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

THURSDAY, NOVEMBER 30, 2023, 9:00 A.M. BOARD ROOM 2—SECOND FLOOR

gopics for discussion. DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION PERIMETER CENTER-9960 MAYLAND DRIVE RICHMOND, VA 23233

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EMERGENCY EVACUATION PROCEDURES II.

III. APPROVAL OF AGENDA

Board Agenda, August 24, 2023

APPROVAL OF MINUTES IV.

- a. Board Meeting Minutes, August 24, 2023
- b. Lead-Based Paint Activities Regulatory Review Committee Minutes, October 25, 2023

INTRODUCTION OF NEW BOARD MEMBERS V.

VI. **DPOR STAFF UPDATES**

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

VIII. **CASE FILES ***

- File Number 2023-02604, Justin Gene Davis (HI)
 - Consent Order (Salva)
- b. File Number 2023-02603, Brandon L. Thomas (HI)
 - Prima Facia (Salva)
- File Number 2022-02331, William Bruce Blackwell (HI)
 - Disciplinary--IFF by Cranor (Salva)
- d. File Number 2023-02605, Farbod Azari (HI)
 - Disciplinary--IFF by Cranor (Salva)
- File Number 2023-02940, Welder Dariel Solis (ASB)
 - Licensing--IFF by Jackson-Bailey

REGULATIONS

- Regulatory Action Update
- Consider Public Comments Received on SB607
 - Consider Board Response to Public Comments Received
- Consider Adoption of Final SB607 Amendments to HI Licensing Regulations
- Periodic Review of Board Regulations
- Discussion of Home Inspector Proposed Regulations: Clarification of Acceptable CPE Topics

Materius dre **OTHER BUSINESS**

- a. Discussion of Insurance Requirements for Home Inspectors Licensed Under ULR
- b. HI CPE Audit Report
- c. Consider Resolution for Service
- d. **Board Financial Statements**
- Outreach Update

f. Other Board Business

XI. FUTURE MEETING DATES

- a. February 8, 2024
- b. May 9, 2024
- c. August 15, 2024
- d. November 21, 2024

XII. COMPLETE CONFLICT OF INTEREST FORMS AND TRAVEL VOUCHERS

XIII. ADJOURN

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

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

PERIMETER CENTER CONFERENCE CENTER EMERGENCY EVACUATION OF BOARD AND TRAINING ROOMS

(Script to be read at the beginning of each meeting.)

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

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

Board Room 1

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

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

Board Room 2

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

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

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

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

Board Rooms 3 and 4

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

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

Training Room 1

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

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

Training Room 2

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

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

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

The Virginia Board for Asbestos, Lead, and Home Inspectors met on August 24, 2023, at the offices of the Department of Professional and Occupational Regulation (DPOR), Perimeter Center, 9960 Mayland Drive, 2nd Floor, Board Room 4, Richmond, Virginia 23233.

The following members of the Board were present:

Stacy J. Armentrout Sandra Baynes, Chair **Douglas Burgess** John E. Cranor, Vice-Chair James E. Haltigan

Kevin Salva Patrick Studley Sharad Tandale Paul D. Thomas

Board members Chadwick Bowman, Gene Magruder, and Louis Walker were not present at the meeting.

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

Demetrios J. Melis, Director Kishore Thota, Chief Deputy Director Tanya Pettus, Board Administrator Lee Bryant, Regulatory and Board Administrator Joseph C. Haughwout, Jr., Regulatory Affairs Manager Amy Goobic, Executive Assistant

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

Ms. Baynes, finding a quorum of the Board present, called the Call to Order meeting to order at 9:02 a.m.

Ms. Pettus advised the Board of the emergency evacuation **Emergency** procedures. **Evacuation Procedures**

Mr. Haltigan moved to approve the agenda as presented. Mr. Studley seconded the motion which was unanimously approved by: Armentrout, Baynes, Burgess, Cranor, Haltigan, Salva, Studley, and Thomas.

Approval of Agenda

Mr. Studley moved to approve the minutes of the May 11, 2023, Board meeting. Mr. Haltigan seconded the motion which was Minutes unanimously approved by: Armentrout, Baynes, Burgess, Cranor, Haltigan, Salva, Studley, and Thomas.

Approval of

Mr. Armentrout moved to approve the minutes of the May 31, 2023, Asbestos Regulatory Review Committee meeting. Mr. Thomas seconded the motion which was unanimously approved by: Armentrout, Baynes, Burgess, Cranor, Haltigan, Salva, Studley, and Thomas.

Mr. Armentrout moved to approve the minutes of the July 13, 2023, Asbestos Regulatory Review Committee meeting. Mr. Studley seconded the motion which was unanimously approved by: Armentrout, Baynes, Burgess, Cranor, Haltigan, Salva, Studley, and Thomas.

Mr. Armentrout moved to approve the minutes of the August 9, 2023, Asbestos Regulatory Review Committee meeting. Mr. Salva seconded the motion which was unanimously approved by: Armentrout, Baynes, Burgess, Cranor, Haltigan, Salva, Studley, and Thomas.

Mr. Kirschner provided an update on DPOR staff, and introduced Staff Update Lee Bryant, Regulatory Administrator.

Mr. Cranor recused himself from the meeting for discussion and deliberation of File Number 2023-00012.

Recusal of Board Member

In the matter of File Number 2023-00012, Lixin Wang, the Board members reviewed the Consent Order. Mr. Wang admits to a violation of 18 VAC 15-40-155.6 as provided in Count 1. Mr. Wang consents to the imposition of a monetary penalty of \$750.00 for the violation of Count 1, and Board costs in the amount of \$150.00, for a total monetary penalty of \$900.00. Ms. Baynes moved to approve the Consent Order as presented. Mr. Salva seconded the motion which was unanimously approved by: Armentrout, Baynes, Burgess, Haltigan, Salva, Studley, and Thomas.

File Number 2023-00012, Lixin Wang

Mr. Cranor returned to the meeting.

Return of Board Member

In the matter of File Number 2023-02240, Tywone Lovell Wilkins, the Board members reviewed the record which consisted of the application file, transcript and exhibits from the Informal Fact-Finding Conference, and the Presiding Officer's Summary and Recommendation. Mr. Salva moved to accept the recommendation of the Presiding Officer and approve Mr. Wilkins' application for an asbestos supervisor license. Mr. Haltigan seconded the motion which

File Number 2023-**02240, Tywone Lovell Wilkins**

was unanimously approved by: Armentrout, Baynes, Burgess, Cranor, Haltigan, Salva, Studley, and Thomas.

In the matter of File Number 2023-02401, Lilians C. Maradiaga, the Board members reviewed the record which consisted of the application file, transcript and exhibits from the Informal Fact-Finding Conference, and the Presiding Officer's Summary and Recommendation. Mr. Haltigan moved to accept the recommendation of the Presiding Officer to not approve Ms. Maradiaga's application for an asbestos worker license. Mr. Studley seconded the motion which was unanimously approved by: Armentrout, Baynes, Burgess, Cranor, Haltigan, Salva, Studley, and Thomas.

File Number 2023-02401, Lilians C. Maradiaga

Mr. Tandale arrived to the meeting at 9:14 am.

Arrival of Board Member

In the matter of File Number 2023-02452, Brandon J. Black, 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 2023-02452, Brandon J. Black

Mr. Black was present to address the Board and stated that his past criminal history consisted of a white-collar crime and that he was not a danger to the public. Mr. Black reiterated that he complied with all terms of his conviction, and that in the years since he has held multiple professional licenses. He stated his respect for hard work and the home inspector profession.

Mr. Cranor moved to accept the recommendation of the Presiding Officer to approve Mr. Black's application for a home inspector license. Mr. Haltigan seconded the motion which was unanimously approved by: Armentrout, Baynes, Burgess, Cranor, Haltigan, Salva, Studley, Tandale, and Thomas.

Ms. Pettus provided an update on the status of the Board's regulatory actions.

Regulatory Action Update

The Board adopted revisions to proposed regulatory text of the Home Inspector Licensing Regulations at its meeting on May 12, 2022, and proposed amendments have been submitted for Executive Branch. Ms. Pettus advised there would be discussion of the proposed amendments later in the meeting.

A 60-day public comment period on proposed amendments to the Home Inspector Licensing Regulations as required by SB 607 began on July 3, 2023, and included a public hearing held on August 9, 2023. The public comment period ends on September 1, 2023. The Board will consider public comments received and adoption of the amendments at tis November 30, 2023, meeting.

Ms. Pettus advised that proposed draft amendments to the Virginia Asbestos Licensing Regulations would be presented to the Board for consideration later in the meeting. Following the Board's adoption of the proposed amendments, the proposed amendments will be submitted for Executive Branch review.

The public comment period on the fast-track action to amend the Virginia Lead-based Paint Activities Regulations to update 18 VAC 15-30-510 and documents incorporated by reference concluded on August 2, 2023. There were no public comments received. Amendments will become effective September 1, 2023.

Final Lead-Based Paint Renovation, Repair, and Painting Program (RRP) Regulations (Initial Promulgation) were submitted for Executive Branch review on January 18, 2022.

Ms. Pettus asked the Board to consider authorizing a Notice of Intended Regulatory Action (NOIRA) for general review of the Lead Based Paint Activities Regulations, to and form a regulatory review committee. Mr. Studley moved to authorize staff to file the NOIRA, and to form a regulatory review committee. Mr. Salva seconded the motion which was unanimously approved by: Armentrout, Baynes, Burgess, Cranor, Haltigan, Salva, Studley, Tandale, and Thomas.

Consider NOIRA
and Committee
Membership for
Lead Based Paint
Activities

Ms. Pettus asked that Board members representing lead professions serve on the committee. Board members Haltigan, Studley, and Thomas. Mr. Armentrout volunteered to serve on the committee as well. Ms. Pettus stated that she will reach out to other stakeholders for participation as well, and that proposed dates for the first meeting would be forthcoming.

Mr. Kirschner advised the Board that as proposed amendments to the Home Inspector Licensing regulations are under Executive Branch review, it was requested that the Board reconsider proposed amendments to 18VAC15-40-147, regarding licensee responsibility. After review and discussion, Mr. Cranor moved to

Discussion of
Proposed
Regulations for
Home Inspector
Licensing General

strike section 18VAC15-40-147 from the proposed amendments. Mr. Thomas seconded the motion which was unanimously approved by: Armentrout, Baynes, Burgess, Cranor, Haltigan, Salva, Studley, Tandale, and Thomas.

Review

Mr. Haughwout and Mr. Bryant presented for approval to the Board proposed asbestos licensing regulations as recommended by the Asbestos Regulatory Review Committee. Mr. Haughwout explained that because recommended changes to the formatting and structure of the regulations is substantial, that the current Chapter 20 would be repealed, and replaced with a new chapter, Chapter 21.

Consider Committee
Recommendations
for Amendment of
Asbestos Licensing
Regulations

Discussion was held on entry requirements for asbestos supervisor licenses. After lengthy discussion, Mr. Thomas moved to require a high school diploma or equivalent, and three months of work experience for asbestos supervisor applicants. Mr. Armentrout seconded the motion which was approved by: Armentrout, Baynes, Burgess, Cranor, Salva, Studley, Tandale, and Thomas. Mr. Haltigan opposed. The motion passed by majority vote.

The Board recessed from 11:25 a.m. to 11:35 a.m.

Recess

The Board continued review of proposed changes to the Asbestos Licensing Regulations Discussion was held on the current process for obtaining an asbestos contractor license. Discussion was also held on current guidance documents to be incorporated into the new regulatory chapter.

Asbestos Licensing Regulations Continued

After review and discussion, Mr. Studley moved to adopt the proposed repeal and replace of the Asbestos Licensing Regulations as amended, and authorized staff to incorporate the amendments discussed, and make technical corrections and changes as necessary. Mr. Tandale seconded the motion which was unanimously approved by: Armentrout, Baynes, Burgess, Cranor, Haltigan, Salva, Studley, Tandale, and Thomas.

Ms. Pettus advised that Universal License Recognition (ULR) took effect July 1, 2023, and that staff has received three ULR applications to date.

2023 Legislative Update

Ms. Pettus asked the Board to consider adopting a policy for requests for continuance of decisions for disciplinary and licensing cases. The Department suggests adopting such a policy in order to Board Policy on Continuance of Case File Decisions

create consistency among all Boards within the agency when considering requests for continuance. Ms. Pettus advised that pursuant to the Administrative Process Act (APA), a case decision must be made within 90 days of an Informal Fact-Finding conference (IFF); however, the Code of Virginia also provides a means for respondents or their attorneys to request case decisions to be rendered later than the 90-day timeframe from the date of the IFF. After review and discussion, Mr. Thomas moved to adopt the following policy as written:

- 1. All requests for a continuance of a case must be in writing.
- 2. Requests for a continuance of a licensing case may be granted administratively by the Board's Executive Director or designee.
- 3. Requests for a continuance for disciplinary cases in which the recommended sanction does not include license revocation may be granted administratively by the Board's Executive Director or designee. The Executive Director may only grant one continuance to the next meeting for any case. Any further requests for a continuance may only be granted by vote of the Board at the next meeting in which the case is to be considered.
- Requests for a continuance for disciplinary cases in which the recommended sanction includes license revocation may only be granted by vote of the Board at the meeting in which the case is scheduled to be considered.

Mr. Studley seconded the motion which was unanimously approved by: Armentrout, Baynes, Burgess, Cranor, Haltigan, Salva, Studley, Tandale, and Thomas.

The following meeting 2024 meeting dates were presented to the Board for consideration:

Consider 2024 Meeting Dates

- February 8, 2024
- May 9, 2024
- August 15, 2024
- November 21, 2024

Mr. Thomas moved to approve the meeting dates as presented. Mr. Salva seconded the motion which was unanimously approved by:

Armentrout, Baynes, Burgess, Cranor, Haltigan, Salva, Studley, Tandale, and Thomas.

Board members considered the following resolution for former Executive Director Trisha Lindsey, who recently left the Department:

Resolution for Service

Trisha L. Lindsey

WHEREAS, **Trisha L. Lindsey** did faithfully and diligently serve the Virginia Board for Asbestos, Lead, and Home Inspectors, and the Department of Professional and Occupational Regulation;

WHEREAS, **Trisha L. Lindsey**, did devote generously of her time, talent and leadership to the Board;

WHEREAS, **Trisha L. Lindsey**, did endeavor at all times to render decisions with fairness and good judgement in the best interest of the citizens of the Commonwealth and these professions; and

WHEREAS, the Virginia Board for Asbestos, Lead, and Home Inspectors wishes to acknowledge its gratitude for devoted service of a person who is held in high esteem by the members of the Board and the citizens of the Commonwealth;

NOW THEREFORE BE IT RESOLVED, by the Virginia Board for Asbestos, Lead, and Home Inspectors this twenty-fourth day of August 2023, that **Trisha L. Lindsey** be given all honors and respect due her for her outstanding service to this Board and the Commonwealth and its citizens; and

BE IT FURTHER RESOLVED, that this Resolution be presented to her and be made a part of the official minutes of the Board so that all may know of the high regard in which she is held by this Board.

Ms. Baynes moved to adopt the resolution as written. Mr. Haltigan seconded the motion which was unanimously approved by: Armentrout, Baynes, Burgess, Cranor, Haltigan, Salva, Studley, Tandale, and Thomas.

Board members were provided financial statements for informational purposes.

Board Financial Statements

Ms. Pettus updated the Board on recent and upcoming outreach opportunities.

Outreach Update

Ms. Pettus informed the Board that the request to explore the Other Business

translation of the lead law exam to Spanish, as approved by the Board at its May meeting, has been forwarded to the new Examinations Director, Greg Emerson. In addition, at the request of Mr. Emerson, staff identified applications that would benefit the applicant pool by being translated to Spanish. Ms. Pettus advised that exam staff will work to translate the lead worker, lead supervisor, asbestos worker, and asbestos supervisor applications to Spanish.

Discussion was held on asbestos worker applicants who apply for and hold asbestos worker licenses in several states.

Ms. Baynes reminded the Board that the next meeting date is
November 30, 2023

Ms. Baynes reminded Board members to complete their conflict of interest forms and travel vouchers.

Conflict of Interest Forms and Travel Vouchers

There being no further business, the meeting adjourned at 1:18 p.m.

Sandra Baynes, Chair

Demetrios J. Melis, Secretary

VIRGINIA BOARD FOR ASBESTOS, LEAD, AND HOME INSPECTORS LEAD-BASED PAINT ACTIVITIES REGULATORY REVIEW COMMITTEE

The Lead-Based Paint Activity Regulatory Review Committee of the Virginia Board for Asbestos, Lead, and Home Inspectors (Board) met on October 25, 2023, at the offices of the Department of Professional and Occupational Regulation (DPOR), Perimeter Center, 9960 Mayland Drive, Richmond, Virginia 23233.

The following members of the Committee were present:

Stacy J. Armentrout, Chair Jeffery Brown James Haltigan Patrick Studley Paul Thomas

Committee members Michael Baum and Ron Graham were not in attendance. The following staff members were present for all or part of the meeting:

Tanya M. Pettus, Board Administrator Joseph C. Haughwout, Jr., Regulatory Affairs Manager Lee D. Bryant, Regulatory Administrator Rachel Harris, Administrative Coordinator

Mr. Armentrout called the meeting to order at 10:11 a.m. Call to Order

Ms. Pettus advised the Committee of the emergency evacuation procedures.

Emergency

Evacuation

Procedures

Mr. Thomas moved to approve the agenda as presented. Mr. Studley seconded the motion which was unanimously approved by: Armentrout, Brown, Haltigan, Studley, and Thomas.

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

Public Comment
Period

Ms. Pettus introduced to the Committee Rachel Harris,

Overview

Ms. Pettus and Mr. Haughwout provided the Committee with a brief overview of the regulatory review process and regulatory reduction effort.

The Committee was provided with current versions of applicable laws and regulations as well as Lead-based Paint Activities Regulations, and federal laws and regulations.

Resources and Information

Lead-Based Paint Activity Regulatory Review Committee October 25, 2023 Page 2

The Committee reviewed Part III of the Lead-Based Paint Activities Regulations.	Review of Part III
Discussion was held on application procedures and qualifications for licensure, including examination requirements for lead supervisors, inspectors, and risk assessors.	
The Committee recessed from 11:51 p.m. to 12:50 p.m.	Recess
The Committee continued to consider amendments to Part III of the regulations.	Review of Part III Continued
The Committee agreed by consensus that its next meeting will be scheduled for December 7, 2023.	Other Business
Mr. Armentrout reminded the Committee members to complete 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 2:14 p.m.	<u>Adjourn</u>
Sandra Baynes, Chair	
Kishore S. Thota, Secretary	

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Virginia Board for Asbestos, Lead, and Home Inspectors

Update on Regulatory Actions

(as of November 15, 2023)

Action: Home Inspector Regulations General Review

Current Stage: Proposed

- Board reviewed and considered NOIRA stage public comments on 11/4/21.
- Board reviewed and considered committee recommendations, and adopted proposed regulatory text on 11/4/21.
- Proposed regulatory text submitted for Executive Branch review on 2/14/22.
- Board adopted revision to proposed regulatory text on 5/12/22.
- Currently in Executive Branch review.
- Board voted to amend Proposed stage at 8/24/23 meeting.

Next Step: Completion of Executive Branch Review

- Submit amended Proposed stage 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.

Action: SB 607 Amendment (Home Inspector Licensing Regulations)

Current Stage: Proposed

- Executive Branch review completed 5/23/2023.
- Published in Virginia Register on 7/3/23.
- 60-day public comment period began on 7/3/2023 and concluded 9/1/2023. Several comments were received. No comments received at public hearing held on 8/9/23.

Next Step: Public Comment Review/Amendments

- Consider public comments and adopt final amendments to regulation at 11/30/2023 meeting.
- Final amendments forwarded for Executive Branch Review.

Action: Virginia Asbestos Licensing Regulations General Review

Current Stage: NOIRA

- NOIRA 30-day public comment period concluded 4/26/23, no public comments received.
- Board voted to adopt Proposed stage on 8/24/23.

Next Step: Proposed Stage/Executive Branch Review

- Proposed regulatory amendments submitted 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.

Action: Lead-Based Paint Activities Regulations General Review

Current Stage: NOIRA

- Board voted to authorize NOIRA and form regulatory review committee on 8/24/23.
- Regulatory review committee met on 10/25/23.

Virginia Board for Asbestos, Lead, and Home **Inspectors**

NOIRA submitted 11/6/23.

Next Step: Proposed Stage/Executive Branch Review

- Proposed regulatory amendments submitted 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.

Action: Initial Promulgation of Lead-Based Paint Renovation, Repair, Doard on 8/26/21.

Branch review on 1/18).

Branch review on 1/18).

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VIRGINIA BOARD FOR ASBESTOS, LEAD, AND HOME INSPECTORS

Summary of Comments for SB 607 Amendment - Home Inspector Licensing Regulations

Following is the summary of comments received during the public comment period (July 3, 2023, to September 1, 2023) regarding the Board's proposed amendment of 18VAC15-40-130 of the Home Inspector Licensing Regulations to comply with the requirements of Chapter 398 of the 2022 Acts of Assembly (SB 607). The comments below represent comments received on the regulation. During the public comment period, the Board received comments from four commenters.

	Regulation *#	Summary of Comment(s)	Dwaft Paged Dagnanga
	Commenter	Summary of Comment(s)	Draft Board Response
1	40-130	required recommendation to replace any alarms with no manufactured date on the device.	The Board's Home Inspector SB607 Committee discussed this topic in their meeting. The committee ultimately decided against this requirement as it would add more burden than was necessary
	Huffman Home Inspections LLC	ode as les AG	to protect the health, safety, and welfare of the public. The Board determined that the proposed disclaimer in 18 VAC 15-40-130.D.3 was sufficient to protect the public through the least restrictive means.
2	40-130	Commenter stated "Paragraph J.D.3. Recommended Modification." And appears to have attached a corrupted file.	The Board appreciates the commenters interest in this action but cannot identify the section or concern that is being raised.
	AMS Home Inspections LLC	ined cons	
3	40-130		The proposed regulations create a definition for good working order, stating ""Good working order" means, with respect to a smoke alarm inspected during a home inspection, that the smoke
	Ken Black		alarm is securely attached, not physically damaged, and operation of the test function is successful."
4	40-130	Expresses support for the proposed regulations, as they strike a balance between informing the home owner and burdens for home inspectors.	Thank you for your comments in support of this change.
	Alex Aderton, President, Virginia Association of Real Estate Inspectors		

DRAFT CONTINGENT ON BOARD REVIEW AND APPROVAL

	Action: SB 607 Amendment [6003 / 9938]		
Commenter	Title	Comment	Date/ID
Huffman Home Inspections LLC		Since it is recommended that smoke alarms should be replaced every 10 years and most have no manufacture or installation date on them, I always recommend that if one can not determine the age of the detector then it should be replaced. Worth consideration for recommended language for a report?	7/3/23 7:44 pm CommentID:217669

		Action: SB 607 Amendment [6003 / 9938]	
Commenter	Title	Comment	Date/ID
AMS Home Inspections LLC	Smoke Alarm proposed language.		
		3. The home inspection report must include the substance of the following: It is recommended that a home have smoke alarms on each level of the dwelling and in every bedroom or sleeping area. Clients should replace any existing smoke alarms that are not in good working order with new ones and install smoke alarms where they may be missing or not properly located Any test 8/7/23 12:24 pm CommentID:218488	

	Action: SB 607 Amendment [6003 / 9938]		
Commenter	Title	Comment	Date/ID
Ken Black	Smoke detector language clarification	For general consideration: Is there a state standard or requirement in the VCC code for what defines "in good working order" for systems or life safety equipment? Is this left solely to the licensed professional's judgement to determine? For example, a previous comment used a recommended timeline for replacement a possible method to define "in good working order" which could work, or do smoke detector manufacturers have a preferred testing method or industry standard? Thanks.	8/31/23 10:56 am CommentID:220034

		Action: SB 607 Amendment [6003 / 9938]	
Commenter	Title	Comment	Date/ID
Alex V Aderton, S Virginia th Association P of Real "S Estate A	VAREI supports ne Proposed Smoke Alarm" Language	On behalf of the Virginia Association of Real Estate Inspectors (VAREI), I write in response to proposed amendments to 18VAC15-40-130 which require that a home inspection and the report on its findings include a determination of whether the home's smoke alarms are in "good working order". VAREI supports protecting the health and welfare of the public by informing homebuyers and sellers about best safety practices. We appreciate the work of the Virginia Board for Asbestos, Lead, and Home Inspectors to develop amendments that capture the spirit of SB 607 (2022), provide homebuyers with needed piece of mind, but that also do not place undue or arduous burdens on home inspectors. We also appreciate the opportunity for representatives from VAREI and our industry to provide input on the drafting of these amendments. It is important to note that home inspections are snapshots that assess the readily accessible components within a home at a specific point in time. As they are normally conducted shortly after a home goes under contract, there can be a significant amount of time that passes between them and when a homeowner takes possession of the property. Additionally, the majority of components inspected have a lifespan that can vary greatly. As the proposed amendments state, any inspection is not a guarantee, warranty, or any form of insurance. Assessing the functionality of smoke alarms can be tricky. The only true way to determine their full viability is with actual smoke, which would certainly be difficult for the purposes of a home inspection. That being said, we believe the proposed amendments strike the appropriate balance by providing homebuyers with useful knowledge about their smoke alarms, while not placing unnecessary liability on home inspectors. In order to determine if a smoke alarm is in good working order, it must be accessible. That distinction is important since there are times where they are located in homes in places that are inaccessible, such as near the tops of cathedral ceilings. Furthermo	Date/ID 8/31/23 1:08 pm CommentID:220036



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VIRGINIA BOARD FOR ASBESTOS, LEAD, AND HOME INSPECTORS

Summary of Comments for Periodic Review of Public Participation Guidelines Chapter 18VAC 15-11

Virginia Asbestos Licensing Regulations Chapter 18VAC 15-20

Virginia Lead-Based Paint Activities Regulations Chapter 18VAC 15-30

Home Inspector Licensing Regulations Chapter 18VAC 15-40

Following is the summary of comments received during the public comment periods (July 3, 2023 to July 24, 2023) regarding the Board's periodic review of the Public Participation Guidelines for Chapter 18VAC 15-11, Virginia Asbestos Licensing Regulations for Chapter 18VAC 15-20, Virginia Lead-Based Paint Activities Regulations for Chapter 18VAC 15-30, and Home Inspector Licensing Regulations for Chapter 18VAC 15-40.

	Regulation *#	Summary of Comment(s)	Draft Board Response
	Commenter	Summary of Comment(s)	Drait Board Response
1	15-11	No comments received for Chapter 11: Public Participation Guidelines.	N/A
	N/A	110 Eller Die	
2	15-20	No comments received for Chapter 20: Virginia Asbestos Licensing Regulations.	N/A
	N/A	ro, he	
3	15-30 N/A	No comments received for Chapter 30: Virginia Lead-Based Paint Activities Regulations.	N/A
4	15-40 N/A	No comments received for Chapter 40: Home Inspector Licensing Regulations.	N/A



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Agency

Department of Professional and Occupational Regulation

Board

Virginia Board for Asbestos, Lead, and Home Inspectors

Chapter

Public Participation Guidelines [18 VAC 15 - 11]

Review 2405

Periodic Review of this Chapter

Includes a Small Business Impact Review

Date Filed: 6/13/2023

Notice of Periodic Review

Pursuant to Executive Order 19 (2022) and §§ 2.2-4007.1 and 2.2-4017 of the Code of Virginia, this regulation is undergoing a periodic review.

The review of this regulation will be guided by the principles in Executive Order 19 https://TownHall.Virginia.Gov/EO-19-Development-and-Review-of-State-Agency-Regulations.pdf.

The purpose of this review is to determine whether this regulation should be repealed, amended, or retained in its current form. Public comment is sought on the review of any issue relating to this regulation, including whether the regulation (i) is necessary for the protection of public health, safety, and welfare or for the economical performance of important governmental functions; (ii) minimizes the economic impact on small businesses in a manner consistent with the stated objectives of applicable law; and (iii) is clearly written and easily understandable.

The comment period begins July 3, 2023, and ends on July 24, 2023.

Comments may be submitted online to the Virginia Regulatory Town Hall at http://www.townhall.virginia.gov/L/Forums.cfm. Comments may also be sent to Name: Tanya Pettus; Title: Board Administrator, Address: DPOR, 9960 Mayland Drive, Suite 400, City: Richmond, State: Virginia, Zip: 23233, Telephone: (804)367-1795, FAX: (866)350-5354, email address: alhi@dpor.virginia.gov.

In order for you to receive a response to your comment, your contact information (preferably an email address or, alternatively, a U.S. mailing address) must accompany your comment. Following the close of the public comment period, a report of both reviews will be posted on the Town Hall and a report of the small business impact review will be published in the Virginia Register of Regulations.

Contact Inform	Contact Information	
Name / Title:	Tanya Pettus / Board Administrator	
Address:	9960 Mayland Drive, Suite 400 Richmond, VA 23233	
Email Address:	ALHI@DPOR.Virginia.gov	
Telephone:	(804)367-1795 FAX: (866)350-5354 TDD: ()-	

Publication of Notice in the Register and Public Comment Period

Published in the Virginia Register on 7/3/2023 [Volume: 39 Issue: 23]

Comment Period begins on the publication date and ended on 7/24/2023

Comments Received: 0

Review Result

Pending

TH-07 Periodic Review Report of Findings (not yet submitted)

ORM Economic Review Form (6/13/2023)

Attorney General Certification

Submitted to OAG: 6/13/2023 Review Completed: 7/7/2023

Result: Certified

Review Memo

At 1:08pm

At 1:08pm

At 1:08pm

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Board

Virginia Board for Asbestos, Lead, and Home Inspectors

Chapter

Virginia Asbestos Licensing Regulations [18 VAC 15 - 20]

Review 2406

Periodic Review of this Chapter

Includes a Small Business Impact Review

Date Filed: 6/13/2023

Notice of Periodic Review

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Comment Period begins on the publication date and ended on 7/24/2023

Comments Received: 0

Review Result

Pending

TH-07 Periodic Review Report of Findings (not yet submitted)

ORM Economic Review Form (6/27/2023)

Attorney General Certification

Submitted to OAG: 6/13/2023 Review Completed: 7/7/2023

Result: Certified

Review Memo

At 1:10pm



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Agency

Department of Professional and Occupational Regulation

Board

Virginia Board for Asbestos, Lead, and Home Inspectors

Chapter

Virginia Lead-Based Paint Activities Regulations [18 VAC 15 - 30]

Review 2407

Periodic Review of this Chapter

Includes a Small Business Impact Review

Date Filed: 6/13/2023

Notice of Periodic Review

Pursuant to Executive Order 19 (2022) and §§ 2.2-4007.1 and 2.2-4017 of the Code of Virginia, this regulation is undergoing a periodic review.

The review of this regulation will be guided by the principles in Executive Order 19 https://TownHall.Virginia.Gov/EO-19-Development-and-Review-of-State-Agency-Regulations.pdf.

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Comment Period begins on the publication date and ended on 7/24/2023

Comments Received: 0

Review Result

Pending

TH-07 Periodic Review Report of Findings (not yet submitted)

ORM Economic Review Form (6/27/2023)

Attorney General Certification

Submitted to OAG: 6/13/2023 Review Completed: 7/7/2023

Result: Certified

Review Memo

At 1:12pm



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Agency

Department of Professional and Occupational Regulation

Board

Virginia Board for Asbestos, Lead, and Home Inspectors

Chapter

Home Inspector Licensing Regulations [18 VAC 15 - 40]

Review 2408

Periodic Review of this Chapter

Includes a Small Business Impact Review

Date Filed: 6/13/2023

Notice of Periodic Review

Pursuant to Executive Order 19 (2022) and §§ 2.2-4007.1 and 2.2-4017 of the Code of Virginia, this regulation is undergoing a periodic review.

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Publication of Notice in the Register and Public Comment Period

Published in the Virginia Register on 7/3/2023 [Volume: 39 Issue: 23]

Comment Period begins on the publication date and ended on 7/24/2023

Comments Received: 0

Review Result

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ORM Economic Review Form (6/27/2023)

Attorney General Certification

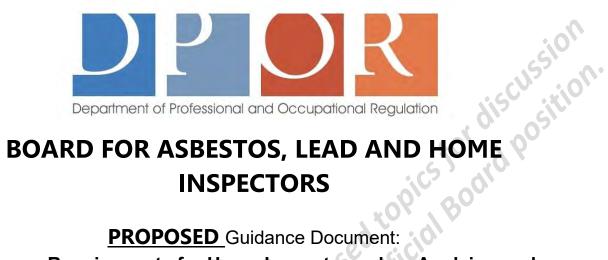
Submitted to OAG: 6/13/2023 Review Completed: 7/7/2023

Result: Certified

Review Memo

At 1:13pm

DISCUSSION OF HOME INSPECTOR PROPOSED REGULATIONS: CLARIFICATION OF ACCEPTABLE TOPICS 1 OPICS 1 OPICS ATIC 1 OPICS OF ACCEPTABLE CPE TOPICS



Insurance Requirements for Home Inspectors when Applying under **Universal License Recognition**

Adopted June 8, 2023 Anticipated Effective Date: Effective upon conclusion of the public comment period required pursuant to § 2.2-4002.1 of the Code of Virginia

Background

Section 54.1-205 of the Code of Virginia, effective July 1, 2023, provides a pathway to licensure in Virginia for those who met certain requirements in another state. This is applicable to applicants for home inspector licensure in Virginia.

II. Issue

The provisions of § 54.1-205 of the Code of Virginia do not provide for a regulatory board to impose additional requirements on an applicant if applying pursuant to Universal License Recognition. However, in order to fulfill its obligation to protect the health, safety, and welfare of the public, the Board requires all other applicants as a home inspector to submit evidence of having obtained general liability insurance with minimum limits of \$250,000 per occurrence. Further, once licensed as a home inspector, the Home Inspector Licensing Regulations imposes requirements for maintaining such insurance or the regulant may be subject to disciplinary action.

III. Applicable Regulatory Citations

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

. . . .

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

IV. Board Policy

As a result of the limitations on the Board's authority to impose additional requirements for home inspector applicants applying pursuant to § 54.1-105, the Board will require a home inspector that is licensed under Universal License Recognition to obtain and maintain general liability insurance with minimum limitations of \$250,000 per occurrence within 30 days of the license as a home inspector being issued by the Board. A business liability insurance policy or a commercial general liability insurance policy with minimum limits of \$250,000 may be considered to meet such requirement, so long as the home inspector is listed as an additional insured. If for any reason the Board cannot reasonably ensure that the home inspector is sufficiently covered in accordance with this policy, the Board may require that requisite coverage be obtained in the name of the home inspector. Proof of such insurance policy must be submitted in order to be in compliance with the Board's regulations. The home inspector is subject to all other requirements for maintaining such insurance and submitting proof of such upon renewal of the home inspector license. A regulant that fails to comply with the Board's regulations may be subject to discipline by the Board.

The Board for Asbestos, Lead, and Home Inspectors will be taking public comment on this proposed guidance document. A 30-day comment period will begin on

If you wish to comment on the proposed guidance document, you may do so via the Town Hall website or you may submit written comments so that they are received no later than to:

Tanya M. Pettus, Board Administrator
Board for Asbestos Lead, and Home Inspectors
Department of Professional and Occupational Regulation
9960 Mayland Drive, Suite 400
Richmond, VA 23233

Virginia Administrative Code

Title 18. Professional And Occupational Licensing

Agency 15. Virginia Board For Asbestos, Lead, And Home Inspectors

Chapter 40. Home Inspector Licensing Regulations

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

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

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

C. The applicant shall provide a mailing address, which shall serve as the address of record.

- acceptable as the address of record when a physical address is also provided.
- D. In accordance with § 54.1-204 of the Code of Virginia, each applicant shall disclose the following information:
- 1. All misdemeanor convictions involving moral turpitude, sexual offense, non-marijuana drug distribution, or physical injury within five years of the date of the application; and
- 2. All felony convictions during the applicant's lifetime.

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

- E. The applicant for licensure shall be in compliance with the standards of conduct and practice set forth in Part V (18VAC15-40-140 et seq.) of this chapter at the time of application, while the application is under review by the board, and at all times when the license is in effect.
- F. The applicant shall report any suspension, revocation, or surrender of a license, certification, or registration in connection with a disciplinary action or a license, certification, or registration that has been the subject of discipline in any jurisdiction prior to applying for licensure. The board, in its discretion, may deny licensure to any applicant based on prior suspensions, revocations, or surrender of licenses based on disciplinary action by any jurisdiction. The applicant has the right to request further review of any such action by the board under the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia).
- G. The applicant for licensure shall submit evidence of having obtained general liability insurance with minimum limits of \$250,000 per occurrence. A business liability insurance policy or a commercial general liability insurance policy with minimum limits of \$250,000 may be considered to meet such requirement, so long as the applicant is listed as an additional insured. If for any reason the board cannot reasonably ensure that the applicant is sufficiently covered in accordance with this subsection, the board may require that requisite coverage be obtained in the name of the applicant. Proof of such insurance policy must be submitted in order to obtain the license.

Statutory Authority

§§ <u>54.1-201</u> and <u>54.1-501</u> of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 19, Issue 18, eff. July 1, 2003; amended, Virginia Register Volume 27, Issue 11, eff. April 1, 2011; Volume 31, Issue 20, eff. August 1, 2015; Volume 33, Issue 19, eff. July 1, 2017; Volume 38, <u>Issue 7</u>, eff. December 22, 2021.

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onsult an attorney. Website addresses provided in the Virginia Administrative Code to documents incorporated by reference are for the reader's convenience only, may not necessarily be active or current, and should not be relied upon. To ensure

VIRGINIA ACTS OF ASSEMBLY -- 2023 SESSION

CHAPTER 3

An Act to amend the Code of Virginia by adding in Chapter 2 of Title 54.1 a section numbered 54.1-205, relating to Department of Professional and Occupational Regulation; universal license recognition.

[S 1213]

Approved March 3, 2023

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 2 of Title 54.1 a section numbered 54.1-205 as follows:

§ 54.1-205. Universal license recognition.

- A. The regulatory boards within the Department of Professional and Occupational Regulation shall, upon application by an individual, recognize licenses or certificates issued by another state as fulfillment of qualifications for licensure or government certification in the Commonwealth if the following conditions are met:
- 1. The individual holds a current and valid professional or occupational license or government certification in another state in a profession or occupation with a similar scope of practice, as determined by the board in the Commonwealth;
- 2. The individual has held the professional or occupational license or government certification in the other state for at least three years;
- 3. The board in the other state or state of original licensure required the individual to pass an examination and to meet certain standards related to education, training, or experience;
- 4. There are no pending investigations or unresolved complaints against the individual, and the board in the other state holds the individual in good standing;
- 5. The individual does not have a disqualifying criminal record as determined by the board in the Commonwealth in accordance with § 54.1-204;
- 6. No board in another state has imposed discipline on the licensee, except for discipline involving only a financial penalty and no harm to the health or economic well-being of the public; and

7. The individual pays all applicable fees.

- B. The regulatory boards within the Department of Professional and Occupational Regulation shall, upon application by an individual, recognize work experience in another state as fulfillment of qualifications for licensure or government certification in the Commonwealth if the following conditions are met:
- 1. The individual worked in another state that does not use a professional or occupational license or government certification to regulate a profession or occupation, but the Commonwealth uses a professional or occupational license or government certification to regulate a profession or occupation with a similar scope of practice, as determined by the board;
 - 2. The individual has worked in the profession or occupation for at least three years;
- 3. The individual passes any examination required by the board of applicants for licensure or certification; and
 - $\mathring{4}$. The individual satisfies the conditions outlined in subdivisions A 5, 6, and 7.
- C. The regulatory boards within the Department of Professional and Occupational Regulation may require an individual seeking a professional or occupational licensure or government certification pursuant to this section to pass a jurisprudential examination specific to relevant state laws and administrative rules that regulate such profession or occupation if such an examination is required of other applicants for the same license or certification.
- D. For purposes of this section, "other state" or "another state" means any state, territory, possession, or jurisdiction of the United States.
 - E. This section shall not apply to any professional services, as defined in § 2.2-4301.

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Department of Professional and Occupational Regulation Statement of Financial Activity

Board for Asbestos, Lead, and Home Inspectors 954540

2022-2024 Biennium October 2023

		Biennium-to-Date Comparison		
	October 2023 Activity	July 2020 - October 2021	July 2022 - October 2023	
Cash/Revenue Balance Brought Forward	·	650	66,585	
Revenues	0	386,584	269,808	
Cumulative Revenues		1,40,10	336,393	
Cost Categories:		seo eficio.		
Board Expenditures	0	53,031	41,417	
Board Administration	CEM 00	113,279	92,212	
Administration of Exams	e o	5,153	716	
Enforcement	E Indo die o	7,331	7,487	
Legal Services	0,000	1,610	1,546	
Information Systems	do sie po	81,389	58777	
Facilities and Support Services	0	60,141	41438	
Agency Administration	The Obline	51,879	62091	
Other / Transfers	0	0	-75	
Total Expenses	0	373,813	305,608	
Transfer To/(From) Cash Reserves	0	0	(5,862)	
Ending Cash/Revenue Balance			36,646	
Liming Cash/Nevenue Dalance			30,040	

Ending Cash/Revenue Balance			36,646
Cash Reserve Beginning Balance	270,462	0	276,323
Change in Cash Reserve	0	0	(5,862)
Cash Reserve Ending Balance	270,462	0	270,462

Number of Regulants

Current Month	0
Previous Biennium-to-Date	6,344

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