

In accordance with § 2.2-4002.1 of the Code of Virginia, this proposed guidance document conforms to the definition of a guidance document in § 2.2-4101.



Board for Asbestos, Lead, and Home Inspectors

PROPOSED Guidance Document:

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

Adopted February 6, 2020

Effective upon conclusion of the public comment period required pursuant to § 2.2-4002.1 of the Code of Virginia



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

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.

The Virginia 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 March 16, 2020.

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 April 15, 2020 to:

*Trisha L. Henshaw, Executive Director
Department of Professional and Occupational Regulation
9960 Mayland Drive, Suite 400
Richmond, VA 23233
(804) 367-0362
ALHI@dpor.virginia.gov*