



# VAREI Newsletter

## The Voice of Virginia's Home Inspectors

Virginia Association of  
Real Estate Inspectors

Volume 1, Issue 1  
Summer/Fall 2008

### VAREI Stops Attempt To Change Certification Regs

The Piedmont Environmental Council (PEC) sponsored legislation in the 2008 General Assembly to change the existing regulations governing **certified home inspectors**. Bills introduced in the House and Senate sought to require certified home inspectors to perform efficiency testing on heating and air conditioning systems and ductwork. This would have greatly complicated the lives of certified home inspectors, real estate sales professionals, and buyers and sellers of residential property.

VAREI objected on the grounds that efficiency testing was the purview of energy auditors and raters or heating and air conditioning contractors; but it was not a simple add on to a professional home inspection. A good energy audit of ductwork and heating systems requires the use of such equipment as blower doors, pressure pans, and combustion gas detectors — equipment home inspectors

don't carry. We also objected because the sponsors did not coordinate the proposed legislation with home inspectors and thus we had no input. The Senate bill was withdrawn.

The house bill was referred to the Virginia Housing Commission for further study later in the year. That hearing occurred on June 26, 2008 in the General Assembly building. . **Vice President and President elect John Cranor, Bruce Blackwell** and Mark Singer attended a Housing Affordability Work Group meeting where the future of HB 1483 was discussed. The work group is a subcommittee of the Virginia Housing Commission. The group consists of some twenty legislators and private sector representatives. Several of the group members asked questions about the certification standards, HVAC inspection procedures, continuing education requirements for certified home inspectors, etc.

What happens next is unclear. The full housing commission will vote later in the year on the working group's recommendations whatever they are. Or there will be no vote and the bill will wither and need to be reintroduced next year if the PEC



**Disconnected return duct pulling air from crawlspace.**  
F. Simmermon, Norfolk

wants to pursue it.  
<http://dls.state.va.us/groups/HousingCommission/meetings/2008meetings/affordhousing/062608/>

#### Inside this issue:

**Review of Regulations** 2

**Inspectors Win Round in N.C.** 2

**VAR Supports Home Inspector Licensing** 2

**Be Careful What You Say** 3

**Support VAREI** 3

**Other Legislative Activities** 3

**What's Happening in Texas?** 4

#### Confusion over term **certified**

- Inspectors were concerned at the 2007 annual meeting that use of just the term **certified** in the regulations without qualifying it to mean **state certified or Virginia certified** would confuse people. The term would be watered down because of its widespread use by professional associations and training schools.

### Certification in the revised **Residential Property Disclosure Statement**

The Virginia Real Estate Board adopted a revised Residential Property Disclosure Statement as required by HB 2011. Language in the new "statement" refers to a buyers right to perform due diligence by having a certified home inspection. This form is to be supplied to every home buyer in the state and this is a huge step forward for the

home inspector community. And many inspectors likely will gain by this measure.

After the October 6, 2007 annual meeting, the VAREI Board sent a letter to Christine Martine, the Executive Director of the Real Estate Board at DPOR, asking if the words **state certified** or **Virginia certified** could

be inserted into the new disclosure form. Such language would clarify the distinction between state certified inspectors and those professional associations, training schools, etc. who also use the term certified. Inspectors at the annual meeting felt the term certified might be watered down by the preponderance of other users of the term.



You may not routinely pull back siding. But it is amazing what you find. John Cranor, Glen



The builder didn't understand why a new house should be inspected. It already passed the code inspections! John Cranor, Glen Allen

***“Plan to curtail what inspector’s can say in their inspection report summary is rejected in North Carolina.”***



Roof rafters pulled away from valley rafter  
Daryl Gage, Norfolk

## Certification (cont.)

Ms. Martine answered as follows. “According to statutory construction (§§ 54.1-500 and 517.1), the terms “certified home inspection” and certified home inspector” specifically refer to activities and individuals regulated by the Virginia Board for Asbestos, Lead, and Home Inspectors. As result, the revised disclosure statement includes the language contained in the statute which you endorse. The Board does not plan to revise the disclosure statement at this time. Thank you for your comments.”  
Christine Martine, Executive Director

## Review of Regulations

The Board for Asbestos, Lead, and Home Inspectors will hold its first meeting to review changes to the home inspector regulations. The meeting will be held Wednesday August 13th at 9 am in Board Room # 1 of DPOR Headquarters. Anyone can attend and make a comment. This is not a public hearing—that comes later!

There are important changes in the areas of continuing education for each two year certification renewal period; mentoring for new certified home inspectors, testing of Arc Fault Circuit Interrupters and more.

The regulations will be revised again as a result of the Board’s review. After that the revised regulations will be forwarded to the various reviewing authorities in DPOR and the Governor’s office. So the present draft could be changed, but it does give us an idea of what the regulators are thinking and where they want to make changes.

[David Dick, Executive Director of the Board for Asbestos, Lead and Home Inspectors, will be discussing some of the proposed changes at our annual meeting on October 4th at the Cultural Arts Center in Glen Allen, VA.](#)

## Home Inspectors/ Consumers Win Round One in North Carolina

The November 10, 2007 edition of the *Raleigh News and Observer* carried a front page article titled “**Home Inspection Limits Scuttled.**” At the center of the issue was a proposal supported and promoted by real estate organizations to stop inspectors from “recommending upgrades and safety repairs for homes in the summary section of their reports.” Members of the North Carolina Licensing Board apparently were set to pass the

measure, but an outcry from North Carolina inspectors including picketing of the Board on the day it was scheduled to vote caused the Board to reject the proposal. The inspectors’ case was bolstered by a letter from North Carolina Gov. Mark Easley who warned that the change in the law could harm consumers, the article stated. This is what happens once home inspectors are licensed. Hopefully, we can avoid such confrontation.

VAREI—on the advice of its political consultant at the 2006 annual meeting—is encouraging inspectors to become certified in hopes of avoiding the frustration, squabbling and expense that licensing brings.

[One of the commissioners of the Maryland licensing Board will speak to us at our annual meeting.](#)

## VAR May Back Home Inspector Licensing in 2009

The Virginia Association of REALTORS® (VAR) legislative package for 2008 contained an item called **Regulation of Home Inspectors.** They did not raise this issue in the 2008 General Assembly, but there is no reason to believe it will not be in their 2009 legislative package. Regardless, it likely portends the future.

The item reads as follows: “VAR supports the expansion of the

voluntary certification program toward the creation of a licensing and continuing education protocol. Currently Virginia home inspectors participate in a voluntary certification program. VAR would like the system to become mandatory and include a rigorous continuing education program to ensure consumers who use a home inspector are assured of having a well trained professional.”

In its submission to the Board for Asbestos, Lead, and Home Inspectors, VAREI requested that continuing education be added to the certification regulations. The ALHI Board will meet in mid-August to review revisions to the regulations which now contain new continuing education requirements. There is no guarantee these additions will survive the cut, but if they do, some of the VAR’s concerns will be addressed.

## Be Careful What You Say

It has come to our attention that some inspectors are making statements about the revised property disclosure form that may not be correct hurting themselves and our industry in the process.

Language in the new form merely states that **a buyer may perform due diligence by having a certified home inspection.** It does not mean an agent has to mention this to a buyer or that an agent is some how negligent or in error if they do not mention this right. In fact real estate offices may have received legal advice from real estate attorneys interpreting this provision. We advise home

inspectors to stay away from trying to provide insight into such language lest they make themselves and their profession look bad.

When talking to real estate agents you can make the point that hiring a certified inspector provides a level of protection not available from those who are only members of a professional association. Certified inspectors- just like licensed agents- work under the legal code of Virginia. In the event an inspector is believed to be negligent or makes a significant error, he/she can be reported to the state. The state regulators are obligated to investigate the complaint. And they have the au-

thority to punish via fines, suspension of certification credentials, etc. There is no such recourse for the public if the inspector is just a member of a professional association. These groups have no state legal authority. They do have good and widespread credibility, however. So the best agent recommendation is to obtain a state certified inspector who is also a member of a credible professional association.

You would think real estate professionals would want to recommend those inspectors who have the state credentials thereby giving their clients the best advice possible.



Cut trusses are a common problem! Kenny Hart, Virginia Beach



Negative pressure from the furnace return could cause the water heater to back draft. Kenny Hart, VA Beach

## Protect the home inspection industry: support VAREI

It was evident in 2008 that there are unknown groups out there who will seek to change home inspector regulations to achieve their own goals. These are not friendly groups concerned about the impact of their changes on the home inspection industry or the home buying public. But this is frequently the nature of legislation—one group trying to promote its objectives at the expense of another through the legislative process. There often is

some personal or group agenda.

Home inspections changed forever in 2000 when VAR sought to introduce a licensing bill and VAREI scrambled to make the bill at least palatable. There was no killing it! Hence home inspectors entered the political arena. Things were calm until this year when VAREI got involved in its first real battle to resist unfriendly legislation. The PEC was able to have bills introduced

into the house and senate; and the VAR indicates it is not finished trying to influence home inspection regulations. The costs to monitor, defend and fight unfriendly legislation are high. VAREI is the only vehicle we have to protect our industry! **Accordingly, the VAREI Board voted to raise dues to \$140 per year effective October 2008. We need more members so VAREI can establish critical mass.**

Attend the annual meeting on October 4th at the Cultural Arts Center in Glen Allen. Look for the flyer and revised application form on your e-mail in the next week or so.

**Under the leadership of board member JB Crist,** VAREI has contracted for the development of a new website to be unveiled at the meeting. Among other things, each member will have a profile section they can maintain.

## Other Legislative Activities

**In April, Board member and legislative chairman Bruce Blackwell along with lobbyist Mark Singer** attended a reception for Del Terrie Suite in Richmond. Delegate Suite is chairman of the General Laws committee in the House of Delegates. She and others on the committee may have been instrumental in stopping HB 1483. **In May, board member Jim Gannon and Mark Singer** participated in a teleconference set up by PEC to discuss PEC's tact for improving energy efficiency in residences for the

2009 session. According to Jim, the teleconference focused on changes to the building codes and did not involve home inspectors.

Two other Board members, **Scot Tully and Kenny Hart,** are on Del. Terrie Suite's advisory council.

## Join the Board; support your profession

VAREI will hold elections for the Board of Directors at the annual meeting on October 4th in Glen Allen. Board membership can be exciting and rewarding as you see first hand the challenges facing the home inspection industry. Please consider serving your fellow home inspectors.

**Contact Fred if you want to help.**

**757-451-1837**

**hptw@infionline.net**



VAREI Board at the April meeting. Bruce Blackwell

VAREI  
c/o Reggie Marston, Treasurer  
8519 Greeley Blvd.  
Springfield, VA 22152

Phone: Fred Simmermon, President  
757-477-3751 (cell)  
E-mail: hptw@infionline.net

### The voice of Virginia's Home Inspectors

#### Newsletter

The VAREI newsletter will be published quarterly. The next newsletter will come out in December or January. Contributions from inspectors and photos are welcome. Items will be included in the newsletter at the discretion of the editor and the Board of Directors. Subjects should be of broad interest to Virginia's home inspectors. Ideas for articles including technical subjects also are welcome.

E-mail contributions to : hptw@infionline.net

**Mark your e-mail as a newsletter contribution**

**The Virginia Association of Real Estate Inspectors (VAREI)** was founded as a non-profit association in 2000. VAREI's mission is twofold: to represent the home inspection industry in legislative and regulatory matters; and to promote excellence in the home inspection industry. The organization is headed by a Board of Directors consisting of eleven members. There are four officers; President, Vice president/president elect, Secretary and Treasurer. And seven elected board members. Officers serve a one year term. Board members serve alternating two year terms. There are four standing committees; education, membership, public relations and legislative.

The Board meets four times a year usually in October, January, April and August. Meetings are held at a central location in the state that is reasonably accessible to all board members. There is an annual meeting for all VAREI members on the first Saturday in October. The meeting usually is in Richmond.

## What's Going On In Texas?

For years Texas has been the bellwether of what happens when home inspectors are regulated by governmental authority. Regulation started back in the 80's and the Texas legislature has been adopting and mandating changes fairly consistently ever since. The legislature meets every two years.

Inspectors formed the Texas Association of Real Estate Inspectors (TARI) a long time ago and the association does what it can to monitor and change ill-advised legislation and to assist with regulation development—pretty much what VAREI is attempting to do. The association spends approximately \$40,000 every two years to pay a lobbyist to keep an eye on legislative developments. (VAREI does not have that kind of

money!)

Still things happen. One year the legislature passed a bill requiring inspectors to use a standard reporting form. The inspectors found the worst most onerous form they could and began using it. This brought the real estate industry to a crawl throughout the state. The Real Estate Commission was reconvened to change the language and allow inspectors much more latitude in what they inspect and how they report it. They still use a promulgated report form. So there is no differentiation in reporting formats, but there can be variation how the report is filled out.

Some legislation is done at the eleventh hour when few are watching and the inspectors find out the next day they have to

adopt some other mandated change. The most recent change occurred when a bill backed by the insurance industry requiring inspectors to carry E & O insurance was introduced at the last minute. The inspectors were unaware of this effort. It passed and now Texas inspectors have to carry E & O insurance. Hopefully things don't happen this way in Virginia but don't bet on it.

Another challenge to Texas inspectors is an effort started by inspectors themselves to change the standards of practice. The squabbling, backstabbing, and political maneuvers have gone on for four years, and still there are no revised standards.

The problem with all this, according to Jim Hemsell, an inspector who has watched the



Downward sloping flue pipe. But it was installed this way!  
Banks Garrison, Abingdon

evolution of regulation since the 1980s, is that you always are combating something. The inspector community becomes subject to the whims of others who have PACs, money and access to politicians. Virginia inspectors got a taste of this in 2008 and there undoubtedly is more coming. !