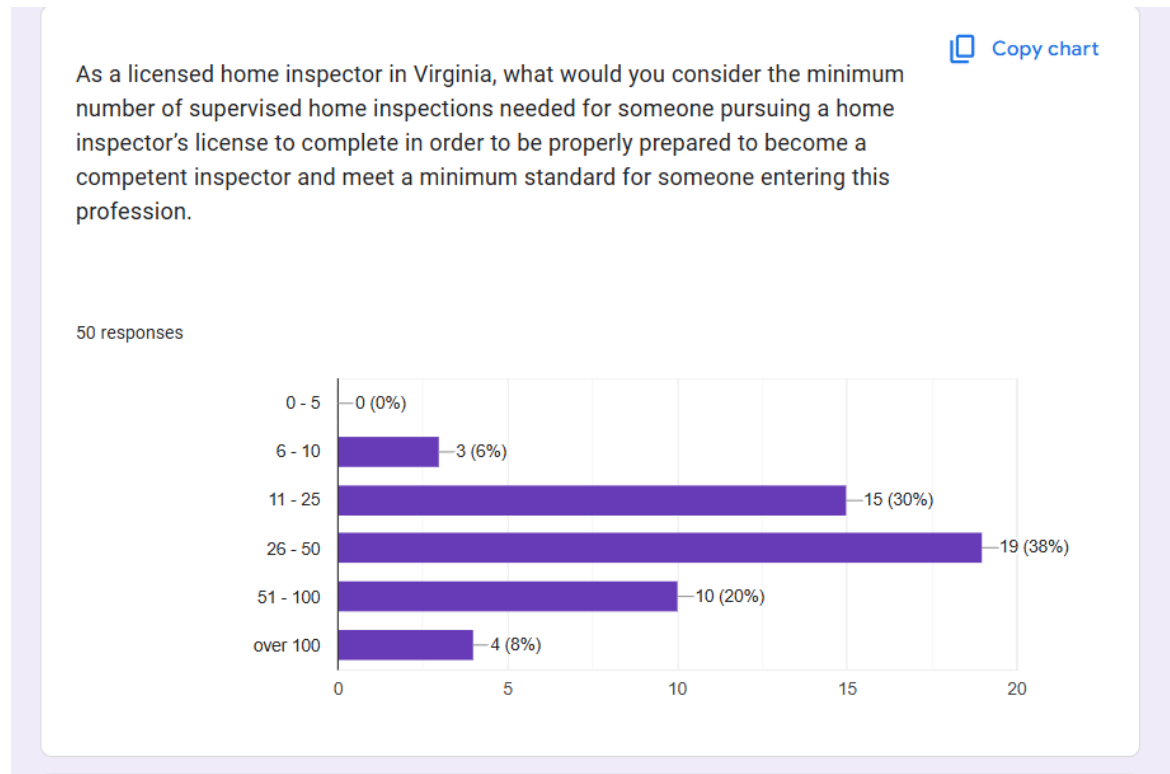
Q2 - As a licensed home inspector in Virginia, do you believe that a home inspector could be properly trained without conducting any inspections under the supervision of a licensed home inspector?

92% feel that inspectors would not be properly prepared to do a home inspection without conducting inspections under the supervision of a licensed home inspector.



Q3 - As a licensed home inspector in Virginia, what would you consider the minimum number of supervised home inspections needed for someone pursuing a home inspector's license to complete in order to be properly prepared to become a competent inspector and meet a minimum standard for someone entering this profession.

94 % feel that a minimum of 11 to 100 home inspections under the supervision of a licensed home inspector would be necessary to be properly prepared to become a home inspector. 66% responded that the minimum should be 26 or more.

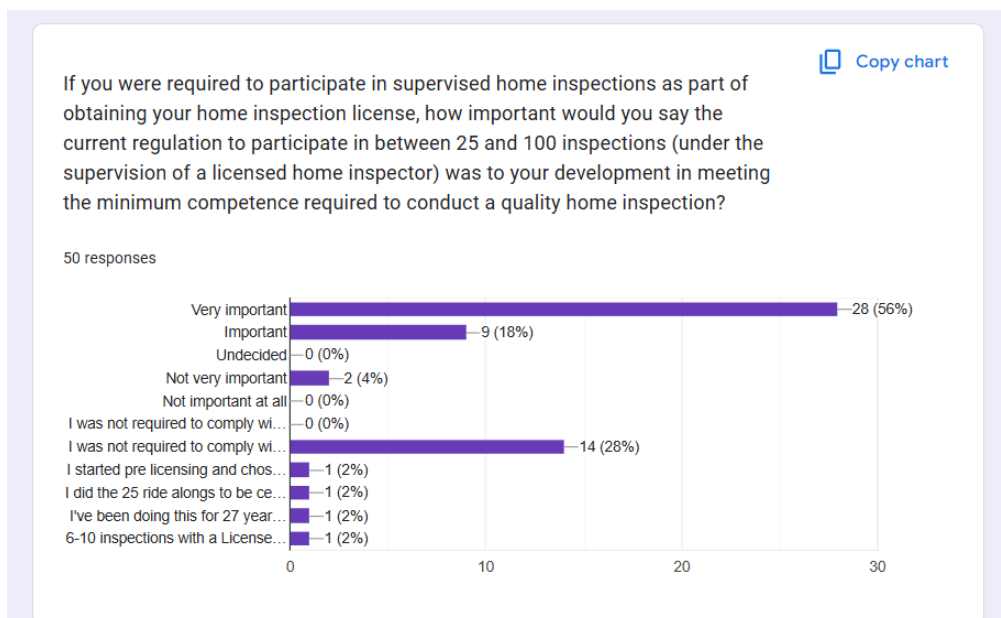


Q4 - If you were required to participate in supervised home inspections as part of obtaining your home inspection license, how important would you say the current regulation to participate in between 25 and 100 inspections (under the supervision of a licensed home inspector) was to your development in meeting the minimum competence required to conduct a quality home inspection?

The last two options for this question are not completely viewable in the image below so they are written here:

- *I was not required to comply with this regulation because I was licensed prior to their implementation so I have no opinion*
- *I was not required to comply with this regulation because I was licensed prior to their implementation but believe it would be beneficial for any new inspector*

Of those 39 inspectors who were required to abide by the current licensing regulations, 94% stated they considered 25 to 100 inspections under the supervision of a licensed home inspector to be either **VERY IMPORTANT** or **IMPORTANT** to their development as a competent home inspector.

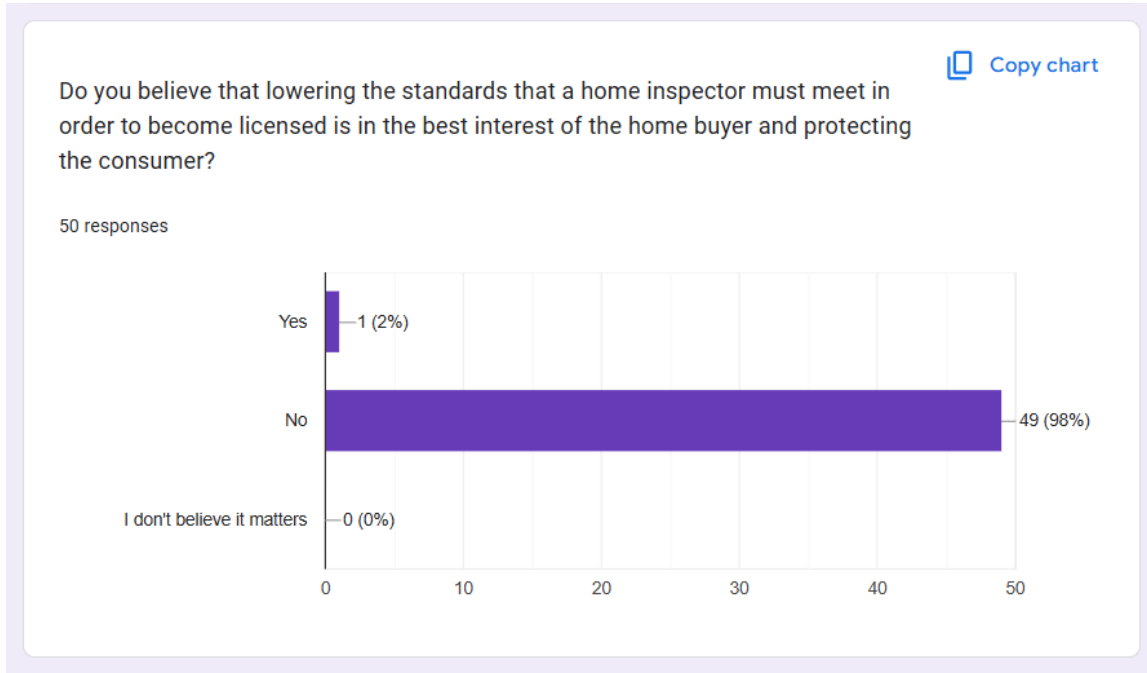


Additional comments:

- I was not required to comply with this regulation because I was licensed prior to their implementation but believe it would be beneficial for any new inspector
- I started pre licensing and chose to do 75 supervised with my mentor
- I did the 25 ride a long's to be certified before mandatory licensing. Very important.
- I've been doing this for 27 years. I was required to have 250 inspections before I could be a certified ASHI inspector. Lowering the standards would be a great way to discredit home inspectors even further.
- 6-10 inspections with a Licensed Inspector are Reasonable, but would raise the grade level of passing the course, as well.

Q5 - Do you believe that lowering the standards that a home inspector must meet in order to become licensed is in the best interest of the home buyer and protecting the consumer?

98% felt that lowering the current standards was not in the best interest of the buyer and protecting the consumer.



Portion Statistics Cumulative
Virginia Lead Abatement

From: 1/1/2024 To: 10/31/2024

		Pass		Fail		Total
		N	%	N	%	N
VA Inspector Test	First Time	14	77.78	4	22.22	18
	Repeat	2	100.00	0	0.00	2
	Total	16	80.00	4	20.00	20
VA Inspector Test Portion: Virginia Law Test	First Time	15	78.95	4	21.05	19
	Repeat	2	100.00	0	0.00	2
	Total	17	80.95	4	19.05	21
VA Risk Assessor Test	First Time	11	100.00	0	0.00	11
	Repeat	1	100.00	0	0.00	1
	Total	12	100.00	0	0.00	12
VA Risk Assessor Test Portion: Virginia Law Test	First Time	8	100.00	0	0.00	8
	Repeat	0	0.00	0	0.00	0
	Total	8	100.00	0	0.00	8
VA Supervisor Test	First Time	13	86.67	2	13.33	15
	Repeat	0	0.00	0	0.00	0
	Total	13	86.67	2	13.33	15
VA Supervisor Test Portion: Virginia Law Test	First Time	11	78.57	3	21.43	14
	Repeat	2	66.67	1	33.33	3
	Total	13	76.47	4	23.53	17

Board for Asbestos, Lead, and Home Inspectors

Update on Regulatory Actions

(as of October 28, 2024)

Action: Home Inspector Regulations General Review

Current Stage: Proposed

- Proposed stage was published in the Virginia Register on 7/29/2024. The public comment period concluded on 9/27/2024, during which comments were received.
- A public hearing was held on August 15, 2024, during which comments were received.

Next Step: Final

- Board to review comments received and consider adoption of final regulation.

Action: Virginia Asbestos Licensing Regulations General Review

Current Stage: NOIRA

- NOIRA 30-day public comment period concluded 4/26/2023. No public comments were received.
- Board voted to adopt Proposed stage on 8/24/2023.

Next Step: Proposed Stage/Executive Branch Review

- Board staff to submit Proposed amendments for Executive Branch Review.
- Following completion of Executive Branch Review, amendments will be submitted for publication in the Virginia Register, followed by a 60-day public comment period.

Action: Lead-Based Paint Activities Regulations General Review

Current Stage: NOIRA

- Board adopted Proposed stage at the 5/9/2024 meeting.

Next Step: Proposed Stage

- Staff to submit proposed amendments for Executive Branch Review.
- Following completion of Executive Branch review, amendments will be submitted for publication in the Virginia Register, and 60-day public comment period will follow.

Fast-Track Action: Maintenance of Insurance (Home Inspectors)

Current Stage: Fast-Track

- Board staff preparing documents to file fast-track action.

Next Step: Proposed Fast-Track

- Board staff to file proposed fast-track action, followed by Executive Branch review and a public comment period.

TO: Board for Asbestos, Lead, and Home Inspectors
FROM: Cameron Parris, Regulatory Operations Administrator
SUBJECT: Summary of Comments Received: General Review of Home Inspector Regulations
DATE: November 21, 2024

The public comment period for the proposed stage of the 2020-2021 General Review of Home Inspector Licensing Regulations concluded on September 27, 2024. The Board received four (4) comments on this forum. There was an individual that commented in the forum that also submitted a similar comment via email. There was also one individual that commented at the public hearing, which was held on August 15, 2024.

In summary, commenters expressed concern that the development of the points-based system was rushed and not well thought out, which may negatively impact the quality of education received resulting in individuals being ill-prepared to enter the home inspection profession. It was suggested that the entry requirements were not stringent enough, allowing for an individual to enter the profession after only a short period of acquiring education and experience. There was a proposal to substantially increase eligibility qualifications, which includes an applicant completing an apprenticeship or a two-year degreed curriculum, in addition to practical experience, prior to entering the profession. There was also reference to the necessity for training and expressed concern that the number of hours required to fulfill the continuing education requirement is too low.

Another comment suggested there might be some confusion around proposed changes to disclosure requirements regarding previously performed inspections and findings related to an inspection, as well as confusion related to a proposed change to a prohibited act.

The full comments received via Town Hall are attached to this memo for review. The Board must issue a response to the commenters, which can be delivered as a single statement inclusive of all commenters or issued singly to each commenter. Three of the Town Hall comments received addressed similar concerns while another appeared to be seeking clarification of several proposed amendments. Board staff suggests that one response be issued to commenters expressing similar concerns and a separate response be issued to the commenter seeking clarification of proposed amendments.

Board staff offers the following in response to the three individuals that submitted comments similar in nature (Remmie Arnold, Dylan Morgan, and Anonymous):

“The board is tasked with protecting the health, safety, and welfare of the public by establishing *minimum* qualifications for entry into the profession. Since implementation of the regulations in 2017, transitioning from voluntary certification to mandatory licensure, the board has received ample feedback from industry professionals and members of the public which largely indicates that the requirements for licensure as a home inspector are overly burdensome and create unnecessary barriers to licensure. The proposed revisions are made to ensure the regulation achieves its intended purpose and does not prohibit otherwise qualified individuals from obtaining licensure in Virginia.

Pathways were created to allow individuals seeking licensure additional ways, not “easier” ways, to obtain a license. The proposed points-based system requires individuals to meet a combination of education and experience requirements and, unlike the current regulation, takes into account various methods in which experience and education requirements can be attained. The proposed amendments also clearly identify what can be considered qualifying experience as to eliminate any confusion surrounding this topic.

Licensees are bound by the regulation, which includes standards for conducting home inspections and standards of practice and conduct. The Board has not been presented with evidence that suggests that making entry requirements more stringent will have a significant impact on reducing the amount complaints received regarding violations of the regulation. Licensees are responsible for knowing, understanding, and abiding by governing laws and regulations, as well as for keeping abreast of changes that impact the industry.

The Board is grateful for all comments received and encourages licensees, the public, and other industry professionals to continue engaging with the Board in future regulatory development”

Board staff offers the following in response to the individual commenter seeking clarification of proposed changes (Michael Donitzen):

“The Board thanks you for your comment and seeks to clarify what appears to be a misunderstanding or misinterpretation of current and proposed regulations.

The requirement that certain information be disclosed, pursuant to 18VAC15-40-120 E, does not include a requirement that details or findings of a previously performed inspection be disclosed; it simply requires that a home inspector disclose the fact that the home inspector has performed an inspection on the building within the preceding 12 months. 18VAC15-40-140 B prohibits a home inspector from disclosing results or findings of a home inspection without approval of the client for whom the inspection was performed. As such, the disclosure required via 18VAC15-40-120 E does not conflict with the provisions of 18VAC15-40-140 B.

Regarding recalling home inspections previously performed, 18VAC15-40-160 C requires that a licensee maintain all records pertaining to home inspections performed, to include written reports and supporting documentation, for a period of three years from the date of the related home inspection. While it may not be feasible to recall every home inspection performed within the preceding 12-month period off the top of one’s head, it is feasible to review records to determine whether disclosure is required.

18VAC15-40-155.11 d, which addresses retention or misapplication of funds, simply means that a home inspector must perform the work outlined in the contract for which the home inspector was paid. Simply put, “if you’ve been paid to complete an inspection, complete the inspection” or, “if you’re unable to complete the inspection, return the money.” This is a common provision that is also used in other regulations where money is exchanged for contracted work, such as the Board for Contractors.

It is the Board’s purpose to promulgate regulations to govern licensees engaged in the profession of home inspecting. The Board does not have the authority to impose regulations or requirements on other professionals, such as Realtors or real estate agents, despite the proximity in which these professionals may work. The Board has thoroughly considered activities associated with conducting home inspections along with feedback

from the public and industry professionals, which has assisted in the development of the proposed regulation. The Board is grateful for all comments received and encourages licensees, the public, and other industry professionals to continue engaging with the Board in future regulatory development.”

If the Board is agreeable to these responses, a motion is needed to adopt the responses, followed by a second and the full Board vote. A sample motion is included below:

“I move to adopt the responses offered by Board staff as presented.”

If the Board wishes to provide an alternate response or responses the Board may do so. Any response must be voted on and approved by a majority of the Board.

Commenter	Title	Comment	Date/ID
Remie Arnold	Regulatory Review of Home Inspections	<p>As a Virginia Home Inspector, member of the Virginia Association of Real Estate Inspectors, certified in testing for Radon, Mold, etc. I have two major concerns with these changes.</p> <p>One, in the rush to open up the avenues to accrue points for getting a home inspector license, not enough DPOR thought has gone into how this affects the quality of educational experience needed to be a "better" qualified inspector. My concern is that the trade-offs offered over actual mentoring experience will reduce, not strengthen, the quality of our profession.</p> <p>Two, the number of continuing education credit hours to renew a license is ridiculously low, especially compared to other similar professions. I would have advocated for doubling the renewal credit hours from 16 to 32 over a two year cycle. These educational opportunities are what keeps home inspectors not only current but moving ahead in their profession.</p> <p>The comments I continually get from clients, realtors, home owners, insurance companies, and DPOR complaints, is that Home Inspectors need to up their standards, and I fear both the issues I have mentioned do the opposite.</p>	8/6/24 11:31 am CommentID:227297
Michael Donitzen Aztec Home Inspections Inc	Home Inspector/President	<p>I appreciate and thank the board members for their time and for those that volunteer on the board I appreciate their sacrifice. I also appreciate the efforts of all board members toward advancing the home inspection profession while also protecting the Virginia citizen. I am sorry I could not be there on Aug, 15, 2024 but appreciate the board members taking the time to read my concerns with the approaching, proposed changes to the home inspector regulations.</p> <p>Being in the field for over 20 years I have seen my fair share of changes to the profession, and I have experienced the positive and negative of the profession.</p> <p>With that said I wish to address the following:</p> <p>18VAC15-40-120 Home inspection contract E. If the home inspector has designed or performed repairs or modifications to, or has inspected, the residential building or NRS to be inspected within the preceding 12 months, the home inspection contract must disclose to the client the specifics of the repairs or modifications he designed or performed, or any inspection he performed.</p> <p>Many times over my 20 years of doing home inspections I have arrived to a property and realized I just recently inspected the property. When</p>	8/16/24 7:42 am CommentID:227386

a home inspector is inspecting 2 to 3 homes per day 5 to 6 days a week, remembering the address of every inspection is an unreasonable expectation. Even with the technology of today it does not or may not alert the home inspector that they previously inspected the property.

Then we have **18VAC15-40-140 Conflict of interest**

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

The two regulations 18VAC15-40-120 Home inspection contract and 18VAC15-40-140 Conflict of interest, at minimum, conflict with each other. One requires disclosure and the other prohibits disclosure in regards to the same information.

Writing in a contract that you inspected the property within the last 12 months will most likely go unnoticed by most new clients because most clients never read the contract anyway even when they have ample time to do so.

But why open this door? If a new client actually reads the contract and comes to the realization that the home inspector conducted an inspection of the property within the last 12 months, it will open the door for questions about the previous inspection that the home inspector by regulation cannot answer without written permission from the first client.

It's my position that the previous inspection notification requirement be stricken from the regulations. Additionally, if the first buyer decides not to buy, the inspection report 95% of the time will be handed to a new potential buyer anyway. This should not happen, but it does. The inspection is no longer valid, and in my opinion, this should be an unethical act on the part of the Real Estate Agent.

Last year a colleague received a one star Google review and reached out to me for advice on how to handle the review. The review was placed by a home buyer, but the home inspector did not work for that home buyer. The one year old inspection report was transferred to the new buyer without the consent or knowledge of the home inspector. The review that was placed was in regard to the septic system, a system that was excluded by the contract and a system the inspector was and is not qualified to inspect. This unfortunate series of events should not have taken place and would not have taken place if Realtors were in violation of ethical guidelines if they transfer an inspection report, regardless of age, to a third interested party.

18VAC15-40-155 Prohibited acts

d. **The retention or misapplication of funds paid**, for which work is either not performed, or performed only in part.

I fail to understand misapplication of funds paid. The home inspection fee is not earnest money, and therefore, I do not understand how any home inspector could misapply fees received whether the inspection

was completed or not. If a home inspector has set aside a four hour time block and the client cancels at a late time where the inspector cannot fill the time slot, is the inspector not entitled to collect a fee for the late cancelation or provide a credit for when and if the client reschedules? Scheduling a home inspection requires the alignment of four schedules, the Realtor, the buyer, the seller and the home inspector. Sellers are afforded a 24-hour notice, and therefore, a last-minute home inspection appointment is extremely rare. When a client cancels at a time when a time slot cannot be filled the home inspector losses money.

The second part of 18VAC15-40-155 "for which work is either not performed, or performed only in part."

Many, many times over the past 20 plus years I have set a four hour time block to conduct a full inspection, sent initial scheduling emails and reminder emails two days before the appointment to all parties, (Buyer, Seller's Agent, and Buyers Agent) only to arrive at the property to find the electricity, water, and the gas off; access points, air handlers, and electric panels blocked by storage. Although much effort has been put forward by the home inspector to ensure a full and complete inspection takes place, no home inspector can control the lack of action from others.

The Virginia Real Estate Purchase Contract VAR Form 600 Revised 06/24

"Section 15 Equipment Condition and Inspection

Sub Section (d)

Seller will provide Purchaser, Purchasers professional inspectors and engineers, Selling Company, and representatives of Purchaser's lenders reasonable access to the Property to conduct inspections as appropriate and in compliance with this Contract. Seller will have all utilities in service at the time of all inspections to be conducted pursuant to this Contract, including those provided for in any separate provision or addendum dealing with inspections of the Property"

If the seller is by contract required to have all utilities on for the inspection, why then would the home inspector who has no control over the lack of action by other responsible parties be expected to provide a refund or reduce their fee because a system or area could not be inspected? Why would there be an expectation that the home inspector return at a later date without the expectation of compensation?

I would request that the board provide a guidance document regarding 18VAC15-40-155 (d) so the over 1300 home inspectors in Virginia understand the cause for this regulation and the intent of the regulation. With the guidance document the home inspector can avoid violations that may lead to sanctions imposed by the board for violating this unclear regulation.

Dylan Morgan, Property Doc

Zero to Licensed Home Inspector in One Month?

Dear DPOR Regulatory Review Board,

Home inspectors serve a vital role not only during a real estate transaction, but also in the future lives of their clients and other community stakeholders. The initial financial impacts from home inspection findings can be

8/21/24 1:42 pm
CommentID:227405

substantial for buyers and sellers. Additionally, the long-term consequences of a home inspection affect a client's financial, emotional, and physical wellbeing. Unreported defects can morph into expensive future surprises for the new homeowner. A simple roof leak may cause water damage, leading to mold growth and negatively impacting the health of occupants. Financial strain and health problems can be emotionally distressing.

Home inspectors are oftentimes coming in behind architects, engineers, builders, tradesmen, and other skilled professionals to give their stamp of approval regarding the safety, function, and adequacy of a home's structure and systems. We are evaluating the work of other professions and occupations that require substantially more education and training before one is considered qualified to execute their respective services. For example, licensed architects and engineers must hold four-year degrees in their professions. A typical path towards a master tradesmen's license will involve five years of education and experience.

This leads me to a confounding question: How is it that DPOR has determined that a home inspector is adequately educated and trained with the proposed licensing requirements? Depending on the path chosen, one could satisfy these requirements with about one month's worth of education and experience. DPOR will consider an individual sufficiently qualified to inspect complex structures constructed by other licensed, experienced, or otherwise qualified professionals after just one month of learning and doing. Let that sink in.

Perhaps there is an underestimation of the knowledge that a home inspector must have in order to show up to any house prepared to perform a home inspection according to Virginia's Standards of Practice. Considering that our English ancestors first settled here in the early 1600's, we have several centuries worth of structures scattered throughout the state. There is about 400 years' worth of carpentry in our framing systems, from the early earthfast mortised and tenoned timber frames to today's engineered lumber products, such as LVL and I-joists. One may be fortunate enough to come upon a surviving "Virginia home" comprised of

clapboard siding and roofing, while modern houses might use fiber cement, vinyl, and masonry veneer siding and asphalt shingle roofing. There are two centuries of plumbing systems ranging from clay and cast iron to today's PE, PEX, CPVC, PVC, copper, and more. 100-year-old knob and tube electrical systems are still present in some houses, while there are modern systems where houses have more complex needs and protections than ever before, such as GFCI and AFCI. Mechanical systems have transformed from hydronic radiant heating paired with an oil-fired boiler to energy efficient heat pumps and fresh air ventilation systems to complement today's air tight construction. Proper application of building science requires understanding how all of these systems interact with each other to influence the performance of a building's thermal envelope and energy usage. Home inspectors need knowledge of all of those systems and everything in between.

Tradesmen spend many years, if not their entire careers, mastering their craft in just one of the aforementioned areas and often become selective in working with certain materials and systems most familiar to them. How is it conceivable that someone with no background whatsoever in construction, engineering, or trades can learn centuries worth of building systems and materials in one month? While it may hold true in the long run that only the competent home inspectors will survive in the free market, our current system recklessly dispatches unsuspecting consumers as guinea pigs to weed out the low hanging fruit. Imagine the absurdity of applying the same approach for licensing medical doctors. State-mandated licensing brings with it a burden of responsibility that DPOR now bears to set a standard that does not allow incompetent persons to compete in a marketplace where consumers falsely believe that any licensed home inspector can adequately help them make one of the biggest decisions of their lives.

But don't take my word for it. Ask other stakeholders in the local real estate industry. Amateur home inspectors are a headache for everyone. Poorly performed or reported inspection findings lead to confusion for all parties involved and avoidable poor outcomes. If an inadequately trained home inspector fails

to report a significant defect on a house, then their client will suffer the consequences for it later. Meanwhile, a standard home inspection contract will only promise that client a refund of the fee that they paid. A typical home inspection fee is in the hundreds, whereas home repairs can easily be in the thousands.

If a home inspector misrepresents a problem or states that there is a problem that does not exist, the clients may back out of the purchase or ask the seller to repair or give a credit. This is unfair to buyers and sellers who are both economically impacted by the outcome of a home inspection. Additionally, real estate agents invest significant resources into guiding their clients through a home sale or purchase. Most of them work on a commission that is contingent upon the sale, so they are left empty-handed when a transaction falls apart after the home inspection. Sometimes this is just the nature of the beast, however, it should not happen due to a misinformed home inspector publishing an inaccurate report.

Builders hold tremendous responsibility and risk in the development and construction of new housing. Most builders take pride in delivering what they believe is a quality product for their customers. However, where there are many hands involved, mistakes will happen. A home inspector can add value to this process as a quality check for the builder that is paid for by the client. However, a home inspector that lacks sufficient knowledge will report items that are not actually a problem, leaving the builder the displeasure of defending their work and hoping their client believes them. Even worse, the home inspector might miss things that actually are a problem.

County-employed building inspectors wind up fielding questions and concerns over home inspection findings too, where they need to correct or clarify a home inspector's report, taking time away from their other responsibilities and leaving taxpayers with the bill. Home inspectors incorrectly citing the Uniform Statewide Building Code was so problematic that we have lost the discretion to do so. Rather than to raise the standard for licensing, DPOR settled for the lowest common denominator by diminishing the professional autonomy of

all home inspectors. What is particularly concerning is that DPOR is moving further down this path by prohibiting home inspectors from advising their clients about engaging in a real estate contract or providing an opinion of value. While I believe that either of these actions is almost always bad practice, there certainly could be rare situations where it is appropriate and the inspector is qualified to offer advice in these areas.

Instead of any further professional restrictions, I believe that is both necessary and prudent to substantially increase the eligibility qualifications for a home inspector license in Virginia. By raising the bar on the minimum standards that our state will accept, we improve the outcomes of homeownership for consumers and for all other stakeholders. I propose two paths to a home inspector career:

- The first is a traditional path of apprenticeship. This path requires 240 hours of formal education and four years of practical experience under the supervision of a Licensed Home Inspector.
- The second is an entrepreneurial path for the ambitious. This path requires the completion of a two-year degreed curriculum offered by a local community college. Ten mock inspections where the condition of the subject properties has already been evaluated by the examiner must be performed by the graduate at a sufficient level to demonstrate field competency in a variety of house settings.

These paths in tandem will still allow for competition and fair opportunity for new entrants, but weed out amateurs that will cause harm to consumers. Further restricting the supply of home inspectors will inevitably lead to increased prices for consumers, all else equal. However, it is important to weigh this increased upfront cost with the long-term cost of allowing unqualified persons into the profession. Consumers are better served paying more for their home inspections when they can count on a reasonable standard of competency from any of the available market options. Additionally, higher prices will attract more talent, leading to greater value delivered to

the consumer.

This is a great profession. I love waking up every day to go see new places, meet new clients, learn new things, and look out for my community. Others should have the opportunity to participate, as well, and I do not wish to close the door behind me. Oftentimes, formerly licensed professionals are grandfathered in when new standards are set, which is an unfair disadvantage to newcomers. As a testament to my conviction, I will also complete 240 hours of formal education and ten graded mock inspections side-by-side with other aspiring home inspectors upon the adoption of these standards. All currently licensed home inspectors should meet this standard within two years of implementation to ensure a level playing field and consistent professionalism for consumers.

Sincerely,
Dylan Morgan

Anonymous

Quality is important

I believe there needs to be adequate training in this area and not to rush through the Regulatory Action. This is citizens' homes and needs to be taken with serious consideration. Please stop rushing through the policy.

8/25/24 2:04 pm
CommentID:227428

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COMMONWEALTH OF VIRGINIA
DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION
BOARD FOR ASBESTOS, LEAD AND HOME INSPECTORS
REGULATORY PUBLIC HEARING
HEARD BEFORE: CAMERON PARRIS
August 15, 2024
SECOND FLOOR CONFERENCE CENTER
HENRICO, VIRGINIA 23233
2:00 P.M.

1 APPEARANCES:

2

3 REGULATORY OPERATIONS ADMINISTRATOR: CAMERON PARRIS

4

5

6 STAFF: KYLE MATHEWS, Regulatory Analyst

7

8 ALSO PRESENT: TILLMAN SIMMS, President of Virginia

9 Association of Real Estate Inspectors.

10

11 ALEX ADDERTON, Part-Time Executive

12 Director for the Virginia Association of Real Estate

13 Inspectors.

14 HOLLIS BROWN: Charter Member of Virginia

15 Association of Real Estate Inspectors

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1 NOTE: The public Hearing
2 convened at 2:00 p.m.

3 MISS PARRIS: I'm Cameron Parris. I'm the
4 Regulatory Operations Administrator for the Board for
5 Asbestos, Lead and Home Inspectors.

6 This is a Public Hearing being held at the
7 Perimeter Center in Richmond, Virginia.

8 This hearing is held pursuant to the
9 Administrative Process Act, 2.2-4007 of the code of
10 Virginia, for the purpose of receiving public comment on
11 the proposed amendments to the Board's general review of
12 Home Inspector Licensing Regulations, published in the
13 Virginia Register on July 29, 2024, Volume 40, Issue 25.

14 Let me begin by introducing Kyle Mathews.
15 He's our regulatory analyst.

16 A few ground rules before we begin. The
17 Board will receive comments from any member of the
18 public who wishes to speak. Comments will be limited to
19 five minutes. If you have not signed up to speak and
20 you wish to provide your testimony to me, please sign
21 in, which all of you have done.

22 Anyone may speak in rebuttal to the
23 comments of another speaker. And those comments will
24 also be limited to five minutes. I will call for
25 rebuttal comments when all speakers on the sign-in sheet

1 have finished.

2 The Panel may ask speakers questions or
3 request clarification of a statement; however, this is
4 not the proper forum for questions to the Board. If you
5 have a question for the Board, please forward it in
6 writing, to the Board by e-mail, fax or regular mail.

7 Any speaker who wishes to provide a written
8 statement in addition to their oral testimony may do so.
9 And the written statement will be marked as an exhibit
10 for this hearing. Written comment not presented at this
11 Hearing will be accepted at the following address:

12 Board for Asbestos, Lead and Home Inspectors; c/o
13 Department of Professional and Occupational Regulation;
14 9960 Mayland Drive, Suite 400; Richmond, Virginia 23233

15 Comments may also be sent via fax to
16 866-430-1933 or by e-mail to ALHI@dpor.virginia.gov.
17 Written comments will be accepted by the Board until
18 5:00 p.m., September 27, 2024.

19 At this time, I will call the first
20 speaker. Mr. Brown?

21 MR. BROWN: I have nothing.

22 MISS PARRIS: You don't wish to speak?

23 MR. BROWN: No.

24 MISS PARRIS: Okay.

25 Mr. Simms. We'll keep a clock up here.

1 You have five minutes. So we'll just flag you when the
2 five minutes is over. Please come up.

3 MR. SIMMS: Thank you. I won't be long.

4 MISS PARRIS: Okay.

5 MR. SIMMS: I just wanted to note the
6 Regulation changes. How are they going to affect home
7 inspectors? I haven't read it yet. I have it. I just
8 got it.

9 So I need to know: What do we need to do
10 different? We know that there were some changes coming,
11 like for smoke alarm detectors, carbon monoxide
12 detectors; but what else will affect the home
13 inspectors? If I could get an answer from you.

14 MISS PARRIS: Yeah. So we can't answer
15 those questions here; however, the text, the proposed
16 text, is available on the Town Hall website. So you can
17 read all the proposed changes.

18 I do want to emphasize that it's just in
19 the proposed stage. So all comments that we receive via
20 Town Hall today, e-mail, written, we will present to the
21 Board. The Board still has to receive all comments,
22 acknowledge comments. And then, at a point in the
23 future, we'll adopt a final regulation.

24 So what you read out there now is just
25 proposed.

1 MR. SIMMS: Okay.

2 It's not final. It's not effective. It is
3 just proposed.

4 MR. SIMMS: So we're just compiling what
5 may happen?

6 MISS PARRIS: Yes, sir.

7 MR. SIMMS: And it still has to be
8 approved?

9 THE COURT: Yes, sir.

10 MR. SIMMS: Really, that's all I needed to
11 know.

12 THE COURT: Okay.

13 MR. SIMMS: And I wanted to make sure I
14 understood.

15 MISS PARRIS: Are you registered on Town
16 Hall?

17 MR. SIMMS: No, I'm not, but I know how to
18 get on.

19 Okay. I strongly suggest it. Everything
20 that the Board does, their meetings, their minutes, all
21 proposed regulatory changes are all available on Town
22 Hall. And you can read the full text.

23 MR. SIMMS: Okay. Thank you so much.

24 MISS PARRIS: Thank you.

25 Mr. Adderton, come on up.

1 MR. ADDERTON: I scratched out a few notes
2 here. My name is Alex Adderton. I have been a home
3 inspector for past seven years, right after licensing
4 was implemented in Virginia in July of 2017. And I
5 currently serve as the Part-Time Executive Director for
6 the Virginia Association of Real Estate Inspectors; also
7 known by the acronym as VAREI, an organization that
8 supports Virginia's nearly one thousand inspectors.

9 I had the privilege of serving on the
10 Subcommittee that first reviewed the regulations in
11 accordance with the practice that licensed professionals
12 in Virginia have a regulatory review every three years;
13 of course, this would have been at the very first
14 regulatory review, after licensing was implemented for
15 home inspectors.

16 The Committee met for several times, from
17 late 2020 to early 2021. It was instructed to consider
18 that it needed to appropriate in the review a particular
19 emphasis on making home inspection licensing more
20 accessible for experienced inspectors that may be moving
21 to Virginia and who expressed frustration that, even
22 though they were experienced; some with ten or fifteen
23 years inspection under their belt, that they would have
24 to submit to a mentoring-type program, what's commonly
25 referred to in the regulations as a supervised

1 inspection. But in practice, we have called them ride
2 alongs, where they would accompany an experienced
3 inspector already licensed in Virginia. And there were
4 different requirements for different levels of numbers
5 of these types of inspections that they would accompany.

6 And the Committee focused particular
7 attention on this area of opening up the doors to
8 recognize that related experience that was being brought
9 to the table.

10 And, at this time, the Committee had three
11 licensed inspectors, as I mentioned, including myself;
12 along with some other individuals that were either on
13 ALHI Board or had construction experience.

14 So, after much discission and prompting to
15 make entry into the profession easier, the Board arrived
16 at a point system. And there's been some discussion
17 within the VAREI Board about how this actually came
18 about.

19 And one of the things that came up was,
20 with this point system, was both recognizing educational
21 experience and practical experience, or education and
22 practical experience. And the total points at that
23 Subcommittee that were recommended was to have twenty
24 points, divided among the two different areas that are
25 now recognized.

1 And, somewhere along the line -- and it has
2 been three years, over three years, since these
3 recommendations were submitted by the Subcommittee.
4 With all the regulatory reviewed processes, it's gotten
5 reduced down to a lower point level. And I would just
6 suggest there were reasons why that Subcommittee came up
7 with the recommended point total and that it should be
8 restored to what it was.

9 The other area that I would recommend is
10 for DPOR to reconsider in the Regulation actually
11 increasing the number of CE-type credits that would be
12 required for renewal of licensing.

13 And the reason for this is that, this is a
14 very emerging field with lots of new technologies. We
15 face many situations with not only new construction, but
16 new technologies and various procedures that are
17 emerging in the construction field.

18 But we're also dealing with old homes,
19 homes that have been renovated by less-than-qualified
20 contractors. We're looking at handyman-type repairs
21 that have been made, based on one's sense of what is
22 good or not good.

23 And we're aligned with the purposes of DPOR
24 to protect the best interest and safety of the public,
25 and that would be our clients, obviously, that we're

1 doing these inspections for. And it just seems that we
2 need to not lower the bar, but we need to, even as a
3 minimum standard, raise it to be more in line with
4 keeping home inspectors on the top of their games, that
5 they're doing the best jobs, based on the education and
6 experience that they have.

7 MR. MATHEWS: Your five minutes is up.

8 MISS PARRIS: Sir, your five minutes has
9 expired.

10 MR. ADDERTON: Okay.

11 MISS PARRIS: What you can do, if you want
12 to submit anything else in writing, or if you're able to
13 do that; but, unfortunately, we have to limit all
14 comments to five minutes.

15 MR. ADDERTON: I'm actually finished, so I
16 don't have anything else to say. That was the last
17 point.

18 MISS PARRIS: Oh, perfect.

19 Did you have something to add?

20 MR. SIMMS: Yes, ma'am. Thank you.

21 I didn't do a proper introduction. I'm
22 Tillman Simms. I'm the president of VAREI. This is our
23 executive director, and this is Hollis. And Alex did a
24 great job. I knew he would. So I concur with what he
25 said. But I didn't do a proper introduction: Tillman,

1 Simms, President of VAREI.

2 MISS PARRIS: And you're the president?

3 MR. SIMMS: Yes, ma'am.

4 MISS PARRIS: And, Mr. Brown, what is your
5 title?

6 MR. BROWN: I'm a charter member.

7 MISS PARRIS: Okay. I just wanted to make
8 sure I have all that correct.

9 Well I don't think anyone is here to
10 provide a rebuttal statement. So, since there is no
11 further comment today, I declare this Public Hearing
12 closed. We do thank you all for coming.

13 Like I said, if you want to submit anything
14 else in writing, via e-mail, fax, you can certainly do
15 that.

16 And also, Mr. Simms, as we talked about,
17 please sign for updates on Town Hall.

18 MR. SIMMS: Right.

19 THE COURT: Thank you. You'll have access
20 to everything.

21 Thank you all.

22 MR. SIMMS: Thank you.

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25 (Whereupon the Public Hearing concluded at 2:15 p.m.)

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1 CERTIFICATE OF COURT REPORTER

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3
4 I, Dawn Testa, hereby certify that I was
5 the Court Reporter at the Board for Asbestos, Lead, and
6 Home Inspectors Regulatory Public Hearing heard in the
7 County of Henrico, Virginia, on August 15, 2024, at the
8 time of the hearing herein.

9 I further certify that the foregoing
10 transcript is, to the best of my ability, a true and
11 accurate record of the testimony and incidents of the
12 hearing herein.

13 Given under my hand this 15th day of
14 August, 2024.

15 *Dawn Testa*

16 Dawn Testa
17 Notary Registration No. 7811201

18
19 My Commission Expires:
20 August 31, 2027
21
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25

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1 Project 6496 - Proposed

2 Virginia Board For Asbestos, Lead, And Home Inspectors

3 2020-2021 General Review of Home Inspector Licensing Regulations

4 18VAC15-40-10. Definitions.

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

7 "Board"

8 "Home inspection"

9 "Home inspector"

10 "Person"

11 "Residential building"

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

14 "Bonding"

15 "Corrugated stainless steel tubing"

16 "Grounding"

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

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

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

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

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

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

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

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

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

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

33 "CPE" means continuing professional education.

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

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

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

39 "Financial interest" means financial benefit accruing to an individual or to a member of his that
40 individual's immediate family. Such interest shall exist by reason of (i) ownership in a business if
41 the ownership exceeds 3.0% of the total equity of the business; (ii) annual gross income that
42 exceeds or may be reasonably anticipated to exceed \$1,000 \$2,000 from ownership in real or
43 personal property or a business; (iii) salary, other compensation, fringe benefits, forgiveness of
44 debt, or benefits from the use of property, or any combination of # these, paid or provided by a
45 business person that exceeds or may be reasonably expected to exceed \$1,000 \$2,000 annually;

46 (iv) ownership of real or personal property if the interest exceeds ~~\$1,000~~ \$2,000 in value and
47 excluding ownership in business, income, salary, other compensation, fringe benefits, or benefits
48 from the use of property; (v) personal liability incurred or assumed on behalf of a business if the
49 liability exceeds 3.0% of the asset value of the business; or (vi) an option for ownership of a
50 business, real property, or personal property if the ownership interest will consist of clause (i) or
51 (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 "Good working order" means, with respect to a smoke alarm inspected during a home
58 inspection, that the smoke alarm is securely attached, not physically damaged, and operation of
59 the test function is successful.

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

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

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

68 "NRS specialty" means a designation granted by the board to a home inspector that
69 authorizes such individual licensee to conduct a home inspections inspection on any a new
70 residential structure.

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

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

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

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

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

81 "Renewal" means the process and requirements for periodically approving the continuance of
82 a license.

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

85 "Smoke alarm" means (i) a single station or multiple station alarm responsive to smoke; or (ii)
86 a "smoke detector" as used in Chapter 398 of the 2022 Acts of Assembly.

87 ~~"Solid fuel burning fuel-burning appliances" means a hearth and fire chamber or similarly
88 prepared place in which a fire may be built and that is built in conjunction with a chimney, or a
89 listed assembly of a fire chamber, its chimney and related factory-made parts designed for unit
90 assembly without requiring field construction chimney-connected devices that burn solid fuel for~~

91 purposes of heating, cooking, or both. Such appliances include wood stoves, fireplace wood-
92 burning inserts, wood pellet-burning appliances, or similar solid fuel-burning devices.

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

95 "Virginia Residential Code" means the provisions of the Virginia Construction Code (Part I
96 (13VAC5-63-10 ~~et seq.~~ through 13VAC5-63-390) of 13VAC5-63) applicable to R-5 residential
97 structures and ~~that~~ includes provisions of the International Residential Code as amended by the
98 Board of Housing and Community Development.

99 **18VAC15-40-20. Necessity for licensure.**

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

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

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

108 **18VAC15-40-25. Application procedures.**

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

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

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

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

120 C. The applicant will be notified within 30 days of the board's receipt of an initial application if
121 the application is incomplete. An individual who fails to complete the application process within
122 12 months of receipt of the application in the board's office must submit a new application.

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

125 **18VAC15-40-30. General requirements for licensure.**

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

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

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

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

134 1. All misdemeanor convictions ~~involving moral turpitude, sexual offense, non-marijuana~~
135 ~~drug distribution, or physical injury, except marijuana convictions,~~ within ~~five~~ three years
136 of the date of the application; and

137 2. All felony convictions ~~during the applicant's lifetime.~~

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

139 The record of conviction received from a court shall be accepted as prima facie evidence of a
140 conviction or finding of guilt. The board, in its discretion, may deny licensure to any applicant in
141 accordance with § 54.1-204 of the Code of Virginia.

142 E. The applicant for licensure shall must be in compliance with the standards of conduct and
143 practice set forth in Part V (18VAC15-40-140 ~~et seq.~~ through 18VAC15-40-180) of this chapter at
144 the time of application, while the application is under review by the board, and at all times when
145 the license is in effect.

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

158 G. The applicant for licensure shall must submit evidence satisfactory to the board of having
159 obtained general liability insurance with minimum limits of \$250,000 per occurrence. A business
160 liability insurance policy or a commercial general liability insurance policy with minimum limits of
161 \$250,000 may be considered to meet such requirement, so long as the applicant is listed as an

162 additional insured. If for any reason the board cannot reasonably ensure that the applicant is
 163 sufficiently covered in accordance with this subsection, the board may require that requisite
 164 coverage be obtained in the name of the applicant. Proof of such insurance policy must be
 165 submitted in order to obtain the license.

166 **18VAC15-40-32. Qualifications for licensure.**

167 A. Qualifications for licensure. An applicant for licensure as a home inspector shall must
 168 furnish documentation acceptable to the board that ~~one of the qualifications for licensure in Table~~
 169 ~~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

170 B. ~~Prelicense education courses must be approved by the board pursuant to Part VI~~
 171 ~~(18VAC15-40-200 et seq.) of this chapter. No more than half of the required hours may be~~
 172 ~~completed using distance or online education technology.~~

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

176 D. ~~The National Home Inspector Examination provided by the Examination Board of~~
 177 ~~Professional Home Inspectors is the board-approved examination pursuant to § 54.1-517.2 A 2 c~~
 178 ~~of the Code of Virginia. of the following:~~

179 1. The applicant has passed a board-approved examination. The National Home Inspector
 180 Examination provided by the Examination Board of Professional Home Inspectors is the
 181 board-approved examination pursuant to § 54.1-517.2 A 2 c of the Code of Virginia.

182 2. A minimum of 15 qualifying points from a combination of the following education and
 183 experience, with a minimum of five points from each category in Tables 1 and 2. An
 184 applicant cannot be assigned points from multiple areas in each table for the same activity
 185 for which credit is being sought. Except as provided in Tables 1 and 2, an applicant cannot
 186 be assigned points multiple times for the same activity for which credit is 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 three credit-hour minimum class with a passing grade in home inspection from an accredited college or university pursuant to 18VAC15-40-32 C.</u>	<u>5</u>
<u>1</u>	<u>Successfully completed a three 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 C.*</u>	<u>3</u>
<u>1</u>	<u>Successfully completed a four-hour minimum 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 prelicense education course approved by the board in accordance with Part VI (18VAC15-40-200 through 18VAC15-40-300) of this chapter.</u>	<u>5</u>

<u>10</u>	<u>Successfully completed a minimum 70-hour prelicense education course approved by the board in accordance with Part VI (18VAC15-40-200 through 18VAC15-40-300) of this chapter.</u>	<u>10</u>
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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 subsection B of this section.*</u>	<u>12</u>
<u>1</u>	<u>Completion of five 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 (§ 54.1-1100 et seq.) 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 (§ 54.1-1100 et seq.) 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 (§ 54.1-400 et seq.) 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).</u>	<u>2</u>
* Points may be assigned multiple times for this activity.		

187 B. Qualifying experience. In order to be acceptable, qualifying experience must meet all of the
188 following:

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

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

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

198 a. A month of full-time qualifying experience is a minimum of 146 hours during a one-
199 month period or a minimum of 18 workdays in a one-month period. More than 146
200 hours or 18 workdays during a one-month period will not be considered as more than
201 one month of full-time employment.

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

204 C. Accredited colleges or universities and verification procedures. An applicant seeking to
205 qualify for licensure based on completion of a class from an accredited college or university must
206 submit an official transcript from the school where the applicable class was completed. Only
207 classes from an accredited college or university that is approved or accredited by the Commission
208 on Colleges of the Southern Association of Colleges and Schools, a regional or national
209 accreditation association, or by an accrediting agency that is recognized by the U.S. Secretary of
210 Education will be considered. An applicant seeking to qualify for licensure based on working or
211 teaching at an accredited college or university must submit evidence satisfactory to the board of
212 employment by the college or university. Only employment with an accredited college or university

213 that is approved or accredited by ~~the Commission on Colleges of the Southern Association of~~
214 ~~Colleges and Schools,~~ a regional or national accreditation, or by an accrediting agency that is
215 recognized by the U.S. Secretary of Education will be considered.

216 **18VAC15-40-33. Examination conduct.**

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

224 **18VAC15-40-35. Qualifications for the new residential structure specialty.**

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

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

230 2. Submit proof of successful completion of an NRS training module approved by the board
231 pursuant to Part VI (18VAC15-40-200 ~~et seq.~~ through 18VAC15-40-300) of this chapter
232 and completed no more than two years prior to the date of application.

233 **18VAC15-40-48. General fee requirements.**

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

237 18VAC15-40-50. Fees.

238 A. The following table lists 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

239 For licenses expiring after February 1, 2020, and before February 1, 2022, the renewal fees

240 shall be as follows:

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

241 For reinstatement applications received after March 1, 2020, and on or before February 28,

242 2022, the reinstatement fees shall be as follows:

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

243 B. For licenses expiring after February 1, 2022, and before February 1, 2024, the renewal

244 fees shall be as follows:

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

245 ~~C. For reinstatement applications received after March 1, 2022, and on or before February~~
246 ~~29, 2024, the reinstatement fees shall be as follows:~~

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

247 **18VAC15-40-60. Renewal required.**

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

250 **18VAC15-40-72. Continuing professional education required for home inspector licensure.**

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

254 B. Notwithstanding the provisions of 18VAC15-40-75, the subject matter addressed during
255 CPE contact hours ~~shall be~~ is limited to the content areas covered by the board's approved
256 examination and the list of acceptable topics provided in 18VAC15-40-73.

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

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

262 **18VAC15-40-73. Acceptable topics for continuing professional education.**

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

265 1. Site conditions;

- 266 2. Exterior components;
- 267 3. Roof components;
- 268 4. Structural components;
- 269 5. Electrical systems;
- 270 6. Cooling systems;
- 271 7. Heating systems;
- 272 8. Insulation, moisture management systems, and ventilation systems;
- 273 9. Mechanical exhaust systems;
- 274 10. Plumbing systems;
- 275 11. Interior components;
- 276 12. Fireplaces, fuel-burning appliances, chimney, and vent systems;
- 277 13. Common permanently installed kitchen appliances;
- 278 14. Home inspection reporting requirements;
- 279 15. Responsibilities to the client, including required home inspection contract elements;
- 280 16. Laws and regulations applicable to the profession; and
- 281 17. Content areas covered by the board's approved examination.

282 B. In addition to the topics provided in subsection A of this section, a licensee may receive a
283 maximum of four contact hours of CPE credit for completion of training required to maintain
284 credentials related to home inspection services, including asbestos inspection, lead inspection,
285 and radon testing.

286 C. A licensee may apply completion of the NRS CPE course, as applicable, toward the 16
287 contact hours of CPE required for license renewal.

288 **18VAC15-40-75. Board-approved new residential structure update continuing professional**
289 **education course required to maintain new residential structure specialty.**

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

293 B. A licensee who has taken the initial NRS training module pursuant to subdivision 2 of
294 18VAC15-40-35 no more than one year before the expiration date on the license will not require
295 proof of the NRS CPE course for that renewal. All other requirements for renewal must be met in
296 order to renew the license and the home inspector is still required to have completed all other
297 CPE requirements pursuant to this chapter.

298 **18VAC15-40-76. Continuing professional education for instructors.**

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

304 **18VAC15-40-78. Maintenance of continuing professional education records.**

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

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

312 2. The dates the ~~applicant~~ licensee participated in the training;
313 3. Descriptive material of the subject matter presented documenting that ~~it~~ the subject
314 matter covers the content areas covered by the board's examination or the list of
315 acceptable topics provided in 18VAC15-40-73; and

316 4. A statement from the provider verifying the number of CPE contact hours completed.

317 B. The board may conduct an audit of its licensees to ensure compliance with the applicable
318 CPE requirements. Licensees who are selected for audit ~~shall~~ must provide the necessary
319 documentation stipulated in this section.

320 C. The licensee may request additional time to meet the CPE requirement; however, CPE
321 hours earned during a license renewal cycle to satisfy the CPE requirement of the preceding
322 license renewal cycle ~~shall~~ will be valid only for that preceding license renewal cycle.

323 **18VAC15-40-80. Procedures for renewal.**

324 A. Prior to the expiration date shown on the license, the board ~~shall~~ will **mail send** a renewal
325 notice to the licensee's address of record.

326 B. Prior to the expiration date shown on the license, ~~the~~ a licensee desiring to renew ~~his~~ a
327 license ~~shall~~ must **return submit** to the board ~~the renewal notice~~ (i) a completed renewal
328 application, (ii) proof of insurance required by 18VAC15-40-30, (iii) proof of completion of CPE, in
329 accordance with 18VAC15-40-72, and (iv) the appropriate fee specified in 18VAC15-40-50.

330 C. ~~Prior to the expiration date shown on the license~~ In addition to the requirements of
331 subsection B of this section, a licensee with the NRS specialty must submit proof of completion
332 of four hours of board-approved NRS CPE, in accordance with 18VAC15-40-75, ~~along with the~~
333 ~~renewal notice and the appropriate fee specified in 18VAC15-40-50.~~

334 D. Failure to receive the renewal notice does not relieve the licensee of the obligation to
335 renew. ~~If the licensee fails to receive the renewal notice, a copy of the license may be submitted~~
336 ~~with the required fee and any other required documentation as an application for renewal.~~ The
337 date on which the renewal application is received by the department or its the department's agent
338 will determine whether the renewal application was received on time.

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

342 **18VAC15-40-90. Reinstatement.**

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

346 B. All applicants for reinstatement ~~shall~~ must meet all requirements set forth in 18VAC15-40-
347 30, 18VAC15-40-72, and 18VAC15-40-75, as applicable.

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

354 D. By submitting the reinstatement application, the individual is affirming ~~that he is in~~ continued
355 compliance with this chapter.

356 **18VAC15-40-105. Status of licensee during the period prior to reinstatement.**

357 A. A licensee who reinstates his a license ~~shall~~ will be regarded as having been continuously
358 licensed without interruption ~~and shall~~; will remain under the disciplinary authority of the board
359 during this entire period; and ~~shall~~ will be held accountable for his the licensee's activities during
360 this period.

361 B. Any regulated activity conducted subsequent to the license expiration date may constitute
362 unlicensed activity and be subject to prosecution under Chapter 1 (§ 54.1-100 et seq.) of Title
363 54.1 of the Code of Virginia.

364 **18VAC15-40-108. License renewal or reinstatement after July 1, 2017. (Repealed.)**

365 ~~A licensee eligible for renewal or reinstatement on or after July 1, 2017, shall be required to~~
366 ~~meet the requirements of this part as amended effective July 1, 2017, upon submittal of the~~
367 ~~renewal or reinstatement application, as applicable.~~

368 **18VAC15-40-120. Home inspection contract.**

369 A. For the protection of both the client and the licensee, both parties ~~shall~~ must sign a legible,
370 written contract clearly specifying the terms, conditions, and limitations and exclusions of the work
371 to be performed. Prior to the commencement of work or acceptance of payments, the contract
372 must be signed by both (i) the client or the client's authorized representative and (ii) the licensee.
373 The licensee must make prompt delivery to the client or client's authorized representative a fully
374 executed copy of the contract in compliance with this section before work begins. Any modification
375 to the contract that changes the cost, scope of work to be performed, or estimated completion
376 date must be in writing and signed by all parties.

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

378 1. ~~Name, business name (if applicable), business address, and telephone number of the~~
379 ~~home inspector~~ The following information applicable to the home inspector:

- 380 a. Name;
- 381 b. Business name, if applicable;
- 382 c. Address;
- 383 d. Telephone number, email address, or other contact information, as applicable; and
- 384 e. License number and notation of NRS specialty, if applicable.
- 385 ~~2. License number of the home inspector, and notation of NRS specialty, if applicable.~~
- 386 ~~3. 2. Name of the clients client.~~
- 387 ~~4. 3. Physical address of the residential property building or NRS to be inspected.~~
- 388 ~~5. 4. Cost of the home inspection.~~
- 389 ~~6. 5. A listing of all areas and systems to be inspected, including those inspections that~~
- 390 ~~are either partial or limited in scope.~~
- 391 ~~7. 6. A statement in the contract that the home inspection does not include a review for~~
- 392 ~~compliance with regulatory requirements (Virginia Uniform Statewide Building Code or~~
- 393 ~~other codes, regulations, laws, or ordinances, etc.).~~
- 394 ~~8. To the extent that any of the following categories are not covered by the home~~
- 395 ~~inspection, they shall be noted as exclusions in the inspection contract 7. A statement~~
- 396 ~~disclosing any exclusions to the home inspection. Such exclusions may include the~~
- 397 ~~following:~~
- 398 a. The condition of systems or components that are not readily accessible.
- 399 b. The remaining life of any system or component.
- 400 c. The strength, adequacy, effectiveness, or efficiency of any system or component.
- 401 d. The causes of any condition or deficiency.

- 402 e. The methods, materials, or costs of corrections.
- 403 f. Future conditions, including failure of systems and components.
- 404 g. The suitability of the property for any specialized use.
- 405 h. The market value of the property or its marketability.
- 406 i. The advisability of the purchase of the property.
- 407 j. The presence of diseases harmful to humans or potentially hazardous plants or
- 408 animals, including ~~wood-destroying~~ wood-destroying organisms and mold.
- 409 k. The presence of any environmental hazards, including toxins, carcinogens, noise,
- 410 asbestos, lead-based paint, mold, radon, and contaminants in soil, water, and air.
- 411 l. The effectiveness of any system installed, or methods utilized to control or remove
- 412 suspected hazardous substances.
- 413 m. The operating costs of systems or components.
- 414 n. The acoustical properties of any system or component.
- 415 o. The presence of components involved in manufacturer's recalls.
- 416 p. The inspection of outbuildings.
- 417 ~~To the extent any other items are not specifically included in the home inspection by~~
- 418 ~~agreement of the parties, they shall also be noted as exclusions in the home inspection~~
- 419 ~~contract.~~
- 420 ~~9. 8.~~ Estimated delivery date of the home inspection report to the client ~~of the home~~
- 421 ~~inspection report.~~
- 422 ~~10. 9.~~ Dated signatures of both the home inspector and the client or the client's authorized
- 423 representative.

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

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

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

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

435 D. The requirements of 18VAC15-40-130 D regarding smoke alarms will not be excluded from
436 the home inspection contract.

437 E. If the home inspector recommends a person to the client for repairs or modifications to the
438 inspected property, the home inspector shall disclose to the client all financial interests that the
439 home inspector has with the recommended person. The disclosure shall be written within the
440 home inspection contract.

441 F. The home inspection contract must disclose any financial interest that the licensee has or
442 reasonably expects to have with any person whom the licensee recommends to the client for the
443 repairs or modifications to the residential building or NRS.

444 G. If the home inspector has designed or performed repairs or modifications to, or has
445 inspected, the residential building or NRS to be inspected within the preceding 12 months, the
446 home inspection contract must disclose to the client the specifics of the repairs or modifications
447 the home inspector designed or performed or any inspection the home inspector performed.

448 **18VAC15-40-130. Home inspection report.**

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

453 B. Home inspection reports ~~shall~~ must contain:

454 1. Information pertaining to the licensee, including:

455 a. Licensee's name Name;

456 b. ~~Business address~~ Address;

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

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

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

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

463 4. The date, ~~time,~~ time, to include both start and finish times of the home inspection, ~~and~~
464 weather conditions at the time of the home inspection.

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

470 1. Structural system.

- 471 a. Foundation.
- 472 b. Framing.
- 473 c. Stairs.
- 474 d. Crawl space; ~~the~~ The method of inspecting the crawl space shall must be noted
475 and explained in the home inspection report. ~~If the crawl space cannot be inspected,~~
476 ~~the licensee shall explain in the home inspection report why this component was not~~
477 ~~inspected.~~
- 478 e. Crawl space ventilation and vapor barriers.
- 479 f. Slab floor, ~~when present.~~
- 480 g. Floors, ~~ceilings, and walls.~~
- 481 h. Ceilings.
- 482 i. Walls.
- 483 2. Roof structure, attic, and insulation systems and components.
- 484 a. Roof covering. The method of inspecting the roof covering shall must be noted and
485 explained in the home inspection report. ~~If the roof covering cannot be inspected, the~~
486 ~~licensee shall explain in the home inspection report why this component was not~~
487 ~~inspected.~~
- 488 b. Roof ventilation.
- 489 c. Roof drainage system, to include gutters and downspouts.
- 490 d. Roof flashings, if readily visible.
- 491 e. Skylights, chimneys, and roof penetrations, but not antennae or other roof
492 attachments.

- 493 f. Roof framing and sheathing.
- 494 g. Attic, ~~unless area is not readily accessible.~~
- 495 h. Attic insulation.
- 496 3. ~~Exterior of residential building or NRS~~ systems and components.
- 497 a. Wall covering, flashing, and trim.
- 498 b. ~~Readily accessible doors~~ Doors and windows, ~~but.~~ This does not include the
- 499 operation of associated security locks, devices, or systems.
- 500 c. Decks, balconies, stoops, steps, porches, attached garages, carports, and any
- 501 associated railings that are adjacent to the residential building or NRS and on the same
- 502 property ~~but.~~ This does not include associated screening, shutters, awnings, storm
- 503 windows, detached garages, or storm doors.
- 504 d. Eaves, soffits, and fascias where readily accessible from ground level.
- 505 e. Walkways, grade steps, patios, and driveways, ~~but.~~ This does not include fences or
- 506 privacy walls.
- 507 f. Vegetation, trees, grading, drainage, and any retaining walls adjacent to the
- 508 residential building or NRS.
- 509 g. Visible exterior portions of chimneys.
- 510 4. ~~Interior of residential building or NRS~~ systems and components.
- 511 a. Interior walls, ceilings, and floors of the residential building or NRS and any adjacent
- 512 garage.
- 513 b. Steps, stairways, railings, and balconies and associated railings.
- 514 c. Countertops and installed cabinets, including hardware.

515 d. Doors and windows, ~~but~~. This does not include the operation of associated security
516 locks, devices, or systems.

517 e. Garage doors and permanently mounted and installed garage door operators. The
518 automatic safety reverse function of garage door openers shall must be tested, either
519 by physical obstruction as specified by the manufacturer, or by breaking the beam of
520 the electronic photo eye but only when the test can be safely performed and will not
521 risk damage to the door, the opener, any nearby structure, or any stored items.

522 f. Fireplaces, venting systems, hearths, dampers, and fireboxes, ~~but~~. This does not
523 include mantles, fire screens and doors, or seals, and gaskets.

524 g. Solid ~~fuel-burning~~ fuel-burning appliances, ~~if applicable~~.

525 5. Plumbing system.

526 a. Interior water supply and distribution systems, including water supply lines and all
527 fixtures and faucets, ~~but~~. This does not include water conditioning systems or fire
528 sprinkler systems.

529 b. Water drainage, waste, and vent systems, including all associated fixtures.

530 c. Drainage sumps, sump pumps, and related piping.

531 d. Water heating equipment, including energy source and related vent systems, flues,
532 and chimneys, ~~but~~. This does not include solar water heating systems.

533 e. Fuel storage and distribution systems ~~for visible leaks~~.

534 6. Electrical system.

535 a. Service drop.

536 b. Service entrance conductors, cables, and raceways.

537 c. Service equipment and main disconnects.

- 538 d. Service grounding.
- 539 e. Interior components of service panels and sub panels, including feeders.
- 540 f. Conductors.
- 541 g. Overcurrent protection devices.
- 542 h. ~~Readily accessible installed~~ Installed lighting fixtures, switches, and receptacles.
- 543 i. Ground fault circuit interrupters.
- 544 j. Presence or absence of smoke alarms or carbon monoxide detectors.
- 545 k. Presence of solid conductor aluminum branch circuit wiring.
- 546 l. Arc fault interrupters ~~shall~~ must be noted if installed but not tested if equipment is
- 547 attached to them.
- 548 7. Heating system.
- 549 a. Heating equipment, including operating controls, ~~but~~ This does not include heat
- 550 exchangers, gas logs, built-in gas burning appliances, grills, stoves, space heaters,
- 551 solar heating devices, or heating system accessories such as humidifiers, air purifiers,
- 552 motorized dampers, and heat reclaimers.
- 553 b. Energy source.
- 554 c. Heating distribution system.
- 555 d. Vent systems, flues, and chimneys, including dampers.
- 556 8. Air conditioning system.
- 557 a. Central and installed wall air conditioning equipment.
- 558 b. Operating controls, access panels, and covers.
- 559 c. Energy source.

560 d. Cooling distribution system.

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

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

568 ~~D.~~ F. For any smoke alarms that are readily accessible in the residential building or NRS, the
569 home inspection report must include a determination of whether the smoke alarms are in good
570 working order as defined in 18VAC15-40-10.

571 1. A home inspector is not required to operate the test function of a smoke alarm if the
572 smoke alarm is part of a central alarm system or security system in which such testing will
573 automatically alert a fire department or other authority. To the extent the home inspector
574 is unable to determine whether testing will cause an automatic alert, the home inspector
575 is not required to operate the test function of the smoke alarm.

576 2. If a smoke alarm is not readily accessible or there are any limitations in determining
577 whether it is in good working order, the home inspection report must state that it is not
578 readily accessible or describe such limitations, as applicable.

579 3. The home inspection report must include the substance of the following: It is
580 recommended that a home have smoke alarms on each level of the dwelling and in every
581 bedroom or sleeping area. Clients should replace any existing smoke alarms that are not
582 in good working order with new ones and install smoke alarms where they may be missing
583 or not properly located. Any test of a smoke alarm during a home inspection only reflects

584 its condition at the time of inspection and is not a guarantee, warranty, or any form of
585 insurance. A test performed during the home inspection does not supersede the smoke
586 alarm manufacturer's testing recommendations. Clients should follow the manufacturer's
587 instructions for proper placement, installation, and maintenance.

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

596 **18VAC15-40-140. Conflict of interest.**

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

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

603 2. Perform a home inspection of a residential building or NRS upon which ~~he~~ the licensee
604 has designed or performed repairs or modifications within the preceding 12 months
605 without disclosing to the client in the home inspection contract the specifics of the repairs
606 or modifications ~~he~~ the licensee designed or performed;

607 3. Refer ~~his~~ the licensee's client to another person to make repairs or modifications to a
608 residential building or NRS on which ~~he~~ the licensee has performed a home inspection
609 unless, in accordance with 18VAC15-40-120 D, ~~he~~ the licensee provides written
610 documentation to ~~his~~ the licensee's client that clearly discloses ~~all~~ any financial interests
611 interest that the licensee has or reasonably expects to have with the person who is
612 recommended for the repairs or modifications;

613 4. Represent the ~~financial~~ interests, either personally or through ~~his~~ employment, of any
614 of the parties to the transfer or sale of a residential building or NRS on which ~~he~~ the
615 licensee has performed a home inspection without disclosing such fact to the client; or

616 5. Perform a home inspection of a residential building or NRS under a contingent
617 agreement whereby any compensation or future referrals are dependent on the reported
618 findings or on the sale of the property.

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

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

626 D. The licensee ~~shall~~ must not accept nor offer commissions or allowances, directly or
627 indirectly, from other parties dealing with the client in connection with ~~work for which the licensee~~
628 ~~is responsible~~ the home inspection. Additionally, the licensee ~~shall~~ must not enter into any
629 financial relationship with any party that may compromise the licensee's commitment to the best
630 interest of ~~his~~ the licensee's client.

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

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

639 **18VAC15-40-145. Competency for assignments.**

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

642 B. A licensee ~~shall~~ must not misrepresent to a prospective or existing client or employer ~~his~~
643 the licensee's qualifications ~~and or~~ the scope of ~~his~~ the licensee's responsibility in connection with
644 a home inspection.

645 **18VAC15-40-150. Grounds for disciplinary action.**

646 The board has the power to place a licensee on probation, may reprimand, impose a monetary
647 penalty in accordance with § 54.1-202 A of the Code of Virginia, fine, or revoke, or suspend, or
648 refuse to renew a license in accordance with § 54.1-516 of the Code of Virginia when the licensee
649 has been found to have violated or cooperated with others in violating any provision of the
650 regulations of the board or Chapter 1 (§ 54.1-100 et seq.), 2 (§ 54.1-200 et seq.), 3 (§ 54.1-300
651 et seq.), or 5 (§ 54.1-500 et seq.) of Title 54.1 of the Code of Virginia or this chapter.

652 **18VAC15-40-152. Notice of adverse action.**

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

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

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

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

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

671 **18VAC15-40-155. Prohibited acts.**

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

674 1. Violating, including inducing another to violate, cooperating with another to violate, or
675 combining or conspiring with or acting as agent, partner, or associate for another to violate
676 any of the provisions of Chapter 1 (§ 54.1-100 et seq.), 2 (§ 54.1-200 et seq.), 3 (§ 54.1-

677 300 et seq.), or 5 (§ 54.1-500 et seq.) of Title 54.1 of the Code of Virginia or any of the
678 regulations of the board.

679 2. Obtaining or attempting to obtain a license by false or fraudulent representation;
680 maintaining, renewing, or reinstating a license by false or fraudulent representation; or
681 furnishing substantially inaccurate or incomplete information to the board in obtaining,
682 renewing, reinstating, or maintaining of a license.

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

687 ~~3. Violating or inducing another person to violate any of the provisions of Chapter 1, 2, 3,~~
688 ~~or 5 of Title 54.1 of the Code of Virginia or this chapter.~~

689 ~~4. A licensee having~~ 3. Failing to maintain the insurance policy required pursuant to
690 18VAC15-40-30 G.

691 4. Failing to report a change or maintain records pursuant to 18VAC15-40-160.

692 5. Having been convicted, or found guilty, in any jurisdiction or disciplined by any
693 jurisdiction, board, or administrative body in any jurisdiction of any offense or violation
694 enumerated in 18VAC15-40-152. Review of convictions shall will be subject to the
695 requirements of § 54.1-204 of the Code of Virginia.

696 ~~5.~~ 6. Failing to inform the board in writing within 30 days that the licensee was convicted,
697 or found guilty, in any jurisdiction or disciplined in by any jurisdiction, board, or
698 administrative body of any offense or violation enumerated in 18VAC15-40-152.

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

- 700 7. ~~Engaging~~ Failing to use a contract that complies with 18VAC15-40-120.
- 701 8. Failing to produce a home inspection report that complies with 18VAC15-40-130.
- 702 9. Failing to comply with the requirements of 18VAC15-40-140.
- 703 10. Committing an action that constitutes negligence, incompetence, or misconduct in the
- 704 practice of the profession, including:
- 705 a. Having performed a home inspection when not qualified by training or experience
- 706 to competently perform any part of the home inspection.
- 707 b. Failing to demonstrate reasonable care, judgment, or application of the required
- 708 knowledge, skill, and ability in the performance of the licensee's duties.
- 709 c. Conducting a home inspection on any new residential structure without the NRS
- 710 specialty issued by the board.
- 711 d. Having cited, stated, or represented that there exists a violation of the Virginia
- 712 Uniform Statewide Building Code (13VAC5-63) in a home inspection report or other
- 713 document prepared relative to a home inspection.
- 714 e. Advising a client as to whether the client should or should not engage in a real estate
- 715 transaction or providing an opinion of value regarding the residential building or NRS
- 716 that is the subject of the home inspection.
- 717 f. Failing to adequately supervise and review work by unlicensed individuals who are
- 718 gaining experience under the direct supervision of the licensee.
- 719 11. Committing an action that constitutes engaging in improper, fraudulent, or dishonest
- 720 conduct in conducting a home inspection
- 721 ~~8. Having performed a home inspection when not qualified by training or experience to~~
- 722 ~~competently perform any part of the home inspection.~~

723 ~~9. Failing to maintain, through training, the proficiency to perform Virginia home~~
724 ~~inspections.~~

725 ~~10. Conducting a home inspection on any new residential structure without the NRS~~
726 ~~specialty issued by the board.~~

727 ~~11. Failing to maintain the insurance policy required pursuant to 18VAC15-40-30 G.~~

728 ~~12. Failing to report a change pursuant to 18VAC15-40-160.~~

729 ~~13. Having cited, stated, or represented that there exists a violation of the Virginia Uniform~~
730 ~~Statewide Building Code (13VAC5-63) in a home inspection report or other document~~
731 ~~prepared relative to a home inspection, including:~~

732 a. Making any misrepresentation or making a false promise that might influence,
733 persuade, or induce.

734 b. Knowingly misrepresenting factual information in expressing a professional opinion.

735 c. Intentionally and without justification failing to complete work contracted for or to
736 comply with the terms in the contract.

737 d. Retaining or misapplying funds paid for which work is either not performed or
738 performed only in part.

739 12. Allowing a license issued by the board to be used by another.

740 13. Failing to comply with the requirements of 18VAC15-40-180.

741 **18VAC15-40-160. Maintenance of licenses, reports, and documentation.**

742 A. The licensee ~~shall~~ must at all times keep the board informed of his the licensee's current
743 address of record, to include the physical address, as applicable. Changes of address ~~shall~~ must
744 be reported to the board in writing within 30 calendar days after such change. A post office box is
745 acceptable as the address of record only when a physical address is also provided. The board

746 ~~shall~~ will not be responsible for the licensee's failure to receive notices, communications, and
747 correspondence caused by the licensee's failure to promptly notify the board of any change of
748 address.

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

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

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

759 **18VAC15-40-180. Response to inquiry of the board.**

760 A. A licensee must respond within 10 days to a request by the board or any of ~~its~~ the board's
761 agents regarding any complaint filed with the department.

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

767 C. A licensee ~~shall~~ must not provide a false, misleading, or incomplete response to the board
768 or any of ~~its~~ the board's agents seeking information in the investigation of a complaint filed with
769 the board.

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

772 **18VAC15-40-210. Approval of prelicense education courses.**

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

776 1. The name of the provider;

777 2. Provider contact person, address, and ~~tele~~ telephone number;

778 3. Course contact hours;

779 4. Schedule of prelicense education courses if established, including dates, times, and
780 locations;

781 5. Method of delivery;

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

785 7. Materials to be provided to students;

786 ~~8. Fees~~ Fees for prelicense education course and materials; and

787 9. Training module syllabus.

788 **18VAC15-40-220. Prelicense education course requirements.**

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

- 793 1. Site conditions;
- 794 2. Exterior components of the residential building;
- 795 3. Structural system elements;
- 796 4. Electrical system elements;
- 797 5. Heating and cooling systems;
- 798 6. Insulation, moisture management systems, and ventilation systems;
- 799 7. Plumbing systems;
- 800 8. Interior components;
- 801 9. Fireplace and chimney systems;
- 802 10. Common permanently installed appliances;
- 803 11. Inspection report requirements;
- 804 12. Responsibilities to the client, including required contract elements; and
- 805 13. Overview of the board's regulations.

806 18VAC15-40-230. Approval of new residential structures training modules and new
807 residential structures continuing professional education.

808 A training provider seeking approval of an NRS training module or NRS CPE course shall
809 must submit an application for NRS training module or NRS CPE course approval on a form
810 provided by the board. NRS training modules and NRS CPE can be provided in a classroom
811 environment, online, or through distance learning. In addition to the appropriate fee provided in
812 18VAC15-40-50, the application shall must include:

- 813 1. The name of the provider;
- 814 2. Provider contact person, address, and telephone number;

- 815 3. Module or CPE course contact hours;
- 816 4. Schedule of training module or CPE course if established, including dates, times, and
817 locations;
- 818 5. Method of delivery;
- 819 6. Instructor information, including name, license number, if applicable, and a list of trade-
820 appropriate designations, as well as a professional resume with a summary of teaching
821 experience and subject matter knowledge and qualifications acceptable to the board;
- 822 7. Materials to be provided to students;
- 823 8. Fees for NRS training module or NRS CPE course and materials; and
- 824 9. Training module syllabus.

825 **18VAC15-40-240. New residential structures training module requirements.**

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

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

832 1. Origin of the Virginia Residential Code.

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

834 b. Roles and responsibilities of the Board of Housing and Community Development
835 and the Department of Housing and Community Development.

836 c. Virginia Uniform Statewide Building Code, Part I (13VAC5-63-10 through 13VAC5-
837 63-390) of 13VAC5-63.

- 838 2. Scope of the Virginia Residential Code.
- 839 a. Purpose of the Virginia Residential Code.
- 840 b. Exemptions from the Virginia Residential Code.
- 841 c. Compliance alternatives.
- 842 d. Code official discretion in administration and enforcement of the Virginia Residential
- 843 Code.
- 844 e. Process for amending the Virginia Residential Code.
- 845 f. Code violations and enforcement.
- 846 (1) Statute of limitations.
- 847 (2) Effect of violations.
- 848 g. Examples of code and non-code violations.
- 849 3. Roles of the building code official and the home inspector, including an overview of §
- 850 36-105 of the Code of Virginia.

851 **18VAC15-40-250. New residential structures training modules and new residential**

852 **structures continuing professional education requirements.**

853 In order to qualify for NRS CPE for the renewal of home inspector licenses with the NRS

854 specialty, the NRS CPE must include a minimum of four contact hours and the syllabus ~~shall~~ must

855 encompass all of the topic areas listed in 18VAC15-40-240 for an NRS training module.

856 18VAC15-40-260. Documentation of prelicense education courses, new residential
857 structures training modules, and new residential structures continuing professional
858 education completion requirements.

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

864 18VAC15-40-270. Maintenance of records.

865 All providers of approved prelicense education courses, NRS training modules, or NRS CPE
866 courses must establish and maintain a record for each student. The record ~~shall~~ must include the
867 student's name and address, the training module or course name and hours attended, the training
868 module or course syllabus or outline, the ~~name~~ ~~or~~ names of the instructors, the date of successful
869 completion, and the board's approved training module or course identification number. Records
870 ~~shall~~ must be available for inspection during normal business hours by authorized representatives
871 of the board. Providers must maintain these records for a minimum of five years.

List: Guidance Documents to be Repealed

Title	Home Inspector Applicant's Experience Verification of Inspections Completed
Document ID	6247
Summary	Minimum requirements for home inspection experience verification.
Effective Date	8/17/2017

Title	NRS Specialty for Inspections Conducted by a Home Inspector on Homes Under Construction
Document ID	6248
Summary	The Board determined that a licensed home inspector is required to hold the NRS specialty to perform course of construction inspections.
Effective Date	8/17/2017

Title	Home Inspector Regulations; Meaning of Describe
Document ID	6266
Summary	The Board adopts the following definition of “describe” as it is used in the Home Inspector regulation: “To identify in writing a system and component by its type or other distinguishing characteristics.”
Effective Date	11/9/2017

Title	Guidance Document regarding Inspections of Specific Components of a Residential Building
Document ID	6663
Summary	Based on the definition of “home inspection” in § 54.1-500 of the Code of Virginia, an individual who does not hold a license as a home inspector and who is conducting inspections of a component or system in a residential building is not considered to be performing a home inspection
Effective Date	7/11/2019

List: Guidance Documents to be Repealed

Title	Guidance Document Regarding CPE for Home Inspectors with the NRS Specialty
Document ID	6709
Summary	Provides that a licensee who completes the initial NRS training program within one year of renewal will not be required to submit NRS CPE for that renewal. NRS CPE will be required for each subsequent renewal.
Effective Date	10/17/2019

Title	Meaning of "Direct Supervision" in 18VAC15-40-32 of the Home Inspector Licensing Regulations
Document ID	6833
Summary	Clarification of the meaning of "direct supervision" as it pertains to gaining experience to qualify for home inspector licensing.
Effective Date	4/16/2020



BOARD FOR ASBESTOS, LEAD, AND HOME INSPECTORS

GUIDANCE DOCUMENT

Home Inspector Applicant's Verification of Inspections Completed

Adopted August 17, 2017

I. Background

Section 18VAC15-40-32 of the Board's Home Inspector Licensing Regulations provides the qualifications for licensure, including the requirement that "an applicant for licensure as a home inspector shall furnish documentation acceptable to the board that one of the qualifications for licensure in Table 1 has been met." The requirements in subsection 1, 3, and 5 require completion of 100, 50, and 250 home inspections, respectively. Under the certification program, a self-employed home inspector could satisfy this requirement by submitting an experience verification form signed by the applicant along with a list of addresses.

II. Issue

The home inspector program transitioned from a voluntary certification program to a mandatory licensure program on July 1, 2017. One of the Board's responsibilities is to ensure that the applicant has met the minimum requirements for licensure and is minimally competent, and the criteria for proof of home inspections as explained above for the certification program does not seem adequate. Under the certification program, there was no criteria as to what had to be contained on the list of home inspections completed, and there was no independent verification by a third party. After researching other states with home inspector regulatory programs whose entry requirements included home inspection experience, nearly all of the programs required specific information be provided on the list of home inspections and required third-party verification.

III. Policy

Pursuant to the regulatory amendment effective July 1, 2017, the experience form has been revised to require a signature from either:

1. the home inspector providing direct supervision, if applicable, or;
2. a licensed home inspector, client, or an independent verifier (i.e., real estate professional, building official, etc.) who can verify the applicant's work experience for self-employed home inspectors who completed inspections prior to July 1, 2017.

To ensure consistency in the application of the regulations and to serve as guidance to staff and applicants, the Board adopts the following policy:

In addition to the above requirement for a third-party signature outlined above, the Board requires the list of home inspections submitted to satisfy the requirements in subsections 1, 3, and 5 of 18VAC15-40-32 of the Board's regulations as they pertain to the completion of home inspections to include, at a minimum, the following information:

- Name of home inspector;
- Date home inspection was performed;
- Client name;
- Client e-mail and/or phone number;
- Address of home inspection; and
- Signature of home inspector at the bottom of each page of the home inspection log.

Board staff is also authorized to make further inquiries and investigations with respect to the applicant's qualifications to confirm or amplify information supplied in accordance with 18VAC15-40-25.B of the Board's regulations.



BOARD FOR ASBESTOS, LEAD, AND HOME INSPECTORS

GUIDANCE DOCUMENT

NRS Specialty for Inspections Conducted by a Home Inspector when a Home is Under Construction

Adopted August 17, 2017

I. Background

Board staff has received a number of inquiries regarding the necessity for an NRS specialty for inspections conducted by a home inspector on homes during the course of construction (pre-drywall inspections, slab inspections, frame inspections, etc.).

II. Relevant Statutes

Section 54.1-500 of the Code of Virginia defines “home inspection” as:

“Any inspection of a residential building for compensation conducted by a licensed home inspector. A home inspection shall include a written evaluation of the readily accessible components of a residential building, including heating, cooling, plumbing, and electrical systems; structural components; foundation; roof; masonry structure; exterior and interior components; and other related residential housing components. A home inspection may be limited in scope as provided in a home inspection contract, provided that such contract is not inconsistent with the provisions of this chapter or the regulations of the Board. For purposes of this chapter, residential building energy analysis alone, as defined in § 54.1-1144, shall not be considered a home inspection.”

Further, § 54.1-500 provides that “‘residential building’ means for the purposes of home inspection, a structure consisting of one to four dwelling units used or occupied, or intended to be used or occupied, for residential purposes.”

Finally, § 54.1-503.E of the Code of Virginia defines “new residential structure” as “a residential structure for which the first conveyance of record title to a purchaser has not occurred, or of which a purchaser has not taken possession, whichever occurs later.”

III. Policy

The Board determined that a licensed home inspector is required to hold the NRS specialty to perform course of construction inspections.



Board for Asbestos, Lead, and Home Inspectors

Guidance Document: Definition of “Describe” as used in 18VAC15-40-130 of the Home Inspector Licensing Regulations

Adopted November 9, 2017

I. Issue

Board staff has received an inquiry regarding whether all the items listed in 18VAC15-40-130 need to be **described** in the home inspection report as referenced in the regulation. For reference, the specific language in subsection B of this regulation states:

B. In conducting a home inspection and reporting its findings, the home inspector, at a minimum, shall **inspect the condition of and shall describe in writing** *[emphasis added]* the composition or characteristics of the following readily accessible components and readily observable defects, except as may be limited in the home inspection contract agreement:

The regulation goes on to list general items such as structural system, roof structure, exterior, interior, etc. with specific items listed for each general item. This language was not amended during the 2017 regulation amendment to transition the home inspector program from certification to licensure.

Although the regulation and *Code* allow the home inspector to provide limitations in the home inspection agreement, Board staff has been asked to obtain clarification on whether all listed items must be described and the extent of such descriptions.

II. Policy

The Board adopts the following definition of “describe” as it is used in the above-referenced regulation section:

“To identify in writing a system and component by its type or other distinguishing characteristics.”¹

As an example, the Board provided that in describing the composition and characteristics of the flooring, descriptors such as “hardwood flooring” or “carpet” would be adequate, but would not necessarily have to include “oak hardwood flooring” or “*nylon* carpet” (although those could be included if known by and at the discretion of the home inspector).

¹ Derived from American Society of Home Inspectors Standards of Practice effective March 1, 2014.



Board for Asbestos, Lead, and Home Inspectors

Guidance Document: Inspections of Specific Components of a Residential Building

Adopted: May 16, 2019

Effective: July 11, 2019

I. Background

Board staff has received inquiries regarding whether a home inspector license is needed when performing inspections of limited components or systems of a residential structure. Examples provided include roof inspections, foundation inspections, HVAC inspections, etc.

II. Relevant Statutes

Section 54.1-500 of the Code of Virginia defines “home inspection” as:

“Any inspection of a residential building for compensation conducted by a licensed home inspector. A home inspection shall include a written evaluation of the readily accessible components of a residential building, including heating, cooling, plumbing, and electrical systems; structural components; foundation; roof; masonry structure; exterior and interior components; and other related residential housing components. A home inspection may be limited in scope as provided in a home inspection contract, provided that such contract is not inconsistent with the provisions of this chapter or the regulations of the Board. For purposes of this chapter, residential building energy analysis alone, as defined in § 54.1-1144, shall not be considered a home inspection.”

III. Board Guidance

Based on the definition of “home inspection” in [§ 54.1-500](#) of the Code of Virginia, an individual who does not hold a license as a home inspector and who is conducting inspections of a component or system in a residential building is not considered to be performing a home inspection.



Board for Asbestos, Lead, and Home Inspectors

Guidance Document: CPE for Home Inspectors with the NRS Specialty

*Adopted: May 16, 2019
Effective: October 17, 2019*

I. Background

Effective July 1, 2017, home inspectors conducting new residential structure (NRS) inspections are required to obtain the NRS specialty, which is achieved by successfully completing an eight-hour NRS training module approved by the Board no more than two years prior to application¹. In order to maintain the NRS specialty, a licensed home inspector must submit proof of completion of a four-hour, Board-approved NRS CPE course².

II. Issues

The NRS specialty can be added to a home inspector license at any time during the two-year license cycle. However, the renewal of the NRS specialty is simultaneous with the renewal of the home inspector license. Staff has received a number of inquiries from home inspectors with the NRS specialty who took the initial training module within the last few months and would have to take the NRS CPE course in order to renew the license. For example, the NRS CPE course was taken and the NRS specialty added to the license in January 2019. The license expired July 31, 2019. Would the NRS CPE course be required so soon after the initial NRS CPE training module was completed?

III. Board Guidance

¹ See 18VAC15-40-35 of the Home Inspector Licensing Regulations

² See 18VAC15-40-75 of the Home Inspector Licensing Regulations

Because there are few, if any, changes in the NRS courses (initial and CPE) in such a short time period, the Board adopts the following guidance:

A home inspector license with the NRS specialty wherein the initial NRS training module pursuant to 18VAC15-40-35.2 of the Home Inspector Licensing Regulations was taken no more than **one year** before the expiration date on the license, will not require proof of the NRS CPE course pursuant to 18VAC15-40-75 for that renewal. For example, a home inspector license with the NRS specialty expires July 31, 2019. If the initial NRS training module was completed on or after August 1, 2018, the NRS CPE course would not be required to renew the license for that license cycle. The NRS CPE course will be required to have been completed during each subsequent renewal cycle in order to maintain the NRS specialty.

All other requirements for renewal must be met in order to renew the license and the home inspector is still required to have completed 16 contact hours of CPE during the license cycle pursuant to 18VAC15-40-72.



Board for Asbestos, Lead, and Home Inspectors

Guidance Document: Meaning of Direct Supervision as used in 18VAC15-40-32

Effective April 16, 2020

I. Background

To satisfy the experience requirement for Home Inspector license, applicants shall submit verification of experience as defined in 18VAC15-40-32 A of the Board's regulations:

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
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Those verifying experience gained after July 1, 2017 (the effective date of licensure regulations) are required to verify either 25 or 50 home inspections completed under the direct supervision of a home inspector. 18VAC15-40-32 C stipulates that home inspections completed under the direct supervision of a home inspector must be provided by an individual who was properly licensed or certified by the board during the applicable time period.

Section 54.1-500 of the Code of Virginia provides the following definition:

"Home inspection" means any inspection of a residential building for compensation conducted by a licensed home inspector. A home inspection shall include a written evaluation of the readily accessible components of a residential building, including heating, cooling, plumbing, and electrical systems; structural components; foundation; roof; masonry structure; exterior and interior components; and other related residential housing components. A home inspection may be limited in scope as provided in a home inspection contract, provided that such contract is not inconsistent with the provisions of this chapter or the regulations of the Board. For purposes of this chapter, residential building energy analysis alone, as defined in § 54.1-1144, shall not be considered a home inspection.

II. Issue

The purpose for experience, among other qualifications for licensure, is to ensure those obtaining licensure as a home inspector are minimally competent to perform home inspections and do so in a manner that protects the health, safety, and welfare of the public. Direct supervision is not defined in § 54.1-500 of the Code of Virginia or the Board's regulations. As such, there is concern that those gaining experience for licensure under the "supervision" of a licensed home inspector are not being adequately trained and may not be exposed to critical components of a home inspection, including evaluating the readily accessible components of

residential housing, preparation of the written evaluation (report), or understanding the scope and limitations of a home inspection contract.

III. Policy

To ensure consistency in the application of the regulations and to serve as guidance to staff, the Board adopts the following definition of “direct supervision” as it is used in 18VAC15-40-32:

“Direct supervision” means a licensed home inspector being physically present on the premises at all times while an unlicensed individual gaining experience pursuant to 18VAC15-40-32 conducts activities related to a home inspection as defined in § 54.1-500 of the Code of Virginia and such licensed home inspector is at all times responsible for the home inspection and its resulting report.
