



STATE OF NEW YORK
DEPARTMENT OF STATE
DIVISION OF LICENSING SERVICES
ALFRED E. SMITH STATE OFFICE BUILDING
80 SOUTH SWAN STREET
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ALBANY, NY 12201-2001

DAVID A. PATERSON
GOVERNOR

LORRAINE A. CORTÉS-VÁZQUEZ
SECRETARY OF STATE

May 28, 2008

Dear Sir or Madam:

Article 12-B of the Real Property requires home inspectors to successfully complete a course of study in home inspection prior to obtaining an initial license. The approved course topics are set forth in 19 NYCRR 197-2.3 and are divided into five separate educational modules. The Home Inspection Advisory Council is considering changes to Module 5 of this qualifying education and is soliciting comments on its initial proposal.

Comments on the proposal may be submitted in writing to Whitney A. Clark, NYS Department of State, Division of Licensing Services, 80 South Swan Street, P.O. Box 22001, Albany NY 12231. All comments must be received by the close of business on July 28, 2008.

The key topics under consideration by the Home Inspection Advisory Council are as follows:

- (1) It is proposed that, prior to taking Module 5, students successfully complete Modules 1 through 4.
- (2) The Home Inspection Advisory Council is recommending that the 40 hour Module 5 be divided into two types of home inspections: simulated and real. The difference between the two types of inspections is whether the inspection is being performed as a service for a bona-fide client. If it is, the inspection is considered real. If not, it is simulated. A client cannot be affiliated with a school or have a professional or personal relationship with the inspector or any student.
- (3) It is proposed that to successfully complete Module 5, a student will have to complete at least eight real inspections and four simulated inspections. To total the 40 hours required by law, it is further proposed that the field trainer allow up to four hours of credit for a single simulated inspection, and up to three hours for a single real inspection. Residential structures may only be inspected once, per

student, for credit. No additional time will be awarded to students for after-inspection discussions or review relative to the inspection event.

- (4) The Home Inspection Council is concerned about the number of students accompanying a single field trainer on Module 5 inspections. It has recommended that this number be restricted. It is currently proposed that a single field trainer be accompanied by no more than six student for a simulated inspection, and no more than three students for a real inspection.
- (5) Concern has also been expressed over the types of structures being utilized for Module 5 training. It is proposed that the acceptable structures be limited to habitable residential structures and that the following be disallowed: a) Any training aids such as cut-aways, roll-outs or partial building segments; b) Trailers and/or mobile homes that are not permanently affixed to a foundation; and c) Commercial properties.
- (6) It has further been proposed that licensed home inspectors who supervise students during Module 5 and who are registered with the Department of State as approved instructors, be permitted to receive one hour of continuing education credit per hour of Module 5 supervision. The total amount of continuing education credit permitted per two-year license renewal term will be twelve hours.

The Home Inspection Advisory Council will be considering the public comments received on the proposed Module 5 revisions at a public meeting to be held on August 7, 2008. The meeting will commence at 10:30 a.m. and will take place at the offices of the NYS Department of State, 80 South Swan Street, 10th Floor, Albany NY. This meeting will include a public comment period during which additional comments on the proposed Module 5 revisions and other issues will be entertained.

Thank you.

Very truly yours,



Whitney A. Clark
Associate Attorney